Restorative Values and Confronting Family Violence

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(to be published in Braithwaite & Strang, Restorative Justice and Family Violence)

Personal Introduction

I wish to begin by sharing key pieces of my history regarding both family violence and restorative justice so that you may have a sense of my context and my potential biases and limitations. I was involved with domestic violence as a community volunteer before I ever dreamed that I would work in the criminal justice system and before I ever heard of restorative justice. In the mid-80's, looking for an additional way to serve the community I lived in, I responded to an appeal for volunteers to serve on the Board of Directors of a local battered women's agency. Shortly after joining the Board, the executive director asked me to be chair of the Board. The agency was young and struggling for survival. I served as Chair of the Board for three years – during that time we navigated some very rough waters but came through with a solid, stable agency. I learned a great deal about domestic violence and even more about the power of a passionate vision. The woman who was the executive director when I was on the Board died in the early 90's of cancer. She continues to be an inspiration in my life – a reminder that the impossible can be made possible if you believe in it.

I came to my current work by a very untraditional route. I have no formal training in any related field – not law, not criminology, not social science, not psychology – I have not done direct service as a professional in any related field – and I am not an academic scholar. I was a full time parent and community volunteer for 16 years. I went to work for a criminal justice agency in 1988 because no one else would hire me.

Within the field of criminal justice my first exposure to the core values I see embodied in restorative justice was in an article by Kay Harris (1987), which was not about restorative justice, but about a vision of justice based on feminist principles. Kay identified the following as key tenets of feminism and discussed their importance to issues of justice:

- All human beings have dignity and value.
- Relationships are more important than power.
- The personal is political.

Later when I stumbled across writings about restorative justice I found those principles articulated by Kay Harris to be at the center of what I understood restorative justice to represent. The lens through which I viewed restorative justice was a lens influenced by Kay Harris' writing and my own experience as a community activist and a parent. The importance placed on relationships within a restorative framework has always for me meant more that the single relationship between a victim and an offender – it includes as well the larger web of relationships in which we live. And the harms considered in a restorative approach for me have always included larger social harms as well as individual harms. Crime seems to me to always be embedded in a community context both in terms of harms and responsibilities. So, I am always looking at the relatedness of things and the way that outcomes may be influenced by that relatedness in a deliberate way. The following discussion reflects my understanding of the values and principles of restorative justice. I cannot claim to speak for the movement as a whole.

Overview

Family violence is often thought incompatible with restorative justice because of the emphasis on face to face processes and reconciliation between parties which in its most familiar form may not be suitable to the power imbalance present in family violence cases.

However, the underlying aims of restorative justice are broader than the particular face to face meetings associated with restorative justice. Face to face meetings of victim and offender are a strategy for achieving certain goals. Those goals are suitable to family violence crimes but may require different strategies with family violence or a different emphasis in using particular strategies (Bazemore and Earle, this volume).

There is significant common ground between the efforts to reduce family violence and the restorative justice movement. Both are greatly concerned with clear acknowledgment of the wrongness of the behavior, with messages to the victims that they are not responsible or do not deserve what happened (Achilles and Zehr, 2001), with a recognition that the community bears some responsibility for the broader social climate related to the behavior and with making both individual and social changes which will end the behavior (Pranis, 2001).

That desire to both influence community norms and to use community norms to shape new behaviours is the focus of this paper. Community based processes that have emerged in the restorative justice movement offer hope that in

the response to family violence a larger group of parties can be engaged to influence the offender, to create safety nets for victims and to stimulate a larger community discussion about the origin of such behavior.

In the restorative justice framework the community is responsible for rallying around victims, facilitating responsible resolutions to harmful behavior, supporting offenders in making amends, establishing appropriate norms of behavior for all members and addressing underlying causes of harmful behavior (Pranis, 1997). Each of these community responsibilities is important in resolving family violence.

The processes of group conferencing and peacemaking circles provide opportunities to engage more people in taking responsibility for the safety of victims, responsibility for the future behavior of the offender and responsibility for the norms of the community. Without that kind of community engagement our responses to family violence will remain inadequate.

Mutual Responsibility

Restorative justice has at its core the concept of mutual responsibility and interdependence. Individuals are responsible for their impact on others and on the larger whole of which they are a part. Communities are responsible for the good of the whole, which includes the wellbeing of each member. Because all parts of the community are interdependent, harm to one is harm to all, good for one is good for all. This is an ancient understanding of indigenous peoples around the world which western science has recently "discovered" (Melton, 1997). Modern physics and biology suggest that nothing exists except in relation to something else – that the content of matter is not as important as the relationships between things – the betweenness of existence. The importance of relationships is at the center of restorative approaches – not just the relationship between a victim and an offender, but all the relationships connected to the victim and offender in the web of life (Pranis, 1997; 2001).

The wellbeing of the collective is the responsibility of each individual and the wellbeing of each individual is the responsibility of the collective. The interaction of any individual with any other individual affects those individuals and affects the collective because actions affecting any one member of the collective impact the overall wellbeing of the collective. So our actions must be assessed for their impact on the group as well as their impact on specific individuals.

Mutual responsibility between the individual and the community is not just a passive responsibility to do no harm but is an active responsibility to support and nurture the wellbeing of the other in his/her unique individual needs (Braithwaite and Roche, 2001). Consequently, the mutual responsibility between individual and community at the core of restorative justice does not entail the suppression of individuality to serve the group, but entails attending to individual needs in a way which takes into account the impact on the collective and seeks to meet needs in a way that serves both, or at least balances the needs of both the individual and the group.

It is quite clear that family violence affects the health of the larger community. Our heads through research tell us:

- Children raised in violent homes are more likely to become involved in violent behavior toward others in the community (National Research Council, 1998).
- Victims of family violence are less able to contribute to the community.
- The costs of social services and medical care resulting from family violence are often borne by the larger community (National Research Council, 1998).

But even more importantly our hearts and souls tell us that because we are all connected in the web of life, a wound to any part of the community is a wound to the whole community.

The restorative justice principle of mutual responsibility suggests that:

- individual perpetrators of family violence must answer to the larger community for the impact of their behavior on the community
- the community bears responsibility for the wellbeing of the victims of family violence
- the community bears responsibility for the wellbeing of the offender

From its inception the domestic violence movement has held that family violence is not a private matter and that change in individual offenders is not sufficient to address the problem of family violence, that we must also change the social context in which family violence occurs (Cameron, 1991; Tifft, 1993). For example, in Minnesota grass roots agencies funded by state victim funds were required to demonstrate that they were involved in activities directed at social change in addition to whatever direct services they provided to victims. There has been

tremendous effort in the domestic violence movement to raise the larger questions of gender roles, socialization of males and females, power differences in social and economic structures, and issues of oppression as relevant to domestic violence (Cameron, 1981). Unfortunately, the traditional criminal justice system treats each domestic violent incident as unconnected to other incidents and provides no effective forum for challenging and encouraging change in community social structures. Emphasis on accountability through individual punishment has left most communities still in denial about their role in the problem of domestic violence.

Because restorative justice assumes some level of community responsibility for the behavior of its members, a framework is provided for public discussion of larger social issues contributing to the violence. Two processes promoted under restorative justice values, group conferencing and peacemaking circles, by involving a larger community than the nuclear family often produce discussion of the larger social climate (Bazemore, 2000; Pranis, 2001). In a peacemaking circle for a domestic violence case where several women described their own experience of victimization, circle members began to ask themselves what was wrong with their community.

Community members see the connections. When they have the opportunity to participate in a reflective process, community members do not typically see behavior in isolation. They look for underlying causes and examine the complexity of connections to other issues. In an organic way the larger social issues related to family violence become part of the discussion of what needs to be done as the result of an individual case. By participating in a discussion of what happened in a particular family, the community begins to examine itself (Stuart, 1996; 2001; Pranis, 2001).

Legal Authority and Moral Authority

Social behavior is often not responsive to change based on the legal status of the behavior, if that legal status is not consonant with the moral status of the behavior. Illegal behavior is likely to continue if there is not general social disapproval of the behavior. Moral authority is ultimately more powerful than legal authority in shaping behavior. Moral authority is a product of relationships. It must be grounded in some form of connection, of shared beliefs and common ground. For most offenders the legal system does not embody that sense of mutuality which is essential for moral standing. Relationships in community are the source of mutuality which results in moral authority.

Because the community is the source of moral authority and because long term behavior change is more responsive to moral suasion than legal force, the desired change in family behavior necessary to reduce oppression of women and children cannot occur without engaging the community in:

- establishing expectations about family behavior
- communicating those expectations in myriad ways on a daily basis
- challenging transgressions of the expectations

Restorative processes provide a forum for engaging the conscience of the community and its moral responsibility. The values of restorative justice require that dialog be respectful, inclusive and reflective. Restorative dialog processes do more than address the offender's behavior. They establish expectations for all the other participants as well. When we articulate an expectation for others in a public process, we are in effect also committing ourselves to that standard. Discussion of an offender's behavior in a circle sets the standard, not only for the offender, but for everyone sitting in the circle.

We have few places in our current social structure for community dialog about expected standards of behavior – few places for making the case for behavior based not on legal constraint but moral imperative. In the past those standards were passed down without discussion. Major social change in the 1960s and 70s dismantled many of those standards because some were racist, sexist and intolerant of differences. We now have an urgent need for forums in which we can explore our shared values, the implications of those values for behavior and ways to be accountable to one another for our behavior.

The nature of the forums for this dialog is critical. Those forums must be deeply respectful of all individuals, must allow for reflection, must create space for every story to be heard and must include all voices in decision-making about community norms and expectations. These characteristics are true of restorative processes.

Restorative processes seek to engage the moral authority of the community toward serving the best interests of all those affected by crime. However, legal authority remains an important partner to the moral authority of the community and should be used when a community does not exercise its moral authority for the best interests of all

members. There is fear among family violence advocates that the community might set a standard that condones the use of violence within a family. I believe that the apparent support in some communities for violence is based on denial of the actual impacts of violent behavior. In a reflective dialog in which all the harms are spoken and the focus is not on blame but problem solving, I believe most people will acknowledge the wrongness of family violence (see Pennell and Burford, 2000; Pennell, this volume). Participation by the legal system in community based processes is an essential safeguard to uphold the values of non-violence. In family violence cases it is especially important that the legal system participate to ensure that the community is accountable to the values encoded in the laws against family violence (Van Ness and Strong, 1997; Bazemore and Earle, this volume; Coker, this volume).

Most communities to date have not exercised their moral responsibility around issues of family violence regarding both domestic violence and child abuse. It is difficult toengage communities in an abstract way to become more active on these issues. However, restorative processes provide a way to engage community members in individual cases in a way which leads to recognition of a broader community responsibility and provides spaces for designing actions toward that responsibility.

Increasing Agency Through Collective Action and Shared Responsibility

I believe that many people - neighbours, relatives, work colleagues, friends – would like to help those they know are struggling with family problems which may be manifested in child abuse or neglect or partner abuse. But often individuals are afraid to reach out to help or to confront behavior because they fear they will be overwhelmed by the needs of the family or that the family may react in a negative way. So, potential supporters remain inactive – not sure how to offer their gifts or how to become involved in a safe way. They may also feel that the little bit they can do won't make much difference, because the problems are too large. They often stand by feeling helpless and inadequate and may gradually withdraw because it is so uncomfortable. The sense of helplessness leads to denial or hopelessness among those around families in trouble.

Restorative processes, especially group conferencing and peacemaking circles, create a space in which the responsibility for assisting the family can be shared among numerous supporters so that any one individual does not feel the whole burden of solving the problem. The small contributions of several different people become significant when combined. By creating a collective process of problem solving and action, restorative processes empower supporters of the family to become agents of change in the lives of the struggling family. Acting as a group, supporters can find the strength and courage to take action to protect women and children and to intervene with perpetrators when there are signals of trouble (Pennelll and Burford, 2000).

A sense of efficacy, a belief that you can take actions that make a difference, changes the climate of a neighborhood or community (Sampson, Roedenbush, and Earls, 1997). It builds a sense of hope.

Restorative processes create opportunities for effective actions by ordinary citizens. People find they do not need an advanced degree to be able to help their friends and family.

Problem Solving

Restorative justice is a values-based approach to responding to crime. The emphasis on acting on values is at the same time very pragmatic. Acting on values should produce results that serve the wellbeing of others. Values should guide us in very concrete ways to better relationships. The application of our values should help produce solutions to difficult problems. Restorative justice is thus a values-based approach to problem solving regarding crime.

Because restorative justice emphasizes problem solving, the underlying problem is probed at greater depth and a much broader understanding of the problem is achieved. Especially in processes like conferencing or circles, where multiple perspectives are heard, the problem is explored in many dimensions producing a much more detailed and rich picture of the issue and consequently informing a much more detailed and rich approach to solving the problem. Court processes constrain the type and sources of information to be used in decision-making, resulting indecisions based on limited information.

The problem solving of restorative processes also relies less on professional expertise and assumes that those closest to the problem have the greatest insight about the problem and its possible resolutions.

Storytelling

A very important value in restorative justice is that of empowering unheard voices. That is most often and most powerfully accomplished through personal narratives. Listening respectfully to someone's story is a way of giving them power – a positive kind of power. Both victims and offenders most often come from disempowered populations. Listening respectfully to a person's story gives that person dignity and worth. For victims it is an important part of the healing process.

Telling the story is a part of taking back personal power. Often the harmful behavior of family violence is an attempt to gain power. Providing an experience of empowerment that is not gained by harming others, but being heard respectfully is a powerful way to teach a new form of personal empowerment to offenders. Telling the story can be a way of taking responsibility as well (Toews-Shenk and Zehr, 2001). Personal narratives are the primary source of information and wisdom in restorative justice approaches. Those narratives may be told in face to face processes or in separate processes for victims and offenders or a combination of both. The critical element is the use of personal narratives to understand the harms, the needs, the pains and the capacities of all participants so that an appropriate new story can be constructed. Personal stories allow people to engage emotional and spiritual components of their being as well as the physical and mental.

In restorative approaches storytelling is often an iterative process – the story is told many different times as understandings are increased and greater and greater depths of communication become possible.

The Personal is the Political

One of the most important insights of the feminist movement is the idea that there is no separation between an ethical personal life and an ethical public life. We cannot have one set of rules for our personal lives and a different set of rules for our public lives. What happens in our private life affects our public life and what happens in our public life affects our private life. At some level each is accountable for its impact on the other.

Interestingly, restorative justice is pushing the same frontier – in very concrete ways. Those involved in the most intense restorative practices find themselves doing as much internal work as external work – as much healing on themselves as healing for others. In walking a path of healing with victims and offenders practitioners find they must walk their own healing path. Because restorative justice is a set of values, not a set of techniques, values must be at the forefront of practice. They can only remain so through articulation and dialog – by conscious use of the values.

In encouraging respect, listening, accountability, self-forgiveness, etc. for others, practitioners are constantly confronted with their own levels of respect, accountability, self-forgiveness in their lives. The internal work is often more difficult than the external work. Circles, with their emphasis on equality and their assumption that every participant has a gift to offer, blur the lines between those being helped and those helping, those being judged and those judging (Stuart, 2001; Hudson et al., 1996).

Guidelines for Restorative Justice Practices in Family Violence Cases

Family violence situations present complexities and potential risks not present in other types of crimes. Long established power imbalances, secrecy, on-going relationships, economic dependencies, family pressures are factors which may be significant in family violence situations.

Effective restorative practices must address those issues. Involvement of family violence experts in the design of the restorative process: Good intentions are not sufficient. Processes must be built on information and experience of those closest to the issue including advocates, former victims and former offenders.

Involvement of larger community in design and oversight of the process: Communities must take responsibility for the larger social climate in which family violence occurs. Community involvement in program design is essential to ensure that the patterns of family violence that transcend individual responsibility are acknowledged and addressed. The community perspective will naturally move to broader questions of underlying causes beyond individuals which can inform prevention strategies.

Involvement of the formal justice system in design and oversight of process to ensure that the harmful nature of family violence is addressed: Communities have more power than the justice system to influence behavior, but must be accountable to the laws of our society both in the standards they uphold and the manner in which they uphold those standards. Additionally, the formal justice system has a role in backing up the community in its process (see Van Ness and Strong, 1997).

Presence in each case of persons knowledgeable about family violence: Family members and community members may not be attuned to the subtle dynamics of power or the issues of safety.

Every case should have someone involved in decision-making who is alert for danger signs and can raise key issues for participants to address.

Involvement of persons outside the nuclear family who have close ties to the family and who disapprove of the violence: Breaking the secrecy around family violence is a critical element of accountability. Involving extended family or other supporters who disapprove of the behavior engages the power of relationships to influence the offender and monitor the safety of the victim.

Continual feedback loop for information from victims about the impact of the restorative justice process: Because each situation will be unique, results will never be predictable. The process must include safe avenues for feedback from victims so that the process can be modified or halted if necessary.

Regular self-reflection on the use of restorative values in their own lives by practitioners: Restorative justice moves from the old paradigm of "client/service provider" in which there is a clear giver and a taker, to a model in which every participant is presumed to be learning from every other participant – everyone has a gift to offer for the good of the whole. That orientation requires practitioners to recognize their own needs for healing and ways of receiving help from others.

Regular self reflection by the larger community on the issue of family violence included as part of process design: Family violence is not simply a matter of individuals making bad choices. Family violence is a product of many forces, some of which function at the community level. The aggregate experience of numerous family violence cases provides a community with an opportunity to learn about itself, to identify underlying causes and to begin planning for long term prevention.

Breathing Life Into the Theory – A Story of Engaging Community Dialog to Create New Community Norms

I will now seek to illustrate the potential of restorative processes to begin bridging inequalities to change community norms. St. Paul, Minnesota now has one of the largest Hmong communities outside of Laos. There may be as many as 50,000 Hmong people in St. Paul. This community faces very difficult struggles in its transition from life in the the mountains of Laos to that in America. In an effort to assist the community we have been working with Hmong leaders to explore the potential of the peacemaking circle process for dealing with community problems. In a circle held to inform the community about the process a woman spoke about her deep pain and humiliation at becoming a "first wife." Her husband had taken another wife and she was devastated. When the talking piece came around to the judge he spoke sternly about the illegality of having more than one wife in the U.S. – invoking the legal authority of the justice system. After the circle was over several community members explained to the judge that the second marriage was a cultural marriage – not a legal marriage and so there is no action which can be taken by the courts to assist this woman. It occurred to me in thinking about this dilemma that if the Hmong clan leaders collectively proclaimed polygamy as unacceptable in the community, it would probably disappear.

Without force of law the clan leaders can establish standards which carry enormous authority. Where individuals may be able to get around a legal standard, you cannot do an end run around a moral standard.

This story demonstrates both the potential and the risks inherent in community based moral forces. In the example above the moral authority of the leaders could serve the interests of women in the community. But huge questions arise. Who is deciding the moral standards? Are the interests of women and children present in the development of those standards?

The fact is that these structures already exist and already exert considerable influence in the Hmong community. And it is true that traditionally those structures are dominated by male elders and often do not serve the interests of women and children. The Hmong community in Minnesota faces very severe problems with domestic violence and child abuse. Women and children have no forum in traditional Hmong culture to have their voices heard directly. They can take their problems to their own family but the story will then be taken by a brother or father to the clan leaders.

Guided by the values and framework of restorative justice we are working with the Hmong community using the peacemaking circle process to create respectful, reflective dialog between men and women, young and old and various political factions of the community. The old men of the community are being heard in their pain at the loss of status and fear of losing their culture. The young people in the community are being heard in their frustration at the failure of their elders to recognize that they live in a different world now – and that the old ways will not work. The women in the community are being heard in their desire for equal voice

Extensive community dialog using restorative processes to share pain and express feelings is necessary for community members to learn how to listen to and hear one another before these processes are used for specific crimes.

Concerns of family violence scholars and advocates

From the earliest days in my position with the Minnesota Department of Corrections domestic violence and sexual assault advocates have raised difficult and important questions about the philosophy and implementation of restorative justice. Those concerns helped me understand ways that the good intentions of restorative justice could go seriously awry. They taught me to pay closer attention to language and they raised my awareness of the complexity of the issues and variations in meaning associated with certain terms. Those were often difficult conversations, but I am grateful for them. Likewise, I am grateful to the contributors to this volume who raise very difficult questions. Restorative justice is not fully formed. It is still in a process of exploration and development, and perhaps it always will be because it places high value on acknowledging and learning from mistakes. I share many of the concerns raised, though in some cases I do not share the conclusions drawn from those concerns.

There is great concern expressed that the conceptual framework of conflict resolution associated with restorative justice is inappropriate for family violence. I agree and, in fact, believe that the conflict resolution framework is not the core foundation of a restorative response to crime. There is some common ground with conflict resolution theory, but not full alignment. The early writing and thinking on restorative justice grew out of face to face meetings for non-violent offenses, generally in situations where the parties did not know each other. It was a very individualistic approach to working through a singular incident, usually involving strangers, that drew heavily on contemporary

Western thought around dispute resolution.

Those early writings did not include considerations of community, the impact of both the event and the resolution on others, did not link individual events to larger social issues and typically envisioned a short term intervention. The conceptualisation of restorative justice has gone through significant evolution from those original attempts to develop theory from actual experience. Kay Harris prompted a rethinking about community context and social justice issues when she challenged the focus on individual responsibility that ignored the structural harms of social and economic inequality (Harris, 1989). The influence of processes from non-Western cultures, particularly family group conferencing and circles, further reshaped the thinking about the deeper concepts reflected in the practices.

The framework of healing, taught by First Nations people of Canada as the basis of the circle process, provides a conceptualisation that seems to more thoroughly reflect the aims and experiences of restorative justice processes.

In this framework a restorative response is one that seeks to promote healing of all harms associated with a particular situation. The healing framework immediately raises safety as the first concern.

Victims cannot heal without safety.

Nor can the community nor the offender heal without safety. Consequently, safety becomes a very high priority and includes emotional safety as well as physical safety. The very first responsibility of a restorative response is to attend to the wounds of the victim and address safety issues. Addressing safety can include using the tools of the court such as protection orders. In some cases the safety required for victim and community healing may require secure custody for the offender. From a restorative justice perspective secure custody is not used to inflict pain on the offender, but to create a space for healing and requires respectful treatment of the offender and an on-going relationship with the community.

Healing for those harmed also requires vindication, as discussed by Daly in this volume. Vindication requires acknowledgment to the victim that what happened was wrong and was not deserved. Vindication is not necessarily linked to what happens to the offender and does not require inflicting pain to prove that the behavior was wrong. The story of a hate crime in Billings, Montana, provides a clear example of the community vindicating a victim family in a way which has nothing to do directly with the offender. When the home of a Jewish family in Billings

was vandalized by rocks thrown through the window, and swastikas painted on the house, a next-door neighbor hung a Star of David in the window to express support for the family. Subsequently, the Billings newspaper printed a half page Star of David and residents across the city hung the newspaper Star of David in their windows. These residents of Billings communicated to the victim and to the entire community that the hate crime was wrong and the family did not deserve such treatment. The offender was never caught, but the vandalism stopped.

Vindication for victims does not depend on what we do to offenders, and is not incompatible with compassion for offenders as suggested in Daly's chapter. We can and do in our daily lives practice both vindication for those hurt and compassion for those who caused harm. Good parenting requires that combination of skills. We have not given much attention to how to vindicate victims in ways that are not related to deliberate infliction of pain on offenders, but that does not mean that we can not develop that capacity. Vindication for victims of family violence may take a different form than it does for victims of other crimes because of the on-going nature of the harm and power differences present in family violence. Victims themselves are likely the best source of insight into ways to provide vindication that do not depend on what happens to offenders.

The healing framework does not suggest shared responsibility for the harm. Responsibility is clearly placed with offenders, but the healing framework directs the energy of next steps toward healing, assessing the wounds and addressing them, rather than putting energy into inflicting an equal amount of pain on the offender.

Causing harm to others is assumed to cause harm to the self as well, at a deep level of the spirit or integrity of self. As a result, the healing framework suggests a need for healing for those who cause harm as well as for victims and communities. Healing is neither easy, nor painless, but the pain involved in healing is constructive rather than destructive. In order to heal perpetrators must take responsibility for the harm they caused, which includes acknowledging the harm and recognizing that causing the harm was a choice. That is generally a painful process. Healing for perpetrators also requires making changes so that the harm won't be repeated. The pain and hard work inherent in taking responsibility and making internal changes is very difficult to undertake without strong support from others. Restorative practices emphasize the importance of supporters throughout the healing process.

The healing framework also recognizes that healing is not instantaneous. The healing path often is a long, difficult path. The doubts expressed by domestic violence advocates about changing behavior through a short term intervention are well grounded in experience. Restorative processes for domestic violence cannot simply replicate processes which work with other kinds of offenses. They must be designed to address the specific healing needs related to the nature of domestic violence, which is generally chronic, deeply entrenched behavior with many possible manifestations. In Minnesota a pilot project using peacemaking circles with domestic violence cases works with the participants, on average, for over a year and the work with victims and offenders is done separately for the most part. Domestic violence advocates participate in the circles for offenders and the facilitator of the circles is someone with personal experience as a victim of domestic violence. The project was initiated and designed by the local domestic violence agency. The peacemaking circle process does not replace other kinds of therapy such as batterers' programs or chemical dependency treatment but integrates the other interventions into a holistic approach to taking responsibility and making change.

The healing framework helps us to deal with the problem of apology raised by family violence experts. The term has a completely different connotation to people knowledgeable about the cycle of domestic violence than it has for other audiences. Apology may make sense as an important element of healing in other kinds of crimes. If we understand apology as a specific strategy sometimes appropriate for the purpose of healing, not as an end in itself, we can begin to differentiate the situations in which an apology might contribute to healing and the situations in which it might be an on-going part of the harm. The purpose of apology is to demonstrate remorse and acceptance of responsibility. In cases of family violence demonstration of remorse and acceptance of responsibility remain important, but different strategies are needed to achieve that end in a meaningful way.

Early work on restorative justice emphasized reconciliation between parties involved in a crime, but reconciliation is not a presumed outcome of a healing framework. Healing does not require reconciliation in a particular relationship. Healing may involve some sort of closure and it requires regaining a sense of lost personal power, but not necessarily an ongoing friendly connection.

In an excellent and extensive discussion of mediation Ruth Busch identifies the risks of that model for victims of family violence both in civil settings and in the criminal justice setting. Her discussion makes it clear that mediation is unlikely to promote healing and carries risk of further harm, and thus would not be an appropriate intervention. Although victim-offender one on one meetings were the most common restorative practice ten years

ago, that is no longer the case. Not only have other forms of face to face dialog emerged, but from the healing perspective, many interventions can be used which are specific to the victim or offender but do not involve both.

Victim services can support victim healing, but do not involve the offender. Healing circles are held in a domestic violence shelter in Minnesota for women living in the shelter with no relationship to whether there is even a case in the criminal justice system. Restorative community service can support offender healing but may not involve the victim. No particular restorative practice is appropriate for all cases, but the goal of healing is appropriate for all kinds of harms.

The goal of healing does not assume an absolute state of being healed is possible, but defines the direction of efforts. Fears are expressed that restorative approaches will delegate decisions to communities with no oversight. I believe that restorative justice requires a partnership of government systems and citizens or community organizations. Communities have some tools and resources not available to government systems which need to be brought to bear on family violence. For instance, neighbours can support a victim of domestic violence on a daily basis and can monitor safety plans in ways that the system cannot. Close associates of a perpetrator may influence his behavior with disapproval more effectively than a judge. Government systems have different resources that must be engaged as well, including the capacity to require compliance with treatment plans or the payment of restitution if voluntary compliance is not forthcoming. It is the responsibility of government to ensure that the community process and norms honor the laws which embody the larger values of the society, such as fairness or non-violence.

Restorative justice sets value limits around community processes. In a restorative framework communities are not free to do whatever the majority wants, but are expected to take into account the interests of all members, are expected to allow all voices to participate in decision making and are to respect the dignity of all persons. Where communities are not able to act within those parameters the responsibility lies with government to protect those vulnerable to mistreatment by the community.

For the past five years restorative justice has grown rapidly in acceptance. Because of opposition by victims groups and the complexity of issues related to family violence, the application of restorative justice to family violence has been largely avoided. There are exceptions, but for the most part practitioners have kept family violence issues at arms length. A period of learning with less complex cases has been useful and appropriate, but ultimately, failing to explore the possible applications to family violence is a disservice to victims of family violence whose options are limited and needs are not being met in the current system. The most recent developments intertwining domestic violence and child abuse make it urgent to find less adversarial approaches.

Victims of domestic violence may find themselves charged with child abuse for failing to protect their children from exposure to domestic violence. Courage is required by both advocates for restorative justice and critics of restorative justice to search for responses to family violence that draw on what is being learned in the restorative justice movement, but do not oversimplify the issues or rush forward without the involvement of experienced family violence advocates.

Importance of Engaging Spiritual and Emotional Dimensions

This is a scholarly collection. The academic endeavor is led by analysis, debate – by mental efforts, mental engagement. The criminal justice process is a process of mental and physical engagement. But creation of a non-violent world – a world in which we understand that harm to another is harm to ourselves, a wound to another is a wound to ourselves - is an effort of heart and spirit as much as an effort of mind. For me, in the end, the most compelling reasons for following a restorative vision are because it calls the heart and spirit to a higher level of performance. Over and over again in restorative processes participants report behaving in a way – a good way – which they had not expected to behave. Participants transcend their own sense of themselves and their capabilities – and in so doing create a new sense of how they can be in the world and how they can relate to one another differently.

Restorative justice is spiritual in the sense defined by the Dalai Lama (1999) in his book, Ethics for the New Millennium. He defines spirituality as, “concerned with those qualities of the human spirit- such as love and compassion, patience, tolerance, forgiveness, contentment, a sense of responsibility, a sense of harmony – which bring happiness to both self and others.” (Dalai Lama, 1999: 22) He suggests that, “spiritual practice according to this description involves, on the one hand, acting out of concern for others’ wellbeing. On the other, it entails transforming ourselves so that we become more readily disposed to do so.” (Dalai Lama, 1999: 23)

Those qualities the Dalai Lama ascribes to spirituality (love, compassion, patience, tolerance forgiveness) are the qualities we want in families and other relationships. Restorative justice promotes, elicits and models those qualities.

The Dalai Lama goes on to discuss the importance of empathy in determining whether our actions enhance the wellbeing of others. He writes, "if we are not able to connect with others to some extent, if we cannot at least imagine the potential impact of our actions on others, then we have no means to discriminate between right and wrong, between what is appropriate and what is not, between harming and non-harming." (Dalai Lama, 1999: 72-73) He also notes that if we enhance our capacity to feel the suffering of others then our tolerance for other people's pain will be reduced. Restorative justice places a similar emphasis on the importance of empathy and on strategies to increase empathy for the pain of victims, for community harms and for the struggles of offenders. Creating spaces which encourage empathy is a primary goal of restorative justice. Empathy is an essential characteristic of a healthy family.

Restorative justice says we can't solve problems of violence and coercive force through greater use of coercive force (Pranis, 2001). We can't solve problems of misuse of power primarily through the use of a different power. If we want families to operate on values of respect and genuine attention to the wellbeing of every family member, then we must model respect and genuine attention to the wellbeing of everyone even in the face of wrongdoing. We have to live the values we want others to honour.

Conclusion

The family violence movement, both regarding domestic violence and child abuse, has made enormous progress using the adversarial criminal justice system to raise awareness, clearly define family violence as wrong and unacceptable and to create a response to individual cases of violence. However, the limitations of the adversarial approach for making fundamental social change have become increasingly evident.

The vision of the family violence movement has always been a radical vision about restructuring the use of power in our society. I believe the challenge now faced by the family violence movement is whether it can move beyond using the tools of the patriarchy. Restorative justice provides a vision of a way to challenge the patriarchy without relying on the tools of the patriarchy itself. The vision of restorative justice is paradoxical to our usual sense of making social change. Restorative justice calls for radical change done in a loving way. What is our vision of how family members should function with one another – especially when a family member is hurt or makes a mistake? Shouldn't that same vision guide us in how we as a community function with one another when someone is hurt or makes a mistake?

I do not believe that the practices of restorative justice yet have all the tools necessary to turn this vision into immediate reality, but I believe that the direction is good and powerful and that by using our hearts, spirits and minds we have the capacity to create the tools to achieve this vision.

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