Restorative Justice in British Columbia, Nova Scotia and Bangladesh: Exploring Genesis and Praxis

by

Muhammad Asadullah

M.A. (Criminology), Simon Fraser University, 2014
M.A. (Conflict Transformation), Eastern Mennonite University, 2011
B.A. (Hons.), University of Dhaka, 2007

Thesis Submitted in Partial Fulfillment of the

Requirements for the Degree of

Doctor of Philosophy

in the

School of Criminology

Faculty of Arts and Social Sciences

© Muhammad Asadullah 2019

SIMON FRASER UNIVERSITY

Fall 2019

Approval

Name: **Muhammad Asadullah**

Degree: **Doctor of Philosophy (Criminology)**

Title of Thesis: ***Restorative Justice in British Columbia, Nova Scotia and Bangladesh: Exploring Genesis and Praxis***

Examining Committee: **Chair:** Bryan Kinney
                             Associate Professor

                                         Brenda Morrison
Senior Supervisor
Associate Professor

David MacAlister
Supervisor
Associate Professor

William Glackman
Supervisor
Associate Professor

Jennifer Llewellyn
Supervisor
Professor
Schulich School of Law
Dalhousie University

Heesoon Bai
Internal Examiner
Professor
Department of Education

Maisha T. Winn
External Examiner
Professor
School of Education
University of California, Davis

Date Defended/Approved: December 10, 2019

Ethics Statement

SFU

The author, whose name appears on the title page of this work, has obtained, for the research described in this work, either:

    a.   human research ethics approval from the Simon Fraser University Office of Research Ethics

or

    b.   advance approval of the animal care protocol from the University Animal Care Committee of Simon Fraser University

or has conducted the research

    c.   as a co-investigator, collaborator, or research assistant in a research project approved in advance.

A copy of the approval letter has been filed with the Theses Office of the University Library at the time of submission of this thesis or project.

The original application for approval and letter of approval are filed with the relevant offices. Inquiries may be directed to those authorities.

<div align="right">

Simon Fraser University Library
Burnaby, British Columbia, Canada

Update Spring 2016

</div>

Abstract

More than a hundred countries around the world practice some form of restorative justice. Although research of these practices has expanded exponentially, there remain significant gaps in international comparative studies, understanding of community praxis, and perspectives of visionaries and practitioners on the genesis of RJ. This doctoral study bridges these gaps through thirty-eight semi-structured interviews and follow up surveys within the three research sites: British Columbia and Nova Scotia, in Canada, and Bangladesh. The research question addresses both genesis and praxis of RJ across the research sites. The data identifies the key factors that contributed to the genesis of restorative justice at each site. This growth is then situated within the phasic stages of social movements, arguing that restorative justice has not yet reached a 'tipping point' at any of the sites. The findings of this study illustrate the intricate nuances and complexities in the genesis of RJ, and enhances the understanding of community praxis in British Columbia, Nova Scotia and Bangladesh. Whilst similarities in community praxis, such as a circle of care or community as volunteer, exists across the sites, this study finds additional distinct forms of community praxis, such as 'reflective community' in British Columbia and 'learning community' in Nova Scotia. The research contributes to the existing literature in three ways. First, it documents the stories and voices of restorative justice visionaries who played a pivotal role in the early days at the three sites. Second, it identifies and contributes to contemporary debates: the standardization of restorative justice; the application of restorative justice on gender-based violence; and the role of INGOs. Third, it contributes to the theoretical framework of community praxis in restorative justice through a proposed Community Engagement Framework as well as a conceptual framework for decolonization and restorative justice. This study posits that the proposed Decolonizing Framework for RJ would facilitate the evolution of culturally and socially conducive RJ practices in previously colonized countries, like Bangladesh.

Keywords: Restorative Justice; Genesis; Praxis; Visionaries & Practitioners; Community Praxis; Decolonization.

Dedication

To my mother, Hafiza Abeda Sultana, whose emotional intelligence, relational worldviews, and servant leadership are the lights in my pursuit of justice. I also would like to dedicate this to late Dr. Liz Elliott. Liz is the reason why I came to Canada. I never met Liz in person. She passed away before my arrival at SFU. Her vision, values and work shapes my understanding of Restorative Justice and its connection with Social Justice.

Acknowledgements

I would like to acknowledge elders from Musqueam, Squamish and Tsleil-Waututh for their blessings. I also acknowledge my ancestors, especially my grandfather Mawlana Shahed Ali Sikder, who inculcated the values of higher education in me in early childhood.

I am grateful to Dr. Brenda Morrison for her sincere and consistent guidance. Dr. Morrison's stewardship has made me the scholar I am today. I am also grateful to my committee members, Dr. Bill Glackman, Professor David MacAlister and Professor Jennifer Llewellyn. Thank you for facilitating my PhD journey in ways that not only contributed to my growth, but also supported me professionally. I am truly thankful to my internal examiner, Dr. Heesoon Bai, and external examiner, Dr. Maisha T. Winn, for offering constructive suggestions and feedback.

I would like to express appreciation for my landlord, Gary Lee, who generously offered delicious food—salmon, English muffin and, most importantly, coffee—during my writing phases.

I am thankful to my friends—I will not name them as I am blessed with many gifted friends—who offered support through quality time, laughter, food, and advice on my PhD thesis. I am honoured to have been a part of a wonderful group of RJ graduate students whose work and friendship inspired me.

Finally, I would like to express my deepest gratitude to my beloved, Nabila, who holds me with care and dignity, inspires me with appreciation and affirmation, and loves me unconditionally. Thank you, Nabila.

Table of Contents

List of Tables

List of Figures

List of Acronyms

AVCP	Activating Village Court Project
BC	British Columbia
BD	Bangladesh
CAP	Community Accountability Program
CBOs	Community-based Organizations
CJI	Community Justice Initiative
CRJ	Centre for Restorative Justice
GIZ	The Deutsche Gesellschaft für Internationale Zusammenarbeit
INGOs	International Non-Governmental Organizations
MCCB	Mennonite Central Committee Bangladesh
MLAA	Madaripur Legal Aid Association
NGOs	Non-Governmental Organizations
NS	Nova Scotia
NSRJ	North Shore Restorative Justice
RCMP	Royal Canadian Mounted Police
RJ	Restorative Justice
SFU	Simon Fraser University
FGC	Family Group Conferencing
LMF	Langley Mennonite Fellowship
NSRJP	Nova Scotia Restorative Justice Program
NSRJCURA	Nova Scotia Restorative Justice Community University Research Alliance
RTJ	Relational Theory of Justice
UN	United Nations
VC	Village Courts
VOM	Victim Offender Mediation
VORP	Victim Offender Reconciliation Program
YCJA	Youth Criminal Justice Act
YOA	Young Offenders Act

Chapter 1.

Introduction

Restorative Justice (RJ) as a theory and practice has expanded exponentially in recent decades. According to a number of scholars, the term "Restorative Justice" was used by Albert Eglash in the 1970s (Chatterjee and Elliott 2003; Llewellyn and Howse 1999; Van Ness, 1993). Nonetheless, Ann Skelton (2005) traced the term back to the 1950s but found the term's usage did not specifically connote what is currently understood by RJ. Gade (2013; 2018) has also opined that the term RJ was in use before Albert Eglash. Eglash, however, expanded the idea of restitution and connected its meaning to restorative justice. For example, the most common form of restitution before him was monetary; Eglash proposed more creative forms of restitutions. Instead of just paying monetary compensation, a burglar could also volunteer at an organization or do other forms of community services (Eglash 1959; Eglash 1977). According to him, in such innovative restitution process "…an offender, under appropriate supervision, is helped to find a way to make amends to those he has hurt, making good the damage or harm he has caused, and going a second mile whenever possible, e.g. by going beyond simple repair, by offering restitution despite punishment, or helping others like himself" (Eglash, 1959, p. 117). Eglash argued that a retributive process employed the "technique of punishment for crime", whereas a restorative justice process used the "technique of restitution" (Eglash, 1977, p. 91). Subsequently, Dr. Howard Zehr through his seminal work *Changing Lenses: A New Focus for Crime and Justice* (1990) significantly popularized these concepts. Zehr is thus considered to be the "grandfather of restorative justice" (Gade, 2018, p. 34). Since then, the RJ movement has carried the theory and practice far and wide, further sensitizing the public to this somewhat unknown but evolving justice movement. For example, Golden Globe winner Laura Dern eloquently referred to it in her acceptance speech: "I urge all of us to not only support survivors and bystanders who are brave enough to tell their truth, but to promote

restorative justice" (cited in Hornaday, 2018, para 4). As a result of this growing social movement, RJ has become "a truly global phenomena" (Roberts and Stalans, 2004, p. 315). RJ also gained popularity among politicians; as Braithwaite (2007, p. 689) argues, political leaderships of a multitude of countries are supporting RJ initiatives and are even "unafraid to vote" for RJ-related resolutions supported by the United Nations.

The roots and ethos of RJ have multiple layers and genealogies. RJ's Mennonite roots are well documented. The first documented practice, later framed as the Elmira Case of 1974, was influenced by Mennonite worldviews and their traditions in Canada's Kitchener-Waterloo region (Smith, 2005). Zehr's work has also been influenced by Mennonite traditions and practices (Gade, 2018). Chatterjee and Elliott (2003) argue that the current Victim Offender Mediation (VOM) bears a Mennonite influence and that these types of mediations are "originally practiced, dyadic mediations… and were based on the beliefs of a peace-oriented faith tradition" (Chatterjee and Elliott, 2003, p. 349). Indigenous traditions from all over the world, Canada and New Zealand in particular, also shaped current RJ practices (Zehr, 2002). Contemporary RJ practices, such as peacemaking circles and circle sentencing, are deeply embedded in Indigenous cultures and traditions (Pranis, Stuart, and Wedge, 2003). Although contested (see Tauri, 2015), Family Group Conferencing has also been regarded as a type of RJ practice grounded in Indigenous Māori culture and traditions in New Zealand (Morris and Maxwell, 1993). A number of scholars connect RJ with numerous African traditions (Davis, 2019; Gade, 2013; Mangena, 2015). Mangena (2015, p. 6), drawing on Christie (1977), argues that community-based practices in Arusha, Tanzania influenced contemporary RJ ethos. Additionally, Gade (2013, p. 24) argues that the TRC process in South Africa, particularly its foundational concept of *ubuntu*, had a direct relation to RJ. Most recently, Davis (2019, p. 12) used the term "African-centered view", which is in line with RJ values and principles. RJ values, such as interconnectedness and inherent goodness in human beings, are also deeply rooted in African worldviews. Davis (2019) relates a practice from ancient Zimbabwe in which the consequence of a murder case was increased communal responsivity including the offer of 109 goats to the victim's family. The focus of this justice system was "repairing and rebuilding in order to strengthen relationships and bring social harmony" (Davis, 2019, p.26). Zehr (2002, p. 11) acknowledges the multiplicity of RJ's roots by articulating that "RJ is not new" to

North America because numerous cultural and faith traditions including Indigenous peoples and other practices around the world clearly influenced and shaped contemporary RJ practices.

A number of theories support RJ practices and its ethos. Of these, reintegrative shaming theory (Braithwaite, 1989); affect theory (Tomkins, 1962); procedural justice theory (Tyler, 1990); and relational justice theory (Llewellyn, 2011) are prominent. Reintegrative shaming theory provided insights about the role of emotions; in particular, the role of shame in an RJ process. As Braithwaite (2002, p. 74) argues, "…it is not the shame of the police, judges and newspapers that gets through to us the most; it is shame in the eyes of those we respect and trust". Instilling shame in a way that condemns the harmful action but respects the dignity or intrinsic worth of the perpetrators is the basis of reintegrative shaming theory. This particular way of shaming provokes remorse in the perpetrators' psyche, which inspires them to take responsibility for their actions (Ahmed et al., 2001; Braithwaite, 1989; Braithwaite, 2002). Tomkins' *Affect Theory* explains factors that contribute to the success of RJ conferencing (Tomkins, 1962). Restorative justice processes provide a platform that allows the participants to express their feelings and emotions in a safe environment (Kelly, 2010; Nathanson, 2008. Nine affects characterize the basic ways human beings react to events: enjoyment-joy, interest-excitement, surprise-startle, shame-humiliation, distress-anguish, disgust, fear-terror, anger-rage and dismal (Tomkins, 1962). Abramson and Beck (2010) explored these nine emotions in the context of restorative justice. The participants in restorative justice processes, particularly in conferencing, experience a shift of negative emotions into positive emotions. In Affect Theory, this is known as "affective resonance" or "empathy" (Kenny and Leonard, 2014, p. 56). Restorative justice conferencing, if successfully implemented, provides a setting in which participants can maximize positive affects and minimize negative affects. Procedural justice theory assumes justice recipients are more likely to comply with the law and be satisfied with the verdict if they perceive the process to be fair (Tyler, 1990). This theory views people as more interested in issues of process than issues of outcome. Procedural justice is more concerned with the way decisions are made than the nature of those decisions (Lind and Tyler, 1988; Wenzel, et al., 2001). Crucially, according to procedural justice theory, fairness and respectful treatment in a process increases the level of cooperative

behavior (Tyler and Blader, 2000). Relational theory emphasizes the notion of "relationality", and what it means to be "in relationship" (Downie and Llewellyn, 2011, p. 4). The essence, according to relational theory, is not "what is X in relationship to or with" instead "what is the effect of being in relation" (Downie and Llewellyn, 2011, p. 4). According to Llewellyn (2012, pp. 293-294) "Restorative justice is grounded in an understanding of the self as constituted in and through relationships with others. It does not glorify relationships as a 'good' in and of themselves but, rather, claims that relationship is an unavoidable fact about how we live, who we are and how we are formed, informed and reformed". Equality of relationships—also referred to as quality of relationships—is the foundation of the relational justice approach (Llewellyn, 2011). Specifically, the equality of respect, dignity and mutual concern for all parties—victims, perpetrators, communities and others—are the basic principles and criteria of the notion of equality of relationship (Llewellyn and Howse, 1998). This study employs Llewellyn's (2011) relational theory of justice as a conceptual framework for restorative justice. Additionally, the relational theory of justice and its guiding principles are included in the proposed Community Engagement Framework and Decolonizing Framework for RJ. A detailed discussion is presented in Chapter 2.

As a practice, RJ experienced significant growth and "changed legal history" with the first documented case, in Elmira, Ontario in 1974 (CSCCJI, n.d; Kelly, 2006). Community members, practitioners, academics, the harmed and the harm-doers have all played a significant role in RJ's growth around the world (Zehr, 1998; Gade, 2018). While practices vary widely, conservative estimates say more than a hundred countries have adopted some form of RJ practices (Smith, 2005; Van Ness, 2005; UN Office on Drugs & Crime, 2006). RJ has been applied and explored in numerous contexts where harm has occurred: minor crimes, serious offences, sexual assaults, riot cases, war crimes and terrorism (Van Ness, 2005). The practice has also been applied in schools (Boyes-Watson, 2005; Morrison, 2006), communities (Christie, 1977; McCold, 2010; Macrae and Zehr, 2004), prisons (Dhami, Mantle, and Fox 2009; Petrich and Morrison, 2015), and transitional settings (Asadullah, 2015; Bloomfield, 2005; Clamp, 2014; Tutu, 1997).

Grounded in diverse theory and practice, the definition of RJ also varies. Scholars define RJ through process- and outcome-centric lenses. From a process

perspective, RJ can be defined as "a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible" (Zehr, 2015, p. 50). Sharpe (1998, p. 7) provided an outcome-centric definition in which RJ is defined as "…a justice that puts its energy into the future, not into what is past. It focuses on what needs to be healed, what needs to be repaired, what needs to be learned in the wake of a crime. It looks at what needs to be strengthened if such things are not to happen again." González and Buth (2019, p. 10) propose to redefine RJ by "Reimaging Justice" with the aim of removing inequity in its application:

> …we assert there is a small group of individuals and organizations that exercise power and control over the language of restorative justice. This privileges specific analytical experiences and defines specific limits. It also constrains the possibility of actual social reordering whereby those most impacted by the system that is sought to be dismantled, at least altered to be more 'restorative,' are left without outcomes that resemble restoration or justice.

Contexts of RJ practices have expanded widely, from North America to Africa to Asia. Numerous studies have been conducted in the context of Australia (Strang et al., 1999), Canada (Clairmont, 2001; Souza and Dhami, 2008), United Kingdom (Hoyle and Rosenblatt, 2016; Miers et al., 2001; Rossner and Bruce, 2016; Shapland et al., 2007; Zernova, 2007), United States (Choi, et al., 2011; Karp, Bazemore, and Chesire, 2004; McGarrell and Hipple, 2007) and the continent of Africa (Gabagambi, 2018; Mangena, 2015; Schoeman, 2013).

In the context of Canada, restorative justice has a rich history. The 1974 Elmira case is often cited as Canada's first formal RJ case. As will be discussed in further detail in the following chapters, the case came about when two young people vandalized a number of homes in the community of Elmira, Ontario. In collaboration with a staff from the Mennonite Central Committee, the judge and the probation officer assigned to the case facilitated between the youth and their victims, which involved face-to-face meetings allowing the youth to apologize and repair the harm caused by their actions (Kelly, 2006). Canada also pioneered sentencing circles, an RJ model with origins in First Nations culture and practices. Judge Barry Stuart first used these in 1992 as part of the formal justice system in the Yukon in an effort to address disproportionate levels of

interactions of Indigenous peoples with the justice system (Stuart, 1996). Other highlights of RJ in Canada includes, but are not limited to, the amendment of Criminal Code of Canada in 1996, which advanced the use of alternative measures (Morrison, Asadullahd and Pawlychka, 2019); enactment of The Youth Criminal Justice Act in 2003 (Oudshoorn, 2015) and the presence of some forms of RJ "in every province and territory" (Tomporowski, 2014, p. 219). More specifically in BC and NS, RJ has expanded across each province, albeit in distinct ways (Funk, 2012). Aproximately seventy organizations offer RJ programs in BC. Abramson (2002; 2003; 2016) conducted studies on RJ practices in BC, particularly in educational settings, whereas Petrich (2016) and Salvail (2015) explored and interviewed victims and offenders in order to document their stories, reflections and journey in relation to RJ processes. Nevertheless, overall, published peer-reviewed articles are limited for BC (Morrison et al., 2019). Publication on RJ in NS is extensive (Archibald and Llewellyn, 2006; Clairmont, 2005; Clairmont and Waters, 2015; Crocker, 2016; Llewellyn et al., 2015). There is a dearth, however, of research and literature documenting the genesis and praxis of RJ from the perspectives of visionaries and practitioners in BC and NS.

More recently, in an international context, RJ was formally launched in Bangladesh in 2013. Even though RJ programs expanded in different districts across Bangladesh, research on documenting the genesis and praxis of RJ in Bangladesh is scant. This study only found Asaduzzaman, (2014) Braithwaite (2015), and Jahan (2008) who articulated some features of RJ in their work. For example, Braithwaite (2015) largely focused on paralegal aid and its restorative nature. Jahan (2008) explored domestic violence and the role of local dispute resolution practices. Asaduzzaman (2014) offered a brief overview of RJ, *salish* and village courts in Bangladesh. This study found limited research that explored genesis and praxis of RJ from the perspectives of visionaries and practitioners in BD.

The gaps in the literature also exist in relation to explorations of community praxis in RJ. This is noteworthy because several authors view community as a fundamental feature of RJ. Morrison and Vaandering (2012, p. 139) have noted that "Restorative justice is best understood as a distinct praxis" grounded in community. Similarly, Gavrielides (2013, p. 83) believes that restorative justice is a "Community born and community led ethos". Bolivar (2012, p. 18) finds that the lack of research on the

6

role of community is a "significant deficiency" for RJ theory and practice, whilst Walgrave (2008) blames the vagueness of the notion of community for this gap in empirical studies. Thus, it is argued that even though 'community', albeit vague, is an integral part of RJ ethos, theory and practice, the operational understanding of 'community praxis' therein is limited (Morrison et al., 2019).

Gaps also exist in the comparative study of genesis and praxis of RJ. Both Sawatsky (2009) and Fattah (2002) note the necessity of comparative studies, which should be "…sociological and cross-cultural studies aimed specifically at discovering the notions, the conceptions and the ideas of justice among various communities" (Fattah, 2002, p. 312). As of July 22, 2019, this researcher could not find any comparative studies that include Canada (in particular, British Columbia and Nova Scotia) and Bangladesh. This is a particularly interesting comparative context given that Canada is seminal in the early genesis of restorative justice, in the 1970's and 1980's, and the practice of RJ has only emerged in Bangladesh since 2013. Yet, Canada and Bangladesh are similar, given that they are both colonized countries.

The purpose of this doctoral study is twofold: a) to map the genesis, that is factors that contributed to the growth, of RJ across British Columbia (BC), Nova Scotia (NS) and Bangladesh (BD), and b) to explore the emerging praxis of RJ, in particular community praxis, within each research site. The primary research question is: *How has restorative justice praxis emerged in British Columbia, Nova Scotia and Bangladesh?* The overall aim is to explore the genesis and praxis of RJ in BC, NS and BD. In-depth qualitative interviews and surveys were the tools employed in this study. While most previous studies on RJ focused on the perspective of victims and offenders (McGarrell and Hipple, 2007; Miers et al., 2001; Shapland et al., 2007), this study focuses on the perspective of visionaries and practitioners.

The research contributes to the extant literature in four ways. First, it documents the stories and voices of restorative justice visionaries who played a pivotal role in the genesis of RJ at the three sites. As alluded to earlier, anecdotal stories helped illuminate the factors that contributed to the growth of RJ in these three research sites. The findings of this study illustrate the genesis – comprehensive and chronological portraits of RJ in BC, NS and BD respectively. Additionally, the study documents the stories and

voices of those RJ visionaries who played a pivotal role in the 1980s and 1990s in the development of RJ in BC, NS and BD. Stories shared by these visionaries clearly contributed to a more comprehensive understanding of RJ in these three research sites. This study offers a foundation for present and future research due to a dearth of studies that capture the stories and perspectives of RJ visionaries in BC, NS and BD. Second, it identifies and contributes to the working edge of RJ praxis: the standardization of restorative justice; the application of restorative justice on gender-based violence; and the role of INGOs. More specifically, it captured existing discourses and debates across the research sites, which can play an important role for the future of RJ (Chapter 9). Debates, such as about the standardization of RJ, the application of RJ as regards gender-based violence, and the role of INGOs, are not only important for RJ advocates, academics, practitioners and policy makers in these three research sites, but they also offer understanding and guidance for other localities and countries. Third, it contributes to the theoretical development of community praxis in a restorative justice context through a proposed Community Engagement Framework. More explicitly, it contributes to the development of community praxis in an RJ context – reflective community and learning community (Chapter 7). It also expands the praxis of community through the conceptualization of horizontal community and vertical community. Through this conceptual analysis, a Community Engagement Framework is proposed. The framework argues that a 'community-based and community-led' praxis of restorative justice enables a generative framework that bridges criminal and social justice (bridging social capital – see Putnam, 2002). Furthermore, the adoption and implementation of such a framework will contribute to the sustainability of RJ. Finally, using examples from New Zealand and Australia, together with the findings from Bangladesh, this study proposes a Decolonization Framework for RJ (Chapter 8). Decolonization has been defined as a fundamental shift in ideas, discourses and structures (Monchalin, 2016). Decolonization in RJ connotes practices that are trauma-informed, anti-oppressive, and culturally conducive, important to international decolonization, including countries in the Global South[1].

---

[1] According to the World Bank, Global South refers to countries in Asia, Africa, Latin America and the Caribbean. For more information: *Singh Puri, Hardeep. 2010. Rise of the Global South and Its Impact on South-South Cooperation. Development Outreach. World Bank.*

Chapter 2 presents a literature review. It begins by defining the concept of justice from three perspectives: justice as healing, justice as fairness, and justice as relational. The justice-as-healing lens explores Indigenous worldviews on justice, whereas justice-as-fairness illuminates and explores the concept of justice from state-based worldviews. Scholarship ranging from John Rawls' *A Theory of Justice* (1971) to the more recent contribution of Sen's *Idea of Justice* (2009) are highlighted here. Llewellyn framed RJ as a relational theory of justice (Llewellyn, 2011; Llewellyn, 2012; Llewellyn and Howse, 1998). A detailed discussion including key assumptions, goals and principles are presented in this chapter. The review then outlines the growth of RJ around the world and gradually zeroes in on highlights of RJ in BC, RJ in NS and RJ in BD. Chapter 2 concludes by underscoring the research gaps, which ultimately contributed to the formation of the primary research question.

Chapter 3 discusses the methodology in detail. Epistemological and ontological positions, research questions, and research instruments are explained in this section. This chapter highlights the researcher's approach to decolonizing methodology and restorative paradigm. The restorative paradigm is grounded in restorative inquiry, active listening, and appreciative inquiry, which contributed to trust and rapport building with key informant interviewees by creating a safe and caring space where they felt comfortable sharing their stories and perspectives. A total of 38 in-depth qualitative interviews were conducted. Surveys were conducted in two phases: a) primary and b) additional. Findings that emerged from the key informant interviewees contributed to the formation of both the primary and additional survey questionnaire phases. A major focus in this chapter is describing the data analysis. The researcher employed five phases of data analysis, including: 1) transcribing, 2) reading and skimming, 3) marking and coloring, 4) coding and categorizing, 5) general and emergent findings. The chapter concludes by outlining the study's methodological limitations.

Chapter 4 reveals the general and emergent findings in BC. The general findings address factors that contributed to the growth of RJ across the three research sites. The emergent findings capture additional insights shared by the study's research participants. The general findings in BC highlight the role of the Community Justice Initiative in the 1980s and its subsequent work in both community and prison settings. The leadership and support of former attorney general Ujjal Dosanjh took RJ to the next

9

level. With his leadership, the then provincial government of BC established the Community Accountability Program, which created funding support for RJ organizations across BC. SFU's Centre for Restorative Justice contributed to broadening the horizon phase of RJ in BC with respect to both school and academic settings. Other findings in this section include the role of the Ministry of Children and Family Development, the municipal government and the newly formed Association of Restorative Justice in BC. This chapter ends with a discussion of emergent findings which include a) role of community, b) debate over scripted and non-scripted RJ process, c) standardization debate, d) relationship between RJ organizations and victim services, and e) usage of RJ for only non-serious offences.

Chapter 5 discusses findings on factors that contributed to the growth of RJ in Nova Scotia. This section also includes additional findings emerged from key informant interviewees and survey participants. Nova Scotia experienced the most comprehensive growth of RJ in Canada. General findings in this section include the "catalytic role" of former defence counsel, Danny Graham. Collaboration and partnership between different justice stakeholder holders, such as corrections, police and the Department of Justice, which led to a pilot phase of RJ for young offenders in NS in 1999. Subsequently, in 2001, RJ services became available for 12-to-17-year-old youth and their victims. The arrival of Professor Jennifer Llewellyn at Dalhousie University's Schulich School of Law marked the innovative phase of RJ in NS. RJ for the Dalhousie Dentistry Department and Restorative Inquiry for the Nova Scotia Home for Colored Children are some of the examples explored. This chapter ends with the emergent findings in NS which include a) relational lens of justice, b) moratorium on the use of RJ for sexual assault, c) role of Mi'kmaq First Nations in RJ, and d) role of government in RJ.

Chapter 6 focuses on the findings of RJ in Bangladesh. Some of the general findings on RJ in BD include the presence of ancient conflict resolution practices locally known as *salish*. The establishment of the Madaripur Legal Aid Association was important to the needed (re)structuring of community-based *salish* practices in Bangladesh following independence. GIZ Bangladesh played the most instrumental role in the growth of RJ in Bangladesh by formally launching RJ there in 2013. Later, the Activating Village Court Project of the United Nations Development Programme and the

establishment of the Victimology and Restorative Justice graduate program at the University of Dhaka contributed to the expansion of RJ in Bangladesh. Emergent findings in Bangladesh include a) role of INGOs, b) role of government, c) role of community, and d) debates over village courts, *salish* and RJ.

Chapter 7 addresses the conceptual complexity of community praxis in RJ. A theoretical discussion of the idea of community is presented in detail in this section. By incorporating findings from BC, NS and BD, this study also develops the notion and understanding of community praxis in RJ generally. More importantly, this chapter develops community praxis – reflective community and learning community in RJ. Merging existing and additional community praxis, this section also develops the concept of horizontal community and vertical community. The horizontal community includes reflective community and neighbours, whereas the vertical community consists of learning community, circles of care and volunteers. The horizontal community is more informal and non-hierarchal, whereas the vertical community is more structured and formal. Grounded in both horizontal and vertical community, this section concludes by discussing the proposed Community Engagement Framework for RJ. A detailed discussion on the roles and responsibilities of each aspect of community praxis is presented in this framework.

Chapter 8 begins with a description of decolonization and moves to a discussion of decolonization from micro and macro perspectives. Particularly, this chapter discusses the concept of decolonization in relation to justice settings. It highlights the work of Cunneen (2002), Tauri (1999; 2015) and Cunneen and Tauri (2016; 2019) on decolonization and RJ. This section critically examines the findings on the development of RJ in Bangladesh. The process of consultations, cultural relevancy and resource sharing are discussed with specific examples from Australia, New Zealand and Bangladesh. The focal point of this section is the proposed Decolonizing Framework for RJ. Framed using a tree metaphor, this decolonization model has four key components: 1) roots, 2) trunk, 3) branches, and 4) fruit. The roots convey the trauma-informed and anti-oppressive foundation of this framework. Key tasks for root development are active listening and consultation. The trunk embodies local knowledge and leadership, and relationship building is the key task of this phase. Branches represent culturally and socially relevant justice practices across similar settings. For example, RJ advocates in

Nepal may choose to explore such practices in South Asian countries. The key task in this phase is learning from community praxis across somewhat familiar cultural and social settings. The 'fruit' in this Decolonizing Framework for RJ are the by-product. In other words, this study assumes that the adoption of a trauma-informed approach and anti-oppressive framework that involves the leadership of local justice stakeholders coupled with lessons from best practices across somewhat similar cultural settings would result in socially and culturally conducive RJ practices. A good example of this is found in Pukhtoon Jirga at the border of Afghanistan and Pakistan (Yousufzai and Gohar, 2005).

Chapter 9 offers a comparative analysis of RJ in BC, NS and BD. A number of themes including role of community, role of government and the concept of standardization are discussed. This chapter also discusses differences that exist across the three research sites, such as role of faith communities and other distinct discourses. Additionally, this section attempts to situate the growth of RJ in BC, NS and BD in different phases of the Overton Window. Introduced by Joseph Overton in 1990s, the Overton Window helps to pinpoint and describe the growth of social movements, which generally follow 6 phases: 1) unthinkable phase, 2) radical phase, 3) acceptable phase, 4) sensible phase, 5) popular phase, and 6) policy phase. Responses from survey participants primarily informed the findings in this regard. This study argues that RJ in BC, NS and BD did not yet reach its 'tipping point'.

Finally, Chapter 10 provides concluding remarks along with the summary of the study, limitations and areas for future research. This study acknowledges that it did not include Indigenous communities, Elders and their perceptions on Restorative Justice. A future study in this area would not only further enhance our understanding of the factors that contributed to the growth of RJ, it can also offer possible roadmaps for restorative justice-Indigenous justice partnership.

Chapter 2.

Literature Review

2.1. Literature Review Outline

Generally, literature reviews contribute to 'settling' the foundation of a research area, especially in relation to that which is "already known" in a particular field (Patton, 2002, p. 226). Literature reviews also call attention to gaps in the literature and contribute to the formulation of research questions (Thorn et al., 2017). Most importantly, a literature review establishes a "benchmark" of comparison for the findings and conclusions of a study (Creswell, 2003, p. 30). This literature review begins with a brief discussion on different conceptual frameworks of justice—healing, fairness and relational. The chronological growth of RJ in BC, NS and BD is then presented. The chapter concludes by identifying gaps in the extant literature.
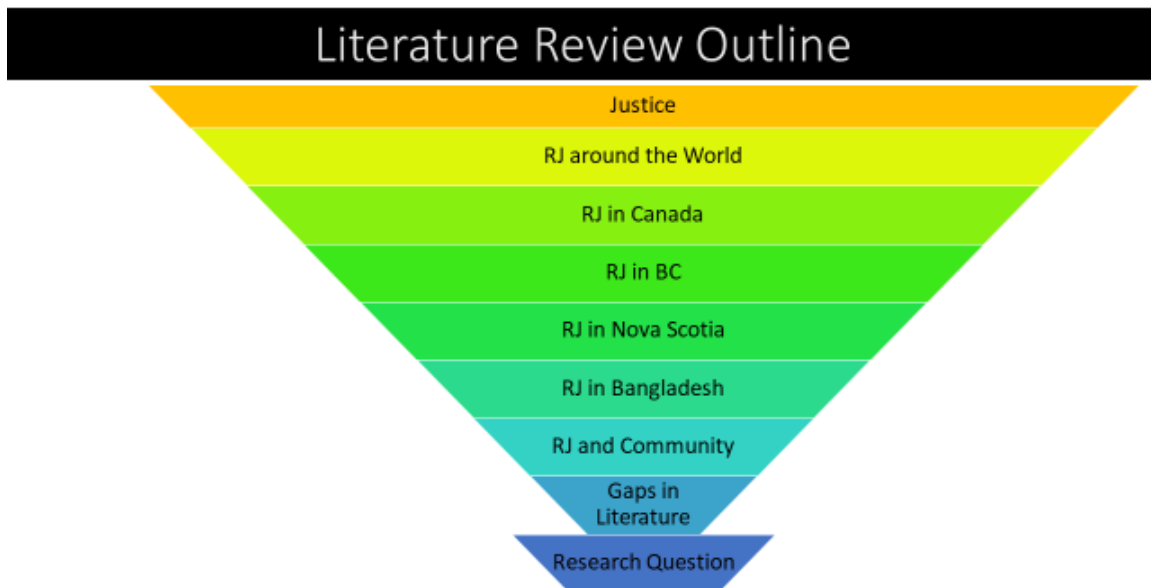
Figure 2.1.   Structure of Literature Review

2.2. Tapestry of Justice

The concept of justice is complex and therefore understood, experienced and operationalized differently by individuals, communities, regions and states. Various factors, such as race, gender, culture, faith, ethnicity, worldview and personal and professional experience, contribute to this diverse conceptualization of the notion of justice; as such, the meaning of justice can vary from the perspective of victims of crime to, alleged offenders, to defence lawyers and community members. Not only in terms of their relation to the crime but also in terms of their normative understanding of justice. Justice can mean "an eye for an eye, a tooth for a tooth" or "being treated fairly" or "due process" (Robinson, 2003, p. 329) for some, while connoting healing (Henderson and McCaslin, 2005; Ross, 2014; Sawatsky, 2009; Sharpe, 1998; Yazzie, 2005). Yet other scholars focus on relationship as part of justice (Elliott, 2011; Llewellyn, 2011; Morrison, 2006; Zehr, 1990). Three threads in the tapestry of justice—justice as healing, justice as fairness, and justice as relational—are the conceptual themes outlined in this section. These varied concepts of justice have different origins. A state-based understanding of justice, identifies justice as fairness and equality (Hobbes, 2002; Kant, 2003; Locke, 1999; Rawls, 1971; Sen, 2009), albeit with significant differences in what these concepts

14

mean and how they might be ensured in society. Indigenous worldviews understand justice as a healing process (Ross, 2014; Sawatsky, 2009; Yazzie, 2005). The core theme for Indigenous justice is a focus on a relational worldview and holistic well-being, whereas state-based justice primarily concentrates on deterrence and procedural fairness (Monchalin, 2016). RJ scholars are influenced by both state-based and Indigenous perspectives and extend the notion of justice to just relationships at all levels—individual, community and institution (Llewellyn, 2011; Llewellyn and Morrison, 2018). That is why, RJ as relational theory of justice conceptually develops both Indigenous worldviews and state-centric worldview. Indigenous worldviews primarily focus on the concept of healing and interconnectedness whereas a state-centric understanding of justice focuses on fairness, rights and equality. RJ as relational theory of justice combines both healing and fairness and aspire towards just relationships. The following section offers a detailed discussion of these three threads in the tapestry of justice.

2.2.1. Justice as Healing: Indigenous Worldview of Justice

Healing within oneself and relationships with others and the natural world is a quintessentially important element in the Indigenous worldview of justice. In many Indigenous languages, there is no equivalent to the word offender; instead, they may call the person "unhealed" or "not healed" (Shah, 2017). For example, in the *Nisga* language, the closest translation for offender is *"ooin"*, which literally means "not healed" (Listening Project, 2017). Within the Navajo Nation, an offender is described as one who "acts as if he has no relatives" (Yazzie and Zion, 1996, p. 162). The connotation of healing in justice is found in numerous Algonquin languages (Sawatsky, 2007, p. 24). From this rationale, an appropriate response to crime is to provide support for offender healing, which involves 'bringing in the relatives'. The essence of justice in the Indigenous worldview is about being a good relative (Henderson and McCaslin, 2005; Yazzie, 2005). Sawatsky (2009, p. 39) defines healing justice as:

> …a collective paradigm or imagination, usually drawing on an ancient wisdom tradition, that seeks to find ways of surviving together by structuring life so that means reflect the end of respect for life and by treating harms as opportunities to transform suffering and root causes of harms and, at the same time, to cultivate conditions of respectful living

15

within the interrelated aspects of self, other, communities, social structures, environment and Spirit.

Relationship with the Creator and mother Earth is central to Indigenous creation stories. Elders pass down teachings and knowledge, which are blessed by the Creator (Ross, 2014). Spirituality, rituals and ceremonies are essential components of Indigenous healing justice (Lane, et al., 2002). Justice is deeply rooted in maintaining relationship not only with the Creator but also with Mother Earth and everything in nature, including rivers, animals, and trees (McCaslin, 2005). Ross (2014, p. 5) thoughtfully illustrates an interconnected and relational worldview:

> I encountered an Anishinaabe Grandmother hitchhiking in northwestern Ontario and I gave her a lift. Knowing that a lot of the old people gathered blueberries at that time of year to raise a little cash, I asked her how the blueberry crop was that summer. She immediately replied, "Oh, I was at the garbage dump last night, and there were sixteen bears out there!" That's all she said, apparently satisfied that it was a complete answer to my question. Fortunately, I had lived in the North long enough to understand her answer: bears thrive on blueberries, and a bumper crop means all the bears are back in the blueberry patches sporting huge purple grins. A failed crop, however, causes hungry bears to converge on the nearest dumps in search of food.

The concept of interconnectedness is deeply ingrained in Indigenous worldviews of justice as healing (Pranis, 2007). Similarly the African concept of Ubuntu, commonly translated as 'I am what I am because of who we all are', or 'I am because you are', or 'my humanity is tied up with your humanity', also affirms the concept of interconnectedness (Llewellyn and Howse, 1998).

Faith-based communities around the world also connect justice with healing and relationship (Hadley, 2001). Loy (2001) explains that the Buddhist approach to crime and justice is inner healing based on compassion, mercy and love. Zehr's (cited in Sawatsky, 2007, p. 17) understanding of justice also recognizes that the notion of healing and relationships in restorative justice aligns with certain religious teachings: "Biblical justice is fundamentally respectful because people and relationships are central. We learn respect by being respected, not by being disrespected. A justice that heals is a justice that respects". From an Islamic perspective, justice connotes relational rights between and among people (Kamali, 2008).

16

In summary, healing, relaitonship and interconnectedness are integral components of the Indigenous worldview of justice. Connection with relatives and Elders, rituals, and ceremonies are also embedded in the Indigenous worldview of justice as healing.

2.2.2. Justice as Fairness and Equality: State-centric Worldview of Justice

The idea of justice as fairness and equality originate from the Aristotelian principle of giving each his or her due (Aristotle, 1985). This notion of justice is central to justice as a regulatory response of the nation-state. The most iconic image of a state-centric understanding of justice can be understood through the *Justicia* symbol: lady justice. Her sword symbolizes punishment for wrongdoers, the scales represent due process, and the blindfold connotes the notion of fairness irrespective of race, gender, faith and ethnicity (Robinson, 2002).

Aristotle envisioned two key types of justice: distributive and commutative. Distributive justice focuses on the distribution of property and goods, whereas commutative justice is connected to the people in those transactions. In other words, distributive justice focuses on the fair distribution of the public goods according to merit within the framework of an accepted social hierarchy, which means all people are not equal and aims to ensure enough fairness to prevent revolution, whereas communicative justice means that all men are equal under the law, which is created to ensure the equitable exchange of goods and fulfillment of contractual obligations and to rectify the harm done when such conditions are violated (Aristotle, 1985). Thomas Hobbes (1588–1679) and John Locke (1632–1704) also argued for a strong role of the state and differed largely on their respective understanding of human nature; in particular, the role and power of the state vis a vis the individual. Hobbes argued that punishment is instrumental to deliver justice (Hobbes, 2002); as such, justice can be ensured with the utilization of punishment (Hobbes, 2002; Kow, 2005). Norrie (1984, p. 302) elaborated on the Hobbesian retributive theory of justice underscoring that "punishment is the Sovereign's right of nature, carried over into the state of society, and immeasurably enhanced by the fact that every other person has laid down his right". Writings of Hobbes played a significant role in shaping the state-centric retributive view of justice.

The 20th century US philosopher and pragmatist George Mead (1918, p. 582) believed in social behaviourism (i.e., that people are extrinsically influenced by social processes) and argued for punitive justice, seeing the role of punishment as a reconstructive necessity for the individual that then extends to society. He thus explains the role of punishment in the justice framework as "the assumption of [the criminal justice] procedure that conviction and punishment are the accomplishment of justice and also that it is for the good of society, that is, that it is both just and expedient".

German philosopher Immanuel Kant (1724-1804) defined justice from a moralistic perspective, arguing that people intrinsically know right from wrong but might abuse or exploit others because not everyone is virtuous (Kant, 2003). Contrary to Hobbes and Mead, Kant approached the concept of punishment differently. According to him (2003, p. 24):

> If you punish a child for being naughty, and reward him for being good, he will do right merely for the sake of the reward; and when he goes out into the world and finds that goodness is not always rewarded, nor wickedness always punished, he will grow into a man who only thinks about how he may get on in the world, and does right or wrong according as he finds either of advantage to himself.

John Rawls, one of the most prominent justice theorists, played a central role in developing the notion of justice as fairness within a state-centric paradigm. His seminal book *A Theory of Justice* (1971) has received notable attention in contemporary circles. His justice as fairness assumes that "the most reasonable principles of justice are those that would be the object of mutual agreement by persons under fair conditions. Justice as fairness thus also develops a theory of justice from the idea of a social contract" (Rawls, 2001, p. xi). The 'veil of ignorance' is an important requirement in Rawls' justice as fairness concept. This notion is well-explained by Schroeder et al. (2003, p. 380), who described how "Rawls used the task of cutting a cake into equal portions as an example of the importance of this requirement. If the cutter knows that he will receive the piece of cake not taken by others, he will take special care to ensure that all pieces are, in fact, of equal size to avoid disadvantaging himself".

Expanding the Rawlsian approach to justice, Sen (2009) offers a renewed understanding of justice. The Sanskrit words *Niti* and *Nyaya* constitute Sen's idea of

18

justice. *Niti* connotes "organizational propriety and behavioural correctness", whereas *Nyaya* explains "a comprehensive concept of realized justice" (Sen, 2009, p.20). Establishment of justice and the prevention of injustice are both important in Sen's justice framework. Critiquing the Rawlsian theory of justice, Sen (2009, p. ix) argues that the idea of justice "must include ways of judging how to reduce injustice and advance justice, rather than aiming only at the characterization of perfectly just societies – an exercise that is such a dominant feature of many theories of justice in political philosophy today". In other words, the establishment of a just society is as important as thwarting injustice from happening.

The contrasting worldviews of a state-centric and Indigenous justice resonate with Mary Clark's (2005) dualistic Skinnerian and Prophetic typologies of justice. Clark cited Lakoff (2004, p. 7) to describe the Skinnerian perspective as follows:

> The world is a dangerous place, and it always will be, because there is evil out there in the world. The world is also difficult because it is competitive. There will always be winners and losers. There is an absolute right and an absolute wrong. Children are born bad, in the sense that they just want to do what feels good, not what is right. Therefore, they have to be made good

By contrast, the Prophetic perspective reflected in Indigenous worldviews holds that the "world can be a better place, and our job is to work on that. The parents' job is to nurture their children and to raise their children to be nurturers of others … [Nurturance] means two things: empathy and responsibility" (Lakoff, 2004, p. 12).

In summary, a state-centric worldview of justice understands the world as individualistic and competitive whereas Indigenous worldviews sees it more as a collectivist and collaborative effort. Fairness and accountability are overarching highlights in a state-centric understanding of justice whereas healing, ceremonies, and presence of Elders and relatives are the salient features in the indigenous worldview of justice. Additionally, both the Hobbesian and Rawlsian approaches to justice are procedural and distributive, with limited focus on individuals and relationships, especially in the context of the criminal justice system (Kruger, 2004).

2.2.3.   Justice as Relational: Restorative Worldview of Justice

RJ practices are growing rapidly all over the world (Beven, et al., 2005). Dzur and Olson (2004) consider three key reasons for the resurgence of RJ practices around the world. Firstly, unlike the state-centric criminal justice system and the way it sees crime as a violation against the state, RJ lens views crime as a violation of relationship and people. Secondly, the criminal justice focuses heavily on punishment and ignores active involvement of all parties, whereas the well-being and restoration of all stakeholders including victim, offenders and their supporters are the primary focus of restorative justice. Finally, a state-centric criminal justice system concentrates very little on the offenders' reintegration and rehabilitation into the community (Sawatsky, 2009). The emergence of restorative justice will be explored, in an international context, and then specifically BC, Nova Scotia and Bangladesh.

Robert Eglash coined the term restorative justice in his 1977 article 'Beyond Restitution: Creative Restitution'. It introduced a new wave of thinking about crime and relationships (see also Llewellyn and Howse, 1999; Maruna, 2016). While Eglash coined the term itself, the practices of RJ are not new and have been a part of human history for many years (Eglash 1977). They can be traced back to the year 500 CE (Gavrielides and Winterdyk, 2011). Acephalous societies, for example, employed forms of alternative measures to deal with conflict and crime (Gavrielides and Winterdyk, 2011).

One of the key aims of RJ is to "put things right", which "…implies a responsibility on the part of the offender to… take active steps to repair the harm to the victim" (Zehr, 2002, p. 28). Zehr (2002) defines RJ, as a process that involves everyone who has a stake in an offense to address harms and needs in order to make things right. Restorative practices are understood by these communities as the most efficient way of addressing the needs of everyone involved in a criminal act (Britto and Reimund, 2013).

There is no single definition of RJ (Waltman-Spreha, 2013; Walters, 2015). It is an umbrella term, encompassing a diverse set of practices related to the concept of crime, justice, and the healing of relationships (Waltman-Spreha, 2013; Walters, 2015; Ney, 2012). There are debates among the theorists, researchers and practitioners on the nature and definition of RJ (Doolin, 2007). Daly (2016) is convinced that RJ can be and should be defined. Some of these debates are around the nature of RJ, which can be

divided into purist versus maximalist camps (Wood and Suzuki, 2016). According to the purist camp, RJ is a 'process' where all stakeholders—victims, offenders and their supporters—participate in the aftermath of a crime (Marshall, 1999; McCold, 2000). On the other hand, the maximalist camp believes that RJ focuses on outcomes such as reparation of the harms and reintegration (Bazemore and Walgrave, 1999; Walgrave, 2008). The following section discusses a few definitions of RJ.

Marshall's (1996, p. 37) process-oriented definition of RJ is widely quoted: "Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future." Van Ness and Strong (2010, p. 43) also propose a process-focused definition of RJ: "Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders."

In contrast, Gavrielides (2007, p. 139) provides a more philosophical definition and explains that "RJ is an ethos with practical goals, among which is to restore harm by including affected parties in a (direct or indirect) encounter and a process of understanding through voluntary and honest dialogue". More recently, Daly (2016, p.21) has defined RJ as:

> …a contemporary justice mechanism to address crime, disputes, and bounded community conflict. The mechanism is a meeting (or several meetings) of affected individuals, facilitated by one or more impartial people. Meetings can take place at all phases of the criminal process, pre-arrest, diversion from court, presentence, and post-sentence, as well as for offending or conflicts not reported to the police. Specific practices will vary, depending on context, but are guided by rules and procedures that align with what is appropriate in the context of the crime, dispute, or bounded conflict.

Wood and Suzuki (2016, p.154) offers more nuances on the definition of RJ. According to them, "the future of RJ as we see it depends significantly on whether a focus on interactions between parties who have caused harm and those who have been harmed remain central to such a definition, or whether RJ continues to expand into piecemeal programs and outcomes where the difference between 'restorative' and other types of programs becomes increasingly blurred".

As discussed in the previous chapter, a number of scholars have tried to offer theoretical frameworks for restorative justice. Questions such as '*why restorative justice'* and '*why restorative justice works'* are addressed in these theoretical frameworks. Some of these theories include reiterative shaming theory (Braithwaite, 1989), procedural justice theory (Tyler, 1990), affect theory (Tomkins, 1962), and relational justice theory (Llewellyn and Howse, 1998; Llewellyn, 2012). Off these theories, Llewellyn's relational theory of justice develops the relational lens of RJ through bridging both Indigenous and state-centric worldviews of justice. The following section discusses it in detail.

RJ as a Relational Theory of Justice

RJ as a relational theory of justice explains both what it means to be in a relationship with others and its impact on all levels, including individual, community and institutional. It is grounded in relational theory, which assumes that "being in relationship is integral to self-understanding and to interactions with others at individuals, collective and even institutional levels" (Downie and Llewellyn, 2011, p. 4). More importantly, individuals are deeply embedded "in and through relationship with others" in this worldview (Downie and Llewellyn, 2011, p. 4).

Several scholars have mentioned the concept of relationship and its connection to restorative justice. These scholars view RJ as "relational" and grounded on "values rather than laws" (Elliott, 2011, p. 51). In this lens of justice, crime is seen as "a violation of people and of interpersonal relationships" (Zehr,2015, p. 28). Morrison (2006, p. 373) discusses the importance of relationship in RJ by saying that RJ "empowers individuals and communities through building healthy relationships, where fellow citizens support each other while holding each other accountable for behavior". This approach to relationship also acknowledges "the larger web of relationships" that includes family, relatives and community members (Pranis, 2007, p. 59). Nonetheless, these types relational understanding especially when it comes to systems, institutions and complexities "fail to appreciate restorative justice as a comprehensive theory of justice" (Llewellyn, 2012. p.292). Llewellyn's (2011; 2012) relational theory of justice in RJ, in contrast, offers a more holistic understanding of relationship and RJ where both quality and equality of relationship in all levels—Individuals, communal, institutional and systemic—are highlighted.

The premise of RJ as relational theory of justice is that our individual self is embedded "in and through relationships with others" (Llewellyn, 2012, p. 294). The core assumption in this approach is that "justice is fundamentally concerned with just relationship" (Llewellyn, 2012, p. 295). In other words, RJ as relational theory of justice explains ways to promote and sustain just relationship. A point to note is that this approach does not "glorify relationship" per se, rather it views relationships as "unavoidable fact" that can have both positive and negative aspects (Llewellyn, 2012, p. 294). RJ's relational approach assumes that we are inherently related at all levels – self, institutions and everything around us (Llewellyn, 2011). Therefore, it not only concentrates on a specific crime or wronging, it also addresses communal, institutional and systemic injustices (Llewellyn and Morrison, 2018). Furthermore, the focus on the inheritress of relationality at all levels offers "significant attention" to both the implications and importance of justice and injustice (Llewellyn, 2012, p. 294). Both "connection" and "interdependence" are thus critical to the relational approach to RJ (Glowatski, Jones and Carleton, 2017, p.276). As a result, RJ as relational approach requires reorientation and a fundamental shift in our thinking. According to Llewellyn (2012, p. 301):

> ...the reorientation entails a move away from processes that focus solely on individual culpability and rely on adversarial processes to produce truth and remedy. It might mean a move away from the traditional Western justice model of prosecution and punishment towards restorative institutions that facilitate inclusive and participatory processes aimed at meaningful accountability through expression of responsibility and participation in making reparation for harm.

As we are all relationally connected, concentration on the quality of relationship is essential in the relational approach to justice. In this lens, injustice and wrongs are understood in terms of harms caused to individuals as relational beings. So the goal of just relationships is to seek equality of relationships. The retributive worldview of justice assumes equality in terms of proportion and infliction of punishment; whereas, the relational approach to justice views equality as responsive and differs from party to party as their needs vary. Equality of relationships includes equality of respect, concern and dignity for all parties in all levels (Llewellyn, 2011; 2012). The relational approach "measures justice" by addressing both quality and equality of relationship between and among stakeholders in individual, community, institutional and systemic levels

(Llewellyn, 2012, p. 296). Operationalization of justice in this lens is not "standard" or "formulaic", rather it is more "dynamic", and "fluid" (Llewellyn, 2012, p. 296). It is more 'doing justice' rather than 'justice has been served' (Llewellyn, 2012, p. 296). So, inevitably, a justice response for just relationship is complex and organic. According to (Llewellyn, 2012, p. 297):

> This [relational theory of justice] requires a more complex approach that pays attention to the need for processes and institutions that are contextual and flexible to account for and accommodate differing human needs and behaviours and facilitate justice work. Restorative justice reflects this complexity in its attention to process and institutions not as the end of justice but as essential for the encounter, dialogue and deliberation that justice requires. Through such processes restorative justice is able to take account of the significance and complexity of the interconnected webs of relationships in and through which we exist and come to define and understand both ourselves and what justice requires.

Grounded in principles, as opposed to a cookie-cutter approach, the relational approach in RJ can contribute towards building just relationships. Some of these justice principles include, but are not limited to, being: 1) relationally focused 2) comprehensive and holistic, 3) Inclusive and participatory 4) responsive, 5) focused on taking responsibility, 6) collaborative and non-adversarial, and 7) forward-focused. This principles-based approach to justice in relational lens takes justice from its silos to a more integrated response that aims to achieve just relationships (Llewellyn and Morrison 2018, p.348).

Moreover, RJ as relational theory of justice is distinct from a state-based understanding of justice. In the state-based worldview, justice leans towards "individual accountability" whereas in the relational approach justice is concerned with the nature of social relationships (Llewellyn, 2012, p. 292). Additionally, in state-centric worldviews, justice and peace are dichotomous but in the relational lens, RJ asks for "constitutive relationship between justice and peace (a move similar to the constitutive relationship that Sen draws between democracy and development" (Llewellyn, 2012, p. 299). Contrary to state-centric worldview, the relational lens of justice also resonates with Indigenous worldviews (Llewellyn and Morrison, 2018). This is because, similar to the relational theory of justice, Indigenous worldviews of justice are also rooted in relationships and interconnectedness (Llewellyn and Morrison, 2018; Ross, 2014).

In summary, RJ as relational theory of justice recognizes the inherent relationality of individuals, communities and institutions at all levels. It also recognizes the need for a comprehensive response in order to achieve just relationships. Guided by principles, RJ as relational theory of justice can be measured by equality of relationships: respect, dignity and mutual concern for all parties at all levels.

Historical Growth of Restorative Justice.

Early critical theory on RJ came in 1977 with the publication of an article by the renowned Norwegian sociologist and criminologist Nils Christie, *Conflicts as Property*. In this article, Christie critiques and argues for a restructuring of the criminal justice system (Christie, 1977; see also Lomell and Halvorsen, 2015). In the article, Christie prescribes a framework of four stages for our current justice system's response to crime: (1) establishing whether the law has been broken and if the accused committed the crime; (2) understanding the victim's situation; (3) having a judge determine the proper punishment for the offender; and (4) allocating any offender services, such as rehabilitation programs for crimes committed due to drug addiction (Christie, 1977). Moreover, Christie (1977) argues that states and its agents, such as lawyers and judges, steal conflict from community to gain power and marginalize victims. This appropriation takes conflicts them "away from the directly involved parties" (5) and downplays them as "class conflicts", which they "are" (5), although he construes them more as based on color, age, sex and physical handicaps. Prior to this, the resolution of crime was a community undertaking and attempted to heal the offender, who is not viewed as intrinsically bad but one who emerged from a certain "background" (Christie (1977.p. 5).

In 1977, the U.S. psychologist Dr. Albert Eglash coined the term restorative justice (Gavrielides, 2013). He proposed three different types of justice: retributive, restorative, and distributive (Gavrielides, 2013). Eglash asserted retributive and distributive justices focused on crimes and criminal behaviour and denied victims any rights to participate in the justice process (Eglash 1977). He believed RJ focused on restoring any harm created by an offense and that all parties must be actively involved in the process (Gavrielides and Winterdyk, 2011).

The distinguished Australian professor John Braithwaite has also contributed significantly to the field of restorative justice. His book *Crime, Shame, and Reintegration*

(1989) examines factors that led some individuals to commit crimes and how community can, together with the offender, prevent future crime by stopping such factors from recurring. The theory of reintegrative shaming contributed to the notion that a society which views the crime itself as shameful rather than stigmatizing the individual (disintegrative shaming) will usually have a lower rate than those that treat the offender as a bad person (Braithwaite, 2000). He also contributed to the shift from normative theories to explanatory theories of RJ. Many RJ practices around the world have referenced Braithwaite's reintegrative shaming theory (Ahmed, 2008; Harris, 2006).

The next advancement in the RJ movement came when the U.S. criminologist Howard Zehr published his book *Changing Lenses*, in which he characterizes crime as a violation of both people and relationships (Zehr, 1990). This means that relationships between the offender and those he has harmed need to be restored before resolution is possible. Zehr later published *The Little Book of Restorative Justice* (2015), in which he repeats the notion that RJ focuses on harms, needs and obligation.

The UN Declaration acknowledges the development of RJ practices globally and encourages all nation states to promote RJ (UN Office on Drugs and Crime, 2006). RJ offers a framework and guideline for RJ practices, including mediation, conciliation, conferencing, and sentencing circles. Smith (2005) offers an in-depth account of how RJ proponents influenced the creation of this UN Declaration. Countries around the world use it to lay a foundation for the establishment of community-based justice initiatives. RJ influences policies of INGOs, NGOs and civil society organizations in many parts of the world, especially in justice reform projects (Morrison, 2013; Smith, 2005).

Currently, more than a hundred countries around the world employ some form of RJ practices in dealing with justice-related issues (Gavrielides, 2011). In a conservative estimate, more than 300 Victim-Offender Mediation groups exist in the U.S. and 700+ in Europe (Bidois, 2016). Gavrielides (2011) found 23 prison-based RJ programs in 83 countries around the world. A number of countries, including Australia and New Zealand, have codified and institutionalized RJ, and the Council of Europe, the European Union and the United Nations Economic and Social Council have recommended and promoted this alternative way of dealing with crime and justice to member states (Bidois, 2016; Umbreit et al., 2007; UN Office on Drugs and Crime, 2006).

Canada has been playing a pioneering role with regard to the promotion, innovation and implementation of RJ practices. According to Elliott and Chatterjee (2003), there are three specific ways RJ came to Canada. One is the Mennonite tradition. The Elmira case and the subsequent practices of the Victim Offender Reconciliation Program (VORP) by Community Justice Initiatives (Elliott, 2011) played a significant role in the RJ movement in Canada. Mennonite traditions influenced RJ practitioners and volunteers in North America. Another contributing source lies in the traditional practices of Indigenous people in Canada. Hollow Water community's holistic circle healing process in Manitoba (Sawatsky, 2009) and sentencing circle process in Yukon Territory (Pranis, Stuart, and Wedge, 2003; Stuart, 1996) are the earliest examples of this. Finally, the third route through which RJ came to Canada was the RCMP's adaptation of Australia's Community Justice Forum model (Elliott and Chatterjee, 2003; Latimer et al., 2005). A chronological description of the development of RJ in Canada is given below.

The Elmira Case, and the way it was resolved in 1974, transformed the practice of RJ all over the world because it not only created a precedent, it also contributed to the formation of Victim Offender Reconciliation Program in many countries around the world. Instead of taking two young offenders through the court process, their probation officer and staff from Mennonite Central Committee suggested to the judge that the two young offenders meet directly with their victims, following the vandalism of 22 properties. The two young offenders from Elmira, Kitchener, Ontario met with the victims produced by the 22 properties they had vandalized to figure out restitution for damages. This process of meeting victims and offenders became internationally known as the Victim Offender Reconciliation Program. This set the foundation for modern RJ practices not only in Canada but all over the world (Kelly, 2006; Van Ness and Strong, 2010).

In 1988, the restorative justice movement was recognized with the release of '*Taking Responsibility',* a report from the House of Commons Standing Committee on Justice chaired by David Daubney (Daubney, 1988). The Committee reviewed criminal justice sentencing practices and guidelines across Canada and offered a number of findings and recommendations for sentencing reforms. With regard to restorative justice, it found diversion programs and alternative sentencing measures, such as conferences and victim-offender mediation, effective and largely supported by communities. RJ

practices were "compelling" and had great potential benefits for the criminal justice system (Daubney, 1988, p. 97). The Committee was also convinced that the values and principles of RJ could be successfully and advantageously implemented in areas of the justice system other than sentencing. Most importantly, the Daubney Report provided a formal recommendation to all levels of government to "…support the expansion and evaluation" of restorative justice programs at all stages of the criminal justice systems (Daubney, 1988, p. 98). Recommendation #19 in particular explicitly advocated for the expansion of victim-offender reconciliation programs across Canada. This strong recommendation of Taking Responsibility facilitated substantive legislative reforms in both provincial and federal governments of Canada (Cormier, 2002; Morrison et al., 2019).

As part of the organic and systematic growth and development of RJ in Canada, Bill C-41 and the subsequent addition of section 718 in the Criminal Code are important milestones. Following the Standing Committee's report, Bill C-41 was introduced into Parliament in 1996 as legislation recognizing the importance of alternatives to incarceration, such as RJ practices (Elliott, 2011). Bill C-41 codified the restorative values of restraint (s. 718.2(d)), reparation of harm to victims (s. 718(e)) and the accountability of offenders to the community (s. 718(f)). These *Criminal Code* amendments to the sentencing provisions provided the statutory authorization and support for the Court's continued discretional use of restorative practice. In addition to the inclusion of RJ, the proclamation of Bill C-41 strongly recommended judges to consider all available alternatives to incarceration "with particular attention to the circumstances of aboriginal offenders" (Goldbach, 2011, p. 56). That is how Canada became the first country in the world that included RJ as a "legitimate option within the Criminal Code" for sentencing (Morrison and Pawlychka, 2016, p. 437).

Two significant cases are often cited in RJ with regards to Aboriginal people and sentencing. The first case, *R. v. Gladue* (1999) was a landmark decision for Aboriginal offenders. It introduced the notion that all other sanctions should be considered before incarceration. The goal for trial courts is to consider the unique circumstances of the Aboriginal accused/offender (Albrecht, 2011). *Gladue* was a young Aboriginal woman convicted of manslaughter in the death of her common-law husband who appealed her sentence of three years imprisonment to the Supreme Court of Canada (Elliott, 2011).

The Court interpreted the legislation as a directive for judges to consider the appropriateness of incarceration for Aboriginal offenders and better account for the needs of the victims, the offender and the community as a whole (Goldbach, 2011). The second, less commonly known case, was *R v. Proulx (2000).* The main feature of this case was the methodology to apply a conditional sentencing provision (Bakht, 2005). Both these cases resulted in the application of a new community-based sanction, a form of custody in the community, as a substitute for a term of institutional imprisonment. Conditional sentences, as they are known, were created to reduce Canada's overreliance on imprisonment. They offer comparative leniency for offenders to serve their jail time within the community (Armstrong, 2014). In addition to this statutory sanction, several other restorative criminal justice programs are now operating under a legislative basis, including Sentencing Circles, Community Conferencing, and Healing Lodges (Trevethan et al., 2002).

The Youth Criminal Justice Act (YCJA) had one of the most significant impacts on the growth of RJ in Canada (Oudshoorn, 2015). Precipitated by concerns about the overuse of the courts and incarceration for young people, the YCJA came into force, replacing the previous *Young Offenders Act*. The purpose of the YCJA was also to encourage early intervention (Green, 2012; Lynch, 2010). The new legislation provided a more discretionary, fairer and effective youth justice system; it opened the door for alternative restorative measures to be utilized at any stage of the justice process. Police officers are encouraged to provide a range of alternatives before formally charging a young offender following an arrest. Judges can only recommend community programs and services in lieu of incarceration if there are appropriate programs available (Chatterjee and Elliott, 2003). These options under YCJA include a range from warnings to referrals for community programs or extrajudicial measures in an attempt to address the root causes of the offences. These extrajudicial measures allow the broader community to play a more active role in designing and implementing responses to youth crime, which could include warnings, cautions, or referrals to community programs. Extrajudicial measures provide the option for diversion prior to contact with the youth justice system, although its use is controlled through legislation when extrajudicial measures are deemed most appropriate (s. 4(c)). These processes are generally used in lieu of incarceration to resolve youth conflict and crime in a community setting (Elliott,

2011). More particularly, the provision of conferencing outlined in Section 19 of the YCJA helps bring relevant parties and community members into the youth justice system to assist offending youths. Conferences can take many forms, including family group conferencing, community accountability panels, sentencing circles, and interagency case conferences (Chatterjee and Elliott, 2003). Unlike the *Criminal Code* amendments, the *Youth Criminal Justice Act* contains specific guiding statements, and prioritizes principles and values to direct decision-making at key points in the youth justice process. These directives not only allow restorative processes entry into the youth system, they allow for the diversion of cases out of the system all together (Lynch, 2010). YCJA in many ways truly "open[s] the door to the development of initiatives generally associated with restorative justice" (Charbonneau, 2005, p. 75).

RJ in British Columbia

The use of RJ in BC has expanded significantly since the introduction of RJ in Canada in the 1970's. Following the 1974 Elmira case, the Langley Mennonite Fellowship provided funding support for the first formal VORP case in BC in 1982 and contributed to the formation of Fraser Region Community Justice Initiatives in 1985 (Chatterjee and Elliott, 2003; Morrison et al., 2019). RJ practices have since expanded and formalized throughout the province, including the use of peacemaking circles as part of the Aboriginal Justice Strategy and the adoption of the family-group conferencing model by the BC Ministry of Children and Family Development (Morrison et al., 2019). RJ programs continue to operate and expand throughout Canada including in BC, with many programs receiving funding from numerous agencies including federal, provincial and community organizations and working in collaboration with the formal justice system to address crime and conflict (Tomporowski, 2014). More than eighty community-based RJ programs, including thirty-four for Indigenous peoples, are offering RJ across BC (PSSG, 2018).

Riding on the momentum created by the Elmira case in Kitchener-Waterloo, Mennonite communities, especially Langley Mennonite Fellowship (LMF) in BC, started supporting the establishment of CJI in 1981-82. Modeled on Community Justice Initiatives of Ontario and Indiana, USA, CJI started its VORP in 1982 and received its first referral in May 1982. Zehr's work, particularly his book *Changing Lenses: A New*

Focus on Crime and Justice, influenced the founder of CJI to shape the organization as it is today. This is evident in a number of their annual reports which acknowledge "the mentoring influence of Dr. Howard Zehr on the thinking of this agency's founders has been profound" (CJI Annual Report, 2004, p. 7). Zehr's relational lens is also reflected in CJI values that guide its practices: "In all of our relationships, our actions will be guided by an ethic of care characterized by safety and responsibility" (CJI Annual Report, 2016, p. 1). As the demand from the community grew, CJI began looking for funding from government agencies and won the Alternative Measures contract from the then provincial Ministry of the Attorney General. Later, in 1984, CJI registered as a non-profit society under the BC Society Act with its mission statement being "To foster peacemaking and the resolution of conflict in the community though the development of Restorative Justice values, principles and processes" (CJI Annual Report, 2004, p. 9). Since then CJI has expanded its portfolio to VORP and Educating for Peacebuilding School project.

Currently, CJI's Restorative Action Program, particularly its focus on the Whole School approach, is contributing significantly in Langley (CJI Annual Report, 2016). CJI also conducted multiple research and pilot projects with the Ministry of the Solicitor General and Correctional Service of Canada (CJI Annual Report, 2014). Support and collaboration from numerous school districts, Langley Mennonite Fellowship, Ministry for Public Safety and Solicitor General, Vancouver Foundation, National Crime Prevention Centre, Ministry for Children and Family Development, and Simon Fraser University's Centre for Restorative Justice contributed to the expansion of CJI. As a result of the extraordinary contribution to the growth and development of RJ in BC, CJI received the First Annual Ron Wiebe Restorative Justice Award in 1999 (CJI Annual Report, 2014). CJI not only contributed to growth of RJ locally and nationally in Canada, it also influenced RJ practices around the world. Recently, CJI's Executive Director, David Gustafson participated at the United Nations' Experts Panel on Restorative Justice in Criminal Matters and contributed to a revision document of the UN Principles on the Use of Restorative Justice in Criminal Matters (CJI Annual Report, 2018).

Along with the grassroots-level expansion of RJ lead by CJI and others, a number of officials from key government agencies played a significant role in the growth of RJ in BC. Ujjal Dosanjh, former Attorney General, provided substantive leadership support

between 1997 and 1998 to enhance community-based and community-led RJ practices in BC. One of his major contributions to the development of RJ in BC was the creation of the Community Accountability Program (CAP) in February 1998. The main objective of CAP is to offer financial support to community-based RJ programs dealing with minor offences (Funk, 2012; Morrison et al., 2019). Since its inception, more than 80 community-based service providers across BC have received funding from CAP (CAP, 2004). Currently, fifty service providers are getting support from the provincial government (PSSG, 2018). These organizations generally receive five thousand dollars for start-up and two thousand and five hundred dollars annually. These CAP-funded organizations receive approximately 17,000 referrals each year from a number of sources including police, the Crown, schools and community (Cowper, 2012, PSSG, 2018).

North Shore Restorative Justice Society (NSRJ), for example, is a community-based non-profit CAP operating in North and West Vancouver, BC. Grounded in the values of compassion, forgiveness, trust, respect, humility, sharing and inclusivity, NSRJ's mission is "to build capacity and connectivity with the North Shore community to prevent and respond to conflict and harm through values-based processes that engage elders, adults and youth" (NSRJ Annual Report, 2017, pp. 1-2). Funded by the City and the District of North Vancouver, District of West Vancouver and other agencies, NSRJS has been operating restorative justice programs since 1997. NSRJ works to address crime and conflict through a number of RJ value-based approaches, including conferencing, mediation, and peacemaking circles, and currently operates four distinct programs: The Restorative Response Program, the Restorative Awareness Dialogue Program, Restorative Responses to Adult Abuse and Neglect Program and Restorative Approaches in Schools (NSRJ Annual Report, 2012).

NSRJS receives referrals from the RCMP, West Vancouver Police Department, Victim Services, and community agencies, such as schools, municipalities and non-profit groups. Its Restorative Response Program (RRP) brings together individuals affected by an incident or crime. Victims, offenders, supporters, including family and/or friends, as well as other members of the community who have a stake in the outcome, are all welcomed to voluntarily participate in this community driven process (NSRJ Annual Report, 2015). NSRJ formed the Restorative Response Advisory Committee to formally

include law enforcement stakeholders directly in the growth and development of RRP, according to its 2017 Annual Report. In 2016 alone, NSRJ served a total of 340 victims and offenders. 58% of these cases involved adult offenders and 42% involved offenders under age 18 years. NSRJ's internal survey found high satisfaction rates among the victims, offenders and their supporters (NSRJ Annual Report, 2017). NSRJ received 81 cases in 2017 from different referral agencies including North Shore RCMP, West Vancouver Police Department and community (NSRJ Annual Report 2018). Support, and collaboration from the City of North Vancouver, District of North Vancouver, District of West Vancouver, North Vancouver RCMP, West Vancouver Police, North Vancouver School Districts and many more local partners contributed to the expansion of NSRJ (NSRJ Annual Report, 2015; NSRJ Annual Report, 2017; NSRJ Annual Report, 2018).

BC's Justice Reform project, headed by the Ministry of Public Safety and Solicitor General, has also contributed to the growth of RJ in BC. The reform project highly recommends not only the current practices of RJ, which is primarily offered to young offender under YCJA but also suggests "applying restorative justice to more serious cases represents its most promising future application. In cases involving serious assaults and even more serious criminal events, for example, restorative justice could produce results not attainable through enforcement or other measures for both victim and community" (Cowper, 2012, pp. 92-93). The report highlights that (Cowper, 2012, p. 158):

> Research has been conducted which supports the expansion of the use of restorative justice programs as it concludes that there is a greater degree of acceptance by offenders, a far higher degree of satisfaction by victims, lowered recidivism rates and an increase in public confidence.

In 2013, BC's Blue Ribbon Panel was formed to identify ways to develop province-wide crime-reduction strategies. Headed by BC Parliamentary Secretary, Darryl Plecas, the Blue Ribbon Panel elaborated six broad recommendations for the provincial government. Of them, increasing the capacity and support for RJ was a recommendation. The report explicitly mentions that "The Panel heard strong support for effective diversion mechanisms and, in particular, greater use of the restorative justice approach; this was reiterated at nearly every roundtable meeting" (Blue Ribbon Panel Repor, 2014, p. 5. The panel also articulated that the Union of BC Municipalities (UBCM)

and other key stakeholders are in favour of RJ. Federal government, provincial government along with municipalities need to work together in this regard (Blue Ribbon Panel Repor, 2014). A follow up report on justice reform strongly advocated for "the expansion of the use of diversion and restorative justice as complementary to the justice system" (Cowper, 2016, p. 15).

As discussed above, CJI and NSRJ (along with numerous other community-based organizations) have influenced to the growth of RJ in BC. Currently, around 50 RJ programs and 34 Indigenous Justice Program across the provinces are offering community-based RJ services (PSSG, 2018). A truly encouraging development in BC is the use of restorative justice by the Federal Department of Fisheries and Oceans to resolve violations (Tomporowski, 2014). A number of other factors and initiatives have also influenced this momentum, including the Justice Reform Project (Cowper, 2012), Blue Ribbon Panel (Blue Ribbon Panel Report, 2014) and the position paper and recommendations by the Canadian Bar Association of BC (CBA BC, 2017).

RJ in Nova Scotia

Located on Canada's east coast, Nova Scotia is a comparatively smaller province of less than 1 million people living in 18 counties. Approximately 40% of the population resides in the capital city of Halifax (Crocker, 2016). This part of the literature review describes the emergence restorative justice practices in Nova Scotia. A number of circumstances led to such developments and contributed to growth and development of RJ practices in Nova Scotia, including a pivotal 1997 airplane ride from a Vancouver RJ conference, formation of Nova Scotia Restorative Justice Community University Research Alliance (NSRJ-CURA), and the RJ process used to address a sexual harassment incident at Dalhousie University's Faculty of Dentistry.

Early developments of RJ in Nova Scotia (Archibald and Llewellyn, 2006, p. 301) have been attributed to a seminal "airplane conversation" between two defence counsels from Nova Scotia. Their conversation let to the formation of an ad hoc committee to organize numerous community meetings, consultations and conferences with invitees consisting of local criminal justice members and RJ experts from around the country. The committee, consisting of criminal justice professionals, community members, thought leaders and academics, offered a highly coordinated and strategic partnership

which resulted in the expansion of restorative justice in Nova Scotia (Archibald and Llewellyn, 2006).

Sustainable funding support both from the federal government and the provincial government contributed to the establishment and growth of the Nova Scotia Restorative Justice Program. The provincial government provided 1.5 million dollars in funding which sustained the RJ programs. Additionally, funding from the federal government helped to complete both the internal and external assessments of the impact of RJ programs across Nova Scotia for a number of years (Archibald and Llewellyn, 2006; Clairmont and Kim, 2013). As a result, more than 40 full-time members of staff were employed across the province. Additionally, training, travel and special program development costs were all covered with funding from the government (Clairmont, 2005)

A five-year, million-dollar grant from the Social Sciences and Humanities Research Council of Canada (SSHRC) in 2006 had one of the most tangible impacts on the collaborative development and expansion of RJ practices in NS. It supported the development of the Nova Scotia Restorative Justice Program and contributed to the formation of the Community University Research Alliance (CURA). This alliance led to the "largest research and development" in the field of RJ practices in Canada (Funk, 2012, p. 2). Currently, nine community-based justice organizations throughout Nova Scotia provide a variety of services. RJ practices customized to address the needs of Aboriginal youth and African Nova Scotians also exist in the province (Llewellyn et al., 2013).

The Nova Scotia Restorative Justice Program has been recognised as one of the most comprehensive RJ practices in Canada (Archibald and Llewellyn, 2006). Established in 1999, NSRJ provides RJ conferences to 12–17-year-old, justice-involved youth. One of the key reasons for the success of NSRJ is its partnership with community, courts, and law-enforcement agencies. NSRJ receives approximately 1900 referrals per year, from police (pre-charge), the crown (post-charge), the courts (post-conviction and pre-sentence), or corrections (post-sentence) and community (Clairmont and Waters, 2015). Since 2007, NSRJ has completed more than 8800 RJ meetings. The programme aims to: (1) reduce recidivism; (2) strengthen communities; and (3) increase victim satisfaction and (4) public confidence in the criminal justice system (Crocker,

2016). The 2014 sexual harassment complaints within Dalhousie University's Faculty of Dentistry also contributed to the growth of RJ in Nova Scotia (Llewellyn et al., 2015; Nova Scotia Department of Justice, 2018).

This recent high-profile application of RJ in Canada emerged from a 2014 sexual harassment complaints at Dalhousie University's Faculty of Dentistry, which drew attention from mainstream media nationally and locally. Several male students in Dalhousie University's Faculty of Dentistry had posted highly offensive comments on a private Facebook account about their female student-colleagues. The Facebook posts were considered misogynistic, sexist and homophobic (Llewellyn et al., 2015, p. 2). In December 2014, a number of the female students filed formal charges under Dalhousie's Sexual Harassment Policy, and the university responded by initiating an RJ process on December 16, 2014. As part of this RJ process, in which 12 of the 13 male members – the 'harm-doers' – of a 'Gentlemen's Club' Facebook group participated voluntarily, sharing what happened and taking responsibility for their actions. The successful resolution of this case has been nationally and internationally recognized (Llewellyn, MacIsaac, and MacKay, 2015).

The province of Nova Scotia is also leading many other RJ initiatives particularly in the education, research, capacity building and human rights spheres. There is province-wide collaboration with the NS Department of Justice, Halifax Regional Municipality, Halifax Regional Police, and Dalhousie University. Success stories of RJ programming for youth motivated the NS government to extend RJ options to adult offenders in various locations (Archibald and Llewellyn, 2006; Llewellyn et al., 2015).

RJ in Bangladesh

Even though the term 'restorative justice' has only been used in Bangladesh in recent years, other forms of community-based justice practices have existed for centuries. The *Panchayat* system, a community-based dispute-resolution mechanism, has existed in Bengal from time immemorial. It connotes the gathering of five or more people to resolve family- and village-level disputes in the community (Barkat *et al.*, 2012, p. 18). Community members, elders and religious leaders in general played a significant role in the *Panchayat* system. During the Mughal period, between 1575 and 1717, most laws in rural areas were not affected by the central government's legal framework and

judicial system. During the British rule of Bengal from 1757 to 1947, the *Panchayat* system gradually faded away as more centralised judicial systems were introduced. The most important act in this period was the Bengal Village Self-Government Act of 1919, which created the Union Bench and Union Courts (Rahman *et al.,* 2010). Bengal became a part of Pakistan in 1947 when the British Empire left the subcontinent after ruling for over 200 years. Grounded in the Bengal Village Self Government Act of 1919, the Pakistan government passed the Muslim Family Law Ordinance of 1961 and the Conciliation Courts Ordinance of 1961. This resulted in the creation of Arbitration Councils to support dispute resolution mechanisms in urban and rural areas for minor offences (Barkat et al., 2012). When Bangladesh became independent in 1971 after a nine-month war with Pakistan, the new state passed the Village Courts Ordinance **(**1976) to deal with petty criminal and civil disputes at the local level. The Ordinance coined the term Village Court and became one of the most important legal documents in the country (Lewis and Hossain, 2008).

Currently, the criminal justice system in Bangladesh is facing a number of challenges, the most serious of which are overcrowded prison populations and case backlogs (Asaduzzaman, 2014). Over three million cases are pending in Bangladeshi courts, most for petty crimes including theft, vandalism and family disputes. This has led to a convergence of certain academics, practitioners, government officials and law enforcement agencies to respond to the case backlog through community-based justice mechanisms, currently including traditional *salish*, NGO-supervised *salish*, Indigenous customary justice, restorative justice practices and village courts. To address the overcrowded prison population, Bangladesh implemented a paralegal program grounded in restorative principles of respect, victim-centeredness, and active engagement (Braithwaite, 2015; Justice Audit Bangladesh, 2015; Sinha, 2015; The Daily Star, 2015)**.**

Salish or mediation is a widely known community-based justice practice in Bangladesh. Historically, village elders, influential political or religious leaders played the role of mediator in the *salish* process. Usually victims go to the village elders and informally appeal for justice (Asaduzzaman, 2014). The mediator in *salish* is called *salishkar* and has no legal or professional status, only social and, at times, religious authority. All types of cases are resolved in *salish,* including family, criminal and civil disputes (Biswas, 2008). In practice, *salish* can seem more like arbitration when the

parties expect a judgment from the *salish* panel. Likewise, it may seem more like mediation when *salish* panel help parties find solutions. *Salish* can also be a combination of both (Das and Maru, 2011). The role of village elders has gradually diminished due to urbanization, growth of individualism, and the introduction of state-based justice systems. Corruption, misuses of power by religious leaders, patriarchy, undemocratic structure and local politics have also tainted the traditional *salish* practices. Traditional *salish* has been criticized for public shaming, extra-judicial practices and illegal *fatwas* (Jahan, 2008; Riaz, 2005)*.*

As traditional *salish* became distorted and corrupt, a number of Bangladeshi local NGOs and INGOs came forward to support reform. NGOs like the Madaripur Legal Aid Association (MLAA), Bangladesh Legal Aid and Services Trust (BLAST), *Ain-o-Shalish Kendra, Nagorik Uddyog,* and Bangladesh Rehabilitation Assistance Committee (BRAC) are playing major roles in this endeavour. Of these, MLAA is providing substantial capacity-building support to strengthen *salish* practices in Bangladesh. Founded in 1978, MLAA "strives to ensure access to justice and human rights for all people irrespective of sex, cast, creed, religion, race through informal justice process and formal justice system" (MLAA, n.d.). MLAA has reformed traditional *salish* practices and introduced a new model suitable for the current socio-cultural context of Bangladesh.

This MLAA-supervised *salish* practice is widely known as Madaripur Mediation Model (MMM) in Bangladesh (Penal Reform International, 2003). There are three phases in this NGO-supervised *salish* practice. In Phase-1, victims usually appeal to a neutral mediator and express their concerns. During this phase, the mediator also contacts offenders at least three times. After this primary contact, the mediator in Phase-2 gathers information from both parties. During this stage, the mediator meets both parties individually and explains the entire process including the ground rules and confidentiality. Finally, in Phase-3, mediator offers multiple solutions to both parties. The goal of this *salish* is to seek a resolution that satisfies both parties (Golub, 2003). One of the key distinctions between traditional *salish* and NGO-supervised *salish* is the number of men and women as *salishkar* (i.e., mediator) in the panel. Basic human rights, particularly women's rights, are strongly upheld in this type of *salish* practice. NGOs also help parties access formal justice and legal support if needed (Das and Maru, 2011).

In Bangladesh, Village Court (VC) has a hybrid nature that functions concurrently with the existing criminal justice system. VC is a statutory court comprising local government representatives, community leaders, victims, offenders and their support groups. It is more formal than *salish* but less so than district court (Biswas, 2008; Das and Maru, 2011). The VCs have jurisdiction over some specific minor criminal and civil offenses within a Union Parishad[2] up to the value of 75,000 BDT equivalent to 940.00 USD. Grounded in the legal foundation of the Muslim Family Law Ordinance of 1961 and Village Court Act 2006 (amended in 2013), Madaripur Legal Aid Association (MLAA) has been supporting the activities of village courts since its inception. MLAA provides capacity enhancement support to UP Chairman and village court panel members, as well as a full-time Court Clerk who coordinates all cases and procedures. Between July 2006 and June 2007, MLAA-assisted village courts resolved 4,670 cases successfully (Das and Maru, 2011). Even though MLAA-supported Village Courts were functioning well, they were almost non-functional in areas where the VCs were not supported by MLAA (Lewis and Hossain, 2008). The success of MLAA-assisted VCs thus inspired international organizations and donor agencies to support activation of more VCs as the demand for them increased significantly across Bangladesh. This local-type justice system aims to enable citizens in rural areas to resolve their petty disputes, establish local peace and harmony, and support broader local governance, development and human rights.

In relation to this, the United Nations Development Programme (UNDP), European Union (EU) and the Government of Bangladesh started a joint initiative called *Activating Village Courts in Bangladesh* (AVCB). The aim was to support Village Courts in 350 UPs in different districts of Bangladesh. The project particularly strived to improve access to justice by poor, marginalized and dispossessed groups. The four key elements of AVCB were i) Review of Legal Framework, ii) Capacity Development, iii) Advocacy and Communication, and iv) Monitoring and Evaluation (Village Court Training Manual, 2011). The pilot phase of the AVCB Project was completed by December 2015, and a new phase with a larger target (1,000 UPs) was launched in January 2016. The following

---

[2]Union Pasrishad (UP) is the lowest tier of rural local government institutions. There are 4,542 UPs in Bangladesh; each UP consists of approximately 25,000 people.

section discusses some other Indigenous justice practices that are also community-based and community-led.

The minority Indigenous people in Bangladesh have been practicing informal customary laws from time immemorial. Even though the number is disputed, approximately 1,772,788 Indigenous people of 54 different tribes live in Bangladesh (Asadullah, 2013). Of them, about 1,036,060 live in the lowlands, while approximately 736,682 tribal people inhabit the hilly areas of Chittagong Hill Tracts (CHT) in south-east Bangladesh (Roy et al., 2007). Indigenous people have their own customary laws and practices. Like many other Indigenous traditions, most of their justice practices were lost due to consistent invasions from pre-colonial to post-colonial times. Currently, the Indigenous customary law is practiced predominantly among the tribes in CHT (Asadullah, 2013). In the aftermath of any crime, victims usually appeal to *karbari* who are at the bottom of a three-tiered Indigenous justice system. Karbari refers to community leaders in villages. If the *karbari* fails to resolve this conflict, it goes to the *headman*. If the *headman* fails to settle the case, it goes to the Circle Chief, known as *Raja*. In most cases, *Raja*'s decision is final; however, if the parties feel justice was not served, they can appeal to District Court (Kundu et al., 2011; Roy, 2004). Restorative justice is the most recent addition to community-based justice practices in Bangladesh, and the following section discussed some of the highlights.

In 2013, the German Deutsche Gesellschaft fur Internationale Zusammenarbeit (GIZ Bangladesh) plan for the '"Improvement of the Real Situation of Overcrowding in Prisons" (IRSOP) introduced several RJ initiatives in Bangladesh through a project funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and the UK Department for International Development (DFID). Bangladesh's prisons are overcrowded and more than 70% of the prisoners are awaiting their trials (GIZ, 2013). One of the key components of this specific RJ intervention is paralegal aid (Braithwaite, 2015). Between January 2009 and September 2014, a total of 4,549 prisoners, including 128 children and juveniles and 414 women, were released with the support of a paralegal aid team (GIZ, 2014). Along with paralegal aid, GIZ Bangladesh also introduced RJ. Some 60 expert mediators were trained as RJ master trainers and provide regular training to local RJ coordinators appointed by the project in different districts of Bangladesh. Around 3,000 cases have been resolved through this project and

GIZ showcased these achievements and introduced the training manual when it hosted the first International Conference on Restorative Justice in Bangladesh, August 19-21, 2015 (Braithwaite, 2015; GIZ, 2015).

In summary, Bangladesh has a long history of community-based conflict resolution practices. The *Panchayat* system was prevalent across the subcontinent. Later, it evolved into *salish*, which is still in practice in different districts of Bangladesh. Currently, village courts, NGO-led *salish*, and Indigenous justice practice are in operation simultaneously along with the formal criminal justice system. RJ was formally introduced by GIZ Bangladesh in 2013.

2.3. Emergent research

This literature review documents the growth of RJ practices across Canada and Bangladesh. Settings of RJ practices have also expanded from criminal justice, to schools and community. Numerous types studies have been conducted in the context of Australia (Strang et al., 1999), Canada (Clairmont, 2001; Souza and Dhami, 2008), United Kingdom (Hoyle and Rosenblatt, 2016; Miers et al., 2001; Rossner and Bruce, 2016; Shapland et al., 2007; Zernova, 2007) and United Sates (Choi, et al., 2011; Karp et al., 2004; McGarrell and Hipple, 2007). Despite these, as the following section will elaborate, there remain major gaps in the comparative study of different RJ practices as well as in academic research on RJ practices in British Columbia, Nova Scotia and Bangladesh.

Lack of Comparative Research: There is a significant gap in terms of comparative or cross-continental studies in restorative justice. Comparative research is highly significant in social science because, as Durkheim (1938, p. 139) argued: "comparative sociology is not a particular branch of sociology; it is sociology itself". According to Mills et al. (2006, p. 621), comparative research is "a broad term that includes both quantitative and qualitative comparison of social entities". Social entities may be based on many lines, such as geographical or political ones in the form of cross-national or regional comparison. For RJ, both Sawatsky (2009) and Fattah (2002, p. 312) have articulated the necessity of "…sociological and cross-cultural studies aimed

41

specifically at discovering the notions, the conceptions and the ideas of justice among various communities". Extant comparative research is scant, although there are some examples in the literature. Only exploring the victims' voice, Van Camp and Wemmers (2013) conducted semi-structured interviews of 34 (13 Canadian and 21 Belgian) victims of violent crime from various RJ practices in Canada and Belgium. Sawatsky (2009) conducted a comparative study and explored the notion of healing justice in Hollow Water, an Aboriginal community in Canada; the Iona Community, a Christian community in Scotland; and Plum Village, a Vietnamese-inspired Buddhist community in Southern France. This research contributes comparative research between British Columbia and Nova Scotia, in Canada, and Bangladesh.

Lack of Peer Reviewed Publications: A further critical gap in the research is the lack of peer-reviewed publications in British Columbia, Nova Scotia and Bangladesh. While there are approximately 70 organizations that offer RJ programs in BC, 9 RJ agencies in Nova Scotia and more than 15 community-based justice organizations in Bangladesh, there is a scarcity of peer-reviewed published research in all three settings.

Even though the expansion was significant, research on RJ in BC is still scant (Funk, 2012). Morrison and Pawlychka (2016, p. 369) have observed that there are gaps in research and academic publications on RJ in BC. Most of the publications on the growth of RJ in BC are available in the annual report of different community-based organizations (see CERA Annual Report, 2017; CJI Annual Report, 2018; NSRJ Annual Report, 2018). Some peer reviewed articles also highlight some features from RJ in BC (Chatterjee and Elliott, 2003; Dhami and Joy, 2007; Souza and Dhami, 2008). However, peer-reviewed research and publications examining the factors that contributed to emergent genesis and praxis are scant.

Published articles and reports on the impact of RJ practices in Nova Scotia are extensive (Archibald and Llewellyn, 2006; Clairmont, 2005; Clairmont and Waters, 2015; Crocker, 2016; Llewellyn et al., 2015). There is a dearth, however, of peer-reviewed journal articles documenting perspectives of visionaries and practitioners, since most of the scholarship has focused exclusively on the voices of victims and offenders. As such, this study takes a more inclusive approach by exploring all the various factors that have contributed to the growth of RJ in NS.

Research work focused on growth of RJ in Bangladesh is also scant. Asaduzzaman, (2014), Braithwaite (2015), and Jahan, (2008) have discussed community-based justice and RJ in their work, however, none of these explored the factors that contributed to the growth of RJ. Additionally, this present study did not find any literature offering the perspectives of visionaries and practitioners on RJ in BD. By bridging this gap, this study aims to contribute to the knowledge production of RJ practices in BC, Nova Scotia and Bangladesh.

Voices of the Visionaries: RJ is saturated with the study of victim and offenders' experience and impact (McGarrell and Hipple, 2007; Miers et al., 2001; Shapland et al., 2007; Strang, Barnes, Braithwaite, and Sherman, 1999), and community and volunteers (Abramson, 2003; Karp et al., 2004; Souza and Dhami, 2008; Rossner and Bruce, 2016). However, research that documents the narratives of the founders, pioneers, visionaries and advocates is scarce. For example, Elizabeth Elliott, Ujjal Dosanjh and David Gustafson and many others played a significant role in the growth of RJ in BC, but no academic study has captured their vision and reflections on this development. This is also true for Nova Scotia in which a prominent defence counsel and the Minister of Justice created the momentum, but their voices are not captured in any study. Only Zernova (2007) included RJ advocates in her study and explored their experience and knowledge on restorative justice. In the context of Bangladesh, Madaripur Legal Aid Association (MLAA), the Victimology and Restorative Justice program at University of Dhaka, and UNDP Bangladesh pioneered community-based justice practices; but, as of May 2017, the reflections and experiences of the visionaries and pioneers in these settings have not been documented. This study intends to address this gap and capture the wisdom of the pioneers and visionaries using the oral-history interview technique.

Community Praxis: Despite much discussion about the general idea of community, empirical studies assessing the impact of RJ on victims and offenders are significantly higher than those assessing community involvement (Kurki, 2003). Bolivar (2012, p. 18) believes that the lack of research on the role of community is a "significant deficiency" for RJ theory and practice, while Walgrave (2008) argues the vagueness of definitions of community for this gap in empirical studies. Even though ambiguity exists around the role and notion of community, the explicit importance of community

43

involvement in RJ theory and practice remains undeniable. Braithwaite (1999, p. 1) argues that justice is only restorative when the process includes "restoring victims, restoring offenders and restoring communities". Gerkin (2012, p. 282) echoed the sentiment in his question: "*Is justice restorative without these communities participating?*" This makes the gap in literature all the more challenging. Most importantly, Cunneen and Hoyle (2010, p, 186) argue that "restorative justice lacks praxis—in the sense of a constantly reflexive, dialectical relationship between theory and action".

Given the dearth of research on praxis, comparative study, and peer-reviewed articles on RJ in BC, NS and BD, this doctoral study explores the factors that contributed to the growth of RJ in BC, NS and BD. Furthermore, it investigates how community praxis is operationalized across these three research sites. The primary research question is: *How has restorative justice praxis emerged in British Columbia (BC), Nova Scotia (NS) and Bangladesh (BD)* with a follow-up question—*what is the role of community in BC, NS and BD?* The overall aim is to explore the genesis and praxis of RJ in BC, NS and BD.

The following chapter sets out the methodology adopted in this study to answer these questions.

Chapter 3.

Methodology

This research employed qualitative methods of inquiry. Generally, such methods allow research participants to share their stories, perspectives and experience on a particular phenomenon. The qualitative method makes it possible to capture research participants' voices and to document the "detailed perspectives" of a few key informants (Creswell, 2015, p. 5). Braun and Clarke (2013) define qualitative methods as exhibiting both techniques and frameworks of data collection. They also describe it as a "paradigm" that has specific belief, assumption and practice (Braun and Clarke, 2013, p. 4). Denzin and Lincoln (2013, pp. 6-7) view qualitative methods as an "interpretive" and "naturalistic" mode of inquiry. According to them, in qualitative methods, researchers "study things in their natural settings, attempting to make sense of or interpret phenomenon in terms of the meanings people bring to them" (Denzin and Lincoln, 2013, p. 7). This section begins with an outline of the researcher's epistemological, ontological, and methodological paradigms. It explains the research instruments and key concepts, such as appreciative inquiry and active listening. In-depth qualitative interviews and surveys are outlined, before ending with a discussion of the study's methodological limitations.

3.1. Research Questions

In qualitative inquiry, the research questions are grounded in the "experiences" of research participants and tends to ask "how" instead of "why" questions (Braun and Clarke, 2013, p. 51). Therefore, the primary research question is: *How has restorative justice praxis emerged in British Columbia (BC), Nova Scotia (NS) and Bangladesh (BD)* with a follow-up question—*What is the role of community in BC, NS and BD?* The overall aim is to explore genesis and praxis of RJ in BC, NS and BD.

3.2. Research Paradigm

A paradigm or worldview connotes a particular lens, belief, understanding, and position (Zehr, 1990). It provides a vision and framework for a particular phenomenon. Kuhn (1971, p. 10) coined the term "paradigm" to explain a framework and matrix for natural science investigation. Later, Kikuchi (2003) and Charles et al. (2014) extended the notion of paradigm in their research work to describe worldviews. Geisler and Watkins (1989, p. 11) provide a succinct definition of worldview:

> A worldview is a way one views the whole world. A worldview is a way of viewing or interpreting all of reality. It is an interpretive framework through which or by which one makes sense out of the data of life and the world. A worldview is like a set of colored glasses. If one looks at the same object through green colored glasses he will see it as green, while another looking at the same object through red glasses will see it as red.

According to Nash (1992, p. 16) a worldview is also "a conceptual scheme by which we consciously or unconsciously place or fit everything we believe and by which we interpret and judge reality". Interestingly, differences in worldviews may produce different sets of results and findings from the same data or research. Worldviews and paradigms are used interchangeably to describe one's lenses, perspectives and opinions on a certain phenomenon. In a research setting, Weaver and Olson (2006, p. 459) explain, "Paradigms are sets of beliefs and practices, shared by communities of researchers, which regulate inquiry within disciplines". According to Houghton et al. (2012), the researcher paradigms consist of epistemology, ontology and methodology. This research is grounded on the following epistemological, ontological, methodological and restorative paradigms.

Epistemological Paradigm: According to Rakitov (2016, p. 63), "Epistemology is regarded as a systematic research of a process of production of new scientific knowledge". Both symbolic interactionism and interpretive methods are commonly used epistemological positions in qualitative research (Oliver, 2012). This research's epistemology is based on the interpretive paradigm. Oliver (2012) explains some guidelines for the interpretive paradigm. Using the interpretive paradigm, the researcher "…employs purposeful and theoretical sampling and constant comparative analysis, and must demonstrate reflexivity" (Oliver, 2012, p. 410). The key instruments used in this

present research are in-depth qualitative interviews and surveys, and all have contributed to the construction and interpretation of knowledge and meaning in this research.

Ontological Paradigm: Ontology in social science research indicates opinions and worldviews that guide one's epistemological position in research. It is derived from the Greek word "onto", meaning "being", and "logos", meaning "science". So, the word ontology means the science or study of being (Lawson, 2004, p. 1). Constructivism is a type of ontology. It posits that knowledge and meaning are created rather than discovered through interaction with research participants. Constructivism allows contradictory but equally correct accounts and reality to exist in the world (Gray, 2014). According to Hesse-Biber (2010, p. 455), a constructivist approach assumes a subjective reality that consists of stories or meanings grounded in a "natural" setting, where there is no "objective" social reality. Through in-depth qualitative interviews, and surveys, this present research aims to construct meaning from the participants. Thus, both participants and the researcher play an active role in knowledge creation. Constructivism is my ontological paradigm in this study.

Methodological Paradigm: A method is defined as a way of conducting research and the process of utilization of research instruments (Hesse-Biber, 2010). As mentioned earlier, this research is largely grounded in qualitative methods. Qualitative methods offer ways of active engagement between the researcher and the participants. Key qualitative methods— in-depth qualitative interview and surveys—are used in this research. The qualitative instruments not only help unearth the phenomena, they also provide ways to explore "deeper and more genuine expressions of beliefs and values that emerge through dialogue [and] foster a more accurate description of views held" (Howe, 2004, p. 54). Survey, a quantitative technique, is also employed in this research.

Restorative Paradigm: This researcher's restorative paradigm is grounded in three specific approaches: 1) transformative inquiry paradigm (Toews and Zehr, 2003); 2) active listening (Rosenberg, 2003); and 3) appreciative inquiry (Coghlan et al., 2003). A brief description of each approach is presented below.

The idea of transformative inquiry paradigm was developed by Toews and Zehr (2003). They identify ten principles of transformative inquiry paradigm. Of these, the most important principles are that greater emphasis is placed on the process than on the outcome, and that the participants are respected as active subjects. In this paradigm, the researcher is identified as "facilitator, collaborator and learner", instead of "neutral expert" (Toews and Zehr, 2003, p. 266).

The second approach that shaped the restorative paradigm of this study is active listening. Active listening can be best described as "involved listening with a purpose" (Louw, et al., 2011, p. 71). Another way to define active listening is allowing research participants to express themselves without interference (Serbin, 2013). It is understood as listening with curiosity and without judgement (Rosenberg, 2003). Body language, gesture, eye contact, and settings are all associated with active listening (Pearson et al., 2006). In this study, active listening provided a safe space for research participants to engage with the researcher. The researcher was mindful about his body language, gesture, and eye contact. He was also keen to find suitable locations, such as public library or community centers, so the participants would feel comfortable talking.

The final approach that impacted this researcher's restorative paradigm is Appreciative Inquiry (AI). AI is "the art and practice of asking questions that strengthen a system's capacity in positive ways" (Watkins and Mohr 2001, p. 194). AI concentrates on strengths instead of weakness or problems, and what works instead of what does not (Coghlan et al., 2003; Rinker and Jonason, 2014). In criminology, Matza (1969) and Liebling et al. (1999) conducted studies on deviancy and criminogenic behaviour using AI approaches. Grounded in the work of Cooperrider (1990), AI significantly contributes to the development of interview or investigation techniques in organization development and social science research (Martinetz, 2002). The AI approach influenced my design of the in-depth qualitative interview questionnaires. For example, most of the questions were strength-focused as opposed to questions of limitations and challenges with regard to the growth and development of RJ in BC, NS and BD.

In summary, constructivism, interpretive epistemology, qualitative method, and restorative paradigm have all shaped and contributed to the researcher's lens and framework in this study.

3.3. Decolonization and Research Methods

The concept of decolonization in the context of research method has been addressed and discussed by a number of scholars. The process of decolonization in research methods includes awareness of the history of colonization and its connections with research. Decolonization in research includes epistemological and methodological shifts (Bhattacharya, 2018; Ninomiya et al., 2018; Paris and Winn, 2014; Smylie et al., 2015; Smith, 2012).

One of the earliest works in decolonizing research methodology was by Dr. Linda Tuhiwai Smith. Smith (2012) explains decolonizing methodology from an Indigenous worldview. Her work is grounded in the seminal works of Fanon (1963) and Said (1978). Critically examining the colonial history of researchers with Indigenous peoples, Smith (2012, p. 3) argues that deconstructing contemporary knowledge and recreating new knowledge is a process of decolonization:

> In a decolonizing framework, deconstruction is part of a much larger intent. Taking apart the story, revealing underlying texts, and giving voice to things that are often known intuitively does not help people to improve their current conditions. It provides words, perhaps, an insight that explains certain experiences – but it does not prevent someone from dying.

Paris and Winn (2014) describe decolonizing methodology as a process of humanization. In the process of humanizing research, the relationship between the researcher and the research participants becomes instrumental. Through participation, collaboration, and dialogic consciousness raising, the research participants experience what it is to "feel valued" and the researcher engages in a "worthy witnessing" instead of being a neutral observer (Paris and Winn, 2014, p. xiv). By building a person-to-person connection through formal and informal interactions, both the researcher and the research participants can experience one another's humanness. Paris and Winn (2014) share examples in which they became a worthy witness of their research participants, Nia and Rahul. Contrary to the top-down relationship between researchers and research participants, the humanizing process offers a different epistemological framework by which both researcher and research participants are the co-creators of knowledge.

Ninomiya and her colleagues (2018) argue that decolonizing in research includes both an epistemological and a methodological shift. Epistemological shifts include how knowledge is gathered, produced and shared. Methodological shifts involve acknowledgement of the colonial nature of past research methods; reconsidering the relationship between researcher and research participants, being mindful of power imbalances; and the focus on collaboration and partnership (Ninomiya et al., 2018).

Bhattacharya (2018) succinctly summarizes the notion of decolonization in method. One of the assumptions in the colonial framework was the researcher's superiority and expertise (Bhattacharya, 2018). In a decolonized framework, the researcher needs to have a "very deep, collaborative, respectful relationship" with the research participants (Bhattacharya, 2018, p. 3). Another distinct feature of decolonization methods is that researchers "don't study on the participant" rather they study along with the participant. According to Bhattacharya (2018), a collaborative and decolonized method brings humility and connection into practice. Finally, being mindful of the power imbalance between the researcher and the research participants and keeping research participants in mind instead of the academic audience when thinking about the outcome of the research are also important (Bhattacharya, 2018).

In the light of the above discussion, this study employed three elements of decolonizing methodology: researcher as (a) a facilitator, (b) welcoming emotion, and (c) conscious of power imbalance.

3.3.1.   Researcher as a Facilitator and Collaborator

During all the key informant interviews, the researcher provided a safe and supportive space for sharing. The nature of the questions, such as "I am curious to know about your Restorative Justice journey", created a warm setting where RJ visionaries and practitioners felt comfortable sharing personal stories that made them vulnerable. The researcher's role was more of a facilitator and active listener.

3.3.2.　Welcoming Emotion

The researcher welcomed the expression of emotions such as sadness and joy when the key informant interviewees shared their personal RJ journey. McMillan (2018) noticed that allowing research participants to express emotion such sadness, joy and tears helped build rapport and connection. Kvale and Brinkman (2009, p. 41) explain that research participants may have a therapeutic impact from the research process when "an emotional personal interaction occurs". One of the concrete examples is when BC 1 shared his detail RJ journey, he became emotional and couldn't hold back his tears. BC 1 asked the researcher for the transcript so that he could share it with his children. As a result, this researcher sent the transcript to BC 1 and he expressed gratitude and joy.

3.3.3.　Conscious of Power Imbalance

The researcher was mindful of power imbalance between himself and the research participants, particularly during his fieldwork in Bangladesh. The researcher took a number of initiatives in this regard: a) offering the research participants the right to do their interviews in any preferred language or dialect, b) offering co-authorship for future publication if they are interested, and c) sharing food, which is a culturally valued practice.

3.4.　Qualitative Researcher

The researcher paid attention to a number of issues during his fieldwork in BC, NS and Bangladesh, which are elaborated on below.

3.4.1.　Sensibility

Braun and Clarke (2013, p. 9) suggested a number of qualities for a researcher that include interests in the process, ability to reflect, developing a double-consciousness, good interactional skills and active listening. All these attributes contribute to the sensibility of this researcher, who paid attention to this during his interactions with the research participants.

3.4.2. Reflexivity

The researcher has already acknowledged his knowledge, practice and experience in the field of restorative justice. Hesse-Biber and Leavy (2011, p. 141) defined reflexivity as a "process through which a researcher recognizes, examines and understands how his or her own social background and assumptions can intervene in the research process". Thurairajah (2018, p. 10) also describes reflexivity as a "practice of reflecting on how you as a researcher are impacting the research process". In this research, the following techniques were employed to practice reflexivity:

Pilot testing: Testing the instruments is a crucial aspect of good research practice. Sudman and Bradburn (1982, p. 283) summed up the importance of proper testing when they said, "…even after years of experience, no expert can write a perfect questionnaire… If you do not have the resources to pilot-test your questionnaire, don't do the study". Response and feedback from participants not only help to revise and re-shape the instruments, they also ground the instruments with the audience. According to Campanelli (2008, p. 176), testing is the "only" way to assess whether an instrument is appropriate for its audience. Testing, therefore, enhances the instruments' "fidelity" and optimizes their "appropriateness" for the target audience (Onwuegbuzie et al., 2010, p. 59). Creswell (2009, p. 150) further explains, "…testing is important to establish the content validity of an instrument and to improve questions, format and scales". Four cognitive steps—comprehension, recall, judgment and response—are used as a framework for the process of instrument testing (Campanelli, 2008). Three stages are broadly followed in the testing of instruments: 1) Developmental Stage, 2) Question Testing Stage, and 3) Dress Rehearsal Stage (Campanelli, 2008; Presser and Blair, 1994; Presser et al., 2004a). Willimack et al. (2004) and Onwuegbuzie et al. (2010) also included expert or group consultation as an important stage when testing instruments. Other informal stages, such as reading the questionnaire aloud and conducting mock interviews with a colleague, are also used in some research (Campanelli, 2008). Based on the works of Campanelli (2008), Presser and Blair (1994) and Willimack et al. (2004), this paper's instruments were tested in four stages: 1) Developmental Stage, 2) Consultation Stage, 3) Dress Rehearsal Stage, and 4) Formational Stage. The researcher pilot-tested the instruments used for BC, Nova Scotia and Bangladesh.

Research instruments, particularly survey questionnaire and qualitative interview questions were revised after receiving the participants' feedback.

Peer-consultation: Before going to the field, the researcher consulted with three graduate students and asked for rigorous feedback on the in-depth qualitative interviews and survey instruments.

Reflective journal: Writing a reflective journal is a helpful tool to practice reflexivity in qualitative research (Ortlipp, 2008). The researcher took notes in a reflective journal to observe his own biases, usually after key informant interviews, researcher journaled reflections and learning. There are three questions in this reflection journal— *What did I learn; What did I miss;* and *What are the areas in which I need to pay more attention during the subsequent next interviews?* For example, in one of the interviews in Bangladesh, the researcher shared very little information about himself during the interview and as a result key informant interviewee shared limited information. As part of reflection—*what did I miss*—the researcher realized that sharing more information about one's background creates some bonding opportunities. So, for the next interview, the researcher shared more information about his background in RJ, which helped to build a bond with the research participant.

3.4.3. Researcher's safety and well-being

In qualitative method, considerations of the researcher's safety and well-being are important. It includes "physical, psychological and emotional" well-being of the researcher (Braun and Clarke, 2013, p. 64). During this study, the researcher allocated specific time for self-care. For example, after fieldwork in Nova Scotia, he spent 3 days in the wilderness in Gabriola Island as part of self-care practice. Fieldwork and talking to people for interviews consume mental and emotional energy. Taking a few days off after fieldwork allowed the researcher to get more grounded and restored emotional and mental energy. This rest also afforded the researcher time to begin transcribing the interviews, which is tedious work. The researcher encourages others to employ this technique for self-care and more productivity.

3.4.4. Insider and Outsider phenomenon

The researcher made some interesting observations during his fieldwork in Bangladesh. Even though he was born, raised and spent the majority of his formative years in Bangladesh, he had been living in Canada for the last seven years. This presented both benefits and challenges. Some benefits were that he got quick access as a 'Canadian researcher' to interview INGOs officials. So, an 'outsider' identity as 'Canadian' helped him gain access and build rapport with some research participants. Additionally, two participants were enthusiastic when they learned he is a 'Bangladeshi' and an alumnus of their university. In this instance, researcher's 'insider' identity as a Bangladeshi facilitated the process. Husain (2018) shared somewhat similar experience when she visited Bangladesh for her fieldwork.

The following section discusses some key research instruments employed in this study.

3.5. Research Instruments

Several instruments are used in this study in order to map the growth and development of RJ praxis across three research sites, and to examin**e** the notion of 'community' at each research site. In-depth qualitative interviews and survey are the key instruments used for the study.

3.5.1. In-depth qualitative interview

In-depth, semi-structured, in-person interview is one of the most effective instruments for qualitative research (Magnusson and Mareck, 2015). The objective of qualitative interview is not "to test hypotheses" but rather to understand the "lived experience of other people and the meaning they make of that experience" (Seidman, 2013, p. 9). They are conducted to understand the perception, experience and feedback of the key stakeholders in an RJ process. In-depth or face-to-face interviews help to dig into deeper issues of complex phenomena (Palys and Atchison, 2014). Transformative-emancipatory questions by Mertens (2003) are the theoretical basis of conducting in-depth qualitative interview in this research. According to Mertens (2003), some key

features of transformative-emancipatory questions are, 1) spending quality time with the participants so that the questions developed in the study can lead to transformation of research participants; 2) ensuring representation from oppressed and marginalized groups; and 3) ensuring that the research and its findings facilitate social change. Finally, the technique of funnelling has been used in forming the qualitative interview questions. Funnelling is defined as a process of starting interview questions with "broad general questions" before moving on to "more specific questions" (Burns, 2000, p. 429).

In-depth qualitative interviews are commonly used by researchers of restorative justice (see Clairmont and Waters, 2015; McGarrell and Hipple, 2007; Llewellyn, et al., 2015; Miers et al., 2001; Shapland et al., 2007; Strang, et al., 1999). Van Camp and Wemmers (2013) conducted semi-structured qualitative interviews of thirty-four victims of violent crimes in Belgium and Canada to explore the factors that contributed to victim satisfaction. Gavrielides (2012) conducted twenty-seven in-depth qualitative interviews among RJ practitioners in the United Kingdom to understand the role of RJ in hate crimes.

This research conducted 38 in-depth qualitative interviews with RJ visionaries, practitioners and academics in BC, NS and BD. The total duration of the key informant interviews are a) BC: 17 hours, 33 minutes, 9 seconds; b) NS: 7 hours, 58 minutes, and 28 seconds; and c) BD: 10 hours, 2 minutes, and 40 seconds of recording time (see Table 3.1).

Table 3.1.   Key Informant Interview Duration

Research Site	Total time
BC	17 hours, 33 minutes, 9 seconds
NS	7 hours, 58 minutes, and 28 seconds.
BD	10 hours, 2 minutes, and 40 seconds

3.5.2.   Techniques for In-Depth Qualitative Interviews

Grounded in the restorative inquiry paradigm discussed earlier (Toews and Zehr, 2003), this study employed empathy, silence and a timeline. Using these techniques

contributed building trust with research participants. As a result, research participants shared from their knowledge and life experience thoroughly.

3.5.2.1. Empathy

According to Braun and Clarke (2013, p. 96), offering empathy with body language—a relaxed posture, non-evaluative sounds, such as 'mm', ah-aha', and verbal articulation, such as 'thank you for sharing that' or 'I understand what you shared'—help to build trust and rapport with participants. This researcher used verbal communication and non-verbal body language to express empathy with key informant interviewees.

3.5.2.2. Silence

The notion of silence has been frequently used during in-depth qualitative interviews. Silence or a pause of a few seconds during interviews help research participants to feel composed and relaxed (Braun and Clarke, 2013). BC 1, for example, took pauses when sharing his reflection about the history of RJ in BC. Instead of rushing to the next or follow-up question, the researcher welcomed 'silence' during these pauses.

3.5.2.3. Timeline

Timeline is a technique used both in quantitative and qualitative research settings. Use of a timeline helps provoke curiosity and questions on chronological events, life stories and narratives (Adriansen, 2012; Rimkeviciene et al., 2016). Freedman et al. (1988) and Sharpe (1992) used the timeline technique to explore the life history of their participants. Vaart (2004) and Vaart and Glasner (2007) also used the timeline technique to facilitate recollection and promote conversation in research participants. In this study, the researcher employed a timeline to facilitate conversation among the participants to explore the chorological growth of restorative justice at the research sites.

3.5.3.   Survey

Surveys are one of the oldest modes of data collection. The tool is used in almost all research areas. Survey techniques are used to measure the attitude and perceptions of large and diverse populations (Rea and Parker, 2005). According to Leeuw et al. (2008, p. 2), survey is "a research strategy in which quantitative information is systematically collected from a relatively large sample taken from a population". Cognitive testing, focus group input, expert consultation and extensive pre-testing with diverse populations are the key steps in developing and designing comparative surveys (Harkness, 2008; Rea and Parker, 2005). Surveys can be conducted on specific groups of stakeholders—victims, perpetrators, community members, government officials, youth, and others. They have been employed in many community settings; for example, Crocker (2016) conducted a survey to understand the justice goals among practitioners in Nova Scotia, Canada.

The survey instrument designed in this study examined the notion of community in the context of BC, NS and BD (see Appendix C-F). The goal of using surveys was to accommodate as many voices as possible. The web-based SurveyMonkey platform (surveymonkey.com) was used to conduct the survey. A few advantages of using web-based surveys include convenience, rapid data collection, cost-efficiency, and ease of follow-up. Access to the Internet and computers were the main challenges arising from a web-based survey (Rea and Parker, 2005). The researcher thought that internet might be an issue for Bangladesh. However, after sending the link, the response rate proved otherwise. So, overall, access to Internet was not an issue in this research. The survey link was sent to 67 organizations in BC, 9 organizations in NS and 15 organizations in BD.

Two of the most important ethical considerations while developing a survey instrument are informed consent and confidentiality. The key component of both is to articulate the risks and benefits and establish boundaries and expectations as clearly as possible (Singer, 2008). The research did not collect any identifiable information in the survey unless participants were willing to be contacted for additional information. The researcher contacted two of the Bangladeshi survey participants for additional questions.

3.6. Sampling

Both purposive and snowball sampling techniques were employed in this study. The definition of sampling varies between qualitative and quantitative research traditions. Gentles et al. (2015, p. 1777) define sampling in qualitative research as "the selection of specific data sources from which data are collected to address the research objectives". With the snowball sampling method, the researcher gains access to participants through other participants. Although it is an extensively used research technique, heavy reliance on the interviewees to recruit future participants is seen as one of the key challenges of the snowball sampling technique (Noy, 2008). Purposive sampling is differentiated from snowball sampling by allowing the researcher to recruit participants on the basis of their relevancy to the study and research purpose (Yin, 2011). According to Patton (2015, p. 264), "[the] logic and power of purposeful sampling lie in selecting information-rich cases for in-depth study." The purposive sampling in qualitative research is employed to bring "insight and in-depth understanding" of a particular phenomenon (Braun and Clarke, 2013, p. 56). Snowball sampling, on the other hand, is grounded on the network of research participants. Generally, in this mode of sampling, the researcher asks participants "if they know anyone else who might want to take part" in the study (Braun and Clarke, 2013, p. 57). As alluded to earlier, this study employed both purposive and snowball sampling techniques to recruit key informant interviewees. Purposive sampling allowed the researcher to contact RJ visionaries from different categories and backgrounds such as academics, practitioner, and government officials. And snowball sampling contributed to the recruit of other key informant interviewees. It added more clarity and depth to the research findings.

3.7. Research Participants

This research included key informant interviewees and survey participants. The interviewees were recruited first, using both purposive and snowball sampling. After completing 38 in-depth qualitative interviews with key informants, the survey participants were approached via a web-based online platform. Survey participants were selected from the websites of RJ organizations in BC, NS and BD. Research participants were above the age of nineteen and from diverse backgrounds—academics, government,

NGOs, INGOs and CBOs. There was no monentary benefit for the participants. The researcher also emphasized confidentiality. As a result, no identifying information was shared and gender-neutral pseudonyms such as BC 5, NS 1 and BD 10 were employed to denote the key informant interviewees. As for the survey participants, pseudonyms such as NS Survey Participant 1, BC Survey Participant etc. were used.

3.7.1.   Key informant interviewees

Using purposive sampling technique, a number of key informant interviewees were introduced to the researcher by his senior supervisor, Dr. Brenda Morrison. These key informant interviewees then connected the researcher with other research participants. In Nova Scotia, Dr. Jennifer Llewellyn introduced a number of research participants to the researcher. For BD, key informant interviewees were recruited by leveraging the researcher's social capital. Social capital is defined as both "relationship" and "access" to particular stakeholders or institutions (Chapman and Murray, 2015, p. 51). The researcher was invited to the 1st International Conference on Restorative Justice held in Bangladesh in 2015. During the conference, the researcher met academics, practitioners and government officials from across Bangladesh. Many conference attendees shared their business cards with the researcher. The first five key informant interviewees in BD were recruited via the social capital of the researcher and the rest of the research participants were selected using the 'snowball sampling technique'. There are three key categories of key informant interviewees in this study: visionaries, visionary and practitioner, and practitioner. Visionaries are those who significantly shaped RJ policy and practice in BC, NS and BD. These individuals acknowledged the necessity of restorative justice but were not directly involved in the day-to-day operation of RJ organization. Practitioners, on the other hand, are or were actively involved in the implementation RJ practices in the community. A number of participants straddled both categories. A total of 38 key informant interviewees, 19 for BC, 8 for NS and 10 for BD were selected (Table 3.2).

Table 3.2.   Key-Informant Interviewees' Backgrounds

Pseudonym	Research Site	Professional Background
BC 1	BC	Community-based organization
BC 2	BC	Government Agencies
BC 3	BC	Community-based organization
BC 4	BC	Academic Institution and Community-based organization
BC 5	BC	Government Agencies
BC 6	BC	Academic Institution
BC 7	BC	Community-based organization
BC 8	BC	Government Agency
BC 9	BC	Government Agency
BC 10	BC	Community-based organization
BC 11	BC	Government Agency
BC 12	BC	Community-based organization
BC 13	BC	Community-based organization
BC 14	BC	Community-based organization
BC 15	BC	Community-based organization
BC 16	BC	Community-based organization
BC 17	BC	Community-based organization
BC 18	BC	Community-based organization
BC 19	BC	Government Agency
BC 20	BC	Community-based organization
NS 1	NS	Government agency
NS 2	NS	Academic Institution
NS 3	NS	Community-based organization
NS 4	NS	Community-based organization
NS 5	NS	Government Agencies
NS 6	NS	Community-based organization
NS 7	NS	Community-based organization
NS 8	NS	Academic Institution
BD 1	BD	INGOs

Pseudonym	Research Site	Professional Background
BD 2	BD	Academic Institution
BD 3	BD	INGOs
BD 4	BD	Community-based organization
BD 5	BD	INGOs
BD 6	BD	INGOs
BD 7	BD	INGOs
BD 8	BD	Community-based organization
BD 9	BD	INGOs
BD 10	BD	Academic Institution
Total Participants: 38		

3.7.2. Survey Participants

This study used the web-based SurveyMonkey as a platform for conducting the survey in BC, NS and BD. In BC, more than eighty community-based RJ programs listed in the website of the Ministry of Public Safety and Solicitor General were selected for the survey. The survey hyperlink was sent via email to the executive directors and program coordinators. Two weeks after the initial email, and a week before the survey deadline, a reminder email was sent to all prospective participants. To maintain confidentiality, no identifiable information was collected in the survey. A total of 42 respondents participated in the survey from BC. Of them, seventy five percent are from community-based RJ organizations. On average, each participant took 16 minutes and 57 seconds to complete the survey. For NS, the survey instrument was sent via email to all RJ programs listed on the Nova Scotia Restorative Justice Program website (https://novascotia.ca/just/rj/). A total of 33 participants completed the survey. For BD, the survey link was sent via email to justice stakeholders and practitioners in a number of organizations. A total of 22 participants from various backgrounds completed the survey.

Table 3.3.   Survey Participants List

BC	Survey Response	Additional Survey Response
BC	42	20
NS	33	14
BD	22	16

3.8. Case Study

The case study method is used in this study to explore the genesis and praxis of RJ in British Columbia, Nova Scotia and Bangladesh. According to De Vaus (cited in Sawatsky, 2009, p. 78), the case study method is "particularly appropriate when we need to investigate phenomena where it is not possible to introduce interventions… Case study designs are particularly useful when we do not wish or are unable to screen out the influence of 'external' variables but when we wish to examine their effect on the phenomenon we are investigating". Yin (1993) explains the purpose of case study by saying the "investigation must cover both a particular phenomenon and the context within which the phenomenon is occurring". The three research sites—BC, NS and BD— were selected based on phenomenological criteria, which was that all three settings are examples of restorative justice practices and have contrasting factors contributed to their growth of RJ. Sawatsky (2009, p. 82) posed the following questions when selecting the sites for his research on healing justice:

1) Was there a large primary literature source?
2) Would I likely be given access to the group?
3) What makes a fruitful mix?

These reflective questions posited by Sawatsky (2009) also contributed to the selection of the three research sites in this present study.

3.9. Research Settings

Three settings—British Columbia, Nova Scotia and Bangladesh—were selected for this study and chosen as a function of the following reflections.

BC, Nova Scotia and Bangladesh: BC and Nova Scotia have the most comprehensive growth of restorative justice practices in Canada, but their contexts are distinctive in nature (Funk, 2012). Similar to BC and Nova Scotia, Bangladesh has seen immense growth of community-based justice practices. An example is that of a total of the 87,200 registered cases since 2010 in BD, 69,200 have been resolved through functional village court services (AVCBD Annual Report, 2014).

RJ growth: Most restorative justice practices in BC are community-led and community-driven (Gustafson, 2005; Morrison et al., 2019), whereas in Nova Scotia, the government agencies and institutions played a pioneering role and community members played a participatory rather than lead role (Archibald, and Llewellyn, 2006; Crocker, 2016; Crocker and Craig, 2011). In Bangladesh, a number of factors contributed to the growth of RJ and community-based justice practices. Case backlogs; active engagement of civil society organizations, such as Madaripur Legal Aid Association; and support from INGOs, such as UNDP and GIZ, played a significant role in the growth of RJ in Bangladesh (The Daily Star, 2015; Sinha, 2015). The diversity of ways in which RJ had developed in various settings influenced my choice of research sites since it allowed me to compare similar developments through dissimilar processes.

Social capital: Without gatekeepers, it is challenging for researchers to access participants (Broadhead and Rist, 1976). The researcher knows several gatekeepers and has social capital in the three settings chosen. Hence, convenience also played a role in site selection.

3.10. Ethical Considerations

This study has taken several ethical considerations into account.

Benefits to the participants: No financial benefit was offered to those participating in this research. The sole benefit to participants was their possible contribution to the shaping of future RJ practices in British Columbia, Nova Scotia and Bangladesh and perhaps beyond. Participants were given the opportunity to share their wisdom, knowledge and experience of RJ in BC, Nova Scotia and Bangladesh. Participants' enthusiasm and willingness to give long interviews shows there was perhaps something cathartic about the conversations.

Risk to the participants and researchers: This study posed minimal risk because there were no threats to individual reputations, and there was no foreseeable risk of physical or psychological harm to the participants. Confidentiality has been respected. Since this study explores the history, growth and development of RJ, the participants only shared their knowledge and experience. The participants were aware that if at any point they revealed any incident involving abuse and/or neglect of a child or an elderly person (or that there was a risk of such occurring) the researcher would be obligated, by law, to report such information to the Ministry of Children and Family Development in BC or the Child, Youth & Family Supports Dept. of the Ministry of Community Services in Nova Scotia, or to the Ministry of Social Welfare in Bangladesh, which may have chosen to intervene and report the incident to the appropriate authorities. This, however, did not happen during any of the interviews. There was no foreseeable risk to the researcher in this study either.

Method for maintaining confidentiality: Participants were accorded full confidentiality. To minimize any risk, the researcher did not collect any names or personal information, making written consent not necessary; an oral consent process was used. The researcher understands that REB prefers written consent, however, this study employed oral consent because the researcher determined in his previous study (2013s0483) that participants feel more comfortable with oral consent. After reading the consent statement, participants were asked if they understood it and if they had any questions. If there were no questions, the researcher asked the participants if they were willing to participate in the study. With the participants' oral permission, the researcher started the interviews. The oral permissions were not audio-recorded.

The researcher also showed key informant interviewees the "stop" button on the tape recorder and let them know they could stop the interview at any time. To ensure confidentiality on the researcher's part, all personal identifying information were removed from notes and recordings, and pseudonyms were employed throughout the study. In addition, by showing participants the pause button on the tape recorder, the researcher essentially also gave them a great deal of control. The researcher ensured that all questions and ambiguities surrounding the research were resolved before the start of an interview via oral consent.

Retention and Destruction of Data: Data (voice recording of the participants) were stored on a USB (memory stick). The USB was encrypted and is kept under lock and key. No one except the researcher had access to the digital storage during the transcription period. The transcription took place at the researcher's office at Saywell Hall 9075. The researcher will retain the transcription data for 2 years and then destroy it all.

3.11. Data Collection

This study collected data from both in-depth qualitative interviews and surveys. All thirty-eight qualitative interviews were audio recorded with the permission of the research participants. All audio recordings were transcribed verbatim. According to Seidman (2013), transcribing data collected in the qualitative method helps researchers to explore themes and identify patterns related to a particular phenomenon.

3.12. Data Analysis

Seidman (2013) explains three steps of data analysis—reading, marking and labelling. This three-step process provides ways to explore "threads and patterns" (Seidman, 2013, p. 127). Harding (2013, p. 83) identifies four steps of qualitative data analysis: 1) identifying initial categories, 2) writing codes alongside the transcripts, 3) reviewing the list of cods, revising the list of categories, and 4) looking for themes and findings. Creswell (2009, p. 185) proposes 6 steps for data analysis: 1) organization and

preparing, 2) reading through all the data, 3) coding, 4) identifying general themes and patterns, 5) identifying represented/common themes, and 6) interpretation.

On the basis of Creswell (2009), Harding (2013) and Seidman (2013), the researcher followed the five steps shown in Figure 3.1 as the data analysis method.

Step 1 Transcribing: One of the important steps for data analysis is transcription. According to Kowal and O'Connell (2014, p.66) transcription is an "inevitable" step for qualitative data analysis. All key informant interviews were transcribed.

Step 2 Reading and Skimming: The researcher spent a few months in the 'Reading and Skimming' phase. One of the techniques in this phase is "noting what is interesting" (Seidman, 2013, p. 127). Other ways to explore themes and patters are a) asking questions, and b) timeline technique. The 'asking question' technique provides the researcher with a tool to look for themes and patterns. Most importantly, it helps the researcher to "get pass[ed the…] initial block of not knowing where to start" (Corbin and Strauss, 2008, p. 69). This researcher used questions such as 'who contributed most'; 'who are the key actors' and 'which agencies or institution contributed most'. Using what Corbin and Strauss (2008, p. 72) referred to as "sensitizing questions" paved the way to form a preliminary draft on what contributed to the growth of RJ in BC, NS and BD.

Step 3 Marking and Coloring: In the marking and coloring stage, the researcher chose different colors to highlight areas that attracted his attention. For example, he chose 'gray' to mark areas where there are some confusions or needed more reading. He chose 'pink' for areas where interviewees shared their personal experiences. Yellow was chosen for areas bearing on the growth of RJ.

Step 4 Coding and Categorizing: This phase resulted in 'coding and categorizing'. Coding is relevant to the data analysis phase because "coding is analysis" (Miles and Huberman, 1984, p. 56). Seidman describes data coding as a process "[of organizing] excerpts from the transcripts into categories" (1998, p. 107). Ryan and Bernard describe coding in qualitative research as "finding themes" (2000, p. 780). This "explicit coding" mechanism is the first step in qualitative data analysis (Glaser and Strauss, 1967, p. 105). The researcher went through several versions of coding in this phase. Initially, the researcher identified more than 50 coded themes. Later, all themes were summarized

into 'inductive and deductive findings'. A technique that assisted in data analysis in this phase is timeline. In this research, using a time framework helped to organize transcribed data into different periods and phases. According to Corbin and Strauss (2008, p. 83) "…time words help us frame events, indicate conditions and are important when we are trying to identify context".

Step 5 General and Emergent Findings: All steps, from transcribing the interviews to finalizing results into a) general and b) emergent findings. General findings captured factors that contribute to the growth of RJ in BC, NS and BD, whereas emergent findings disclosed themes and discourses that are alive among RJ visionaries and practitioners at the research sites.

Transcribing	All key informant interviews were transcribed
Reading and Skimming	The researcher read and skimmed through all transcripts at least five times
Marking and Colouring	After getting some general ideas, the researcher marked and coloured-coded areas that interested him.
Coding and Categorizing	The researcher undertook multiple phases of coding and categorization
General and Emergent findings	Finally, researcher summarized results into a) general finding and b) emergent finding.

Figure 3.1.   Key Informant Interviews: Data Analysis Steps

3.13. Survey Analysis

The researcher used categorical data analysis technique for survey analysis. Categorical data analysis in survey contributes to "measuring attitudes and opinions" of the research participants (Agresti, 2012, p. 1). It can be presented in various forms, including tabular, and graphical forms. Tabular mode of data analysis shows data in tables and charts. Graphical analysis involves sharing data in graphs (Mcdowall and Murphy, 2018; Vaus, 2014). Both tables and graphs are used for survey data analysis in

this study. SurveyMonkey, a web-based platform, has been used in particular for categorical data analysis.

3.14. Dissemination of Results

It is expected that this study will be turned into academic articles for journal publication as well as for conference presentations. Participants were informed that if they wished to receive the results of this study upon its completion, they could contact the PI by e-mail.

3.15. Limitations

There are a number of limitations in this research:

Funding: Fieldwork required expenses including plane fare, accommodation and food. This research was not funded by any grants. That is why the fieldwork duration was limited.

Access to the participants: Getting access to the participants from three different communities was challenging. The researcher faced particular challenges in getting access to participants in Bangladesh. Many of their schedules were very full, especially those working for INGOs. For example, the researcher had to reschedule one of the interviews five times due to the hectic work schedule of the interviewee. It was also somewhat challenging to get an appointment from government officials.

Voices of visionary and practitioner: This study explored only visionary and practitioners' perspective on the growth of restorative justice in BC, NS and BD. It did not include the perspective of the victims and offenders. It also did not include the general community members.

In summary, this chapter discussed the research questions, researcher's methodological paradigms, instruments, such as in-depth qualitative interview and survey, and the process of data collection and analysis. Additionally, this section highlighted the notion of decolonization and restorative paradigm and its implication on

the research methods. The following chapter unearths factors that contributed to the growth of restorative justice in BC.

Chapter 4.

Findings: Restorative Justice in BC

4.1. Introduction

RJ has been formally introduced in British Columbia, Canada with the establishment of Community Justice Initiatives in 1982. Since then there have been ebbs and flows in the growth of RJ in BC. To date, there are more than seventy organizations that offer RJ practices, in service to the approximately 5 million people of BC (BC Government, 2019; PSSG, 2018). However, academic study on the factors contributing to this growth is limited. This study only finds that Morrison et al (2019) and Funk (2012) discussed RJ in BC, but neither incorporated the voices of visionaries in their work. Using in-depth key informant interviews, along with surveys, this doctoral research seeks to bridge these gaps. To do so, it examines the growth of restorative justice across BC. This study finds that the local community's involvement was of paramount importance to the growth of restorative justice. Key findings include the contribution of Community Justice Initiative Langley, the provincial government's support through Community Accountability Program and SFU's Centre for Restorative Justice. The study also illustrates how communities sustained RJ practices in the aftermath of major funding crises. A number of emergent themes are discussed: the role of written script, community praxis and debates over standards and standardization.

The findings are divided into (1) general, which corresponds to the research question: *"How has restorative justice praxis emerged in BC, NS and BD?",* and (2) emergent, which arose from the key informant interviewees and survey participants. The general findings reveal factors that contributed to the genesis of RJ in BC, whereas the emergent findings identified issues raised by RJ visionaries and practitioners in BC. The general findings emerge into three different phases – planting the seed, expansion,

70

broadening the horizon, stagnation and re-centering. The emergent findings include: 1) the role of community, 2) written script and non-written script-based RJ practices, 3) a standardization debate, 4) a disconnect between RJ and victim services, and 5) application of RJ for serious offences.

4.2. General Findings: Factors that contributed to the growth of RJ in BC

The general findings are categorized into three time periods with respect to the development of RJ: 1) 1980s: planting the seed; 2) 1990s: expansion of practice; 3) 2000s: broadening the horizon.

4.2.1.   1980s: Planting the seed

Faith traditions, such as the Mennonites, introduced restorative justice work to BC. Specifically, a small Mennonite congregation in Langley, BC—Langley Mennonite Fellowship—initiated RJ programs in that province. Several key informant interviewees confirmed this notion. BC 2 recalled that when he started RJ work in 1990s, it was mostly "Mennonite folks" who took a pioneering role in funding, establishing and promoting RJ practice. RJ work by the Mennonites in Waterloo, Kitchener, Zehr's work, and the conflict resolution and peacebuilding tradition of the Mennonites influenced LMF to start RJ in BC.

The Elmira Case of 1974, the first documented case of victim-offender reconciliation program in the world, influenced LMF according to BC 1. *"...they [LMF] had heard about it [Restorative Justice] from Kitchener, Ontario. Nothing of that sort existed here yet"* (BC 1). As the news of RJ work by the Mennonites in Waterloo reached BC, several people from LMF travelled there to learn about it. According to BC 16, who was actively involved with LMF, "*…in spring 1981, we went to Waterloo, Kitchener to learn about victim offender mediation program".* Later, two people from LMF attended a conference on RJ in Ontario that also influenced Mennonites in Langley in their understanding of RJ. BC 2 and BC 3 also echoed the impact of the Elmira case on RJ in BC.

Along with the Elmira case, BC 2 named David Worth and Mark Yantzi of Mennonite Central Committee as having positively influenced LMF. According to BC 2, they are *"unsung heroes… and deserve at least an honourable mention"*. BC 16 mentioned two individuals—a professor of sociology from Trinity Western University and Wayne Northey from Mennonite Central Committee—who influenced the Mennonite congregation in Langley. BC 16 also shared that Howard Zehr's work provided the vision for RJ work in BC.

Motivated by the Elmira case, the individuals from MCC, and the work of Howard Zehr, the LMF wanted to hire a pastor with some RJ background in their newly established Church in Langley, BC as part of their next step. Several congregation members went to Elkhart, Indiana to find such a pastor. BC 1 vividly remembers:

> *…some people had travelled down from Langley [to Indiana]. They were part of a little tiny house church, 'Langley Mennonite Fellowship' they called themselves, and they travelled down to the seminary in Indiana to see about whether or not there would be somebody there willing to come to this tiny church. I think it was eighteen adult members and about sixty kids and whether they could find somebody to come and pastor their church back.*

LMF offered David Gustafson, who was in seminary school in Indiana, the pastoral position; he accepted. When he started working as pastor, LMF allocated twenty-five percent of his time towards RJ, victim offender reconciliation in particular. *"That's the genesis of RJ in BC,"* according to BC 1. From the beginning, David Gustafson worked with local probation, the Crown, court and community members.

The formal journey of RJ in BC began in 1982 when LMF helped to establish Community Justice Initiative (CJI) in Langley. Later in 1985, CJI was formally incorporated into the Society Act and so was considered *"one of the first RJ organizations"* in Canada (BC 3). CJI, which BC 1 referred to as the *"little engine"*, had and continues to impact the growth of RJ in BC. Starting with Langley, CJI spread its RJ work via training and workshops. BC 1 recalled this expansion:

> *We had contracts through the entire Greater Vancouver Regional District to do victim-offender reconciliation in one jurisdiction after another. So, from Abbotsford to Richmond, I think, and certainly into Delta – South Delta and even across the river.*

CJI not only introduced the victim offender reconciliation program in BC, it also introduced RJ work in schools. One of the major contributions of CJI is their RJ training. They became the premier organization offering RJ training not only in BC but throughout Canada. According to BC 2, CJI also offered RJ training in Ukraine and the United States. BC 3, BC 6 and BC 9 also mentioned the pioneering role of CJI in BC and Canada. BC 4 shared both her appreciation for CJI's endless contribution and also her concerns:

> *…the presence of CJI, the longevity of that organization - it can't be underestimated. Their tirelessness in promoting and practicing restorative justice even when funding dried up has been remarkable. So I don't think we can ever again understand the impact of such a longstanding organization. So, in addition to what others have said, I just don't think we would be anywhere close to where we are without CJI. Having said that I have critiques of how they have failed to create a succession plan for their organization and that [sic] I watch that with such sadness. I see incredibly talented people come and go out of that organization.*

4.2.2.   Expansion Phase

In the late 1990s, the leadership of former Attorney General of BC, Ujjal Dosanjh expanded RJ programs, which jumped from a few to more than 60 during this period. Creation of the Community Accountability Program (CAP) by the then-provincial government fuelled this rapid expansion. Furthermore, the Royal Canadian Mounted Police (RCMP) E Division's extensive training on Community Justice Forum model of Restorative Justice also shaped RJ practices in this era. The following section discusses the findings in detail.

The provincial government and its CAP

The then provincial government under the leadership of Ujjal Dosanjh responded to the need for expansion of RJ through creating CAP. The provincial government saw the success of CJI. National and international success stories of RJ also attracted their attention. *"RJ was a frequent agenda in our meetings,"* remembered a top provincial government official (BC 9). As a result, provincial government formed *"an informal committee"* to understand ways to support RJ (BC 8). This informal community, with the

support of an internal research group of the province, produced the *"first restorative justice policy"* document in 1995, which was sent to community organizations (BC 8).

The leadership of the former attorney general, Ujjal Dosanjh, played an important role. BC 5 convincingly argued that,

> *…having the leadership of the attorney general, I mean, you have to have political leadership…you can't just do it as a bureaucrat. You can have great ideas as a bureaucrat, but if the AG had ever said, 'I'm not paid to stand up and defend this.' because he's the guy who has to do that then it would have been gone. So you have to have somebody open and willing to really think about that so you have to have leadership and have to be somebody who is willing to defend it.*

BC 5, BC 6 and BC 9 mentioned that a trip in 1997-1998, led by the former attorney general and his deputy, Maureen Maloney, to Australia and United Kingdom, contributed to the growth of RJ in BC. During the trip, the attorney general and his team witnessed RJ practices in-person and also met Dr. John Braithwaite and other scholars. These encounters shaped their views on RJ in a positive way. BC 5 shared why they thought the trip was important:

> *I think the trips made a big difference. I think they certainly made a difference to the Attorney General because he wasn't skeptical of restorative justice, but it wasn't something that was ordinary for him. He was a lawyer, he'd been in court etc. and so it wasn't something that seemed natural to him; natural is the wrong word but he was worried that it would be seen as a soft option.*

After the trip, the provincial government created the Community Accountability Program (CAP) in 1998, which expanded RJ in BC. CAP enabled a "core funding package" of CA$ 2500 per year from the provincial government to support community based RJ practices across BC (BC 9). Since then, more than 80 community-based RJ organizations have received financial support from CAP. BC 8, who was involved with the then provincial government, echoed that "seed funding" from CAP inspired many communities to establish RJ programs. Even though funding under CAP was limited— just CA$ 2500 per year—many RJ organizations wanted it due to insurance support: *"Even though the amount of money is limited, they do come with insurance – the master insurance plan and that was very appealing to a lot of CAP groups to get that insurance"*

(BC 2). A number of key informant interviewees, especially BC 2 and BC 5, expressed concern about the limited funding. Instead of funding so many programs poorly, they argued, the provincial government should have fully funded 10-15 effective RJ programs.

The next section discusses the emergent findings about RCMP's E Division, particularly its training and support of the Community Justice Forum.

RCMP and its Community Justice Forum

In the 1990s, along with the provincial government, the RCMP's E Division also expanded RJ practices in BC. The success and reputation of RJ, especially the work of policing agencies in Australia, attracted the attention of RCMP in Canada. According to BC 1, a number of RCMP officers visited Australia and got training on the Wagga Wagga model, a form of restorative justice practiced in Wagga Wagga, New South Wales, Australia. Besides RJ's reputation, dissatisfaction with the court system also motivated RCMP to explore RJ as a possible alternative to the criminal justice system, which—they felt—had become a *"revolving door"* (BC 5).

After their training in the Wagga Wagga Model, with the support of Terry O'Connell, RCMP developed a scripted RJ model known as Community Justice Forum (CJF). Soon after, RCMP started promoting the CJF model across BC with its "free training" (BC 3). Both support and training from RCMP influenced the expansion of RJ. According to BC 3, *"nobody was offering free RJ training except RCMP"* and RJ started becoming more mainstream.

BC 5 and BC 7 expressed satisfaction with and appreciation of RCMP's contribution to the development of RJ. CJF not only *"energized"* RCMP, it also added *"meaning"* in their work (BC 5). Nonetheless, BC 4 and BC 5 worried about police involvement in the RJ process. However, currently, RCMP does not prioritise offering training or promoting CJF in community. BC 6 summarized RCMP's position on RJ in BC thus:

> *…the RCMP was an early adopter of restorative justice in BC, thanks to Jim Cooley. They used to receive free provincial funding and offer free training at a local level across BC. But a few years ago the RCMP did a*

large systematic review of the practice of restorative justice in BC. And in that review process they decided that the [RJ] head of E division should focus more on internal professional development of members. So instead of using the resources to train community members, now they will train police officers to understand the process more so that they're more likely to refer.

In summary, the provincial government's financial and government support through its CAP and the RCMP's extensive training on CJF model across BC expanded RJ. More than fifty RJ organizations across BC emerged during this period.

The following section discusses the next phase—broadening the horizon in detail.

4.2.3. Broadening the horizon phase

As universities began to offer more RJ courses, Simon Fraser University's (SFU) Centre for Restorative Justice (CRJ), school districts, and the Ministry of Children & Family Development (MCFD), broadened the horizon of RJ in BC. RJ became more mainstream during this time. The vision and leadership of late Professor Elizabeth Elliott of SFU provided a framework and impetus for the growth of RJ in BC. RJ courses in university settings, such as in SFU and then Kwantlen Polytechnic University (KPU), raised awareness and knowledge of RJ in BC. The school districts also broadened the horizon. RJ practices went beyond being just an alternative measure in the aftermath of crime to the development of more proactive engagements, such as the whole school approach in schools. The MCFD's youth justice conference would become the latest program in the growth of RJ. This section ends with the findings on the newest RJ association, the Restorative Justice Association of British Columbia (RJABC).

RJ in University settings

SFU's School of Criminology and its Centre for Restorative Justice (CRJ) extended RJ practices from community to university settings. The late Dr. Elizabeth Elliott, known as Liz, was the "mastermind and visionary" of this development (BC 4). BC 3 referred to her as a "hands-on criminologist" who supported and mentored not only criminology students but also inmates, teachers and community members. Liz created

many undergraduate courses on Restorative Justice, co-founded CRJ and supervised graduate students whose research work on RJ added knowledge to the RJ movement (BC 6). Additionally, BC 4 noted that, along with SFU, KPU's Department of Criminology also offers many undergraduate level courses on RJ. According to her, *"SFU has been a leader"* in terms of offering RJ at a tertiary level. BC 7, in turn, shared the joy of seeing many graduates from these universities contributing to the field of RJ: *"I think RJ in BC is just probably the most advanced and… it's growing at a really rapid rate. Students who took Restorative Justice courses at SFU and KPU and those who will take class in future—all contribute to the growth. How great to see so many students interested in RJ. What amazing it would be to see them bringing uniqueness to RJ whatever community or organization they choose to work".*

BC 4, BC 6 and BC 18 commented further on how SFU's CRJ broadened RJ practices in BC. Since its founding, CRJ has hosted and sponsored many national and international conferences, including a major RJ conference in 2003, attended by experts from all over the world (BC 18). According to BC 4, the "*2003 conference was the biggest one. Many leading RJ experts from US, UK, Australia, and Europe attended this conference"*. Similarly in 2008, SFU's CRJ hosted another important conference where not only RJ experts and practitioners but also inmates from many prisons convened and contributed to thought-provoking ideas and discussions (BC 18). While SFU's CRJ played an important role in the growth of RJ, BC 4 expressed anxiety about the future of the centre:

> *I think that SFU's Centre for Restorative Justice has a reputation beyond Canada of being a leader. Unfortunately, I think when people get here [CRJ] they realize that it is a leadership of only one person really. That there is one faculty member who is carrying on Liz's vision and legacy. It has been very disappointing for me to see.*

RJ in Schools

Similar to RJ in university settings, the implementation of RJ programs in many school districts broadened the scope and horizon of RJ in BC. Several key informant interviewees—BC 2, BC 8 and BC 6—shared their perspectives on the implementation of RJ at the district level, particular Langley, Coquitlam and Burnaby.

The Langley School District came on board to experiment with RJ programs in 2000. According to BC 6, the Langley School District was an "early adopter" of RJ philosophy. As a result of support from CJI and buy-in from principals, teachers and parents, Langley School District mandated a restorative approach in 2006. Additionally, BC 2 mentioned a book—*Educating for Peacebuilding* by Catherine Bargen—which documented the collaboration between Langley School District and CJI to implement a restorative approach in school settings.

Other school districts—Burnaby, and Coquitlam—also contributed to a restorative approach to school. Specifically, according to BC 8, the Centre for Safe Schools and BC Youth Police Network enhanced RJ practices in schools in the 2000s. BC 6 also shared similar opinions. According to her, "*the Centre for Safe School was based in Burnaby. So that led to a big development of restorative justice."* According to BC 3, the "whole school approach" implemented by Langley and Coquitlam school districts ushered in the restorative approach in BC schools.

An important milestone of RJ in schools in BC, according to BC 6, was the development of a Graduate Diploma in Education on Restorative Justice in partnership with Simon Fraser University's Faculty of Education and School Districts. This diploma was first offered in partnership with the Coquitlam School District in 2017. BC 6 shared her reflections about this:

> *RJ in the early days was mostly seen as an alternative to suspension. Developing a whole school model of restorative justice has taken a long time but we're getting there.*

RJ at MCFD

The Ministry of Family and Children Development (MCFD), and Restorative Youth Justice Conferencing (RYJC) broadened the horizon of RJ in BC. Responding to the release of the YCJA in 2003 and the best practices from New Zealand's Family Group Conferencing, MCFD started RYJC in 2004. BC 1, BC 2 and BC 19 mentioned RYJC. Courts and crown counsel are the primary referral agencies for RYJC. Youth probation officers are usually trained as "conference specialists" and "community champions" in this RJ intervention (BC 19). According BC 19, currently seven

conference specialists facilitate MCFD's RJ programs across the province. BC 2, however, is sceptical about the impact of RYJC: "we don't know much about MCFD's RJ program. I wish more information are [sic] available to the public".

Provincial RJ Association

The establishment of the Restorative Justice Association of British Columbia (RJABC) is the newest RJ development in BC. With a slogan of 'Restorative Justice: Opportunity for all', RJABC aims to be *"a collective voice"* and *"hub"* for RJ in BC (BC 2). Offering training, setting principles and standards, and sharing best practices are also prioritised in this new RJ initiative. The inaugural Annual General Meeting of RJABC was held on April 26, 2019 (BC 17). According to BC 14, RJ advocates and practitioners from community, what she referred to as "RJ lifers", influenced the formation of RJABC:

> *RJ lifers realized the need for a provincial association and got together. A steering committee has been formed in around 2016. Representatives from different RJ organizations, including people from Indigenous Justice Programs, are part of the steering committee. We received some federal funding and formally incorporated into the society in 2018. The name we chose is the Restorative Justice Association of British Columbia.*

4.2.4. Other factors that contributed to the growth

The Passion and Optimism

Passion, dedication and optimism of RJ visionaries and practitioners sustained the growth of RJ with what BC 2 calls *"endless ridiculous optimism"* (BC 2). In the context of a major funding crisis from either federal or provincial government, these RJ visionaries and RJ practitioners did not lose their faith and hope in the programs. BC 1, BC 2, BC 3 and BC 5 shared several personal anecdotes and stories about this. BC 1 recalled a vivid dream about Kingston Penitentiary, which represents the criminal justice system, as well as a dream about *"five pins"* to unlock the gridlock between the criminal justice system and RJ practitioners. Both BC 1 and BC 3 cannot imagine that they would one day retire from RJ work because, to them, RJ work is *"deeply spiritual"* (BC 3) and *"meaningful"* (BC 1). BC 3 passionately shared, "*I don't have anything better to do. I don't think there is anything better to do. I find working in the field of restorative justice*

so fulfilling. So enriching. It's like the Hotel California - you can check out anytime you like but you can never leave."

Municipal Funding

Several key interviewees mentioned the role of municipal governments in sustaining RJ practices in BC. BC 2 observed that out of all RJ organizations, 8-10 functioned well due to funding from the respective municipal governments. BC 14, who is Executive Director of a successful RJ organization in BC, shared that *"almost 90% of funding used to come from the municipal government".* According to BC 14, municipal funding contributed to the sustainability of this RJ organization. BC 15 also echoed similar sentiments about funding from the City of Richmond. Almost 95% of the funding of this RJ program comes from the municipal government. According to BC 15: "*Funding from the municipal government was crucial to keep our program alive. Municipal funding also allowed me to work full-time and making sure that program is running with quality and care".* More importantly, according to BC 13, funding from municipal government kept RJ programs in BC "locally grounded":

> *[The] role of municipal government is very big because of the fact that a lot of these restorative justice programs developed in British Columbia are local organizations. It kept RJ in BC locally grounded. So, in order for them to be successful locally, you need local government's support. So, if there is no municipal government support, immediately there will be a major obstacle for those local organizations.*

The Provincial NDP Government

In July 2017, The New Democratic Party (NDP) came to power in the province with the assistance of The Green Party. Several key informant interviewees shared their enthusiasm, hope and concern with the new provincial government. Some, like BC 3, BC 13 and BC 14, expressed optimism about the provincial NDP government. BC 3 viewed it as *"promising"* for the future of RJ and believed that the NDP government showed a "*renewed commitment to restorative justice".* BC 14 also shared similar thoughts. According to him, *"Whatever we are hearing from people is positive so far. I know the current provincial government has spoken about restorative justice positively, that's excellent. So, I am quite hopeful."*

Nonetheless, BC 13 and BC 15 are pessimistic about the provincial government's role. BC 13 is not convinced that a "substantial increase" is going to happen to RJ funding. BC 15 summarized it well:

As of now, we heard so much rhetoric from the provincial NDP government. They said all the right things… But action did not catch up with their words. It is still the status quo. As of now I did not see any tangible supports such as funding or new legislation or training. Until I see something tangible it is still status quo.

4.3. Emergent Findings: Working Edges of RJ Praxis in BC

These emergent themes primarily arose from 19 key informant in-depth qualitative interviews. Responses from the survey participants also added insights to these findings. The five emergent findings on RJ in BC includes: 1) the role of community, 2) structured vs. non-structured script of RJ practices, 3) a standardization debate, 4) a disconnect between RJ and victim services, and 5) RJ with non-serious offences. The following section discusses these inductive findings in detail.

4.3.1. The role of community

"Communities are not at the periphery, rather they are at the centre of Restorative Justice in BC" (BC 13) summarizes how visionaries and practitioners view the role of community in RJ practices in BC. From the beginning of RJ in BC, the community played a leading role in the capacity of volunteers, facilitators, board members, donors, and supporters. Interviewees, like BC 1, believed the community members were *"oxygen"* for RJ in BC. It is the community that continuously helped it to *"grow and push"* (BC 2). Consistent ownership and support from the community also kept RJ in BC a largely grassroots movement. BC 2 witnessed that *"the most successful"* RJ programs in BC are the ones with *"community buy-in"*. She did, however, acknowledge that, along with the community's involvement, funding support from the government ensures sustainability and growth of RJ. Additionally, BC 2 named some community champions, like Dave Gustafson, Liz Elliott, Barry Stuart, and Brenda Morrison, who not only took on a leadership role, but also mentored the "second wave" of community leadership, such as Alana Abramson and Aaron Lyons.

Both the provincial and federal governments reinforce the community's lead. The former Attorney General, Ujjal Dosanjh, observed a number of RJ practices in Australia and the UK during a government trip, which influenced his understanding of RJ and his subsequent decisions. In the UK and Australia, the government agencies led most RJ practices. In contrast, BC 6 observed that during the major expansion phase of RJ in BC, the provincial government in the 1990s, with the leadership of former the attorney general and his deputy, took a *"fundamentally different approach"* to those of UK and Australia. BC 8 also affirms that the provincial government emphasizes that it is not the *"expert"*, but rather funder. The community is in the *"driving seat"* (BC 8).

BC 9, who was in an influential position of the provincial government, shared his reflection on the role of community in the early days:

> *…restorative justice can't function unless it's community driven. If the government is guiding restorative justice, then it's like another layer of courts. The idea is that you hand over some responsibility, and accountability. Let the community be responsible itself. Restorative justice can't function without trust of the community …The trust in the ability and the capacity of the community to be able to do what you want them to do. If you want to spoon-feed the whole program, then you really might as well have the restorative justice operating out of the attorney general's office.*

When survey participants were asked about their opinion on *Restorative Justice as a community-born, community-based and community-led practice,* almost 85% agreed it is (Figure 4.1). Responses from the survey participants are in line with key informant interviewees. Only 3% disagreed with the idea of community-based and community-led ethos.

82
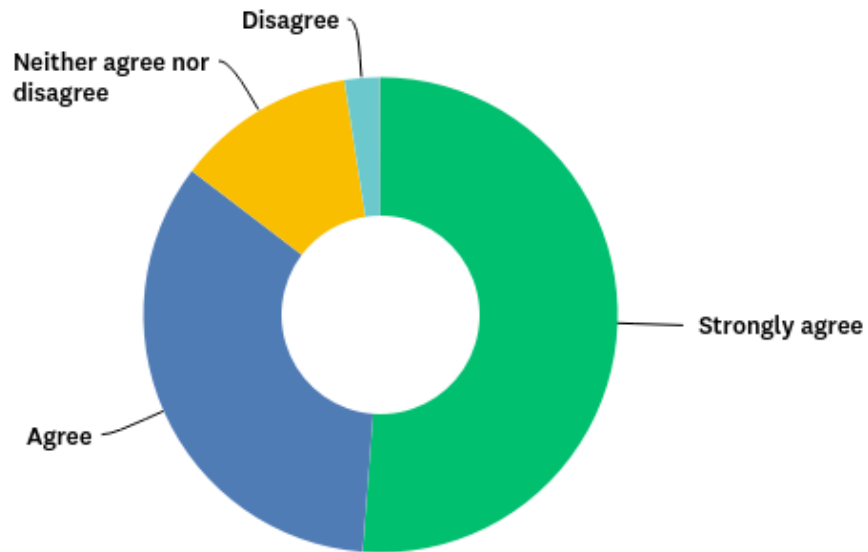
Figure 4.1. **Restorative Justice is a community-born, community-based and community-led practice**

In summary, both the key informant interviewees and survey respondents shared similar views about the role of community in RJ in BC. Since its inception in the 1980s, the community has been playing an active role in the growth and development of RJ in BC.

4.3.2. Scripted and non-script based RJ practices

This study revealed debates over the structured script and non-structured script in the RJ process. Structured script in RJ indicates that the practitioners use "cards" or follow a formal structure from the pre-conferencing to the post-conferencing process. An example of this type of RJ model is the Community Justice Forum. In a non-script model, process is not structured, rather RJ facilitators follow certain values and guidelines. Process, structure and guiding questions in this model vary from conference to conference. An example of this model is Community Justice Initiatives' Victim Offender Mediation. Interestingly, the debate on this issue is not new in BC. BC 6 recalled that in late 1990s, the *"bigger issues"* among RJ practitioners was whether "*…you are in favour of written script or no script."*

BC 2 traced the origin of script-based and non-script-based models in BC. According to her, programs such Communities Embracing Restorative Action and North

Shore Restorative Justice Society received training from CJI, and, therefore, remained largely non-script based, whereas Touchstone Family Association's RJ program and Cranbrook received training from RCMP and largely remained structured script based. In short, *"So there was sort of these two main influences… the CJI influenced [non-script based] and the RCMP's influenced [script-based] CJF model"* (BC 2). BC 4 viewed scripted model as process based, whereas non-scripted model was value based.

Many interviewees expressed their concern about the written-script or scripted model of RJ. BC 1 found this model to be "*flawed*" because the training of this model is not rigorous. According to him, "…*it's easy to train people in a couple of days to do it [CJF] because you're just walking around with a little card and a script*" (BC 1). BC 4 also expressed her concern and said the scripted model is not an "emotionally intelligent" model. According to her, the formulaic process of the written script is dry and disconnecting and therefore does a *"disservice"* to the movement of RJ (BC 4). Additionally, BC 4 shared her extreme frustration with the scripted model because in many jurisdictions in BC, RCMP not only promoted it but also referred cases to RJ programs that followed the scripted model. While expressing her concern, she shared, "*It [RJ] was never about quantity of referrals; it was never about cycling people through or bragging about we've got this many cases or that many cases. RJ is about relationships and fundamentally a paradigm shift. I don't see that in scripted model. It is (CJF model) against RJ values and principles"* (BC 4).

Two interviewees believed the scripted model had positive influences. BC 17 considered the structured script as a "*guideline* and *safety net*":

> …*when I started facilitation, I followed the script down to a T because I felt really uncomfortable… I was like 'I don't wanna mess this up' so you follow the script…the scripts are just kind of a guideline and safety net.*

BC 12 also articulated the role of written script in RJ process:

> *I think it comes with experience. Personally for me, I sometimes… add questions, sometimes I will drop questions from the written script. Like for example if conference participants are really open with what has happened and during the storytelling stage they have already answered most of the questions then I'm not going to go back and make them*

reiterate everything they have just said. So I'll, yeah, adjust it according to the need of the facilitation at the moment.

Finally, BC 3 and BC 6 were convinced that the province and RCMP are slowly transitioning towards a non-scripted model. According to BC 3, a more *"organic"* and *"naturally evolved"* model, not a scripted one, is always conducive not only to addressing diverse justice needs but also ensuring flexibility and creativity in the process.

In the survey (Figure 4.2), when asked '*What is your opinion of the written-script'* in the RJ process, only 30% shared that the written scripts are *not helpful,* whereas a majority of 65% found the written script *helpful*. Findings from both the survey and the key informant interviewees show that there are both strengths and challenges to the structured script.
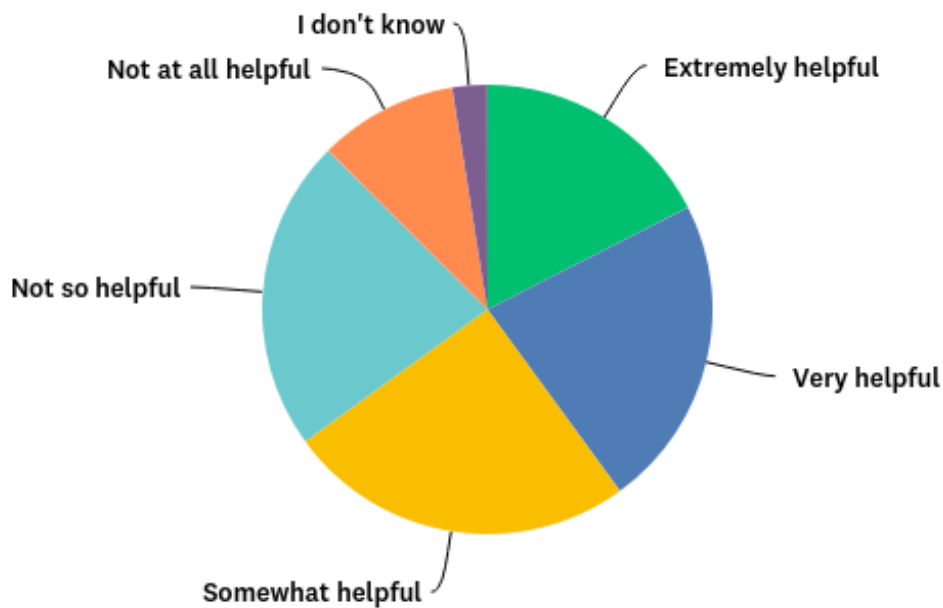
Figure 4.2.   Survey participants' opinion of the 'written-script' in RJ process

In summary, the debate over the use of scripted model is alive in BC. It is even reflected among the survey participants where 65% of them shared that they found written script 'helpful'. This study, nonetheless, argues that the relevancy of the scripted model is slowly decreasing. The RCMP not offering free training on the CJF model may be a reason for this.

4.3.3.   Standardization Debate

The third emergent finding in this study is the debate over standardization of RJ practices. Many participants shared their opinions about the danger of standardization. Some argued that any type of standardization would diminish *"flexibility and creativity"* in the RJ process (BC 4). Many interviewees believed that standardization would *"professionalize"* the RJ process and therefore the community's ownership may be compromised (BC 3). Additionally, regulation and standardization take a "*top down*" and "*hierarchical approach*", so the community loses interest in this approach (BC 18). BC 3 would like to see the RJ process be "*self-designed, self-maintained and self-transformed*", not "*controlled*" by government agencies. BC 5, however, is ambivalent about this:

> *I've got two contradictory hopes…one is I hope that it [RJ] becomes much more systematized in the sense that it becomes really grounded in a way that it's like the court system. It's like we have restorative justice, we have the courts and they're all on an equal basis. So in that sense systematized and regularized. But as I say that, I also fear that it then becomes too regularized and too systematized because I do think that community involvement is absolutely crucial to it. And the more it gets divorced from community, in terms of being regularized and systematized it moves away from that idea. So I want somewhere in between because I think just the community by itself doesn't have the resources, doesn't have the sustainability, so I kind of like midway and I don't know that …model is, but that I want something that has got that midway model.*

Like the key informant interviewees, survey participants also supported the idea of creating some measurable guidelines for RJ practices, shown in Figure 4.3. Approximately 85% of the survey respondents shared favourable views of measurable guidelines for RJ practices, whereas only 5% disagreed on this issue.
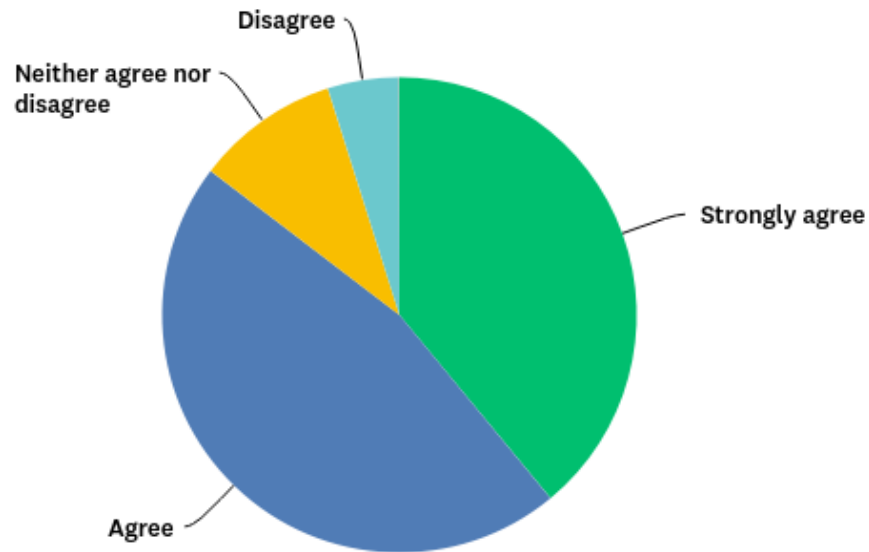
Figure 4.3.   Opinion on measurable guidelines for RJ practices

In summary, this section captured the various views regarding standardization. Among the survey participants, the majority would like to see some measurable guidelines. However, an overwhelming number of key informants do not want to see standardization of RJ. According to them, it will diminish RJ's creativity and flexibility as well as community control.

4.3.4.   Disconnect between RJ practice and victim services

The fourth emergent finding in this study is about the disconnect between RJ and victim services. Many key informant interviewees shared their concern about the growing disconnect between RJ organizations and victim services in BC. Several factors that contributed to this distance and disconnect, including the creation of CAP, poor services, and lack of interaction between RJ and victim services.

The premise and language of CAP by the provincial government is *"offender-focused"* (BC 10). BC 4 argues CAP was created to support young offenders. "…*that's just a human tendency to want to take care of this young person in front of you",* according to BC 10. She believes that the "*breakdown of relationship*" between RJ and victims service organizations started because CAP limited referrals for RJ programs exclusively to non-violent young offenders (BC 10). Another reason for the disconnect

between RJ and victim services is that existing RJ programs in BC did a *"poor job"* encouraging victim participation (BC 18). BC 4 argues that RJ in BC failed to support victims in "*a meaningful way*". Additionally, BC 4 mentioned a study that asked volunteers in restorative justice programs about why they volunteer. In the study *"…over 80 percent said something to do with an offender. It was miniscule those who said because I want to serve victims"* (BC 4).

BC 2, nonetheless, is unsure about what created the disconnection; she recalled the early connection between RJ and Victim Services:

> *In the late nineties there was more hopefulness amongst victim service providers for restorative justice. They [victim service organizations] saw the vision of restorative justice along with their own vision…whenever I talk about the genesis of restorative justice I talk about the victims' rights movement. I talk about how the push to have more victim sensitive justice will give us more inclusive justice. I don't know what happened but I feel that the disconnection is growing with RJ and victim services.*

Among the survey participants (Figure 4.4), approximately 73% of the participants mentioned that their RJ programs include both victim and offenders, whereas only 5% categorized their program as offender or victim focused. The survey results affirm the need for victim service organizations as most of the RJ programs include both victims and offenders. Survey results also challenged perceptions that RJ practices in BC are offender focused. Even when listed in 'other' section, five out of seven survey respondents shared that their programs are both victim and offender focused. Interestingly though, one participant shared that their RJ practices can be described as community centric, as "*participation of all stakeholders*" is important in RJ (BC Survey Participant 4).
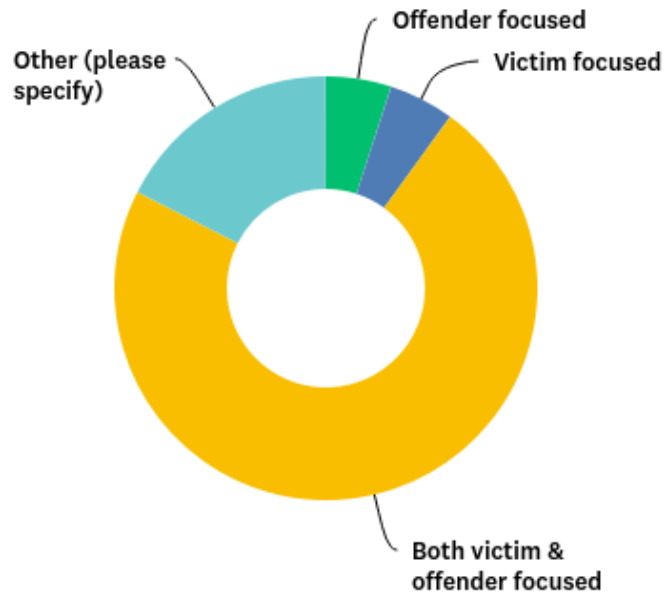
Figure 4.4. **Opinion of the survey participants when describing the nature of their RJ practices**

Survey participants overwhelmingly responded positively when categorizing the importance of 'inclusion of victim', inclusion of offender and 'inclusion of community' and also affirm that all stakeholders—victim, offender and community—are important in RJ practices in BC (Figure 4.5).
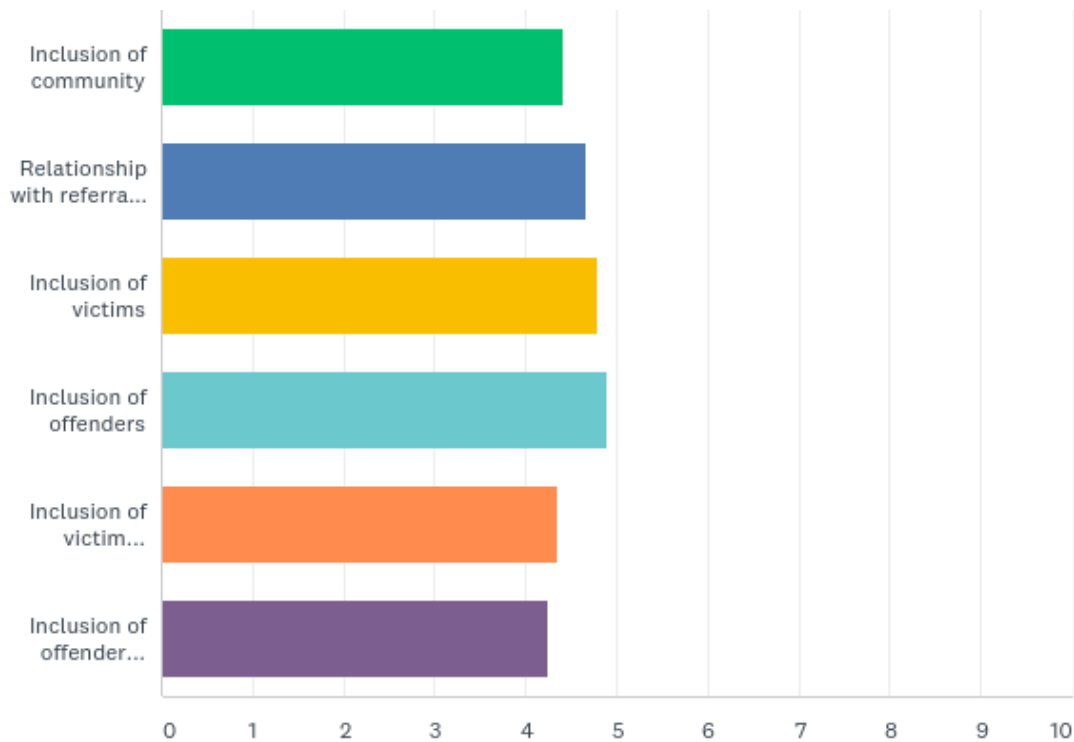
Figure 4.5. Opinion of the survey participants on the importance of the inclusion of victim, offender and community

In summary, this study captured the growing disconnect between RJ and victim-services. The lack of meaningful interaction between RJ and victim services is one of the reasons for this disconnect. Even though RJ is primarily a victim-led and victim-focused approach, many RJ practices have heavy focus on the offender's rehabilitation and less focus on victims and their healing and restoration.

4.3.5. Application of RJ for serious offences

The final emergent finding on RJ in BC is that CAP programs are limited to the use of RJ for non-serious offences. Many interviewees working within government agencies mentioned that RJ is only appropriate for non-serious offences. As BC 9, who held a key position in the provincial government, shared: *"…drug dealers, people who sell drugs to support personal habit, not the traffickers who make money, non-violent offenders, common assault, and criminals. None of them should even go to trial. I mean, those kinds of cases should be sent into the restorative justice stream".* Another participant shared the same sentiment that RJ is for only non-serious offences: *"I would like to see*

90

RJ as the only way to deal with non-serious offences, and I don't just mean for first-time offenders. I mean all non-serious offences for all, really all offenders" (BC 8).

Both Participants 8 and 9 opposed using RJ for serious offences. *"…I certainly wouldn't be a proponent that it be used for, you know, the most heinous kinds of offences, you know, like murder. Some think that that's where it should go, you know, domestic violence, and I don't know that there's a place there"* (BC 8). BC 9 believes that the public is not ready to apply RJ for serious offences:

> *…for violent offenders, for serious, violent offenders, restorative justice… won't be accepted. Ultimately, the society has to accept it, because if the society doesn't accept it, then it doesn't work… So if you do RJ with seriously violent offenders then the society might not accept it. The victims might not accept it, and it might not be good for the offenders either. They probably need something than simple restorative justice, no matter how sophisticated it is in the way you deliver it.*

Along with serious and non-serious offences, BC 5 also argued that the public may not accept RJ for adults:

> *…the more you get into more serious offences, the less people bought into it. I mean people who actually bought into the idea of restorative justice, if you kept the sort of more minor offences then adults, and juveniles too, but the moment we started moving into adults and that there was a lot more pushback by a number of different people I think. So there's much more of a sense that yeah, we should give young people another try... But the more you've moved into sort of serious offences and the more you moved into adult offences, people were less willing to sort of get.*

An overwhelming majority of the survey respondents believed that RJ should be applied for serious offences. When asked, *what is your opinion on the use of RJ for serious offences*, majority of the survey respondents (Figure 4.6) expressed that they are in favour of applying RJ for serious offences.
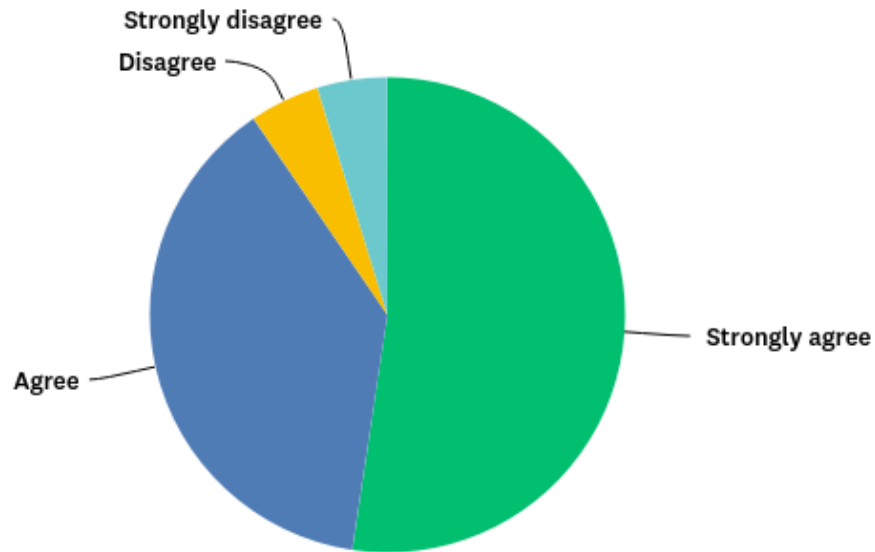
Figure 4.6.   Restorative Justice can be applied in serious offences

In summary, this study finds that key informants working for government agencies shared common concerns about the use of RJ for serious offences. Contrastingly, key informants working in community-based organization expressed positive views about the application for RJ for serious offences.

In summary, the emergent findings capture the debates prevalent among visionaries and practitioners in BC. Both key informant interviewees and survey participants have reinforced the role of community as the "*oxygen*" (BC 1). The relevancy of a scripted model is heavily contested. Findings shows that BC's visionaries and academics would like to see more "*organic*" and "*naturally evolved*" RJ models than those of scripted RJ practices (BC 3). Debates and challenges with standardization also emerged in this research. This study finds that guidelines, values, principles and showcasing best practices are more welcomed than a structured standardization method. Finally, on the issue of RJ for serious offences, key informant interviewees expressed mixed reaction, whereas the survey respondents shared an overwhelmingly positive view.

4.4. Survey Findings

Along with key informant interviewees, this study also employed a survey to capture the perspective of the wider RJ community on what contributed to the growth of RJ in BC. Forty-two participants completed the survey. Approximately 57% of the survey participants (Figure 4.6) believe that volunteers played a 'very important role' in the growth of RJ in BC. In contrast, only 5% believed that federal government's supports played a 'very important role'. The contribution of victim services organizations and Crown counsel also ranked low as regards the growth of RJ in BC. In this survey, almost 19% of the participants think Indigenous healing practices played a 'very important role'. An important highlight is that approximately 45% of the survey participants think that the federal government 'did not play any role' in the growth of RJ in BC. Overall, government agencies, such as the federal government (45%), the provincial government (13%), municipal governments (15%), and Crown Counsel (18%) are ranked as the least important factors in the growth of RJ in BC.

	1	2	3	4	5	TOTAL	WEIGHTED AVERAGE
Funding and support from Federal Government	44.74% 17	13.16% 5	23.68% 9	13.16% 5	5.26% 2	38	2.21
Funding and support from Provincial Government	12.82% 5	20.51% 8	30.77% 12	23.08% 9	12.82% 5	39	3.03
Funding and support from Municipality	15.38% 6	10.26% 4	17.95% 7	33.33% 13	23.08% 9	39	3.38
Support and advocaty from Civil Society Organizations and non-profits	5.13% 2	10.26% 4	25.64% 10	23.08% 9	35.90% 14	39	3.74
Support from Volunteers	7.69% 3	5.13% 2	7.69% 3	23.08% 9	56.41% 22	39	4.15
Support and advocacy from Community members	7.69% 3	7.69% 3	15.38% 6	38.46% 15	30.77% 12	39	3.77
Referrals and supports from RCMP & other agencies	0.00% 0	10.53% 4	13.16% 5	39.47% 15	36.84% 14	38	4.03
Partnerships with Victim Services	17.95% 7	30.77% 12	28.21% 11	12.82% 5	10.26% 4	39	2.67
Partnerships with Crown Counsel	18.42% 7	34.21% 13	21.05% 8	21.05% 8	5.26% 2	38	2.61
Role of Indigenous healing practices	5.41% 2	16.22% 6	35.14% 13	24.32% 9	18.92% 7	37	3.35

Figure 4.7.   Survey participants' opinion on the growth of RJ in BC.

When asked '*what else contributed to the growth of RJ in BC',* the survey participants also mentioned other factors that influenced the development of RJ in BC, such as the impact of the YCJA, strong partnership with local police agencies, successes with high profile RJ cases, and changes in the provincial government. Some of these responses are listed below:

> *Youth Criminal Justice Act requirement to divert young offenders into community programs* (BC Survey Participant 4).

> *Federal and provincial agencies that have been using RJ like Conservation, MCFD youth probation, Federal Department of Fisheries and Oceans, and BC Corrections* (BC Survey Participant 13).

Provincial Government Community Programs Division has been huge in keeping RJ going. The training developed by the RCMP has been huge and consistent (BC Survey Participant 42).

*Close relationships with political officials, NPO's, various (23) referral agencies and organizations, careful board-level governance, solid working relationship with media, good connections to schools and college, working with faith communities (*BC Survey Participant 16*).*

Change in provincial government, however recent privacy measures have decreased our referrals dramatically (BC Survey Participant 8).

Testimonies from high-profile people who has participated in RJ (BC Survey Participant 26).

Strong partnerships with local police departments (BC Survey Participant 17).

In summary, the survey participants identified some institutions that key informant interviewees did not mention such Department of Fisheries and Oceans, and BC Corrections as factors that contributed to the growth of RJ in BC. Additionally, the survey participants mentioned the 'role of media', and 'success of high profile cases' that contributed to the genesis of RJ in BC. The common factors, shared by both key informant interviewees and survey respondents, which contributed to the genesis of RJ in BC include dedication from community volunteers, support from RCMP, funding from CAP and buy-in from school districts.

4.5. RJ as Relational Theory of Justice: Implications for BC

Equality of relationships is central to the idea of relational justice theory. Both general and emergent findings in BC reveal a number of factors that resonate with relational understanding of justice. Firstly, the genesis stories of BC reveals that relationship with each other as a small congregation in Langley Mennonite Fellowship (LMF) helped them to explore RJ. Additionally, LMF and their relational connection with Mennonites in Elmira, Ontario and Elkhart, Indiana contributed to their visit and subsequent decision to hire a pastor who became one of the early pioneers in RJ in BC. In other words, individual and communal relationship helped LMF not only to learn from Elmira, Ontario, but also to hire a person who had knowledge and experience with restorative justice (BC 16). Secondly, both the quality and equality of relationships

95

between and among the stakeholders were present in gatherings, meetings and interaction with Liz Elliott. For example, both BC 3 and BC 12 referred to the "*Sunday Supper*" gatherings where people from prisons, academic institutors, and community used to meet. This study frames these meetings as a 'reflective community' where relationship is a core foundation. Thirdly, institutionally, this study finds some relational changes across numerous school districts and government agencies. For example, BC 6 mentioned the Centre for Safe School and graduate diploma at Simon Fraser University that brought numerous stakeholders, such staff, teachers and student, together. Finally, this study finds that the RJ training and workshops offered by RCMP have had a positive relational impact on police officers. For example, BC 5 mentioned how many RCMP officers found meaning and satisfaction in their work when they are involved in restorative justice.

With regard to emergent findings, this study posits that the debate surrounding scripted and non-scripted models is centered on whether it contributes to nurture relationships with stakeholders involved in the process. Due to its formulaic nature, the scripted model does not help to build just relationships. For example, BC 4 mentioned that the scripted model is *"disconnecting"* and *"not emotionally intelligent"*. Similar sentiment was also expressed in the debate over standardization. BC 18 succinctly articulated how the standardization process has a "*top down*" and "*hierarchical approach*", which is not conducive towards nurturing relationships.

4.6. Conclusion

This chapter reveals the factors that contributed to the growth of RJ and the working edge of praxis in the context of BC. It also reveals the role of community and the provincial government. Directly addressing the research question *'How did Restorative Justice practice develop in British Columbia*?', this study finds the role of Langley Mennonite Fellowship (LMF) and Community Justice Initiative (CJI) as the planter of the seed of RJ in BC in the 1980s. The contribution of David Gustafson, Executive Director of CJI, is a highlight of this phase. RJ significantly expanded during the leadership of former Attorney General of BC, Ujjal Dosanjh in the 1990s. With the establishment of the Community Accountability Program (CAP), RJ programs were established across BC.

Coupled with support from RCMP, RJ programs drastically increased from just a handful to more than 60 during this time. Finally, a number of key informants regarded the contribution of late Professor Elizabeth Elliott as instrumental to the genesis and expansion of RJ in BC. The role of school districts, academic courses in university settings, and the establishment of the Restorative Justice Association of British Columbia are also factors that influenced the growth of RJ in BC.

This chapter also reveals the working edge of praxis that emerged during the conversations with key informant interviewees. The role of community, debate over the use of the scripted model, the issue of standardization, and the application of RJ for serious offences are key findings. The survey respondents added depth by sharing their opinions on these emergent findings. The emergent themes discussed in this chapter may also be pertinent to other provinces in Canada. This study posits that the debate over scripted and non-scripted and standardization are deeply embedded in the research participants' understanding that it hinders relationships between and among stakeholders. A possible interpretation is that those who believe in the importance of equality of relationships between and among stakeholders tend to oppose the idea of scripted model and standardisation. Similarly, those who focus more on process than relationships may feel less reluctant about the scripted model and standardization. A future study with a specific focus on the research participants' motivation and relational understanding and its impact would provide more nuances on understanding the relational theory of justice and its implications for scripted, non-scripted and standardization debates.

Sample size and time limited the study. Inclusion of more interview participants, particularly from rural areas in BC, and follow-up interviews with the key informants would have added more nuance to the data. However, due to the time limit for this doctoral study and funding challenges, inclusion of more research participants and follow-up interviews were not feasible.

The next chapter focuses on the factors that contributed to the genesis of RJ in NS.

Chapter 5.

Findings: Restorative Justice in Nova Scotia

5.1. Introduction

Nova Scotia (NS) has seen the most systematic growth of RJ in Canada (NS 5). Initially moving from a pilot RJ phase to province-wide implementation for young offenders, more recently in 2017, a similar model was used to implement RJ for adult offenders. NS has received national and international attention over its innovations in RJ. Although extensive articles and reports have been published about the RJ movement in Nova Scotia, most focus mainly on the impact of RJ practices. Few peer-reviewed journal articles document the factors that contributed to the actual growth of RJ in NS. To address this research gap, this present study employed nine in-depth key informant interviews and a survey. Three distinct stages – Early, Catalytic and Innovative – emerged as salient stages in shaping the growth of RJ in NS. This study also reveals contemporary discourses and issues prevalent among RJ visionaries and practitioners, such as relational theory of justice and the moratorium in NS against the use RJ for gender-based violence.

The findings are presented in general and emergent themes. General findings are the results of the research question: *How has restorative justice praxis emerged in BC, NS and BD?*. Emergent findings are the additional themes identified in the in-depth qualitative key informant interviews and survey. The general findings captured features that contributed to the growth of RJ in Nova Scotia, including the instrumental role of Danny Graham, a former defence counsel; establishment of the Nova Scotia Restorative Justice Community University Research Alliance (NSRJ-CURA); and the contribution of Professor Jennifer Llewellyn at Dalhousie University. The emergent findings documented ideas and themes that are relevant to RJ visionaries and practitioners in

NS. Some of the key findings in this category include debates over the moratorium against the use of RJ in cases of intimate partner violence and sexual violence, the role of community, the role of the Mi'kmaq First Nation, and the role of provincial government. Both the general and emergent findings not only portray the growth of RJ, they also reveal the working edge of issues that are important for its future in NS. Combining both findings, this study concludes that the Province of Nova Scotia has been experiencing significant systematic growth of RJ. The following section discusses each set of the findings in detail.

5.2. General Findings: Factors Contributed to the growth

General findings are divided into three pivotal stages—Early, Catalytic, and Innovative—in the growth and development of Restorative Justice in Nova Scotia. NS 2 called these phases "*stopping points*" that mark different junctures of the growth and development of RJ in NS.

In the early stage in 1980s, the presence of dispute resolution practices, the legal framework of the Young Offenders Act (YOA), and the dissatisfaction of justice stakeholders with the existing Criminal Justice System (CJS) set the foundation for the growth of RJ in Nova Scotia. In the Catalytic stage in the 1990s, an elite connection given by the support, active engagement and influence of key contributor Danny Graham, a former defense counsel, was instrumental to the development of restorative justice in Nova Scotia. During this stage, ripple effects spread RJ systematically from the pilot testing to the whole province. Buy-in from all justice partners—police, crown, court, corrections and the community—are the highlights of this phase. Finally, the arrival of Professor Jennifer Llewellyn at Dalhousie University's Schulich School of Law in 2001 marked the Innovative stage for RJ in NS. A number of innovative RJ practices are testaments of this phase, which include instituting RJ at Dalhousie Dentistry's Sexual Scandal incident, learning communities, RJ in public schools; and RJ in NS's Human Rights Commission. As well, restorative inquiry process was implemented in the Nova Scotian Home for Colored Children.

The following section discusses the three pivotal phases of RJ development in detail.

5.2.1. Genesis Phase: Primary Foundation

Three factors set the foundation for RJ in Nova Scotia. Some early dispute resolution practices legislated under the Young Offenders Act (R.S.C., 1985, c. Y-1) and dissatisfaction with the criminal justice system contributed to the genesis of RJ in Nova Scotia.

Dispute Resolution Practices in Nova Scotia - 1970s

Dispute resolution practiced in various communities of Nova Scotia in 1970s was a precursor to current RJ practices in that province. These practices include "Community Accountability Boards", "neighbor-to-neighbor dispute resolution" and "Community Justice Centres" (NS 8). NS 3 added that these "conflict resolution" practices were not common in all communities in Nova Scotia because the general public was unaware of such practices, plus people, in general, had a more "punitive mindset" (NS 3). Even though these early dispute resolution practices were not called restorative justice, NS 8 is convinced that these practices had some influence from RJ practices used by the "Mennonites in Waterloo, Kitchener" in the 1970s.

These conflict resolution processes were conducted as the "Youth Diversion Program" under the Young Offenders Act (NS 4). Additionally, NS 4 noted the following:

> *….in the mid '80's, Nova Scotia already invested in a network of very marginally funded community organizations that were doing youth diversion. So, there was this network of Not-For-Profit organizations that were sort of subsidiary to our corrections division and took that youth diversion work under that very limited vision of [the] earlier Young Offenders Act legislation.*

Young Offenders Act (YOA) – 1980s

A number of key-informant interviewees in NS discussed the role of the Young Offenders Act in the spread of different conflict resolution and youth diversion practices in 1980s. Participant NS 3 shared how the YOA provided a framework for conflict resolution and mediation practices: *"…the former legislation [YOA] that governed youth justice administration had a provision to allow for alternative measures".* NS 8 also mentioned that:

[The] Previous Act [YOA] [had] allowed some sorts of diversion practices. It was not a bad Act. Most of the dispute resolution practices such as mediations were happening because [of] the Young Offenders Act... Definitely the YCJA [Youth Criminal Justice Act] provided more explicit support in this regard.

In addition, NS 5 explained that there was a "more just outcome" with conflict resolution and mediation practices as a result of the YOA. "….*people were describing that they felt more satisfied with conflict resolution and mediation practices. There was a more just outcome. Those sentiments really, really encouraged all of us to embrace a restorative approach, and to embrace a restorative practice*". More importantly, NS 4 argued that YOA's youth diversion policy "*ushered the door*" for the YCJA of 2003.

Dissatisfaction

Even though conflict resolution and mediation practices under the YOA experienced some success, incarceration rates of young people in Nova Scotia were "bizarrely high" (NS 4). Other key informant interviewees, NS 1, NS 2, and NS 5, shared that there was growing dissatisfaction among justice stakeholders about the outcome of the Criminal Justice System (CJS). This dissatisfaction with the then CJS ultimately convinced "justice stakeholders and legal scholars" to accept the "*restorative justice approach*" (NS 3). NS 1, who was intimately connected with criminal justice, vividly described his own dissatisfaction:

> *…there was a tragic case in Nova Scotia involving two young sisters who were innocently standing at a bus stop in Dartmouth, and a young man who had been driving a car that he had recently purchased recklessly had lost control of this car and he killed both of these young girls. And it was as sad and tragic as any story we could have imagined in Nova Scotia. And the sentence that he received from the judge was the maximum sentence in Canadian law that one could receive on what was known as a conditional sentence. So it was two years essentially of house arrest. …the community was outraged because they thought that the only measure of justice was a jail sentence, imprisoned for life, or worse. …the incoherence of the public discourse at this time left me quite troubled. And… at the peak of this turmoil, I didn't sleep for an entire night, like I turned in my bed and it was… and when I got up the next morning I realized I have to do something about this, and so I knew the justice minister, at that time I'd never been involved in politics but I just happened to know him as a family friend, so I called him, he returned my call, and… I said 'there can be a better approach to justice that doesn't*

leave our community so fragmented, would you be interested in talking about it? It's called restorative justice'. And he said 'sure, what are you doing for lunch?', and we had lunch that very day and I explained to him what restorative justice could be, he showed a genuine interest, he brought his senior officials together and from there we all started to build in a certain direction.

In summary, early dispute resolution and mediation practices, the legal framework under the YOA, and overall dissatisfaction of the justice stakeholders with the existing criminal justice system provided a foundation and thus contributed to the genesis of RJ in Nova Scotia. It can be argued that the informal genesis of RJ in NS is embedded in the justice system since "local justice stakeholders" were the primary proponents and initiators of conflict resolution practices (Archibald and Llewellyn (2006, p. 302). Additionally, this study also found that community members participated in these initiatives. So the nexus between academic, justice stakeholder and community was present even in the early days of RJ in NS. The findings also affirm the argument by Archibald and Llewellyn (2006, p. 303) regarding the genesis of RJ in NS:

Community justice organizations were present from the beginning, in the form of alternative measures societies and representatives from Aboriginal communities, but they were not initiators of the program.

The following section—the Catalytic stage—discusses findings that systematically planted the seed of RJ in Nova Scotia.

5.2.2.   Catalytic Stage: 1990s

RJ was formally launched in Nova Scotia during this stage, which marked the beginning of systematic growth of RJ for youth. It started in four piloting regions and then expanded province wide. Former defense counsel, Danny Graham, played a fundamental role. The momentum was created by a day-long workshop attended by all justice stakeholders in Citadel Hill. With the leadership of Danny Graham, a steering committee was formed to facilitate the action plan and implementation. This phase was also highlighted with the establishment of NSRJ-CURA.

A number of participants noted that former defense counsel Danny Graham had played a catalytic role in the growth of RJ in Nova Scotia. NS 4 regarded him as a

person connected with "Nova Scotia's elite community", whereas NS 8 called Danny Graham "well-connected politically, a good, well-known, likeable fellow". NS 2 and NS 3 also mentioned Danny Graham's leadership in the growth of RJ in NS. The following comments by NS 4 and NS 8 are a testament to his contribution:

Danny Graham, at that time, was a practicing criminal lawyer, he then became a politician, and a very curious individual. ….And he happened to be an individual who, in addition to his professional role, was a fairly well-connected member of what I guess I would call Nova Scotia's elite community. So, he had the ability to, through his professional and his personal position in life, open a dialogue with the Minister of Justice of the day.

NS 8 echoed similar sentiments:

The Nova Scotia program got off the board, I think, basically because of one person, and that person was a well-placed defence lawyer named Danny Graham. He was the one, he had all of the connections. His father was a major political player. They were connected to the Liberal Party of Canada, which usually ruled the country. And he was a likable, intelligent fellow who knew all of the key people in policing and the Department of Justice and so on. So, through his working with them, he channelled them and held a big meeting together, Chief Justice, Chief of Police, and so on, to talk about something like restorative justice. And so, they started to plan it in 1997. But, without a guy like Danny Graham, well-connected politically, a good, well-known, likeable fellow, it may never have taken off.

The following section discusses a pivotal event that shaped the growth of RJ in Nova Scotia during the Catalytic phase.

Citadel Hill Meeting - 1997

A meeting that was critical in the development of RJ in Nova Scotia took place in September 1997. Attended by leaders in the criminal justice system, academics and RJ practitioners, this meeting was held in historic Halifax at Citadel Hill. NS 1, who was instrumental in convening this meeting, vividly remembers:

…we had an event in September of 1997 I believe it was, that was an important turning point as well. Gordon, the Deputy Minister of Justice, realized that there needs to be broad support amongst the leaders in the

103

criminal justice system in order for this to become what it could become, so we put out an invitation for the Chief of Judges, the Chiefs of Police, the Director of Public Prosecutions, the Head of Corrections, the Head of Victim Services, and his top officials along with some community leaders and Mi'kmaq community, to come together for conversation about the notion of, what is restorative justice? Do we like it? And if we like it, what are we going to do about it? It was a full day conversation in Halifax at a room in Citadel Hill, and… there was… I'll finish with this as the important turning point because I think this was important. At the end of a long day that was really energizing for people, the then Minister of Justice still had not spoken. And nor had the Chief of Police for Halifax, the largest municipality in Nova Scotia. And finally the soon-to-be retired Chief Vince McDonald spoke, and he said 'I've been a police officer for whatever number of years it had been, and I feel like I've been sitting on the assembly line of the criminal justice system and watching the conveyer belt of doing the same things the same ways with very limited results, and every so often I've lifted my head and tried to imagine how can we do this better. And each time on the assembly line that I've done that I've felt someone's hand come to the back of my head, push it down and say keep doing what you're doing on the assembly line, we're not looking for change.' And he said 'this feels like the first time that I've lifted my head up and nobody's pushing it back down. And this is important, we need to do this'. He, as a frontline police officer, was probably the person with the greatest credibility in the room, and the next person to speak was the Minister of Justice. And he said 'we need to make this happen.

Following the Citadel Hill day-long meeting, several committees were formed. The next section discusses the role of these committees in the expansion of RJ practices in NS.

Steering Committee: Elite Table

In 1997, after the Citadel Hill meeting, a steering committee chaired by Danny Graham – NS 4 called it the *"elite table"* – was formed to take RJ to the next level and consisted initially of four subcommittees: 1) subcommittee for judges, 2) subcommittee for police, 3) subcommittee for the Crown, and 4) subcommittee for Corrections. According to NS 1, the main objective of the steering committee and subcommittee were to explore, plan and finalize the RJ action plan for pilot and province-wide implementation. Discussions on a number of themes, such as "*how [sic] RJ program looks like in Nova Scotia's context", "what kind of offences RJ should address*", "*what would be the role of different agencies*"' and "*who should fund RJ*", were discussed in the committee meetings (NS 1). The subcommittee usually met once a month and

reported back to the steering committee. This "pre-implementation" phase continued for a year and a half (NS 8).

NS 8 identified the subcommittees as working groups:

…there were at least four working groups… Working towards, what kind of system are we going to have? There was the police group… And then there was the Crown group. And then you had the corrections group and you had the judges group. So these groups met frequently over the course of that year-and-a-half to work out on …'what offences are we going to allow to go to restorative justice, and what level of the system? Pre-charge, or after they've already been sentenced?' These things took a while. As you might expect, we didn't meet every day, once in every few weeks, maybe once in a month... But the four committees were very active.

NS 4 added the following:

…it was [a] fairly interesting, sort of eclectic group, academics and senior actors in the Criminal Justice System convened some dialog around. So, that was kind of the structure and, interestingly, the elite table was expanded and changed a bit to make space for the new operational partners. So, not only were we operationalizing it at the community level, we were bringing that knowledge to the table and helping refine the final approach. So, it was a very dynamic time.

As a result of regular meetings and discussions with the subcommittees, the steering committee started a pilot-testing phase of offering RJ practices for young offenders in November 1999. Four regional sites – Cape Breton, Truro, Halifax, and the Annapolis Valley – were chosen for pilot testing that continued for two years. In 2001, after the pilot phase, Nova Scotia implemented province-wide RJ for young offenders. The following section discusses the findings of the pilot and province-wide phase.

Pilot and Subsequent Province-Wide RJ for Young Offenders

In 1999, the Nova Scotia Restorative Justice Program (NSRJP) for youth was formally launched as a pilot program in four regions. In 2001, NSRJP was expanded across the province**.** NSRJP targeted 12-to-17-year-old youth and their victims.

NS 1 had been involved in this systematic implementation of RJ:

We started with phase 1, which involved four of the seven community justice programs for pilot testing, along with a connection to the Mi'kmaq who were also part of the steering committee. So the Mi'kmaq legal support network, they operated out of the community but served the entire province, with a model that wasn't exactly the same as the model that we had, it was more reflective of Mi'kmaq values over time. The program eventually expanded to include all seven of those communities.

NS 4, who had worked in one of the initial four sites selected for the pilot phase, discussed her experience:

So, for a period of about 2 years, we were a pilot site and were delivering the full scope of the project as it was designed, and learning, and working very closely with the evaluator who was able to examine about what we were doing, and was able to qualify for a fairly extensive investment in a third-party evaluation, which Professor Clermont led. So, our pilot communities were Cape Breton, Truro, Halifax, and the Annapolis Valley. So, it was 4 communities, and the idea was two mainly urban centers and two mainly rural centers. So, we received some additional resources to change our staff complement so we could do this work.

With the success of the pilot testing phase in the four regional sites, RJ services were expanded to eight sites serving the entire province in 2001: Cape Breton, New Glasgow, Truro, Amherst, Halifax, Kentville, Yarmouth and Mi'kmaq Legal Support Network (MLSN). NS 5 views the RJ expansion in NS as *"the most systematic growth of restorative justice in Canada"*. NS 8, however, offered a cautious evaluation: *"…even though it is province-wide and everything else, and so forth, restorative justice is still a very modest in its impact on society and the impact on the criminal justice system"* (NS 8).

Nova Scotia Restorative Justice-Community University Research Alliance (NSRJ-CURA)

The formation of NSRJ-CURA in 1999 was instrumental in the growth of RJ in NS. A five-year, million-dollar grant from the Social Sciences and Humanities Research Council of Canada (SSHRC) contributed to the establishment of NSRJ-CURA, which aimed to foster *"collaboration and connection"* between academics and community members (NS 2). NSRJ-CURA was mandated to conduct research on the *"institutionalization process of Nova Scotia's RJ program"* (NS 7). Additionally, NSRJ-

CURA focused on "*collaborative research initiatives where you worked collaboratively to identify a research question, to participate in research, to generate knowledge and mobilize knowledge across a community, so non-university and university*" (NS 2). NS 2 shared her detailed reflection on NSRJ-CURA:

> *...and so, if I look back and I think about why we are here I think... that the NSRJ-CURA was a real catalyst for sort of the next iteration of change, the growth, the sort of sustaining the successes. I think that's because it created space….it created some energy and momentum around continuing to reflect and learn and improve. It created a collaborative space to identify issues that needed work and to work on them. And it created some timeline, like some purpose around… which we would work on those issues right. Because it was part of a grant and you are committed to doing it, and it created a set of projects and you had some people pushing those projects forward and the governance was shared with community and government and universities, so it was a way to come together. Kind of like it was when the program started. Kind of like it is now, as the program expands.*

Forming the NSRJ CURA not only contributed to the systematic development of RJ in NS, it also fostered willingness and innovation:

> *Because you actually can create time if you have funding that can convene people. Like so if you have enough funding to hold meetings or bring new knowledge to the province to spark innovation, or have people engage in learning exchanges,… then they spend time coming to those things and dedicating their thinking to issues of restorative justice that otherwise they wouldn't have had space or time to reflect on that... so I guess that's why I thought that [NSRJ CURA] was a good scheme.*

Along with the SSHRC funding that helped establish NSRJ-CURA, funding from the Department of Justice to examine the impact of RJ in Nova Scotia also contributed to the growth. NS 8, a key participant confirmed the impact of the funding:

> *And I think it was at least $250,000 per year. That's really big-time money… The first report that I ever wrote on the restorative justice program was in 2001... So it took a while for the Halifax people, personally, to accept my report. But after a while they came to lean on it because I did such a thorough report. I mean, I interviewed thousands of people, and we had very generous funding from Ottawa for the evaluation and I used every cent.*

In summary, leadership by Danny Graham, the Citadel Hill meeting attended by all justice stakeholders, establishment of NSRJ-CURA, and coordinated support by the Steering Committee and subcommittee solidified the formal foundation of RJ in Nova Scotia. The catalytic phase further affirmed the role of justice stakeholders in the formal genesis of RJ in NS. It offered key insights into the nature of leadership of the justice stakeholders in the genesis of RJ in NS. Furthermore, this study echoes Archibald and Llewellyn (2006, p. 303) that the "Criminal justice system actors, opinion leaders and administrators were at the forefront" in NS.

The following section discusses findings from the next stage of RJ in NS: Innovation.

5.2.3.   Innovation Stage: 2000s

In 2001, Professor Jennifer Llewellyn joined Dalhousie University's Schulich School of Law. This took RJ in Nova Scotia to another level. Nova Scotia experienced a number of innovative RJ practices in this stage, including RJ at Dalhousie's Faculty of Dentistry, RJ in School, and Restorative Inquiry for the Nova Scotia Home for Colored Children strengthened this innovative stage, which also saw the growth of RJ for adult piloting and province-wide implementation in NS.

A number of participants mentioned Professor Llewellyn's contribution to the growth of RJ in NS. NS 5 considers her a "*trailblazer*" who contributed to the growth through her *"relational justice theory"*, *"hosting multiple conferences"* and *"offering guidance to different agencies"*. For NS 4, Professor Llewellyn provided a *"theoretical framework"* for the existing RJ practices in NS. According to NS 7, *"She gave me the language to help me make sense of what I was doing in school"*. NS 1 described Professor Llewellyn's contribution thus:

> *...and I would say that probably the most important next development in Nova Scotia was the arrival of Professor Jennifer Llewellyn. So Jennifer came to Nova Scotia into Dalhousie I think in part because of the developing nature of the restorative justice program. She was brilliant, passionate and practical, and had a framework that sort of groomed the restorative justice program into something bigger with others that really contemplated this as a relational theory of justice, that is her approach,*

and not just something that's confined…she built on the framework that was already there, and expanded the framework so that it could move into the places that it has with human rights and [the] Home for Colored Children… schools and various other places. So… her contribution was immeasurable and more longstanding.

Professor Llewellyn's work contributed to RJ in Schools, RJ at Dalhousie's Faculty of Dentistry, and Restorative Inquiry for Nova Scotian Home for Colored Children. The following section discusses RJ in Schools.

RJ in Schools

Since 2009, Tri-County Restorative Justice (TCRJ) has pioneered the implementation of restorative approaches in public schools. St. Catherine's Elementary School in Halifax was a strong operational model was to implement a restorative justice approach in Nova Scotia. Support from the Department of Justice, NSRJ-CURA and Nova Scotia Department of Education were important to this growth of RJ. Grounded in RJ principles and values, SchoolsPlus, an initiative by the provincial government, played a particularly important role. Currently, this program is offered through four school boards. Since 2009, SchoolPlus has been actively promoting, supporting and implementing RJ in schools. NS 7 mentioned that Yarmouth High School experienced a "*dramatic decrease in suspensions*" after it began implementing a restorative approach in 2007. According to NS 7, trust and relationships among students and between teacher and students increased significantly due to RJ practices such as peacemaking circles. A number of schools – Shelburne Regional High and St. Catherine's Elementary – implemented a whole-school restorative approach. NS 7 noted that due to the RJ practices initiated in 2009 at St. Catherine's Elementary, 95% of parents felt welcome at school and 98% students expressed deep satisfaction.

NS 4 also offered some insights about RJ in schools:

Ministry of Education and Ministry of Justice gave half a million dollars for three years for the RJ in schools project. So, it was like, 'Here's your money' So, we were able to borrow Richard [former principal of St. Catherine's School] to build this restorative-approaches-in-schools initiative. We needed a highly-respected educator to go and persuade educators to change their world. So he consulted with Brenda Morrison [who] spent a lot of time with teachers. Richard created this amazing

community of practice here in Nova Scotia, where we have at least 100 schools at differing levels of competence, trying to organize their schools as restorative schools.

NS 7 focussed on the current status of RJ in schools:

And the province developed the Restorative Approach in Schools project in 2012. So, 2012 to 2015 I worked with the province. And I worked with about 150 schools and started trying to teach this, to teach what I did. Now, probably 100 schools [in Nova Scotia] are implementing RJ. That's how it's going to grow in this province.

Along with the success of RJ in NS public schools, additional innovative practices included the RJ process in Dalhousie's Dentistry Department and in the Restorative Inquiry for the Nova Scotia Home for Colored Children.

RJ Process at Dalhousie Dentistry Department

The RJ process used to address the 2014 sexual harassment incident at Dalhousie University's Faculty of Dentistry got local and national media coverage. The 12 men who caused the harm and the 14 women harmed participated in a restorative process that continued from December 2014 to May 2015 inclusive. According to NS 8, the successful completion of the Dentistry Facebook scandal created a "lasting legacy" not only at Dalhousie but the rest of Nova Scotia and Canada as well. More importantly, its use of RJ pushed Dalhousie University towards the "institutionalization of RJ" in an academic setting (NS 3). Another participant, NS 4 noted the following:

Use of RJ at Dal Dentistry is a perfect example of a community of practitioners, if working together, can foster innovation and creativity. This is remarkable that both victims and perpetrators attended a number [of] facilitated sessions. It was all about [a] victim-initiated project. Professor Llewellyn puts extraordinary efforts to address this issue from [a] restorative approach.

NS 2, who was closely connected with the case, recalled the following:

So when Dal Dentistry emerged I got together a local advisory group from the police and Status of Women and the Barristers' Society and men's violence groups, and asked them to travel along with us in that process to help provide us advice, help think along with us, help know what was

110

happening…the firefighters association came and talked to the students in dentistry about their experience with [the] restorative approach.

The success of the Dalhousie Dentistry's RJ process attracted both positive and negative publicity. It also influenced public opinion to consider RJ for sexual assault, which is particularly important in light of Nova Scotia's moratorium against the use of RJ for such cases. According to NS 5, Dalhousie's Dentistry RJ process contributed to "softening public opinion" regarding the use of RJ for gender-based violence. NS 5 noted that *"Dr. Singer is working with a community committee to look at, eventually, using restorative approaches in low-end domestic violence cases and sexual violence cases. It's not there yet, but it's on everyone's radar to look at it especially after the success of Dal's Dentistry RJ process, people are more curious about it"*.

The application of RJ at Dalhousie's Dentistry sexual assault scandal is significant for the praxis of restorative justice as the process was both created and implemented by practitioners, academics and students. The process was significant because it reflected the strength of the collaborations and connections in the province. This diverse reflective community not only came together and created a restorative process, they also successfully implemented it.

Restorative Inquiry for the Nova Scotia Home for Colored Children - 2015

One of the most recent innovative RJ practices in Nova Scotia is Restorative Inquiry (RI). It was started in 2015 to examine the history and legacy of the Nova Scotia Home for Colored Children. The entire inquiry was led by African Nova Scotians and other relevant stakeholders but not controlled by lawyers or judges (NS 2). According to NS 5, RI is "*the first of its kind*" in Canada. The traditional "Sankofa" bird has been used as a symbol for the inquiry (NS 5) because it is about bringing and gathering people 'where they are at', reaching back to reclaim something needed to move forward, and also that the past is as important as the future. NS 2 articulated the purpose of Restorative Inquiry:

> *...generally, a traditional public inquiry focuses on finding facts and putting blames to the perpetrators, whereas in restorative inquiry our goal is to find what happened, why it happened. Everybody is included in the*

process. Our goal in this inquiry is to look into [the] past with a focus on the future.

NS 6, who has a leadership role in this initiative, mentioned how Restorative Inquiry is different from public inquiry:

So, when it comes to a restorative inquiry, we have seen all of the stress, the tension, the anger, the pain, the hurt, and when it comes to the settlement part…We want the inquiry, as far as former residents, they want that it matters to them. They just don't want to come and tell their story. They want to tell their story so that this never happens to anyone else again. So, that's when it started coming with this restorative inquiry shift instead of a public inquiry. We looked at different inquiries. Instead of having the 1 retired judge, we have a council of 11 people as commissioners. The inquiry has three main phases: relationship building, learning and understanding, and planning and action.

In summary, RJ in Nova Scotia is grounded in Afro-centric tradition. Led by African Nova Scotians, RJ can be an example to address human rights violation and historical harms for other countries as well.

The final innovative practice this study identified in Nova Scotia is the Local Learning Community.

Learning Communities (LC)

The idea of local learning communities grew out of NSRJ-CURA. According to NS 2, people involved with NSRJ-CURA wanted to stay connected, work together, and collaborate. Out of that desire, the idea of LC emerged. NS 2 noted the existence of LCs in Hull, Leads, Vermont and Halifax. A shared desire for connection, research, and knowledge mobilization in the area of restorative justice motivated RJ practitioners and academics to form LCs in different jurisdictions. Key questions that guided LC includes "how are you working, why are you working this way, what's in common" (NS 2).

NS 2 mentioned some of the key areas being explored by these LCs:

…these learning communities in multiple jurisdictions focus on how do we learn from each other? How do we ask these questions together across our experience of trying to be restorative in broader ways, across systems, across structures? Whether we call that restorative communities

or restorative provinces or… it's about thinking about how does this way of approaching our lives together and how we secure just communities together, how is that working, how do we support changes in institutions and structures and systems, from thinking this way, what does that look like in terms of processes, what does that look like in policy, how do we share our learnings in real time.

In summary, the idea of a learning community offered ways to cultivate mutual learning. It also offered insights into how to foster innovation and creativity in RJ. Crucially, it provided a practical framework to address contemporary challenges. Questions such as, *what is working, what is not working, what can be done* to address new challenges, guided local learning communities. The following section discusses the growth of RJ for adults in Nova Scotia.

Pilot and Province-Wide RJ for Adults in NS – 2011 to Present

This section discusses the final element of the systematic growth in Nova Scotia, RJ for adult offenders. NS's RJ-for-adult program began in 2011 with three pilot sites, Cape Breton, MLSN, and Truro and continued until 2015. After an evaluation and a long bureaucratic process, province-wide RJ for adult offenders officially began in November, 2016. Nova Scotia is the first province in Canada to use RJ for both young and adult offenders. A number of key informant interviewees shared their opinions about the development of RJ for adults. NS 4, in particular, offered some background on the RJ-for-adult program:

> *Our population in Nova Scotia was shifting and we were seeing fewer young people overall. It's an aging province, and a lot of young families were leaving to go to central Canada, or to the West, to find work. And so, we were seeing the implication of that in our youth system, where restorative justice agencies, particularly those in our rural towns, weren't as busy as they used to be. So, they were a bit nervous that they might find themselves removed, or gotten rid of, because they weren't as busy. So, they were like, 'We need more work. We need more opportunity to practice our work' And so, we made the case to the province that the province had invested for all these years, building this network of community-based, conflict-resolution experts, and they should really take advantage of what they built. And so, RJ for adults would allow them to be, kind of, back in business, it might also save money.*

Unlike the RJ in the young offender phase, RJ for adult initiatives encountered a number of challenges in NS. One such challenge, according to NS 8, was "*bureaucratic*" owing to the time it took the new Deputy Minster to grasp the complete picture across the provincial RJ landscape, which delayed the move from piloting to province-wide implementation. Another challenge NS 8 mentioned concerns the "*organizational mode of delivery*" - in particular whether the Crown, the police and the court could offer adult referrals to non-profit organizations. According to NS 8, this debate remains unresolved. NS 4 believes in RJ's potential for serious offenders, thus noting that RJ in both youth diversion and adult diversion are "*limiting*" because they only involve minor offences.

To address such challenges, an additional committee to review the future of restorative justice was formed in 2017. This committee consists of the head of Corrections, head of Crown prosecutors, head of the Police, head of Legal Aid, and a few academics. It is noted that this review committee works in conjunction with the existing steering and program management committee. NS 2 referred to this review committee as another "*stopping point*" for reflections, learning and re-learning. Questions such as '*What have we learned? Where are we? How do we come together*' are discussed in the review committee meetings (NS 2).

In summary, the highlights of this innovative stage include the arrival of Professor Jennifer Llewellyn, the success of RJ in Dalhousie's Faculty of Dentistry, the Restorative Inquiry for the Nova Scotia Home for Colored Children, and the Local Learning Committees. Expansion of RJ in schools and for adults also occurred during this innovation stage in the growth of RJ practices in Nova Scotia.

The findings in this phase are significant to understand both the genesis and praxis of RJ in NS. With regard to genesis, it shows the consistency of systematic development of RJ. Similar to the early phase of the genesis where RJ for youth went from pilot phase to province-wide phase, RJ for adults also went from pilot to province-wide phase. Even though there were some "*bureaucratic*" challenges during the latter development of RJ (NS 8), overall it maintained a somewhat similar pattern to RJ for youth development. Most importantly, the partnership between justice stakeholders, academics and the community increased in this phase, particularly for RJ in schools. To shed light on praxis, the findings in this section are instrumental. The concept of a

"learning community" (NS 2) in particular contributed to a framework where all stakeholders—justice, academic and community—could come together and explore creative community praxis. More discussion in this regard is presented in Chapter 7 on Community Praxis. Additionally, RJ at Dalhousie's Faculty of Dentistry, and the Restorative Inquiry for the Nova Scotia Home for Colored Children enriched community praxis. RJ at Dalhousie's Faculty of Dentistry offered an example of how a restorative process can address gender-based violence. Moreover, the establishment of Restorative Inquiry is crucial to both genesis and praxis of RJ in NS. It not only offered an innovative and restorative way to address human rights violation and historical harms, it also provided a community engagement framework between government agencies and community members. In its 2018 report, Council of Parties concluded that the work of RJ would enhance relationships among all parties in Nova Scotia (Council of Parties, 2018).

Survey Results

Among the survey participants, almost 61% believe that 'support from volunteers' played a 'very important role', whereas 45% think that funding support from the provincial government played a 'very important role' to the growth of RJ in Nova Scotia (Figure 5.1). Approximately 45% think 'collaboration with the Crown Counsel' contributed to the growth of RJ in NS, whereas only 19% credit 'collaboration with victim services'. Another interesting finding from the survey is that only 12% of the respondents consider that municipal funding played a very important role. The contributions of Danny Graham and Professor Llewellyn are seen as playing an important role by 38% and 35% of participants, respectively. Both key-informant interviewees and survey participants provided positive responses about the role of volunteer/community members and the provincial government. Overall, the survey results attribute the greater impact and contribution of the provincial government to the growth of RJ in NS.

	1	2	3	4	5	TOTAL	WEIGHTED AVERAGE
Funding and support from Federal Government	14.29% 4	17.86% 5	28.57% 8	17.86% 5	21.43% 6	28	3.14
Funding and support from Provincial Government	0.00% 0	3.23% 1	22.58% 7	29.03% 9	45.16% 14	31	4.16
Funding and support from Municipality	37.50% 12	15.63% 5	25.00% 8	9.38% 3	12.50% 4	32	2.44
Support and advocacy from Civil Society Organizations and non-profits	3.13% 1	6.25% 2	21.88% 7	37.50% 12	31.25% 10	32	3.88
Support from Volunteers	0.00% 0	6.06% 2	12.12% 4	21.21% 7	60.61% 20	33	4.36
Support and advocacy from Community	0.00% 0	12.12% 4	27.27% 9	24.24% 8	36.36% 12	33	3.85
Collaboration with RCMP	0.00% 0	6.06% 2	30.30% 10	30.30% 10	33.33% 11	33	3.91
Collaboration with Victim Services	15.63% 5	15.63% 5	28.13% 9	21.88% 7	18.75% 6	32	3.13
Collaboration with Crown Counsel	0.00% 0	0.00% 0	27.27% 9	27.27% 9	45.45% 15	33	4.18
Development and understnading of Indigenous healing practices	0.00% 0	6.06% 2	33.33% 11	30.30% 10	30.30% 10	33	3.85
Contributions of Danny Graham	15.38% 4	7.69% 2	19.23% 5	19.23% 5	38.46% 10	26	3.58
Contributions of Professor Jennifer Llewellyn	7.69% 2	3.85% 1	34.62% 9	19.23% 5	34.62% 9	26	3.69
Others	16.67% 1	0.00% 0	16.67% 1	16.67% 1	50.00% 3	6	3.83

Figure 5.1.   What Contributed to the Growth of RJ in NS

The survey also captured additional themes and comments on the factors that shaped the development of RJ. When asked '*What else contributed to the growth of RJ in NS'*, a number of survey participants shared their insights and reflections:

"*Those working in the field of RJ in NS are passionate about the work*" (NS Survey Participant 2).

"*NSRJ-CURA Restorative Justice in Schools*" (NS Survey Participant 4).

"*Partnerships with community organizations, the fact that RJ agencies are not for profit organizations, this means that RJ agencies are not simply service providers. Also, the people doing the work really believe in it and share the restorative values*" (NS Survey Participant 12).

"*Feedback from past participants of the RJ process, especially through word of mouth*" (NS Survey Participant 33).

"*Political will and evidence-based decision making*" (NS Survey Participant 28).

"*YCJA played a significant role*" (NS Survey Participant 1).

"*Donald Marshall Inquiry*" (NS Survey Participant 14)

In summary, from the survey results, the themes that contributed to the growth of RJ in NS emerged as: "*RJ in schools*", "*political will*", "*volunteers*", "*consistent commitment from the provincial government*", "*word of mouth*", "*partnership with community, government and justice stakeholders*" and "*Donald Marshall Inquiry*". Of these themes, the impact of the *Marshall Inquiry* to the growth of RJ in Nova Scotia was not mentioned by key-informant interviewees. But the survey results indicate that the Marshall Inquiry in the late 1980s impacted the development of RJ in NS.

The survey respondents and key informants contribute to understanding both the genesis and praxis of RJ in NS. This section in particular addressed the research question on genesis: *How did Restorative Justice practices develop in NS?* Chapter 7

addresses the question on community praxis: *What is the role of community in NS?* The following section discusses the emergent findings.

5.3. Emergent Findings: Working Edges of RJ Praxis in NS

This section discusses some emergent findings evoked in conversations with key-informants and survey participants. These emergent findings include a relational theory of justice, a moratorium against the use of RJ for intimate partner violence and sexual assault, the role of community, the role of Mi'kmaq First Nations, and the role of government.

5.3.1.   Relational Lens of Justice

A number of participants in Nova Scotia applied a relational lens to RJ. NS 2, for example, insisted "*We need to think more relationally about justice.*" According to NS 7, relational worldviews of justice not only resonated with his personal life, it also provided a "*framework*" for his work on RJ in schools and community. For NS 4 and NS 5, a relational understanding of justice offered an interconnected and deeper sense of justice. In contrast, NS 6 explained the relational notion of justice from a macro perspective by noting that the relational lens of justice provided a "*grounded*" guideline for his work on Restorative Inquiry, which aims to address large human rights violations of African Nova Scotians.

A broader understanding of a relational lens of justice was also shared by NS 2:

So, framing restorative justice as one piece of a larger picture of how we relate to each other as human beings is the sweet and incredible possibility that happens through this. To open people's minds and hearts to the possibility that people across such dramatic differences, offenders and victims, can see a future together, not in every case but in so many more opportunities, where we connect across difference. It represents a beacon for how we as humans can relate to each other and relate to the wider creation for that matter… And so, restorative justice fits into a larger field where we need to attend to this trust question and being people together and create opportunities for people to bring each other together in relationships.

At the practical level, NS 7 shared concrete examples of how the application of a relational lens to justice had contributed to an almost 95 percent literacy rate at his school:

So, when we started using relational practices, the circles, oh my goodness, all of a sudden then kids were experiencing, regularly, conversation in their classroom, with their peers, with their teacher. And they were starting to shift their perspectives as well, which is a strand in most curriculums. You know, looking at an object, 3D, taking perspectives. Language arts, putting yourself in the shoes of the character and taking different perspectives. All of those things got better in the curriculum. So we went from about a 65% success rate on the grade 2 literacy assessment to a 95% success rate in about 4 or 5 years. Just constant improvement.

Like the key-informant interviewees, the survey participants also shared their views on the relational lens of justice. The following represent some survey responses to the question: *How do you define relational theory of justice*?

A number of survey participants explained relational theory of justice from conceptual perspectives. According to this perspective, crime has ripple effects on so many levels that restoring and repairing all types of relationships are imperative.

A relational theory of justice recognizes at its core that we are all humans, who are connected together. Crime and other offences impact relationships and create needs and obligations on those harmed, those causing harm and the broader community to heal those relationships. (NS Survey Participant 18)

A relational theory of justice understands that harm in a community results in broken agreements in relationships and that steps must be taken to repair what has been broken. This theory focuses on the interpersonal and community impacts of harmful behavior instead of focusing on punishment for a crime. (NS Survey Participant 28)

On the other hand, other survey participants described relational justice theory from practical experience, especially its implication in day-to-day work, which also emphasizes the impact of relational justice on processes and stakeholders.

From a front-line worker perspective, it means creating relationships with all our clients—relationships that are meaningful and show care about the

119

individual people involved. Our relationships are integral and go to the essence of what it means to be a human—without addressing the harms done to relationships, justice cannot be truly achieved. (NS Survey Participant 31)

Relational theory of justice is when the relationships are core to the process, not simply focussing on the harm itself. It is more than just the facts. Relational theory focuses on the needs of the participants, what really matters to them, it offers a more flexible way of doing justice and includes participants who are beneficial to the process. It is also, culturally appropriate, supportive and future focused. (NS Survey Participant 12).

In summary, both the key informant interviews and survey respondents shared theoretical and practical interpretation of the relational lens of justice. The relational lens in theory explains the interconnectedness and ripple effects of harms to all levels. In practice, both key informant interviews and survey participants shared how having a relational lens had impact not only in schools, but also day-to-day interaction with clients and with each other.

5.3.2.   Moratorium on RJ for sexual assault and intimate partner violence

A number of women's rights groups, particularly transition homes, the Elizabeth Fry Society, and other non-profits were concerned with the application of RJ for cases of sexual assault and intimate partner violence. This led Nova Scotia to impose, in 2000, its moratorium against the use of RJ for cases of sexual assault and intimate partner violence. Both NS 4 and NS 5 expressed their opinions in favor of this moratorium. According to NS 5, the moratorium is an "*appropriate step*" to protect victims of gender-based violence.

Key informant interviewees offered varied accounts of why and how the moratorium came about. According to NS 8, it was instated due to resistance from women's groups. During the early days of restorative justice, women's groups had claimed they were not "*properly consulted*" and "*raised strong opinion against RJ*". However, NS 5 argued that several murders – the Maxwell-George murder-suicide, in particular – had created "*very punitive*" community sentiment. According to her, *"[the] moratorium reflects public opinion as well"* (NS 5). NS 2 acknowledged that women's

groups "*had a whole bunch of worries*" regarding the use of RJ for gender-based violence. Nonetheless, NS 2 believed the moratorium has been a process of learning and growth. She viewed the moratorium as an implication of *"not yet" or "stop",* and to explore ways to move forward and see when it would be a suitable condition to start using RJ for sexual assault and intimate partner violence. As a result, NS 2 indicated it may be different in the future:

> *…we have now several organizations in the women's community [that] are very active in thinking about a restorative approach to these issues out of a feminist framework, out of their knowledge and they're collaborating with both government and community groups. And so, that started a multi-year process, where we constituted as part of the governance committee. We constituted a committee that looked at the issues surrounding a restorative approach for domestic violence and intimate partner violence.*

In the survey, many participants called for "*holistic training on domestic violence,*" "*be[ing] very sensitive,*" "*police presence,*" "*strict confidentiality,*" "*total-unequivocal-acceptance by offender of her/his responsibility,*" "*significant strengthening in victim supports*" and *"trauma-informed, victim-centric training"* to ensure safe use of RJ in sexual assault cases. Below are some detailed responses from survey participants when asked '*What would be the necessary safeguards for the use of RJ for sexual assaults?'.*

Some survey participants do not think Nova Scotia is ready to address domestic violence cases with RJ:

> *We are currently far from equipped to deal with sexual offences. The primary boundaries are: Not having adequate training to support victims of these offences—Not having trauma-informed spaces—Not having trained counselors/psychologists as part of our team* (NS Survey Participant 19).

> *I don't think there are any safeguards.* (NS Survey Participant 22)

> *This should definitely not happen. There are minimal safe guards now for the workers, volunteers and even victims. This type of RJ should only be done by highly qualified (education and experience) federal personnel.* (NS Survey Participant 8)

Other survey participants think it is feasible to address domestic violence cases through a restorative justice lens with adequate training:

> *Shift to a much more victim-focused process. Significant training and support for agencies performing the work. Flexibility in process.* (NS Survey Participant 29)

> *Strict confidentiality, support from other organizations.* (NS Survey Participant 10).

> *It would be necessary to have staff trained in sexual assault prevention initiatives and counselling skills as they pertain to sexual assault victims.* (NS Survey Participant 3)

One of the survey participants summarized the whole debate:

> *The use of restorative options for sexual assaults is hotly contested. I do believe that some case[s] can be handled very well. In particular, if victims ask if they can speak with the offender, that option should be explored, while assessing safety. Early research in NS did not provide a good description of what RJ is or can be. A restorative option to sexual assaults may only be if the victim requests, or may only address sexual assaults where the couple wish to stay together. Criminal proceedings often harm families if the perpetrator of the violence is the main bread-winner and is sentenced to a period of incarceration, the whole family suffers. Court has a role to play; however, we know that the conventional justice system does not deal with such incidents well. People complain about the conventional system, yet seems stuck on the notion that Court is where the hard punishment/appropriate punishment comes in. The process must be well thought out and must include a diverse group of participants.* (NS Survey Participant 2)

In summary, both the key informant interviews and survey respondents captured the tension over the moratorium on use of RJ for sexual assault and intimate partner violence. Some view the moratorium as an appropriate step, whereas others believe RJ has the potential to address gender-based violence. Most, however, argue that the moratorium is more of a pause and a *"not yet"* than the idea that RJ is not appropriate for gender-based violence (NS 2). The survey respondents in particular echo this approach and believe that a restorative approach is feasible with appropriate training and supervision.

122

5.3.3.　Role of Community in RJ

Most of the key informants identified the community as an important stakeholder for RJ in Nova Scotia. NS 5 stated, *"…community is an integral part. So, the theory is over here [gesturing to one side], and the outcome is over here [gesturing to the other side], and the vehicle is the community partnerships."* NS 1, NS 3 and NS 8 also highlighted the necessity of community involvement and partnership in RJ. According to NS 3, community must be embedded "*at the heart of restorative justice*". NS 8 shared that all nine organizations delivering RJ in Nova Scotia are community-based, non-profit organizations. According to him, it showed the "*community-centeredness*" of RJ in NS. NS 1 shared his mantra for RJ advocates and practitioners: *"hurry up and go slowly in order for it to be deep and accepted in community".*

A number of key informant interviewees (NS 1, NS 5, NS 8) shared favourable opinions about community engagement in RJ, but NS 3 offered a critical perspective as well:

> *…the government is engaging in a dialogue around moving this program from youth to adults. So, around the table with this work is 90% government people, great people because they do great work. So you've got some academics, police officers, you've got victims' services, you've got lots of people, the Deputy Minister. So, you've got all of these great people who want to do this sort of work who sit at the table with some of the community members, but our work feels differently at that table. It feels frustrating to me because the work in the heart of the community is about the people who live and work in community… And people say that we consult, but consultation is like, 'We're going to have some consultation here for two hours, and we're going to give you the questions to answer.' that's not consultation in my world. If I were developing consultation within the community, this would be an on-going dialogue, not just about having people come to a meeting from a flyer or sending them an email.*

Echoing key informant interviewees, most of the survey participants (almost 77%) agreed with the statement that RJ is a community-born, community-based and community-led practice, while 12% disagreed (see Figure 5.2). While NS 7 did not consider community the "*driver*" and "*initiator*" of RJ in Nova Scotia, most of the other survey participants strongly agreed that RJ should be community centered.
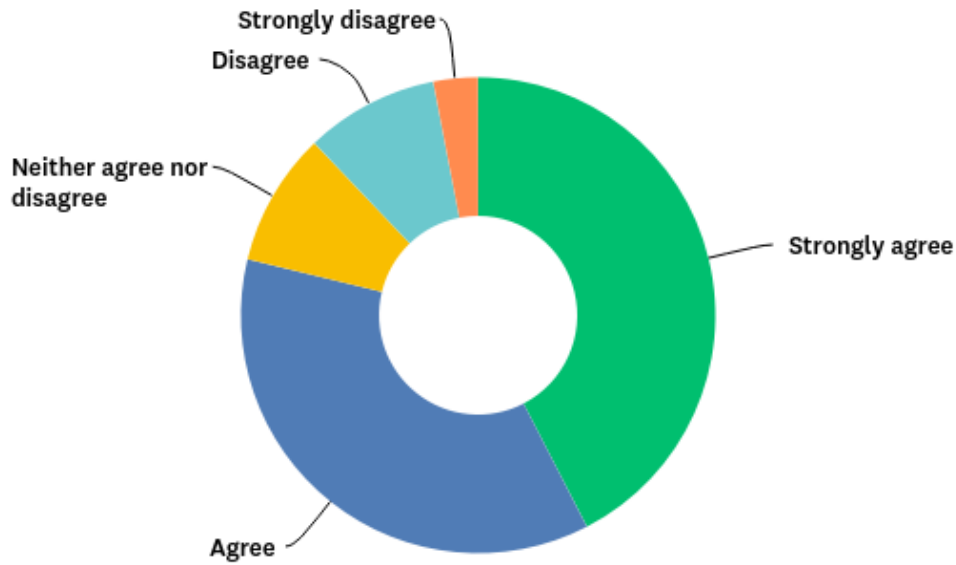
Figure 5.2.   Level of Agreement among Survey Participants: 'Restorative Justice is a Community-Born, Community-Based and Community-Led Practice'

In summary, the research participants in this study agreed about the importance of community in RJ. An overwhelming majority of them expressed an affirmative view that community is an integral part of RJ.

5.3.4.   Role of Mi'kmaq First Nation and African Nova Scotians

The fourth emergent finding was about the role of the Mi'kmaq First Nations and African Nova Scotians in the growth of RJ in Nova Scotia, and key informants revealed different opinions on this.

NS 4 found the relationship between RJ and the Mi'kmaq First Nation to be "complimentary". According to her, the Mi'kmaq Legal Support Network (MLSN) has been collaborating and partnering with RJ practitioners for many years. MLSN was not only a part of the pilot-testing phase in Cape Breton, it has become a provincial leader in terms of offering an "*Aboriginally-grounded version of restorative justice*" (NS 4). NS 8, though, disagreed and asserted that the Mi'kmaq First Nations had no role with RJ in NS. Although, currently, the aboriginal communities are engaged with RJ, it would be "*quite incorrect to say that they had anything to do with the growth of RJ in Nova Scotia*"

(NS 8). With regard to African Nova Scotians and their role in RJ, NS 3 offered some nuances:

> *For African people, we need an African worldview. We're trying to reclaim it [RJ] through Afro-centric processes. Now, folks from other countries have their own cultures and perceptions, but ours have vanished all over the world...been destroyed because of slavery. And those of us who have been born and lived in Nova Scotia as African people, I guess, in many ways you can think that those communities have been quite misplaced.*

Additionally, NS 3 commented, *"I was told once, by an African Nova Scotian teacher, actually, he was a teacher. He said, 'I don't know about this restorative justice…. I just think it's a new way for white people to talk to each other'. And that statement kind of stuck with me"* (NS 3). However, NS 7 disagreed and shared that African Nova Scotians are actively participating in RJ like other communities. He also noted that the entire Restorative Inquiry is led by African Nova Scotians.

In summary, this study finds mixed responses from research participants on the role of Mi'kmaq First Nation and African Nova Scotians. NS 4 argued that the Indigenous communities were engaged with RJ advocates during the development of RJ, whereas NS 8 disagreed. This study also found mixed responses about the role of African Nova Scotians in RJ. NS 3 believed that African Nova Scotians were hardly involved with RJ. Contrary to this, NS 7 believed that African Nova Scotians are largely playing an important role in Restorative Inquiry. A rigorous study with more research participants is needed to understand the role of Mi'kmaq First Nation and African Nova Scotians in RJ in NS.

5.3.5.   Role of Government

The role of government in RJ represents the final emergent finding in this section. From the early days, both federal and provincial government agencies have supported restorative approaches in Nova Scotia and this resulted in stronger partnerships. A number of factors contributed to such partnership.

According to NS 3, almost all RJ programs in Nova Scotia receive funding from the provincial and the federal government. Sponsoring and funding support "*automatically created connection between RJ and government agencies*" (NS 3). Additionally, NS 8 commented that *"…virtually all of the referrals we had from November the 5th, 1999, had been police or Crown".* As referrals are instrumental, all RJ programs value their partnership with and trust in/by government agencies such as the Crown, police, courts, corrections and victims services. Finally, NS 7 argued that the leadership and pioneers of RJ in the early days in Nova Scotia were government justice stakeholders, including lawyer, politician, police and judges; "*RJ did not start in Nova Scotia from the grassroots*" (NS 7).

NS 4 and NS 3 shared their reflections about the consequences of this strong connection with government agencies. NS 4 argued that "*too much dependency*" on government agencies is a type of "*weakness*". Moreover, NS 3 is not convinced about the mechanism by which a fundamentally different entity such as the government can collaborate with community groups:

> *Government can assist. Government is not very good at leading programs and services. They're good at providing resources, but now I think… that government wants to take it [RJ] inside to have better access to justice. So, I guess my question would be around that, does that mean a patchwork solution to restorative justice, where you're changing a few little things, but when the rubber hits the road, so to speak, if you know that term… They will revert back to the old way. Can we change a system that's fundamentally flawed anyway? The system itself is unrestorative*?

In the survey question about the perceived role of the government, almost 67% of participants saw the government as funder, whereas only 21% identified the government as implementer. Approximately 45% see the government as provider of legal support and also guarantor for quality practice (See Figure 5.3).
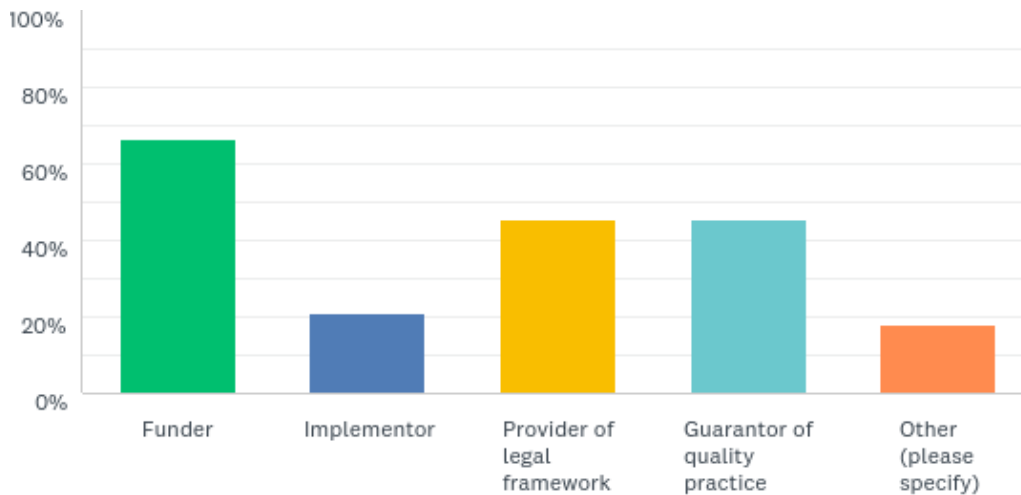
Figure 5.3.   Opinion on Government's Primary Role in Strengthening RJ Practices in NS

One survey participant offered a clarification (NS Survey Participant 4), *"I see different levels of government having different roles. Federal: funder, Provincial: Implementer, provider of legal framework, guarantor of quality practice, and funder. I do not see any role for municipal government other than being a general supporter"*.

NS Survey Participant 2 also noted, *"I see Government's role as providing strong leadership and encouraging consistency. I feel the Nova Scotia Restorative Justice Program should be first and foremost as a consistent brand"*.

In summary, government agencies have been playing an active role since the formal inception of RJ in NS. Since partnerships with referral agencies—police, Crown, court and correction—are significant to the success for RJ, the involvement of these agencies is noticeable in NS.

5.4. RJ as Relational Theory of Justice: Implications for NS

Both general and emergent findings confirm a number of themes relevant to RJ as a relational theory of justice. Firstly, the quality of interpersonal relationships of former defence counsel, Danny Graham, with the major justice stakeholders played an instrumental role in the growth of RJ. Additionally, the quality of interpersonal relationship of Professor Jennifer Llewellyn with academics, community members and

127

justice stakeholders also contributed to a major shift in RJ praxis in NS (NS 1). Secondly, a number of participants shared how the relational approach to justice framework affected their thoughts and RJ praxis (NS 4, NS 7). NS 7, for example, believed that the relational theory of justice provided him with a "*language to help me make sense of what I was doing in school"*. Secondly, Nova Scotia's RJ genesis stories shows substantial interconnectedness and complementary relationships across the institutions. For example, to address a sexual assault incident at Dalhousie University's Faculty of Dentistry, academics, RJ community practitioners and justice stakeholders, such as police officers, all came together and got involved with the process. This study found similar relational interconnectedness and complementariness in Restorative Inquiry for the Nova Scotia Home for Colored Children. Along with African Nova Scotians, academics and justice stakeholders got involved with and supported the entire process (NS 2). Finally, this study finds that Nova Scotia's RJ growth is linked to equality of respect, dignity and concern. In other words, the key features of the relational theory of justice—which are respect, i.e. recognition of the rights and needs of others, and dignity; needs and interests of all parties; and concern-knowledge and well-being of all stakeholders at all levels—are prevalent in Nova Scotia's genesis of RJ (NS 8).

With regard to the emergent findings, the majority of the key informant interviewees explicitly shared the impact of relational theory of justice in their work (NS 2, NS 4, NS 5, NS 6, NS 7). A large number of survey respondents also shared their understanding of relational theory of justice. For example, NS Survey Participant 31 mentioned*,* relational justice theory *"means creating relationships with all our clients—relationships that are meaningful and show care about the individual people involved*". Awareness and understanding, according to the findings of this study, of the relational theory of justice are higher among research participants in Nova Scotia than any other research sites.

5.5. Conclusion

This chapter discusses the genesis of RJ in Nova Scotia. Responding to the research question *'How did Restorative Justice practice develop in Nova Scotia?'* it discloses several milestones that led to the development of RJ in NS. Conflict resolution

practices under Young Offenders Act (YOA), coupled with the dissatisfaction with the criminal justice system, motivated local criminal justice leaders in the province to explore restorative justice. The vision and leadership of former defense counsel, Danny Graham, was considered crucial to the development. Subsequently, with coordinated partnership and collaboration of the provincial Department of Justice, police, courts, and corrections, RJ for youth began with a pilot phase that later expanded to the entire province in 2001. Another milestone that same year was the arrival of Professor Jennifer Llewellyn. This study finds a number of innovative practices during this phase, which include the application of restorative process at the 2014 sexual harassment incident at Dalhousie University's Faculty of Dentistry and the Restorative Inquiry to examine the history and legacy of the Nova Scotia Home for Colored Children in 2015.

Along with the genesis, this chapter also captures a number of emergent themes that are posited as the working edge of RJ praxis in NS. These include relational lens, the application of RJ for gender-based violence, the role of government and role of community. It finds that both awareness and practice of a relational understanding of justice are prevalent in Nova Scotia. Level of interconnectedness, coordination and collaboration across individual, community and institutional levels with regard to both brainstorming and implementation of RJ praxis are prevalent in Nova Scotia.

The study was limited in three ways. First, it did not explore the influence of Indigenous justice practices or traditional practices of African-Nova Scotians on the development RJ in NS. Secondly, it only included eight in-depth key informant interviews. Inclusion of more key informants would have strengthened the depth of the findings. Thirdly, it did not include the voices of victims and offenders. This study specifically explored the viewpoints and experiences of RJ visionaries and practitioners.

A possible area for future research in NS is to explore what motivates people, including victims, offenders, volunteers, and practitioners to get involved with RJ practices. Is it their lived experience, or just a feel-good incentive or a sense of civic responsibility? Finally, for cases of domestic and sexualized violence, an international study exploring trauma-informed, trauma-responsive, and victim-centred frameworks that could be applied even in rural settings might well pave the way for innovative RJ

practices for these crimes in Nova Scotia. The next chapter will discuss factors that contributed to the growth of RJ in Bangladesh.

Chapter 6.

Findings: Restorative Justice in Bangladesh

6.1. Introduction

RJ as a concept and practice has recently been formally introduced in Bangladesh (BD). Although RJ is new there, the idea of resolving conflict outside the criminal justice system is not. Community-based mediation, known as *salish*, has been practiced for centuries – withstanding colonization, adaptation and distortion. Other community-based practices, such as village courts, customary justice and RJ, are also prevalent in BD. Of these, village courts are currently the most widely practiced in BD. GIZ Bangladesh formally introduced RJ in 2014 with the support of INGOs, NGOs, academics and government agencies. Most of the literature on community-based justice practice focuses on village courts; academic, peer-reviewed research on RJ in BD is scarce. As such, this qualitative study explores the growth and development of RJ in BD. Using in-depth qualitative interviews and survey as research instruments, the study reveals the genesis—the foundation of RJ in BD—has been laid by ancient *salish* practices, work by the Mennonite Central Committee, and the establishment of the Madaripur Legal Aid Association. In recent times, GIZ Bangladesh has been key to the development of RJ, which was further expanded by UNDP's Activating Village Courts in Bangladesh project, as well as a graduate course on RJ at the University of Dhaka. This study also unveils some contentious themes raised by the key informants, specifically the role of INGOs, government and community.

In this chapter, the findings from the ten key informant interviews and 22 survey respondents are divided into: (1) general, which address the research question, *How has restorative justice praxis emerged in BC, NS and BD?,* and (2) emergent, which arose from the key informant interviewees and survey participants. The general findings

document factors that contributed to the genesis of RJ in Bangladesh, whereas the emergent findings are additional themes that arose from both the in-depth qualitative interviews and survey participants. The general findings offer factors that influenced the genesis of RJ in BD, like ancient *salish* practices, the impact of INGOs, and the role of the University of Dhaka's graduate program in Victimology and Restorative Justice. The four emergent findings are: 1) role of international non-government organizations (INGOs), 2) Bangladeshi government involvement, 3) role of community, and 4) debate over community justice and restorative justice. The following section discusses both the general and emergent findings in detail.

6.2. General Findings: Factors that contributed to the growth of RJ in Bangladesh

General findings address the factors that contributed to the growth of RJ in Bangladesh. The factors are categorized into a) planting-the-seed phase, and b) expansion phase. In the planting-the-seed phase, ancient practices such as *salish*, legal frameworks of the British Empire, peacebuilding work by the Mennonite Central Committee Bangladesh (MCCB), and the establishment of the Madaripur Legal Aid Association (MLAA) formed the foundation for RJ in Bangladesh. Funding and technical support from The *Deutsche Gesellschaft für Internationale Zusammenarbeit* Bangladesh (GIZ Bangladesh); tripartite partnership of United Nations Development Programme (UNDP), European Union (EU) and the Government of Bangladesh in activating village courts; and the graduate course on Victimology and Restorative Justice at the University of Dhaka played instrumental roles in the expansion phase. Both the seed-planting and expansion phases are discussed below.

6.2.1. Planting the seed phase

A number of key informant interviewees reference the role of 'ancient roots'*,* such as *salish*, in community-based justice processes. Others offered insights on how MCCB and MLAA played a significant role in terms of keeping the ancient *salish* practices alive in Bangladesh. Some participants also mentioned the extant remnants of the legal framework of the British Empire as a factor in the growth of RJ.

Ancient Roots

A number of key informants connected the contemporary community-based justice practice, including RJ, with the ancient *salish.* According to BD 1, BD 4 and BD 6*, salish* practices used to be the main conflict resolution mechanism in Bangladesh. Ancient *salish,* they argued, is "*the foundation for contemporary justice practices*" in Bangladesh (BD 1). These justice practices now include NGO-led *salish*, village courts and RJ. BD 4 offered insight into how the ancient practices used to function:

> *…the shalishdar [arbitrator] used to resolve all conflicts. Communities [known as 'shomaj'] were directly involved in solving community conflicts. Each shomaj/community used to resolve their own disputes. The shalishdar [arbitrator] would consult with key members in the community and ask opinion from victims and offenders.*

Additionally, two key informants—BD 10 and BD 8—argued that Indigenous justice practices of the tribal communities in the Chittagong Hill Tracts (CHT) also influenced the growth of community-based justice. BD 10, in particular, noted that Indigenous "*customary laws*" are in line with RJ values and principles. Of these Indigenous justice practices, the Chakma Justice System practiced by the Chakma tribe in CHT are grounded in the notion of respect, inclusive participation and community building (BD 6). Both BD 8 and BD 10 expressed concern that current RJ advocates and practitioners are not aware of Indigenous justice practices. These two key informant interviewees thought RJ in Bangladesh would have benefited from Indigenous knowledge and traditions. That is why they expressed their concern and BD 8 suggested that RJ practitioners should consult with Indigenous Elders in Bangladesh:

> *Indigenous justice systems are the most neglected form of informal justice process. RJ practices can hugely benefit from these practices, especially from the 13 tribes in CHT. I don't know why RJ practitioners did not invite or even consult with Indigenous communities in Bangladesh. I think it is a lost opportunity. Still, there is time for INGOs and NGOs to consult with Indigenous leaders. RJ practices in Bangladesh will certainly get better in this way.*

Along with ancient practices, such as *salish* and Indigenous justice practice, laws passed by the parliament of the British Empire contributed to laying the foundation for village courts and RJ in Bangladesh.

Legal frameworks of the British Empire

Two key informants—BD 2 and BD 6—identified the extant legal frameworks originating during the British Empire as contributors to the growth of RJ in Bangladesh. For example, as BD 2 shared, the Bengal Village Self-Government Act, 1919[3], which provided the framework for a number of other laws such as the *Conciliation Courts Ordinance of 1961* and the *Village Courts Ordinance, 1976*:

> *Even though the British left Bengal in 1947, they left both positive and negative legacies. The Bengal Act of 1919 is an example of a positive legacy. The Bengal Act of 1919 contributed to the Conciliation Courts Ordinance of 1961. Later, the Village Courts Ordinance, 1976, and Village Courts Act, 2006 replaced all previous acts. Currently, all village courts in Bangladesh are operated under the Village Courts Act 2006, which was amended in 2013.*

According to BD 6, Bangladesh's criminal justice system is based on the British legal framework:

> *As you know, our criminal justice system still adheres to primitive [era of the British Empire from 1757-1947] laws; significant parts of our criminal law were made in British colonial period. The criminal procedure court or our penal court, whatever you call it, all of them follow laws created about 100-200 years ago. In particular, our Prisons Act or our Jail Code through which the total management and features of prisons are framed and regulated—all of these laws were enacted in the 1800s.*

Post-Independence Phase

Bangladesh became an independent country on December 16, 1971, after a nine-month devastating war with Pakistan. The Mennonite Central Committee Bangladesh (MCCB) responded in the areas of peacebuilding and the establishment of the Madaripur Legal Aid Association (MLAA), contributing to the beginning of community-based justice practices in the newly independent Bangladesh of the 1970s.

---

[3] The Bengal Act V of 1919 was passed in the parliament of the United Kingdom in 1919. It set out the governance structure of the British Empire in adjudicating criminal cases.

MCCB and its Peacebuilding Work

BD 1 and BD 5 credited MCCB, especially its peace-building initiatives, for the growth of RJ practices in Bangladesh. Even though at the beginning MCCB worked in the areas of "*agro-based economy*" and "*community development*", according to BD 1, practitioners working in MCCB had realized that without conflict resolution, resources and aid would be wasted. BD 1 shared examples of cases where villagers lost money, even becoming bankrupt, after continuously paying their legal fees. Sometimes they spent all their savings fighting litigations against each other. *"Local crooked lawyers will usually add fuel to the fire and would take bribes from both parties and prolong the justice process,"* shared BD 1. In this context, continued BD 1, MCCB started peacebuilding initiatives, including offering training and workshops on Peace Foundations, Conflict Transformation, Family Relationships, and Trauma Awareness for the Peacebuilder. BD 5 mentioned a different kind of contribution:

> *Since 1971, MCC has been operating in Bangladesh. The most important contribution of MCC Bangladesh is the translation work. We translated a number peacebuilding related books from English to Bengali. We also started the translation work of Howard Zehr's 'Little Book of Restorative Justice'.*

Establishment of Madaripur Legal Aid Association

The Madaripur Legal Aid Association (MLAA) played one of the most important roles in the planting the seed phase after Bangladesh's independence. Since its establishment in 1978, MLAA has played a "pioneering role" in terms of rejuvenating ancient *salish* practices in Bangladesh (BD 4). The aim of MLAA was to facilitate the justice process for those most in need—the poor, and women and children of the rural areas in particular. According to BD 2, MLAA has been *"the most consistent advocate and proponent of mediation in Bangladesh for the last 40 years".* In fact, MLAA's contribution has not been limited only to Bangladesh, it has also conducted training in India and Nepal (BD 1).

BD 4, who is involved in a leadership role at MLAA, was passionate about the Association's role:

Madaripur Legal Aid is the pioneer of community-based mediation practice known as salish in Bangladesh. Since Bangladesh's independence, we are one of the very few local NGOs who are offering training, workshops on mediation and arbitration. Madaripur Legal Aid's work influenced many other projects including Activating Village Courts, RJ and ADR. Our work is based on the values of integrity, justice, governance, and accountability.

In summary, the informal genesis of RJ in BD was influenced by ancient roots of community-based *salish,* some legal frameworks that Bangladesh inherited from the British Empire particularly The Bengal Act of 1919, the peacebuilding work of MCC Bangladesh and the establishment of MLAA converged in the genesis to lay a foundation for RJ in Bangladesh.

6.2.2. Expansion Phase

This section discusses the findings of the expansion phase. This phase begins with major funding and technical support from GIZ Bangladesh, and subsequently UNDP's Activating Village Courts Projects. The section ends with the findings of the impact of the University of Dhaka's Victimology and Restorative Justice graduate level program on the growth of RJ in Bangladesh.

Work of GIZ Bangladesh

The Bangladesh division of Germany's international development organization, *Deutshe Gesellshaft für Internationale Zusammenarbeit* (GIZ Bangladesh), helped to formally launch RJ in Bangladesh in 2013. Since then GIZ Bangladesh has been providing substantial financial, technical and logistical support for RJ, which has catalyzed the expansion of RJ in Bangladesh. Almost all the key informant interviewees and a large percentage of survey participants noted GIZ Bangladesh's contribution to the growth of RJ in Bangladesh. BD 3, who had worked in a number of RJ projects in BD, called GIZ Bangladesh's impact on the development of RJ as *"akashchumbi"*, which is Bangla for 'sky high'. According to BD 3, "*GIZ introduced RJ formally*" in Bangladesh. Additionally, GIZ Bangladesh, with the consultation of local and international experts, tried to promote RJ not only in the community but also in prison settings (BD 10). Crucially, according to BD 7, GIZ Bangladesh supported nation-wide implementation of

RJ. GIZ Bangladesh's RJ project started with 10 districts[4] and continued throughout 2013-2017. However, due to *"phasing out in 2018",* only 7 districts currently have active RJ projects in Bangladesh (BD 6). BD 7 shared the context of GIZ Bangladesh's work:

> *In order to strengthen the informal justice system and to reduce the inflow of low-level volume cases resulting from unresolved disputes into the Formal Criminal Justice System, since October 2013 GIZ Bangladesh through its Rule of Law programme has been implementing Restorative Justice at the community level in 10 districts of Bangladesh through training Restorative Justice Facilitators and establishing RJ programs for low-level crimes. RJ programs focused on the needs of both victims and offenders and played a huge role in reducing reoffending rate in Bangladesh.*

One of the most highlighted contributions of GIZ Bangladesh is that it produced the "*first ever training manual on restorative justice*" (BD 10). This manual consists of 15 sessions for RJ facilitators. Based on this manual, GIZ Bangladesh trained facilitators and recruited volunteers (BD 10). According to BD 7, as of March 2019, the total number of trained RJ facilitators in Bangladesh is about 793, of which 257 are female and 536 are male. These facilitators and volunteers are chosen from local communities, as BD 7 also shared, and the volunteers play a "*supportive role*" for victims and offenders. The cases resolved in GIZ Bangladesh's RJ processes are primary "*compoundable offences*"—minor offences that include small scale physical assaults, theft, vandalism of crops and property, fraudulence, financial dispute and gambling (BD 6). BD 6 noted that as of March 2018, "*16,754 compoundable cases have been settled in the local community through RJ*".

BD 6, BD 7 and BD 3 noted the positive impact of RJ on the victims, offenders and community. According to BD 6, diversion and referral of cases from local police and community to RJ programs went up from 4% in 2013 to almost 55% in 2017. According to BD 7, trust between RJ practitioners and community members have "*immensely increased*". BD 3 also noted the broader impact of GIZ Bangladesh's RJ work. He had attended the 1st International Restorative Justice Conference of GIZ Bangladesh held at the capital, Dhaka in 2015 and shared his reflections:

[4] Bangladesh is divided into 8 divisions and 64 districts. For more information, see: https://bangladesh.gov.bd/index.php

The 2015 RJ Conference was a big milestone for RJ in Bangladesh. GIZ brought local, national and international experts. Hundreds of people representing police, justice, academics, court, CBOs [community-based organizations], and community [members] attended the conference. The theme of the conference was 'Restorative Justice: From Crime Prevention to Conflict Transformation'. For me the conference was enlightening and inspiring. I learned about different models of RJ from international experts from Australia, Canada, and the UK. I admire GIZ for hosting the first international RJ conference in Bangladesh.

BD 4, however, expressed his concern about the sustainability of the RJ practices offered by GIZ Bangladesh when the funding duration is over: "*I think GIZ funding for RJ is slowly shrinking. So, I am not sure how many paid RJ coordinators will be willing to continue their work on a voluntary basis when the fund will run out.*"

The survey participants shared their favourable opinion about GIZ Bangladesh's work with regard to the growth of RJ in Bangladesh. When asked *What contributed to the growth of RJ in Bangladesh*, 63.16% of the participants think that GIZ 'played a very important role' in the growth of RJ in Bangladesh. In other words 12 out 19 survey respondents believe that GIZ played the instrumental role regarding the genesis of RJ in Bangladesh.

Activating Village Courts Project

Along with GIZ Bangladesh's efforts to promote RJ, UNDP's Activating Village Courts Project (AVCP) has also been playing a key role in the expansion of RJ and community-based justice practices in Bangladesh. A number of key informant interviewees categorized the village courts as a form of restorative justice.

BD 3 categorized UNDP's Activating Village Courts Project as "*the largest expansion of community justice practice in the subcontinent*"[5]. There are debates though about whether the village courts are in line with RJ values and principles. Some argued that the village courts are an "*extension*" of the criminal justice system (BD 1 and BD 10), whereas others see it as a form of community-based justice practice that is grounded in RJ values of respect, participation and reintegration (BD 3 and BD 8). BD 3, who is

[5] The subcontinent refers to Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

involved with AVCP, believes, "*village court [is] a form of restorative justice*". Two other key informants, BD 9 and BD 4, also noticed similarities between RJ and village courts. "*Victim-centeredness*" is one of the important features of village courts, for example (BD 9). According to BD 9, a case can only be referred to village courts if the victim's safety is ensured and the offender takes responsibility. The victims usually bring their relatives to the village courts. Moreover, BD 4 added, the "*participatory nature of village courts"* is somewhat similar to RJ because, akin to RJ, village courts also encourage victims, offenders, relatives and local villagers to actively participate in the process.

Even though the legal structure has existed for years, most village courts were not functional until UNDP's AVCP began in 2009. UNDP, EU and the Government of Bangladesh have been collaborating in this project since its inception. According to BD 8, phase-1 of AVCP began with 300 village courts, which later extended to 1080 unions[6] as a part of phase-2, as of March 2018. The successes of both phases are "*extraordinary and encouraging*" (BD 3). Since its inception 12,428 cases were received by AVCP. Of these, 88,346 have already been resolved (BD 3). BD 3 shared some positive impacts of the project:

> *More women are coming to attend village court proceedings. Higher satisfaction rates among the victims and offenders created not only trust in the process, it is also contributing to community building. Currently, village courts cover almost 21 million people in rural areas of Bangladesh. I think this is one of the largest expansions of community justice practice in the subcontinent.*

The growth and success of village courts added momentum to the development of RJ in Bangladesh. According to BD 8, "*village courts and RJ are complementary. I think promoting village court is like promoting RJ*". Echoing BD 8, BD 9 also found similarities in both models. BD 8 summarized*: "Village courts have been an extraordinary success. I think RJ can take village courts to [the] next level. Village courts showed both methods and [a] pathway for RJ practitioners to work."* BD 9 specifically mentioned how UNDP in Bangladesh had created a collaborative work structure, legal framework, and

---

[6] Unions are the lowest tier of administration of governance in Bangladesh. Currently, there are 4,558 unions in Bangladesh. For more information see: https://bangladesh.gov.bd/index.php

sustainable funding package for village courts. According to him, RJ advocates and practitioners need to follow the same methods to take RJ forward.

Contrary to the key informant interviewees, the survey participants did not consider that the AVCP played a significant role in the growth of RJ. When asked *what contributed to the growth of RJ in Bangladesh*, approximately 40% of the survey participants shared that AVCP *"did not play any role",* whereas none (zero percent) of the survey participants thought that UNDP's Activating Village Courts project "*played a very important role".* Some differences between the responses of survey participants and key informant interviewees were noted. Among the key informant interviewees, BD 1 and BD 10 did not view ACVP as factors in the growth of RJ, whereas BD 3, BD 4, BD 8 and BD 9 expressed positive view regarding the influence of AVCP on the development of RJ in Bangladesh.

The following section discusses the final factor that contributed to the growth of RJ in BD, which is the graduate program in Victimology and Restorative Justice at the University of Dhaka.

Victimology and Restorative Justice (VRJ) Master's Program

University of Dhaka, the premier and oldest university in Bangladesh, established a master's program in Victimology and Restorative Justice (VRJ) in 2012. BD 2, BD 6 and BD 10 commented on the contribution of this program to the development of RJ in Bangladesh. BD 2, who was directly involved with the planning process of the graduate degree on VRJ, believed that Dr. Abdul Hakim Sarkar provided the *"vision and leadership"* to establish the program. When asked what contributed to its establishment, BD 10 shared that both "*international popularity of RJ*" and "*existing courses on victim rights*" at the University of Dhaka's Institute of Social Welfare and Research played important roles. Moreover, BD 2 added:

> *The Master's degree on Victimology and Restorative Justice at the University of Dhaka is the only graduate program of its kind in South Asia. The content of the course incorporated international RJ best practices from Australia, Canada and New Zealand. From October 2012 to 2017 more than 400 students graduated from this program.*

With regard to the impact of VRJ, both BD 10 and BD 6 argued that it created more awareness and research about RJ in Bangladesh. Students who graduated from this program are not only contributing to the promotion of RJ in academic settings, many are also working in INGOs and CBOs (BD 10). This was emphasized by BD 6, a VRJ graduate:

> *I think University of Dhaka's Master's program on [Victimology and] Restorative Justice is creating a big role in terms of awareness of Restorative Justice. Students from this program are then getting involved with local justice practices, including village courts and GIZ's RJ project. The University of Dhaka also hosted a number of symposiums and seminars on victimology and restorative justice that contributed to the awareness of RJ. I myself am a graduate of this master's program and am now working on Restorative Justice in community.*

Among the survey participants, almost 50% believed that the University of Dhaka's graduate program in Victimology and Restorative Justice "*played a somewhat important role*" in the growth of RJ in Bangladesh, whereas only 17.65% believe that it played the most important role. Both the key informants and survey respondents expressed similar views about this.

In summary, funding and technical support for RJ by GIZ Bangladesh, UNDP's activation of 1080 village courts, and the establishment of a graduate program in Victimology and Restorative Justice at the University of Dhaka contributed to the expansion of RJ in Bangladesh. Although contested, this study finds that support from GIZ Bangladesh was more impactful than UNDP or University of Dhaka's graduate program on RJ to the genesis of RJ in Bangladesh.

6.3. Emergent Findings: Working Edges of RJ Praxis in BD

The emergent findings evolved from both the key informant interviews and survey participants. The four findings that emerged are 1) role of INGOs, 2) significance of Bangladeshi government's involvement, 3) role of community, and 4) debate over community justice and restorative justice. These findings are discussed below.

6.3.1.   Role of INGOs

The first emergent finding pertains to the perception of INGO involvement in RJ in Bangladesh. There were a variety of viewpoints among both the key informant interviewees and survey participants. Some interviewees shared positive views, whereas others questioned the sustainability of INGO involvement.

BD 7, who had firsthand experience working in INGOs, commented positively. According to her, INGOs are "*at the forefront of RJ work*" in Bangladesh. As an example, she shared the contribution of GIZ Bangladesh and its role in the growth of RJ. Both BD 3 and BD 6 echoed similar sentiments about the constructive and meaningful role played by INGOs. Nonetheless, some interviewees shared a number of concerns that include over dependency, issues of suitability, and a lack of collaboration. Alluding to the issue of over dependency, BD 10 argued in favor of creativity:

> *Our mindset is a problem. In many ways, colonization not only distorted centuries-long justice practice, it also destroyed our minds and imagination. We cannot think beyond what is given to us from the Master. Dependency on other people, especially foreign RJ experts, is a problem. We need to be creative and develop our own form of RJ practices.*

On the issues of sustainability, BD 9 and BD 10 shared similar concerns. BD 10, in particular, mentioned that projects from INGOs *"come and go"*. According to him, without "*ownership and buy-in from local communities",* projects are not sustainable. That is why BD 10 argued that engagement with Community-based Organizations (CBOs) could sustain the momentum for RJ created by INGOs like GIZ Bangladesh. Finally, BD 1, who recently retired from an INGO, elaborated on the issue of sustainability and local ownership:

> *I have been working in the development field for the last 30 years. What I have learned is that copying and pasting ideas from the Western world to other parts of the world does not work. People in Bangladesh are not familiar with RJ. It is a good concept, but it did not originate locally. Our local practice is salish. I did not like the way INGOs brought experts from UK and Australia and created RJ manuals so quickly and implemented it. In this way, community buy-in is seriously compromised. I think it is more of like INGO-imposed RJ. It would have been better if we promoted and strengthened our own salish rather than RJ.*

Similar to the key informants, the survey participants also shared their varied opinions on the role of INGOs. When asked *How do you view INGO's primary role in strengthening RJ practices in Bangladesh,* almost 73% of the survey participants (Figure 6.1) responded that they would like to see INGOs as funder. Approximately 46% of the survey participants view INGOs as *'guarantor of quality practice'*, whilst approximately 31% see INGOs as *'implementor'.* When asked in *What areas would you like to see more support from INGOs,* the majority of survey participants shared they would like to see more '*technical supports'* and *'funding'* from INGOs.
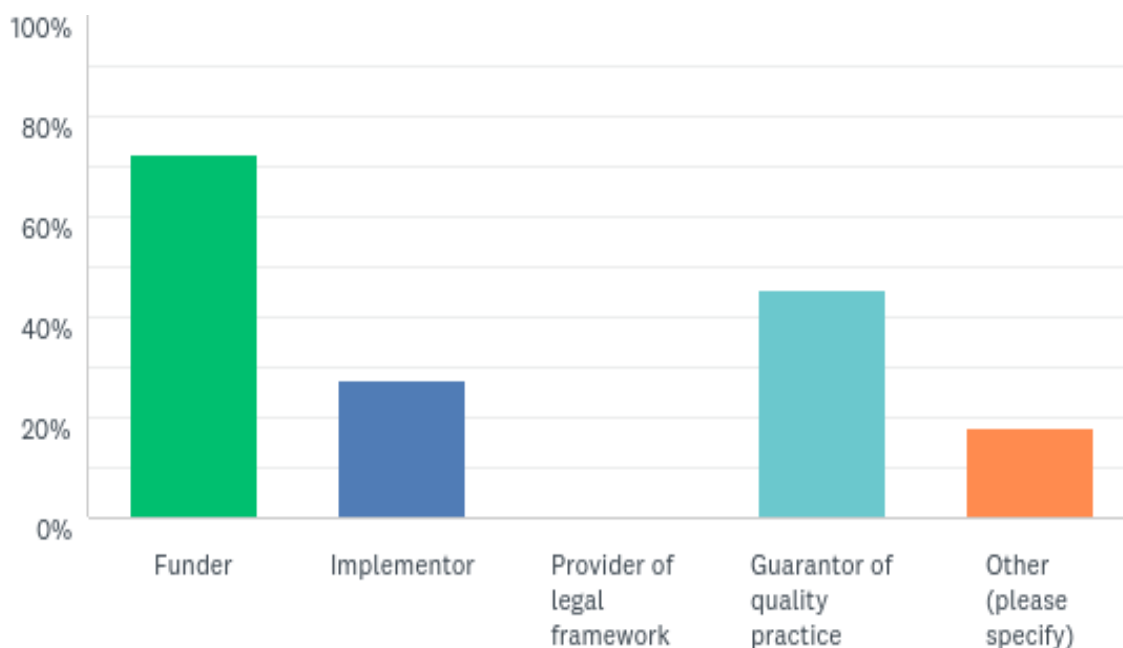
Figure 6.1.   Survey Findings: What role do INGOs play in strengthening RJ in Bangladesh?

6.3.2.   Government involvement

The second finding on RJ in BD that emerged is the notion of the Bangladesh government's involvement. Both the key informants and survey participants shared their opinions on the government's involvement with RJ.

BD 3 and BD 10 argued in favour of an active role by the government. According to this camp, the government's role is "*crucial to the success of any projects*" (BD 3). BD 3 also argued that government involvement in RJ could be helpful because it creates

"*public-private partnership*", which is important for a thriving democracy. BD 10 shared some specific examples of the positive role of government's involvement:

> *The 2015 International RJ Conference is a beautiful example of government-INGO partnership. The Honourable Minister of Home Affairs, Honourable Minister of Law, Justice and Parliamentary Affairs and Additional Inspector General Bangladesh Police all attended the conference and offered their full support for RJ. The government also helped with legal frameworks such Village Court Act 2006 and 2013 and Children Act 2013. These acts are foundational for community-based justice practices in Bangladesh.*

BD 4, on the other hand, expressed concerns that the government's involvement may "*politicize*" RJ practices. BD 5 also was worried about too much government involvement:

> *…sometimes collaboration with government is very helpful, sometimes it is very risky and may interfere with the goal as the government may try to influence and impose their own goals and interests. Don't get me wrong, I know the government's support is important in this work but too much government involvement is always risky and can lead to politicization of these wonderful projects. There is also concern about corruption and nepotism.*

The survey participants offered clear opinions when asked about the role of government in RJ. Almost 90% shared that they would like to see the government as a '*provider of legal framework',* whereas 46% viewed the government as *'implementer'* (Figure 6.2).
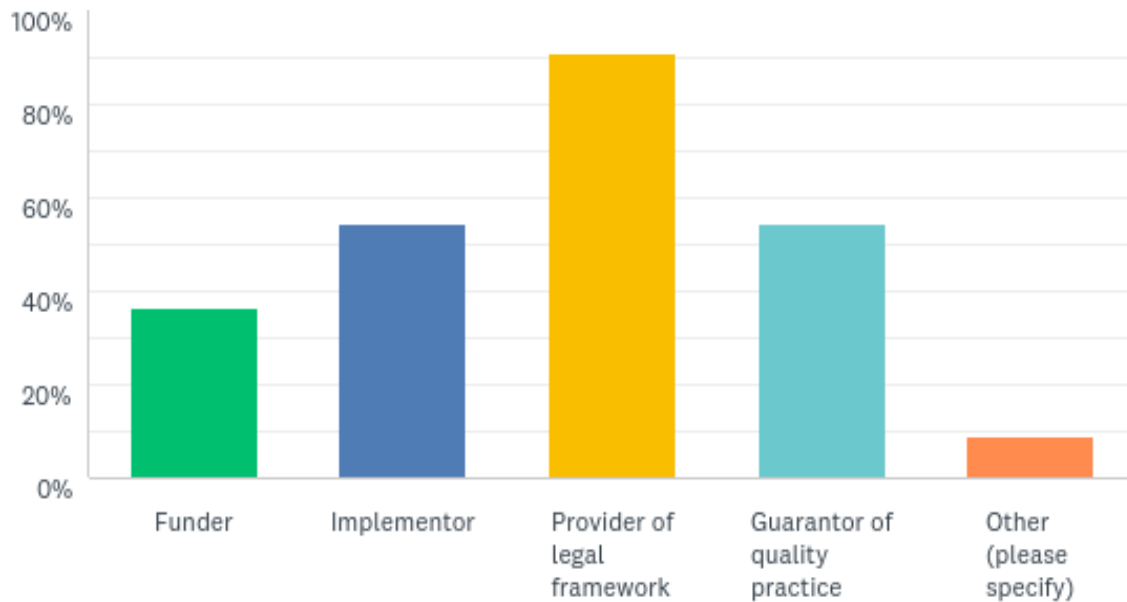
Figure 6.2.   Survey findings: What is the Government's Role in Strengthening RJ in Bangladesh?

A similar sentiment was found when asked 'in what areas you would like to see more support from government?' The majority—20 out of 22 survey participants—shared they would like to see the government offering more *'legal framework'* for RJ in Bangladesh.

6.3.3.   Role of Community

The third emergent finding in this section is the role of community. All key informants agreed on the importance of community in RJ practices. BD 9 viewed community as "*the backbone*" of most of the community justice practices. BD 8 found the community's role as the "*holder of care and support*" for victims and offenders in all community-based justice practices including village courts, *salish* and RJ. Both BD 1 and BD 3 shared that all informal justice practices in Bangladesh are community-led. BD 1 argued that general community members, not the government, initiated community-based justice practices. According to him, even village courts are highly supported by the members of the general community.

Interestingly, BD 2 added a different nuance regarding the community's role:

The role of community is complex in Bangladesh as there are divisions among community members across the political party line[7]. If victims are supporters of one political party, community members of other political parties may not be willing to support the victims. The same thing is true about offenders. Affiliation with opposing political parties is the main issue in the community's role in justice work.

The survey participants also shared their opinion about the role of community. Almost 69% "*strongly agree*" and 23% "*agree*" (Figure 6.3) with the statement that RJ is a community-born, community-based and community-led practice. In total, almost 92% of the respondents shared a favourable opinion about the community's role in RJ.
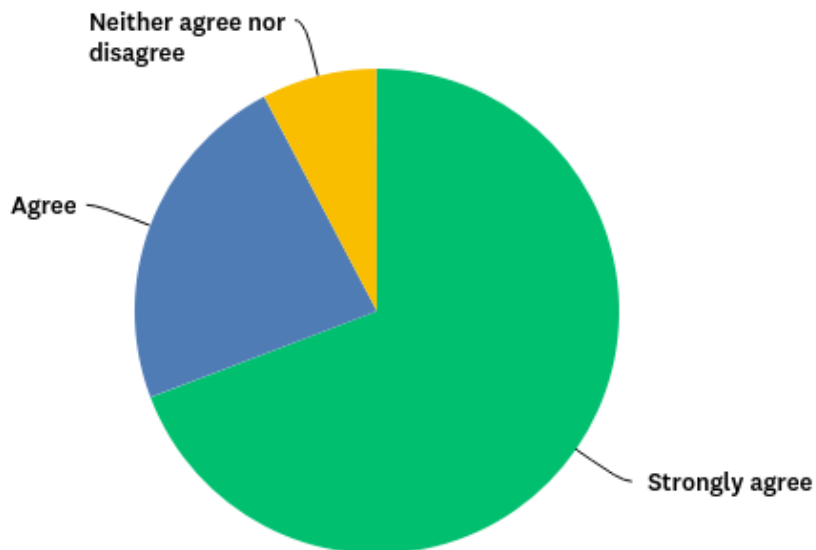
Figure 6.3.   Survey Findings: Do you agree that RJ is community-born, community-based and community-led?

One of the ways community members are involved with RJ and other justice practices is through Community-Based Organizations (CBOs). When asked '*How do you view CBO's role in strengthening RJ practices?'*, the survey participants responded that

---

[7] Tensions and violence across political party lines are prevalent in Bangladesh. According to Moniruzzaman (2009, p. 84), "A dominant aspect of the party-system in Bangladesh is its culture of violence. It has become commonplace for political parties to often engage in street violence". For more information: Moniruzzaman, M. (2009). Party politics and political violence in Bangladesh: Issues, manifestation and consequences. *South Asian Survey, 16*(1), 81-99.

CBOs are "*gatekeeper*", "*hub*", "*foundation*" and "*catalyst*" for RJ practices in Bangladesh.

The survey participants used different phrases when sharing ways that CBOs can contribute to strengthening RJ. BD Survey Participant 6 referred to CBOs as "*the first gate keepers who help victim and offender towards their reintegration*", whereas BD Survey Participant 9 viewed CBOs as "*catalyst and promoter of RJ*". Some survey participants believe that the CBO's role is conducive to inspiring women and marginalized groups to access justice – "*CBOs influenced salish and RJ to be more gender friendly*" (BD Survey Participant 1). In summary, they felt that "*CBOs are the heart of the community which support keeping peace among people. So, they play a vital role in terms of promoting RJ, implementing RJ and creating awareness of RJ. CBOs are the hub for RJ in Bangladesh*" (BD Survey Participant 7).

6.3.4.   Debate over village courts, *salish* and RJ

The final emergent finding revealed in this study concerns the debate over village courts, *salish* and RJ.

BD 3 identified village courts as "*an extension of government-led criminal justice but are implemented locally*". That is why he does not view village courts as a form of community-based justice. *Salish*, on the other hand, is a community-based justice practice because of its connectedness to the grassroots (BD 3). BD 1 echoed similar sentiments: "*salish has been led and practiced by local community leaders for centuries*".

BD 10 and BD 4 argued from another angle. For them, village courts, *salish* and RJ are types of hybrid model that complement each other. BD 10 does not see significant differences between the three, arguing instead of the Indigenous Chakma[8] justice is an example of a hybrid model in which the criminal justice system and Indigenous justice system are functioning concurrently. BD 4 shared his observation:

---

[8] Chamka is one of the 13 tribes in the Chittagong Hill Tracts of Bangladesh. Most of these tribes used to have their own justice system.

It is interesting to see how restorative justice works in Bangladesh. People who are experts on salish and village courts are also getting training on restorative justice. Because of this, RJ in Bangladesh is a mixture of salish and village court practices. For this reason, many CBOs offer supports for salish, village courts and RJ simultaneously. Madaripur Legal Aid is an example. They are involved with implementing RJ, salish and village court. I think all these practices are complementary with each other.

This section of the emergent finding reveals the complexities of various forms of community-based justice practices such as *salish*, village courts and RJ. This section also highlights the hybrid nature of Bangladesh's RJ practice as a mixture of *salish* and village courts.

6.4. RJ as Relational Theory of Justice: Implications for BD

There are a number of implications with regard to RJ as a relational theory of justice and its connection to the findings in Bangladesh. Firstly, the overall ethos of Bangladesh's *salish* and other community-based justice practices, such village courts and Indigenous justice systems, are relational (BD 1). Additionally, BD 6 mentioned that the Chakma Justice System, a form of Indigenous Justice system, is grounded in the notion of respect, inclusive participation and community building, which are in line with the principles of the relational theory of justice. Secondly, this study did not find equality of relationship between INGOs and other stakeholders. In the context of Bangladesh, even justice stakeholders and government agencies have unequal relationship with INGOs due to the funding structure. Usually, INGOs have more access to funding and control than any other stakeholders (BD 1). Interestingly, when asked what they would like to see from INGOs, a large number (73%) of the survey respondents viewed INGOs as funders. Furthermore, there is a hierarchy even among local NGOs. Local NGOs and CBOs with connection with INGOs tend to get invitations to consultations and program delivery (BD 3, BD 4). Another interesting implication with regard to RJ as relational theory justice in the context of Bangladesh is that there is a deep rooted animosity across partisan party lines amongst the local villagers and community members (BD 2). Findings ways to build and nurture equality of relationship, respect, dignity and

148

concerns, across all parties is instrumental to the future of RJ in the country. Otherwise, RJ may develop physically but it will be void of its essence – equality of relationship.

6.5. Conclusion

Responding to the research question *'How did Restorative Justice practice develop in Bangladesh*?', this chapter reveals the factors that contributed to the growth of RJ in Bangladesh. It finds that INGOs, especially GIZ Bangladesh, played the most important role in this development. Additionally, the presence of NGO-led *salish* and University of Dhaka's graduate level degree on Victimology and Restorative Justice facilitated the growth of RJ in BD. The presence of community-based justice practices, such as village courts, is also very strong in Bangladesh. Some participants viewed village courts as a form of restorative justice, though others disagreed.

The findings in this chapter are significant for a number of reasons. First, it provided a comprehensive picture of the genesis of RJ – starting from ancient *salish* to present GIZ Bangladesh led RJ program. Second, it captured the nuances over *salish*, RJ and village courts – all of which are prevalent in Bangladesh. And, most importantly, it revealed the complexities arising from the involvement of INGOs and government agencies. This study finds that there is a significant inequality of relationships between INGOs and other stakeholders in BD which hinders equality of respect, dignity and concerns for all stakeholders at all levels, individual, community and institutional.

One of the limitations in this study was its limited focus on village courts. A more in-depth study is needed to explore just how 'restorative' the village courts of Bangladesh are. Another limitation is that it did not include Indigenous elders and their perspectives on the growth of RJ; rather it only included key informant interviews of people currently or formerly involved in shaping the development of RJ. Longstanding Indigenous justice practices exist in Bangladesh. A study focusing on the impact of Indigenous justice systems on the growth of RJ would thus be instructive.

The following chapter explores the notion of community praxis in the context of RJ.

Chapter 7.

Community Praxis and Restorative Justice

'Community' has been vigorously studied and is deeply embedded in classical theories and discourse. The idea of community evokes diverse images, interpretations, roles and metaphors. Yet, whilst the concept of 'community' is pervasive and ubiquitous, there is ambiguity surrounding understanding what community is and what its roles are/should be. Community may connote "connectedness" of individuals and groups (Bolivar 2012, p. 17); Day (2006, p. 2) explains community as "group-ness" where "people do things… together rather than separate and alone"; community can also refer to a place where a group of people feel a sense of belonging and connection (Karp and Clear, 2002); community can also be defined when individuals experience a sense of belonging (Block, 2018). The state of belonging is thus seen to have both a physical and an emotional dimension. In other words, interconnectedness, belonging, and togetherness are essential traits of community. In the context of restorative justice, community has been regarded as the "center" and "driving force" (Dickson-Gilmore and LaPrairie, 2005, p.3). This is why Gavrielides (2013, p. 83) posited RJ as "community born and community led". Scholarship on the idea of community in RJ has substantially increased in recent years (see Block, 2008; Dzur and Olson 2004; Elliott, 2011; McCold, 2010; Rosenblatt, 2015). Nonetheless, there is a "significant deficiency" in defining and operationalizing the notion of community in RJ (Bolivar, 2012, p. 18). Some commonly practiced community roles for RJ are volunteers, board members, and supporters for victims and offenders (Maglione, 2017).

Explicitly focusing on the research question—'*what is the role of community in BC, NS and BD',* this chapter begins with the normative understanding of community, moves to the notion of community praxis, and then discusses some existing community praxis in RJ. Findings of community praxis of RJ from BC, NS and BD are comparatively analysed. Specifically, the community as volunteer, community as circle of care and

community as neighbour are thoroughly examined. This chapter then reveals two additional type of community praxis in RJ--reflective-community and learning-community. Combining all types of community praxis, this chapter proposes a dual concept of horizontal community and vertical community. It argues that vertical community and horizontal community each play pivotal roles in innovation and creativity.

7.1. Normative Understandings of Community

Normative understandings of community vary from scholar to scholar. Community resides in "those things which people have in common, which bind them together, and give them a sense of belonging with one another" (Day, 2016, p.1). The following section discusses classical theoretical developments in the idea of community from Durkheim and Tönnies because of their resonance with community praxis of RJ.

7.1.1. Emile Durkheim

Sociologist Emile Durkheim, one of the earliest classical scholars, describes the notion of community. Durkheim used a social solidarity lens to demarcate community. In his book, *The Division of Labor*, Durkheim outlines two types of community: a) mechanical community, and b) organic community. Community can be established as a form of solidarity founded on a premise of "states of conscience which are common to all members of the same society" (Durkheim, 1933, p. 109). Community can also be formed on the basis of an interdependency and complementarity referred to as "organic" (Durkheim, 1933, p. 129). According to McKinney (1966), Durkheim's categorization of mechanical and organic ways of forming social solidarity is more of a normative idea and may thus be different in practice. Additionally, Day (2006, p 3) views Durkheim's approach to social solidarity as relevant to our current understanding of contrasting social orders: "a normative preoccupation with the regulation of society to maintain successful cooperation, and a sense of fear that prevailing social conditions might render this impossible". The historical context of industrialization and emergence of individualism shaped Durkheim's concept of social solidarity and its categorization into mechanical and organic (Day, 2006; Perry, 1986).

7.1.2.   Ferdinand Tönnies

Ferdinand Tönnies, the German philosopher and sociologist, played the most instrumental role in theorizing the notion of community as it pertains to social solidarity. In his book on *Community Association* (1957), he outlines a comparative analysis of *Gemeinschaft* (community) and *Gesellschaft* (society). According to Tönnies, *Gemeinschaft* or 'community' is defined as a "lasting and genuine form of living together" in which the connection among people is much more organic and alive, whereas *Gesellschaft* or 'society' is a state in which individuals are involved with each other through a "transitory and superficial" connection (Tönnies, 1957, p. 35). Community, according to Tönnies (1957), deeply connects people with each other through kinships and relationships and proximity. An example of this is people living in villages, rural areas or small communities.

In summary, Durkheim and Tönnies each offer two types of community. For Durkheim, the two types are mechanical community and organic community, whereas Tönnies proposed *Gemeinschaft* and *Gesellschaft.* Organic community and *Gemeinschaft* share some similarities, whereas *Gesellschaft* and mechanical community have resemblances*.*

7.2. RJ and Community

In the context of RJ, community is defined as people directly or indirectly connected with the person harmed or the one who caused the harm. These people may be relationally or geographically connected with the victims or offenders. Community can also be defined as the specific geographical setting in which a restorative justice organization is located (Dhami and Joy, 2007; McCold, 2010). Community volunteers help return crime to the main stakeholders, resulting in 'deprofessionalization'. Micro community, also known as the circle of care for victims and offenders, offers emotional support, inspiration, and encouragement. It contributes to the social capital of victims and offenders. Macro community, on the other hand, provides material support. Through these elements, justice stakeholders – offenders in particular – can be connected to the

larger community and facilitate the process of reintegration (Maglione, 2017; McCold, 2010).

According to Zehr's restorative lens, community involvement is foundational to restorative justice because of its emphasis on collective and communal responses to harm and wrongdoing, as opposed to individual or state-based responses (Pavlich, 2010). Pranis (1995) summarizes the importance of community inclusion in restorative justice:

> Greater community involvement in a restorative justice process is a powerful way to break this destructive cycle and increase the connections among community members. The more connected with each other community members are, the more likely they will be to restrain impulses which would be disapproved by the community.

Finally, Peter Block defined it as a "restorative community" that produces a certain "quality of aliveness and wholeness" (Block, 2018, p. 49). According to him, a restorative community in practice is given by "language of connection, relatedness and belonging" (Block, 2018, p. 50).

In summary, community in RJ can be defined as people who are directly or indirectly connected with either the person harmed or the person who caused the harm. These people may be relationally or geographically connected with victims or offenders. Community can also be defined as a specific geographical setting. Having identified these typologies of community RJ, there remains vagueness and complexity both in definition and praxis. Burford (2018, p.366) encourages "to engage with complexity" in this regard.

7.3. Community Praxis

Promoted by Freire (1972, pp. 75-76), the idea of praxis indicates both "action and reflection". Prilleltensky (2001, p. 758) argues that praxis is "unity of theory and action". Moreover, Prilleltensky (2001) proposes four key elements of praxis: a) balance between philosophical and grounded input, b) balance between understanding and action, c) balance between process and outcome, and d) balance between differing and

unequal voices. Blodgett et al. (2008, p. 393) view praxis as "the cyclical process of reflection and action, and theory and practice that is motivated by a commitment to transformation through social activism". They propose four key features of praxis, particularly in research settings: 1) pursuit of lines of inquiry that are meaningful to the participants; 2) utilization of culturally sensitive strategies; 3) involvement of participants in the project's development, analysis, and dissemination; and 4) use of consensus decision-making models (Blodgett et al., 2008, p. 412). Praxis can also be defined as a convergence of reflection and practices (Lederach, 1997). In short, praxis is a "critico-practical activity whereby theory must be put into action to be made meaningful" (Osborne, 2017, p. 847).

In a community setting, praxis includes theorizing ideas, coordinated action by practitioners, and reflection by community members (Evans, 2015). Community praxis implies practices that are grounded in theory. Historically, theory and practice were not "intrinsically divorced" from the idea of community (Anderson and Freebody, 2012, p. 360). Morrison and Vaandering (2012, p. 145) define community praxis as the engagement of "rich ecologies of individuals' lives, at the social and emotional level of a community". In summary, the essence of praxis is the cyclical convergence of theory, practice and reflection.

7.4. Existing Community Praxis in RJ

Grounded in the ethos of Christie's (1977) work on bringing conflict back to community, RJ theories by and large have included three types of communities: community as volunteers, community as circles of care, and community as neighbour. A number of theories influenced the formation of these communities, including reintegrative shaming theory (Braithwaite, 1989), relational justice theory (Llewellyn, 2011), procedural justice theory (Tyler and Blader, 2000), and conflict transformation theory (Fisher et al., 2000; Lederach, 1999). This study defines community praxis as when a group of individuals is involved with the RJ process in different capacities. The formation and roles of these groups of individuals are shaped by theory, reflection and practice. The next section discusses existing community praxis in RJ in detail.

7.4.1.   Community as Volunteers

Community volunteers play an important role in the area of facilitation and mediation. Many RJ practices around the world depend largely on community volunteers. These community volunteers act as a "neutral third party" in RJ organizations (Rossner and Bruce 2016, p. 108). They also contribute as board members of such organizations or as part of the reparation board (Dhami and Joy, 2007; Gerkin, 2012; Karp and Drakulich, 2003). If successfully engaged, local community members can act as key stakeholders in RJ practices (Schatz, 2013).

Across all three research sites – BC, NS and BD – volunteers played a significant role in the growth of RJ. When asked to rank 'What contributed to the growth of RJ', the majority of survey participants in BC and NS identified the role of volunteers as 'very important' to the growth of RJ, whereas in BD, only 31% identified volunteers as very important (see Table 8.1).

Table 7.1.   Role of Volunteers in RJ in BC, NS and BD

Research Sites	Support from Volunteers
BC	56.41% identified 'very important'
NS	60.61% identified 'very important'
BD	31.25% identified 'very important'

7.4.2.   Community as Circles of Care

Many academics view community as a circle of care in RJ practices. McCold (2010, p. 156) termed this type of community as micro community, which includes those who have "meaningful personal relationships" with the victim(s) and offender(s). A circle of care thus includes family members, friends, and significant others of the victims and offenders (Bolivar, 2012; Gerkin, 2012; Maglione, 2017; Rossner and Bruce, 2016).

In BC, NS and BD, there is consensus on the inclusion of the supporters of victims and offenders in RJ processes. When asked about inclusion, a majority of the survey respondents shared that both 'inclusion of victim supporters and inclusion of offender supporters' are very important to their RJ practices (see Table 7.2).

Table 7.2.   Circles of Care in RJ in BC, NS and BD

Research Sites	Inclusion of Victim Supporters	Inclusion of Offender Supporters
BC	56.76% identified 'very important'	51.35% identified 'very important'
NS	51.52% identified 'very important'	54.55% identified 'very important'
BD	52.94% identified 'very important'	61.11% identified 'very important'

7.4.3.   Community as Neighbour

Finally, the community in which the harm was committed is also an important element of the RJ process. McCold (2010) defined this type of community as macro community. Community in this context is constitutive of a geographic location. People in macro communities are usually connected via space, shared values, ethnicity, faith traditions and mutual interests (Bolivar 2012; Gerkin, 2012; Maglione, 2017; Rossner and Bruce, 2016).

The question of whether RJ should be 'community-born, community-based and community-led practice' shed some insights. Table 7.3 shows that among the survey participants in BD, a majority of 76% strongly agreed, while in NS only about 42% strongly agreed with the statement that RJ should be community-born, community-based and community-led.

Table 7.3   Role of Community in BC, NS and BD

Research Sites	Strongly Agree	Agree	Strongly Disagree
BC	51.22%	34.15%	0.00%
NS	42.42%	36.36%	3.03%
BD	76.47%	17.65%	0.00%

7.5. Additional Community Praxis in RJ

In RJ, the community's role in the support of victims and offenders is considered as circle of care. There is also some understanding about the community's role as

volunteer and as neighbour. Beyond these three types of communities—circle-of-care, volunteer and neighbour—there are ambiguities about the scope or role of community in practice. This study suggests that a reflective community and a learning community are integral parts of community praxis. Where reflective community explicitly brings the concept of reflection and relationships into RJ, learning community brings theory. Both contribute to the notion of community praxis in RJ. The findings of this study, particularly those from BC and NS, contributed to understanding community praxis by incorporating the notion of reflective and learning communities, which are discussed below in more detail.

7.5.1.   BC Context: Reflective Community

An example of reflective community in BC was given by the group of people who used to meet frequently at Liz Elliott's house in Mission, BC, Canada. The key purpose of these gatherings was to share ideas, have meals together, build connections, and check-in with each other. Key informant interviewees from BC shared clear insights into the role of community in nurturing interpersonal relationships. BC 3 and BC 12 referred to these meetings as "*Sunday Supper*". These meetings were weekly and reflective in nature. BC 3 recalled that people from different walks of life used to attend these suppers, including students, community members and prison inmates. According to BC 3, these meetings and discussions continued for years and had a transformative impact on people:

> *She [Liz Elliott] opened her house to the students, lay people and stuffs, AVPers[9] and then everybody would have a good time at the place there and it was just great. Everybody would go back totally enthusiastic. It was fabulous, just incredible. That was really transformative.*

BC 12, who also attended these regular meetings, commented that they were not *"structured"* or *"theme-based"*. Both BC 3 and BC 12 reflected on how the meetings were open to a diverse group of people and the discussions were lively, connecting and

---

[9] Participants who volunteer at Alternatives to Violence Project (AVP) are sometimes referred to as AVPers. AVP is a grassroots, international, volunteer organization offering experiential workshops in prisons, schools and the community. For more information, visit: https://avpcanada.webs.com/

relational. Liz Elliott was the host of these meetings (BC 4). Liz's understanding of the importance of person-to-person relationships is reflected in her book: "I learned that the problems were much deeper than a flawed criminal justice system, and that our work needed to begin in our relationships with each other and the natural world, and most importantly, with ourselves" (Elliott, 2011, p.1).

Furthermore, BC 18 and BC 4 also experienced a sense of reflective community when a group of academics and practitioners formed BC RJ Charters, a group that met frequently at SFU's Centre for Restorative Justice. One of the major successes of these meetings is the establishment of RJ Charter for BC. In 2003, after meeting many times, over 20 RJ advocates in BC formulated a Charter for Restorative Justice in British Columbia, Canada that was known as the BC RJ Charter and based on a consensus-based decision-making process. This charter articulated principles and values to guide RJ practices (BC 18). As envisioned by the signatories, it represented a "living" and "breathing" document that would evolve and address the needs of the community (BC RJ Charter, 2003, p. 1). The BC RJ Charter includes: full, informed, and voluntary participation of all; do no further harm; diversity; caring and compassion; equality; healing; responsibility, truth and honesty; consensus-based decision making; justice; inclusion; trust; safety, respect, non-judgment; self-awareness and integrity; flexibility; empathy; interconnectedness of community; courage; humility; wellness; confidentiality; listening and sharing; peace; empowerment; and self-determination (BC RJ Charter, 2003, p. 2). According to Dyck (2010), the BC RJ Charter not only guides RJ programs with RJ values and principles, it also holds the practitioners accountable to the public.

In summary, the reflective community in BC evolved organically with the leadership of Liz Elliott at her house. Her worldviews on interpersonal relationship influenced the formation of this community. Unstructured, non-hierarchal, relational, open-to-anyone and informal are some salient features of the reflective community.

7.5.2. Nova Scotia Context : Learning Community

The other community praxis that emerged in this study is the concept of a "learning community" (NS 2). Professor Jennifer Llewellyn at the University of Dalhousie played an instrumental role in promoting the idea of a learning community. Unlike

reflective community, learning community meetings are structured and agenda based. Participants in 'learning community' NS were mostly RJ academics, practitioners and professionals.

University of Dalhousie as Learning Community

One of the key objectives of the *Learning Community* in Nova Scotia RJ was *"learning from each other in real time"* (NS 2). Funding from NSRJ CURA contributed to the formation of learning community. Academics, justice stakeholders from government agencies, and community members participated in the Learning Community. The University of Dalhousie became the hub of such activity. NS 2 eloquently summarized why the university setting became the place for a learning community.

> *…the use [of] the university [Dalhousie] as a gathering point, as a place that people can convene. In our best moments, universities should be places where people are able to convene, to learn together, to generate knowledge together, and to mobilize that knowledge together, figure out what it means and what we should do about it. And it becomes a really quite powerful place I think because it's neutral space. So, we could bring partners together around a common cause, around looking at a common issue, around coming to reflect on where they are.*

NS 8 offered a similar sentiment, *"I am sure everybody felt comfortable coming to Dalhousie for gatherings. Government folks, community members, police and academic were attending these meetings. I think there is a sense of safety for all in a university setting".* According to NS 4, meetings are usually held once in a month. Questions such as '*what is working*, *what is not working*, and *what can be done restoratively to address newer challenges'* are common themes discussed in learning community meetings (NS 4).

Dalhousie University as a learning community became the hub for gathering, sharing, brainstorming, learning, re-learning and un-learning (NS 8). As NS 2 enthusiastically shared, in this learning community "*We can create time*". A number of innovative RJ practices emerged in this way, through what Llewellyn and her colleagues (2013, p. 284) have referred to as an "act of creative imagination".

159

An example of the successes of this learning community in Nova Scotia is the emergence of innovative practices and relational justice theory. The idea of learning in general is similar to this notion of community of learners. Communities of learners tend to focus on theatrical and conceptual aspects of knowledge along with reflection (Brown and Campione, 1994).

Additionally, the success of the learning community in NS inspired RJ advocates and practitioners in other jurisdictions, such as Hull in the UK and Vermont in the USA. According to NS 2:

> …*so I think that [learning community] was a significant model, I think it's the model that we're now trying to figure out how to build and support international learning community in multiple jurisdictions...how do we intentionally create these spaces and places where we can meet together and support one another, where we can convene and be connected… and who takes care of those connections to make sure that they keep happening and so that we know each other and we can learn from each other.*

In summary, the ideal host of a learning community is a university/education setting. The essence of a learning community is mutual learning, mutual sharing and co-creation. Meetings are structured and agenda/theme-based. This study argues that the inclusion of learning community as community praxis could foster innovation and creativity in RJ.

7.5.3.   Bangladesh context: CBOs as Community

Bangladesh was a boon for the exploration of community in practice through the community-based organizations locally known as CBOs. The concept of CBO is not prevalent in BC or Nova Scotia. Bhuiyan, Hassan, and Islam (2018, p. 216) argue that "In Bangladesh, CBOs have been found to contribute in wide-ranging aspects, that is, management of natural resources, community empowerment, access to service delivery, rural infrastructure development, and so on".

CBO as Community

Both key informant interviewees and survey participants shared about the role of CBOs in Bangladesh. When asked about the differences between NGOs and CBOs, BD 4, who is involved with both summed, it up thus:

CBOs more locally connected than NGOs. CBO members are also geographically located around the same area, whereas NGOs may have multiple offices in multiple location… CBOs played important role as RJ coordinator.

BD 2 and BD 5 shared similar thoughts, and BD 5 believed that villagers increasingly know RJ because "*CBOs have the most natural access to villagers as they are relationally connected with them*". BD 2 further added, "*CBOs can even play a bridging role between the community members of different political parties[10]. In this way, villagers and general community can trust RJ process*".

Survey participants also shared overwhelmingly positive views on CBOs in RJ in Bangladesh. As discussed in Chapter 6, survey participants viewed CBOs' role in RJ as *"the main pillar", "bridging partner"*, *"main entry point", "catalyst", "right door for victim and wrongdoer"*.

7.6. Proposed Community Engagement Framework

In light of the above discussion, this study proposes a community engagement framework. Grounded in the work of Block (2018) and McCold (2010), it proposes the idea of horizontal community and vertical community, building on Roche (2003) in a context of accountability in RJ. According to Roche (2003), horizontal accountability is related to the informal community ties, whereas vertical accountability is connected with institutions such as courts or other regulatory agencies. Additionally, Hoffmann-Lange, (2012) also employed the term horizontal and vertical accountability around similar

---

[10] Division across the political line is extreme in some villages in Bangladesh. As a result community in those particular villages are also significantly polarized. For information: Moniruzzaman, (2009).

meaning. Building on Roche (2003), this study proposes: a) horizontal community and b) vertical community. Horizontal community is more informal and provides the space for Block's 'restorative community' in which individuals experience belonging physically, emotionally and intellectually. This study argues that the horizontal community, in particular, resonates with the notion of *Gemeinschaft* (Tönnies, 1957) in which bonds and connection across community members occur naturally. Horizontal community also echoes what Durkheim (1933) refers to as organic community. This community solidifies the relational foundation. Vertical community, on the other hand, includes McCold's micro and macro communities, which includes a circle of care and community as volunteer. It also includes learning community. In summary, a horizontal community nurtures the emotional aspect of community, whereas a vertical community is more formal and focuses more on external elements, such as logistics, facilitation and other supports needed for RJ practices.

This study proposes both vertical community and horizontal community for effective community engagement in RJ practices. Horizontal community includes reflective community, and community as neighbour, whereas vertical community includes learning community, community of care and volunteers. The next section discusses each group in detail.

7.6.1. Horizontal Community

Horizontal community brings both reflection and theory into RJ practice. This is more informal and non-hierarchal than vertical community. Horizontal community includes reflective community, community as neighbour.

7.6.1.1. Reflective Community

- *Who:* These individuals consist of passionate individuals who would like to nurture connection, empathy and resiliency.
- *What:* These individuals can meet once a month. The agenda can include a) opening circle and check-in, b) discussion about self-care, and c) closing circle. Sharing meals and rituals are strongly recommended for reflective community.

162

- *Host:* Ideally, RJ visionary or a person who is enthusiastic about RJ can host these meetings at home or in community centers or neighbourhood houses or community centers.
- *Ways of Evaluation:* Noticing the depth of connection and the consistency of attendance.

7.6.1.2. Community as Neighbour

- *Who:* Anybody living in a city or area where an RJ organization is located is welcome to attend general public events.
- *What:* Involvement of local community members brings local ownership. RJ organization can host free community events, such as the *Speak Out Series* of North Shore Restorative Justice Society (NSRJ, n.d). These events promote awareness of restorative justice. Inviting neighbours to the AGM also brings rootedness to RJ practice.
- *Ways of Evaluation:* One way to assess neighbour participation is to see whether volunteer recruitment is increasing in a given neighbourhood. Keeping an attendance record of public events and monitoring participation levels from the local community can be an effective means of assessment.

7.6.2. Vertical Community

Vertical community is more structural and formal than horizontal community. Vertical community includes circle of care and RJ volunteers. Roles and meetings are more structured.

7.6.2.1. Learning Community

- *Who:* These individuals consist of justice professionals[11], RJ advocates, academics and practitioners.

---

[11] Justice professionals include provincial government officials, Crown Counsel, Defence Counsel, Police officer, Probation Officers and Corrections Officials.

- *What:* These individuals can meet once every three months. Learning community can explore a number of questions including '*what is working'*, '*what is not working'*, and '*what can be done to foster innovation and creativity'*.
- *Host:* University settings are generally the ideal space for learning-community gatherings.
- *Ways of Evaluation:* Documenting innovative RJ practices.

7.6.2.2. Circle of Care

- *Who:* These individuals may be friends, family members, and supporters of the victims and offenders.
- *What:* These individuals offer empathy and support. RJ organization can share a brief document outlining the role of the community of care so that victims and offenders understand how to request support from their community of care.
- *Ways of Evaluation:* RJ organization can observe whether participation numbers in circle of care increase or decrease.

7.6.2.3. Community as Volunteer

- *Who:* Trained volunteers are involved with an RJ organization as board members, advisors, facilitators, coordinators and event managers. In the context of Bangladesh, CBOs are part of this community.
- *What:* Depending on the roles, each volunteer may have a distinct role and task.
- *Ways of Evaluation:* Each organization may have a specific standard practice to assess volunteer performance, retention strategies, and feedback.

7.6.3. Guiding Principles

The guiding principles for both horizontal and vertical communities are developed in the relational theory of justice. Some of these include, but are not limited to, being: 1) relationally focused, 2) comprehensive and holistic, 3) inclusive and participatory, 4)

responsive, 5) focused on taking responsibility, 6) collaborative and non-adversarial, and 7) forward-focused (Llewellyn and Morrison 2018, p. 348). This study assumes that these guiding principles would contribute to enhancing and nurturing equality of relationships, and respect and dignity between and among all types of communities and justice stakeholders.
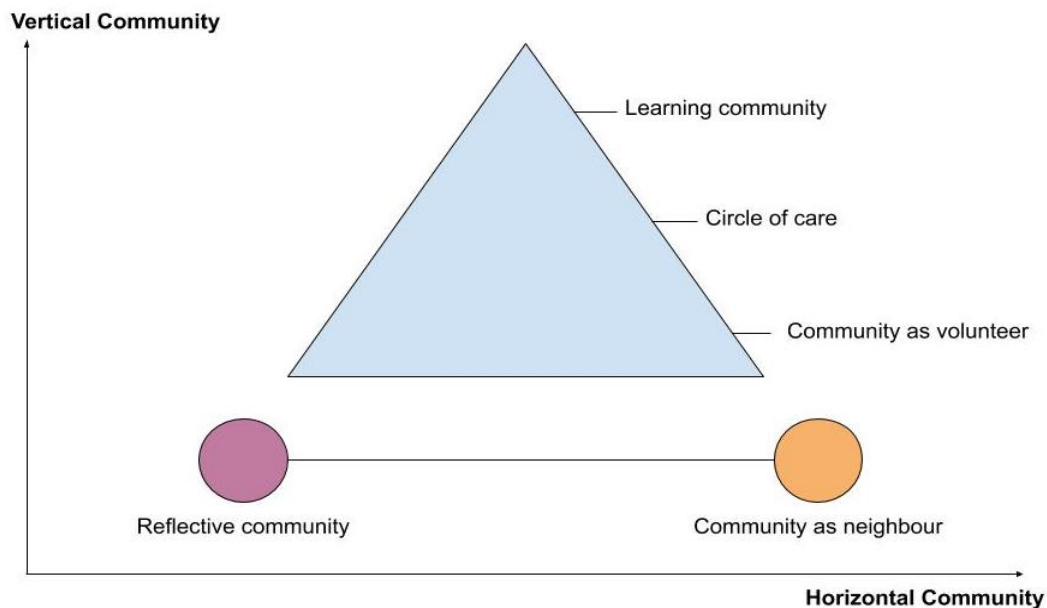
Figure 7.1.   Proposed Community Engagement Framework

This research suggests that implementation of the proposed community engagement framework (Figure 7.1) would contribute to a fundamental shift, starting with extending the ownership of RJ practice from a few individuals out into the community and moving from dependency on RJ experts into co-creation. Block (2018, p. 57) clearly articulates the scope of this shift:

> This shift has important consequences for our communities. It offers to return politics to public service and restore trust in leadership. It moves us from having faith in professionals and those in positions of authority to having faith in our neighbours. It takes us into a context of hospitality, wherein we welcome strangers rather than believing we need to protect ourselves from them. It changes our mind-set from valuing what is efficient to valuing belonging.

The proposed community engagement framework is important for a number reasons. First of all, it added more clarity on the role of community in RJ. Secondly, this

proposed framework emphasized both relational and creative aspects of RJ. For example, reflective community amplifies relationship, whereas learning community provokes innovation and creativity. This study poists that by employing the guiding principles of RTJ, the quality of relationships will significantly improve. Finally, by outlining *who, what* and *ways of evaluation*, this framework offers a viable model for community engagement in RJ. A rigorous study with more research participants can percolate further understanding of the proposed community engagement framework and strengthen Block's notion of restorative community (2018).

Responding to the research question on—*'the role of community',* this chapter examines existing community praxis. Additionally, it highlights the concept of reflective community from BC and learning community from Nova Scotia. It argues that the presence of reflective community solidifies bonds and relationships, whereas a learning community contributes to innovation and creativity. It also proposes a Community Engagement Framework, which consists of a horizontal community and a vertical community. Horizontal community is more informal than vertical community. The proposed horizontal community includes reflective community and community as neighbour, whereas the vertical community includes learning community, circle of care and volunteers. The following chapter discusses the concept of decolonization and restorative justice.

Chapter 8.

Decolonization and Restorative Justice

The concept of decolonization has been used in numerous disciplines and settings. These include education (Paris and Winn, 2014), psychology (Mcnamara and Naepi, 2018), governance (McFarlane and Schabus, 2017), justice (Monchalin, 2016; Stewart, 2018), transitional justice (Matsunaga, 2016), restorative justice (Cunneen, 2012; Park, 2016; Tauri, and Morris, 1997) as well as research methods (Bhattacharya, 2018; Smith, 2012).

The concept has generated a plethora of definitions. For Fanon (1963), decolonization is a process of both unlearning and undoing the harms of colonization. For Monchalin (2016), decolonization is both a goal and process bringing about a fundamental shift in colonial structure, ideologies and discourses. According to Alfred (2009, p. 185), decolonization requires "nation-to-nation partnership" that results in "justice and peace". Chief Robert Joseph, Hereditary Chief of the Gwawaenuk First Nation, on the other hand, emphasizes the importance of relationship building by saying, "Let us find a way to belong to this time and place together. Our future, and the well-being of all our children rests with the kind of relationships we build today" (Reconciliation Canada, n.d).

In the context of Restorative Justice, decolonization 1) addresses historical harms of colonization (Stewart, 2018); 2) recognizes genuine grievances of Indigenous and marginalized communities about the justice system (Cunneen, 2002); and 3) acknowledges that state- or INGO-funded RJ practices may contribute to more harm than good (Strang and Sherman, 2015). Therefore, a decolonizing method of RJ engages the local, Indigenous and marginalized communities to "formulate and activate processes that derive from their own particular traditions and conditions" (Cunneen 2002, p. 42).

167

This chapter begins with a brief overview of decolonization discourses from micro and macro perspectives. It then moves to locate decolonization in justice settings, arguing that "copying and pasting" model of RJ practice in Bangladesh would be problematic. Grounded in the findings of research participants and the work of Cunneen, (2002), Gohar and Yousufzai (2012), Monchalin (2016), Park, (2016) and Tauri and Morris (1997), this study proposes a decolonizing framework for RJ practices,

Overview of Decolonization

The definition and understanding of decolonization varies from scholar to scholar. Some view decolonization as institutional or societal changes from the top (Regan, 2010), whereas others see it as personal or internal – the decolonization of mind and intellect (Cunneen, 2002; Park, 2016). However, Monchalin (2016) and Bird (2014) believe that decolonization addresses both the institutional and personal. According to Shepard (2006), the term 'decolonization' was coined by Henri Fonfrède in early 1836 and has been used by social scientists since the 1920s. In the 1950s, for example, the term was used to address the French imperial system that colonized many parts of the world (Shephar, 2006).

Frantz Fanon, in his seminal work *Wretched of the Earth*—which Stuart Hall called the "Bible of decolonisation" (cited in Etherington, 2016, p. 153) —provided an outline for the comprehensive process of decolonization. Influenced by Sartre's 'dialectical reason', Fanon argued that decolonization is a process through which "the colonized liberate themselves politically and psychologically" (Etherington, 2016, p. 156). According to Fanon, decolonization is a process "...of complete disorder. But it cannot come as a result of magical practices, nor of a natural shock, nor of a friendly understanding. Decolonization, as we know, is a historical process: that is to say it cannot be understood, it cannot become intelligible nor clear to itself except in the exact measure that we can discern the movements which give it historical form and content" (Fanon, 1963, p. 36). Fanon also explains the various forms of decolonization— intellectual, psychological and physical (Etherington, 2016).

This study divides decolonization forms into a) micro and b) macro forms. Micro forms of decolonization focus on mind, body, language, culture and ceremonies, whereas macro forms involve structural and institutional changes.

8.1.1. Micro Forms of Decolonization

The micro perspective implies decolonization of mind and body. It also entails restoration of language. According to Fanon (1963, p. 311), decolonization of the mind sets a foundation that will not support "imitation" and "mimicry" but will uphold creativity and imagination. Additionally, Ngũgĩ wa Thiong'o in his seminal work *Decolonising The Mind: The Politics of Language in African Literature* (1986) argues that the active process to decolonize the mind can lead to a process of healing. Destruction of local language and imposition of the master's language was a tool of the colonial system. Therefore, language restoration is an important part of decolonization. For Thiong'o, decolonizing the mind and restoration of language lead towards re-centering and healing (Thiong'o, 1986). Decolonization of mind is well articulated within the concept of "neurodecolonization", a term coined by Michael Yellow Bird from the Arikara and Hidatsa Nations in North Dakota. He succinctly conceptualizes decolonization of the mind as: "…we must free ourselves from post-colonial culture and thought, from dependence on Western ideas, philosophies, beliefs, and theories" (cited in Monchalin, 2016, p. 294). Yellow Bird (2014) is convinced that neurodecolonization is a path leading to the creation of a decolonized ethos through healing and the decolonization of minds and actions. Along similar lines, Cunneen (2002) and Regan (2010) argue that challenging colonial assumptions and the colonial ethos is an important starting point for decolonization.

Decolonization also means restoration of cultures, ceremonies and praxis. Michael Yellow Bird emphasizes that culture and ceremonies are medicine for Indigenous Peoples. That is why decolonization is a process of "restoration of cultural practices, thinking, beliefs and values" (cited in Monchalin, 2016, p.293). According to Manuel (2017), learning from the Elders about Indigenous justice systems is an important part of decolonization. Laboucan-Massimo (2017) also argues for a decolonization that is more personal and integrated into day-to-day life. In this understanding, values such as respect for everything around, trust, and humility are not

only integral to political change but also to interpersonal relations in everyday life (Laboucan-Massimo, 2017). Other micro forms of decolonization include the restoration of singing and drumming and traditional teachings, which an Indigenous DJ group, 'A Tribe Called Red' is echoing around the world (Monchalin, 2016, p. 297). Finally, micro decolonization can also mean upholding "resiliency" in the face of challenges, trials and tribulations (Jacobs, 2017, p. 51).

8.1.2.   Macro Form of Decolonization

A number of scholars define decolonization from the macro perspective, which address institutional and systematic changes. The concept of self-governance, redistribution of wealth and deconstruction of system, institution and policies are commonly used to describe macro forms of decolonization (Fanon, 1963; Monchalin, 2016). Jacobs (2017, p. 50) sees decolonization as "retaking the power back" by Indigenous communities in all respects – social, economic, and political. Others articulate that decolonization is about self-governance, land expropriation, and restitution (Alfred, 2009; Short, 2005). Tuck and Yang (2012, p. 1) believe that colonization is an "entangled triad structure of settler-native-slave" and a disruption of the colonial structure should be the aim of decolonization. The macro form of decolonization requires systematic changes, from education to government agencies. Mcnamara and Naepi (2018) propose the process of indigenization as an important step to changing the whole system. They believe that the indigenization policies and actions adopted by different school districts and universities across Canada are examples of decolonization (Mcnamara and Naepi, 2018). Battiste (2013, p.32), in her book entitled *Decolonizing Education: Nourishing the Learning Spirit*, argues that "[t]he education system has not yet ensured that non- Indigenous children develop an accurate understanding of the Indigenous peoples in Canada and their knowledge systems, much less of who is their neighbour". According to her, teaching students, especially non- Indigenous students, the correct history of Indigenous Peoples and the land itself can be an act of decolonization (Battiste, 2013). A number of scholars (Alfred, 2017; Jacobs, 2017; Manuel, 2017) argue that complete decolonization is only possible with "massive transfer of land back to the Indigenous peoples" (Alfred, 2017, p.13). This is because the view of land as "sacred" is deeply rooted in Indigenous spirituality (Sellars, 2017, p.6).

8.2. Decolonization in Justice Settings

In the context of justice and restorative justice, decolonization first evokes an acknowledgement that the establishment of a criminal justice system for the colony had been instrumental to the colonial project (Stewart, 2018).

Secondly, Indigenous and marginalized communities around the world have genuine reason to be skeptical about government-supported criminal justice practices and interventions (Park, 2016). Formal and informal practices such as racial profiling through such practices as the so-called "starlight tours" by police evidence this reality (Stewart, 2018. p. 185).

And thirdly, government-led RJ practices may result in additional harm. Tauri, (1999) offered examples from New Zealand's model for government-led RJ, Family Group Conferencing (FGC). According to Tauri, FGC "fails to confirm that it empowers its Indigenous population" (Tauri, 1999. p. 159). Strang and Sherman (2015) shared examples from Australia where RJ was found to be harmful, in particular to Aboriginals. According to them, "The [RJ] experiment tells us that more victims were harmed, and offenders descended further and faster into crime, when RJ conferences were used with Aboriginals instead of prosecution in court" (Strang and Sherman, 2015, p. 10).

Finally, because of colonial impact, power imbalance and unintended harms, a trauma-informed approach is necessary for a decolonization lens in justice settings. According to Oudshoorn (2015, p. 3), a trauma-informed apporach in justice settings has four key components: 1) values, 2) worldviews, 3) theories, and 4) practice. He identifies five core values of the trauma-informed approach to justice: 1) critical thinking, 2) human dignity, 3) participation, 4) peace, and 5) holistic approach to addressing crime and social change. These values lay the foundation of trauma-informed justice.

In summary, decolonization of RJ needs to 1) recognize the colonial context of the criminal justice system, 2) acknowledge the institutional and power imbalance between justice stakeholders and Indigenous and marginalized communities, 3) recognize that government-led RJ may contribute to more harm, and 4) a trauma-informed approach.

8.3. Decolonizing Restorative Justice

The concept of decolonization in the context of RJ has been raised by a number of scholars (see Cunneen 1997, 2002, 2006; Tauri, 1998, 1999, 2015; Park, 2016). The decolonization lens they used to examine RJ in Australia and New Zealand turned up some common themes, such as consultation, cultural relevancy and resource sharing. The following section examines these themes in detail and special attention is given to the development of RJ in Bangladesh. It is noted that the concepts of consultation, cultural relevancy and resource sharing are examined only in Bangladesh due to the fact that a number of key informant interviewees articulated their concerns on the role of INGOs. Research participants in BC and NS did not share any concern relevant to these themes. With regard to the question of *'community praxis',* a number of research participants shared the role of community in general, the role of CBOs and, most importantly, the role INGOs played in the genesis of RJ in Bangladesh. Building on those findings, plus a number of follow-up interviews with key informants and additional surveys, this study finds that there were limited consultation with local community members during the implementation RJ in BD. Cultural relevancy of RJ, therefore, was questioned and resource sharing proved to be a challenge, especially resources in the local Bengali language. The next section reveals those findings in detail.

8.3.1. Consultation

The first issue at stake in a decolonizing framework for RJ is the idea of meaningful consultation. The notion of meaningful consultation varies from nation to nation, community to community, and tradition to tradition. Each nation and community has its own cultural protocols and customs that define meaningful consultation. However, all consider the starting point of any meaningful consultation to be asking for guidance from Elders, local community members and villagers (Goulding et al., 2016).

When examining family group conferencing (FGC) in Australia, Chris Cunneen (1997, p. 293) found a significant gap with regard to consultation and negotiations with Indigenous Elders and peoples. This concern was echoed by Dodson (1996, p. 31) who was scathingly critical on the development process of diversionary programs like FGC:

Diversionary programmes are frequently rigid in their structure… they are not designed in close consultation with indigenous communities… They are packaged in remote 'policy' units and driven or posted into communities. We see diversion delivered to us in a package because 'they' know what is best for 'us'. The paternalism of such diversion reflects the earlier policies of 'care and protection' and 'assimilation' that permitted the removal of indigenous children from their families up until the 1970s.

As a result of the lack of consultation and negotiation, the development of RJ, especially FGC in Australia, "fails" to capture what is genuinely needed for Aboriginal peoples in Australia (Cunneen, 1997, p. 293). According to Dodson (1996, p.61), the tendency toward a "one size fits all" approach also added to the challenges. Crucially, the implementation of RJ without proper consultation also contradicts the recommendations of the Royal Commission into Aboriginal Deaths in Custody. For example, Recommendation 62 explicitly detail the need to establish an intervention that includes discussion and negations with Aboriginal peoples (Cunneen and McDonald 1997). If meaningful consultations had been in place, FGC would have been more successful for Aboriginal peoples in Australia (Dodson 1996; Cunneen, 1997).

In New Zealand, consultation or the lack thereof with Maori Elders and communities was similarly questioned. New Zealand's signature RJ model of FGC came to be seen as "an extension of the State's biculturalisation project into the arena of criminal justice" (Tauri, 1999, p. 159). According to Tauri and Morris (1997, p. 151), there was "little consultation with Maori" people during the formation of criminal justice interventions such as FGC. That is why Tauri (2016, p. 54) challenged the notion of "Māoriness" in FGC in New Zealand.

In the context of Bangladesh, this present study finds that consultation with local community-based justice experts from *salish* practices was minimal. Informal consultation did take place between INGOs, government officials and with some CBOs. One of the key objectives of the meaningful consultation process is to listen and get guidance so that further harms can be prevented. In her famous work, *Do No Harm*, Mary Anderson (1999) divulged that projects funded and supported by INGOs can contribute more harm than good given a lack of such consultation. Two key informant interviewees who are both in leadership roles in community-based justice practices – BD

3 and BD 4 – affirmed that such consultation was limited. However, BD 6 argued that GIZ Bangladesh hosted a number of *"stakeholder engagement"* sessions with CBOs and local communities. Not only that, according to BD 6, GIZ Bangladesh also conducted a *"feasibility study"*. However, BD 6 did not have any specific information about what types of consultation took place during the implementation of RJ in Bangladesh but did mention that GIZ Bangladesh consulted with partner NGOs about the possibility of RJ.

BD 3 disagreed saying the consultation process with local communities was limited and not "*meaningful at all*". According to BD 3, "*We should not call it consultation or meaningful engagement because INGOs already had set agenda and financial resources on what they wanted to do. It hardly matters what local community says.*" BD 3 added that even when there is consultation and engagement, it is usually NGO officials from selective organizations who get the invite. "*Most of the engagements and consultations were not open to general public*". BD 4 also commented about consultation with the local communities and used a Bengali word for consultation, "*poramorsho*", to confirm that: "*generally people in our country are reluctant to receive poramorsho [consultation]. I don't think there was any formal consultation with local justice experts*".

Among the survey participants (Figure 9.1), the majority of respondents shared that consultation between local community justice leaders and experts such as from the *salish* practices during the implementation of RJ in Bangladesh was limited. Almost 59% of the survey participants shared that there was "a little" consultation during the implementation of RJ in Bangladesh, while 12% shared that there was no consultation at all.
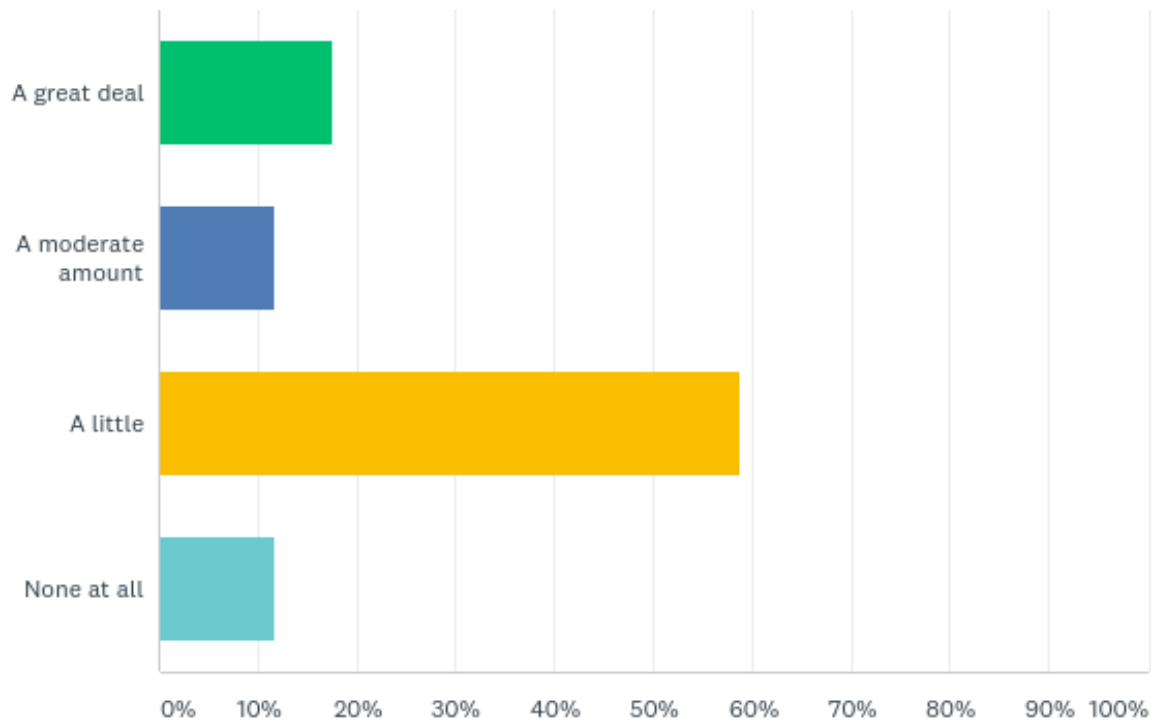
Figure 8.1. Opinion on consultation with local community justice leaders and experts such as experts of *Salish* during the implementation of RJ

This study also finds a lack of consultation with local Indigenous communities and Elders who are still practicing customary laws and justice practices. BD 8 perceived this as a "*lost opportunity*":

> *Indigenous justice systems are the most neglected form of informal justice process. RJ practices can hugely benefit from these practices, especially from the 13 tribes in CHT. I don't know why RJ practitioners did not invite or even consult with Indigenous communities in Bangladesh. I think it is a lost opportunity. Still, there is time for INGOs and NGOs to consult with Indigenous leaders. RJ practices in Bangladesh will certainly get better in this way*.

Survey participants (Figure 8.2) echoed these sentiments. A majority of the survey participants, almost 52%, think that the consultation with Indigenous elders was "*little*", whereas almost 18% found there was "*a moderate amount*" of consultation with Indigenous Elders and communities during the implementation of RJ in Bangladesh.
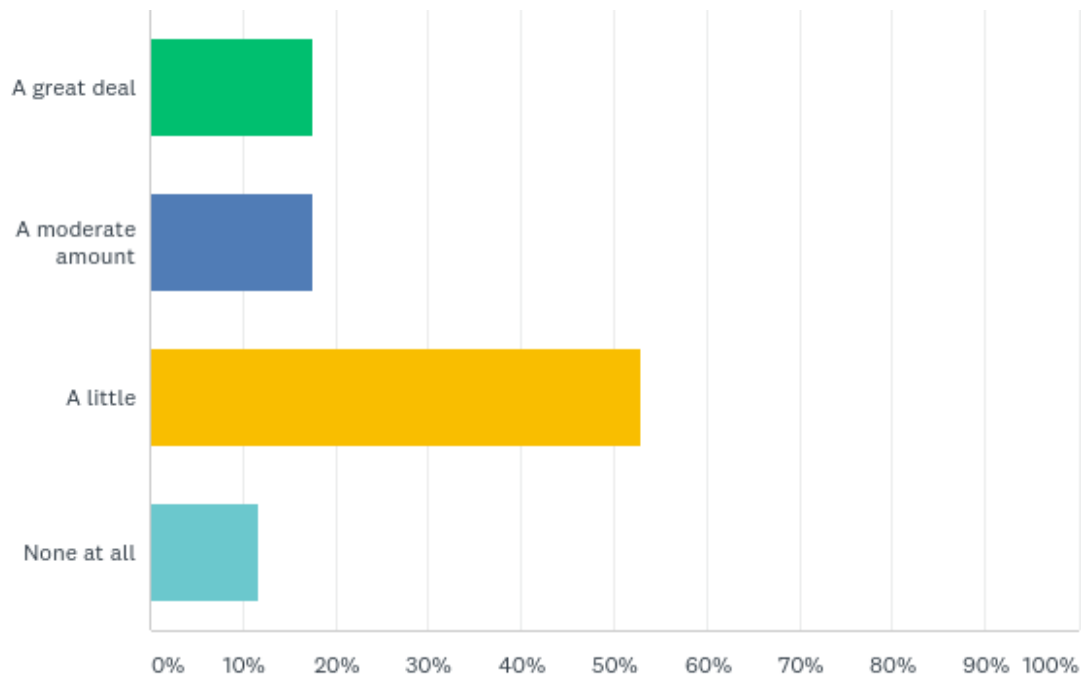
Figure 8.2.   Opinion consultation with Indigenous Elders during the implementation of RJ

In summary, similar to Australia, this Bangladesh study finds limited consultation and engagement with local communities and Indigenous people in Bangladesh during the implementation of RJ. Despite the fact that a feasibility study was conducted by GIZ Bangladesh before the formal launch of RJ, this present study was unable to locate the document. More clarity about who were invited to the stakeholder engagement sessions, who were not invited, what concerns were expressed, and how those concerns were addressed would have increased the understanding of consultation around RJ in Bangladesh. According to Cunneen (1997, p. 295) "the absence of consultation and negotiation can fundamentally compromise" the development of Restorative Justice.

8.3.2.   Cultural Relevance

Justice practices that are culturally relevant tend to have more success than those that are not. To Cunneen (1997, p. 299), the idea that all Indigenous people are "homologous" and therefore a practice developed by a particular Indigenous community can be operationalized in other settings is an invalid assumption. According to Cunneen

(1997, p. 295) "Cultural differences are inadequately dealt with" in the RJ intervention, especially when FGC was implemented in Australia. Dodson (1996, p. 42) argues that since FGC was developed in New Zealand with a specific cultural reference, adapting it into a different context undermined cultural nuances related to Aboriginal peoples in Australia. More crucially, Blagg (1997) raised the question as to whether the concept of shame as understood in FGC or the Wagga Wagga model aligns with Aboriginal people's view and understanding of shame. He expressed concern over how the concept of shame is displaced in FGC, which thus cannot not address the need of Aboriginal people in Australia. Blagg (1997) also argues that ceremonies are not included in FGC. He concludes that a "franchised" RJ process from another culture is not conducive to restoration and healing, rather, a process grounded in values, ceremonies, and song lines of Australia's Aboriginal people is needed (Blagg, 1997, p. 497).

In the context of New Zealand, FGC has very often been cited as the "culturally appropriate and empowering" RJ Intervention for Maori people (cited in Moyle and Tauri, 2016, p. 88). Yet, according to a number of scholars, empirical evidence to support this claim is scant (Moyle and Tauri, 2016; Tauri, 1998; Tauri, 1999). Additionally, there has been questioning of the cultural appropriateness with which the FGC conferencing was held. Instead of hosting FGC in marae[12], the majority of the FGC were held in Social Welfare offices (Tauri, 1999). Finally, the entire process of FGC empowered "lawyers, social workers and police officers" not Maori people (Tauri, 1999, p. 159). As result, a number of studies conclude that FGC failed Maori people in New Zealand (Moyle and Tauri, 2016; Tauri, 1998; Tauri, 1999). Many Maori participants expressed their dissatisfaction with FGC. One of the research participants ironically reported that: "family group conferencing was never a Maori process ... (laughing) the Pākehā[13] took the whānau hui, colonized it and then cheekily sold it back to the native" (cited in Moyle and Tauri, 2016, p. 97).

---

[12] A marae is a fenced-in complex of carved buildings and grounds that belongs to a particular *iwi* (tribe), *hapū* (sub tribe) or *whānau* (family). Māori people see their *marae* as *tūrangawaewae* - their place to stand and belong. For more information, see: https://www.newzealand.com/ca/feature/marae-maori-meeting-grounds/

[13] The term indicates people of European descent.

In the context of Bangladesh, a number of key informant interviewees expressed positive regard for RJ. BD 6 believes that RJ values such as respect, connections and relationships are in line with Bengali values and culture. More importantly, according to BD 6:

> *RJ is like other form of alternative dispute resolutions such as salish. So, the term, RJ, is new in Bangladesh but the concept of resolving conflict outside the court process is not new in Bengali culture. Salish or resolving conflict in community is deeply embedded in Bangladeshi culture. That is why people accepted the concept of RJ quickly*

Contrary to BD 6, BD 4 believed that introducing RJ is like "*reinventing the wheel in Bangladesh*":

> *Bangladesh has a long history of salish. Our ancestors practiced this conflict resolution method for centuries. RJ is not relevant with our history. The reputation of Bangladesh's salish is well-known. People from our neighbouring countries come and get training from our salish. I wish RJ advocates in Bangladesh would have invested resources on salish instead of introducing RJ. Frankly speaking, I don't see much difference between RJ and NGO-led salish. If you ask any RJ coordinator in Bangladesh about their understating of RJ and salish, I am sure they will find it difficult to distinguish.*

Survey respondents also shared similar insights to BD 4's. When asked to comment on whether 'Restorative Justice is locally rooted', almost 80% of participants did not view 'local rootednesses of RJ in Bangladesh (see Table 8.1). In the same survey, almost 88% considered *salish* as 'locally rooted' practice in Bangladesh.

Table 8.1.   Opinion on Local Rootedness of RJ, *Salish* and Village Courts

Practices	Strongly Agree	Agree	Disagree	Strongly Disagree
RJ	0.00%	17.65%	52.94%	29.41%
Salish	41.18%	47.06%	5.88%	5.88%
Village Courts	5.88%	88.24%	5.88%	0.00%

In summary, this study concludes that RJ is Bangladesh is not locally grounded or fully contextual to the history of Bangladesh. Finding a practice that is locally rooted, culturally and historically relevant would have increased the depth and sustainability of

RJ practices in Bangladesh. BD 1 summarized the debate, concluding that strengthening *salish* would have been preferable:

> *I have been working in the development field for the last 30 years. What I have learned is that copying and pasting ideas from the Western world to other parts of the world does not work. People in Bangladesh are not familiar with RJ. It is a good concept, but it did not originate locally. Our local practice is salish. I did not like the way INGOs brought experts from UK and Australia and created RJ manuals so quickly and implemented it. In this way, community buy-in is seriously compromised. I think it is more of like INGO-imposed RJ. It would have been better if we promoted and strengthened our own salish rather than RJ.*

8.3.3.   Resource Sharing

Another issue raised in the context of decolonizing RJ is resource sharing. A number of scholars argue that sharing resources with the local communities without imposing extreme conditions is helpful because "resource extraction" from colonized land was part and parcel of colonization (Tauri, 2016, p. 50). Spoonley (1993) mentioned that Maori communities had a significant lack of resources. Tauri's (1999, p.157) research also found that very "little" has been done to allocate resources for Maori people even though it was promised by the Treaty of Waitangi.

In the context of Bangladesh, a number of key informant interviewees shared their concern over insufficient funding. For example, BD 4 expressed serious concern about the suitability of RJ in Bangladesh where "*funding [by INGOs] is slowly shrinking*". Not only that, BD 3 expressed serious concern about how INGOs allocate resources:

> *I know INGOs spend a lot of money on government officials, not for communities. The reason, they spend huge resources on government officials so that they [INGOs] can get approval from government. Sending government officials to expensive trips to different parts of the world is a common practice.*

Along with financial and logistic resources, there are also significant gaps with regard to published articles, books and resources in the Bengali language. When survey participants were asked about the availability of books, resources and translated works on RJ in Bengali, an overwhelming majority—almost 90% of respondents (Figure 9.3)—commented on the shortage of available resources on RJ in Bengali.
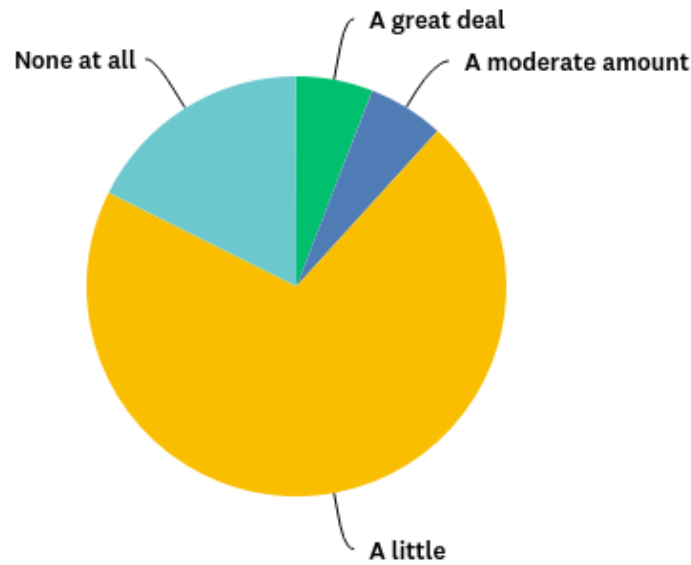
Figure 8.3.   **Opinion on available books, resources and translated works on Restorative Justice in Bengali language**

It is imperative for Bangladesh to publish resources in Bengali, as the majority of the population does not speak English (BD 2). González and Buth (2019, pp. 9-10) eloquently summarize the reason for such a discrepancy:

> Despite the prescriptive theoretical vision of restorative justice as a movement grounded in disrupting social structures and promoting inclusivity, we assert there is a small group of individuals and organizations that exercise power and control over the language of restorative justice.

In summary, similar to the findings of Cunneen (2002) for Australia and Tauri (1999) for New Zealand, this present study finds that there has been limited consultation with local communities and Indigenous people during the implementation of RJ in Bangladesh. This study also found that NGO-led *salish* is more culturally relevant than the current model of RJ practiced in Bangladesh. That is why the growth of restorative justice in Bangladesh cannot be said to be locally rooted. This study suggests that instead of *"reinventing the wheel"* (BD 4), the international community should support NGO-led *salish* practices in Bangladesh. An example of this is the practice of *Pukhtoon Jirga* at the border of Afghanistan and Pakistan (Braithwaite and Gohar, 2014; Yousufzai and Gohar, 2005). Another example is found in the Maori justice practices in New

Zealand. After interviewing more than 50 Maori Elders, Tauri and Morris (1997) concluded that Maori justice practices are contextually, culturally and spiritually more conducive than those of state-implemented FGCs (Tauri, and Morris, 1997). RJ advocates and practitioners in these settings did not simply copy and paste RJ practices; rather, they explored available existing practices and prioritized local knowledge and wisdom. As a result, community-based justice practices became locally vested and culturally relevant. If meaningful consultations are not held and culturally inappropriate practices are implemented, RJ practices can not only result in a failure, they can also "hurt" (Strang and Sherman, 2015, p. 10). The following subsection proposes a decolonizing framework for RJ in Bangladesh.

8.4. Proposed Decolonizing Framework for RJ

This study proposes a decolonizing framework for RJ (Figure 9.1). This framework consists of roots, trunk, branches and fruit. The roots in this framework are grounded in the *do-no-harm* principle, trauma-informed approach, and an anti-oppressive framework. Local or Indigenous experts and leadership form the trunk of this decolonizing tree, and its branches are represented by actual Indigenous justice practices from around the world. With these as the main sources of inspiration and guidance, it is thought that such a decolonizing framework will bear fruits (i.e. RJ practices) that are contextually, culturally, and socially appropriate.
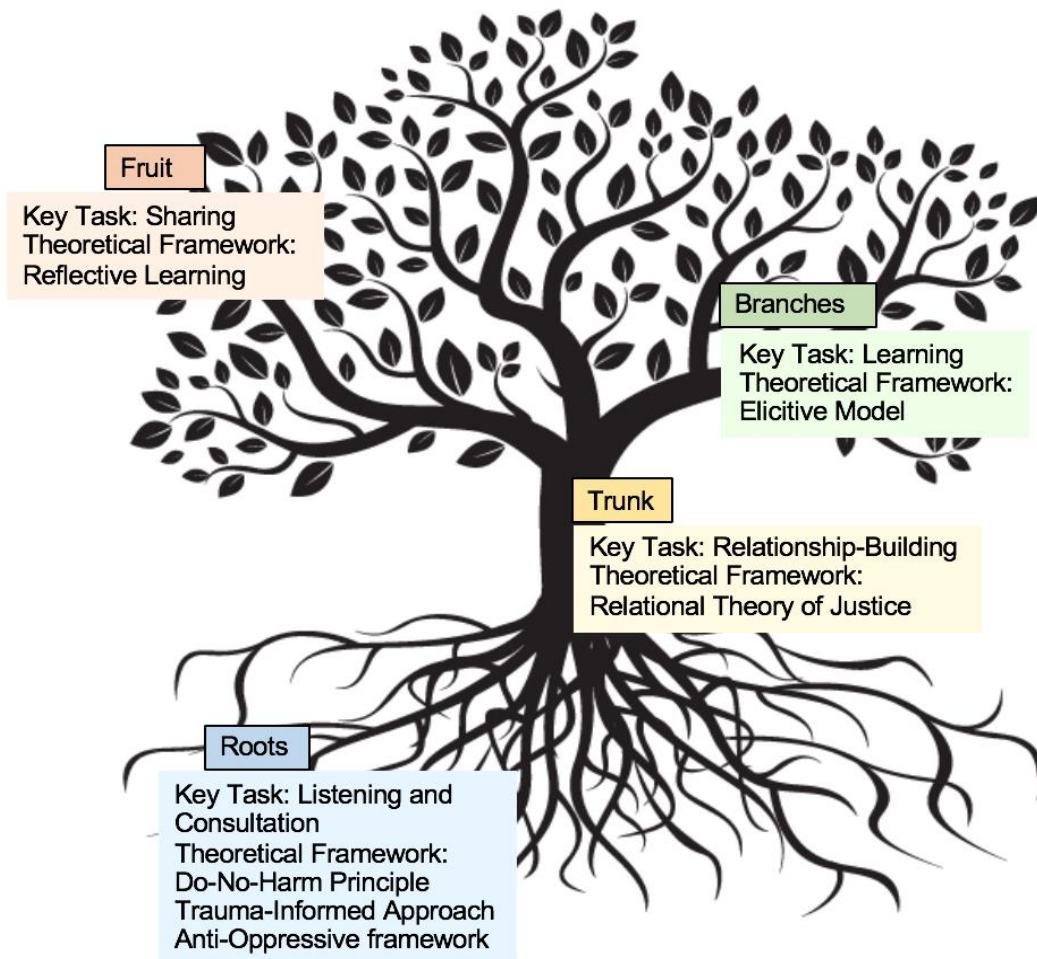
Figure 8.4.   Decolonizing Framework for RJ

The following section discusses the Decolonizing Tree in detail.

8.4.1.   Roots:

The foundation in this decolonizing approach to RJ includes the do-no-harm principle, trauma-informed approach and an anti-oppressive framework. Identifying and exploring existing community practices and needs are a significant part of listening and consultation.

Key Task: Listening and Consultation

Listening to Indigenous peoples and local communities is a prerequisite for the development and growth of RJ. A number of theoretical frameworks – the do-no-harm

principle, trauma-informed approach, and anti-oppressive framework – support the idea of listening and consultation.

Theoretical Framework

The principle of do-no-harm is applied both in the field of international development (Anderson, 1999) and in justice settings (Dyck, 2010; Pranis, 2007). This study suggests that this principle is fundamental to any RJ work Addressing "harms and needs" are one of the three pillars of RJ (Zehr, 2015, p. 32). The principle of "do no further harm" in the context of RJ is also forwarded by a group of RJ advocates and practitioners in BC, Canada (RJ Charter, 2003, p. 2). Having the principle of 'do-no-harm' as a foundation can prevent RJ from creating unintended consequences. Both Australia and New Zealand are examples that RJ can "backfire" in this regard (Strang and Sherman, 2015, p. 10). Additionally, a trauma-informed approach can contribute to maintaining the do-no-harm principle.

A trauma-informed approach implies an awareness of trauma. A number of scholars argue that a trauma-informed approach in RJ contributes to healing and transformation, as conflicts and crime are deeply rooted in unacknowledged and unhealed trauma (Crosby, 2016). A system is trauma-informed when it: 1) realizes the widespread impact of trauma and understands potential paths for recovery, 2) recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system, 3) responds by fully integrating knowledge about trauma into policies and procedures, and into practices, and 4) seeks to actively resist re-traumatization. The four guiding principles of a trauma-informed approach are: 1) trauma awareness, 2) safety and trustworthiness, 3) choice, collaboration and connection, and 4) strengths-based and skill-building (Trauma-informed Practice Guide, 2013). According to Oudshoorn (2015), trauma-informed justice acknowledges the harm and the fact that traumatized individuals need support in addressing their challenges. Even more important, trauma-informed justice focuses on healing instead of punishment. It makes communities safer and better (Oudshoorn, 2015). Similar to Oudshoorn, Buffington et al. (2010) maintain that trauma-informed justice provides a safe space that promotes healing, support, and connection, and does not heighten the level of trauma for justice-involved youth and their families. Collaboration and mutual respect and partnerships

among stakeholders, such youth, families, justice professionals, and community practitioners, are necessary components of trauma-informed youth justice. Practices in trauma-informed justice are reflective, evidence based and feedback informed in order to promote a continuous cycle of learning (Buffington et al., 2010). This study argues that usage of the do-no-harm principle and a trauma-informed approach are important in the early stages of decolonizing framework for RJ.

As the final component of the roots (foundation) of the decolonizing framework of RJ, an anti-oppressive framework is considered instrumental. An anti-oppressive framework is defined as "a methodology focusing on both process and outcome, and a way of structuring relationships between individuals that aims to empower users by reducing the negative effects of hierarchy in their immediate interaction and the work they do together" (Dominelli, 2002, p. 6). An anti-oppressive lens would challenge "the power relations" embedded in the criminal justice system of a nation state (Cassell, 2013, p. 7). Van Wormer (2006, p. 66) argues that RJ is "decidedly anti-oppressive in that it gives voice to persons who traditionally have been silenced in the courtroom". Healy (2005) suggests five principles for an anti-oppressive framework: 1) critical reflection of self in practice; 2) critical assessment of service users' experiences of oppression; 3) empowerment; 4) working in partnership; and, 5) minimal intervention.

In summary, the do-no-harm principle, a trauma-informed approach, and an anti-oppressive framework would contribute to the foundation of decolonization of RJ practices, particularly in Bangladesh, and thus form the roots of the Decolonizing RJ Tree.

8.4.2. Trunk

Local and Indigenous peoples comprise the trunk because they are the experts and leaders. They are key stakeholders in RJ's decolonizing framework by virtue of their knowledge and wisdom. By keeping local and Indigenous experts at the heart, it is expected that the practice will be more locally grounded. Yellow Bird (2014); Monchalin (2016); and Leeuw and Hunt. (2018) have emphasized the idea of leadership by local community members.

Key Task: Relationship-Building

As a result of listening and meaningful consultation with Indigenous people and local communities, 'relationship' arises. The key stakeholders in this phase are the Indigenous people and local communities.

Theoretical Framework: Relational Theory of Justice

According to Llewellyn et al. (2013, p. 295), "Restorative justice is best understood as a relational theory of justice [RTJ]". RTJ focuses not only on the wrongs and harms but also on the impact of wrongdoings on different aspects of relationships at the individual, group, community, national and international levels. RTJ can also address harms in human rights and labour relations (Llewellyn et al., 2013, p. 298). Injustices and wrongdoings, according to Llewellyn (2011, p. 95), are defined as the "existence of inequality of relationship between and among individuals, groups, and communities." In this relational approach, conflicts or crimes are seen to cause harm not only to relationships in which people are directly involved but also have significant impact on "webs of relationships and to the society at large" (Llewellyn, 2011, p. 97). In other words, crimes, in the relational theory of justice, are a violation of relationships and people (Llewellyn and Howse, 1998; Pranis, 2007).

According to this theory, the goal of any justice mechanism in a society is both the protection and creation of relationships. Interconnectedness and interdependency is fundamental to a relational approach to justice, which Llewellyn and Philpott (2014, p. 17) explain as follows:

> …we are not independent from one another and our autonomy and freedom is not found in separation from one another. We are instead interdependent and our freedom relies on mutual construction and the support of others. Wrong is understood in relational terms as well—as that which results in harms to individuals and the relationships in and through which they live. Understanding and addressing wrongs (the work of justice), then, requires attention to these relationships and how they might be restored.

Equality of relationship is the foundation of the relational justice approach (Llewellyn, 2011). Specifically, equality of respect, dignity and mutual concern for all

185

parties – victims, perpetrators, communities and justice stakeholders – are the basic principles and criteria for equality of relationship. *Respect* in relational justice theory implies recognition of the rights and needs of others, while *dignity* connotes the needs and interests of those involved in the justice mechanism. It also refers to the ways we are all connected with one another. Finally, *concern* indicates the knowledge, interests and wellbeing of all parties. So the relational approach to justice is relationship-centric, inclusive, participatory and holistic (Llewellyn, 2011; Llewellyn and Howse, 1998; Llewellyn and Philpott, 2014).

Llewellyn and her colleagues (2013, p. 301) outlined a number of principles for RTJ in the context of RJ that include, 1) relationship focused; 2) comprehensive/holistic; 3) contextual/flexible; 3) subsidiarity, inclusion, and participation; 4) dialogical or communicative; 5) democratic/deliberative; 6) forward-focused, solution-focused, and remedial. More importantly, RTJ is deeply "rooted in a broader relational theory of the world as more than a factual description of the ways in which we live. In this way it is informed by and deeply resonates with Indigenous ways of knowing and seeing the world" (Llewellyn and Morrison, 2018, p. 347).

This study postulates that an RTJ framework for RJ would contribute to the creation of just relationships between and among local communities, INGOs and government officials.

8.4.3. Branches

Locally grown Indigenous justice practices and grassroots wisdom around the world are the sources of inspiration and guidance for the proposed decolonizing framework for RJ. Maori justice practices (Tauri and Morris, 1997) and the Chakma Justice System (Asadullah, 2013) are suitable examples.

Key Task: Learning

This study assumes that learning about best practices from around the world would guide NGOs, INGOs and local communities to find an intervention that is culturally and socially relevant. For example, RJ advocates in Nepal may choose to explore such

practices in South Asian countries. The key task in this phase is learning from community praxis across somewhat familiar cultural and social settings.

Theoretical Framework: Elicitive Model

Even though it was developed in the context of peacebuilding, Lederach's "elicitive model" can be utilized as a theoretical framework to foster a comprehensive learning framework for local communities, INGOs and other justice stakeholders. Lederach (2001. p. 79) defines the elicitive model as follows:

> …the elicitive model essentially says that how conflicts are responded to is significantly affected by the culture and context that they're in. Designing appropriate response mechanisms will require you to have a capacity to draw from people's understanding of their context and culture, as well as introducing new ideas. It parallels what's referred to in Latin America as 'popular education'; it is similar to Paulo Freire's pedagogy that encourages a lot of participatory education, as opposed to one-way knowledge transfer from expert to student.

Another important feature of the elicitive model is that it creates a non-hierarchy in settings, making the person holding the space more of "a catalyst and a facilitator" rather than an "expert" and knowledge producer (Lederach, 1995, p. 56). All participants are viewed as "resources not recipients" in this model (Shank and Schirch, 2008, p. 232). Both culturally and contextually specific knowledge is seen as foundational in this approach. More importantly, participants in the elicitive model share responsibility, learn from each other's experience, and are involved in critical thinking. As a result, they collectively co-create knowledge and contribute to innovative practices and ideas (Abu-Nimer, 2001; Shank and Schirch, 2008). The transformative inquiry paradigm by Toews and Zehr (2003) also substantiates the elicitive model. The authors identify ten principles in this paradigm. Of these, the most important are that greater emphasis be placed on the process rather than the outcome and that the participants be respected as active subjects (Toews and Zehr, 2003). Inclusion of Zehr's 3 Rs – Respect, Responsibility, and Relationship – is also important to a safe and joyful process that fosters innovation (Zehr, 2015).

187

8.4.4. Fruit

As a result of this decolonizing framework, justice practices will be contextually, culturally, socially, and spiritually conducive. As Zehr (2015, p. 17) suggests, all RJ practices "should be built from the bottom up, by communities, through dialogue, assessing their needs and resources, and applying the principles to their own situations".

Key Task: Sharing

After finding a locally grown and culturally relevant practice, this study assumes that local communities will own the process and share with others. This study assumes that the adoption of a trauma-informed approach and anti-oppressive framework that involves the leadership of local justice stakeholders coupled with lessons from best practices across somewhat similar cultural settings would result in socially and culturally conducive RJ practices. A good example of this is found in Pukhtoon Jirga at the border of Afghanistan and Pakistan (Yousufzai and Gohar, 2005).

Theoretical Framework: Reflective Practice

The concept of reflective practice has been used in the areas for peacebuilding. Reflective practice consists of theory and practice. According to Lederach and his colleagues (2007, p. 3), the process of reflective practice is defined by "demystifying theory and remystifying practice". In a reflective-practice framework, theory is explored through a practitioner's lens. "Theory should not be approached as abstract and intellectually difficult, for academics only. In fact, theory is straightforward: a theory is an assumption about how something works, or a prediction of what will happen as a result of an action" (Lederach et al., 2007, pp. 3-4). Remystifying practice implies the process of "sharpening capacities that are too often left unattended" (Lederach et al., 2007, p. 4). There are a number of ways to heighten mystery and curiosity: a) keep asking why; b) when you ask why, listen for 'because'; c) learn from failure; d) watch carefully for the unexpected; and e) discuss your projects with different people (Lederach et al., 2007, p. 5). In short, reflective practice is both theory and practice driven and local communities are always the lead. Additionally, reflective practice would help in the process of continuously learning, reflecting and relearning from theory and practice. In this way,

locally grown practice will not stay in a static state; rather, it will continue to evolve and flourish.

Table 8.2.   **Decolonizing RJ Framework**

	Main Task	Theoretical Framework	Expected Results
Root	INGOs and RJ proponents need to listen and conduct meaningful consultations with Indigenous peoples and local community.	Do No Harm Principle Trauma-Informed Approach Anti-Oppressive Framework	Resource distributions to Indigenous Peoples and local communities; Translations of RJ best practices.
Trunk	Grounded on local tradition and cultures, INGOs, Government Agencies and CBOs need to build relationship with the Indigenous people and local community.	Relational Theory of Justice	Collaboration and partnerships under the leadership of Indigenous peoples and local communities
Branches	Learning about culturally similar RJ practices from around the world.	Elicitive Model	Exploring, imagining and evolving locally grown RJ practices
Fruit	Sharing the practices with those who are in need.	Reflective Practice: It is a cyclical learning, reflection and relearning.	Locally grown, and locally owned, culturally relevant RJ practices

In a nutshell, in the proposed decolonizing framework, listening and meaningful consultation will play an important role along with sharing resources with local communities. More importantly, local knowledge, expertise and leadership are instrumental in this decolonizing framework and a number of theatrical frameworks offer integral support to each phase.

In summary, this chapter reveals one of the most important working edges of RJ praxis in this study: decolonization and restorative justice. While capturing findings on the question of *'community praxis in Bangladesh',* the researcher noticed a number of complexities surrounding the role INGOs and the way RJ was implemented in Bangladesh. The chapter examined the growth of RJ in Bangladesh with three specific themes of decolonization: a) consultation, b) cultural relevance, and c) resource sharing. It proposed a Decolonizing Framework for RJ, which comprise roots, trunk, branches and fruit. It argued that the proposed framework would facilitate the evolution of culturally and socially conducive RJ practices in colonized countries like Bangladesh. The next chapter offers a comparative analysis of RJ in BC, NS and BD.

Chapter 9.

Comparative RJ Praxis

Comparative studies bring out nuances and provide different meanings to a social phenomenon (Bloemraad, 2013). Both Sawatsky (2007; 2009) and Fattah (2002) argue in favour of the importance of comparative studies in social science. For example, Sawatsky (2007; 2009) contributed to the depth and conceptual clarity of the notion of healing justice after studying three communities: Hollow Water, an Aboriginal community in Canada; Iona Community, a Christian community in Scotland; and Plum Village, a Vietnamese-inspired Buddhist community in Southern France. He found both similarities and differences across the communities (Sawatsky, 2009). By virtue of comparative study, this research attempts to produce conceptual clarity on the role of government, role of community, role of standardization, and role of script in RJ. It also comparatively examines the survey responses about the growth of RJ with regard to the Overton Window. Developed by Joseph Overton in 1990, this model helps to situate social movements. Viewing RJ as a social movement, the findings of this study suggest that RJ in BC, NS and BD has not yet reached its 'tipping point'. The chapter ends with a discussion of the distinct issues that emerged in each site.

9.1. Community's Role

There are several common factors in BC, NS and BD that influenced the development of RJ. Convergences include the role of visionaries, role of community, and role of government.

Community has been regarded as one of the triads of restorative justice by many scholars (Bolivar, 2012; Dzur and Olson 2004; Maglione, 2017; Rosenblatt, 2015). A major discussion on the role of community is presented in Chapter 7. Both scholarly

literature and findings of this study affirmed the importance of community in RJ. As discussed in Chapter 7, 'community' is defined as volunteers, neighbors and circles of support of victims and offenders. Two additional forms of community—reflective and learning—are also discussed in Chapter 7. This section discusses the actual community's role during the development of RJ in BC, NS and BD. Government stakeholders, like law enforcement agencies, bureaucrats, corrections and police, and INGOs who are directly or indirectly involved with the development of RJ in BC, NS and BD are not regarded as community in this study due to concerns over hierarchy and power imbalances. Instead, local non-profit organizations, CBOs, local community members, villagers and supporters of victims and offenders are considered community in this section.

In BC, the community played a 'central' role during the development of RJ. BC 13's statement that "*Communities are not at the periphery, rather they are at the centre*" shows how the community is imbedded in RJ ethos and practices in BC. Provincial government agencies followed such "community-based and community-led" traditions as well. *"We are not the experts. We know you folks and your communities are interested in doing Restorative Justice, but what we have is some seed-funding to get you started"* (BC 8). An example of a community-led ethos is the speech of former attorney general. Ujjal Dosanjh, who stated his belief *"…restorative justice…gives communities a primary role in developing policies and programs"* (cited in Sandra, 1998, p. 15). Community members also played an important role especially during a significant budget cut by the previous federal government. BC 1 recollects:

> *RJ in BC hasn't made a very big splash. I think part of it is that… we've flown below the radar even through the draconian, deeply damaging Stephen Harper years – let's name names and I mean I've got nothing to lose. I've seen a lot come and go and I know stupidity when I see it and I saw a lot during those years. Even now that you've got a new federal government in place, that seem to be more enlightened, you're still dealing with bureaucrats that were raised out through the Harper years and funding did not increase at all. It was community that kept momentum going. Community sustained RJ in BC.*

In Nova Scotia, the community played a 'secondary role' during the development and implementation of RJ. When asked *How do you view community's role during the*

192

development and implementation phase of RJ in Nova Scotia, almost 50% of the survey participants (table 9.1) responded that community did not play an active role. Even though the community members were not the 'driving force' through the early development phase of RJ, key informant interviewees and survey participants unequivocally emphasized the importance of the community's role in RJ. Comments from NS 5 in describing the importance of community is an example of this: *"…community is an integral part. So, the theory is over here [gesturing to one side], and the outcome is over here [gesturing to the other side], and the vehicle is the community partnerships."* NS 1, a key justice stakeholder within the provincial government, shared the following motto when he was involved in the establishment of NSRJ: *"hurry up and go slowly in order for it to be deep and accepted in community".*

Community played a 'secondary' role in RJ in Bangladesh. Almost 80% of the survey respondents (see table 9.1) believe that community played a secondary, not an active role during the development and implementation of RJ in Bangladesh.

Table 9.1.   Role of Community in BD, NS and BD during the development and immolation of RJ

Research sites	Active Role	Somewhat Active Role	Secondary Role
BC	61.11%	22.22%	16.67%
NS	14.29%	35.71%	50.00%
BD	00%	20%	80%

In light of the above discussion, this study finds the community's role in BC as 'active', in NS as 'somewhat active' and in BD as 'secondary'. It's noteworthy that a number of factors may have contributed to the research participants' understanding of community and its role in RJ. Firstly, the worldviews, knowledge and lived experiences of the research participants are reflected in their interpretation of community. Secondly, the overall discourse surrounding the community's role was different in each site, which may have influenced the research participants to share according to what is normative in each site. Thirdly, the RJ visionaries and practitioners in BC, NS and BD have different philosophical understanding of community. For example, in BC, Zehr (1990), Elliott (2011) and their works impacted the RJ practitioners' understanding of community

whereas in NS, Llewellyn (2011; 2012) and her relational theory of justice shaped the RJ practitioners' understanding of community.

9.2. Government's Role

The role of government in RJ is "complex and contested" (Jantzi, 2010, p. 198). Boyes-Watson (2010) believes that collaboration with government is important to the growth of RJ. However, questions and concerns over the role of government in RJ are yet unresolved (Zehr and Toews, 2010). Arguments against the government's involvement in RJ are nothing new. Concerns about state or government involvement include co-option (Suzuki and Wood, 2017; Tauri, 1999), professionalization (Daly and Immarigeon, 1998), paying only lip service to victims (Reeves and Mulley, 2000), and net-widening (Levrant et al., 1999). Others argue that a government's role is imperative to the growth and sustainability of RJ in a nation state (Ashworth, 2002). Given that the protection of citizens is a state responsibility, by being more involved in criminal justice matters, including RJ, the government can better fulfill its mandates. According to Duff (2000, p. 112), the "…state owes it to its citizens to protect them from crime".

Jantzi (2010) identifies five types of government role in RJ that includes enabler, resourcer, implementer, guarantor of quality practice, and offending party. As *enabler*, the government provides both a legal framework and support to implement RJ practices. New Zealand is an example of this; RJ practices are regulated and supported through the Children, Young Persons, and Their Families Act 1989. The state as *resourcer* offers funding support for RJ practices. For example, the governments of Australia, New Zealand, and South Africa offer a substantial amount of financial support for RJ practices. In the case of state as *implementor*, the criminal justice system itself plays a role in implementing RJ programs (e.g., Canada, New Zealand, Australia, the United Kingdom, Ireland, France, and Spain have restorative justice programs that are directly administered by the State). In the case of the government's role as *implementer*, there are concerns with co-option. Another concern with *state-implemented* RJ programs is the risk that non-state actors such as communities and civil society organizations can be marginalized. Australia, Canada, New Zealand and the United Kingdom have government-implemented RJ programs. As *guarantor of quality practice* government

194

must ensure that RJ practitioners adhere to regulated standards. Canada and New Zealand are examples of governments that fulfill the role of *guarantor for quality practice*. Finally, the state or government can also play the role of *offender*. South Africa, for example, created the Truth and Reconciliation Commission to address state-led offences (Jantzi, 2010).

There are both pros and cons to the role of governments in RJ, and RJ advocates, practitioners and academics have not reached a consensus on this issue (Zehr and Toews, 2010). Table 1.3 outlines various viewpoints on the pros and cons of government involvement.

Table 9.2.   **Pros and Cons of Government Involvement in Restorative Justice (adapted from Zehr and Toews, 2010, p. 186)**

Why Maximize Government's involvement	Why Minimize Government's involvement.
As the facilitator of the criminal justice system, the government is in the best position to take leadership in adopting RJ values and principles. Without its ownership, true change cannot happen. Change the system from within.	As the facilitator of the criminal justice system, the government is so ingrained in its current values and principles that it gets in the way of RJ practice. Such involvement will impede true change. Challenge or counter the system from without.
The system's professionals desire change, and RJ offers a welcome set of values, principles and ways to bring more humanity to their work. Their involvement should be embraced and encouraged.	The system's professionals will co-op RJ because the pull of system values and principles are too strong to resist. For the integrity of the field, their involvement should be minimal.
System professionals are well suited to practice RJ in their jobs. They are not the enemy and can learn new skills and new ways to partner with their constituents.	System professionals are allied but not appropriate as RJ practitioners. They work within a system that maintains influence over them, limiting their ability to practice with integrity outside the box.
The recent surge in government involvement has brought RJ into the mainstream, making it more widely acceptable. Legislation is being passed to promote restorative approaches. RJ cannot hide under a bushel.	The recent surge in government involvement has "McDonaldized" RJ, contributing to increased misunderstanding, and turned RJ into a passing fad subject to the whims of politicians and funders.

This study suggests that in BC, the provincial government plays the role of enabler, with the municipal government as a resourcer. It is intriguing that all survey participants considered zero role of government agencies as 'implementor'. BC Survey Participant 12 offered insights with regard to relationship between RJ and government agencies:

> *There is a major disconnect between rhetoric and implementation at the various levels of government. Referring agencies are not trained in RJ philosophy and practice, neither in initial trainings nor in professional development. There are no substantive consequences for agents/agencies that do not refer appropriate files to restorative justice programs. There is inadequate supporting legislation, in spite of rhetoric and requirements at national and international levels. There is inadequate resourcing for programs that deliver services, and existing resources must be applied for annually. In my opinion, it is telling that funds for RJ* come from civil forfeiture and gambling, not from substantive budgeting.

In NS, it is clear the provincial government plays almost all roles, including enabler, resourcer, implementer, and guarantor of quality practices (see table 9.3).

This study finds the Bangladesh's government role as 'the provider of legal framework' in that it primarily supports RJ practices through the provision of a legal framework, such as provided, for example, by the *Village Courts Act 2006* and the *Children Act, 2013*. The *Children Act, 2013* in particular has provisions for diversion programs, family conferencing, and Alternative Dispute Resolution (ADR). Section 37 of the *Children Act, 2013* provides the scope of alternative mechanisms for probation officers. Section 48 and 49 of the *Children Act, 2013* mention specific diversion programs, such as family conferencing. The Department of Social Services is mandated to design and implement diversion programs and family conferencing. Confidentiality is guaranteed and information shared during family conferencing cannot be used in court. In addition, the *Children Act, 2013* essentially supports RJ practices. Section 38 identifies restorative justice as a means of addressing compensation and restitution in Children's Court (*Children Act, 2013*). Along with the *Children Act, 2013*, the *Village Courts Act 2006*, which was amended in 2013, is an instrumental piece of legislation for community justice in Bangladesh (Stapleton and Monem, 2018).

Table 9.3.   **Survey Participants: How do you view the government's role**

Sites	Funder	Implementor	Provider of legal framework	Guarantor of quality practice
BC	92.86%	00%	35.71%	7.14%
NS	66.67%	21.21%	45.45%	45.45%
BD	25%	35%	85%	30%

There are some irreconcilable differences between the government's top-down, punishment-based approaches and RJ principles and values. Nonetheless, according to Boyes-Watson (2010, p. 216), the involvement of government in RJ practices would "generate a kind of creative tension" which would ultimately contribute to social, institutional and personal transformations. Therefore, it is important not to disregard the government's role. Partnership and collaboration with government agencies, RJ practitioners and communities are all important to both the genesis and praxis of RJ.

This study acknowledges that the inclusion of more research participants with regard to findings on the role of state/government in restorative justice could have added more nuances. It also acknowledges that the research participants' own worldviews about the idea of state are reflected in their account and interpretation of the state's involvement in restorative justice.

9.3. Role of Standardization

Similar to the findings in this study, the notion of standardization and regulations are contested among academics and practitioners. On the one hand, a genuine need exists for regulations or standards to maintain best RJ practices. On the other, RJ practitioners argue that regulations or standards would limit the possibility, creativity and innovation of RJ (Braithwaite, 2002; Dyck, 2010; Gabbay, 2006; Gavrielides, 2016; Johnstone, 2013; Nicholl, 1999; Woolford and Ratner, 2003; Zellerer, 2013).

Zellerer (2013, p. 262) argues that some "terrible, even harmful" programs have called themselves RJ practice. Effective evaluation of all RJ practices is necessary to maintain accountability and integrity. Braithwaite (2002) also echoes the need for some

kind of regulation or standards to maintain best practices in RJ. However, some worry about the integrity of RJ practices when government agencies dictate standards. Braithwaite (2002, p. 565) captures this concern: "...a Western accreditation agency telling an Indigenous elder that a centuries-old restorative practice does not comply with the accreditation standards is a profound worry". Challenges with government-imposed regulation include co-option and heavy government involvement (Nicholl, 1999). Government imposed standardization can also diminish creativity, innovation, and contextually and culturally appropriate RJ practices (Zellerer, 2013). Gavrielides (2012, cited in Zellerer 2013, p. 262) writes about the government's role in this regard: "If governments are truly committed to promoting restorative justice, then they need to work closer with the communities that create the various models through which this abstract umbrella notion of restorative justice is delivered… Try to mould and standardize restorative justice and all you will achieve is its McDonaldisation. Its diversity… creativity and innovation will all die out."

Among the survey participants, there is almost consensus across BC, NS and BD about the necessity of some measurable guidelines in RJ practice. As shown in Table 9.4, the majority of the survey participants are in favour of measurable guidelines.

Table 9.4.   **Need for Measurable Guidelines in RJ**

Research Sites	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree
BC	39.02%	46.34%	9.76%	4.88%	00%
NS	32.26%	54.84%	12.90%	00%	00%
BD	48.45%	44.55%	4.00%	00%	00%

Contrary to measurable guidelines, research participants in BC, NS and BD expressed mixed reaction to the concept of standards or standardization. A large number of survey respondents did not like the concept at all. According to this camp, any attempt to standardize would lead RJ to a "cookie cutter" approach. More importantly, it would diminish "flexibility", "agility", "uniqueness of each case" and "creativity" in RJ. Instead of standardization, this group proposed concepts such as "guidelines" and "principles". The other camp is in favour of standards or standardization. For this group,

standards are needed for "consistency", "quality" and "efficacy" of RJ programs. A number of survey participants shared both benefits and concerns at the same time. Table 9.5 summarized some survey participants' responses. To them, "some standards" may be helpful but a complete standardization is problematic. NS Survey Participant 2 succinctly articulated this debate:

> *I agree with standardization to some degree. There can be some commonalities and some understandings but there will also be some regional differences. This is especially important when considering the role of community. To standardize the practice of RJ to such a great deal as to insist everyone work the exact same way (i.e. same script) will hinder the work. Some standard understandings and ways of working could encourage Provinces and Territories to work together and could allow for the transfer of files.*

BC Survey Participant 37 shared similar thoughts:

> *There is a difference between standards and standardization. Not a huge fan of standardization as all communities are different and RJ requires flexibility in its approach. Huge fan of program standards that guide practice. Some of these standards might be consistent across programs, however, there would need to be much collaboration for this to be successful.*

Finally, BC Survey Participant 42 summarized with an interesting metaphor:

> *I think there needs to standards throughout the process. When I eat at McDonalds or a fancy restaurant I want all food-handlers to at least have Food Safety [training]. And, as long as the outcomes reached are within the law CCC or YCJA then the people directly/indirectly involved must be given the opportunity to have a say and reach an agreement that is SMART (specific, reasonable, attainable, realistic and timely).*

Table 9.5.   Opinions on Standardization of Restorative Justice

Research Sites	Pros	Cons
BC	*I agree with the standardization; Helpful; This ensures all agencies provide services that are understood and practiced across the board; I believe there should be minimum standards RJ*	*There are many roads to the same place; Standards, yes. Standardization, no; It may limit volunteer participation and thus cause a decrease in capacity of non-profit organizations; I do not agree with standardization overall. It*

	programs; Basically there needs to be a standards for everything. (BC Survey Participant 14)	*can very quickly separate the "haves" from the "have nots.* (BC Survey Participant 33)
NS	*Standards of practice are important for equal and consistent program delivery; This will be beneficial; The principle-based approach fits perfect for "standardization"; I think it will be nice to have all agencies working on the same page.* (NS Survey Participant 11)	*Can lead to a 'cookie cutter' process; Good in theory but who is making this standardization; No two cases are the same; "standardization "is an attempt to try and make Restorative Justice into something that it is not.* (NS Survey Participant 17)
BD	*I believe standardization will create uniformity in RJ practices.* (BD Survey Participant 3)	*I don't know what standardization looks like for RJ. If it is about rules, I am not sure how it will support RJ* (BD Survey Participant 10)

9.4. Role of Script

For years, many RJ programs throughout Canada used a script-based restorative justice practice known as community justice forum (CJF) to address harm in the community. More recently, restorative justice programs have shifted towards an unscripted model, such as the Victim Offender Conference (VOC). Both models support people affected by a crime or incident. The genealogy of the CJF script-based model reflects the Wagga Wagga model of Australia. This script-based model influenced many RJ practices around the world, including Canada, UK and the United States (Chatterjee and Elliott, 2003). Affect theory is the foundation of the script-based model (Moore and Lubica Forsythe, 1995).

In the 1990s, the RCMP championed the scripted CJF approach throughout British Columbia, offering free training to organizations to hire staff and recruit volunteers to facilitate CJFs for members of their own community. Training citizens to facilitate forums made programs more time and cost-effective. A step-by-step scripted approach attempts to move the process along quickly. Having volunteers, rather than paid staff, assume the role of facilitator provided a more economical way to deliver restorative justice. A written script also guides and supports the volunteers, so they remain on course. The CJF

model is suitable for cases referred to programs by the police, especially less severe and uncomplicated cases (Deukmedjian, 2008).

The unscripted models not only proved efficient but also made the victim central to the process; the process considered the victim's concerns and needs. For example, RJ in Victoria, Canada uses the Restorative Justice Dialogue model, which is "…distinct from the scripted conference model used in other RJ programs" (Victim Services and Crime Prevention, 2016, p. 4). Gillian Lindquist, the executive director for Restorative Justice Victoria shared: *"We wanted to do something that would be more effective and so we adapted an RJ model that is much more robust than we used before. It's more work for the parties and for the facilitators, both in the preparation and in the dialogue stage. The outcomes are much more effective"* (Victim Services and Crime Prevention, 2016, p.4). While unscripted models require more investment to train volunteers to facilitate a process for members affected by a crime or incident in their community, they. carefully and comprehensively address the issues and needs of participants. Both scripted and unscripted models are useful, as both the circumstances and needs of the participants are carefully weighed to determine which process is most appropriate. Nevertheless, an unscripted process likely will replace a scripted approach throughout communities practicing restorative justice in the future because the unscripted process is flexible, community grounded and creative (Bazemore and Schiff, 2004; Davey, 2005; Rosenblatt, 2015).

Opinion on the usage of the written script RJ process varies from BC, to NS and BD (table 9.6).

Table 9.6.   Opinion on Written Script in RJ Process

Research Sites	Extremely Helpful	Very Helpful	Somewhat Helpful	Not So Helpful	Not at all Helpful
BC	17.50%	22.50%	25.00%	22.50%	10.00%
NS	6.25%	15.63%	37.50%	12.50%	12.50%
BD	22.33%	18.00%	66.67%	11.00%	8.22%

The debate over the use of written script is more prevalent in BC than in NS or BD. Key informant interviewees hardly mentioned about the written script in NS and BD, whereas a number of key informant interviewees such as BC 1, BC 2, BC 4, BC 12 and

BC 17 shared their thoughts on the scripted and non-scripted model RJ. Like the survey participants, their views were also divided.

A number of survey participants commented on the usage of the written scripted RJ process. Some expressed disregard about the written script in RJ process. According to them, written script reduces "genuineness" and "warmth". NS Survey Participant 31 shared insights in this regard:

> *Slowly moving away from a script based practice to non-script based. This requires ongoing training of volunteers, many who were trained years ago with a script. I believe our agency is more focused on flexibility in dialogue and less on a script (we are currently using a point form page of helpful reminders).*

Others expressed positive impact of written script and shared that they use written script as a "cheat sheet", and a "guide". For example, BC Survey Participant 19 argued, *"The script keep the non-professional volunteers on the topic and provides a balance to the conference"*. BC Survey Participant 5 also echoed that *"The script is a guide, but is not a substitute for curiosity and compassion"*.

In summary, the debate and discussion of written and non-written script is more widespread in BC and NS than BD. In BD, most of the RJ practices use cards or cheat sheets. In RJ programs in BC, on the other hand, the non-scripted RJ model is getting more attention and acceptance.

9.5. RJ as Social Movement

A number of scholars view RJ as a social movement (Davis, 2019; Shank, 2007; Zehr, 2011). Shank (2007, p. 11) describes RJ as a social movement. According to her "this movement is offering community organizers and activists a framework for asking critical questions about racial and social injustice". Zehr (2011) believes that "We'll be less lonely, and more successful, if RJ can become a true social movement". Davis, (2019, p. 35) offers her insights more clearly:

> I have always viewed restorative justice as a social movement—a loosely organized but sustained collective effort comprised of a range of

individuals and groups seeking to transform social structures, institutions and individuals.

Movements such as peacebuilding, prison abolitionism, feminists and victim rights have influenced RJ (Davis, 2019; Leonard and Kenny, 2010). However, it is difficult to capture RJ into a slogan like other social movements, and therefore it lacks clarity and direction (Pefkaros cited in Zehr, 2011). More importantly, unlike other social movements such as civil rights and climate justice, there is no "identifiable leader" in the RJ movement (Shank, 2007, p. 11). Additionally, González and Buth, (2019, p. 9) argue that RJ is not a social movement because it "unintentionally supports institutionalized structural violence that maintains discriminatory power hierarchies". Nevertheless, considering RJ in the light of social movement in line with the first camp, this section examines the growth of RJ with regard to the Overton Window.

Introduced by Joseph P. Overton in 1990s, the Overton Window is a model that helps to describe the growth of discourse, ideas and social movements (Astor, 2019). It "explains how ideas come in and out of fashion, the same way that gravity explains why something falls to the earth" (Lehmen cited in Astor, 2019, para 7). The Overton Window outlines six steps: 1) unthinkable, 2) radical, 3) acceptable, 4) sensible, 5) popular, and 6) policy. According to this model, an idea generally moves from an 'unthinkable' phase to 'policy' (Wright, 2019).
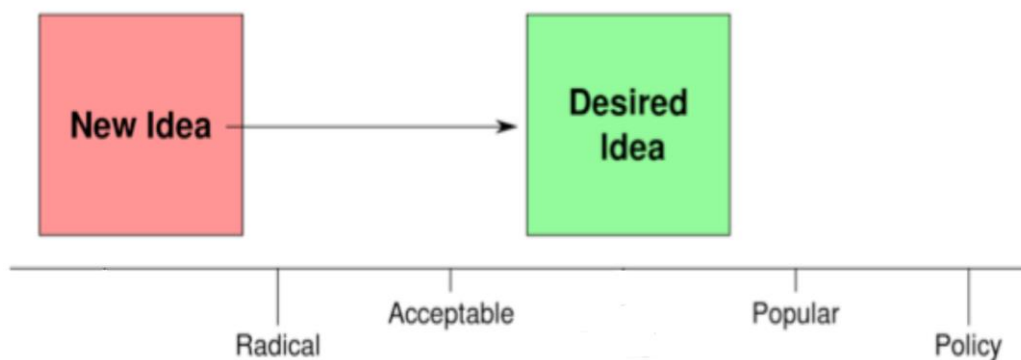
Figure 9.1.   Overton Window (adapted from Farmer, 2018)

This study summarized the Overton Window into four phases in the context of RJ—1) radical: most of the people do not have any idea about RJ in this phase, 2)

203

acceptable: some people know about RJ in this phase, 3) popular: most of the people know about RJ in this phase, and 4) policy: RJ is an important government policy in this phase. On the basis of survey participant responses (table 9.7), this study locates RJ in BC in the 'acceptable' phase, and RJ in NS in between the 'acceptable' and the 'policy' phase. RJ in BD is clearly in the 'radical' phase as there are very few people who know about RJ.

Table 9.7.   Overton Window Analysis of RJ in BC, NS and BD

Research Sites	Radical Most of the people do not have any idea about RJ	Acceptable Some people know about RJ	Popular Most of the people know about RJ	Policy RJ is an important government policy
BC	22.22%	55.56%	16.67%	11.11%
NS	15.38%	46.15%	15.38%	38.46%
BD	76.67%	23.33%	00%	00%

It is interesting to observe how survey participants responded to the question: *How do you rate current status of RJ*? Responses from survey participants are summarized in Table 9.7. An overwhelming majority of respondents in BD, almost 77% view that most of the people do not have any idea about RJ in Bangladesh. Considering Bangladesh's RJ to be in the 'radical' phase is not surprising as RJ was not formally launched in Bangladesh until 2013, and it is currently undergoing the effect of "start-up inertia" (Sherman and Strang, 2007, p. 35). However, responses from BC and NS are somewhat surprising since RJ has been in practice for decades; yet, majority of the survey respondents view that RJ is not an important of part of either provincial or municipal government policy. The findings echo what Zehr and others have been arguing, that restorative justice still has not reached its tipping point (Zehr, 2011). Sherman and Strang (2007, p. 35) have argued:

> These problems might be due to sheer start-up inertia. They may fade away if RJ is pump-primed with enough cases to become commonplace to the public (and perhaps appear in television dramas). Whatever the evidence shows to date on the extent to which victims and offenders are willing to communicate, it is reasonable to predict that take-up rates for RJ should increase steadily as public awareness of the process

increases. As in any other "tipping point" of social change in technologies, from fax machines to mobile phones, public acceptance of the technology rises with greater experience and a critical mass of participation. The problem, to which we return…is how to get to that tipping point

This study posits that RJ has not reached its tipping point in BC, NS and BD. NS Survey Participant 13 provided reflections in this regard, especially for NS:

There has been a lack of public education regarding RJ. From what I understand, from the inception, the government in power was afraid of political backlash, so brought the program in under the radar. RJ Agencies are constantly informing people about the work of restorative justice and correcting what it is and is not. Often police and Crown Prosecutors will tell people it is about community service work or stress the withdrawing of a charge. But RJ is so much more.

In summary, even though the genesis of RJ varies from BC to NS to BD, RJ still has not reached most of the public. Coordinated engagement by local justice stakeholders similar to NS along with the implementation of horizontal community and vertical community in the praxis of RJ can facilitate better mobilization of restorative justice.

9.6. Distinct issues

There are also some distinct issues across these three research sites. For example, Mennonite faith traditions played an important role in BC but not in NS or BD. The debate over moratorium on the use of RJ for gendered-based violence is very alive in NS, but not in BC or BD. In Bangladesh, on the other hand, the debate over the notion of community justice and restorative justice are predominant.

9.6.1. Role of faith community

Faith, particularly the Mennonite traditions, contributed significantly in the early phase of RJ in BC and, partially, in Bangladesh. As BC 1, BC 3 and BC 16 mentioned,

Langley Mennonite Fellowship (LMF)[14] and its congregation members played a major role to the early start of RJ in BC. Subsequently, the hiring of a pastor who spent 25% of his time for RJ in 1980s contributed to the systematic development of RJ. Finally, the establishment of Community Justice Initiatives (CJI) with the support of LLM is a milestone for the growth of RJ in BC (BC 1). Additionally, faith-based organizations such as Mennonite Central Committee (MCC) and the Catholic Justice Services Society are the primary supporters for Circle of Support and Accountability in BC (BC 3).

This study did not find any significant contribution by the faith communities in Nova Scotia and Bangladesh with regard to the growth of RJ. Even though MCC Bangladesh had some influence on the growth of RJ in Bangladesh, MCC Bangladesh has many staff and volunteers who are not necessarily Mennonites in their faith and spiritual traditions (BD 5).

Future studies exploring the role of faith/spiritual tradition could further enhance the praxis of RJ, combining rational, intellectual and spiritual elements into practice.

9.6.2.   Moratorium on the use of RJ for domestic and sexualized violence

Debates over the use of RJ in sexual assault and intimate partner violence are not new. Whilst some studies found success, especially in the case of young offenders, a number of scholars have advised caution in the use of RJ in sexual assault cases (Coker, 1999; Presser and Gaarder, 2000), Shapland, 2000). This debate is also prevalent among RJ advocates and practitioners in NS.

 In Nova Scotia, the initial proposal of the 1998 Restorative Justice Outlines by the Department of Justice included both sex offences and spousal/partner assaults as eligible offences for RJ programs. Yet, women's groups expressed serious concerns over the idea of using RJ for sexual offences and intimate partner violence. A major study funded by Status of Women Canada's Women's Program also supported the

---

[14] Langley Mennonite Fellowship (LMF) belongs to Mennonite Church BC. LMF is grounded on Mennonite/Anabaptist understanding of Christian faith and life. For more information: http://www.langleymennonitefellowship.org/

women's groups' concern. The study recommended that the moratorium on the referral of sex offences and spousal and partner violence continue. As a result, a moratorium on the use of RJ for domestic and sexualized violence has been in effect since February 2000 (Clairmont and Waters, 2015; Rubin, 2003).

A number of key informant interviewees (NS 2, NS 4, NS 5, and NS 8) and survey participants mentioned the context, rationale and future of the use of RJ for domestic violence and sexual assault. The debate on this issue is still ongoing. Representatives from 20 organizations, including Transition House Association of Nova Scotia (THANS), Women's Centres Connect and Alice House issued a position statement that they need more study and consultation before moving away from the moratorium (Peddle, 2019). A statement from THANS reads as follows: "A restorative program attempting to address these crimes must deploy a feminist, intersectional, trauma-informed and trauma-responsive, victim-centred and rural framework. It must further acknowledge that such heinous crimes have their roots in an oppressive colonial and patriarchal system" (Nourpanah, 2019, para 4).

In BC and BD, this study did not find any specific debate or discussion over the use of RJ on gendered-based violence. In BC, though, Community Accountability Program (CAP) funded RJ programs are required to not accept gender-based violence for RJ as CAP's policy states "Community Accountability Programs should not handle cases that involve violence against women in relationships, sexual offences, child abuse, or hate crimes" (CAP, 2004, p. 15).

9.6.3.   Community Justice vis a vis Restorative Justice

There have been debates over the definition of community justice (CJ) and its distinction from RJ in the context of Bangladesh. Park (2010, p. 95) defined CJ as "… practices that are not associated with the state, that take place in the community, that involve the participation of the community as a whole, and which, at least in part, emerge endogenously within a community notwithstanding external assistance, cooperation, or collaboration."

Similarities between RJ and CJ include a broader definition of crime and justice, inclusion of the community as a key stakeholder and victim-centeredness. According to McCold (2004, p. 28), there are some fundamental differences (see Table 9.8) in origin, focus and practice between CJ and RJ:

Table 9.8.   Community Justice, Restorative Justice (adapted from McCold, P. 2004, p. 18–19)

Theme	Restorative Justice	Community Justice
Origin	Originated from informal, faith-based and Indigenous focus, generally operating outside the formal system	A creation of the formal criminal justice system
Justice Focus	Repair of harm to people and relationships	Community building (citizen-state partnership) for preventing crime
Means to justice	Direct decision making by affected parties	More accessible and less formal justice services
Stakeholders	Those directly affected by a specific crime	All residents of an area affected by crime generally
Example from Bangladesh	GIZ Bangladesh's RJ project	Village Courts and *Salish*

In the context of Bangladesh, some argued *salish* and village courts are community-based justice, not RJ (BD 2). Others view the debate as "irrelevant" as many INGOs and CBOs are involved with RJ and village courts at the same time (BD 10). More importantly, BD 4 shared his insights:

It is interesting to see how restorative justice works in Bangladesh. People who are experts on salish and village courts are also getting training on restorative justice. Because of this, RJ in Bangladesh is a mixture of salish and village court practices. For this reason, many CBOs offer supports for salish, village courts and RJ simultaneously. Madaripur Legal Aid is an example. They are involved with implementing RJ, salish and village court. I think all these practices are complementary with each other.

Both BD 4 and BD 10 suggest that Bangladesh's RJ is more of a "hybrid" between *salish* and village courts. To them, village courts, *salish* and RJ—all complement each other and bring justice to home.

In summary, this chapter addressed the research findings from the primary research question (*How has restorative justice praxis emerged and been operationalized in BC, NS and BD?).* It addressed both the genesis and praxis of RJ in BC, NS and BD. Using the Overton Window, it examined the genesis of RJ at each site. It concluded that RJ in BC, NS and BD has still not reached a 'tipping point'. Praxis of RJ, such as the role of community, government, standardization and written-script across these research sites, were also examined. The following chapter offers concluding remarks on the thesis and directions for future research.

Chapter 10.

Conclusion

The findings of this study illustrate the intricate nuances and complexities of the genesis of RJ, enhancing the understanding of community praxis in BC, NS and BD. Whilst similarities in community praxis, such as a circle of care or community as volunteer, exists across the sites, this study finds additional distinct forms of community praxis, such as reflective community in BC and learning community in NS. And although the research participants differ on the extent of the community's involvement in the genesis story of RJ in each setting, the study also finds consensus among them regarding the importance of community in RJ. A unique perspective of this doctoral study is that it captures the stories and reflections of RJ visionaries from BC, NS and BD. It contributes to the wealth of experienced voices in the literature. For example, the story of how CJI pioneered RJ in BC along with Langley Mennonite Fellowship has been documented through this research. Similarly, the contribution of former defence counsel, Danny Graham, and Professor Jennifer Llewellyn at Dalhousie University's Schulich School of Law are also captured in detail. Most importantly, this study is the first of its kind to capture the genesis story of RJ in BD. While Braithwaite (2015) speaks to the work of GIZ Bangladesh in his writing, this study uniquely traced the genesis of RJ from ancient *salish* to contemporary village court. It shows that the growth of RJ in BC, NS and BD is significant yet unique in each setting. By locating the genesis of RJ within the phases of social development this study argues that restorative justice has not yet reached a 'tipping point' at any of the sites.

This study is significant for numerous reasons. Firstly, this study illustrates that the voices of RJ visionaries are as significant as the voices of victims and offenders. Although RJ visionaries and practitioners are very important stakeholders, studies that captured their voices have been limited. But the truth, as this study demonstrates, is that the RJ visionaries are the advocates, academics and practitioners who have shaped the

growth and development of RJ with their ideas, policy and practice. All the key informants and survey respondents were intentionally selected for this purpose. Secondly, this study demonstrates the similarities and differences of community praxis in BC, NS and BD (chapter 7). Understanding of community praxis not only enhances clarity on the role of community, it also unearths community praxes that are distinct in each research sites. For example, this study finds that learning community does not exist in BC and BD. Crucially, by building on the findings of community praxis in BC, NS and BD, this study proposes a Community Engagement Framework, which can amplify knowledge both in theory and practice. Thirdly, this study illustrates the working edges of RJ praxis across the different research sites (Chapters 4-6). For example, the role of relational lens in NS and the role of INGOs in BD can further contemporary discourse on RJ praxis. Fourthly, through comparative analysis of genesis and praxis of RJ in BC, NS and BD (Chapter 9), this study adds nuances to the role of community, government, script and standardization in RJ processes. And, finally, this study is significant because it challenges the growth of RJ, in particular in BD, through proposing a decolonizing lens. The findings reveal that there was limited consultation with local communities during the implementation of RJ in BD. Additionally, the findings question the cultural relevancy and rootedness of RJ in BD. For example, a majority of the survey participants (80 percent) did not see RJ as 'locally rooted' in Bangladesh. This study argues that instead of *"reinventing the wheel"* (BD 4), Bangladeshi RJ proponents can explore local practices such as NGO-led *salish* which is 'locally rooted'[15]. The proposed Decolonizing Framework for RJ can be a model (Chapter 8) to mobilize the RJ movement.

Centered on genesis and praxis, the primary purpose of this doctoral study was twofold: a) to map the factors that contributed to the growth of RJ across BC, NS and BD, and b) to explore praxis of RJ—community, in particular—within each site. By addressing the research question *'How have restorative justice praxis evolved and been operationalised in British Columbia, Nova Scotia and Bangladesh?'* this study reveals both the genesis and praxis of RJ in BC, NS and BD.

---

[15] More than 88% of the survey participants in this study believe that *salish* is locally rooted in Bangladesh.

This concluding section of the study highlights a summary of the findings, contributions to knowledge, limitations, and areas for future research.

10.1. Summary of findings

Grounded in the primary research question '*How have restorative justice praxis evolved and been operationalised in British Columbia, Nova Scotia and Bangladesh*?', the findings in this study can be categorized into: a) genesis, b) community praxis, and c) working edges of RJ praxis. Of the two research aims, one is related to genesis and the other is relevant to praxis. The following section outlines the genesis of RJ in brief.

10.1.1.   Genesis

As a response to the research question: *How have restorative justice praxis evolved and been operationalised in BC, NS and BD?*, the genesis explained factors that contributed to the growth of RJ in BC, NS and BD. In BC, community-based organizations, such as Community Justice Initiative, the provincial government's Community Accountability Program and the undergraduate level courses at university settings (SFU and KPU) played an instrumental role. The contributions of Liz Elliott were also mentioned by a number of key informants. Other factors included support and buy-in from RCMP, funding from municipal governments, and the endless dedication of the RJ community. In the context of NS, former defence counsel, Danny Graham, along with the then justice officials, including the provincial Chief of Judges, the Chiefs of Police, the Director of Public Prosecutions, the Head of Corrections, and the Head of Victim Services, catalyzed the growth of RJ. The arrival of Professor Jennifer Llewellyn at Dalhousie University's Schulich School of Law in 2001 boosted RJ in NS to a new level. The introduction of RJ in numerous school districts, the emergence of learning community, and RJ in the human rights commission are some examples of this boost. In contrast, Bangladesh witnessed the growth of RJ neither by the workings of government agencies nor by community-based organizations. Rather, INGOs such as GIZ Bangladesh played the most important role in the growth of RJ in Bangladesh. Formally launched in 2013, GIZ Bangladesh implemented RJ practices in 10 districts of Bangladesh. Additionally, GIZ Bangladesh trained approximately 793 RJ facilitators all

over the country. Along with GIZ Bangladesh, the contribution of University of Dhaka's graduate program on Victimology and Restorative Justice, as well as the pre-existing village courts and *salish,* also influenced the growth of RJ in Bangladesh.

10.1.2.　Community Praxis

In responses to the other research question - *What is the role of community in BC, NS and BD?-* , this doctoral study not only unearths the role of community in BC, NS and BD, it also examines existing community praxis such as community as volunteer, community as neighbor and community as circle of care. Although this study finds some common forms of community praxis across BC, NS and BD, it finds distinctly different community praxis in each setting. For example, BC experienced 'reflective community' in which bonding and relationship building were the central themes. In NS, the 'learning community' is a form of community praxis where the focus is more on mutual learning and sharing about what is working, what is not working and what can be done to address newer challenges. Bangladesh, on the other hand, applied a different form of community praxis in the form of Community-based Organization (CBO). CBOs are different from NGOs in Bangladesh. CBOs are mostly locally grown organizations, whereas NGOs are nationally run. The survey participants in Bangladesh believe that the involvement of CBOs is important to the future of RJ in Bangladesh. In light of the findings on community praxis from BC, NS and BD, this study proposes the framework of horizontal community and vertical community. Horizontal community nurtures relationships, fosters learning, and is more informal, whereas vertical community offers more formal support in RJ praxis. An example of vertical community is the circle of care where the supporters of victims or offenders provide specific supports in RJ praxis.

10.1.3.　Working Edges of RJ praxis

The working edges of RJ praxis are captured in the findings that emerged from the research participants that are not directly related to the primary research question. Even though this study found some common areas of working edges of RJ praxis, such as the role of community, government and standardization of RJ, nonetheless, it also captured distinct edges across research sites. For example, the working edge of RJ praxis among research participants in NS is the application of RJ to gender-based

violence. A number of research participants expressed being in favor of a moratorium on the use of RJ for sexual assault cases. Others, however, noted that a number of organizations, including representatives from women's groups, are keen to explore a restorative response to gender-based violence. In contrast, RJ in the context of sexual assault was hardly mentioned by research participants from BC and BD. The unique working edge of RJ praxis in Bangladesh is the role of INGOs. Some viewed the role of INGOs as significant and at the "*forefront of RJ work*" (BD 7), whereas other expressed cynicism. The crux of the debate over INGOs role was about sustainability and "*community buy-in*" (BD 10). According to these groups, INGO-led RJ practices may "*compromise*" community's ownership and community-rootedness of restorative justice (BD 1).

10.2. Contribution to Knowledge

By addressing the primary research question *'How have restorative justice practices evolved and been operationalised in British Columbia, Nova Scotia and Bangladesh?'* this study contributes knowledge contextually, theoretically and methodologically in the field of restorative justice.

Contextually, this study contributed to the genesis: chronological and systematic snapshot of RJ in BC, NS and BD. For example, in BC, this study documented the interests of Langley Mennonite Fellowship in the 1980s, the establishment of CAP in the 1990s, and the formation of RJABC in 2019. Similarly, the growth of RJ in NS and BD were also presented in chronological order. Conflict resolution practices in the 1980s, formal launch of RJ in the 1990s, and the innovative phase of RJ in the 2000s are the milestones for NS. Bangladesh's RJ growth is organized from ancient *salish* practices to the recent introduction of RJ in 2013. Most importantly, this study situates the growth in different phases of the Overton Window – from radical to policy. The Overton Window helps to pinpoint and describe the growth of social movements. This study argued that RJ in BC, NS and BD has not yet reached its 'tipping point'. In regard to Overton Window, this study located RJ in BC in the 'acceptable' phase, and RJ in Nova Scotia in between the 'acceptable' and the 'policy' phase. RJ in Bangladesh is clearly in the 'radical' phase as there are very few people who know about RJ.

214

Theoretically, this study contributed knowledge by adding a proposed Community Engagement Framework and Decolonizing Framework for RJ. The Community Engagement Framework offered the concept of horizontal community and vertical community. The horizontal community in RJ consists of 1) reflective community, and 2) community as neighbor, whereas the vertical community is more formal and structural, including 1) learning community, 2) circle of care, and 3) community as volunteer. This study argues that the incorporation of both the horizontal and vertical communities with their foundation on the guiding principles of RTJ would strengthen the quality of relationship, while also fostering innovation and creativity in RJ.

Another theoretical contribution of this study is the proposal for the Decolonizing Framework for RJ. The concept of decolonization has recently been used in a number of settings, including pedagogy, social justice and restorative justice. The proposed Decolonizing Framework for RJ provides a possible avenue in the research and development of RJ. Grounded in the examples from New Zealand, Australia, and Bangladesh, the Decolonization Framework for RJ has four key components: roots, trunk, branches and fruit. The roots create ground and contribute towards listening and consultation. The trunk, on the other hand, consists of local knowledge and local leaders. The branches include learning from culturally and socially similar best practices across the world. The fruits, this study argues, would result in culturally and socially conducive RJ practices, particularly for Bangladesh. Each phase in Decolonizing Framework for RJ is supported by a number of theories, including the relational theory of justice, the elicitive model and an anti-oppressive approach.

10.3. Limitations and challenges

This doctoral study contributes to the study of both genesis and praxis of RJ in BC, NS and BD from the perspectives RJ visionaries and practitioners. However, it did not capture the impact of Indigenous peoples and their perspectives to the growth of RJ in BC nor did it explore the influence of Indigenous or traditional practices of African-Nova Scotians on the development of RJ in NS or the influence of the Chakma Justice System in Bangladesh's RJ. The research, in fact, noticed a palpable disconnect between RJ communities and Indigenous communities. A future study along those lines would add

depth to the understanding of the development of RJ in BC, NS and BD. Alongside, a future study on what RJ and Indigenous justice can learn from each other would be significant for the future of RJ in Canada and Bangladesh.

Secondly, the sample size and research time also limited the study. The inclusion of more key informant interviewees, particularly from rural areas in BC, NS and BD, and more follow-up interviews would have added more nuance to the data. However, due to a time limit for this doctoral study and funding challenges, inclusion of more research participants and follow-up interviews were not feasible.

Thirdly, this doctoral study did not include the voices of victims and offenders. This study specifically explored the viewpoints and experiences of RJ visionaries and practitioners. A future study combining all key stakeholders—victim, offender and community—would bring diverse perspectives and wisdom.

10.4. Directions for Future Research

A possible area for future research in BC, NS and BD is examining the role of government-community partnerships in both development and implementation of RJ; such findings could contribute not only to RJ communities in BC, NS and BD, but also to other RJ settings nationally and internationally.

Another area for future research is to explore what motivates people, including victims, offenders, volunteers, and practitioners, to get involved with RJ practices. Is it their lived experience, or just a feel-good incentive, or a sense of civic responsibility?

For cases of domestic and sexualized violence, an international study exploring trauma-informed, trauma-responsive, and victim-centred frameworks that could apply even in rural settings might well pave the way for innovative RJ practices not only in Nova Scotia but also in other settings including BC and BD.

Finally, a more rigorous examination of the process and methodology of the decolonizing framework for RJ is indeed an imperative. The enthusiasm for restorative

models appropriate to community, prison, school and university settings across the world beg the need for such a decolonizing framework.

References

Abramson, A. (2002). *Bridging the gap: Exploring the role of community in restorative justice.* (MA Thesis). School of Criminology, Simon Fraser University.

Abramson, A. (2003). Sustainable relationships and competing values: Restorative justice initiatives and the police – a case study*, Police Practice and Research, 4*(4), 391-398.

Abramson, A. (2016). *Transformative possibilities: A journey through tertiary restorative justice education.* (Doctoral Dissertation). School of Criminology, Simon Fraser University.

Abramson, L., & Beck, E. (2010). Using conflict to build community: Community conferencing. In E. Beck, N. Kropf, & P. Leonard (Eds*.), Social work and restorative justice: Skills for dialogue, peacemaking, and reconciliation* (pp. 149–174). New York, NY: Oxford University Press.

Abu-Nimer, M. (2001). Conflict resolution, vulture, and religion: Toward a training model of interreligious peacebuilding. *Journal of Peace Research, 38*(6), 685-704.

Adriansen, HK. (2012). Timeline interviews: A tool for conducting life history research. *Qualitative Studies, 3*(1). 40–55.

Agresti, A. (2012). *Categorical data analysis.* Retrieved from https://ebookcentral-proquest-com.proxy.lib.sfu.ca

Ahmed, E. (2008). 'Stop it, that's enough': Bystander intervention and its relationship to school connectedness and shame management. *Vulnerable Children and Youth Studies, 3*(3), 203-213.

Ahmed, E. & Braithwaite, V. (2012). Learning to manage shame in school bullying: Lessons for restorative justice interventions. *Critical Criminology*, *20*(1), 79-97.

Ahmed, E., Harris, N., & Braithwaite, J. (2001).*Shame management through reintegration.* Cambridge, UK: Cambridge University Press.

Albrecht, B. (2011). The limits of restorative justice in prison, *Peace Review, 23*(3), 327-334.

Alfred, T. (2009). Restitution is the real pathway to justice for indigenous peoples. In G. Younging, J. Dewar, & M. DeGagné (Eds.), *Response, responsibility, and renewal: Canada's truth and reconciliation journey* (pp. 181–187). Ottawa: Aboriginal Healing Foundation.

Alfred, T. (2017). It's all about the land. In P. McFarlane & N. Schabus (Eds.), *Whose land is it anyway?* (pp. 10-13). Federation of Post-Secondary Educators of BC, BC, Canada.

Amstutz, L. (2009). *The little book of victim offender conferencing: Bringing victims and offenders together in dialogue.* PA, USA: Good Books.

Anderson, M. (1999). *Do no harm: How aid can support peace--or war.* Boulder, Colo, USA: Lynne Rienner Publishers.

Anderson, M., & Freebody, K. (2012). Developing communities of praxis: Bridging the theory practice divide in teacher education. *McGill Journal of Education, 47*(3), 359-377.

Archibald, B., & Llewellyn, J. (2006). The Challenges of institutionalizing comprehensive restorative justice: Theory and practice in Nova Scotia. *Dalhousie Law Journal*, 29, 297-343.

Aristotle. (1985). Nicomachean ethics (T. Irwin, Trans.). Indianapolis: Hackett.

Armstrong, J. (2014). Rethinking the restorative-retributive dichotomy: Is reconciliation possible? *Contemporary Justice Review. 17*(3), 362-374.

Asadullah, M. (2013). Indigenous justice system in the Chittagong Hill Tracts: An exploratory listening project in Bangladesh. *Alaska Journal of Dispute Resolution, 2013*(1), 87-100.

Asadullah, M. (2016). Victor's justice or restorative justice: Exploring the value of participation for Bangladesh's future reconciliation process. *Contemporary Justice Review, 19*(13), 347-362.

Asaduzzaman, S. M. (2014). *Rethinking community-based justice system for conflict transformation: An action research reflections from Bangladesh on local justice and peacebuilding.* Germany: LAP Lambert Academic Publishing.

Ashworth, A. (2002). Responsibilities, rights and restorative justice. *The British Journal of Criminology, 42*(3), 578-595.

Astor, M. (2019, February 26). *How the politically unthinkable can become mainstream.* Retrieved Jul 10, 2019 from The New York Times: http://tiny.cc/rvmj9y

AVCBD Annual Report. (2014). *Activating village court Bangladesh (AVCBD) project-Annual Report 2014.* Dhaka: The Ministry of Local Government Division (LGD), UNDP and the European Commission.

Bakht, N. (2005). Problem solving courts as agents of change. *Criminal Law Quarterly, 50*(3), 224-255.

Baskin, C. (2002). Holistic healing and accountability: Indigenous restorative justice. *Child Care in Practice, 8* (2), 133-136.

Baskin, D.R., & Sommers, I. (1990). Ideology and discourse: Some differences between state-planned and community-based justice. *Law and Human Behaviour*, *14*(3), 249-268.

Battiste, M. (2013*). Decolonizing education: Nourishing the learning spirit.* Saskatoon, Canada: Purich

Bazemore, G. (2007). The expansion of punishment and the restriction of justice: Loss of limits in the implementation of retributive policy. *Social Research, 74*(2), 651–662.

Bazemore, G., & Griffiths, C. (1997). Conferences, circles, boards and mediation: Scouting the 'new wave' of community justice decision-making approaches. *Federal Probation, 60*(2), 25–37.

Bazemore, G., & Schiff, M. (2004). *Juvenile justice reform and restorative justice: Theory, policy and practice.* Retrieved Jul 2, 2019 from https://ebookcentral-proquest-com.proxy.lib.sfu.ca

Bazemore, G., & Walgrave, L. (1999). Restorative juvenile justice: In search of fundamentals and an outline for systemic reform. In G. Bazemore & L. Walgrave (Eds.), *Restorative juvenile justice: Repairing the harm of youth crime* (pp. 45–74). Monsey, NY: Criminal Justice Press.

BC Government, (2019). Issue 19-46 Quarterly Population Highlights. Retrieved August 12, 2019 from: https://www2.gov.bc.ca/gov/content/data/statistics/infoline/infoline-2019/19-46-quarterly-pop-highlights

BC Government, (n.d). Restorative Justice programs in British Columbia. Retrieved May 2, 2017 from: http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/crime-prevention/community-crime-prevention/justice/restorative-justice-programs-bc.pdf

BC Ministry of Justice and Attorney General, (2012). Modernizing British Columbia's: green paper. Vancouver. Retrieved Apr 2, 2017 from: http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/justice-reform-initiatives/justicesystemreviewgreenpaper.pdf

BC RJ Charter. (2003). *A charter for practitioner of restorative justice.* Centre for Restorative Justice, Simon Fraser University, Burnaby, BC, Canada.

Beck, E. (2012). Transforming communities: Restorative justice as a community building strategy. *Journal of Community Practice, 20*, 380–401.

Beven, J. P., Hall, G., Froyland, I., Steels, B., & Goulding, D., (2005). Restoration or renovation? Evaluating restorative justice outcomes, *Psychiatry, Psychology and Law, 12*(1), 194-206.

Bhattacharya, K. (2018).*Learning decolonizing methodologies in qualitative research* [Video file]. Retrieved from SAGE Research Methods.

Bhuiyan, M., Hassan, S., & Islam, K. (2018). Role of community-based organisations in promoting democratic local governance at the grassroots in Bangladesh. *Journal of Development Policy and Practice, 3*(2), 215-224.

Bianchi, Herman. (1994) Justice as sanctuary: Toward a new system of crime control. Bloomington, IN: Indiana University Press.

Bidois, Judge L. Matthew. (2016). The value of restorative justice. *Commonwealth Law Bulletin, 42*(4), 596-613.

Bird, M. Y. (2014, February 18). Dr. Michael Yellow Bird on 'Healing through neurodecolonization and mindfulness' [Video file] Retrieved Jul 3, 2019 from vimeo: https://vimeo.com/86995336

Blagg, H. (1997). A just measure of shame? Aboriginal youth and conferencing in Australia. *37*(4), 481-501.

Block, P. (2008). *Community: The structure of belonging.* United States of America: Berrett-Koehler Publishers.

Blodgett, A., Schinke, R., Fisher, L., Wassengeso George, C., Peltier, D., Ritchie, S., & Pickard, P. (2008). From practice to praxis: Community-based strategies for aboriginal youth sport. *Journal of Sport & Social Issues, 32*(4), 393-414.

Bloemraad, I. (2013). The promise and pitfalls of comparative research design in the study of migration. *Migration Studies, 1*(1), 27-46.

Bloomfield, D. (2005). Reconciliation: An introduction. In D. Bloomfield, & L. Huyse (Eds.), *Reconciliation after violent conflict: A Handbook* (pp. 10-18). Stockholm: International Institute for Democracy and Electoral Assistance.

Blue Ribbon Panel Report. (2014). *Getting serious about reducing crime: Report of the Blue Ribbon Panel*. British Columbia, Canada. Retrieved Jul 2, 2019 from: http://tiny.cc/mft58y

Bolivar, D. (2012). Community of care from a victim-perspective: *A qualitative study. Contemporary Justice Review, 15*(1), 17–37.

Bopp, M. & Bopp, J. (2001). Recreating the world: A practical guide to building sustainable communities. *Four Worlds Press, 2nd Edition*. Calgary, Alberta. Canada

Boyes-Watson, C. (2005). Seeds of change: Using peacemaking circles to build a village for every child. *Child Welfare,84* (2), 191-208.

Boyes-Watson, C. (2010). What are the implications of the growing state involvement in restorative justice? In H. Zehr and B. Toews (Eds.), *Critical issues in restorative justice* (pp. 215-226). Boulder, CO: Lynn Rienner Publishers.

Braithwaite, J. (1989). *Crime, shame, and reintegration.* Cambridge, New York: Cambridge University Press.

Braithwaite, J. (1999). Restorative justice: Assessing optimistic and pessimistic accounts. *Crime and Justice, 25*, 1–127.

Braithwaite, J. (2000). Shame and criminal justice. *Canadian Journal of Criminology*, *42*(3), 281–298.

Braithwaite, J. (2001). *Restorative justice & responsive regulation.* Oxford University Press, USA.

Braithwaite, J. (2002). Setting standards for restorative justice. *The British Journal of Criminology, 42*(3), 563-577.

Braithwaite, J. (2007). Encourage restorative justice. *Criminology & Public Policy, 6*(4), 689-696.

Braithwaite, J. (2015). Paralegals changing lenses. *Restorative Justice: An International Journal, 3*(3), 311-324.

Braithwaite, J., & Gohar, A. (2014). Restorative Justice, policing and insurgency: Learning from Pakistan. *Law & Society Review, 48*(3), 531-561.

Braun, V., and Clarke, V. (2013). *Successful qualitative research.* Thousand Oaks, California: SAGE Publications.

Broadhead, R. S. and R. C. (1976). Gatekeepers and the social control of social research, *Social Problems*, *23*(3), 325-336.

Brown, A. L., & Campione, J. C. (1994). Guided discovery in a community of learners. In K. McGilly (Ed.), *Classroom lessons: Integrating cognitive theory and classroom practice* (pp. 229-270). Cambridge, MA: MIT Press

Brown, L., & Strega, S. (Ed.). (2005). *Research as resistance: Critical, indigenous, and anti-oppressive approaches.* Toronto: Canadian Scholars' Press.

Brownlie, J. (2003). "An unsolvable justice problem"? Punishing young people's sexual violence. *Journal of Law and Society*, 30, 506–31.

Bryant, C. (2011). *Restorative justice in British Columbia's youth probation service.* (MA. Thesis). School of Criminology, Simon Fraser University.

Buffington, K., Dierkhising, C., & Marsh, S. (2010). Ten things every juvenile court judge should know about trauma and delinquency. *Juvenile & Family Court Journal, 61*(3), 13-23.

Burford, G. (2018). Keeping complexity alive: Restorative and responsive approaches to culture change. *The International Journal of Restorative Justice, 1*(3), 356-371.

Burns, B. R. (2000). *Introduction to research method.* Thousand Oaks, CA: SAGE Publications.

Burton, J. W. (1990). *Conflict: Resolution and prevention.* New York: St. Martin's Press.

Campanelli, P. (2008). Testing survey questions. In E. D. Leeuw, J. J. Hox, and D. A. Dillman, *International handbook of survey methodology* (pp. 176-200). New York: Lawrence Erlbaum Associates.

CAP, (2004). The community accountability programs (CAP), Ministry of Public Safety and Solicitor General. Retrieved May 2, 2017 from: http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/crime-prevention/community-crime-prevention/publications/cap-information-package.pdf

Carroll, D. J., Rosati, J. A., and Coate, R. A. (1988). Human needs realism: A critical assessment of the power of human needs in world society. In R. A. Coate, and J. A. Rosati, *The power of human needs in world society* (pp. 257-274). Boulder, Colo: Lynne Rien.

Cassell, J. (2014). *Impacts of restorative justice on youth in conflict with the law: A narrative approach.* (Master of Social Work). Program of Social Work, Ryerson University.

CBA BC. (2017). Better BC justice system should be election issue. The Canadian Bar Association (CBA), BC, Canada. Retrieved Jul 2, 2019 from: http://tiny.cc/9dt58y

Chapman, T., & Murray, D. (2015). Restorative Justice, social capital and desistance from offending, *Revista de Asistenta Sociala*, *XIV*(4), 47-60.

Charbonneau, S. (2005). The Canadian youth criminal justice act 2003: A step forward for advocates of restorative justice. In E. Elliott and R.M. Gordon (Eds.), *New directions in restorative justice: Issues, practice, evaluation* (pp. 75-86). Cullompton, UK: Willan Publishing.

Charles, L., Maltby, H., Abrams, S., Shea, J., Brand, G., & Nicol, P. (2014). Expanding worldview: Australian nursing students' experience of cultural immersion in India, *Contemporary Nurse*, *48*(1), 67-75.

Chatterjee, J. (1999). *A report on the evaluation of RCMP restorative justice initiative: CJF as seen by participants.* Ottawa: Research and Evaluation Branch, Community, Contract and Aboriginal Policing Services (CCAPS) Directorate, Royal Canadian Mounted Police.

223

Chatterjee, J. & Elliott, L. (2003). Restorative policing in Canada: The royal Canadian mounted police, community justice forums, and the youth criminal justice act. *Police Practice and Research: An International Journal, 4*(4), 347-359.

Choi, J., Green, D., and Gilbert, M., (2011). Putting a human face on crimes: A qualitative study on restorative justice processes for youths. *Child and Adolescent Social Work Journal, 28*(5), 335-355.

Christie, N. (1977). Conflicts as property. *The British Journal of Criminology*, 1-15.

CJI Annual Report. (2004). Langley, BC, Canada. Community Justice Initiative Association.

CJI Annual Report. (2014). Langley, BC, Canada. Community Justice Initiative Association.

CJI Annual Report. (2016). Langley, BC, Canada. Community Justice Initiative Association.

CJI Annual Report. (2018). Langley, BC, Canada. Community Justice Initiative Association.

Clairmont, D. (2005). *The Nova Scotia Restorative Justice Initiative: Final Evaluation Report*. Atlantic Institute of Criminology, Dalhousie University, NS, Canada.

Clairmont, D., & Kim, E. (2013). Getting past the gatekeepers: The reception of restorative justice in the Nova Scotian Criminal Justice System. *Dalhousie Law Journal, 36*(2), 359-391.

Clairmont, D. and Waters, K. (2015). *The Nova Scotia restorative justice program: Assessment of current status and future directions*. Dalhousie University, Nova Scotia. Retrieved Apr 5, 2017 from: https://dalspace.library.dal.ca/bitstream/handle/10222/64610/Assessment%20of%20the%20NSRJ%20Program%202015.pdf?sequence=1

Clamp, K. (2014). *Restorative justice in transition.* New York: Routledge.

Clark, M. E. (2005). Skinner vs the prophets: Human nature & our concepts of justice. *Contemporary Justice Review, 8*(2), 163– 176.

Coghlan, A. T., Preskill, H., & Tzavaras Catsambas, T. (2003). An overview of appreciative inquiry in evaluation. *New Directions for Evaluation*, 2003, 5–22.

Coker, D. (1999). Enhancing autonomy for battered women: Lessons from Navajo Peacemaking. *UCLA Law Review*, 47: 1–111.

Cook, A. Drennan, G., & Callanan, M. M. (2015). A qualitative exploration of the experience of restorative approaches in a forensic mental health setting, *The Journal of Forensic Psychiatry & Psychology*, *26*(4), 510-531.

Cooley, D (2002). *Restorative justice in Canada: Lessons learned.* Ottawa: Law Commission of Canada: 2002.

Copperrider, D. (1990). Positive image, positive action: The affirmative basis of organizing. In S. Srivastva, R.E. Fry, & D. Cooperrider (Eds.), *Appreciative management and leadership: The power of positive thought and action in organizations.* San Diego: Jossey-Bass.

Corbin, J., & Strauss, A. L. (2008). *Basics of qualitative research: Techniques and procedures for developing grounded theory.* Los Angeles, [Calif.]; London: SAGE.

Cormier, R. B. (2002). Restorative justice: Directions and principles--developments in Canada. Ottawa: Solicitor General Canada.

Council of Parties, (2018). *Second public report*, Council of Parties, Nova Scotia Home for Colored Children Restorative Inquiry. Retrieved August 20, 2019 from: https://restorativeinquiry.ca/sites/default/files/17-46327_Restorative_inquiry_report.pdf

Cowper, G.D. (2012). *BC justice reform initiative: A criminal justice system for the 21st century.* Final Report to the Minister of Justice and Attorney General Honourable Shirley Bond, Victoria, BC, Canada.

Cowper, G.D. (2016). *BC justice reform initiative: A criminal justice system for the 21st century.* Final Report to the Minister of Justice and Attorney General Honourable Suzanne Anton, Victoria, BC, Canada.

Crawford, A. (2004). Involving lay people in criminal justice. *Criminology & Public Policy, 3*, 693–702.

Creswell, J. W. (2003). *Research design: Qualitative, quantitative, and mixed methods approaches.* California: SAGE Publications.

Creswell, J. W. (2009). *Research design: Qualitative, quantitative, and mixed methods approaches.* California: SAGE Publications.

Creswell, J. W. (2015). *A concise introduction to mixed methods research.* California: SAGE Publications.

Crocker, D. (2016). Balancing justice goals: Restorative justice practitioners' views, *Contemporary Justice Review, 19*(4). 462-478.

Crocker, D., & Craig, R. (2011). Results from a survey of staff, volunteers and board of the Nova Scotia restorative justice program. Halifax, NS: Nova Scotia Restorative Justice-Community University Research Alliance. Retrieved Apr 2, 2017 from: http://www.nsrj-cura.ca/publications.

Crosby, S. D. (2016). Trauma-informed approaches to juvenile justice: A critical race perspective. *Juvenile and Family Court Journal*, 5-18.

Cunneen, C. (1997). Community conferencing and the fiction of indigenous control. *Australian & New Zealand Journal of Criminology, 30*(3), 292-311.

Cunneen, C. (2002). Restorative justice and the politics of decolonization. In E. G. M. Weitekamp & H.-J. Kerner (Eds.), *Restorative justice: Theoretical foundations* (pp. 32–49). New York: Willan.

Cunneen, C. (2006). Racism, discrimination and the over-representation of indigenous people in the criminal justice system: Some conceptual and explanatory issues. *Current Issues in Criminal Justice. 17*(3), 329-346.

Cunneen, C., & Hoyle, C. (2010). *Debating restorative justice.* Oxford, England: Hart Publishing.

Cunneen, C., & Tauri, J. (2016). *Indigenous criminology.* Bristol, UK: Policy Press.

Cunneen, C., & Tauri, J. (2019). Indigenous peoples, criminology, and criminal justice. *The Annual Review of Criminology, 2*(1), 359-381.

Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*, *11*(1), 9-29.

Daly K. and R. Immarigeon (1998). The past, present, and future of restorative justice: some critical reflections. *The Contemporary Justice Review 1* (1), 21-45.

Das, M. B., & Maru, V. (2011). *Framing local conflict and justice in Bangladesh.* Washington, D.C: The World Bank.

Davey, L. (2005, March 4). *The development of restorative justice in the UK: A personal perspective.* Retrieved Jul 2, 2019 from IIRP News: http://tiny.cc/fuu58y

Day, G. (2006). *Community and everyday life.* New York: Routledge.

Denzin, K. N., and Lincoln, S. Y. (2013). *Collecting and Interpreting qualitative materials.* Thousand Oaks, California: SAGE Publications.

Deukmedjian, J. E. (2008). The rise and fall of RCMP CJFs: Restorative justice and public safety interoperability in Canada. *Canadian Journal of Criminology and Criminal Justice , 50* (2), 117-151.

Dhami, M.K & Joy, P. (2007). Challenges to establishing volunteer-run, community-based restorative justice programs. *Contemporary Justice Review, 10*(1), 9-22.

Dhami, M. K., Mantle, G., & Fox, D. (2009). Restorative justice in prisons. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, *12*(4), 433-448

Dickson-Gilmore, E., & LaPrairie, C. (2005). *Will the circle be unbroken? Aboriginal communities, restorative justice and the challenges of conflict and change.* Toronto, Canada: University of Toronto Press.

Dodson, M. (1996). Aboriginal and Torres Strait Islander Social Justice Commissioner Fourth Report, AGPS, Canberra. Retrieved Jul 12, 2019 from: https://www.humanrights.gov.au/our-work/ Indigenous -deaths-custody

Dominelli, L. (2002). Anti-oppressive practice in context (2nd edition). In *Social work: themes, issues and critical debates* (pp. 1-19). New York, NY: Palgrave.

Doolin, K. (2007). But what does it mean? Seeking definitional clarity in restorative justice. *Journal of Criminal Law, 71*(5), 427-440.

Downie, J. and Llewellyn, J. (2011). *Being relational: Reflections on relational theory and health law*. Vancouver: UBC Press.

Duff, R. A. (2000), Punishment, communication and community. New York: Oxford University Press.

Durkheim, E. (1933). *The Division of Labour in Society*. Glencoe, IL: Free Press (first published in 1893).

Durkheim, E. (1938). *The Rules of Sociological Methods*, trans. S. A. Solovay and J. H. Mueller. Chicago, IL: University of Chicago Press.

Dyck, D. (2010). Are we—practitioners, advocates—practicing what we preach? In H. Zehr and B. Toews (Eds.), *Critical issues in restorative justice* (pp. 277-291). Boulder, CO: Lynn Rienner Publishers, Inc.

Dzur, A.W., & Olson, S.M. (2004). The value of community participation in restorative justice. *Journal of Social Philosophy, 35*(1), 91–107.

Eglash, A. (1959). Creative Restitution: It's roots in psychiatry, religion and law, *British Journal of Delinquency,* 10, 114–119.

Eglash, A. (1977). Beyond restitution: Creative restitution', in: Hudson, J. & Galaway, B. (Eds.), *Restitution in criminal justice: A critical assessment of sanctions.* Lexington: Lexington Book.

Elliott, E. M. (2011). *Security with care: Restorative justice and healthy societies*. Blackpoint, Nova Scotia: Fernwood Publishing.

Etherington, B. (2016). An answer to the question: What is decolonization? Frantz Fanon's the wretched of the earth and Jean-Paul Sartre's critique dialectical reason. *Modern Intellectual History*, *13*(1), 151-178.

Evans, S. (2015). The community psychologist as critical friend: Promoting critical community praxis. *Journal of Community & Applied Social Psychology, 25*(4), 355-368.

Fanon, F. (1963). *The wretched of the earth*. New York: Grove Press.

Farmer, R. (2018). *Moving the Overton window: Let the debate continue.* Retrieved August 12, 2019 from VoxEU.org – CEPR's policy portal: https://voxeu.org/content/moving-overton-window-let-debate-continue

Fattah, E. A. (2002). From philosophical abstraction to restorative action, from senseless retribution to meaningful restitution: Just deserts and restorative justice revisited. In E. Weitekamp & H.-J. Kerner (Eds.), *Restorative justice: theoretical foundations* (pp. 308-321). New York: Willan Publishing.

Freedman, D, Thornton, A, Camburn, D, Alwin, D & Young-DeMarco, L. (1988).The life history calendar: A technique for collecting retrospective data. *Sociological Methodology*, vol. 18, 37–68.

Funk, M. (2012). *Comparative justice reform: What are the lessons for British Columbia.* (MA. Thesis). School of Criminology, Simon Fraser University.

Gabbay, Z. D. (2006). Holding restorative justice accountable. *Cardozo Journal of Conflict Resolution 8*(1), 85-142.

Gade, C. (2013). Restorative justice and the South African truth and reconciliation process. *South African Journal of Philosophy, 32*(1), 10-35.

Gade, C. (2018). "Restorative justice": History of the term's international and Danish use. In: Nylund A., Ervasti K., Adrian L. (Eds.), *Nordic mediation research* (pp.27-40). Springer.

Gal, Tali. (2016) 'The conflict is ours': Community involvement in restorative justice, *Contemporary Justice Review, 19*(3), 289-306.

Gavrielides, T. (2007). *Restorative justice theory and practice: Addressing the discrepancy.* Helsinki, Finland: HEUNI.

Gavrielides, T. (2011). *Restorative justice and the secure estate: Alternatives for young people in custody.* London, UK: IARS.

Gavrielides, T. (2012). The McDonaldisation of a community-born and community-led ethos: My reflections on the restorative justice week past, in Blog, IARS, Available at: http://www.iars.org.uk/content/mcdonaldisation-rj.

Gavrielides, T. (2013). Clergy child sexual abuse and the restorative justice dialogue. *Journal of Church State, 55*(4), 617-639.

Gavrielides, T. (2016). Repositioning restorative justice in Europe, *Victims & Offenders, 11*(1), 71-86.

Gavrielides, T., & Winterdyk, J. (2011). The fall and rise of restorative justice: A historical account of its notion, practices and possible lessons learned. *Pakistan Journal of Criminology, 107*(3), 107-124.

Geisler, N. L., & Watkins, W. D. (1989). *Worlds apart: A handbook on worldviews.* Oregon: Wipf & Stock.

Gentles, S. J., Charles, C., Ploeg, J., & McKibbon, K. (2015). Sampling in qualitative research: Insights from an overview of the methods literature. *The Qualitative Report, 20*(11), 1772-1789.

Gerkin, P. M. (2012). Who owns this conflict? The challenge of community involvement in restorative justice. *Contemporary Justice Review, 15*(3), 277–296.

GIZ. (2013, April). *Promising practices. Justice reform: Improving the situation of overcrowding in prisons in Bangladesh*, Retrieved Jul 03, 2019, from http://tiny.cc/pui98y

GIZ. (2014, October*). Improvement of the real situation of overcrowding in prisons in Bangladesh (IRSOP).* We Have Not Forgotten You—New Pathways for Prisoners. Bonn.

Glaser, B.G., & Strauss, A.L. (1967). *The discovery of grounded theory: Strategies for qualitative research.* Chicago: Aldine.

Glowatski, K., Jones, N., & Nicholas Carleton, R. (2017). Bridging police and communities through relationship: The importance of a theoretical foundation for restorative policing. *Restorative Justice, 5*(2), 267-292.

Goldbach, T. (2011). Sentencing circles, clashing worldviews, and the case of Christopher Pauchay. Illume*: Journal of the Centre for Studies in Religion and Society Graduate Students Association, 10*(1), 53–76.

Golub, S. (2003). *Non-state Justice Systems in Bangladesh and the Philippines.* UK: United Kingdom Department for International Development.

González, T., & Buth, J. A. (2019). Restorative justice at the crossroads: politics, power, and language*, Contemporary Justice Review*, DOI: 10.1080/10282580.2019.1644172.

Goulding, D., Steels, B., & McGarty, C. (2016). A cross-cultural research experience: Developing an appropriate methodology that respectfully incorporates both indigenous and non-indigenous knowledge systems. *Ethnic and Racial Studies, 39*(5), 783-801.

Gray, E. (2014). *Doing research in the real world.* Washington, DC: SAGE Publications Ltd.

Green, R. (2012). Explaining the youth criminal justice act. Winterdyk, J. & Smandych, R. (Ed.), Youth at risk and youth justice: A Canadian overview (pp. 54-79). Oxford University Press: Don Mills, Ontario.

Gustafson, D. (2005). Exploring treatment and trauma recovery implications of facilitating victim-offender encounters in crimes of severe violence: Lessons from the Canadian experience. In Elliott, E, & Gordon, R. M. *New directions in restorative justice: Issues, practice, evaluation* (pp. 193-227). Portland, Oregon: Willan Publishing.

Hadley, M. L. (2001). *The spiritual roots of restorative justice.* Albany: State University of New York Press.

Harding, J. (2013). *Qualitative data analysis: From start to finish*. Thousand Oaks, California: SAGE Publications Ltd.

Harkness, J. A. (2008). Comparative survey research: Goals and challenges. In E. D. Leeuw, J. J. Hox, and D. A. Dillman, *International handbook of survey methodology* (pp. 56-77). New York: Lawrence Erlbaum Associates.

Harris, N. (2006). Reintegrative shaming, shame, and criminal justice. *The Journal of Social Issues, 62*(2), 327-346

Healy, K. (2005). Social work theories in context. New York: Palgrave Macmillan.

Henderson, J. S. k. j. Y., & McCaslin, W. (2005). Exploring justice as healing. In W. McCaslin (Ed*.), Justice as healing: Indigenous ways* (pp. 3-12). St. Paul: Living Justice Press.

Hesse-Biber, S. N. (2010). Qualitative approaches to mixed methods practice. *Qualitative Inquiry, 16*(6) 455–468.

Hesse-Biber, S. & Leavy, P. (2011). *The practice of qualitative research* (2nd Ed.). Thousand Oaks, CA: Sage Publications.

Hobbes, T. (2002). *Leviathan*. CreateSpace Independent Publishing Platform.

Hoffmann-Lange, U. (2012). Vertical and horizontal accountability of global elites: Some theoretical reflections and a preliminary research agenda. *Historical Social Research / Historische Sozialforschung, 37*(1), 193-208

Hornaday, A. (2018, February 01). *Enough with naming and shaming: It's time for restorative justice.* Retrieved from The Washingtonpost: https://www.washingtonpost.com/lifestyle/style/enough-with-naming-and-shaming-its-time-for-restorative-justice-in-hollywood/2018/02/01/416ccf80-0518-11e8-b48c-b07fea957bd5_story.html?utm_term=.faf80af21eb4

Houghton, C. Hunter A. Meskell, P. (2012) Linking aims, paradigm and method in nursing research. *Nurse Researcher. 20*(2), 34-39.

House of Commons, (1988). *Taking responsibility: Report of the standing committee on justice and solicitor general on its review of sentencing*, Conditional Release and Related Aspects of Corrections, Ottawa. Retrieved Apr 2, 2017 from: http://www.johnhoward.ca/media/(1988)%20KE%209434%20A22%20S9%201988%20(Daubney)%20E.pdf

Howe, R. (2004). A critique of experimentalism. *Qualitative Inquiry, 10*(1), 42-61.

Hoyle, C., & Rosenblatt, F. F. (2016). Looking back to the future: Threats to the success of restorative justice in the United Kingdom. *Victims & Offenders, 11*(1), 30–49.

Husain, R. A. (2018). A reflection on challenges and negotiation in the context of international fieldwork. In S.W. Kleinknecht, L. K. van den Scott & C.B. Sanders (Eds.), *The craft of qualitative research* (pp.207-224). Vancouver, BC: Canadian Scholars.

Jacobs, B. (2017). Decolonizing the violence against indigenous women. In P. McFarlane & N. Schabus (Eds.), *Whose land is it anyway?* (pp. 47-51). Federation of Post-Secondary Educators of BC, BC, Canada.

Jahan, F. (2008). *When women protect women: restorative justice and domestic violence in South Asia.* New Delhi, India: South Asian Publishers.

Jantzi, V. P. (2010). What is the role of the state in restorative justice? In H. Zehr and B. Toews (Eds.), *Critical Iisues in restorative justice* (pp. 189-201). Boulder, CO: Lynn Rienner Publishers.

Johnstone, G. (2013). The teachings of restorative Justice. In T. Gavrielides and V. Artinopoulou (Eds.), *Reconstructing restorative justice philosophy* (pp. 61-75). Taylor & Francis Group.

Justice Audit Bangladesh. (2015). Dhaka, Bangladesh. Retrieved Jul 3, 2019: http://bangladesh.justiceaudit.org/district-data/

Kamali, M. H. (2008). *Shari'ah Law: An Introduction.* Oxford, UK: Oneworld Publications.

Kant, I. (2003). *On education* (A. Churton, Trans). New York: Courier Dover Publications. (Original work published 1899)

Karp, D. R., Bazemore, G., & Chesire, J. D. (2004). The role and attitudes of restorative board members: A case study of volunteers in community justice. *Crime & Delinquency*, 50, 487–515.

Karp, D. R. & Clear, T. R. (2002). What is community justice? Case studies of restorative justice and community supervision Thousand Oaks, CA: SAGE Publications.

Karp, D. R., & Drakulich, K. M. (2003). Minor crime in quaint setting: Practices, outcomes, and limits of Vermont reparative probation boards. *Criminology & Public Policy, 3,* 655–686.

Kelly, R. (2006). *From scoundrel to scholar. The Russ Kelly story*, Ontario: Kelly Russ Publishing.

Kelly, V. (2010, May 13). Dr. Vick Kelly on 'A blueprint for emotion - Why relationships matter in restorative conferencing' [Video file] Retrieved Aug 24, 2019 from: https://www.youtube.com/watch?v=xwLz1krzCSc

Kenny, P., and Leonard, L. (2014). *Advances in sustainability and environmental justice: The sustainability of restorative justice.* Bingley, GB: Emerald Group Publishing.

Kikuchi J.F. (2003) Nursing knowledge and the problem of worldviews. *Research & Theory for Nursing Practice*, 17, 7–17.

Koggel, C.M. (1998). *Perspectives on equality: Constructing a relational theory.* Oxford, UK: Rowman & Littlefield Publishers.

Kow, S. (2005). Necessitating justice: Hobbes on free will and punishment. *The European Legacy, 10*(7), 689-702.

Kowal, S. & O'Connell, D. (2014). Transcription as a crucial step of data analysis. In Flick, U. *The SAGE handbook of qualitative data analysis* (pp. 64-78). London: SAGE Publications Ltd.

Kruger, M. (2004). The concept and practice of justice in an intentional community: The east wind experience. *Contemporary Justice Review, 7*(4), 355-374.

Kuhn, T.S. (1970). *The structure of scientific revolutions*. University of Chicago Press, Chicago.

Kundu, D. K., Samadder, M., Khan, A., & Naomi, S. S. (2011). *State of justice in Chittagong Hill Tracts: Exploring the formal and informal justice institutions of indigenous communities.* Dhaka: BRAC, BRAC Centre.

Kurki, L. (2003). Evaluating restorative justice practices. In A. Von Hirsch, J. Roberts, A. Bottoms, K. Roach & M. Schiff (Eds.), *Restorative justice and criminal justice: Competing or reconcilable paradigms?* (pp. 293–314). Oxford: Hart.

Kvale, S., & Brinkman, S. (2009). *Interviews: Learning the craft of qualitative Interviewing.* London: Sage.

Laboucan-Massimo, M. (2017). Lessons from Wesahkecahk. In P. McFarlane & N. Schabus (Eds.), *Whose land is it anyway?* (pp. 36-41). Federation of Post-Secondary Educators of BC, BC, Canada.

Lakoff, G. (2004). *Don't think of an elephant: Know your values and frame the debate. White River Junction.* VT: Chelsea Green.

Lane, P., Bopp, M., Bopp, J., and Morris, J. (2002). *Mapping the healing journey.* The final report of a First Nation Research Project on Healing in Canadian Aboriginal Communities. Ottawa: Solicitor General Canada

Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*, *85*(2), 127-144.

Lawson, T. (2004). *Ontology and the study of gender*. Cambridge. Retrieved Apr 10, 2017 from: http://www.csog.group.cam.ac.uk/A_Conception_of_Ontology.pdf

Lederach, J. P. (1995). *Preparing for peace: Conflict transformation across cultures.* Syracuse, N.Y: Syracuse University Press.

Lederach, J. P. (1997). *Building peace: Sustainable reconciliation in divided societies.* Washington, D.C: United States Institute of Peace Press.

Lederach, J. P. (2001). *The heart of reconciliation: A conversation with John Paul Lederach*. (B. Kruschwitz, Interviewer). Retrieved Jul 1, 2019 from: https://www.baylor.edu/ifl/christianreflection/ForgivenessinterviewLederach.pdf

Lederach, J. P., Neufeldt, R., & Culbertson, H. (2007). *Reflective Peacebuilding: A planning,monitoring and learning toolkit*. Indiana, United States of America: The Joan B.Kroc Institute for International Peace Studies,University of Notre Dame and Catholic Relief Services.

Leeuw, D. S., & Hunt, S. (2018). Unsettling decolonizing geographies*. Geography Compass, 12*(7), 1-14.

Leeuw, D. E., Hox, J. J., & Don, D. (2008). *International handbook of survey methodology*. New York: Lawrence Erlbaum Associates.

Leonard, L., & Kenny, P. (2010). The restorative justice movement in Ireland: Building bridges to social justice through civil society. *Irish Journal of Sociology, 18*(2), 38-58.

Levin, M. (2000). The family group conference in the New Zealand children, young persons, and their families act of 1989 (CYP&F): Review and evaluation. *Behavioral Sciences and the Law*, 18: 517–556.

Levrant, S., Cullen, F., Fulton, B., & Wozniak, J. (1999). Reconsidering restorative justice: The corruption of benevolence revisited? *Crime & Delinquency, 45*(1), 3-27.

Lewis, D., & Hossain, A. (2008). *Understanding the local power structure in rural Bangladesh.* Stockholm: Swedish International Development Cooperation Agency (SIDA).

Liebling, A., Price, D., Elliot Charles, (1999) Appreciative inquiry and relationships in prison. *Punishment & Society, 1*(1), 71-98.

Listening Project, (2017). *Webinar: Listening to a movement*. Retrieved May 10, 2017 from: http://zehr-institute.org/webinar/listening-to-a-movement/

Llewellyn, J. (2011). Restorative justice: Thinking relationally about Justice. In Downie, J and Llewellyn, J. (Eds.), *Being relational: reflections on relational theory and health law.* (pp. 89-108). Vancouver: UBC Press.

Llewellyn, J. (2012). Integrating peace, justice and development in a relational approach to peacebuilding. *Ethics and Social Welfare, 6*(3), 290-302.

Llewellyn, J., Archibald, B., Clairmont, D., & Crocker, D. (2013). Imagining success for a restorative approach to justice: Implications for measurement and evaluation. *Dalhousie Law Journal, 36*(2), 281-316.

Llewellyn, J., & Howse, R. (1999). Restorative justice: A conceptual framework. Prepared for the Law Commission of Canada.

Llewellyn, J. J., Macisaac, J., & MacKay, M. (2015). *Report from the restorative justice process at the Dalhousie University Faculty of Dentistry.* Nova Scotia: Dalhousie University.

Llewellyn, J., & Morrison, B. (2018). Deepening the relational ecology of restorative justice. *The International Journal of Restorative Justice, 1*(3), 343-355.

Llewellyn, J. J., and Philpott, D. (2014). *Restorative justice, reconciliation, and peacebuilding.* Oxford; New York: Oxford University Press.

Locke, J. (1999). *Two treatises of government.* Hamilton, CA: McMaster University Archive of the History of EconomicThought.. Retrieved from http://www.ebrary.com.proxy.lib.sfu.ca

Lomell, H., & Halvorsen, V. (2015). Nils Christie 1928-2015. *Journal of Scandinavian Studies in Criminology and Crime Prevention, 16*(2), 142-144.

Louw, S., R. Watson Todd, and P. Jimarkon. (2011). *Active listening in qualitative research interviews.* Proceedings of the International Conference: Research in Applied Linguistics. Retrieved Jul 03, 2019, from: http://tiny.cc/pui98y

Loy, D. (2001). Healing justice: a Buddhist perspective. In M. L. Hadley (Eds.), *The spiritual roots of restorative justice* (pp. 81-97). Albany University of New York Press.

Lynch, N. (2010). Restorative Justice through a children's rights lens. *The International Journal of Children's Rights, 18*(2), 161-183.

MacRae, A. & Zehr, H. (2004). *The little book of family group conferences: New Zealand style.* Intercourse, PA: Good Books.

Maglione, G. (2017). Communities at large: An archaeological analysis of the 'community' within restorative justice policy and laws. *Critical Criminology, 25*(3), 453-469.

Magnusson, E., and Mareck, J. (2015). *Doing interview-based qualitative research: A learner's guide.* Cambridge: Cambridge University Press.

Mangena, F. (2015). Restorative justice's deep roots in Africa. *South African Journal of Philosophy, 34*(1), 1-12.

Manuel, K. (2017). Decolonization: The frontline struggle. In P. McFarlane & N. Schabus (Eds.), *Whose land is it anyway?* (pp. 42-46). Federation of Post-Secondary Educators of BC, BC, Canada.

Marshall, T. F. (1996). The evolution of restorative justice in Britain. *European Journal on Criminal Policy and Research, 4*(4), 21-43.

Marshall, T. F. (1999). *Restorative justice: An overview*. London, UK: Home Office, Research Development and Statistics Directorate.

Martinetz, C. F. (2002). Appreciative inquiry as an organizational development tool. *Performance Improvement, 41*(8), 34–39.

Maruna, S. (2016). Desistance and restorative justice: it's now or never, *Restorative Justice: An International Journal, 4*(3), 289-301.

Matza, D. (1969). *Becoming deviant.* New Jersey: Prentice Hall.

Matsunaga, J. (2016). Two faces of transitional justice: Theorizing the incommensurability of transitional justice and decolonization in Canada, *Decolonization: Indigeneity, Education & Society,* 5(1), 24-44.

McCaslin, W. (2005). Reweaving the fabrics of life. In W. McCaslin (Ed.), Justice as healing: Indigenous ways (pp. 87-91). St. Paul: Living Justice Press.

McCold, P. (2000). Toward a holistic vision of restorative juvenile justice: A reply to the maximalist model. *Contemporary Justice Review, 3*(4), 357–414.

McCold, P. (2004). Paradigm muddle: The threat to restorative justice posed by Its merger with community justice, *Contemporary Justice Review, 7*(1), 13-35.

McCold, P. (2010). What is the role of community in restorative justice theory and practice? In H. Zehr and B. Toews (Eds.), *Critical issues in restorative justice* (pp. 155-172). Boulder, CO: Lynn Rienner Publishers.

Mcdowall, P., & Murphy, E. (2018). SurveyMonkey (R). *Occupational Medicine-Oxford, 68*(2), 152-153.

McFarlane, P., & Schabus, N. (2017). *Whose land is it anyway?* (Ed.). BC. Canada: Federation of Post-Secondary Educators of BC, Canada.

McGarrell, E. F., and Hipple, K. (2007). Family group conferencing and re-offending among first-time juvenile offenders: The Indianapolis experiment. *Justice Quarterly, 24*, 221–246.

McGillis, D. (1978). Attribution and the law: Convergence between legal psychological concepts. *Law Human Behaviour*, 2, 289–300.

McKinney, J. C. (1966). *Constructive typology and social theory*. New York: Appleton-Century-Crofts.

McMillan, C. (2018). Navigating emotions while establishing trust and rapport in autoethnography. In S.W. Kleinknecht, L. K. van den Scott & C.B. Sanders (Eds.), *The craft of qualitative research* (pp.114-120). Vancouver, BC: Canadian Scholars.

Mcnamara, R., & Naepi, S. (2018). Decolonizing community psychology by supporting indigenous knowledge, projects, and students: Lessons from Aotearoa New Zealand and Canada. *American Journal of Community Psychology, 62*(3-4), 340-349.

Mead, George H. (1918). The psychology of punitive justice. *American Journal of Sociology, 23*(5), 577–602.

Mertens, D. (2003). Mixed methods and the politics of human research: The transformational and emancipatory perspective. In A. Tashakkori, and C. Teddlie, *Handbook of mixed methods in the social and behavioral research.* Thousand Oaks, CA: SAGE Publications.

Miers, D. R., Maguire, M., Goldie, S., Sharpe, K., Hale, C., Netten, A., & Newburn, T. (2001). An exploratory evaluation of restorative justice schemes (No. 9). London: The Home Office. Retrieved Apr 10, 2017 from http://www.ibarji.org/docs/miers.pdf

Miles, M.B., & Huberman, A.M. (1994). *Qualitative data analysis: An expanded source book.* (2nd Ed.). Thousand Oaks, CA: Sage.

Mills, M., Bunt, G. G., & Bruijn, J. d. (2006). Comparative research persistent problems and promising solutions. *International Sociology*, 619–631.

MLAA. (n.d.). *Madaripur legal aid association (MLAA).* Retrieved Apr 3, 2017, from About MLAA: http://www.mlaabd.org/index.html

Moyle, P., & Tauri, J. (2016). Māori, family group conferencing and the mystifications of restorative justice. *Victims & Offenders, 11*(1), 1-20.

Monchalin, L. (2016). *The colonial problem: An indigenous perspective on crime and injustice in Canada.* Ontario, Canada: University of Toronto Press.

Moniruzzaman, M. (2009). Party politics and political violence in Bangladesh: Issues, manifestation and consequences. *South Asian Survey, 16*(1), 81-99.

Moore, D., & Forsythe, L. (1995). *A new approach to juvenile justice: An evaluation of family conferencing in Wagga Wagga.* Australia: Criminology Research Council.

Morris, A., & Maxwell, G. (1993). *Family, victims and culture: Youth justice in New Zealand*. Wellington, New Zealand: Social Policy Agency and the Institute of Criminology, Victoria University of Wellington.

Morrison, B. (2006). School bullying and restorative justice: Toward a theoretical understanding of the role of respect, pride, and shame. *Journal of Social Issues*, *62*(2), 371-392.

Morrison, B. (2007). Alienation, shame and humiliation. In B. Morrison, *Restoring safe school communities: A whole school response to bullying, violence and alienation* (pp. 25-47). NSW: The Federation Press.

Morrison, B. (2013). Rights and restorative justice in Canada: Reflection on Practice, Law and Theory. In Theo, Gavrielides and Vasso, Artinopoulou (Eds.), *Reconstructing Restorative Justice Philosophy*. NY: Routledge. (197-222).

Morrison, B., Asadullah, M., & Pawlychka, C. (2019 in press). Juvenile justice and restorative justice: Reflecting on developments in British Columbia. Winterdyk, J & Smandych, R. (Eds.), Youth at Rrisk and Youth Justice: A Canadian Overview. Don Mills, Ontario: Oxford University Press.

Morrison, B. & Pawlychka, C. (2016). Juvenile justice and restorative justice: Reflecting on developments in British Columbia. Winterdyk, J & Smandych, R. (Eds.), Youth at Rrisk and Youth Justice: A Canadian Overview (pp. 436-460). Don Mills, Ontario: Oxford University Press.

Morrison, B., & Vaandering, D. (2012). Restorative justice: Pedagogy, praxis, and discipline. *Journal of School Violence, 11*(2), 138-155.

Nash, R.H. (1992). *Worldviews in conflict: Choosing Christianity in a world of ideas.* MI: Zondervan Publishing House.

Nathanson, D. (1992). *Shame & pride: Affect, sex and the birth of the self*. New York: Norton & Company.

Nathanson, D. (2008, January 13). Dr. Donald L. Nathanson on 'Shame affect & compass of shame in restorative process' [Video file] Retrieved Aug 24, 2019 from: https://www.youtube.com/watch?v=CZr5hSW65Vo

NewToBC. (2018). Immigrant demographics, Surrey, BC, Canada. Retrieved Jul 2, 2019 from: http://tiny.cc/g4v58y

Ney, T. (2014). A discursive analysis of restorative justice in British Columbia, *Restorative Justice: An International Journal*, *2*(2), 165-184.

Ney, T. (2012). Contesting policy that undermines restorative justice for victims of crime. *Contemporary Justice Review, 15*(3), 297–308.

Nicholl, C. G. (1999) *Community policing, community Justice, and restorative justice: Exploring the links for the delivery of a balanced approach to public safety.* Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.

Ninomiya, M. M., Hurley, N., & Penashue, J. (2018). A decolonizing method of inquiry: Using institutional ethnography to facilitate community-based research and knowledge translation. *Critical Public Health*, 1-12.

Norrie, A. (1984). Thomas Hobbes and the philosophy of punishment. *Law and Philosophy, 3*(2), 299-320.

Nourpanah, S. (2019, March 08). *Restorative justice and domestic and sexualized violence in Nova Scotia.* Retrieved from Transition House Association of Nova Scotia: http://thans.ca/restorative-justice-domestic-sexualized-violence-nova-scotia/

Nova Scotia Department of Justice. (2018). Nova Scotia Restorative Justice Program, NS, Canada: Retrieved Dec 2, 2019, from: https://tinyurl.com/stjefuf

Noy, C. (2008). Sampling knowledge: The hermeneutics of snowball sampling in qualitative research. *International Journal of Social Research Methodology, 11*(4), 327-344.

NSRJ Annual Report. (2012). North Vancouver, BC, Canada: The North Shore Restorative Justice Society. Retrieved May 2, 2017, from: http://tiny.cc/d2s58y

NSRJ Annual Report. (2015). North Vancouver, BC, Canada: The North Shore Restorative Justice Society. Retrieved May 2, 2017, from: http://tiny.cc/8zs58y

NSRJ Annual Report. (2017). North Vancouver, BC, Canada: The North Shore Restorative Justice Society. Retrieved May 2, 2017, from: http://tiny.cc/w2s58y

NSRJ Annual Report. (2018). North Vancouver, BC, Canada: The North Shore Restorative Justice Society. Retrieved May 2, 2019, from: http://tiny.cc/l3s58y

NSRJ. (n.d). North Shore Restorative Justice Society. Retrieved Jul 2, 2019 from: https://www.nsrj.ca/programs/speak-out-series

NSRJ-CURA. (2012). The Nova Scotia Restorative Justice Community University Research Alliance (NSRJ-CURA). Retrieved Apr 2, 2017, from: http://www.nsrj-cura.ca/home/the-nova-scotia-restorative-justice-community-university-research-alliance-nsrj-cura

Oliver, C. (2012). The relationship between symbolic interactionism and interpretive description. *Qualitative Health Research 22*(3) 409– 415.

Onwuegbuzie, A. J., Bustamante, R. M., and Nelson, J. A. (2010). Mixed research as a tool for developing quantitative instruments. *Journal of Mixed Methods Research, 4*(1), 56–78.

Ortlipp, M. (2008). Keeping and using reflective journals in the qualitative research process. *The Qualitative Report, 13*(4), 695-705.

Osborne, T. (2017). Public political ecology: A community of praxis for earth stewardship. *Journal of Political Ecology, 24*(1), 843-860.

Oudshoorn, J. (2015). *Trauma-Informed youth justice in Canada: A new framework toward a kinder future.* Toronto: Canadian Scholars' Press.

Packer, M. (2011). *The science of qualitative research.* New York: Cambridge University Press.

Palys, T., and Atchison, C. (2014). *Research decisions: Quantitative, qualitative, and mixed methods approaches. (*5th Ed.). Ontario: Nelson Education Ltd.

Paris, D., & Winn, M. (2014). Humanizing research: Decolonizing qualitative inquiry with youth and communities. Thousand Oaks, CA: SAGE Publishing.

Park, A. (2010). Community-based restorative transitional justice in Sierra Leone. *Contemporary Justice Review, 13*(1), 95-119.

Park, A. (2016). Remembering the children: Decolonizing community-based restorative justice for Indian Residential Schools. *Contemporary Justice Review, 19*(4), 424-444.

Pate, K. (1990). Victim-young offender reconciliation as alternative measures program in Canada. In B. Galaway, & J. Hudson (Eds.), *Criminal justice, restitution, and reconciliation* (pp. 135-144). Monsey, NY: Willow Tress Press Inc.

Patton, M. Q. (2002). *Qualitative research and evaluation methods.* California: Sage Publications.

Patton, M. Q. (2015). *Qualitative research and evaluation methods.* California: Sage Publications.

Pavlich, G. (2010). What are the dangers as well as the promises of community involvement? In H. Zehr & B. Toews (Eds.), *Critical issues in restorative justice* (pp. 155-172). Boulder, CO: Lynn Rienner Publishers.

Peachy, D. E. (1989). The Kitchener experiment. In B. Galaway, B. & M.Wright (Eds.), *Mediation and criminal justice: victims, offenders, & communities* (pp. 14-26). Newbury Park, CA: Sage

Pearson, J., Nelson, P., Titsworth, S., and Harter, L. (2006). *Human communication* (2nd Ed.). Boston, MA: McGraw Hill.

Peddle, S. (2019, March 13). *Women's groups: More study needed on restorative justice for domestic, sexual violence.* Retrieved from The Chronicle Herald: https://www.thechronicleherald.ca/news/local/restorative-justice-for-domestic-sexual-violence-needs-more-study-womens-group-291915/

Pepinsky, H. (2006). *Empathy and restoration: Criminology as peacemaking.* Toronto: Canadian Scholars' Press.

Perry, C. (1986). A proposal to recycle mechanical and organic solidarity in community sociology. *Rural Sociology, 51*(3), 263-277.

Petrich, D. (2016). Theorising desistance-promotion in circle processes: the role of community in identity transformation, *Restorative Justice: An International Journal, 4*(3), 388-409.

Petrich, D & Morrison, B., (2015). The Alternatives to violence project: Using positive criminology as a framework for understanding rehabilitation and reintegration. In Gavrielides, T. (2015). *Offenders No More: An Inter-disciplinary Restorative Justice Dialogue,* New York: Nova Science Publishers.

Pranis. K. (1995, December 31). *Building community support for restorative justice: Principles and strategies.* International Institute of Restorative Practices (IIRP). Retrieved Jul 2, 2019 from: http://tiny.cc/lmv58y

Pranis, K. (2007). Restorative values. In G. Johnstone, and D. W. Van Ness (Eds.), *Handbook of restorative justice* (pp. 59-74). Cullompton, Devon: Willan.

Pranis, K., Stuart, B., & Wedge, M. (2003). *Peacemaking circle: From crime to community.* Living Justice Press. St. Paul, Minnesota.

Presser, S., and Blair, J. (1994). Survey pretesting: Do different methods produce different results? *Sociological Methodology*, 73-104.

Presser, S., Couper, M. P., Lessler, J. T., Martin, E., Martin, J., Rothgeb, J. M., and Singer, E. (2004a). Methods for Testing and Evaluating Survey Questions. *The Public Opinion Quarterly*, *68*(1), 109-130.

Presser, S., Rothgeb, J. M., Couper, M. P., Lessler, J. L., Martin, E., Martin, J., and Singer, E. (2004b). *Methods for testing and evaluating survey questionnaires.* New York: Wiley.

Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice: A Journal of Crime, Conflict and World Order, 27*(1), 175-195.

Prilleltensky, I. (2001). Value-based praxis in community psychology: Moving toward social justice and social action. *American Journal of Community Psychology, 29*(5), 747-778.

PSSG, M. O. (2018). *Enhancing restorative justice in British Columbia: Discussion paper for stakeholder engagement.* BC, Canada. : Community Safety & Crime Prevention Branch, Minister of Public Safety and Solicitor General.

Rahman, M., Firoz, R. A., Haque, Q. R.-U., Hossain, A., Biswas, Z. I., & Kamal, Z. (2010). *Baseline survey report on village courts in Bangladesh.* Dhaka: Activating Village Courts in Bangladesh Project, Local Government Division, Ministry of Local Government, Rural Development and Cooperatives, Government of the People's Republic of Bangladesh.

Rakitov, A. (2016). Epistemology of the social Sciences and jumanities. *VOPROSY FILOSOFII*, *(9)*, 63 - 71.

Randall, M., & Haskell, L. (2013). Trauma-informed approaches to law: Why restorative justice must understand trauma and psychological coping. *Dalhousie Law Journal, 36*(2), 501-533.

Ratkovic, S., & Sethi, B. (2018). Dissemination and social justice. In S.W. Kleinknecht, L. K. van den Scott & C.B. Sanders (Eds.), *The craft of qualitative research* (pp.343-249). Vancouver, BC: Canadian Scholars.

Rawls, J. (1971). *A theory of justice.* MA: Harvard University Press.

Rawls, J. (2001). *Justice as fairness: A restatement.* Cambridge, MA: Belknap Press.

Rea, L. M., and Parker, R. A. (2005). *Designing and conducting survey research: A comprehensive guide.* San Francisco: Jossey-Bass.

Reconciliation Canada. (n.d.). *Chief Dr. Robert Joseph.* Retrieved Jul 3, 2019, from: https://reconciliationcanada.ca/about/team/chief-dr-robert-joseph/

Regan, P. (2010). *Unsettling the settler within: Indian Residential Schools, truth telling, and reconciliation in Canada.* Vancouver: UBC Press.

Riazi, A. M. (2016). *The Routledge encyclopedia of research methods in applied linguistics.* London: Routledge.

Richards, K. (2014). Locating the community in restorative justice for young people in Australia. *British Journal of Community Justice, 12*(2), 7–20.

Rimkeviciene, J., O'Gorman, J., Hawgood. J., & Leo, D. D., (2016). Timelines for difficult times: use of visual timelines in interviewing suicide attempters. *Qualitative Research in Psychology*, *13*(3), 231-245.

Rinker, J. A. & Jonason, C. (2014). Restorative justice as reflective practice and applied pedagogy on college campuses. *Journal of Peace Education*, *11*(2), 162-180.

Robert, M.L. (2010). *Evaluating evaluation: An investigation into the purpose of evaluation in restorative justice based programs* (MA. Thesis). School of Criminology, Simon Fraser University.

Roberts, J. V. and Stalans, J. (2004). Restorative sentencing: Exploring the views of the public. *Social Justice Research, 17*(3), 315-334.

Robinson, M. (2002). *Justice blind? Ideals and realities of American criminal justice*. NJ: Prentice-Hall.

Robinson, M. (2003). Justice as freedom, fairness, compassion, and utilitarianism: How My life experiences shaped my views of justice. *Contemporary Justice Review, 6*(4), 329–340.

Roche, D. (2003). *Accountability in restorative justice.* Oxford: Oxford University Press.

Rosenberg, M. B. (2003). Nonviolent communication: A language of life. CA: Puddle Dancer Press.

Rosenblatt, F. F. (2015). *The role of community in restorative justice*. New York, NY: Routledge.

Ross, R. (2014). Indigenous healing: Exploring traditional paths. Toronto: Penguin.

Ross, M. H. (2000). Creating the conditions for peacemaking: Theories of practice in ethnic conflict resolution. *Ethnic and Racial Studies*, *23*(6), 1002-1034.

Rossner, M., & Bruce, J. (2016). Community participation in restorative justice: Rituals, reintegration, and quasi-professionalization. *Victims & Offenders: An International Journal of Evidence-Based Research, Policy, and Practice*, *11*(1), 107–125.

Roy, R. D. (2004). Challenges for juridical pluralism and customary laws of indigenous peoples: The case of the Chittagong Hill Tracts, Bangladesh. *Arizona Journal of International & Comparative Law, 21*(1), 114-182.

Rubin, P. (2003). *Restorative justice in Nova Scotia: Women's experience and recommendations for positive policy development and implementation.* Halifax, NS: Status of Women Canada's Women's Program.

Ryan, G.W., & Bernard, H. R. (2000). Data management and analysis methods. In N.K. Denzin & Y.S. Lincoln (Eds.), *Handbook of qualitative research* (pp.769-802). Thousand Oaks, CA: Sage.

Said, E. (1978). *Orientalism*. New York: Pantheon Books.

Salvail, J. D. (2015). *"We can't just tell the good stories": Reflections on experiences of storytelling and restorative justice.* (MA Thesis). School of Criminology, Simon Fraser University.

Sandler, J. (2007). Community-based practices: Integrating dissemination theory with critical theories of power and justice. *American Journal of Community Psychology*, *40*(3–4), 272–289.

Savarase, J. (2005). Gladue was a woman; the importance of gender in restorative-based sentencing. In E. Elliot, & R.M. Gordon (Eds.), *New directions in restorative justice: Issues, practice, evaluation* (pp. 134-150). Devon, UK: Willan Publishing.

Sawatsky, J. (2009). *The ethic of traditional communities and the spirit of healing justice: Studies from Hollow Water, the Iona Community, and Plum Village.* Philadelphia: Jessica Kingsley Publishers.

Schatz, M. (2013). Community members: Vital voices to the restorative justice process. In K. S. van Wormer & L. Walker (Eds.), *Restorative justice today: Practical applications* (pp. 113-120). Thousand Oaks, CA: SAGE Publications.

Schinke, R., Middleton, T., Petersen, B., Kao, S., Lefebvre, D., & Habra, B. (2019). Social justice in sport and exercise psychology: A position statement. *Quest, 71*(2), 1-12.

Schluter, M. (1994). What is relational justice? In J. Burnside & N. Baker (Eds.), *Relational justice: Repairing the breach* (pp. 17–27). Winchester, UK: Waterside Press.

Schroeder, David A.; Julie E. Steel; Andria J. Woodell; and Alicia F. Bembenek. (2003). Justice within social dilemmas. *Personality and Social Psychology Review, 7*(4), 374–397.

Seidman, I. (1998). *Interviewing as qualitative researcher: A guide for researcher in education and the social sciences* (2nd Ed.). New York: Teachers College Press.

Seidman, I. (2013). *Interviewing as qualitative research: a guide for researchers in education and the social sciences.* New York: Teachers College Press.

Sellars, B. (2017). Preface. In P. McFarlane & N. Schabus (Eds.), *Whose land is it anyway?* (pp. 6-8). Federation of Post-Secondary Educators of BC, BC, Canada.

Sen, A. (1997). *The idea of justice.* New York: Allen Lane/Penguin Book.

Serbin, K. M. (2013). The power of empathy: listening, processing, and staying out of the way. *Professional Case Management, 18*(1), 32-33.

Shah, S. (2017). *Listening to the movement*, Simon Fraser University, Vancouver, BC, Canada.

Shank, M. and Schirch, L. (2008) Strategic arts-based peace-building. *Peace and Change, 33*(2), 217–242.

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., & Sorsby, A. (2007). Restorative justice: The views of victims and offenders. Ministry of Justice, UK Research Series, 3. Retrieved Apr 10, 2017 from http://www.restorativejusticescotland.org.uk/Restorative-Justice.pdf

Sharpe, M. (1992). The life chart: Historical curiosity or modern clinical tool. In K Hawton & P Cowen (Eds.), *Practical problems in clinical psychiatry*, Oxford University Press, Oxford, pp. 222–30.

Sharpe, S. (1998). *Restorative justice: A vision for healing and change.* Edmonton Victim Offender Mediation Society, Alberta, Canada.

Shepard, T. (2006). *The invention of decolonization: The Algerian war and the remaking of France,* Ithaca, NY: Cornell University Press.

Sherman, L.W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency, 30*(4), 445-473.

Sherman, L.W., & Strang, H. (2007). Report on *restorative justice: The evidence*, London, UK: The Smith Institute.

Short, D. (2005). Reconciliation and the problem of internal colonialism. *Journal of Intercultural Studies, 26*, 267–282.

Siddiqi, D. M. (2006). *Shalish and the quest for gender justice: An assessment of strategic interventions in Bangladesh.* Dhaka: Research Initiatives, Bangladesh

Singer, E. (2008). Ethical Issues in surveys. In E. D. Leeuw, J. J. Hox, and D. A. Dillman, *International handbook of survey methodology* (pp. 78-96). New York: Lawrence Erlbaum Associates.

Sinha, J. S. (2015, October 05). Contribution of the judiciary of Bangladesh in strengthening rule of law and democracy. Retrieved Jul 01, 2019, from: http://tiny.cc/pui98y

Skelton, A. (2005). *The influence of the theory and practice of restorative justice in South Africa with special reference to child justice*. PhD thesis, University of Pretoria, Pretoria.

Smith, C. J. (2005). International policy formation: The development of restorative justice policy within the United Nation. *European Journal on Criminal Policy and Research*, *11*(1), 29-49.

Smith, L. T. (2012). *Decolonizing methodologies: Research and indigenous peoples.* New York: Zed Books Ltd.

Smylie, J. K. (2011). Knowledge translation and indigenous communities: A decolonizing perspective. In E. M. Banister, B. J. Leadbeater, & E. A. Marshall (Eds.), *Knowledge translation in context: Indigenous , policy, and community settings* (pp. 181–208). Toronto: University of Toronto Press.

Sottile, L. (2015, October 5). *Abuser and survivor, face to face.* Retrieved from The Atlantic: https://www.theatlantic.com/health/archive/2015/10/domestic-violence-restorative-justice/408820/

Souza, K., & Dhami, M. (2008). A study of volunteers in community-based restorative justice programs. *Canadian Journal of Criminology and Criminal Justice, 50*, 31–57.

Spoonley, P (1993). *Racism and Ethnicity*. Oxford: Oxford University Press.

Stapleton, A., & Monem, M. (2018). *Activating village courts in Bangladesh (AVCB) Phase II. Mid-term Review Report*, Dhaka, Bangladesh.

Stewart, M. (2018). Racialized policing: Settler colonialism and justice. In M. Hurlbert, *Pursuing justice: An introduction to justice studies* (pp. 180-198). Nova Scotia, Canada: Fernwood Publishing.

Strang, H., Barnes, G. C., Braithwaite, J., & Sherman, L. W. (1999). Experiments in restorative policing: A progress report. Canberra: Australian National University. Retrieved Apr 10, 2017 from v http://www.aic.gov.au/media_library/aic/rjustice/rise/progress/1999.pdf

Strang, H., & Sherman, L. (2015). The morality of evidence: The second annual lecture for Restorative Justice. *Restorative Justice: An International Journal, 3*(1), 6-27.

Strayer, J. (1970). *On the medieval origins of the modern state*. Princeton, N.J: Princeton University Press.

Stuart, B. (1996). Circle sentencing in Canada: A partnership of the community and the criminal justice system. *International Journal of Comparative and Applied Criminal Justice, 20*, 291-309.

Sudman, S., and Bradburn, N. M. (1982). *Asking questions: A pratical guide to questionnaire design.* San Francisco: Jossey Bass.

Suzuki, M., & Wood, W. (2017). Co-option, coercion and compromise: Challenges of restorative justice in Victoria, Australia. *Contemporary Justice Review, 20*(2), 274-292.

Tauri, J. (1998). Family group conferencing: A case study of the indigenisation of New Zealand's justice system. *Current Issues in Criminal Justice, 10*(2), 168-182.

Tauri, J. (1999). Explaining recent innovations in New Zealand's criminal justice system: Empowering Maori or biculturalising the state? *Australian & New Zealand Journal of Criminology, 32*(2), 153-167.

Tauri, J. (2015). 'Beware justice advocates bearing gifts': A commentary on the glorification of family group conferencing. *New Zealand Sociology, 30*(1), 183-190.

Tauri, J., & Morris, A. (1997). Re-forming justice: The potential of Maori processes. *Australian & New Zealand Journal of Criminology, 30*(2), 149-167.

The Daily Star. (2015, June 20). *Three million cases pending.* Retrieved Jul 03, 2019, from: Editorial: http://tiny.cc/csj98y

Thorn, J., Coast, J., & Andronis, L. (2017). Reviewing the literature systematically: Interpretation of the expected value of perfect information. *SAGE Research Methods Cases.*doi:10.4135/9781526423528

Thurairajah, K. (2018). 'The person behind the research': Reflexivity and the qualitative research process. In S.W. Kleinknecht, L. K. van den Scott & C.B. Sanders (Eds.), *The craft of qualitative research* (pp.10-16). Vancouver, BC: Canadian Scholars.

Toews, B., & Zehr, H. (2003). Ways of knowing for a restorative worldview. In E. G. Weitekamp, & H.-J. Kerner (Eds.), *Restorative justice in context: International practice and directions* (pp. 257-271). Devon: Willan Publishing.

Tomkins, S. S. (1962). *Affect imagery consciousness: The positive effects.* New York: Springer.

Tomporowski, B. (2014). Restorative justice and community justice in Canada. *Restorative Justice: An International Journal, 2*(2), 218-224.

Tomporowski, B. B., Buck, M., Bargen, C., & Binder, V. (2011). Reflections on the past, present, and future of restorative justice in Canada. *Alberta Law Review*, *48*(4), 815–828.

Trauma-Informed Practice Guide. (2013). BC Provincial Mental Health and Substance Use Planning Council. BC, Canada. Retrieved Jul 5, 2019 from: http://tiny.cc/r9vc9y

Trevethan, S., Rastin, C., & Crutcher, N. (2002). *An examination of healing lodges for federal offenders in Canada*. Ottawa, ON: Correctional Service Canada. Retrieved August 10, 2019 from http://publications.gc.ca/collections/collection_2010/scc-csc/PS83-3-130-eng.pdf

Tuck, E., & Yang. K. W. (2012). Decolonization is not a metaphor. *Decolonization: Indigeneity, Education & Society, 1*(1), 1-40.

Tutu, D. M. (1997). *No future without forgiveness.* New York: Doubleday.

Tyler, T. R. (1990). *Why people obey the law.* London: Yale University Press.

Tyler, T. R., and Blader, S. (2000). *Cooperation in groups: Procedural justice, social identity, and behavioral engagement.* Philadelphia, PA: Psychology Press.

Umbreit, M., Coates, R. B., & Vos, B. (2007). Restorative justice dialogue: A multi-dimensional, evidence-based practice theory. *Contemporary Justice Review, 10*(1), 23-41.

UN Office on Drugs & Crime. (2006). *Handbook on restorative justice programmes.* Viena: United Nations Office on Drugs and Crime .

Vaart, W. Van Der & Glasner, T. (2007). Applying a timeline as a recall aid in a telephone survey: A record check study. *Applied Cognitive Psychology, 21*(2), 227–38.

Vaandering, D. (2010) The significance of critical theory for restorative justice in education. *Review of Education, Pedagogy, and Cultural Studies*, *32*(2), 145-176.

Van Camp, T. and Wemmers, J. (2013). Victim satisfaction with restorative justice: More than simply procedural justice. *International Review of Victimology*, *19*(2) 117–143.

Vanfraechem, I. (2007). Community, society and state in restorative justice: Some reflections. In R. Mackay et al. (Eds.), *Images of restorative justice theory* (pp. 73–91). Frankfurt am Main: Verlag fur Polizei und Wissenschaft.

Van Ness, D. W. (2005). *Restorative justice around the world*. Paper presented at United Nations 11th Congress on Crime Prevention and Criminal Justice. Bangkok, Thailand.

Van Ness, D. W., & Strong, K. H. (2010). *Restoring justice: An introduction to restorative justice.* New Jersey: LexisNexis Group.

Van Ness, D. W. (1993). New wine and old wineskins: Four challenges of restorative justice. *Criminal Law Forum, 4*(2), 251-276.

Van Wormer, K. (2006). The case for restorative justice: A crucial adjunct to the social work curriculum. *Journal of Teaching in Social Work*, 26(3/4), 57-69.

Vaus, D. (2014). *Surveys in social research*, New York: Routledge.

Victim Services and Crime Prevention. (2016). *Information Bulletin*. Victim Services and Crime Prevention Community Safety and Crime Prevention Branch Ministry of Public Safety and Solicitor General, BC, Canada. Retrieved Jul 3, 2019 from: http://tiny.cc/bnu58y

von Hirsch, Andrew, Andrew Ashworth and Clifford Shearing. (2003). Specifying aims and limits for restorative justice: A 'making amends' model? In A. von Hirsch, J. Roberts, A. E. Bottoms, K. Roach & M. Schiff (Eds.), *Restorative justice and criminal Justice: Competing or reconcilable paradigms?*. Portland, OR: Hart Publishing.

Walgrave, L. (2008). *Restorative justice, self-interest and responsible citizenship*. Cullompton, UK: Willan.

Waltman-Spreha, K. (2013). Engaging students on the topic of restorative justice and serious offenses. *Contemporary Justice Review, 16*(1), 91-114.

Warner, B. D., Beck, E., & Ohmer, M. L. (2010). Linking informal social control and restorative justice: moving social disorganization theory beyond community policing. *Contemporary Justice Review*, *13*(4), 355–369.

Watkins, J., and B. Mohr. 2001. Appreciative inquiry: Change at the speed of imagination. San Francisco, CA: Jossey-Bass

Weaver K. and Olson J.K. (2006). Understanding paradigms used for nursing research. *Journal of Advanced Nursing, 53*(4), 459-69.

Wenzel, M., Okimoto, T.G., Feather, N.T., Platow, M.J. (2008). Retributive and restorative justice. *Law and Human Behaviour, 32*(5), 375-389.

Willimack, D., Lyberg, L., Martin, J., Japec, L., and Whitridge, P. (2004). Evolution and adaptation of questionnaire development, evaluation and testing for establishment survey. In S. Presser, J. M. Rothgeb, M. P. Couper, J. L. Lessler, E. Martin, J. Martin, and E. Singer, *Methods for testing and evaluating survey questionnaires.* New York: Wiley.

Wood, W. (2015). Soliciting community involvement and support for restorative justice through community service. *Criminal Justice Policy Review, 26*(2), 131–155.

Wood, W., & Suzuki, M. (2016). Four Challenges in the Future of Restorative Justice. Victims & Offenders, 11(1), 149-172.

Woolford, A., & Ratner, R. S. (2003). Nomadic justice? Restorative justice on the margins of law. *Social Justice, 30*(1), 177-194.

Wright, T. (2019, February 26). *The opening of Europe's Overton window.* Retrieved Jul 10, 2019 from The Brookings Institution: http://tiny.cc/74mj9y

Yazzie, C. J. R. (2005). Justice as healing: the Navajo response to crime. In W. McCaslin (Ed.), *Justice as healing: Indigenous ways* (pp. 121-133). St. Paul: Living Justice Press.

Yazzie, Robert and Zion, James W. 1996. Navajo restorative justice: The law of equality and justice. In Burt Galaway and Joe Hudson (Ed.), Restorative justice: International perspectives. Monsey, NY: Criminal Justice Press, pp. 157–173.

Yin, R. K. (1993). *Application of case study research*, London: Sage.

Yin, R. K. (2011). *Qualitative research from start to finish*. New York, NY: Guilford Press.

Zehr, H. (1999). *Changing lenses: A new focus for crime and justice.* Ontario: Herald Press.

Zehr, H. (2004). Restorative justice: Beyond victim-offender mediation. *Conflict Resolution Quarterly, 22*(1-2), 305-315.

Zehr, H. (2011, December 6). Dr. Howard Zehr on 'The call of restorative justice' [Video file] Retrieved Aug 6, 2019 from: https://www.youtube.com/watch?v=FX_N1Jp0dy8

Zehr, H. (2015). *The little book of restorative justice: Revised and updated*. Intercourse, PA: Good Books.

Zehr, H., & Mika, H. (1998). Fundamental concepts of restorative justice. *Contemporary Justice Review, 1*, 47–55.

Zehr, H., & Toews. B. (2010). *Critical Issues in restorative justice.* Boulder, CO: Lynn Rienner Publishers.

Zellerer, E. (2013). Realizing the potential of restorative justice. In T. Gavrielides and V. Artinopoulou (Eds.), *Reconstructing restorative justice philosophy* (pp. 256-275). Taylor & Francis Group.

Zernova, M. (2007). Aspirations of restorative justice proponents and experiences of participants in family group conferences. *British Journal of Criminology, 47*(3), 491–509.

Zion, J. W. (2006). Justice as phoenix: Traditional Indigenous law, restorative justice, and the collapse of the state. In J. I. Ross, & L. A. Gould, *Native Americans and the criminal justice system* (pp. 51-65). London: Paradigm Publishers.

Appendix A.

Consent Statement

Title: Restorative Justice in British Columbia, Nova Scotia and Bangladesh: Comparative Community Praxis from Vision to Practice

Principal investigator (PI): M. Asadullah (PhD Candidate)
Senior Supervisor: Dr. Brenda Morrison

Department, School or Faculty: School of Criminology, Simon Fraser University, BC, Canada My name is Muhammad Asadullah. I am a PhD Candidate at Simon Fraser University's School of Criminology, BC, Canada. Previously, I was a sessional faculty of Peace & Conflict Studies at the University of the Fraser Valley. I completed a Masters in Conflict Transformation, concentrating on restorative justice and strategic peacebuilding. Dr. Howard Zehr, a pioneering academician in the field of Restorative Justice trained me in the discipline. Subsequently, I completed a Masters in Criminology from Simon Fraser University, and enrolled into the doctoral degree supported by merit scholarships. I am conducting this interview as part of a study for my PhD. Your participation in this study will significantly contribute to my study on Restorative Justice.

Invitation and Study Purpose

You are being invited to participate in this study to talk about your knowledge and experience of Restorative Justice (RJ). This study examines the history, growth and development of RJ in British Columbia (BC), Nova Scotia (NS) and Bangladesh (BD). You need to be 19 years or older and have experience in the field of Restorative Justice to participate. There are no right or wrong answers. I want to hear about your experience and views on Restorative Justice. I am ready to hear anything you have to say. If you have any questions or concerns about this interview and do not fully understand the nature and character of your involvement in this research as a participant, please feel free to discuss them with me via email.

Voluntary Participation

Your participation in this study is voluntary. You have the right to refuse to participate in this study. If you decide to participate, you may still choose to withdraw from the study at any time without any negative consequences to the education, employment, or other services to which you are entitled or are presently receiving.

Study Procedures

The interview will take approximately an hour and 45 minutes of your time. You will be asked to share your experience on Restorative Justice. You may stop at any time or choose not to answer any questions without any consequence. With your permission, this interview will be digitally recorded. You will not be identified by name in any reports of the completed study. The recorded interview will only be used for this study; your name or identity will not be taped. No one will have access to these notes or tapes except me, and I will use the content of this interview only for research purposes, the results of which may be published afterwards. The audio recordings will be destroyed once the material has been transcribed. During the transcription time, no one will have access to the recordings except me. The researcher will retain transcription data for 2 years and after that all data will be destroyed.

Risks and Benefits of the Study

Participation will not have any risk to you because no name or identifiable personal information will be collected. There is no financial benefit of participating in this research. However, through participating in this research interview, participants can contribute to shaping the future practices of Restorative Justice. Benefits of this study may include helping policy makers to consider expanding this program to other cities, provinces and countries. It will also help existing programs to be more effective.

Confidentiality

Please note that confidentiality is paramount to my work -- as a result, no identifying information will be collected and gender-neutral pseudonyms will be employed in the published reports. The reason of using pseudonyms instead of random codes or numbers is to honor the voice participant as human being. All documents will

be identified only by a unique code number and kept in a locked filing cabinet. To ensure identifiable information is genuinely removed from the entire process.

Withdrawal

Please note that refusal to participate or withdrawal/dropout after agreeing to participate will not have an adverse effect or consequences on your, your education, and employment or services. You will be given a unique code at the beginning of the interview which you can use in case you decide to withdraw your participation after the study has been completed, the data collected (e.g., digital voice recordings) will be destroyed.

Contact Information about the Study

If you have concerns and complaints about the interview you can forward your complaints to: Dr. Jeff Toward (Director of Office of Research Ethics) or via email or by mail at Office of Research Ethics, Simon Fraser University, 8888 university Drive, Burnaby, B.C. V5A 1S6, Canada. You can also contact my supervisor Dr. Brenda Morrison. Furthermore, you can obtain the findings of this study from the principal investigator, Muhammad Asadullah..

Participant Consent

I have not asked for a written consent form. Instead, I am relying on oral consent. Your oral permission will not be audio-recorded. If you do not understand any portion of what you are being told, simply ask for clarification. The information you provide will be critical for the research. If you fully understand the nature of your participation, with your permission I shall start the interview?

Thank you so much for your participation in this study.

Appendix B.

In-Depth Qualitative Interview Questions

Title: Restorative Justice in British Columbia, Nova Scotia and Bangladesh: Comparative Community Praxis from Vision to Practice

Part-A *(Roots and Influences):*

Key Questions in General:

1. Tell me about your experience with Restorative Justice
2. According to you, who and what influenced most in the recent growth of RJ in this province and how?

Part-B (Community)

1) How do you see role of community in RJ?
2) Examples of community's role in RJ?
3) Areas to improve to foster community?

Debriefing (closing comments)

"That concludes my questions. Is there anything you'd like to clarify or add? Do you have anything you'd like to ask before we finish the interview?" If the interviewee has more questions about the purpose or design of the study, the researcher will answer more fully after the tape recorder is turned off.

Appendix C.

Survey Questionnaire for BC

Principal investigator: *Muhammad Asadullah*

Faculty Supervisor: *Dr. Brenda Morrison*

1. You are currently working in... (please tick where applicable)

- Federal Government
- Provincial Government
- Community-based organization
- Academic Institution
- Private trainer/consultant

2. What is your role in the organization?
- Board Member
- Educator
- Facilitator
- Volunteer

3. What is most important to an effective justice system?
- Fairness and equality
- Healing those affected
- Repairing relationships
- Accountability

4. How do you define Restorative Justice?

5. How would you categorize your RJ practice?
- Community Accountability Program
- Indigenous Justice Program
- Both
- Other

6. What contributed to the growth of RJ in BC (between 1 to 5 where 1 is 'did not play any role' and 5 is 'played a very important role')
- Funding and support from Federal Government
- Funding and support from Provincial Government
- Funding and support from Municipality
- Support and advocacy from Civil Society Organizations and nonprofits
- Support from Volunteers
- Support Community Members
- Referrals and supports from RCMP & other agencies
- Partnership with Victim Services
- Partnership with Crown Counsel
- Role of Indigenous healing practices

7. What else contributed to the growth of RJ in BC?

8. What factors *challenged* the growth of RJ in BC?

9. Please rate the importance of the following aspects in your RJ practice (between 1 to 5 where 1 is 'not at all important' and 5 is 'very important')

- Inclusion of community
- Relationships with referral agencies
- Inclusion of victims
- Inclusion of offenders
- Inclusion of victim supporters
- Inclusion of offender supporters

10. Restorative Justice is a community-born, community-based and community-led practice

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

11. In your practice, describe the extent to which the community you serve understands and supports Restorative Justice

12. Describe the extent to which community members can get involved in your practice of restorative justice (e.g. a particular case, as a facilitator, volunteer, attending events or other educational opportunities).

13. What is your opinion of the "written-script" in RJ process?

- Extremely helpful
- Very helpful
- Somewhat helpful
- Not so helpful
- Not at all helpful
- I don't know.

14. The best description of RJ process in your organization is...

- Both script and non-script based process
- Only written script-based process
- No role of written scripts at all

15. What model of RJ do you primarily follow?

- Family Group Conferencing Model
- RCMP's Community Justice Form Model
- Victim Offender Conferencing Model
- Indigenous Healing Circle Model

16. Your RJ program can be best described as...

- Offender focused
- Victim focused
- Both victim & offender focused

17. How do you ensure victim participation in your RJ practice?

18. There should be measurable guidelines for RJ practices

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

19. How do you maintain a high quality practice in your RJ program?
20. What is your opinion of the *"standardization"* of Restorative Justice practices?
21. How do you view government's (federal, provincial and municipal) primary role in strengthening RJ practices in BC?
- Funder
- Implementor
- Provider of legal framework
- Guarantor of quality practice
22. Would you like to be contacted by the researcher for further follow up? (Optional)

Appendix D.

Survey Questionnaire for Nova Scotia

Principal investigator: *Muhammad Asadullah*

Faculty Supervisor: *Dr. Brenda Morrison*

1. You are currently working in... (please tick where applicable)

- Federal Government
- Provincial Government
- Community-based organization
- Academic Institution
- Private trainer/consultant

2. What is your role in the organization?
- Board Member
- Educator
- Facilitator
- Volunteer

3. What is most important to an effective justice system?
- Fairness and equality
- Healing those affected
- Repairing relationships
- Accountability

4. How do you define Restorative Justice?
5. How do you define a relational theory of justice? What are the key factors to consider?
6. What contributed to the growth of RJ in NS (between 1 to 5 where 1 is 'did not play any role' and 5 is 'played a very important role')
- Funding and support from Federal Government
- Funding and support from Provincial Government
- Funding and support from Municipality
- Support and advocacy from Civil Society Organizations and nonprofits
- Support from Volunteers
- Support Community Members
- Referrals and supports from RCMP & other agencies
- Partnership with Victim Services
- Partnership with Crown Counsel
- Role of Indigenous healing practices
- Contributions of Danny Graham
- Contributions of Professor Jennifer Llewellyn

7. What else contributed to the growth of RJ in NS?
8. What factors *challenged* the growth of RJ in NS?
9. Please rate the importance of the following aspects in your RJ practice (between 1 to 5 where 1 is 'not at all important' and 5 is 'very important')
- Inclusion of community

- Relationships with referral agencies
- Inclusion of victims
- Inclusion of offenders
- Inclusion of victim supporters
- Inclusion of offender supporters

10. Restorative Justice is a community-born, community-based and community-led practice
- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

11. What is your opinion of the "written-script" in RJ process?
- Extremely helpful
- Very helpful
- Somewhat helpful
- Not so helpful
- Not at all helpful
- I don't know.

12. The best description of RJ process in your organization is...
- Both script and non-script based process
- Only written script-based process
- No role of written scripts at all

13. How do you view government's (federal, provincial and municipal) primary role in strengthening RJ practices in NS?
- Funder
- Implementor
- Provider of legal framework
- Guarantor of quality practice

14. What model of RJ do you primarily follow?
- Family Group Conferencing Model
- RCMP's Community Justice Form Model
- Victim Offender Conferencing Model
- Indigenous Healing Circle Model

15. Your RJ program can be best described as...
- Offender focused
- Victim focused
- Both victim & offender focused

16. How do you ensure victim participation in your RJ practice?

17. What would be necessary safeguards to use RJ for sexual assaults?

18. There should be measurable guidelines for RJ practices
- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

19. How do you maintain a high quality practice in your RJ program?
20. What is your opinion of the *"standardization"* of Restorative Justice practices?
21. Describe an innovative program that has evolved in NS. What contributed most to the development of this innovative RJ practices?
22. Would you like to be contacted by the researcher for further follow up? (Optional)

Appendix E.

Survey Questionnaire for Bangladesh

Principal investigator: *Muhammad Asadullah*

Faculty Supervisor: *Dr. Brenda Morrison*

1. You are currently working in... (please tick where applicable)

- Government Agencies
- INGOs
- NGOs
- Academic Institution
- CBOs

2. What is most important to an effective justice system?
- Fairness and equality
- Healing those affected
- Repairing relationships
- Accountability

3. How do you define Restorative Justice?

4. What contributed to the growth of RJ in BD (between 1 to 5 where 1 is 'did not play any role' and 5 is 'played a very important role')
- Funding and support from Government agencies
- Support and advocacy from Civil Society Organizations and nonprofits
- Support from Volunteers
- Support and advocacy from Community Based Organizations (CBOs).
- Funding and support from UNDP
- Funding and support from GIZ
- University of Dhaka's Masters program on Victimology and RJ
- Local practices such as *Salish* and Mediation

5. What else contributed to the growth of RJ in BD?

6. What factors *challenged* the growth of RJ in BD?

7. Please rate the importance of the following aspects in your RJ practice (between 1 to 5 where 1 is 'not at all important' and 5 is 'very important')
- Inclusion of community
- Relationships with referral agencies
- Inclusion of victims
- Inclusion of offenders
- Inclusion of victim supporters
- Inclusion of offender supporters

8. Restorative Justice is a community-born, community-based and community-led practice
- Strongly agree
- Agree
- Neither agree nor disagree

- Disagree
- Strongly Disagree

9. How do you view CBOs's primary role in strengthening RJ practices in Bangladesh?

10. How do you view INGOs's primary role in strengthening RJ practices in Bangladesh?
- Funder
- Implementor
- Provider of legal framework
- Guarantor of quality practice

11. What areas you would like to see more support from INGOs?

12. How do you view government's primary role in strengthening RJ practices in Bangladesh?
- Funder
- Implementor
- Provider of legal framework
- Guarantor of quality practice

13. What areas you would like to see more support from government?

14. What is your opinion of the "written-script" in RJ process?
- Extremely helpful
- Very helpful
- Somewhat helpful
- Not so helpful
- Not at all helpful
- I don't know.

15. The best description of RJ process in your organization is...
- Both script and non-script based process
- Only written script-based process
- No role of written scripts at all

16. Your RJ program can be best described as...
- Offender focused
- Victim focused
- Both victim & offender focused

17. How do you ensure victim participation in your RJ practice?

18. There should be measurable guidelines for RJ practices
- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree

19. How do you maintain a high quality practice in your RJ program?

20. What is your opinion of the *"standardization"* of Restorative Justice practices?

21. Would you like to be contacted by the researcher for further follow up? (Optional)

Appendix F.

Additional Survey Questionnaire for BC

Principal investigator: *Muhammad Asadullah*

Faculty Supervisor: *Dr. Brenda Morrison*

1. How do you rate current status of RJ in BC?

- Most of the people do not have any idea about RJ

- Some people know about RJ

- Most of the people know about RJ

- RJ is an important part of provincial government policy

- RJ is a an important part of municipal government policy

2. How do you view community's role during the development and implementation phase of RJ in BC?

- Community played leading role

- Community did not play active role

- Community played somewhat active role

3. Restorative Justice can be applied for serious offences

- Strongly agree
- Agree
- Disagree
- Strongly Disagree

4. Is there anything else you would like to share about RJ in BC?

Appendix G.

Additional Survey Questionnaire for NS

Principal investigator: *Muhammad Asadullah*

Faculty Supervisor: *Dr. Brenda Morrison*

1. How do you rate current status of RJ in NS?

- Most of the people do not have any idea about RJ
- Some people know about RJ
- Most of the people know about RJ
- RJ is an important part of provincial government policy
- RJ is a an important part of municipal government policy

2. How do you view community's role during the development and implementation phase of RJ in NS?

- Community played leading role
- Community did not play active role
- Community played somewhat active role

3. Is there anything else you would like to share about RJ in NS?

Appendix H.

Additional Survey Questionnaire for Bangladesh

Principal investigator: *Muhammad Asadullah*

Faculty Supervisor: *Dr. Brenda Morrison*

1. How do you rate current status of RJ in BD?

- Most of the people do not have any idea about RJ
- Some people know about RJ
- Most of the people know about RJ
- RJ is an important part of provincial government policy
- RJ is a an important part of municipal government policy

2. How do you view community's role during the development and implementation phase of RJ in BD?

- Community played leading role
- Community did not play active role
- Community played somewhat active role

3. RJ advocates and promoters "Consulted" with local community justice leaders and experts such as experts of *salish* during the implementation of RJ in Bangladesh.

- A great deal
- A moderate amount
- A little
- None at all

4. RJ advocates and promoters "Consulted" with Indigenous leaders and Elders during the implementation of RJ in Bangladesh.

- A great deal
- A moderate amount
- A little
- None at all

5. Books, resources and translated works on Restorative Justice in Bengali language are available.

- A great deal
- A moderate amount

- A little
- None at all

6. Restorative Justice is locally rooted in Bangladesh.

- Strongly agree
- Agree
- Disagree
- Strongly disagree

7. Community-based Organization (CBO)-led *salish* is locally rooted in Bangladesh.

- Strongly agree
- Agree
- Disagree
- Strongly disagree

8. Village Court is locally rooted in Bangladesh.

- Strongly agree
- Agree
- Disagree
- Strongly disagree

9. Is there anything else you would like to share about RJ in BC?