Bridging the Gap:
Exploring the Role of Community
in Restorative Justice

by

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ABSTRACT

Restorative justice has gained international attention within criminal justice. Restorative justice asks communities to take an active role in responding to harm. This research explores the idea of "community" in an attempt to strengthen the bridge between philosophy and implementation of restorative justice.

The qualitative approach chosen to engage participants reflects the values of restorative justice. Circles, totalling 35 participants, were held to elicit the insight of both community members and restorative justice advocates. Their feedback on involvement in the research process was positive.

The themes that emerged from the circle process allowed an interesting discussion of the role of community in justice and how "community" might be defined. The dangers with respect to shifting greater responsibility back to community and minimizing the role of professionals were key areas. This research suggests that restorative justice initiatives can be sustainable when community is meaningfully engaged.

DEDICATION

For my dear family. I wish to thank those who stood by me with understanding, compassion, and a smile. Especially for Mom and Dad – thank you for giving me the opportunity to pursue this level of education and your unconditional love and support. For Joel, Ashlee, Nana, Poppa, Marilou, Uncle Ricky, Louis, Ava, and Aunt Tam – I treasure you as my family and as the unique and wonderful individuals you are.

For Jacquie Stevulak, my friend, colleague, and inspiration. You are a truly remarkable woman and have encouraged, shaped, and challenged me in amazing ways.

This research seeks to be a plank in the bridge between the theory and practice of restorative justice. As such, this work is dedicated to all of the mentors, practitioners, and advocates I have been privileged enough to learn from and be supported by.

Finally, this work is dedicated to AVP friends I have made both inside and outside of prison who have accepted and cared for me. You have shown me what it feels like to be a part of community. Without knowing that this feeling of connection was possible and worthy as something to work towards, this thesis would not exist.

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CHAPTER I - INTRODUCTION

Within the field of restorative justice, there is an increasing amount of literature on the benefits of a healing approach for both those who have been impacted by harm and those who have created harm.[1] Evaluations of initiatives around the world involving restorative practices such as conferencing and mediation have seen high rates of satisfaction amongst those directly impacted by harm and their supporters. However, restorative justice challenges the very definition of crime, and thus our response to it. Furthermore, a restorative philosophy encourages communities to take an active role in both the response to and the prevention of crime and conflict. With increased international attention to restorative justice, it has become imperative to critically examine the concept of "community" and the benefits and challenges to greater citizen participation in justice issues.

Arguably, restorative justice theory implies two dimensions in practice: the *response* to crime or harm, and the *prevention* of future harms. These aspects are interrelated but can be analyzed separately, especially in relation to "community." The way community is defined and represented in restorative justice will take different forms. From direct service delivery to working in an advisory capacity, community members have been mobilized in a multitude of ways. A deeper understanding is needed about how community can participate in meaningful ways to ensure the sustainability of restorative initiatives while maintaining a values-based approach. Although there seems to be an overwhelming consensus that community is a

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[1]Sullivan and Tifft (2001) note "to conceive and speak of others in terms of identity-fixing and identity separating categories such as offender and victim is itself a source of harm because these designations are personally deconstructive and non-integrative. By using them, we force upon the person harmed and the person responsible for the harm a fixed, false identity" (80). Although I have attempted to minimize the use of "victim" and "offender," these labels are used from time to time throughout this thesis research.

fundamental element of this new paradigm, little has been written about how this translates into practice.

This thesis will critically examine the concept of community involvement and offer considerations with respect to how community can and must play an active role in the development, implementation, and practice of restorative justice. Community participation is essential for the sustainability of restorative responses in practice as well as crucial to the ultimate goal of shifting the overarching justice paradigm from retributive to restorative. Chapter II presents restorative justice as a values-based approach that goes beyond the realm of criminal justice to a way of viewing the world. A discussion of some of the tributary streams such as peacemaking criminology, social justice, community justice, and informal justice is offered as these approaches have informed the restorative justice movement.

Chapter III offers a discussion "community." Challenges with defining this concept are explored and the importance of relationships as essential elements is demonstrated. Once the importance of community involvement has been established, the question of *how* community is included becomes the more pressing issue.

Chapter IV provides an overview of the methods employed to answers the research questions posed regarding the role of community in justice. Citizens of North Vancouver, British Columbia and restorative justice advocates and practitioners were invited to contribute to this exploration. Contact with potential participants was initiated as a result of relationships that existed prior to the research being conducted. Many participants were closely connected to the contemporary criminal justice system through their profession or volunteer work and also possessed some knowledge of restorative justice. Participants were from varied backgrounds and ranged from youth to older adults. The method of engaging participants attempted to reflect the

values of restorative justice. Additionally, the data collection process was an exercise in critical social research. The circle process, often present in restorative justice and indigenous practices, was utilized as a way to gather information. It is argued that this process overcame many of the disadvantages of the focus group and provided a unique opportunity for participants to personally and collectively benefit from the research process. The data collection process provided both a wealth of material for this thesis and the opportunity for participants to experience a different way of being in community together.

Chapter V provides a description of what was shared by the 35 participants who comprised the six circles that were held. The use of direct quotes helps supplement an explanation of themes that emerged from the three rounds. The first round of the circle probed participants to articulate what they believed would be a "satisfying response" to crime and conflict for victims, offenders, and communities. This round elicited expressions of frustration over the current criminal justice system as well as hopes for a more helpful response. The themes that emerged for a more healing response for victims included an opportunity to be heard, acknowledged, and have questions answers. In addition, compensation for the harm caused and an assurance that future injury would not come to them or others was seen as an ideal response in the aftermath of harm.

Many participants believed that responses towards those responsible for harm should seek to produce learning and, similar to responses for victims, identify and address some of the underlying causes for the behaviour with the hopes that future harm could be minimized. With respect to the community, participants hoped for a greater level of inclusion in justice responses and this recognition segued well into a more in-depth discussion of what that might look like in practice.

The second round of the circle asked participants to identify how the community might participate in responding to harm and conflict. The responses diverged into the two clear themes of *response* and *prevention*. Respondents believed that the community should have a key role in supporting those most directly impacted by crime and conflict and demanding a more healing approach for them. Also, it was felt that the role of citizens was to define norms and standards of tolerable behaviour within that community.

Finally, participants identified the grand task the community had in taking responsibility for the conditions that produce harmful behaviour. In terms of prevention, participants felt that community should take a greater role in educating itself and caring for each citizen who makes up the collection of the whole. The combination of preventing and responding to harm indicates potential for the community to have a greater role in justice issues.

The final round of the circle process asked participants to identify a time they felt connected to community and what made it feel that way. Although many of the participants had previously struggled to define "community," none required great effort to contribute a story of a time they felt connected to a group. From these personal and moving narratives, strong themes of feelings of acceptance, love, familiarity, and meaningful participation emerged. These stories confirmed that community, while almost impossible to define, could be experienced in very profound ways that reach beyond tangible constituents or geographic limits.

Chapter VI offers an interpretation of the themes in relation to the literature. A reflection on the lack of participants' responses directed towards persons harmed by crime is compared with literature that demonstrates the pervasiveness of victims' exclusion in criminal justice. Further discussion revolves around the implications of shifting responsibility from professionals to community. The need for caring citizens and the shift in concentration from disabilities to

capacity is demonstrated through a look at the work of authors such as McKnight (1995). Both

the dangers of and the opportunities for community involvement in restorative justice were

identified through drawing heavily from the experiences of practitioners.

The argument is made that before the field of restorative justice is overcome with the

enthusiasm of greater community involvement, a look to the past will be pivotal to provide

reminders of why professionals have gained precedence over informal responses to human

services. Without understanding the historical and social context of the development of criminal

justice responses, moving too quickly towards greater citizen participation runs the risk of

repeating past mistakes. The Chapter also offers reflections from all who participated in the data

collection process with respect to the circle method. The participants' feedback on the process

was particularly positive and confirms that the circle can be a useful approach to gathering

information.

Chapter VII provides some closing comments about the implications of this research and

suggests areas of future study. This research demonstrated that moving ahead without

meaningful community input risks cooptation of restorative values such as empowerment which

can have detrimental impacts in practice on individuals and the field at large. For restorative

initiatives to be sustainable and representative of grassroots community values, citizens must be

afforded information while simultaneously provided the opportunity to inform restorative justice

initiatives in a meaningful way. Considering the importance of both sharing and receiving

information from the community with regards to this topic, this research is an attempt to:

- Explore the role of community in responding to harm and restorative practice,

- Initiate dialogue between citizens with respect to issues of justice, and

- Demonstrate a research process that can empower, give voice, and promote

  transformation of and feelings of connection between participants.

CHAPTER II - PROVIDING CONTEXT: RESTORATIVE JUSTICE

Traditionally, theories in the realm of criminology have focused on explaining crime and criminal behaviour. Claims are made in relation to the nature of human beings as either deterministic or possessing rational choice, or some combination thereof. Explanations have hinged on individual and environmental impacts on behaviour. Throughout the development and redevelopment of criminological theories, academics, researchers, policy-makers, and practitioners attempt to explain why people act in the ways they do. Theories often imply or suggest particular responses therefore influencing policy and responses to lawbreaking.

Theories seek to explain a phenomenon, are usually based on testable propositions (Thomas et. al., 2003), and are often in the constant act of redefinition when faced with challenges to their basic tenets or in the face of contrary empirical research. Peacemaking criminology forms the foundation of restorative justice philosophy and has been said to lack empirical credibility and, thus, is not a theory but a "utopian vision rather than a testable body of ideas" (Thomas et. al., 2003, 114). The difficulty in testing this theory lies in the subjective nature of the cornerstone values of peacemaking such as healing, fairness, and peace. However, the lack of operational definitions does not reduce the utility of this theory. The basic tenets of peacemaking theory have been articulated by authors such as Pepinsky (2000) and Quinney (1991) and provide important pieces of the intellectual framework of restorative justice. Also, criticisms of peacemaking criminology can help provide more credibility and clarity for restorative justice.

Restorative justice can be viewed as a pattern of thinking (Van Ness and Strong, 2002) or a lens through which we view the world (Zehr, 1990). Patterns of thinking are based on sets of assumptions that shape our perceptions and provide meaning to the countless pieces of information that we are absorbing (Zehr, 1990). Zehr (1990) has argued that the lens through which we view the world or a way we organize phenomena can be called a *paradigm*. These paradigms "shape what we know to be possible and impossible" (87). Although these lenses help to make sense of the world, they can also blind us to other pieces of data that may not appear to fit within our view or the framework from which we operate. Attending to seemingly contradictory points and critical thought is important when examining theory, especially considering the human implications of operating from a certain perspective. Perhaps one of the most glaring examples of the use of "theoretical blinders" is the operation of the contemporary criminal justice system. Current criminal "justice" approaches are based primarily on individualistic theories and notions of retribution. The focus is on punishing "offenders" who have violated a set of rules known as laws and set out in the *Criminal Code*. The use of punitive sanctions like incarceration abound, although rhetoric surrounding rehabilitation emerges in waves. The system has been criticized for being abhorrently costly (in both financial and human terms), inextricably connected to political agendas, divorced from those most impacted by crime, and for perpetuating inequalities (Woolford & Ratner, 2003).

Restorative justice offers an entirely new way of thinking about harm-doing in our society. Rejecting formal lawbreaking as the definition of crime with the State and the offender as the central players in an adversarial game, restorative justice suggests a different set of values and principles to guide our response to harm. Often shying away from the explanation of behaviour, restorative justice challenges widely held beliefs about crime and focuses on harm, relationships, and conflict transformation. Further, this paradigm suggests creative, collaborative, and peaceful approaches to healing that directly involve community, those harmed, and the

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persons who create harm. While the conventional criminal justice system works to imprison and punish people in record numbers (Cayley, 1998), it is no surprise that restorative justice is gaining momentum. Not only widely discussed amongst critical criminologists, some professionals from within the criminal justice system are looking to restorative justice to attend to the unmet needs of victims, offenders, and those who care about them.

There are many different understandings of restorative justice. Some have gone so far as to describe it as a "global social movement advocating transformation of the criminal justice system" (Braithwaite, 2003, 157). Others like Van Ness and Heetderks Strong (in Woolford & Ratner, 2003) have described restorative justice as a "movement." Wooldford and Ratner (2003) concur but note that as with many social movements there are many internal tensions and conflicts with respect of its "collective identity" (180). While the vast scope of these ideas cannot be understated, a helpful primary differentiation is between philosophy and practice. Restorative justice is understood as the philosophy while processes such as mediation, peacemaking circles, and conferencing are often associated practices. Confusing restorative practices with the philosophy has very real implications. For example, this misinterpretation of restorative justice as a model leads to the belief that regardless of whether or not a conference was punitive, it is "considered 'restorative' because the punishment happened to take place in this sort of forum" (White, 2002, 8). It should be made clear that restorative justice is not a specific program but a pattern of thinking based on a set of values and principles. The processes that stem from these values often involve an encounter and focus on the restoration of relationships, although these approaches may take many different forms and can be flexible to the needs of the participants.

Drawing from roots in peacemaking criminology, indigenous justice, and social approaches to name only a few sources, restorative justice is grounded in a set of core values. Values guide social action and behaviour and alternative value precepts are often shrouded by the

status quo; thus, peacemaking values seek to challenge the dominant values system that seems to "subtly facilitate conflict by reinforcing the ideological edifice of dominant social relations" (Thomas, et. al., 2003, 119). While there seems to be general agreement amongst those in the field of restorative justice about what the values of this paradigm are (Mika & Zehr, 2003), the way they are operationalized and prioritized varies greatly. For example, Van Ness and Strong (2002) identify the values of encounter, amends, reintegration, and inclusion in relation to restorative practice. They explain that other elements such as respect, retribution, meeting and communication are important pieces that contribute to those four central values. Although useful, this discussion of values seems more related to the outcomes of particular processes rather than the bedrock on which restorative justice can be lived. In comparison, Zehr (1990) extends the values of restorative justice beyond their application in responses to crime to "a vision of how people ought to live together, in a state of *shalom*, of right relationship" (185). The values contributing to living together peacefully are the foundation on which all action is grounded. The partial list of values discussed by Van Ness and Strong is helpful but not inclusive of those values fundamental to living in right relationships; empathy, love, reconciliation, accountability, compassion, interconnectedness, healing, restoration, and respect. Instead of discussing the values in relation to whether or not the outcomes are more or less restorative, other proponents for restorative justice have considered how these values will guide their approach in each unique situation. Asking the question, "how can we work most restoratively?"[2] helps guide restorative approaches without being focused on one particular model such as a face-to-face encounter. The comparison between Van Ness and Strong (2002) and Zehr (1990) exemplifies how different restorative justice advocates express the cornerstones of the philosophy.

Although mainly discussed in criminology, restorative justice approaches can be applied more broadly than criminal justice. Environments such as schools and workplaces benefited from

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[2] Bargen, C. (2003). Personal Communication. Vancouver, BC

restorative approaches utilized when dealing with conflict. Some international efforts to respond

to war crimes and other events such as the atrocities of apartheid in South Africa have been based

on restorative values (Villa-Vicencio & Verwoerd, 2000). With its roots in social justice, informal

justice, indigenous traditions, and peacemaking criminology, it is not surprising that advocates for

responses based on the values of restorative justice can be found in the realms of family and

children, elders, multiculturalism, mental health/wellness, and education. Perhaps the most

helpful place from which to begin to understand the scope of restorative justice is in the

examination of the redefinition of crime from lawbreaking to harm.

Beyond Lawbreaking

Van Ness and Strong (2002) have argued that every attempt the contemporary criminal

justice system has made to decrease recidivism through crime control, due process, or

rehabilitative measures has failed due to the fundamental definition of crime as lawbreaking by an

individual against the state. Zehr (1990) has noted that instead of focusing on the actual harm

done through the victims' and offenders' experiences, the attention is narrowly placed on the rule

that has been broken. Although the current system involves punishment and rehabilitative

initiatives, the individual, social, familial and political influences on criminal behaviour are rarely

addressed. Restorative justice can be viewed as a way of looking at crime that extends into the

realm of criminal justice and beyond – instead of adding new programs to an existing framework.

Restorative justice involves a pattern of thinking that reaches beyond lawbreaking as

crime to focus on *harm*. Zehr (1990) suggests that crime is "an artificial construct which throws

into one basket a variety of unrelated behaviours and experiences" (183). Within the

contemporary criminal justice framework, the concentration is on the legal process rather than the

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actual harm to people, relationships and communities. The system is focused on ensuring

offenders get "what they deserve" – the appropriate amount of pain for the perceived pain caused

to the State which acts as the surrogate victim. Comparatively, Zehr (2002) believes that to

pursue a sense of justice, the focus must be on healing the harm which "implies an inherent

concern for victims' needs and roles" (22). He redefines crime as, "a violation of people and

relationships" (22) and justice which seeks to "involve the victim, the offender, and the

community in a search for solutions which promote repair, reconciliation, and reassurance" (181).

Restorative justice has been called healing and transformative justice (Van Ness and Strong,

2000). This is related to the notion that justice should seek to heal, to the highest degree possible,

all who have been involved in an incident where harm has been created. These opportunities for

inclusion and empowerment often transform relationships and the individuals who experience

them.

Engaging those directly impacted by harm, shifting away from lawbreaking to focus on

harm, and seeking to reclaim ownership of conflict from the State are ideas appealing to many

individuals. Restorative justice, however, did not appear overnight. Rather, it stems from both

indigenous cultures and more contemporary approaches such as social, informal, and community

justice. The theoretical underpinnings of restorative justice have been made analogous to

tributary streams (Van Ness and Strong, 2002). The aforementioned philosophies and others

such as feminism, victimology, peacemaking and critical criminology can be viewed as streams

that eventually pour into a river of restorative and more healing justice. The streams selected for

discussion here are chosen for their relationship to the role of community.

Tributary Streams of Restorative Justice

An examination of the theoretical underpinnings of restorative justice is important in

order to grasp the application of these values beyond the realm of criminal justice. Arguably,

restorative justice is a way of living out one's life according to a particular set of values and principles. Restorative justice allows a rethinking of the constructs of crime and justice and goes to the roots of what is important to individuals and communities. It is through the question "what is justice?" that we can begin thinking about the roots of peacemaking criminology.

The Stream of Peacemaking Criminology

Emerging in the later half of the twentieth century, peacemaking criminology is a relatively new theory, although it carries with it ancient ideas surrounding justice. As Thomas, et. al. (2003) noted, the seeds were sown by Larry Tifft who called for a "society based on love, one that attends to essential human needs" (104). The central value of empathy towards others and attending to social inequalities formed the foundation for a more humane approach to responding to crime. The central idea of this theory is interconnectedness, a notion mirrored in many indigenous cultures' patterns of thinking:

> My central assumption throughout is the interconnection between the inner peace of the individual and the outer peace of the world. The two develop and occur together. The struggle is to create a humane existence, and such an existence comes only as we act peacefully toward ourselves and one another (Quinney, 2000, 21).

Quinney speaks to the positive nature of peacemaking criminology in that rather than seeking to impose harm on persons who break the law, remedies are sought to simultaneously heal the individual and society. This theory goes beyond the realm of crime to speak to the mystery of existence and to emphasize the values of love, tolerance and compassion towards all human beings. The idea of interconnection of all life and striving towards peace through compassion and love speaks volumes about the implications as a response to harm-doing. This approach values the inherent worth of human beings and acknowledges that responding to violence with more violence increases the stakes and leads to more harm, especially in the long term. Peacemaking

criminology relates to social justice. Quinney (2000) posits that, "[t]here can be no peace –

positive peace – without social justice" (28).

Peacemaking criminology has been criticized within the academic realm for "it[s] blend

of scholarship and praxis with an ideology of social harmony and unity," as this creates the risk of

"being seen as something less than a rigorous intellectual position and more as a philosophical

belief system" (Thomas, et. al., 2003, 101). Peacemaking criminology has been considered a

perspective or "a stance from which to view and comment upon objects within our gaze," rather

than as a theory, philosophy, or discipline within criminology (103). These critiques contribute to

peacemaking criminology and restorative approaches being perceived as idealistic and, therefore,

less credible than other criminal justice ideologies. However, attending to these criticisms and

being open to others is an important exercise that can help move restorative measures forward in

a way that has integrity to the values. Critical discussion can offer ideas to overcome shortfalls,

help with a clarification of the basic principles, and provide assurance to the academic

community and others that the concerns are being taken seriously, rather than ignored (Thomas,

et. al., 2003).

The criticism cited as the most "devastating" (Thomas, et. al., 2003, 123) is that which

suggests peacemaking criminology lacks postulates that can be empirically tested in order to

examine its explanatory power. Simply put, it is not "science." While some proponents of

peacemaking may scoff at the utility of contributing energy to the seemingly impossible task of

empirically measuring subjective concepts when we could be *doing* peacemaking, others have

argued that this attitude does nothing to increase the acceptance, and therefore, utilization of these

concepts. In addition, a lack of movement towards empirical assessment of peacemaking

principles and programs may dissuade potential supporters and advocates inside and outside of

academia to explore this area. While the evaluation of peacemaking criminology may pose

unique challenges, it produces interesting opportunities for peacemaking advocates. Devising creative ways to explore these values and practices is the focus of this thesis and other emerging research. Thomas and his colleagues (2003) argue that testing the postulates of peace and social justice are no different from testing other concepts associated with criminological theories like rational choice or medical concepts like "health." These vague concepts can and have been operationalized and tested in academically accepted ways. However, caution should be exercised when engaging in this research. With the growing acceptance of more qualitative approaches, the utility of employing an array of methods should be kept in mind. As this thesis will suggest, a more qualitative examination of the opportunities and challenges of peacemaking theory would be appropriate given the nature of this entirely humanistic and fluid approach.

It is interesting to consider the measuring rod being held against peacemaking criminology. Similar to any radical approach that challenges the basic tenets of the *status quo* (i.e., a focus on healing rather than harming), critics will compare new ideas to what currently exists. Quinney (1988) has advocated peacemaking as a new way of thinking about and responding to crime. With this new vision, many of the evaluation methods based on retributive, positivistic philosophies do not make sense. We must question the 'science of criminology' that insists that "science and technology can solve social problems and create new social order" (Cohen, 1985, 197). For example, if the focus of peacemaking is on healing relationships, does this necessarily mean that crime will be reduced through specific or general deterrence as is the premise of the formal system? A problem lies in the limited ways we have to define and measure "successful" outcomes.

Comparatively, new theories are often measured against a utopian view that crime can be eliminated. For those who believe conflict is not only natural but also necessary for human development, criticizing restorative justice for being unable to significantly reduce crime (which

raises other questions about how we define, identify and measure these behaviours codified into laws) is less important than other foci of evaluation.

Peacemaking criminology as a theory has many nuances and is still being developed. Restorative justice embraces many of the core values and beliefs of this theory and, as such, is criticized for its lack of clarity. Although principles that embrace areas more broad than peacemaking have been articulated, restorative justice has been used to move forward particular political agendas. Restorative justice appeals to both ends of the political spectrum (Woolford & Ratner, 2003) and its tenets can be drawn upon selectively to justify almost any social response to harm. As Mika and Zehr (2003) caution "restorative justice may be simply a cover for – even an extension of – non-restorative and conventional punitive practices" (136). Critics worry that peacemaking approaches rely too heavily on the belief that people can take responsibility, participate willingly, and work through inherent power imbalances (Thomas, et. al., 2003). These criticisms are very important to consider in how a peacemaking approach is practiced. Without attending to peoples' differing abilities and openness to practices focused on healing and reconciliation, the likelihood of creating further harm – something completely counter to the aim of healing – increases.

Perhaps restorative justice initiatives can be more aptly viewed on a continuum of possibilities that range from those that are fully restorative to those incompatible with restorative values, yet necessary for responding to harm (Mika & Zehr, 2003; Van Ness & Strong, 2002). Advocates of restorative justice acknowledge the need for some sort of "back up" system to deal with those who are not interested in a restorative approach. These practical issues are important considerations but do not take away from the value of peacemaking criminology. Taken in its entirety, restorative justice offers much to the realm of criminology. Constant critical analyses of practice against the core values with a primary focus on healing has led to more satisfying justice

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on an international scale. Nevertheless, if restorative justice is only understood as a response when harm occurs, the important work of harm prevention through addressing social injustice will be lost.

The Stream of Social Justice

Social justice initiatives and theories emerged from a critical view of crime, corrections, and the global economy (Brooks, 2002). For example, penal abolition is a social justice initiative that gained momentum in the late 1960s and continues to be supported in the present day (Van Ness and Strong, 2002). It was feminists, theologians, prisoner advocates, and various religious communities such as the Quakers, who shared a passion for attempting to remedy the injustices they saw in the criminal justice system, that developed into the broad category of social justice (Van Ness and Strong, 2002). Through their work, the glaring overrepresentations of already marginalized populations within the web of conventional criminal justice were brought to the fore. From this perspective, crime and criminality could not be understood without analyzing how these concepts were constructed and the system was applied.

Further, crime was seen as only one form of violence that could not be understood without seeking to include other forms like war and social and structural arrangements that repress human potential (Quinney, 1988). Today, social justice continues to demand a critical look at the trend of increasing criminal justice budgets and the decline in the welfare state. In short, "those without the power suffer the costs of the failure of the criminal justice system" (Brooks, 2002, 284). It is imperative to attend to the social inequalities that exist within society and ask critical questions of any system that seems to further deepen them.

The ideas of democracy through consensus decision-making and equal opportunity are prominent throughout the social justice tributary stream (Kurki & Pranis, 2000). Encouraging a

wide array of voices and decentralized power is related to a movement towards greater

community involvement in justice. As restorative justice seeks to empower communities of care

and those directly involved with the harm, responses can be created to actually advance social

justice (Braithwaite, 2003). Mika and Zehr (2003) have noted that "sources of conflict extend to

the community and the state, beyond the limited venue of crime and delinquency to broader social

conflict" (148) and insist that restorative practice must seek to address these issues. However, if

not exercised with care and sensitivity to social inequalities and issues around power, restorative

justice has the real potential to impede social justice. The potential gains for marginalized

populations like women, victims, children, and indigenous peoples should be carefully measured

against the risks of harm. The use of restorative approaches in areas beyond criminal justice,

including institutional, corporate, and political initiatives could help advance social justice.

The Stream of Community Justice

Well into the modern era in the West, crime was viewed as conflict between people, with

the majority of cases considered to be civil wrongs rather than as wrongs against the moral or

formal code of conduct (Zehr, 1990). These harms created obligations to make things right with

the victims, who were attended to through acts of financial or symbolic restitution and

compensation for personal and property loss. Although responses involving vengeance and

judicial measures were available, negotiated, restitutive justice was the primary response (Zehr,

1990). The State was not involved in the majority of the situations and community or kin

provided the context for collaborative agreements created between primary people in the

aftermath of harm. The role of community was often to support the agreement for both parties

and to collectively share responsibility for the wrongdoing and healing.

It is important to be cautious when examining the stream of community justice that feeds

restorative justice. As Cohen (1985) has warned, those who advocated for community

approaches as more humane and treatment oriented have participated in what he calls "the awful secret of community control" (75). Community justice initiatives such as half-way houses, intensive supervision, and citizen policing have done more to add to current punitive sanctions and to relocate experts from the system into the community rather than place any meaningful control back into the hands of citizens. With the blurred line between institution and community, social control increases and the formal system absorbs the family, school and neighborhoods rather than those primary institutions "being strengthened and using their natural resources" (77) to respond and prevent crime. The system has imported its system of control to other collections within society and has embedded the *status quo* values of discipline and conformity through punishment into these institutions. These normally expensive strategies of formal control are replaced with cheaper, but equally as controlling, replicas within the community. Stuart (2003) might identify these situations as initiatives that were never truly community driven, but "based in the justice system and led by the justice system" (251). As a result, the values and responses belong not to the community, but to the system itself and do nothing to shift power or become more responsive to local needs.

Crawford and Clear (2003) have noted that community and restorative justice are often used interchangeably as these approaches share similar language, critique the current system and have aims of restoration. However, these authors insist that it is important to understand key difference in that restorative justice focuses on particular incidents while community justice is concerned more broadly with how crime affects community life on a neighbourhood level. As a result, these community justice advocates have argued that community justice has a "more radical reform orientation compared to restorative justice" (216) through its focus on crime prevention. The discussion of community justice as a tributary stream is important to the restorative justice paradigm. To be seen as something broader than simply another response to harm, restorative

justice advocates must attend to the important role of preventing harm through community development and engagement and learn from the trials and errors of community justice initiatives.

The Stream of Informal Justice

It was the field of legal anthropology in the 1970s that spurred a critical look at the development of criminal justice policy and practice (Van Ness & Strong, 2002). Authors such as Nils Christie (1977) advocated for a deprofessionalization of the justice system based on the observation that conflict had become a commodity over which the contemporary justice system held a monopoly. The ramifications of this were the disintegration of community and the individual and collective ability to work through conflict in a way that strengthened those bonds and capacities.

Informal justice can be seen as a method of social control through community responses to behaviour that falls outside generally accepted norms. As articulated by White (2002), "some restorative approaches have a moral application, as in the case of reintegrative shaming..." (383), however, there are often different understandings of how the informal justice tributary feeds into the healing river of restorative justice.

In 1989, John Braithwaite wrote a book called *Crime, Shame and Reintegration* in which he puts forth a theory of crime with the concept of shame at its core. He begins, similar to social justice advocates, with a critique of the criminal justice system. Rejecting the system's focus on stigmatization and exclusion, this theory supports greater community involvement whereas,

> [c]rime is best controlled when members of the community are the primary controllers through active participation in shaming offenders, and, having shamed them, through concerted participation in ways of reintegrating the offender back into the community of law abiding citizens (Braithwaite, 1989, 8).

The process labelled *reintegrative shaming* is based on the presupposition that a broad moral consensus in society exists and that informal social controls function more effectively in controlling behaviour than those imposed from outside the community (eg. by criminal justice professionals). Shaming the offender (especially the criminal act) and subsequently welcoming them back into society is argued to be a more effective response than punishment delivered by the State.

Reintegrative shaming can be seen as a method of informal justice as it suggests processes which take place first and foremost within an informal, community context. Although Braithwaite does not directly link reintegrative shaming with restorative justice, there has been much confusion around the connection (or lack thereof) between these approaches, especially within the Canadian context.[3] Due to the prevailing attempts to equate reintegrative shaming practices with restorative justice, a brief discussion is necessary although a complete explanation and critique is beyond the scope of this thesis.

While reintegrative shaming encourages informal justice through community involvement and a greater focus on reinforcing family bonds rather than punishment, Braithwaite's focus on shame is another means of punitive control over offenders (especially youth) that needs to be questioned. The use of shame to achieve conformity and a rejection of a deviant subculture can be seen as the use of fear to produce the desired non-criminal behaviour. This seems to be more related to the notion of punishment rather than healing and a restoration of

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[3] In 1989 the New Zealand government incorporated a model called Family Group Conferencing (FGC) into their juvenile justice system. In 1990 John McDonald saw the process and implemented it, in conjunction with the New South Wales Police Service, in Wagga Wagga, Australia. Next, Sergeant Terry O'Connell, McDonald, and David Moore collaborated with John Braithwaite and publicly explained the perceived effectiveness of these FGCs as 'reintegrative shaming at work'. The Australians came to Canada and taught RCMP members how to facilitate these processes in 1995. The FGC model transformed into the Community Justice Forum that was embraced nationally by the RCMP was put forth as a 'restorative justice' initiative under the model of community policing (Murray, 2003).

relationships. Nathanson (1997) has pointed out that Braithwaite's theory has been terribly

misapplied in the realm of criminal justice in many countries, including Canada. Instead of

understanding shame as a noun, processes like some forms of conferencing, for example, seek to

actively apply strategies to induce shame. As Gustafson (2004) simply states, "There is enough

shame in this world, we don't need anymore."

Further, Braithwaite's insistence on the use of shame as social control does not allow for

the integration of various underlying and overarching pressures from trauma to sex-role

stereotyping to power imbalances. The assumption that there is a moral consensus on the law,

even if true, is fairly unhelpful given the disjuncture in the application of the law. Finally, this

theory seems to be more related to a theory of shame than a theory of crime. The potential for

further harm created by the shaming response and the implied threat of exclusion seems far from

the focus on inclusion and healing associated with restorative justice. In addition, this theory,

similar to retributive justice, is focused on the individual offender and community and bears little

relevance to the inclusion, empowerment, and healing for victims.

It is clear how social justice, community justice, informal justice, and peacemaking

criminology have fed the 'river' of restorative justice. The positive focus on restoring right

relationships and peace-building, reflects peacemaking criminology and social justice values.

Community and informal justice have very different manifestations, some of which align more

closely with restorative justice and others such as reintegrative shaming that have a debatable

connection. However, the common themes have been to move justice away from professionals

and provide greater ownership of conflict to communities and those most impacted.

The criminal justice system has proven its inability to decrease crime or respond

effectively to lawbreaking many times over. Barry Stuart (2003), a retired judge, has said that the

"system is part of the problem, not part of the solution." Decades of critical theories and alternative views have produced minor changes overall. The conventional justice system continues to be seen as the ultimate answer to crime such that $10 billion dollars a year is spent on the system in Canada (Brooks, 2002). Van Ness and Strong (2002) have argued that the increase in punitive sanctions is related to the shift in thinking from the individual to the State as the victim. Stuart (2003) believes that the increased reliance on the system has placed a greater importance on procedural justice rather than on human harm. He argues that the majority of individuals in the public and criminal justice realms perpetuate this approach. The current system is designed to settle conflicts rather than resolve them. This combined with what he has called the "911 mentality," bringing in professionals to deal with problems, has contributed to the bulk of conflict being taken out of communities and placed into the hands of justice professionals (Stuart, 2004). Stuart believes that the public lacks a vision of justice beyond the existing system. McKnight (1995) has also noted that these systems are perpetuated by the widely held notion that professionals are the only "qualified" people to process conflicts. Without a redefinition of harm, it will be difficult to obtain community support for any other response besides that which resembles the contemporary retributive system. The response of the retributive system is perpetuated and legitimized by its very existence, the lack of other alternatives, and the absence of a community vision of justice.

The level of social punition also relies on the assumptions made about those individuals labelled "offenders." Most often judged individually, without the context of family and society, their actions seem incomprehensible and they are provided the appropriate amount of punishment to serve alone. Without consideration of societal conditions more conducive to harm, those unlucky enough to come into conflict with the law bear a heavy burden. While we may have moved forward in some areas around biological explanations of behaviour (fetal alcohol spectrum disorder, mental disorders, brain injury and trauma), societal and political factors do not seem to

enter easily into the realm of law. Even when biological and psychological factors are considered, the system cannot flex enough to address these issues, and few options exist outside of it. The blindfold in the legal, procedural base of criminal justice allows professionals to see only the conflict that offended against the rule of law, but tells us little about the underlying conflicts that contributed to the current offence. Without this bigger picture it is almost impossible to respond in a meaningful way by attempting to address factors that may be contributing to the behaviour outside of the individual (family, community, etc.).

Shifting the Focus from Punishment to Healing

There are differences between retributive and restorative approaches to justice. A comparison between the central foci of these two paradigms supports a shift towards a new paradigm rather than tinkering with the retributive approach.

Zehr (1990) has listed the underlying assumptions of the retributive system's response as:

1. Guilt must be fixed.
2. The guilty must get their "just deserts."
3. Just deserts require the infliction of pain.
4. Justice is measured by the process.
5. The breaking of the law defines the offense (65).

After establishing the legal guilt of the offender, the retributive approach seeks to assign an appropriate amount of punishment in order to bring about justice. The retributive system is inherently offender focused and paints the system itself as the surrogate victim, rather than encompassing the actual needs, and seeking a restoration, of victims and communities. As Cayley (1998) notes, "[m]odern criminal justice has stressed the aggrandizement and edification of the state, rather than the satisfaction of victims" (217).

The core difference between retributive and restorative justice lies in the focus. The retributive paradigm focuses on punishment and the infliction of pain in the hopes of achieving specific and general deterrence. As White (2002) has noted, "[p]unishment [in the retributive system] is conceptual, universal, and institutional; it shapes the social organization of the criminal justice system" (284). The imposition of punishment is based on assumptions made about human nature -- that people exercise rational choice and are, therefore, ultimately responsible for their actions. The contemporary system focuses on the individual in isolation and does not consider social arrangements and relationships. This approach has proven largely ineffective in reducing harm or keeping communities safe. Even rehabilitative efforts have failed to include adequate familial and community support. Notwithstanding the inherent problems of seeking to heal while simultaneously inflicting pain through punishment, Zehr (1990) has also argued that attempts to fix the system, such as through an increase in alternatives to imprisonment, do not address the root cause of the problem: the lens through which we view crime.

Restorative justice, on the other hand, provides a different lens through which to look at the harm, conflict, and relationships. The focus of this pattern of thinking works towards healing and asks questions around what needs to be done to make things right, instead of who and how much punishment is deserved. According to Zehr (1990), justice is defined as restoration and repair of injuries, and the promotion of healing. This approach provides the opportunity and context for people to start to heal. Healing can be the focus for both victims and offenders and can lead to restoration or a transformation of relationships. Initiatives which seek to provide an opportunity for healing for the offender as well as the victim do not minimize the impact or make excuses for the behaviour, rather they seek the greatest amount of recovery and closure for all involved.

Although there may be differences in how restorative justice is understood, the "common thread of restorative justice appears to be the spirit within which justice is undertaken" (White, 2002, 383). It is the values and principles that demand an examination of what underlies our responses to conflict and seeks to create a new response based on an entirely different set of values. One hope is to move towards a greater capacity of communities to deal with conflict and respond to harm, and the other is to prevent harm through connecting people in meaningful ways to others with the focus on healing, inclusion, and relationships rather than exclusion and punishment. It is now that the attention turns to a discussion of who owns conflict and the role of community.

Braithwaite (1989) has argued that professional criminology seeks "to professionalize, systematize, scientize, and de-communitize justice" (6). The criminal justice system assumes the professional will be able to respond in a way that the community cannot, and impose appropriate penalties or responses that will sufficiently punish or 'treat' the offender. Zehr (1990) has postulated, "...justice has to be lived, not simply done by others and reported to us" (203). He has argued, along with Christie (1977), that we have developed a tendency to turn our problems over to experts. McKnight (1995) has written extensively about the insidious ways in which this reliance of professionals has deteriorated individual and collective capacities to resolve conflict and heal ourselves. Although communities have been impacted and there is a public dimension to this harm, non-justice professionals are not involved in the response. According to Zehr (1990), this public harm needs to be addressed through a restoration of wholeness, promoting reassurance, prevention, safety, and repair. If communities are being harmed by crime and the retributive response has created a system of professionals who have taken over the function of informal control and response to harm, how can restorative justice move towards including community in a meaningful way?

CHAPTER III - PROVIDING CONTEXT: THE ROLE OF COMMUNITY

I am of the opinion that my life belongs to the community, and as long as I live, it is my privilege to do for it whatever I can. I want to be thoroughly used up when I die, for the harder I work, the more I live. Life is no 'brief candle' to me. It is a sort of splendid torch that I have got hold of for a moment, and I want to make it burn as brightly as possible before handing it on to future generations.

- George Bernard Shaw

The contemporary justice system, with its professional, adversarial, closed nature, has done a poor job of engaging the community in any meaningful way. Pranis (1998) argues that, "[t]he criminal justice system cannot deliver improved public safety without the active involvement of the community" (1). She believes that the community has the tools, resources, and power that the formal system does not have. The system needs to be built around "a core of community" activity, rather than the opposite and this is precisely what restorative justice seeks.

There seems to be consensus within the restorative justice literature that community involvement is vital; however, clarity around the role or the extent to which it is involved in practice does not yet exist. Sullivan and Tifft (2001) note that while great emphasis is placed on the role of the community in restorative justice, the identity of the relevant community is rarely specified. Zehr (2002) argues that "[c]ontroversy has arisen within the restorative justice field about the meaning of community and how to actually involve the community in these processes" (27). Similarly, Pranis (1998) has admitted that the lack of clarity with respect to the term "community" has been problematic but states that her experience has shown that community does

not need an academic definition; the term simply means "a group of people with a shared interest and sense of connection because of that shared interest" (1).

Defining community?

Similar to difficulties in defining restorative justice, the term "community" is equally obscure. Alper and Nichols (1981) argue that it is impossible to find two people who will define or interpret community in the same way. Zehr and Toews (2004) believe that definitions are based on a number of factors including personal life experiences, our culture and worldviews, and the audience to whom we are speaking (1). With such diversity in these areas, is it desirable to have a common definition of such a simple yet complex idea like "community"? This question can be answered in at least two ways. It could be argued that multiple definitions of concepts produce richness and diversity. Shying away from clear definitions creates flexibility in how we come to use and understand ideas. Johnstone (2004) believes, for example, that rather than concluding one definition, it is *useful* to understand "restorative justice" as a contested concept. Since this paradigm challenges the very nature of how we think about crime and can be applied as a worldview, presenting one definition would be limiting and impossible.

On the other hand, a lack of clarity around what words mean can lead to confusion and conflict (Zehr and Toews, 2004). It can divide people and create positions unhelpful in moving towards common understanding and working collaboratively. Often there are no mechanisms for moving towards an understanding of other perspectives and definitions. Sharpe (2004), for example, notes that many theorists are opposed to a firm definition for "fear of closing off innovation or responsiveness to local needs" (18).

Having acknowledged these two ways of approaching definitions, practitioners and academics alike may be best served by searching out processes and venues to be able to discuss differing definitions. These discussions could endeavour to enhance overall knowledge, rather than to provide a concrete definition. For example, one sociologist interested in identifying the essential elements of community reported ninety-four separate definitions of this term in the research he undertook (Hillary, in Alper and Nichols, 1981). In addition, a concept like community will be especially impacted by socio-economic and gender experiences. The process through which greater understanding may be gleaned is just as important as the end result. It must be a never-ending process that is able to move people from strong positions to being open to listening to one another. There are many processes often associated with the philosophy of restorative justice that could be helpful in working towards useful discussions of integral concepts like *community*.

While one definition of community may not be attainable, much less desirable, it remains important to examine some of the more common understandings expounded by those interested in this topic. Similarly, in order to address criticisms that restorative justice promotes "acquiescence to a harmonious and egalitarian social order and the acceptance of one's duty which is a form of obedience" (Thomas, et. al., 2003, 112), a further look into the way people live together is key. If restorative justice is a lens through which we view the world (Zehr, 1990), we can look outside of the realm of criminal justice to explore what has been written about community. If nothing more than to separate community from the professional when we are talking about justice issues, this examination could prove helpful and shed light on the dangers and opportunities of moving away from the system of justice that we currently have today. We must know where we have come from in order to understand why we moved away from community-based processes and towards an increasingly formulaic and professionalized system.

Exploring Definitions

Manning (1996) has stated that community can be experienced in two ways: as "a group of people" and as a "way of being." The first type of community is formed by bringing people together in place and time. The second is created when barriers between people are lowered. An early sociologist, August Comte, did not use the word community but had a similar vision which meant the love of humanity (Alpers & Nichols, 1981). Other classical scholars limited the definition to specific social groups including kinship, friendship, guild, neighbourhood, village, and nation (5). Emile Durkheim (Alpers & Nichols, 1981) understood community as an inner reality based on shared values and the collective conscience of people.

Historically speaking, sociological thought held three primary orientations about the term community: territorial, networking, and social bond. Under the territorial model, village life and the city are the clearest examples of the community characterized by impersonal togetherness. This geographic notion of community is challenged by the networking model where community was defined by "the process by which people enter into social relations" (Alpers & Nichols, 1981, 7). Finally, the social bond model suggests that community in its most fundamental sense has to do with the elementary human urge and readiness to be involved with other people. The notion of the entire human family is a macro view that suggests the interconnection of all things and the importance of relationships.

McCold and Wachtel (1997) have defined community as "a feeling, a perception of connectedness, personal connectedness both to other individual human beings and to a group" (2). They see the geographic ideas of community "as a mythical reflection of a romanticized past" and believe that,

> where there is no perception of connectedness among a group of people, there is no community. Although we may live in the same neighbourhood, municipality, county,

state or nation, be governed and served by the same institutions, we may have no sense of connection with each other, no sense that we are part of a unified group. As such, we are not of one community (3).

However, restorative justice author and advocate Kay Pranis[4] respectfully disagrees. She has

suggested that attempts to define community without considering geography contain middle-class

biases. Although in contemporary times of increased mobility the importance of the physical

place of community has been deemphasized, she has argued that "community is not only a place,

but that community of place matters for our long term health as a society" (Pranis, 1997, 2).

Further, for people who have limited mobility due to socioeconomic pressures, community is

very much a place. It is a luxury, based on income, to be able to select a community by

geography. In other words, where a person is able to live determines his or her access to

community and relationships. Also, perceptions of safety and impacts from behaviours that take

place in a certain locale all concern the notion of *place*. In addition, geographic communities

have a huge impact on the children who are raised there. It is for these convincing reasons that

Pranis advocates for considering the *place* of community alongside the *interest* that may be

shared between individuals who comprise that social group.

Pranis (1997) believes that interconnectedness is a crucial part of community and notes,

"relationships are the threads of community. The interweaving of relationships is the fabric of

community. Mutual responsibility is the loom on which the fabric of community is woven" (2).

Her definition of community is "a group of people with a shared interest and a sense of

connection because of that shared interest" (3). Pranis advances the notion of collective

responsibility to take care of one another as a key part of community. She posits,

> [c]ommunity does not mean just the individual's responsibility to others, but also the responsibility of others to that individual in relationships and structures which allow choice in how one best contributes to others and honors community obligations and it involves dialogue to determine jointly acceptable obligations and relationships (3).

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[4] Pranis, K. (2004). Personal Communication. Vancouver, BC

An interesting definition of community is offered by the Mennonite Conciliation Services (Lederach and Kraybill, 1993), a group offering "strategic application of peacemaking skills to human conflict as a central expression of that [Mennonite] tradition" (358). In this approach to dealing with interpersonal and group conflict, there is the belief that community "refers to a group of people who share a common vision for corporate life and are accountable to each other to live in accordance to that vision" (359). This understanding implies that this connection is not simply based on geography or common interest but "through a myriad of connections that may include family, congregational membership, shared work setting, and friend ties" (359). They note, "[t]o us, community means people bonded by a common core of values and accountable to each other in decision making regarding those values" (359).

With transnationalism dominant in the current age of globalization and international bridging, community certainly cuts across geographic borders. Kennedy and Roundmetok (2002) believe today's communities "have become liberated from dependence upon direct interpersonal relations and, like cultures, the need to operate primarily within the limits set by particular physical locations" (13). Indeed, advances in communication and travel technologies have allowed certain inhabitants of this planet to be able to connect in ways previously unknown to our species. Further, this use of technologies has fostered opportunities for second, third, or fourth generation migrants to be able to "reinvent and revitalize their former national cultural identities" (13) after being partially (or fully) assimilated into their current host culture. On the other hand, increased technology and mobility may be responsible for human beings disconnecting from one another. Society is undergoing "rapid transformation" and the future is relatively unknown (Clear & Karp, 1999). Whatever the multitude of human impacts of these changes, the mixing of individuals and their cultures and the forming of new societies provides further support that one definition of 'community' is an unreachable goal. In addition, because participation in a community "has become much more open, flexible and subject to negotiation," it may be

increasingly common that people simultaneously belong to a multitude of different communities (Kennedy & Roundmetok, 2002, 15).

Whether or not community has existed or does exist is a question as muddy as the definition itself. While some may mourn the loss of what once may have been a sense of community as the world moves towards increased political, economic, and personal strife, others believe that this idea has always been something of an enigma. The former argue that genuine community is "disappearing amid the production of a standardized, dehumanized mass" (Alpers & Nichols, 1981, 9). Many citizens seem to have the sense that "the quality of community life is diminishing and family life is deteriorating" (Clear & Karp, 1999, 1). As Wheatley (2002) notes from her global experiences in community building, "I don't meet many people who are optimistic anymore… almost everyone is experiencing life as more stressful, more disconnected, and less meaningful than just a few years ago" (14).

The word "community" has a particular feel to it that is very positive. It is a romanticized, yet rarely accurate, version of the past. As times grow more complex, the idea of community holds a great degree of appeal to many as they long for peace (Clear & Karp, 1999, 3). However, Bauman (2001) notes, "whatever the word 'community' may mean, it is good to 'have a community,' 'to be in a community" (1). He argues that as positive as the word community feels, it does not actually exist. "In short, 'community' stands for the kind of world which is not, regrettably available to us – but that which we would dearly wish to inhabit and which we hope to repossess" (Bauman, 2001, 3).

Adams (2001) suggests that community is often implied as "being a qualitative state to which we aspire" (38). He notes the common themes of this concept are "social ties, civility, and even intimacy" and further posits that these qualities are "neither necessary nor sufficient

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conditions for the structures and functions of community" (38). This author rightfully offers a less idealized view of what constitutes community and understands that a sense of community is often created "out of explicit or implicit recognition of how members of the community are different from non-members" (39). This concept was further explored by George Pavlich (2004) who worries about the inherently exclusionary nature of the notion of community. He argues that any "rigid formations of community create simulated divisions that isolate insiders from outsiders" (174). In practice, this could mean that those on the inside benefit over those on the outside. As Pavlich (2004) and Adams (2001) appropriately warn, a *fixed* notion of community developed through shared values and relationships which also sets those members apart from others in humanity, means the concept of community may not always be a pleasant notion.

Common Threads of the Elusive Community: The Importance of Relationships

Throughout these varying attempts to understand the concept of community, a number of common threads emerge. For many, community means a common humanity – a collection of human beings. Whether or not these beings are together physically, community suggests some sense of connection often based on relationships, shared values, space or vision and care for one another. Also, for community to exist there seems to be a need for a shared hope or vision of the future. Wheatley (2002) notes, "There is no power equal to a community discovering what it cares about" (22).

While we must heed the warnings of authors such as Pavlich (2004), who caution against any fixed or exclusionary notion of community, it can be helpful to start to uncover experiences people commonly associate with a sense of connecting to a community. Perhaps the most outstanding, with respect to building community is the importance of relationships. As Wheatley (2002) simply states,

Relationships are all there is. Everything in the universe only exists because it is in relationship to everything else. Nothing exists in isolation. We have to stop pretending we are individuals who can go it alone (19).

This author believes humans need each other and want to be together, and this is possible through the fostering of relationships and connections. Finnegan (2002) marvels at the way human beings are not isolated organisms but "have active and organized ways of connecting with others outside themselves; that we can reach out to others beyond the covering envelopes of our own skins" (3). She agrees with Wheatley that humans are social animals who have always lived in groups and depended upon the interconnection of others for survival and growth.

Communication, Relationship and Community

If community is based upon relationships, how are these formed? The process of communication fosters some of the most meaningful relationships and connections. In fact, communication is fundamental to our social existence (Finnegan, 2002). As early as Aristotle's *Politics*, the idea emerged that it was speech (*logos*) that "makes something common" out of different households (Depew & Peters, 2001, 3). Wheatley (2002) advocates for the "simplicity of conversation" (22) as a means to connect people in community. In her writing about connection through communication, Finnegan (2002) understands this process to be more than linguistic messages but also to include "experience, emotion and the unspoken" (5). She believes "it encompasses the many modes of human interacting and living, both near and distant – through smells, sounds touches, sights, movements, embodied engagements and material objects" (5.).

We must believe in the possibility of communication, even in this realm of seemingly uncommon individuals, to believe that community can be created (Shepherd, 2001). There must be belief that we have more in common than we do different, in order to bring about processes that will support the formation of relationships that can lead to a sense of community. While

there is a lack of consensus about the formal definition of "community," it seems clear that there is overwhelming agreement about the need for meaningful engagement and involvement. If community is a way of being, a feeling and a geographic location, it opens the doors to new ways of thinking. Rather than limiting community to geographic neighbourhoods, restorative justice can draw from the values of inclusion, dialogue, and sharing to create an opportunity for people to experience what it feels like to be connected to a group of people with a shared interest. If it is the case, as Pranis, Stuart and Wedge (2004) have come to believe, that "everybody shares core values that indicate what connecting in a good way means" and "people the world over and from every walk of life turn to the same basic values to guide them in building good relationships" (9), it is possible to create community by illuminating what is shared. The act of gathering together can *create* community and rather than formal, academic definition, people *experience* community as a *feeling*.

Restorative justice works towards the inclusion of the victim, the offender, and the community, and the degree to which a balance is struck between these pillars requires a closer look. In addition, this paradigm is not only applied in the aftermath of harm but can be embraced by communities in the realm of prevention and social justice. Therein lies the importance of distinguishing between the *response* and the *preventative* work a community engages in to promoting peace and justice.

The Role of Community...

In Response to Harm

For the majority of restorative initiatives that exist in Canada, the focus has been on responding to lawbreaking. Cases that range from shoplifting to serious assaults are referred through the contemporary system (police, court, probation) to various restorative justice initiatives. The nature of the case as well as the extent to which the formal system is involved

with the restorative response varies greatly (White, 2002). After an incident has occurred it is often simple to identify who has been harmed (victim) and who takes responsibility for that harm (offender). What remains muddy is how we define and include community as the third stakeholder in the restorative justice equation. Emphasis placed on one of these pillars is often at the expense of the other, which implies a hierarchy rather than the balance that is important within a restorative framework. No consensus exists in the field with relation to the relative importance of these three pillars. Some approaches to harm are victim centred while others seek primarily to heal the offender (White, 2002). There are a number of ways that community is involved in restorative response to harm.

One idea is that community is formed through the restorative responses itself. Pranis (1997) has argued that community is built through the process of people coming together to talk about a harm in the form of a conference. Widening the circle of those involved in the restorative response to include support people for the victim and offender can seek to address the harms that may have a basis in these broken relationships. Stuart (2003) warns that without engaging others like the family and the larger community, the individual approach will continue to fail.

The use of non-professional people in the role of service delivery is another form of community involvement. Most programs are volunteer-based and rely on community members to advise, function as Directors, and act as facilitators and mentors. While the role of community members in an advisory capacity may be appropriate to steer the direction and provide support to grassroots initiatives, there are complications when citizens become involved in individual cases. Although these facilitators may be members of the community, their role as neutral, process guides would be jeopardized if they were attempting to represent the needs of the wider community. Initiatives such as reparative boards and community accountability panels seek to involve community members who deliver sanctions to an offender.

As was true in earlier forms of Western justice, the community has a role to play in supporting agreements that flow from restorative processes. Communities of care can offer emotional and material support for offenders and victims through restorative processes in supporting the fulfilment of obligations, healing and reintegration plans. In addition, taking responsibility for the social conditions that are linked to crime are important considerations for restorative justice (Pranis, 2000). This collective responsibility taking can be fostered by inviting community members in dialogue to more fully appreciate the underlying causes of harm and the impact of social inequality. Communities of interest which include members not directly impacted by the harm are also included in restorative processes (Van Ness & Strong, 2002). These individuals are involved in processes for different reasons and the scope of this involvement varies by program and depends on the underlying goals and principles.

There is another important role that the community takes in response to harm. Although difficult to pinpoint, it concerns the public acknowledgment by the community at large that something has happened (Sullivan & Tifft, 2001). Not only does this acknowledgement assist those harmed by crime to tell their stories and move towards healing (Solanto, 2004), it sends a message that behaviour that causes harm is not acceptable or within community norms. Through the contemporary criminal justice process, the public condemnation of certain acts has been fairly effective. However, we know that this process does little to acknowledge the harm caused to victims when they are excluded from the process and the State becomes the surrogate victim (Goodey, 2000). Methods of public acknowledgement vary or are nonexistent depending on the restorative approach. However, with the tendency of these initiatives to encourage private resolution between those most directly impacted, further thought about how the public aspect may be served in the safest, more respectful, way possible is required.

Although there are benefits to involving community in responding to harm, it is important to learn from the problems associated with community justice. Of major concern is the observation that this approach worked well amongst those with equal power, however, it tended to promote differential and unjust treatment when power imbalances existed (Zehr, 1990). This is of particular concern when the majority of restorative initiatives in Canada, the United States, Australia and New Zealand focus on youthful offenders who have traditionally held less power compared to their adult counterparts. The focus of community justice initiatives on restoring relationships and promoting reparation and reconciliation cannot be achieved at the risk of coercing young people, who may be more likely to participate in a "voluntary" process due to that lack of power they feel in the adult realm. In this light, it is easy to see why many advocates of restorative justice criticize the notion of reintegrative shaming and excessive adult involvement where the potential for harm in unbalanced relationships is a real possibility.

Reintegrative shaming encourages members of the community to be actively involved in shaming offenders (Braithwaite, 1989). Shifting the focus away from the rule of law to emphasize more informal social control, allows community to take a more participatory role in sanctioning those behaviours that do not conform to accepted norms. This theory resists the notion that individualistic cultures like the United States cannot rely on effective community mobilization towards peer sanctioning, and points to the possibility of "government programs to foster informal social control" (Braithwaite, 1989, 172). In addition, communities do not have to rely on geographic locale but can be extended to shared interests like workplace, occupation, voluntary organizations, education, and leisure. Although the theory of reintegrative shaming suggests the community should be involved in the response to crime, it also advocates a strong role for community in the prevention of harm, especially focused around promoting inclusion and integration of youth through education. The focus is on informal social control rather than formal, punitive social control. However, this theory raises questions about whether or not the

notion of shaming creates moral social control based on a fear of reprisal and being ousted from the community, compared to tapping into an individual's need and desire for acceptance, love, and connection.

Braithwaite (1989) argues that without community mobilization around informal social control and a move towards a more communitarian, rather than individualistic, society, we will have no choice but to continue to use the State to protect us from harm. He believes turning over power to professionals is costing us our freedom and others, like McKnight (1995), have argued the same. However, the move towards deprofessionalizing justice must be tempered with a caution surrounding the varying levels of community capacity. As Crawford and Clear (2003) note, "not all communities share the same access to resources, nor can they feasibly restore victims or reintegrate offenders in the same ways or to the same extent" (221). How can we ensure that communities are healthy enough and possess the desire to take back some of this responsibility for justice?

Community responsibility also demands that we ask tough questions around the role of support people for offenders and victims. Without organic support present for those coming through various community justice processes, we create a demand for professionals to step back in and take on this role. How, then, is collective responsibility for support and reintegration fostered and encouraged? Perhaps the most critical issue this question raises is that of community capacity. Increasingly, advocates of restorative justice must answer the question, "restore to what?" (Sullivan & Tifft, 2001). These authors note that, although not without difficulty, it may be easier to imagine someone reintegrating into places where a strong sense of community and solid relationships exist. However, in places where violence and other social problems are often woven into the very fabric of those communities, peaceful resolution of conflict in a way that supports the needs of those involved becomes a more complicated challenge.

While the focus of restorative justice has typically been on responding in the aftermath of harm, of equal importance is the consideration of harm prevention. As Sullivan and Tifft (2001) assert,

> [w]e cannot emphasize enough... how important it is for us to take into account the social-structural conditions that exist within a community, in its families, schools, places of work and worship. These conditions are not incidental to the restorative justice project, as many have boldly asserted. They are primary determinants of how successful we will be in resolving interpersonal conflicts, healing harms, and preventing the kind of structural violence that is carried out by impersonal forces, institutional actions, and non-tangible "perpetrators" (94).

These authors urge restorative justice to think beyond simply responding but to take an active role in the prevention and transformation of social and structural arrangements that enable harm and conflict to exist in the first place. While, on a case by case basis, these larger social justice issues and underlying needs of those directly involved in harm should be addressed, the community can and must play a greater role in restorative initiatives that take place beyond a response to specific acts.

In the Prevention of Harm

Pranis (1998) argues that "a restorative response to crime is a community-building response" (1). This implies that the very act of developing a restorative grassroots initiative is one way to involve community. The role of the State is to continue to turn decision making back to the community to develop a restorative response that reflects the values of the community. This could be one method of linking the response to the proactive, community building component of a restorative justice paradigm. Retributive justice has focused on the social dimension of crime and has done so in a way that makes "community abstract and impersonal" (Zehr, 1990, 184). So how can restorative justice seek to address this in its redefinition of the role of community? The distinction between communities of care/interest and geographic communities may be helpful in discussing how and when they are involved. Pranis (1998) has noted that geographic communities are important for the prevention of crime when we pay attention to safety concerns,

and contributing factors like social cohesion. White (2002) says that at the heart of restorative justice is responding to harm, as well as "transforming communities and building progressive social alliances that might change the conditions under which offending takes place" (8).

Restorative justice practices are often introduced into the realm of contemporary criminal justice as an add-on, mostly in the name of cost-cutting measures and electoral and administrative considerations (White, 2002). As such, restorative justice is not always implemented or understood on a philosophical level within the system. It is the marginalization of restorative justice that has contributed to an uneven application of such initiatives. Recent research from Australia, for instance, demonstrates that marginalized populations, such as indigenous youth, are not allowed equal access to restorative measures compared to other youth (White, 2002). These findings are ironic, because such initiatives were attempts to provide more culturally appropriate responses for Maori youth who were overrepresented in the criminal justice system. These situations create unrest amongst many restorative justice advocates who already oppose over reliance on, or close affiliation with, the contemporary system. The real fear of a co-optation of the philosophy and the perpetuation of social injustices through criminal justice calls for *careful* steps forward.

Restorative justice goes beyond responding to harm and must include approaches that "emphasize social empowerment and community development objectives" (White 2002, 8). Sullivan and Tifft (2001) point to experiences with human rights violations to support the argument that employing only individualized responses in specific situations is not sufficient for healing. In order to do justice differently, equal attention must be paid to collaborating with groups dedicated to social justice issues, as well as engaging in continuous, meaningful, community dialogue around values and needs. Currently, restorative initiatives that capture the spirit of social justice take the form of peacemaking programs in schools, coalitions of

community members and prisoners, holistic mental health projects, therapeutic communities related to addiction, and circles of support.

Healing as Prevention

So how, then, can those not directly impacted by harm *experience* justice in their communities? Restorative justice encourages shared responsibility for those in our community who are hurting. Social justice encourages us to take action to right the wrongs regarding the distribution of power and wealth and retributive justice seeks to deal with crimes and legal wrongs. However, Zehr (1990) argues that a holistic approach, similar to biblical justice which seeks to deal with "injustice of any kind" (137), is required. This includes attempting to attend to issues of poverty, trauma, addiction, abuse and neglect, health and mental wellness. Justice, then, must be concerned with healing and supporting those who experience harm of any kind, not only those who have been defined as lawbreakers.

Sullivan and Tifft (2001) have noted that restorative principles "derive from a needs-based economy; that is, an economy that seeks to take into account the needs of all persons in any given social situation" (96). This is compared to the current rights and desert-based economy currently existing in most Western countries. This type of economy is predicated on the hierarchical notion that people should receive privilege, benefits, and burdens according to what they contribute. Comparatively, restorative justice promotes interactions that place a great deal of importance on inclusive participation and individual needs, such that well-being is promoted for everyone. There are stark differences between these two approaches and these divergences hold significant implications for how people experience healing and a sense of justice.

The discussion has almost brought us full circle to restorative justice as a paradigm and a way of viewing the world. A closer examination of the values and how the concept of

community can be operationalized has led to the conclusion that the focus of justice must move away from the individual and towards a more holistic approach to harm. Justice responses must seek to address social inequality in a way that includes victims and offenders and works to build communities of care around them. More broadly, communities are also encouraged to take a stronger role in prevention, which could lead to a greater amount of care and informal social control. Although it may be possible to dichotomize the community's role in responding to harm and the prevention of harm, Pranis (1998) links the two almost inextricably. The development of social capital through the community support of agreements resulting from restorative processes links directly to relationships and informal social control.

Restorative justice faces many obstructions towards being a more widely embraced response to harm. Marginalized restorative initiatives with strong ties to the retributive system undermine restorative justice as a paradigm. Proponents of these values must speak out against the growing misconceptions of restorative justice as another patch to the broken retributive system which could widen the net of State control and oppression. Justice professionals remain the gatekeepers for many restorative responses and this has created a growing inequity in those who are able to have access. Again, restorative justice is not an alternative way to punish, but a response based on an entirely different set of values.

Although community involvement is critical to a restorative approach, individuals at the grassroots level cannot do it alone. Support and empowerment is required from professionals who are, in increasing numbers, frustrated with the current system and welcoming alternative approaches. However, even criminal justice professionals dedicated to restorative justice are held back by the inherent risk involved in doing something differently. Recognizing this hurdle, Stuart (2003) recommends the undertaking of both shared responsibility for this risk and people coming together in dialogue around issues of restorative justice. Collaboration between communities,

justice professionals, helping agencies, and government is vital in shifting the paradigm from the retributive to the restorative.

The need for citizens to become more meaningfully involved in responding and preventing harm is clear from a restorative justice perspective. However, criticism abounds in relation to the community's willingness to take on these responsibilities. Mika and Zehr (2003) make the call for critical and self-reflective restorative justice advocates to answer questions that "beg for fundamental rethinking and reordering of justice priorities amongst at least the themes of values and philosophy, risks, the state justice context, social justice, ownership and the *vision of community*" (150). How can we be sure that a healing approach is desired and supported within a community? And if it is, how can we know that the community is willing to take responsibility for helping to heal these harms and address the conditions that create conflict? What are the broader implications of greater community participation? With the unclear and oft romanticized vision of community, how can we be sure this concept will resonate for people? The research for this thesis attempts to shed light on these questions while providing an experience of community and restorative justice for the citizens of one Canadian city.

CHAPTER IV – METHODS

Restorative justice is a paradigm based on values which include respect, peace, love, interconnectedness, inclusion, restoration, and healing (Zehr, 1990). As a lens through which to view the world, restorative justice is not only applicable to responses to crime but can also form a base from which to create and guide methods used to explore and gather information about the world around us. What may be called a "restorative approach" to research mirrors much of what can be considered qualitative research in the social sciences. These approaches to doing social research are grounded in values and seek to humanize the process of gathering knowledge to deepen understanding, provide opportunities for connection, and pursue social change.

A restorative approach to research has its basis in the values of critical self-awareness and reflexivity, empowerment, transformation, interconnection, and the ethic of care. The proceeding values which will be discussed were considered in designing a process that created an opportunity for participants to explore the notion of community. The circle was chosen as a process that would provide a unique, safe, and respectful way to begin dialogue about the topic of community and justice. During participation in this process, participants were asked to share their perspectives about responses to crime and conflict, the role of community, and their experience of community. Utilizing the circle process as a forum to conduct research was intended to allow all participants (including the researcher) to come to a deeper understanding of community and provide an experience of learning from one another and connecting in a different way.

In addition to exploring of the notion of community, this project considered whether or not the circle process, while often useful in restorative justice approaches, transcends the focus group as a way of conducting critical, ethical research. There is little doubt that this process, when done in a way that upholds values and principles, can be restorative in nature. However, whether or not the circle process has validity and is a process that is transforming for both the researcher and the participants had yet to be explored.

The values of respect, love, and, interconnection combined with the prevalence of human encounter and dialogue permeate both the theory and the practice of restorative justice. This paradigm has also been called "participatory" or "transformative" justice which speaks to the restorative practices that seek to include victims, offenders, and communities and transform the experience of harm towards the healing of all those impacted. These inclusive and empowering processes can be transformative for people and relationships as they can provide answers to questions and opportunities to tell stories. Through this exchange, greater understanding and empathy for those involved can be achieved. It is for these reasons that such a meaningful overlap between restorative justice and social research exists, especially research which is done "from the margins."

A Restorative Approach to Research

The following discussion seeks to illuminate the shared values between 'feminist' and critical epistemologies and restorative justice. Research approaches based on these shared values can be restorative in nature while seeking to challenge the *status quo*, give voice, and bring about social change. These shared values include critical self-awareness and reflexivity, empowerment, transformation, and interconnection. It is with these values in mind that this project was designed and conducted.

Critical Self-Awareness and Reflexivity

Kirby and McKenna (1989) have argued that "[d]oing research is a human activity" (25). It is through this human process that possible knowledge and experiences are unearthed and brought to life. Research can involve interfaces between humans, and these interactions inform and transform both the researcher and the participants; to deny this is to deny being human. Acknowledging and seeking to honour the humanness of both the participants and the researcher are cornerstones to qualitative approaches. Kirby and McKenna (1989) have viewed research as being guided by being honourable, listening to our instincts, and being authentic (31). This process begins with exercises in self-awareness and revealing our own biases and what we bring to the research. Some researchers have considered the emergence of bias to be at the heart of hermeneutic transformation. Biases and prejudgments reflect our experiences and can be utilized as an opportunity for learning about ourselves and others. These biases can be thought of as "guidelines of how and what we take in, and how we make meaning of that input" (Nakkula & Ravitch, 1998, 89).

Fonow and Cook (1991) define reflexivity as "the tendency of feminists to reflect upon, examine critically, and explore analytically the nature of the research process" (3). This examination includes the research setting and the participants as well as the researchers' reactions to the project. It is an on-going process that demands careful attention to detail and a critical eye for examining power, gender, and other constructs. It is through this process that learning and even transformation can occur. Oleson (2000) has argued that "if researchers are sufficiently reflexive about their projects, they can evoke these resources to guide the gathering, creation, and interpretation of data as well as their own behaviour" (229). Restorative justice also calls us to examine what we bring with us into processes. Whether it is biases or limitations in our own skill set, an ethical practitioner will exercise transparency and awareness around these issues to minimize the risk of further harm to participants.

Transformation

The transformative process of research and restorative justice processes can be equally powerful. Kirby and McKenna (1989) have said that "research is like embarking on a voyage of discovery" (43). These are voyages that can, either by design or serendipitously, transform individuals or relationships that lead to social change. Ristock and Pennell (1996) have noted that "our research designs must also allow us to work towards social action" (63). Qualitative research which brings people together around an issue that is meaningful to them can ignite awareness and change through the process that can inspire action. These actions are forms of transformation in people and relationships similar to those that occur as a result of restorative encounters between victims and offenders. Raising awareness in ourselves, our participants, or in society is reflexivity in action.

Empowerment

Transformation can occur through research and restorative processes as a direct result of efforts that seek to balance power. Just as restorative processes seek to bring decision-making back into the hands of those directly impacted by a harm, empowerment research seeks to "enhance our ability to control our own lives" (Ristock & Pennell, 1996, 1). In much qualitative research the power is shifted from the hands of researchers and academics to reflect the words and experience of people, often on the margins or usually silenced. As Strauss and Corbin (1988) note,

> qualitative analysis involves a radically different way of thinking about data…[students] must learn to listen, letting the data speak for themselves… [and] learn to adopt a more flexible, less preplanned, and less controlled approach to research (59).

When it comes to the issue of power, the question is not "does it exist?" rather, "how will it impact on the research at hand?" Although it may be difficult to fully understand how these biases and power differentials affect participants, a constant, critical analysis is imperative to

restorative research. Pilot studies, consultation with participants, and airing "personal baggage" are helpful ways of starting to address hidden issues of power.

Interconnection

One of the values that restorative justice espouses is interconnectedness. The ancient notion that the world is comprised of a vast array of relationships that are dependent upon one another for survival is pivotal to thinking about dealing with human beings. To see this complexity and be wary of any intervention and how it will impact on these relationships is critical in both justice and research. Interconnectedness or the lack thereof can also be thought of as the *objectivity* of doing research. This distancing of the researcher is often a point of contention between what has traditionally been labeled qualitative versus quantitative approaches to research. Some researchers believe that it is impossible to be absolutely objective and that the researcher's lens will always be coloured by social location and reasons far beyond what can be known. As Harding (in Oleson, 2000) notes, "strong objectivity requisitions that we investigate the relation between subject and object rather than deny the existence of, or seek unilateral control over, this relation" (30).

Strauss and Corbin (1996) have written about "the constant interplay between the researcher and the research act" (42). They note that both objectivity and sensitivity are keys to qualitative research. Objectivity, they argue, "...does not mean controlling the variables. Rather it means openness, a willingness to listen and to 'give voice' to respondents..." (43). Ongoing, critical, and demanding reassessment of the relationship between the participants and the researcher is crucial to ensure integrity of the approach. Similarly, participant involvement in reviewing any interpretation of the data can contribute to a more rich appreciation of the results.

Interconnection, empowerment, transformation, and critical self-awareness are only some of the shared values of ethical research and restorative justice. Intertwined with those are the values of inclusion and respect of participants. The paradigm of restorative justice can be a lens through which we view research and is complemented by much of the theory and the methodology of critical, feminist researchers. Before outlining the unique method used for this project, the topic of ethic of care will be discussed as it lies at the heart of the circle process as a way of gathering knowledge.

Ethic of Care

Research involves making choices. Strauss and Corbin (1996) emphasize that "choices and decisions abound and are different for various aspects of the overall research process" (30). These decisions are based on many variables but perhaps the paramount consideration to embark on an ethical, restorative research process is that of 'do no harm' or, in many cases, "do no *further* harm." All human actions and processes involve taking a risk and can produce both positive and negative unintended consequences. Even well- meaning research can unintentionally cause harm to participants in the process of gathering data or as a result of analyzing and publishing the results. We can seek to minimize risk for ourselves and our participants, however, we cannot foretell the future.

The commitment to the welfare of research subjects is identified as a product of many feminist scholars (Fonow & Cook, 1991). The component of critical reflexivity is unique to qualitative research. Restorative justice seeks to heal what has been broken and restore relationships (Zehr, 1990). With this aim, it is clear that care must be taken in dealing with people who have been harmed and who have created harm. The standard of "do no further harm" is held as the catalyst for approaching sensitive situations and is can be referred to as "emotional and physical safety." When bringing people together in a face-to-face encounter, principled

restorative practitioners will have done the appropriate level of preparation so as to minimize the risk of that safety being jeopardized (Sharpe, 2003). This degree of preparation and care should be upheld throughout the research process. Although it "is nearly impossible to prepare ahead of time for every possible contingency that might arise during the research process" (Strauss & Corbin, 1996, 30), an ethical approach must do whatever is necessary to minimize that risk during preparation and provide contingency plans if a threat arises.

The Circle Process as a Restorative Research Method

In addition to answering questions about the role of community, the goal of this thesis research was to create a setting for people to learn from one another whereby they could take the experience away to enhance their daily lives. In qualitative research and restorative justice, the *process* is just as important as the *outcome*. The method that was introduced aimed to provide an *experience* for participants while simultaneously ensuring a record of what transpired to form the basis from which to explore the topic of community.

In deciding the method, it should be noted that "a researcher's own preference, familiarity, and ease with a research mode inevitably will influence choices" (Strauss & Corbin, 1996, 33). My role as a practitioner in the restorative justice field influenced my decision to explore the circle process as a method of doing research. The circle has proven to be a place where people with diverse interests are able to come together and speak from their hearts about things that are important to them. The circle can also provide a space to have difficult conversations. Others outside of the realm of restorative justice have also discussed the importance of safe and respectful places for dialogue.

The Importance of Dialogue

The concept of dialogue and communication permeates the political, social, psychological, and economic realms of human interaction. From the intimates of marriage to the United Nations, dialogue and conversation form the foundations of bringing about change, understanding and peace. For example, dialogue played an important part in reversing the nuclear arms race and ending the Cold War (Yankelovich, 1999). When Mikhail Gorbachev, former president of the Soviet Union, was asked what the turning point in the Cold War had been, he said that it was the first time he entered into dialogue with Ronald Reagan. This dialogue "extended far beyond their main agenda (arms control) to cover values, assumptions and aspiration for their two nations" (1). It created enough trust and understanding to end the nuclear arms race.

In his book dedicated to what he calls the *Magic of Dialogue*, Yankelovich (1999) has stated that:

> every day countless dialogues – formal and informal, brief and prolonged, between strangers and between people intimate with each other – take place in a variety of settings and circumstances. Many, perhaps most, fail. But those that succeed transform people's relationships to one another, sometimes in ways that seem almost magical (12).

Beyond the transformation that occurs when people really hear each other in dialogue, Yankelovich may be challenged to consider the transformation and shifts that are possible in dialogue that may *not* have been resolved. These difficult and painful conversations scar our memories and create learning in profound ways. It is these 'failed dialogues' that need a new medium within which to occur. At the heart of restorative justice lies the opportunity for people to come together to have difficult conversations in pursuit of healing, restoration, and transformation. Arguably, one of the ways that safe, respectful, and useful dialogue can be initiated is through the use of a circle process.

Community dialogue, however, is not simply a conversation held in public. Yankelovich (1999) posits that dialogue is different than conversation in that each person seeks to engage and really hear the perspective of another. Although the result may not be agreement, the result can be a bond forged between people, relating to each other and operating from a place of empathy. It is a "process of successful relationship building" (15). Yankelovich believes that there are strategies of dialogue which emphasize the values of equality, lack of coercion (voluntariness), listening with empathy and without judgment, and voicing assumptions. Similarly, public dialogue encourages communication which involves listening as much as speaking, working collaboratively, attending to difference, promoting teaching and learning and working towards transformation and change (Spano, 2001). Dialogue in this sense reflects the values of restorative justice and can be a restorative process in itself. As Spano (2001) notes, dialogue is,

> a highly specialized form of interpersonal communication, one that involves a personal or "private" relationship among the participants. The expectation here is that people in dialogue converse about matters that are unique to their own circumstances, experiences, and histories. They are more interested in achieving mutual understanding than they are in making a good impression, gaining tactical advantage, or advocating a particular course of action (28).

These dialogues, when brought into the public sphere, allow an alternative way to participate in decision making or provide input compared to the "more conventional top-down method of decision making" (29). The Public Conversations Project (2002) that was created after the terror of September 11, 2001, suggests that good dialogue provides the opportunity to:

- listen and be listened to so that all speakers can be heard;
- speak and be spoken to in a respectful manner;
- develop or deepen mutual understanding; and
- learn about the perspectives of others and reflect on one's own views (4).

The Cupertino Community Project in California is an interesting example of an initiative that, drawing heavily on what was learned through the Public Conversations Project, attempted to arrange dialogue between citizens and city officials in on-going conversations about their city. The aim of this project was to better serve the community through collaborative decision-making

processes. This involved the development of different ways of speaking together that did not

involve confrontation but "foster[ed] a form of communication called public dialogue" to build

trust and establish equitable relationships through listening respectfully (Spano, 2001, 81). This

project lasted three years and began by preparing both groups through listening first to

community concerns and holding focus group interviews for direction, vision, and community

values. The Project then worked separately with city leaders before bringing the groups together

and eventually engaging in the public dialogue sessions. The Project is a prime example of a

community dialogue initiative that built bridges between community members and government,

provided mutual learning and understanding, and promoted both long-term relationships and

direct democracy through collaborative decision making.

In the Cupertino Project, special attention was paid to who would be engaged in these

community dialogues. Although it was admittedly difficult to engage the "nonactive,

disenfranchised residents" due to a lack of time and resources, every effort was made, given these

constraints, to "recruit a broad and diverse group of participants" (Spano, 2001, 265). When it

comes to restorative justice, a balance must be struck between engaging criminal justice

professionals, service providers, and citizens not directly impacted by crime. Pranis (1998) says

that "the process of searching for answers should involve dialogue with all who have an interest

in the question" (1). If the question is with respect to the community's role in justice, we must

seek to ask the widest scope of people starting with the geographic community and moving out

from there.

While there are plenty of benefits to community dialogue, taking care to be inclusive and

respectful of many different groups is imperative. Restorative justice must be informed by a

choir of voices. Pranis (1998) has cautioned that along with seeking out natural allies, attention

must be paid to voices raised in protest. It is for these reasons that the process of community

dialogue must be carried out with the ethic of care in mind. Bringing people together, especially those who possess differing opinions, always involves risk. Proceeding with careful preparation, clarifying process and expectations, and employing a safe, capable facilitator can minimize risk and bring to bear the richest amount of learning and meaningful engagement.

Community dialogue goes beyond simple conversation to a process that holds the values of safety, empathy, and listening at its core. There has been much written about the process of engaging in dialogue that captures these values, although the format will look different depending on the topic, the participants, and the purpose. The values espoused in these ways of engaging in dialogue are mirrored by the circle process that is often associated with indigenous cultures and restorative justice. The circle may be used as a starting point for dialogue to take place.

Dialogue Can Begin in Circle

Before meaningful dialogue can take place, a circle process can be used to create the safety and the connections necessary to pursue conversations. Baldwin (1998) states that "[i]n ancestral times, the circle flourished as the primary structure in richly diverse pockets of human community" (6). Through archaeological discovery, the circle has been evinced across indigenous cultures around the globe. The circle is based on four fundamental premises about human beings;

1. Every human being wants to be connected to others in a good way,
2. Everybody shares core values that indicate what connecting in a good way means,
3. Being connected in a good way and acting from our values is not always easy to do, especially when conflicts arise and,
4. Given a safe space, we can rediscover our core values, and that as we do, we also uncover our deep seated desire to be positively connected (Pranis, et. al, 2004, 9).

While Pranis, Stuart and Wedge (2004) talk about circles primarily in their work on responding to harm, Baldwin (1998) speaks about the circle as an opportunity for empowerment and connection

in situations that do not necessarily involve conflict. She has indicated that circles can be a social movement and create transformation between people and relationships.

The circle process, similar to dialogue, is guided by values. The cornerstone of all circles is *respect* which Pranis and her colleagues (2004) define as "honouring ourselves by acting in accord with our values, honouring others by recognizing their right to be different, and treating others with dignity" (35). Equally important are the values of trust, humility (listening in an open, non-judgmental way), sharing (opening ourselves to others), inclusion (inviting everyone with a shared interest), empathy and love that creates connection on a human level and builds relationships.

Although circles may change in appearance depending on the needs of the group, a common theme is the format of people sitting in a circle, the presence of a *keeper*, and a *talking piece*. A circle is much more than a meeting with chairs arranged in a particular way although its shape is essential to give "time to notice who's here, greet each other, say names, and get comfortable with energetics" (Baldwin, 1998, 104). The circle provides a forum for people to come together in order to hear one another and be heard. It is "a way of doing things differently than we have become accustomed to" while simultaneously assisting participants to "return to our original form of community as well as a leap forward to create a new form of community" (Baldwin, 1998, 26). The circle promotes empathy and connection between people through sharing and non-hierarchal arrangement.

The role of the circle keeper is to model the values of the circle and to "help participants uphold its integrity" (Pranis, 2004, 81) rather than to exert control. Keepers can be pivotal in supporting the group to collaboratively construct guidelines or 'ways of being together' that will uphold the safety and values of the circle. Keepers may also introduce the notion of using

ceremony or ritual in helping people get centered and move into the circle. These rituals can take the form of whatever is meaningful for the group and sets the stage for the dialogue to come. "A talking piece is a designated object that is passed hand to hand and grants the holder of the piece the chance to speak without interruption. One person at a time has the floor while other members listen attentively" (Baldwin, 1998, 67). The talking piece can be an item that holds significance for the group and is not confined to a feather or stone as is used in many indigenous traditions.

When we look to values to design a circle process there will be no template. Although there are common components such as a talking piece, each circle will look different depending on the needs of the group. There are also qualities of a circle process that just cannot be articulated. The transformative experiences many participants have can be difficult to measure or evaluate. Flexibility is crucial to designing a process to tailor the approach as one that makes the most sense to the group. Learning from what has been accomplished through public dialogue processes like the Public Conversations and Cupertino Projects, along with a chance for each person to speak, the opportunity for safe and respectful *dialogue* is important. Therefore, the circles for community dialogue may begin with the concentric passage of a talking piece, providing space for facilitated or open dialogue, and end with the ritual, closing round for people to reflect on the process they have just engaged in.

The Circle As a Research Method

As Kirby and McKenna (1989) remind us:

If you can increase the understanding of an issue or a circumstance, illuminate one experience, portray one person's story in a new light, you will have helped others to understand the social world a little better. *This* is what research is all about (96).

If the goal of research is to give voice to people to share their experiences and inform knowledge, a place where people can speak from the heart such as the circle seems an appropriate forum for

these contributions to take place. It was hoped that the process would not only allow this to occur, but to create the opportunity for participants to feel connected in a meaningful way, mentally, emotionally, and spiritually. Fonow and Cook (1991) argue that higher quality information is gathered at this level and that it also demonstrates the potential of the transformative or therapeutic value of research. While therapeutic outcomes were not the intended consequence of this thesis research, it was hoped that the thoughts and ideas gathered through the process would be of higher quality than those obtained from a survey, focus group, or individual interviews.

The Role of the Researcher

The role of the researcher in this project was as a participant, a learner. The circle process is non-hierarchical and embodies the value of sharing to open "ourselves to others... allowing our relationships with them to develop as they will" (Pranis, et. al., 2003, 37). In order for this to occur, a shift in power is required such that there is no leader. Acting as a circle keeper for this process did not involve seeking to control but, rather, to guide the process to ensure the integrity of the circle. I was a participant, observer, and a circle keeper helping to ensure emotional safety of the group. This was achieved by "setting the stage" at the inception of the circle by welcoming the participants, talking about the purpose of the circle, sharing information about the research, and introducing guidelines around confidentiality and voluntariness (by introducing the option of passing). As Kirby and McKenna (1989) note, "[s]afe communication is essential to good research" (100). Similar to their cautions around interviewing, researchers should be transparent about "why the research is being done and how it is being conducted" (68).

Transcending the Focus Group

Similar to a focus group, the circle would bring together a group of people to discuss their thoughts around a particular issue. Research gathered in this way has unique advantages,

especially when applied from within the paradigm of restorative justice that places so much value on the human encounter. Tailoring the circle to embody the values of a restorative process allows for the researcher to learn more about how these encounters are helpful to building understanding about substantive issues. Palys (2002) quotes Bulmer in his advocacy of focus group as a research tool, "...a small number of such individuals brought together as a discussion and resource group is more valuable many times over than any representative sample" (162).

A disadvantage to focus groups is the reality that some people are less comfortable speaking in public than others (Palys, 2002). Related to this is the problem of social dynamics in which people may be hesitant to speak their mind (especially if their views may be perceived as less mainstream or controversial) for fear of reprisal from others in the group.

The disadvantages of focus groups informed and provided motivation for the use of the circle process in this project. Although the circle shares some of the qualities of the focus group, it is also representative of the principles of restorative justice. Instead of a free flowing dialogue between participants directed by the researcher, the circle would contain elements of a more equal format of sharing thoughts and ideas. The use of a talking piece provided each participant with an opportunity to speak, if they chose, to the topic at hand. This is not a time for dialogue, rather, a time for the speaker to be listened to respectfully by the others gathered in the circle.

Who Was Invited to the Circles?

In order to provide a cross section of perspectives, the groups targeted reflected a diversity of ages, occupations, and perspectives inside and outside the realm of criminal justice. Six circles were held to explore the topic of the role of community in justice issues. Two circles were composed of local restorative justice advocates and practitioners. These people were

involved through both personal invitation and a broadcast email. The four community circles included students from an alternative school (ranging in age from 14 to 20), volunteers from a restorative justice program, community policing volunteers and an officer, and members of a committee of City Council known as the Family Court and Youth Justice Committee (FCYJC). One interview was conducted with a staff member of a well-known and long-standing restorative justice initiative as he was unable to attend the practitioners' circle. A total of 35 people of mixed gender and age spoke to the topics posed in the research.

Asking the Questions

The questions asked of circle participants follow Strauss and Corbin's (1996) suggestions about asking qualitative research questions. They note that the questions should be statements which identify "the phenomenon to be studied" and also "tell the reader what the researcher specifically wants to know about this subject" (41).

The first question aimed to draw out what would be important to participants when imagining a satisfying response to crime and conflict. In addition, participants were asked to think about the different needs that may arise for victims, offenders, and the community. The second question posed was in relation to the role of community in responding to crime and what role it might play. The final question asked participants to reflect on a time they felt connected to community and what made it feel that way.

The responses to the three rounds of questions were recorded and transcribed. The written responses were emailed to participants for validation and they were asked to respond to the following questions:

1) How did you experience the circle process?

2) Do you feel this is an effective way to gather information for the purposes of research?

The follow up email was an exercise in reflexivity. The circle was a starting point that could evolve based on the needs and reflections of the participants. It was an experiment conducted in a particular context, at a particular time so it was important to ask participants how they experienced the circle and whether or not it had provided an opportunity for gaining knowledge or experience they had not previously had. The following Chapter provides a description of what was shared during and after the circles. Everything possible was done to avoid exploiting or distorting the voices of the people who were generous enough to participate in the process.

CHAPTER V – SHARING IN CIRCLE

What Was Shared?

Round One - What Do You Imagine To Be A Satisfying Approach To Crime and Conflict?

As Stuart (2002) has noted, citizens seem to lack a vision of justice beyond what currently exists with the retributive approach. The pursuit of 'justice' through law enforcement, adversarial court processes and punishment (through incarceration or more community based punitive sanctions) appears to be the approach accepted by the dominant North American culture. The debate does not revolve around whether or not to punish those who violate the rules, but rather how much. Van Ness and Strong (2002) have noted that any attempts to change the current system have been unsuccessful because they have failed to question the values this approach is predicated upon. In order to explore restorative justice as a philosophy that would satisfy Canadian citizens, values must be gauged in a way that provides the opportunity for people to think beyond what currently exists as a criminal justice response.

The question posed in the opening round of the circle process invited participants to think beyond contemporary criminal justice responses and tap into what they would imagine to be most satisfying for those stakeholders most affected by crime and conflict: those who cause harm; those harmed; and the broader community. Initially, the topic was phrased utilizing the labels "victim," "offender," and "community" until there was strong feedback about the limits, and loaded nature, of these words by one of the participants. From this circle onward, both the labels and more descriptive phrases (i.e., person who has been harmed) were used when the question was posed.

One of the most pertinent results that emerged from participants' responses to this question was the expression of a struggle with the notion of a "satisfying" response. While participants had no trouble expressing what they found to be dissatisfying, particularly in reference to the current criminal justice system, finding ways to envision and then express what would be satisfying in the aftermath of crime seemed difficult.

For many of the youth participants, prison was an acceptable response only for the most serious of crimes like murder and rape. Overall, they believed the system should be more flexible and creative in dealing with crime, especially those acts committed by young people. The youth mentioned the importance of considering many factors when responding to crime such as life situations, age and the degree to which the youth took responsibility for their actions and showed a desire to change.

A 20 year old student expressed exasperation with the current punitive response:

> As for going to jail... you get so many criminals, where else are you supposed to put them, right? You get all the criminals together in one building, they are going to learn from one another for sure! But like what else do you do with them? You give them some community hours and they go out and do the hours and they are back in society assaulting or raping or whatever they did. You get them together and they do learn from each other, but if you put somebody in a box for a couple months that is definitely going to get them thinking and they are not going to want to go back there because it is not a pleasant place. I have never been in jail and I don't ever want to go to jail and that fear keeps people out of jail in my opinion.

The youth believed that the current system is unable to deal with the underlying causes and factors that contributed to criminal behaviour. Also, they noted the time consuming nature of the system and indicated that too often the impact is lost because the response does not occur until a great deal of time – often several months – has passed. They indicated that the system was reactive and unable to deal effectively with youth going through a difficult time. As one 15 year

old student said, "…police often just want to arrest somebody. They don't want to solve the problem. They just want to point the finger at somebody and arrest them… that is, like, their immediate solution." One 18 year old student reflected on his own encounter with the system:

I believe the system can work sometimes but most of the time it fails to. I have been arrested on many occasions and charged and I have been through court and all it has really taught me is to stay away from police. I really didn't learn anything from it except to really not like the police and not like going through court so basically I smartened up on my own just 'cause I was sick of dealing with them.

Many of the youth spoke of how they were targeted by law enforcement and citizens in their community. They often felt they were judged and treated negatively based on their appearance and age. One 14 year old female student summarized many of the frustrations expressed by the youth in the circle with regards to the current response to crime in their community, as well as the experience of being targeted:

It is because people today, the cops, are there for people who are well respected. They are there to protect people who are old fashioned. If you do something wrong or you come from a poor family, you are worthless. I think everything starts with your childhood. People who are 30 or 20 just didn't become a criminal then. So right now, the age we are, is when we start to become things: a drug addict, a murderer, a thief. So when children are doing this they are doing it for a reason: home, school, people who they hang out with at school. Kids will do stupid shit, we will do that. Old people are the worst. They will see a bunch of kids on the street just talking and they will call the cops. They don't care. We are not their kids. They don't understand us. We could get hit by a car and they would be like, "Oh well, they're gone."

She also offered her thoughts on a more appropriate approach with respect to a person who has caused harm:

I think if you are youth and you do something wrong, you shouldn't go to jail. That is the last place you should fucking go to. You should… if there is a problem, take the kid out of the problem. Show the kid that there are more things out there. Not just by sitting them down and talking with a counsellor… "Oh, tell me your problems and things will be OK in the end." You seriously have to take the kid… you can't talk to them and make them feel better and put them back into the same situation. It won't work.

Many of the adults mirrored these frustrations with the current criminal justice system. There was irritation expressed over trying to imagine the radical changes that would have to occur for

anything satisfying to come from the current system. As one police officer indicated, "I think it is great for us to look at where we could be and what we have to do but I think that the change would have to be enormous to even move toward that direction."

Some expressed anger over the power that professionals such as lawyers and police hold and the difficulties a layperson has in accessing justice because of confusing language, rules and procedures. Others spoke about the lack of humanness on the part of those who work within the system and the impact this has on those citizens who attempt to negotiate what seems to be a mechanical enterprise that treats everyone the same.

The inability of the system to deal with diverse cultures was mentioned as a source of frustration. As one long time community advocate noted,

> It [the current criminal justice system] does not take into consideration the concerns of non-English speaking communities. Our process is very Anglo-based. Issues of cultural communities remain within their respective cultural communities. Police are challenged in providing support and safety to minority communities. The broader community has very little access to the communities within communities. So in an urban centre what happens is that there is more complexity, more layers, more divisions and therefore less opportunity and understanding to develop the community that can embrace both the victim and the offender. It is more challenging to restore the sense of injustice and pain the victim may have experienced and the understanding of an offender's actions and its impact on not just the victim but others in society. Unfortunately, sometimes our systems that are meant to support and assist both the victim and the offender are alienating individuals in a way that makes it difficult for them to participate in a restorative process. I feel this is learned behaviour and it is reflected in our day to day response to one another.

Themes that emerged from respondents of all ages had to do with the sense that access to meaningful ways of dealing with crime simply does not exist. Participants spoke at length about the over reliance on a third party to deliver "justice." Some respondents felt that the use of professionals in responding to crime had, in effect, deteriorated the individual and community capacity to respond to issues of conflict.

It was interesting to note that dissatisfaction with the current criminal justice system provided the fuel that energized many current restorative justice practitioners and advocates. As one participant who identified herself as a "recovering lawyer" noted, "it is not a justice system. I call it a legal system. It is not a justice system."

A Satisfying Response For Those Who Cause Harm Means...

For those who were able to articulate what they would have viewed as a satisfactory response, the majority of people who answered this question spoke only about the response to the offender. These responses occurred although the question was verbally posed and written on a flip chart with the other stakeholders of "community" and "victim" clearly presented.

One of the key themes that emerged for people discussing a satisfying response for offenders was that the offender should be learning from the incident. This learning could be achieved in various ways, according to participants. One community participant noted,

> ...what I have seen is that the longer lasting effects on satisfaction [for everyone involved] comes from having the perpetrator or anyone else that does harm be able to understand the kind of harm they caused and be able to be empathetic to it so that it is no longer a faceless thing but an understanding of what their role is in that offence.

Some participants mentioned the importance of the person responsible for the harm offering an apology and indicating a willingness to provide compensation or restitution to those impacted by their behaviour. Equally important would be to provide the offender with the opportunity to right the wrong and give back in a way that is meaningful for those involved.

Many of the youth participants recognized that part of a satisfying approach for offenders, especially youthful offenders, was the need to attend to some of the underlying issues that create harmful behaviour and then provide options for addressing those and for making different choices. Although the support for initiatives like these was unanimous, the participants

all mentioned the importance of the individual taking responsibility and choosing to accept the

help being offered. One student noted,

> ...people... if they want help, they can only help themselves but some teenagers and stuff are really naïve and some of them are really immature and they don't see... most of them don't see they have a problem. Like, I have a lot of friends who are heavy into drugs, like heavily, and they don't see it as a problem but it really is a problem. And sometimes you have to be told what to do or put in a program because you could end up killing yourself or something and you're not even realizing you are doing it.

Another 15 year old student observed:

> I think that actually would be a good program if they were to send somebody up North or something where they could experience something where there was no drugs, no crime or whatever and where they have to go and live like we did in the past. Where they have to learn true values and have to keep them going... you have to work to live and shit like that for awhile. Rather than locking somebody up and treating them like an animal like that is where your food goes, that is where you use the washroom, and it is all in the same, like four by four pen, right? That is what an animal does. In my opinion that is like a cage. Don't treat them like an animal, you want to treat them like a human and get them rehabilitated or to a normal person's state. And when people get sent to prison there should be a lot of psychological testing to see if there is some reason that they did what they did or if there is some sort of mental help they could offer them or medication or something like that where there is some sort of means to an end, rather than just sending them through the same cycle of anger and pent up aggression sort of thing. There has to be some sort of exit out of that rather than sending them back into the same cycle.

One 14 year old student passionately stated that:

> I would like to add that what you have to do to a kid is take them out. Give them options. Don't tell them what they have to do because if you get told what to do you are going to do the fucking opposite. You see the rappers on TV and they are all "Bling! Bling!" but a lot of musicians have degrees. They have been to school. They are not necessarily off the street, they are actually smart and they know. To make the kids see, like... well, my granny's friend took me out to dinner in a fancy restaurant just to show me that this is what I could have!

The adult participants also spoke to the importance of attending to the needs of offenders and

seeking to address underlying causes for the harmful behaviour. Also central to a satisfying

response was the movement of citizens taking greater responsibility for creating the conditions of

lawbreaking.

A Satisfying Response For Victims Means...

There were four clear patterns that emerged from those few respondents who spoke specifically about what would be a satisfying response for someone who had experienced harm (i.e., 'victim'). The most important theme that emerged was the need for victims to be heard and acknowledged. Many participants mentioned the word "validation" with respect to the emotions and harm that had been experienced. As a local restorative justice practitioner noted,

> From my perspective, when I think of a satisfying outcome (and I have actually been fortunate enough to be part of situations where we have actually had that happen for us) is where there has been a transformation of anger and hurt and confusion and all kinds of emotions on the part of the victim and people there that are supporting those folks... the parents or other people that also are impacted because you realize there are ripple effects... but the transformation of that to a kind of having felt acknowledged and heard and respected. In having that [impact] be meaningfully acknowledged by the person who was responsible for that with the support of other people there as well... at the end of the day that there is actually a sense of community that comes out of that even in the resolution process itself... that there is a sense of community and rebuilding.

Second, there was the need for a sense of safety and assurance that there would be no further harm to themselves or anyone else. Third, participants noted victims ought to be compensated for what has happened to them -- not simply financially but in other meaningful ways. Finally, participants noted that victims having an understanding of why the crime occurred and having the opportunity to have questions answered would be important for a satisfying response. A retired police officer noted that a satisfying response for victims was

> ... where the victim was part of that process and understood some of the difficulties that the offender was going through and sort of empathized with some of that and yet was part of the process in finding the right restitution and the right consequences so that in the end there seemed to be satisfaction on both sides.

A theme which wove through these responses with respect to these needs for victims was the idea that those who have been harmed should be afforded some role in the process. In addition, it is important for them to be provided with information about the outcomes of the response. This notion of inclusion at different points of the response was often compared to the lack of victim involvement in the current criminal justice system.

A flexible approach in which the victim can choose the extent of their involvement was advocated by some participants. This involvement must be safe and respectful for those impacted by harm, and not place them at greater risk. As one community volunteer noted,

> ... a safe space for them [someone who has been harmed] to process what has happened for them. It has been brought up [in this circle] before – flexibility. A non-judgmental place and to realize that for most people their thoughts, feelings and behaviours will change over time. To have flexibility in dealing with those people overall.

A Satisfying Response For the Community Means...

Some respondents did not differentiate between those impacted by a crime or conflict. They saw a satisfying response to be inclusive, empowering, safe, appropriate, communicative, understanding, and focused on healing and reconciliation for *all* involved. Again, the notion of having an approach that suits the specific needs of the individuals involved and includes them in the process was a dominant theme. As one youth said,

> The best way? There couldn't be just one way [to respond to crime and conflict] because everything is different. There can't be just one way like we have right now like you do something wrong, you get put in jail or whatever. Depending on what the situation is there should be different types of ways to work it out. You know what I mean?

Some participants offered anecdotal accounts of satisfying responses based on experiences in their countries of origin:

> Well I think I would like to draw on the experiences in a small town and try and apply them to the city. I had, hands-on, many experiences as a policeman in little towns where you tried to resolve most things locally without the intervention of the courts and the justice system beyond myself, as the policeman, because they weren't present... they weren't available. So you looked to find solutions (Retired police officer, Family Court and Youth Justice Committee member).

> I go back to where I came from - a small village in the Punjab to where I am now. In the village where there was a strong sense of community, where everybody knew everybody and it was very easy to look at both the victim and the offender as a family. The elders sat together just like this [in circle] and discussed the situation, gathered information shortly after the incident had occurred. There is an immediate response to the incident and an attempt to bring a sense of order and confidence among the community members. Anyone could approach this group and express their views on how they were impacted or what they thought about the issue (Family Court and Youth Justice Committee member).

> And I was brought up in a small village where all of the community – didn't matter who: the school teachers, the church leaders, the doctors, the policemen – they all worked together to make sure that there was no trouble. If there was trouble, they would handle it in a very discreet and fair way. And I am very satisfied if I see that justice is done and it is done fairly and I think that the word is 'fair.' That the knowledge about why and how the incident took place... and ending... that it all comes to an end and we can all get on with our lives again and we don't hold it against those people. As my father used to say, many times, "I have got a daughter. I don't condemn anybody because you can do the same thing" (Family Court and Youth Justice Committee member).

For those that spoke about a satisfying response for the community, there were two main themes that overlapped with the preceding discussion of victims and offenders: inclusion/participation and the sharing of information.

One community participant summarized the importance of community inclusion as follows:

> I like the idea of the community being involved with the incident after it occurs. I think that a community raises a child and sometimes offenders have difficulties that I think the community can assist them with. If the community is involved in this process I think that there is a bit of buy-in and we can try and find out what is wrong with the offenders and why there is so many kids that are in trouble. I think that going before the court system is a little impersonal so if the community and the victim and offender are all dealing together, I think that it is easier for the offenders to see the impact of what it is that they have done.

Inclusion was noted as very important, especially given that the people involved in a harm are connected to others and will need to reintegrate in the aftermath of the crime. The specific nature of exactly *who* should be included and *how* this participation might manifest itself varied. For some participants, including people in the process was only appropriate if they had a stake in the particular offense. In fact, many respondents questioned the utility of involving those not directly impacted by the harm in the response as they felt it increased the risk of shame and retribution towards the primary stakeholders (victim and offender).

Related to the notion of inclusion is the need for knowledge about justice responses to be disseminated to the community. This theme is captured by the following insight of a local restorative justice practitioner:

> I guess the other thing that comes up for me, because I think of the climate that we are in, is that there is some confidence that the community feels that justice has been done. My sense seems to be more and more that there is some dissatisfaction… on whether people in the community really feel that the responses that are currently happening are in fact addressing those concerns. So for me it would also be a sense that the community in fact felt that, yes, this seemed to make sense… that this was a good outcome.

In summary, whether it was the victim, offender or the wider community, participants valued inclusion and the promotion of understanding between parties as part of a satisfying response to crime and conflict. The second round of the circle sought to explore the role of community in justice responses more deeply.

Round Two - The Role of Community

The second round of the circle asked participants to share what they believed to be the role of community in responding to crime and conflict. The responses to this question often contained musings about the difficulty of defining community. Once past this obstacle, two very prominent themes emerged. Participants, sometimes within a single answer, suggested two roles for the community – in the *response* to harm and in the *prevention* of harm. Although prevention was not mentioned in the question, it was interesting to see how many participants mentioned this without being prompted.

Complexity of Community

As each person responded around the circle, the question often arose, "What exactly is community?" Participants noted that it was difficult to think about the role of community without having a clear characterization of the concept. They often articulated the struggle they had with defining community, as the term is ambiguous and has multiple understandings. Without a

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common definition, participants stumbled and pondered over what the concept meant to them. While the research decision to leave 'community' open to interpretation was a purposeful one, it led to a great many members in the circles reflecting on the complexities associated with the term.

The idea that there is not one but many different types of community permeated people's discussions. As one police officer noted, "I don't think I have defined community other than to recognize that there are tons of communities out there and community may be different from event to event." Similarly, a restorative justice volunteer posited, "from my perspective, before we go really deep into a discussion about community we must realize that, again, community is complex. Society is complex. There are many subcultures, many different groups and beliefs." Some participants noted the danger in overusing and simplifying this concept. For example, one former city councillor noted:

> I think it is a very complex issue to say 'community'… this is a very loaded word and has a lot of implications and it also has a lot of definitions and labels. We really use this word very, very loosely and it is misleading.

A community participant spoke about the fluid nature of community:

> But one of the things that strikes me is that we also have to recognize that we are a community that is made up of many different communities… we have to recognize that each community is going through its own evolution… its own deeper understanding of itself and that in itself means excluding the larger community.

Further reflections focused on questioning whether or not community was limited to geography. It was interesting to note that comments about the complexity of community were almost always followed by sentiments about the loss of a sense of community. In attempting to provide definitions, participants' responses ranged from the macro to the micro or personal.

Some participants experienced the nostalgia that the word "community" often invokes. For example, the following respondent expressed one vision of community and a sense of loss:

> When I think of community, I think of a small town in far ago times when we didn't have radio or TV, everybody knew everybody, everybody was interconnected... but now our world is getting so much bigger. [Today][T]here is TV, there are video games, the dynamics of the family have changed. There are a lot of single parent homes and I think that people are more disconnected. People are working hard, they are trying to make money just to afford to be able to live, there is a lot of kids that are really losing out on the human touch.

There were specific themes that emerged from respondents who had had some exposure to restorative justice. Those who had practical experience in the field struggled over the concept of community. The notion of operationalizing the concept in restorative processes (i.e., how community is represented) becomes a pragmatic issue of great importance. The definitions and methods of inclusion seem to differ drastically between individuals and agencies. For some practitioners, those people most directly impacted by an event comprise the community. For others, the community meant something much broader. Although the specific nature of community involvement in restorative practice will be discussed later in this Chapter, suffice it to say that reflections about how to define and include community should form the basis of in-depth discussions of praxis within the field. Further, the wide range of interpretations of 'community' within restorative justice provide one example of the tension between theory and practice that motivated the current research.

Community Role in Response

Four themes emerged with respect to the role of community in responding to crime and conflict. Participants identified the provision of *support* to those impacted by and responsible for crime as a very important role for the community. Second, many participants believed that community must take *responsibility for creating the conditions* in which crime and harm can occur and work towards rectifying these circumstances. Related to this, some participants felt

that it was up to the community to demand and support, both financially and philosophically, a more *healing* approach to crime and conflict. Lastly, some participants thought that community had the responsibility to *set norms and guidelines* around tolerable behaviour.

Although not asked directly, many participants identified the community's role in preventing harm from happening in the first place, or in the future. These preventative actions were often identified as equally, if not more, important than the role of community in the response. When analyzing responses in round two of the circles, the line between prevention and response became blurred. Participants tended to view this dual role of community as inextricably related. *Inclusion* of community in the response combined with the need to minimize further harm were major themes for participants when asked what they would imagine as a satisfying response to harm. The fact that many participants chose to discuss the community's role in utilizing the response as a way to prevent future harm is in line with the findings from the first round of the circle.

For many participants, members of the community (whether that is the family or non-family) should be in the role of supporting the people involved with the crime or conflict situation. Some participants spoke about the community having the 'responsibility' to perform this function for its citizens in the aftermath of harm. As one police officer stated,

> ...to me the community needs to be involved more than in it [the response to harm] taking place in the community. In a restorative or transformative process where there is a specific harm where you have specific people who have created the harm and specific people who directly experienced the harm, I think in any kind of process you have to have more than that. You have to have the community involved in that process... community members... for two reasons. The community is always harmed when there is harm in the community. As well, the community does have a responsibility to help fix the harm and to integrate the 'harmer' and to take care of the 'harmee'... it is really transforming the event into something that is beneficial for the whole community. It is one of the problems I have with direct victim-offender mediation... that it is only those two parties and [harm] occurs in a much bigger context and you have to have the people in that context to be involved in the response.

A restorative justice volunteer expanded on the notion of community support. She spoke to the values of encouragement, accompaniment, acknowledgment, and connection as important components of community support.

> When I have been involved in crime, I have seen victims and offenders both isolated. Providing those connections and supports that allow people to begin to re-enter, recover and heal from the experience should be the role of the community. Somehow the healing piece has to be about community because it does not work to have a justice system try to heal you. It is antithetical to my mind. They can do their best but they do not have the tools because the healing is somehow about connection and reconnecting and becoming a part of again. So if that is true, then I guess as community members, we must be willing to be a part of these kinds of processes. Whether that is circles of support around victims or offenders... whether that is just walking alongside individuals who have been impacted.

Some participants identified offender accountability as one of the benefits of community support. She also pinpointed some of the informal social control aspects often associated with an increase of community involvement,

> ...when I think of community and what its role has, it is a proactive thing. It is mentoring... it's if one neighbour sees the neighbour's kid getting into a little bit of trouble, maybe he goes up and has a chat with him. It is that connection and I think a lot of kids don't feel connected in their communities and that will also be the accountability issue too. They don't know who they are causing harm to and it is just, "I broke Joe Blow's car window, who cares!" But if he actually knew Joe Blow and was interacting with him, it would matter (Family Court Member).

Related to this notion of offenders being accountable to the community for the harm they caused, is the community's role in setting norms. As one member of the Family Court Committee summarized, "...we have got to remember that we as a community set the rules. We set up the ethics, we set up the justice, the morality, the values of society..."

A police officer concurred:

> I think we have to define a community of support. And in defining that also create the morals and ethical standards that are required to treat everybody with dignity and respect and fairness and justice and all of those things that we have been talking about.

Finally, one of the most interesting themes that arose in response to this question centred around the notion of community responsibility. Harm is a human phenomenon that stems largely from the way society, communities, and neighbourhoods are structured and organized. As such, it is the community's role to recognize its part in creating the harm and to take action to deal with the wider social justice issues as well as the individuals involved in a particular incident. When the community can do this, it can pave the way for more healing and holistic responses, rather than the short-term, individualistic reactions of the contemporary criminal justice system. Although said in different ways, many participants noted that crime does not take place outside of community. Rather, "…a crime committed is a problem not only for the perpetrator and victim but for the community, and the community has a responsibility for looking at how they are shaped to have such a crime committed within its boundaries" (Community Participant).

As one restorative justice volunteer posited:

> …it is untrue that communities are harm free, that the community does everything great and knows how to deal with people. I believe that these issues are not created in a vacuum and that they are created in a context and that there is alcoholism and drug addiction and abuse and poverty and all sorts of things that are already out in the community and then to ask that community with very little resources and little know-how to transform itself or to ask the person to transform themselves without the resources in that community, it is absurd… I don't see how that is going to happen.

A restorative justice practitioner agreed:

> Crime, harm, whether it happens in a school district, in a family, or is caught up in the criminal justice system…it happens in a context and I think that it is the community's role to take responsibility for creating the context where harm happens… it is also their [the community's] role to look at themselves and to look at 'who are we in relation to these people' and 'how is it that this kid was hungry enough that they needed to break in and steal something to buy food?' or 'how is it that there are all of these addiction problems in our communities that are behind so much of what we call crime and what are doing to address that so it doesn't happen again?'

A member of the Family Court and Youth Justice Committee believed that

> ...community also has a responsibility for the harm and the conflict because whether or not it is intentional or whether or not it is with any malice that the community, in essence, is also partly responsible for the conditions which caused harm or conflict as well. I am not saying that as a criticism of any community but I have always come from a place where individuals themselves have choices but it is also exacerbated by particular conditions which are created by communities as well. So I think that the other part of this is communities taking responsibility for the crime and conflict because they are ultimately a part of that.

These examples and other responses identified the importance of connectedness – the notion that just as the conditions for harm are collectively created so, the impacts of crime and conflict affect all people in a community. It follows, then, that it is each citizen's responsibility to help make things right and address the conditions that create harm. This theme leads nicely into a discussion of the role of community in the realm of prevention. The discussion can begin by reflecting on a quote from a high school student who said:

> The community... Basically, everyone that is older than us they have to think that we are their future. When adults now are all old, WE [the youth] are going to be running the world... we are all your kids. Even if you don't know us or whatever, we will make a difference in your life. Whether we become the bum digging through your garbage or the police officer helping you when someone is breaking into your house and putting a gun to your head. So, like, everything intertwines. Life is like that. And the community... I don't exactly know what they can do to make things better... I really don't know what they can do but maybe if people could understand that youth... we are not just a bunch of crazy ass people... we do do things to piss people off but we are kids! But they need to open their eyes and not be so judgmental.

Community Role in Prevention

The theme that permeated participants' responses was the belief that the community needs to take responsibility for creating the conditions of harm. A retired police officer exemplified the energy behind this theme:

> I would like to think about the role of community and start just back a little farther then we have been dealing with here. Because we have been dealing at the point where an incident has occurred and I would think that there is a bigger role in terms of community in terms of prevention and in terms of recognizing opportunities for harm and seeing what kind of strategies we can do to affect those environments, those places, those people or whatever, in the view to reduce the frequency of incidents that needs to be dealt with

in the system and so on and so on. So I think the big role is in terms of prevention. And I think about ways in which we can approach different aspects of the community, organize different parts of the community around those issues.

Two areas of focus were identified for the community's role in prevention: *education* and *caring*. Education centred around basic communication, conflict resolution, tolerance, awareness of social justice issues and life skills. Some participants mentioned the importance of people educating themselves and having empathy for other citizens. This education does not have to come from institutionalized education, but a willingness to expose oneself to other people and situations. For example, the community could take a greater educational initiative with respect to supporting new Canadians and others who are isolated and marginalized. A community policing volunteer provided a clear example which also relates to the theme of caring:

> A young man came in [to the community policing station] in tears and a constable talked to him and the story was that he is a fairly new Asian immigrant. His English is fine but his mother is very isolated... it is just the mom and the son and the dad is in the country of origin. She had started to beat him with a broom because he wasn't raking leaves properly but that is not really the problem. It is her isolation and she doesn't have friends and she doesn't have a husband and she doesn't have a family and she doesn't have any community at all. It is sort of speaking to the proactive, the 'let's get at it before it happens' reaction. I think that ESL programs and community programs that really try and reach out to newcomers and all of that kind of thing as well as seniors and all that... I think that is really, really important.

The other important component identified for prevention was that people actually care about what is happening to other citizens. A 17-year old student offered his thoughts on the role of community in caring. He and other participants felt that some people did not care about what happened to others in the community:

> I just think the community should be more involved with one another and some communities are good but some communities, the people there, they like turn their backs to the problems that are happening there. Like some are really good about it but some like... people see some kid getting beat up on the street and they just don't care... they close their windows or whatever... some communities are like that but others someone will call the police right away. But, I don't know, I just think there should be more programs in all types of communities... every community... for like stuff like that and it should not just be the police and all that court stuff 'cause that just doesn't even really work at all.

A restorative justice volunteer said,

> I don't believe that the community is always necessarily affected by harm or conflict. Living in a big city, I think a lot of people just don't care about what has happened. They might not be concerned with it. There might be some people that are concerned with it but not everybody. So the question is, 'do people even care about what is going on?' If they don't, then we need to go back to educating people in some ways and I think that a lot of people don't care what is going on so the community response would be impossible in that case.

His colleague noted:

> ...if we start right now taking responsibility for our relationship to the community, well then maybe we can transform these issues before they become problems. So this is about transforming the way we see ourselves as individuals into seeing ourselves as part of a larger community response, and we do that by embracing issues that are larger than our individual self-interests.

For some participants, the role of community is to challenge the very system of values with which the current institutions are operating. Citizens should become conscious of aspects of social life that are not working and to start to move towards a more caring and compassionate community. The themes identified as important preventative roles in the community, education and caring, are interrelated. In other words, the concern is for citizens to care enough to become educated about the conditions that are responsible for some of the harm that occurs in society and then to work towards healing. Some individuals have carried this philosophy into their practice and the following discusses some of the ways they have sought to include and develop community in the realm of restorative justice.

Practitioners and Advocates Share their Experience

During two of the circles, restorative justice participants and advocates were asked how they have sought to define and include community in their practices. Some spoke on behalf of their organizations, while others spoke from a personal perspective. Two general themes emerged with respect to community involvement and the first comprised examples in which restorative justice practitioners and advocates have sought to *include community as participants*

in restorative processes. The majority of these discussions centred around who is invited to the process and how these decisions are made. This discussion was linked to musing around the definition of community which varied between program and individual with no common definition in sight. The second major theme concerned initiatives that sought to actually *develop community* and *increase capacity.* These practitioners saw community building as vital in the pursuit of a paradigm shift from punishment and retribution to healing and reconciliation. This community development is actively taking place in a number of different ways and some are included in the response to harm. Participants spoke broadly about the purpose of including community from both a responsive and a preventative standpoint.

Methods of Including Community

Questions surrounding how community is included in restorative processes could form the basis of hours of critical discussion. While widespread agreement about the importance of including community exists, the way this plays out in practice is not clear. When asked directly how community is included in their restorative practice, participants mentioned being very aware of the purpose of the invitation of each person. As one restorative justice practitioner emphatically stated:

> We don't look beyond the victim and offender. As [my colleague] used to say, "I don't invite looky-loos into my mediations. People who just want to come and get off on some sort of emotional process and leave feeling great about it." That is not what we are here to do. We are here to provide service to victims and offenders in a ways that are meaningful to them, not in ways that community members can go away feeling that this is great. There needs to be a purpose for someone to be in our process... there needs to be a role for them, not just somebody who is watching. We don't feel that that is appropriate most of the time. Justice is not for voyeurs and we don't want to use victims and offenders to educate community people. So for me what I think about community involvement, I need to know that they feel that there is a reason for somebody else to be there and they need someone to be there for a particular reason. I am not going to invite a police officer just because the police officer wants to see the outcome of the case. I will look for other ways that they might be able to find out about that and hear about that. I might ask the people who have been affected by the crime about what they think about having them come or to speak to them afterwards and ask how that can happen in ways that are meaningful to you. When I say 'they' it is the primary parties – the people who have caused the harm or been directly affected by it.

Although not present during the practitioners' circle when the practical questions were specifically asked, other participants had some interesting thoughts about how to include community in restorative responses. Many touched on the need to be flexible and there was a sense that community needed to be defined in a dynamic way based on the situation and the people involved;

> ...that as a community we have to redefine each time there is something that we are dealing with and we have to look at that community with respect to the people who are directly involved in a particular conflict and think about it in a bigger perspective (Police officer).

One youth probation officer offered some practical considerations for how the community could be involved in the aftermath of harm:

> I think that the role of the community is on sort of a continuum and it also depends on, perhaps, the seriousness of the crime and perhaps the number of people that got hurt. I think that if the crime is perhaps less serious and there is less amount of victims, the role of the community is less, there is not as much requirement for the community to get involved. If there is a very serious crime or if there is crime that affects many people, then that would make the role of the community more important. Each case needs to be dealt with on its own and, you know, the community does have a role and the more serious, the more far reaching the crime, the more the role is. The less serious, less far reaching the crime, the less role I see the community has.

It was clear that a question remains about who and how community is to be included in the response. One practitioner summed this struggle up well:

> When you talk about including community in restorative processes I guess I would say if we are talking about an event and an incident my response to that would be, it depends. It depends on what the primary people involved in that particular event think and feel. For some people there is a lot of shame and privacy involved and when you go initially to the main people in it I think the big question has to be, "Who do you think needs to be involved in this?" Sometimes it is helpful to bring in somebody who is not directly involved and sometimes it is not. So it really depends. And I don't know as a facilitator if I am the one to make that judgment but at the same time I think I have to respect what the people involved in that incident if you are thinking about a victim/offender kind of thing (I don't like those words.. the harmer and the harmee)... it would really depend on what they have to say and what their reasons are for either including or excluding people. I think that everyone is entitled to supporters, but sometimes that they are entitled to enough privacy from someone who has nothing to do with that event.

Perhaps one of the best examples of a flexible approach is that which is occurring in a local community where one restorative justice program has coined the term "restorative response." This group of practitioners seeks to design a process, based on restorative values, each time depending on the needs identified by the participants. This response can be differentiated from other initiatives based on one particular model such as conferencing. This "needs-based" approach to responding to conflict was informed by education around trauma, power, capacity, and safety considerations.

While there were no clear cut answers to the question of how community is included, practitioners agreed that the primary people should determine who else needed to be involved to support them during and after the restorative process. Tapping into community resources and collaborating with other agencies to address some of the larger needs presented by participants was another form of inclusion widely discussed. Also, community could be involved through the use of volunteers whether they are on boards of directors, in an advisory capacity, or as facilitators. Although those who defined community this way made it clear that it was not the role of these individuals to represent the needs of the wider community, their presence was consistently mentioned as an important part of a restorative justice paradigm.

The need for a flexible approach to community involvement is reinforced by an examination of what participants identified as some of the dangers of citizens participation in justice issues. Some participants noted that by inviting people not directly impacted by an offence to deal with the situation, rather than have the parties directly impacted work through it themselves runs the risk of vigilantism, voyeurism, and the tendency towards more punitive measures.

Although there are risks associated with community participation, these must be balanced with the idea that the community has the responsibility to provide the resources and support for those impacted by and creating harm. Often the resources required to fully address these needs beyond the capacities of those directly involved, therefore, wider community involvement is essential. Further, as one restorative justice practitioner has indicated, one program cannot fulfil the needs of all people. To avoid being simply an incident based, one-off response, collaboration amongst other service providers in the community is imperative for a more holistic approach.

With the dangers of community involvement at the fore, restorative responses must be shaped with creativity and an ethic of care. A balance must be struck between including those people who can support participants but not erode the benefits of a more personalized approach to resolving conflict. This speaks to an issue that arose amongst participants with respect to competency. Most practitioners acknowledged that to practice ethically means to be aware of the limits of one's competencies and remaining open to consultation with others.

Developing Community

Participants felt strongly that developing community meant to first educate citizens about the vast topics of crime and justice. Restorative justice advocates as well as participants who had been exposed to criminal justice through academia, personal experience, employment or volunteering, expressed frustration over the lack of accurate information and knowledge on the part of the general public in relation to crime and our response to it. As most information about the saleable topic of crime is gleaned through the media, it is no surprise that peoples' apathy and emotional responses are based on misinformation and fear mongering, rather than hearing directly from those most intimately connected to the criminal justice system.

The importance of community education was often stressed and participants identified many approaches to this end. While some felt it was a matter of 'selling the concept' of greater community involvement, with restorative justice being an avenue for this, others took an approach more focused on curiosity and dialogue. Still others felt that sharing their own personal experiences of the justice system allowed people to consider alternative ideas. One restorative justice advocate recalls his experience in relation to this widespread misunderstanding of criminal justice and how he responds:

> It is interesting because in certain spaces when the subject of me going into prisons and doing workshops and everything comes up and a lot of people respond with "Aren't you afraid that you might get shanked in the back when you are inside the institution?" and I just say, "No, actually, I feel extremely comfortable when I am in these environments because I am connected to the people that are there." It is really interesting because…it is kind of like a sell-job that you do…but you are not doing it in such a way that you are saying, "I think this is what is best for you." It is more, "Did you ever think about this?" Because, for me personally, that is how I came across a lot of this stuff. It was not that I was having it forced upon me, it was just that I was able to get into a space or just meet people that had had these experiences and I was able to have those sorts of dialogues that allowed me to get an understanding or at least it sort of planted the seeds for me to go off and develop my own understanding…

In terms of a more strategic approach to community education around justice issues, at least two of the programs represented in the practitioners' circles have created initiatives that allowed restorative justice advocates to go into the community (through various groups and organizations) and present information about the justice system and restorative justice. These practitioners felt that it was equally important to ask the community for feedback and pose questions to promote a true dialogue about issues surrounding the most meaningful approach to crime and conflict. For example, one director of a restorative justice program describes their initiative as follows:

> We have made a strategic decision with support of our Board that we are actually going to commit 50 percent of our resources to processing cases and direct service delivery and 50 percent of our resources to doing community awareness work. Because we feel strongly that the only way that restorative justice is going to be sustainable is if there is community support. So we spend a lot of time going and talking with people about what it is that we do…about the values and where we are coming from. The alliances we have

formed with other agencies, for example, or just citizens that care about the same things we do has been incredible.

Some practitioners believe it is this approach to education that can lead to the community demanding a more healing and meaningful response to crime. With a greater level of awareness of the drawbacks of the criminal justice system as well as the potential benefits of a restorative response, the community could come to demand and financially and philosophically support these types of initiatives.

Another important theme that arose with respect to community education was the idea of *capacity*. For restorative justice to be done well, the capacity of the community to be a resource is an important consideration. Therefore, initiatives that sought to build capacity in micro-communities like schools were identified as a high priority by some practitioners. Without the resources to support healing initiatives, restorative justice becomes another response that looks different than the current criminal justice system rather than something holistic based on a different set of values. Building community capacity also refers to providing people with the skills and confidence to deal with their own conflicts and to minimize the degree to which these issues are turned over to professionals. Supporting individuals to solve their own problems within the community context was identified as an important component of community involvement.

For restorative justice practitioners who seek to educate as well as respond to harm, community capacity is built in small ways each time a restorative encounter or dialogue takes place. Creative ways that attempt to engage community in a broad way with the hopes of education and providing a foundation to support the endeavor of healing justice are being piloted, although much more could be done given a greater amount of resource commitment in the field of restorative justice.

Thinking about Restorative Justice

Most of the people who attended the dialogue circles had heard about restorative justice and about 15 of the 35 participants were actively involved in the field. Although the words "restorative justice" were not used in the questions posed in the circle, participants offered their opinion about this area at many points in the data collection process. Many participants expressed that they saw great opportunity for restorative justice to address some of the downfalls of the criminal justice system, as restorative processes can be more inclusive of the people most directly affected by crime and requires fewer professionals. Some participants felt that restorative justice was a good way to transform people and relationships in the aftermath of harm. Participants mentioned that restorative justice approaches that involved a face to face dialogue also allow for people to take meaningful responsibility for their actions and provide answers to questions. Being able to communicate in this human way was identified as a preferable approach over the mechanical approach of the current response. Some participants stressed that they felt the community should become more aware of restorative justice. They saw great promise in this approach and would like to see more people exposed to it.

Although the focus of this thesis research was to bridge the theory and the practice of community involvement in restorative justice, when we answer some questions doing qualitative research, we raise others (Strauss and Corbin, 1998, 55). During the circle process, participants raised many practical and theoretical concerns about the involvement of community. The following critical issues will make an important contribution to the literature and practice of restorative justice.

Dangers of Community Involvement

While there seemed to be widespread support for a more holistic and inclusive response to harm, many unsolicited opinions were offered about the dangers associated with this approach.

This discussion is essential, especially for those who support and practice restorative processes. The risk of unintentionally causing harm to participants combined with the ease with which the values of restorative justice can be co-opted could lead to this approach being viewed as another failed attempt to deal with crime. For the practice of restorative justice to have integrity to the values, critical dialogue about the dangers and opportunities must be engaged from a wide variety of perspectives. As one practitioner notes, "we talk about the ripple effect of crime; it is now time to talk about the ripple effect of our intervention in the aftermath of harm."

Along with the possibility of creating further harm through restorative responses, other risks associated with community involvement in justice have to do with the imposition of middle-class, ethnocentric values. Some participants questioned who was responsible for defining these values and how cultural diversity is accounted for. One police officer compared this phenomenon with current policing practice:

> There is research in policing that says that even though we have become diverse in appearance… we hire people with the same values… it doesn't matter what they look like. So we operate under this fantasy (or we did for a while) that we had actually become diverse and were, therefore, more understanding. While that is not true and my firsthand experience is that an upper, middle class values system permeates the entire criminal justice system…and I think that it is driving RJ too, right now, at this time.

A restorative justice advocate concurred:

> I think what we have to realize is that it is [about] dialogue. It is not [up to] us and whoever is the middle class saying, "this is what is right and good." It is really important for us to have a dialogue and really, really hear from others' experiences and where they are coming from and that is something that is lost an awful lot too. We say that we know what is right and we want healing. But it is so important for there to be a dialogue so we can hear where people are coming from and what their experience is and all the challenges that they face and how they see life and how they see what is right and wrong, too. Because right and wrong are very different in different contexts and different lives you have a different experience of what is right and wrong. Those stories about where people are coming from, because I don't think there is any healing without understanding. It doesn't work.

Another theme that relates to the dangers of community involvement concerned the lack of sustainability of initiatives due to low financial and community support. Some participants

recalled instances where good ideas and intentions were short-lived because of low political appetite and over reliance of one person to continue with a vision.

Final Round - An Experience of Community

The final round of the circle asked people to share a time when they felt connected to community. Participants were requested to communicate less about the details of the experience and more about what particular elements that made the occurrence *feel* like community. Although responses were sometimes prefaced with comments about how the sense of community had been lost, every participant was able to recall and share a story of a time when they had felt this connection.

As a participant in the circle, it was noticeable that the atmosphere of the circle shifted when people started to share their experiences. Most people developed a far away look. They smiled and their eyes wandered – it was as if they were reliving that experience. Although each story was unique in its time and place, there were strong commonalities relating to the elements that created the feeling of community. The themes that emerged included feeling *loved* and *accepted*, being *familiar* with the people and the environment, a high level of *participation*, and sharing a *common interest* or *challenge*. The stories that were shared were sometimes deeply personal and reflective. These vignettes will illuminate the experiences captured by the final round of the circle processes.

Acceptance and Love

The feelings of being accepted and loved allowed participants to feel connected to the other people around them, which produced a feeling of community. An important part of

knowing you are accepted and loved came as a result of communicating kindness and support to

one another. The following examples spoke to the importance of demonstrating acceptance and

love through our action and gestures:

> Another important element is that knowing I am in the midst of people who care about
> me and who I care about. A sense of love and commitment to the well being of each
> other. I am flooded with thoughts but the first two that came to my head was one with
> my family and was a group of people who meet every other Friday night to get together
> to talk about important issues to us: social issues, justice issues, spiritual issues, what
> have you. I thought of an instance where we got together one time to do something
> called Mindful Consumption where we all brought special food or drink, to share with the
> group and we ate it slowly and mindfully and talked about what was important to us
> about that food and that drink…that group is an ongoing group that meets and it is a real
> sense of community for me. I thought of that instance and those are the people who
> supported me through a marriage break-up and other difficult times (Restorative justice
> practitioner).

> I still go to it [my grandparents' place] and it is very basic… there is no plumbing, no
> electricity, it is in a provincial park… and it's funny because it was my roots and I
> remember one of my brothers saying to me one time, "Where else can you go where
> people genuinely care about you and they not only know you, they know your parents
> and they knew your grandparents." And in this day in age… I may not see people from
> year to year… but to know that they are there… there is the knowledge of knowing that
> there is someone out there that genuinely cares about you outside of your family… this is
> just a wonderful feeling for anyone to have (FCYJC Member).

> I feel lucky, I feel a sense of community a lot. I feel a sense of community with my close
> friends, at work, now, when I go to workshops, when I see my doctor and what made it
> feel that way was that I felt included. I felt I was equal par with people. They were
> willing to listen to me, challenge me and, frankly, they cared. Not to be rude but they
> gave a shit about me. They put it out there, that positive energy (Restorative justice
> volunteer).

> We got married in my particular faith tradition which is the Quakers. The way an actual
> wedding takes place in that tradition…it is a circle process in which the couple and
> everyone else sits in the circle in silence for as long as it seems appropriate and the
> couple will turn to one another and say vows that they have usually written themselves,
> exchange rings and then there is an opportunity, not really going around the circle, but an
> opportunity for as long as people have things to say for people to rise up and speak to
> their hopes for the marriage, their advice after many years of marriage to a newly married
> couple, reminiscences of one or both of the people involved and witness the commitment
> people are making to each other and to offer support for them. It was one of the most
> profoundly supportive experiences I have ever had to go through. For an hour and a half
> or so, having that energy focused on us… people had tremendously loving things to say
> and partly because it was a wedding and that is peoples' mindset at the time but to come
> out of that room knowing that, or having a sense that, there was a real connection with all
> the other folks that were there that would be a sustaining… there was a sense of support
> and commitment like if we ran into trouble, you know, you have a very tangible, visceral
> awareness that, you know, there would be support out there. It was not the kind of

support that was only there for that moment because it was such an invitation for people to offer what they thought and how they felt. It was a circle process that had me feeling quite connected to people from all sorts of communities: work, play, family, friends, school, etc. It sort of reinforced a sense of being loved (Restorative Justice Practitioner).

Familiarity

Participants mentioned that others knowing their name or their preferences, whether it was their morning coffee or other interests, were tangible actions that provided them with a sense of community. Recognizing people within a particular place also seemed to bring a sense of connection. Being familiar with the environment appeared to contribute to "community" whether that person lived there or was simply visiting.

Some participants mentioned feeling a part of a community because the population was small enough for everyone to know each other. Upon analysis of the data, it was apparent that it was the familiarity of the people and place that produced the sense of community and not simply the size of the population. However, it should be acknowledged that a smaller population size is usually more amicable to producing the familiarity that emerged as a common theme.

Participation

One theme which wove through a number of responses was that of active participation. To sense one is able to contribute and have an impact on a place or people seemed to produce a sense of community. Whether the involvement took the form of employment, sport, volunteering, supporting a neighbour (known or unknown) or having children in school, being an active part of a setting was very important. As one participant noted:

> But we come here [to this circle] to sit in community and I know that feeling of connectedness because I feel inspired and changed by it. I feel my heart touched by it. I see things in a new way. That is how I know that I am a part of community and I can experience that through a situation where I am actively participating or it can be from watching others engage in participating.

Common Conflict/Challenge and Shared Interest

Often the aforementioned community participation occurs when people come together in the aftermath of a tragedy or a challenge situation. Many participants had stories of community being created in the face of adversity. Whether it is prisoners coming together in a support group, people protesting a proposed government or corporate initiative or a gathering of friends common to someone who has just passed away, the bonds that are formed between people in times of strife were spoken of often throughout the stories that were gathered. It was interesting to note that as people reflected on these experiences, emotions such as sadness, happiness, wonderment, and relief were openly expressed in the circle.

A police officer recalled a situation that occurred during his employment on the East Coast of Canada:

> Nova Scotia… this family, this women had two daughters and her husband was a fisherman and one year his boat capsized and he died. This women had no insurance, no estate planning, none of that stuff that people do. These people were not rich by any means. But what happened is this woman for the next 15 to 20 years, the community took care of that family. The neighbour would cut an extra cord of wood every winter, the fisherman up the street would bring fish home and so on and so forth, it went on and on. But you are looking at a small town where this woman, of course, in trying to give back to the community that helped her was doing all sorts of things as well and so were her two daughters. But I really saw the connection there and it's really ironic or funny or interesting when you see that people are interdependent. In fact, we are more than ever! We have never been as interdependent as we are today globally!

A youth recalled when he felt community in the aftermath of a frightening autumn incident:

> The one time I have to say that I felt a part of a community, not really my community, but it was Hallowe'en and a buddy of mine got hit with an airbomb on the forehead and it like blew up his whole forehead and there was like blood pouring in his face and stuff and uh, I just ran up to somebody who was pulling into their driveway and like knocked on their car and like told them what had happened and they, like, took buddy in and cleaned him up and helped him out and I just felt that was like a community thing you know what I mean? Where somebody actually like went and helped out a kid when he was in need.

The extent to which these communities are sustainable was into brought to question by a police officer who said:

> I have been in the military and, of course, in policing and at times felt a real bond but it was more a bond when you felt threatened or an interdependence that was really intense. It was more a community that developed by a sense of rejecting everything else out there as being a threat to your success. But that was quickly eroded and it was very situational and temporal and easily shattered.

The challenge that bonded people together was not necessarily negative for some participants. Some identified the people they attended university with as those who they felt connected to as a community, as they all were experiencing similar challenges and shared goals and interests. One of the participants in the circle of restorative justice practitioners utilized the group (although not living in the same geographic location) as an example of community:

> More recently I think it has been sitting in circle with our volunteer group and be able to be with a group of people who are from varied backgrounds, from different life experience, different socio-economic backgrounds and all kinds of things that for some reason this work or way of being in the world really resonates for. For whatever period of time in the month that you are going through all this other busyness and be out there battling the bureaucrats and the politics of all this but for that couple of hours we are just a group of people who really are trying to come together and say, "We care about each other as human beings. We care about what happens to other people. We want to try and make a difference and that we see this as somehow having some meaning in our life." It is the nourishment you need to keep going and carry on and do what we are doing out there. Because I think we are all trying to make a difference and make the world a better place and we need each other to support each other to do that.

A local restorative justice practitioner reflected on his faith tradition as an example of a community. This vignette draws out many of the threads common to the shared experiences that form a sense of community.

> The other connection I think of is the Mennonite community. I feel so fortunate to have grown up in a sense of that. Because I can move to Winnipeg and immediately be connected with 60,000 Mennonites. I can walk into a Mennonite church and I can know a bit about who these people are, what their sense of shared history is... I can immediately connect with those people. I think the community element about that is that sense of connection, of 'one of our own'...that this is somebody that belongs here and that we care about.

During the final round of the circle process, it became clear that there were definite common elements which existed when people felt connected to community. While many participants initially noted that they did not currently feel part of a community, as the talking piece was passed, participants remembered and asked for another opportunity to recall connections that they did feel. The memory of what it feels like to be in community may fade, but as people began sharing their experiences, recollections became easier and more vivid.

CHAPTER VI - REVISITING THE LITERATURE – INTERPRETATION AND ANALYSIS

Every community member bears responsibility for carrying out these community functions. Every community member is accountable for the aggregate behavior of our youth. Every community member has opportunities to take small actions that can reverse the cycle of fear of youth and the resulting isolation and disconnection that youth experience. Youth are responding to the world they have experienced – they did not initiate that world. Our children are a mirror – a reflection of us.

- Kay Pranis, 2000

A Values Based Approach to Harm and Conflict

Many of the values espoused by restorative justice are shared by peacemaking approaches, social justice, community justice, and indigenous justice philosophies. When participants were asked about satisfying approaches to crime and conflict, the values of inclusion, respect, flexibility, and healing were favoured over those typically associated with punitive responses. The themes that emerged with respect to their dissatisfaction with the criminal justice system were not specifically targeted by a question that was posed, but arose from responses to other questions about justice or crime. The values identified by participants – both by restorative justice practitioners and those outside of this field - are also present in restorative justice philosophy. Zehr (2002) has noted that both the concept and practice of restorative justice "draw upon traditions as deep as human history and as wide as the world community" (61) so it is no wonder that these values resonate deeply for many.

Participants had negative things to say about the current criminal justice system. Interestingly enough, both those who had encountered the system as someone who had been

harmed or those who were responsible for harm gave particularly strong criticism over the ability of the system to produce a sense of justice. For many participants, a satisfying response was envisioned to be something exceptionally different, and in many ways antithetical, to the current criminal justice system.

For a response to be satisfying for those directly involved in harm and conflict, participants hoped that there would be learning for the person responsible for the harm. If long-term behavioural change is to be the aim of a justice response, perhaps this approach could provide opportunities for the harmer to experience empathy for those whom they have hurt and to be supported to make different choices in the future. In the current criminal justice system, aims of general and specific deterrence and rehabilitation replace any personal contact with victims and community. These services, rendered by professionals (lawyers, psychologists, parole officers), teach more about manipulating the system than about empathy and respect. When a system attempts to control behaviour through threats of punishment, the long term impacts of this behaviour change must be called into question. When the system is removed, how lasting are the impacts of their efforts? As Kohn (1999) has noted, "punishment produces resentment rather than responsibility" (21) and although seemingly quick, easy, and effective in the short-term, the use of both rewards and punishment serves to decline our moral responsibility and create conformity through fear rather than from living through our values and caring for others.

In essence, participants felt that for a justice response to have long term impacts on learning and changing behaviour, the approach should be as broad and holistic as possible. Any response that focuses solely on the individual would exclude the social context that actors exist within. Segregating and excluding harm-doers while we repair what is "broken" does nothing to support those harmed and the others impacted by harm. While participants indicated the need for

a more inclusive and decentralized response to crime, it was interesting to note that responses centred most often on the needs of the 'offender' rather than those of the victim.

The themes that arose here connect back to the topic of community. Restorative responses that seek to more broadly engage people important to the primary parties must tap into the relationships important to supporting those impacted by crime and conflict. If it is the case, as Pranis (1998) has suggested, that communities possess a greater amount of resources to address harm compared to the system, a less formal approach to harm-doing may have greater success in being responsive and meaningful to those involved.

What about "Victims"?

Although asked specifically to reflect on a satisfying response for "victims" or those who had experienced harm through crime and conflict, very few participants spoke specifically with respect to these needs. Similar to what occurs within the contemporary criminal justice system, victims were ignored or glossed over in favour of speculating on what an offender might need. It is of little surprise that victims do not feel satisfied with the criminal justice system. As Kelly and Erez (1998) note, "indeed, for the most part, crime victims had no rights at all, only courtesies to be extended or withheld at the whim of the police or prosecutor" (232). Since the shift from the individual to the State as the victim, the system has become notoriously offender focused. The vast majority of resources within the criminal justice system are spent on prosecuting, punishing, and paroling offenders rather than on healing for victims (Strang, 2002). Although Crown counsel often claims to be acting with the best needs of the victim in mind, the victim is defined as *society*, rather than the individual who has experienced harm. In fact, the contemporary criminal justice system pays little attention to victims' needs and does not seek to include or involve them as their cases are processed (Strang, 2002). As Schneider (2000) says,

The authoritarian state deprived the victim of his rights. Crime was viewed as nothing more than the conflict between the offender and the state. The victim was nothing, merely an instrument for providing evidence, an object of finding the truth (40).

Strang (2002) has noted that "research findings indicate the universality of the trauma of victimization and the high levels of dissatisfaction regarding the usual treatment victims receive at the hands of the criminal justice system" (19). She calls this the "persistent neglect of non-material dimensions of victimization: psychological, and emotional consequences such as mistrust, unresolved anger, and fear" (23). The system has also been found guilty of secondary victimization - creating further harm and trauma through its processes and treatment of people who may be especially vulnerable.

There has been no voice whatsoever for victims in the system until very recently through the introduction of victim compensation, victim impact statements, and notification. However, these victim centred initiatives have been limited, often have problems with implementation and have only increased victim satisfaction marginally, if at all (Strang, 2002).

The contemporary system that focuses too much on individualizing the problems of the offender and not enough on the individual needs of those who have been harmed has created a lose-lose situation for those unfortunate enough to become entrenched in or isolated from this machinery. This system remains largely focused on carrying out legal procedure, rather than attending to the needs of those most impacted by crime.

Although it might be assumed that those involved in restorative justice would be more sensitive to victim's needs given the rhetoric that exists in the literature about victims being a primary stakeholder, this research did not find victim's needs as a strong theme. It may be that

the permeation of restorative justice programs centred around youth in the province of British

Columbia[5] that contributes to the overemphasis of offenders rather than those impacted by harm.

For the few participants who spoke to victim needs, they felt that those who had been

harmed needed to be heard and acknowledged, assured safety, provided opportunities for

compensation and understanding of the offence and why it happened. These themes dovetail with

what Wemmers (2002) has identified as general categories of victim needs: information,

compensation, emotional and practical needs, participation, and protection. Restorative justice

can be viewed as an opportunity "to reinstate the victim at the center stage with the offender"

(Hoyle, 2002, 97). Not only do the outcomes of restorative processes render more healing for

victims than does the traditional retributive system, the process "itself helps to heal by giving the

victim the opportunity to express feelings and ask questions, encouraging the offender to repair

the harm" (Wright, 2001, 361). Restorative approaches are attractive to victims because they do

not carry the strong "get tough" tributary stream that has been a part of the victim's movement

(Strang, 2001). Although many victims do not advocate for stiffer penalties but for greater

inclusion in the justice process, the public and political actors often misunderstand victims to be

supportive of increased penality and fewer rights for the offender.

Although we see small changes in the formal justice system as a result of special interest

groups like the victims' rights movement, these modifications are not enough to call into question

the values on which the current legal system is based. The adversarial process and punitive

outcomes of this system were designed by the political elite and powerful professionals.

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[5] In 1998, the Provincial Government of British Columbia initiated Community Accountability Programs which provided one time, start-up grant of $5000 to community groups wishing to launch volunteer-based programs "embracing the principles of restorative justice" while seeking to "hold low risk, youth and adult offenders accountable for their actions, give victims a voice, repair the harm caused by an offence and help restore balance in the community" (Government of BC, 2005). Due to the limits placed of referrals, minimal funding and varying degrees of support, most of the almost 70 programs operating in the Province are geared towards youth and offences such as shoplifting.

Participants in this research expressed great frustration over professionals and experts driving this system to the expense of their more direct involvement. As McKnight (1995) has indicated, for communities to have meaningful participation in responding to social problems, it is important for citizens to grasp the degree to which professionals permeate our lives and the impact this has on individual and collective capacity.

The Impacts of the Professional

The industry of human services has seen exponential growth in the number of professionals involved with criminal justice, medicine and mental health. As Cohen (1985) has noted,

> Professionals in systems such as mental health, crime control or social work are locked into a network of bureaucratic and corporate interests. They are 'mind bureaucrats' – a new class whose interests range from universities, foundations, professional associations, corporate legal firms, pharmaceutical companies, crime-technology manufacturers and central or local government bureaucracies (163).

The invasion of professionals into parts of our lives once handled within a community context has had tremendous impacts on civilization. This phenomenon has created less caring people and contributed to the decline of relationships and community capacity. As a result, people are more disconnected from each other and apathy pervades many communities which are more willing to turn social problems over to professionals without recognizing the far reaching and devastating implications of this decision.

Participants echoed what McKnight (1995) and Christie (1977) have noted to be the decline of community's capacity to deal with social situations such as conflict. The tendency to turn our problems over to the professional is perpetually reinforced by the structure of institutions of academia and criminal justice and continues to erode individuals' ability to resolve conflict and demonstrate caring for one another. McKnight (1995) exemplifies this phenomenon through a

story of a bereavement counsellor whose intervention replaced the act of the community coming

together to respond to a death:

> Finally, one day the aged father of a local woman will die. And the next-door neighbour
> will not drop by because he doesn't want to interrupt the bereavement counsellor. The
> women's kin will stay home because they will have learned that only the bereavement
> counsellor knows how to process grief in the proper way. The local clergy will seek
> technical assistance from the bereavement counsellor to learn the correct form of service
> to deal with guilt and grief. And the grieving daughter will know that it is the
> bereavement counsellor who really cares for her, because only the bereavement
> counsellor appears when death visits this family on the Prairies of the Sauk (6).

This case demonstrates the ripple effects and self-fulfilling nature of the professional. McKnight

(1995) points out that although there are more resources than ever being poured into professional

systems, the result is more sickness, less justice, more conflict and hurt. For example, Fattah

(2001) has noted that it is an increasingly popular idea that people who have been victims of

crime require some sort of therapeutic intervention to be able to deal with the aftermath of their

victimization. Given the varied nature of victim services, there are often limited resources for

service delivery and even fewer levels of accountability for community based initiatives. Fattah

argued that these initiatives are worrisome, because "people can employ all kinds of so called

techniques without needing a professional license and without being under the supervision or

control of any professional body or government agency" (141). While this may be true, it must

be reconciled with trauma research that says that informal social support is key in supporting

those who have experienced harm (Solanto, 2004). Where we must be careful, as Fattah (2001)

cautions, is in perpetuating a "therapeutic enterprise" (142) in which there is an insatiable need

for therapy simply because there is a saturation of such services being offered. People can start to

feel they need to have a therapeutic intervention in order to heal and such interventions could

impede the natural healing process or, especially in the realm of criminal justice, create further

harm. McKnight (1995) has noted that it is "politically impossible to maintain a service economy

if the populace perceives that the service system hurts more than it helps" (41). Due to the

unlimited growth potential in the area of human services, these approaches demand a critical

rethinking by energized, caring, and informed citizens.

The Need for a Resurgence of Caring Citizens

Clearly, the damage of the professional has already been done. Further, there is so much

human and political energy invested in the industry of human services, it seems an impossible

machine to dismantle. In order to access people guarded by professionals who "know best,"

citizens must not utilize the same infantilizing and controlling methods. McKnight (1995)

believes that the manufactured care delivered by professionals needs to be replaced by something

more organic. Participants have identified caring as an important starting place for meaningful

ways to involve community in justice. Caring can be demonstrated by the degree to which

citizens are willing and able to incorporate excluded people into community life (McKnight,

1995). This speaks to the importance of relationships and connections that create community. As

McKnight (1995) notes, caring citizens can work towards community through bringing an

individual "into life as a citizen by incorporating him into relationships where his capacities can

be expressed – where he is not simply defined by his deficiencies" (120). The degree to which

communities are inclusive are based on choices that are both pragmatic and dependent on values

(Cohen, 1985). Therefore, greater inclusivity may be attained through a fundamental shift from

the brokenness of people to their strengths and capacities.

Shifting Focus: From Brokenness to Capacity

Professionals are focused on social ills and are remunerated to address these problems. A fundamental shift in thinking is required to get past the negative consequences of this individualized approach that focuses on what is wrong, rather than building on strengths. In relation to responding to situations of harm, Sullivan and Tifft (2001) remind us that a restorative justice approach goes beyond coming together to denunciate the harm and acknowledge responsibility taking, and extends to giving "testimony to the essential worth and gifts of all involved" (46). This shift towards an acknowledgment of the human worth of each person provides the foundation of a relational and empowering experience of justice, rather than focusing solely on the negative impacts of one's actions. This experience attends to the wholeness of people and recognizes that a person is much more than a single act, even if that act caused a great deal of harm. Similarly, acknowledging the strength of someone who has been harmed and removing the label of "victim" can be a step towards healing (Fattah, 2001).

An example of this shift in focus comes from Ross (1996), who noticed that in the aftermath of a harm or conflict many aboriginal people focused their response not on the act itself but more to "how such states of disharmony have come into existence and what can be done to turn them around" (96). Peacemaking processes focus primarily on the relationships that have been affected as well as the events that led up to the behaviour. This shift and widening of focus lends itself to different questions and, therefore, very different responses compared to western, legal inquiry. This focus on relationships and the social context within which harm occurs, speaks directly to the notion of community and the need for greater involvement in responding to harm doing.

Finally, the idea of conflict as a naturally occurring opportunity for human growth and development of communication and problem solving skills has radical implications for responses. Participants mentioned that learning and the production of something constructive as an outcome of an otherwise harmful behaviour was part of a satisfying response. These outcomes may be more likely achieved through a restorative process of communication and understanding, rather than through the often confusing, infantilizing, and foreign process of the criminal justice system. The former processes, according to restorative justice practitioners, have the ability to create relationships that allow people to feel connected to community. These connections can have implications for future behaviour and improve the ability of reintegrating people into larger social groups.

Responses to questions of justice in this research often produced expressions of frustration and dissatisfaction with the current criminal justice system. Participants felt the system was impersonal, time consuming, and unfair. If restorative justice is to be able to address some of the shortcomings of the current system, it must approach situations on an individual basis. Being flexible and focusing on the needs of people and the harm caused would render more satisfying results compared to a one-size-fits all, cookie-cutter approach. This speaks to the importance of defining community based on the unique qualities of the incident and people involved. A formulaic approach which includes those disconnected to the incident can bring about the undesirable qualities of the prescriptive, impersonal justice system.

McKnight (1995) has noted that a professional response to harm in society is only one approach. Wright (2002) concurs that a more victim sensitive approach to justice, for example, would be to "recognize that when an action is labelled criminal, criminal procedure is not necessarily the best way of handling it" (664). He emphasizes that this is especially the case when the issue at hand involves relationships or disputes. Wright advocates for a wider array of

options that hold victims' needs for dialogue and restorative processes at the fore. The fact that we have come to rely on the formal justice system as the first, and often only, option to responding to harm requires a fundamental shift in the predominant thinking. It appears that the legal system's response is somehow viewed as the only way to acknowledge that something is serious and will not be tolerated. This systemic response may well have replaced the role of citizens in a community to set moral standards and norms of behaviour as we have become more disconnected from one another. Participants in this research have indicated that not only is this an appropriate role for the community to play but citizens also need to take greater responsibility for responding in a helpful way when norms are violated.

The problems with utilizing the legal system for an increasing number of situations which have been labelled crimes have been articulated by the research participants, as well as many academics, professionals, and advocates. As McKnight (1995) has noted, quoting Mark Twain, "if the only tool you have is a hammer, every problem looks like a nail." Without a wealth of responses or, at minimum, the political will to look towards creative ways of dealing with conflict, the problems of a formalized, legal approach will be perpetuated. This shift can only be brought about by education and critical questioning about the benefits and drawbacks of the existing criminal justice framework. It is important to understand how the system serves and is in need of service.

The Importance of Community Inclusion

One of the most important implications of this research is its ability to suggest practical solutions to providing more community engagement. Participants offered ideas with respect to how to include community in the response and prevention of harm and conflict. These ideas are

important building blocks and also serve to complement the somewhat limited theoretical offerings of restorative justice literature. In terms of the response to harm, participants identified the community as important in providing support for the parties, taking responsibility for creating conditions that foster harm, demanding and creating a more healing approach and setting norms and standards of behaviour. Many of these ideas resonate with what Pranis (2000) has indicated to be the community's responsibilities within a restorative framework:

- supporting those harmed,

- communicating the impact of the behaviour on the community,

- providing opportunities for those who cause harm to repair the harm to the victim and the community,

- establishing and communicating behavioural expectations for every community member in a respectful way and,

- addressing underlying causes of harmful behaviour.

Wright (2002) has suggested that communities have a significant role to play in supporting victims. This support would also provide an opportunity to educate citizens about the impacts of crime and associated problems. Having citizens fulfil this role of social support for those impacted by harm embodies two of the major themes that emerged from this research: caring for each other and educating people through the promotion of empathy and understanding.

Support for the parties involved in crime and conflict can take many forms. Perhaps one of the most powerful and transformative experiences of support for participants is simply the willingness to accompany people through the various emotions experienced in the aftermath of crime or conflict. To be present to hear their story and acknowledge their pain could be transformative for both the person who is impacted by crime and the person listening. Pranis

(2000) has said that it is important for the community share the pain as it is an important part of empathy.

Community support can also be something very tangible for those who are involved with a crime or conflict. Providing employment and educational opportunities are ways in which people can start to take responsibility for addressing some of the underlying causes of harm. The notion of collectively taking responsibility for creating the conditions in which harm has occurred as well as working collaboratively to respond is an idea central to restorative justice philosophy (Sullivan and Tifft, 2001). Similarly, Pranis (2000) has noted the importance of inviting community members to play a role in addressing the social conditions that could create harm. Whether that community presence is represented during the process or takes place parallel to the process is a debated topic amongst practitioners.

The role of communities is also to advocate for services that would assist those involved with harm and conflict. According to the research participants, citizens must educate themselves about the options available for responding to harm and request those which reflect the values of that community. If such avenues do not exist, it is up to the community to create them. If a community values healing justice responses, it should follow that the funds and political support would exist for restorative justice. Zehr (2002) reminds us of the importance of utilizing examples of the ways other communities express justice as inspiration rather than as blueprints to impose on another social group. He advocates for a "context-oriented approach to justice" which emerges "from conversation and takes into account local needs and traditions" (63). Community, therefore, has a role in this dialogue and in steering the direction of local justice responses.

In terms of prevention, the community identified two main themes: caring and education. Although the concept of citizens caring about others and educating themselves seems somewhat simplistic, McKnight (1995) has reinforced the utility of these beliefs in order to ensure sustainable, caring communities. Wright (2002) agrees that community needs to advocate and support processes that tend to the range of needs and conditions that create harm in the first place. Providing care and support to its citizens would "reduce the pressures towards offending behaviour" and, thus, make harm less likely to occur (665).

Pranis (2000) has suggested the need for the community to provide care and support others in the development of empathy. She believes that the development of empathy occurs from three main actions and that community can play a large role in meeting these needs, and thus, being a part of the reciprocal responsibility to others. According to this author, empathy is built by community participation through respectfully communicating regular feedback about how actions are affecting others, becoming a part of relationships in which people feel valued and their worth is validated, and providing an experience of sympathy to others when they are in pain. Ross (1996) shares his understanding of an indigenous teaching related to connection, which "involved a double obligation, requiring first that you learn to see all things as interconnected and second that you dedicate yourself to connecting yourself, in respectful and caring ways, to everything around you, at every instant, in every activity" (66). Pranis (1997) has noted, "community does not mean just the individual's responsibility to others, but also the responsibility of others to that individual in relationships and structures which allow choice in how one best contributes to others and honors community obligations and it involves dialog to determine jointly acceptable obligations and relationships" (1). Being purposeful with our empathic and supportive actions reinforces these reciprocal obligations and provides caring and learning for those within community.

The aforementioned ways that community has a role to play in justice have been discussed by both restorative justice and social justice advocates. The negative impacts of professionals and the harm that is created by the justice system have provided much support for increased community participation. However, as some research participants have strongly cautioned, all actions have consequences, both intended and unintended. We must enquire whether or not authors like McKnight (1995) have overrepresented the good of community and fallen prey to the nostalgia that Bauman (2001) has warned about. Is the ideal community a myth? Cohen (1985) has noted that the word "community" is "rich in symbolic power, but lacks in any negative connotations" (117).

The ideals surrounding the notion of community justice include participation, self-government, and real community. Although it may seem that many of the fundamental shifts required for more community involvement are impossible and run the risk of being harmful, the potential benefits of fewer professionals outweigh these risks. If we move cautiously forward, are alert to the mistakes of the past, and sensitive to the ripple effects of our actions, the paradigm can start to shift away from punishment and professionals. While we must be cautious that we do not idealize community so much that it blinds us from the reasons we moved away from community justice, we must acknowledge the far reaching negative implications that have been brought about by the imposition of the professional. At the same time, the professional should not be excluded from our critical discussions. In fact, McKnight (1995) advocates for serious attempts to understand the needs of professionals rather than the needs of clients: to uncover what lies beneath the motivation to participate in largely unrewarding jobs which often produce individuals who seem to care less about immediate friends and neighbours. Restorative justice advocates must ask these same questions with respect to motivation and the ripple effects of *our* interventions.

The Ripple Effects of Community Involvement: Potential Dangers and Opportunities

Although many of the participants in this research mentioned their support of the restorative justice philosophy, there were several critical points raised about moving too quickly in pursuit of this paradigm. Some of these dangers centred on the risks envisioned when imagining the encounters between victims and offenders that often typify restorative justice. Other concerns were more general in terms of the philosophy being co-opted by the system in a way that would jeopardize the fundamental values. Still there were other critical questions raised about the ability of community involvement to truly reflect the diversity of culture, backgrounds, and experience prevalent in so many Canadian communities. Finally, the concern that also inspired this research had to do with the ability of community-based initiatives to be sufficiently sustainable to create significant shifts from the retributive to the restorative paradigm.

Although many individuals and their families have experienced great strides towards healing in the aftermath of harm through victim-offender mediation and other restorative encounters, the risks associated with bringing people face-to-face are many. Without addressing the unique challenges associated with the victims' perspective, restorative justice risks furthering the already mediocre support victim's groups have for these approaches. It is important to acknowledge the difference between mediation and restorative justice. These terms are often used interchangeably and, therefore, it becomes important to speak of restorative justice as a philosophy of approach rather than a particular model. As Wright (2002) indicates, there are many situations where mediation, or any other face-to-face encounter, is inappropriate. He notes that victims can still be supported and approached in restorative, caring and sensitive ways. This approach should not only be for situations where an encounter is appropriate or the offender is identified. This dovetails with what many participants indicated would be a satisfying response

for those who have been impacted. The ability to be heard, acknowledged and supported would be an important role of the community to engage with especially in relation to those who have been impacted by crime or conflict.

Risks associated with a face-to-face encounter exist with respect to all participants, not just victims. Those in typically more vulnerable positions can experience a significant amount of shame when conflict is placed in a public forum such as a circle or a conference. Ethical practitioners must ensure that enough preparation and options are offered to participants to provide the most safe and respectful process possible. As Nathanson (1997) has learned from his work on affect theory, a change of behaviour is more likely brought about by the experience of empathy rather than shame. These findings have significant impacts on the way practitioners might approach communication between people who have been involved in a harm and those who may participate in these both potentially harmful and healing processes.

The dangers in community justice initiatives also have to do with simply changing the location of where the justice system does its work, without actually shifting the approach or values. Stuart (2003) has stressed that it is not enough to have different players deliver the same types of "justice." Instead, community objectives must be identified then pursued through meaningful community engagement that is not led by justice professionals. The increased use of community as a response to social problems widens the net of social control, especially for those already in less powerful positions. Even initiatives that seek to address social inequalities, Cohen (1985) has noted, have the potential to perpetuate these inequalities. Programs that offer a wide-range of services that are delivered by non-custodial professionals can provide things like recreational opportunities and education. However, the price of these initiatives is much higher for those outside the middle-class and "instead of paying the market price you have to submit to labelling, compulsion and surveillance and you have to put up with diagnostic tests, classification

schemes, evaluation research..." (Cohen, 1985, 259). This author asks us to consider the social

and political cost of these social interventions at the community level. Similarly, Mika and Zehr

(2003) and Woolford and Ratner (2003) have warned about the appeal that restorative justice has

to both ends of the political spectrum. As such, it becomes easy for political and justice actors to

co-opt this "new" approach to suit their political agendas, which can be sold to the public as "get

tough" initiatives by simply stressing or misrepresenting values like accountability and encounter.

The question of culture also becomes interesting with respect to community justice

initiatives. Participants had critical questions concerning the idea that people are generally a part

of more than one community. Kennedy and Roundmetok (2002) have acknowledged the impact

of transnationalism whereby people are increasingly becoming members of a multitude of

different communities that are no longer only based on geography. This begs the question of just

whose community is involved with justice processes? What happens when communities overlap

and collide? Have we found the language and the processes to be able to negotiate through these

situations? These questions around culture and restorative justice have just begun to be asked, and

authors have offered little in discussing how some problems of the legal system related to cultural

diversity can be addressed more respectfully and with greater inclusion.

Looking Backwards to Look Ahead

Concerns shared with respect to the dangers of community involvement were a

significant outcome of this research. These cautions reaffirm the importance of an on-going,

critical examination of the reasons why we moved to less community involvement and more

professionals. In order to avoid repeating past mistakes, grappling with historical shifts and

contexts provides endless research opportunities. Even McKnight (1995) does not go far enough

to shed light on the possibility of the good intentions and goals of greater professional

involvement in human services. There have been positive impacts such as a diversity of human services, protection, public awareness, and greater access to necessities of life amongst the associated drawbacks of social control, economic gain, and oppression through labelling. As Wright (2002) has noted, in exploring alternative ways to approach justice, both the strengths and weaknesses of the conventional system and how it was created must be acknowledged.

Practical Considerations for Community Involvement

Considering that the risks associated with community involvement in justice issues can be so overwhelming, forward movement can be stifled. It has become clear, however, that there is widespread support for greater inclusion of the people and communities most directly impacted by crime and fewer professionals. The growing popularity of community initiatives since the 1970s in the realm of everything from policing to health provides evidence of this. Woolford and Ratner (2003) attribute the widespread popularity of restorative justice initiatives to the opportunity these practices have to,

> address widespread complaints that retributive justice is ineffective in combating crime, contributes to offender recidivism through the brutalization that occurs in prisons, and ignores the needs of victims, offenders and communities (181).

As a result of current systems being unable to produce overall improvements, the movement towards greater community participation in human services will continue. Considering this reality, it becomes important to discuss how the pursuit of increased community involvement in justice can be achieved in thoughtful and ethical ways.

Zehr (2002) has noted that restorative justice originated by practice and experimentation rather than as an abstract theory. Since those early victim-offender encounters in the 1970s, the conceptual framework of restorative justice has focused more on including community beyond

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the primary parties of victim and offender. As was indicated by this research, citizens and practitioners alike continue to struggle with the definition of community. As Ashworth (2002) notes, "some restorative justice advocates would probably claim to have an open and inclusive approach to 'community,' but in practice most schemes seem to involve the family of victim and offender, and yet to regard the community as a geographical entity" (582). Embracing the experience, learning and ideas of restorative justice practitioners and advocates may be one way of going about this. The recommendations emerging place equal importance on building community capacity with thinking about ways to be inclusive to community in restorative processes.

Developing and Increasing Community Capacity

Participants did not have any trouble recalling experiences of community and the feelings that contributed to that experience. As Pranis (2000) has indicated, humans need "connection, acceptance and love" and these were common themes that arose from the participants in the circle processes as part of this research. Asking people to reflect on their experience of community provides a reminder of the positive feelings associated with this and also allows us to reflect on how we can play a part in contributing to that experience in our own lives. Bringing about that awareness is an important foundational step for building community capacity. Confirming that community is a feeling that is an achievable, worthwhile goal is important. This is similar to Zehr's (1990) notion of restorative justice as a "sensitizing theory," in which simply having an awareness of our paradigm and how it affects our behaviour can be cause for thoughtful pause before taking action (227).

Building community capacity is discussed by Pranis (1998) who advocates strongly for restorative justice to think beyond a response to issues surrounding social justice. Early on,

questions about how to restore people and relationships when prior to the incident they were not feeling particularly whole led to critical discussions of how to restore healthy communities and transform relationships. Along with issues around social justice, building community capacity can be seen as increasing the abilities and skills of individuals to deal with many of their own conflicts. To reverse the situation created by too many professionals, restorative justice seeks to restore ownership of conflicts to those most impacted by them.

Crawford and Clear (2003) have discussed community capacity with regards to the reality that groups differ in their abilities to fulfil the roles that restorative justice suggests. While a theoretical discussion of the role of community is important, there are very few practical ideas about how to mobilize citizens to care enough to begin to be involved. One of the approaches that embodies the values of a restorative approach is dialogue. Restorative justice advocates in this research spoke at length about the importance of being in dialogue with people. To share experiences about a different approach to dealing with harm and to share personal stories were ways that could create the bedrock upon which to increase the community capacity for considering alternative ways of dealing with harm. Yankelovich (1999) and Spano (2001) have both suggested that dialogue can create transformation through empathy, understanding and trust. The theme of communication was woven through many of the participants' responses during the circle process. Between victims and offenders, parents and their children, neighbours and at their workplace, creating opportunities for dialogue were important components of both conflict resolution and crime prevention. Wheatley (2002) has noted that people rather than technology are the solution to social problems and these creative solutions begin with conversations.

Thinking Critically about Community Involvement in Restorative Processes

Restorative justice advocates have wrestled with the question of how to involve community in their restorative responses. Experienced practitioners have acknowledged the importance of a flexible response that incorporates the needs of all participants. For example, when one local program identified that a one size fits all approach or model did not work for every situation, they introduced an approach called *designing restorative responses*. This approach offers an individualized response rather than inviting participants to take part in one particular model. Similar to a continuum of restorative responses (Van Ness & Strong, 2002; Zehr & Mika, 2003), a range of options could be available to provide the most appropriate approach to match the diversity of needs that arise for individuals in the aftermath of harm. Drawing on the experiences of practitioners like these, as well as literature with respect to critical issues in practice, the following list of questions might assist practitioners when considering the role of community in a restorative response in the aftermath of a harm.

1. What happened? What is the **harm** that has been created? Who and how have people been harmed *emotionally, spiritually, physically, economically, socially*?

2. How have others responded to the incident (i.e. parents/family/friends, schools, police) and what have been the implications of this?

3. Are there underlying needs of the participants that might require services beyond what our response can offer? Have they been accessed? Are people open to exploring services?

4. Are the potential participants displaying characteristics that could be associated with trauma?

5. Do the people involved have the capacity required to engage in a restorative process? What do people need to feel supported and safe before, during and after the process? Who can play these roles? How do others feel about their participation in the process?

6. What expectations do participants have of the restorative process? The court process? How can these needs/expectations be met? Do we have a tool in our tool box that is likely to provide the opportunity for their needs to be met?

7. Will a relationship or individual be further harmed because of our intervention?

8. Do we, as facilitators, feel we have the competencies and skills to be able to deal with the situation at hand?

9. How can we design a balanced approach that respects peoples' different capacities?

10. How can a process be balanced so all voices are equally included and respected?

While these questions may lead practitioners to make more purposeful decisions about including community in restorative process, there are still outstanding issues surrounding the definition of community. Although participants noted that geography and environment seemed to play a role in terms of size of the population and the ability to be familiar with people and places, the majority of the themes involved intangibles like feelings of being loved and accepted. At the heart of the stories of community were the relationships and connections that people felt to others whether or not they lived in that area. Many of the themes emerging from this research are explored by the literature probing the elusive concept of community. McCold and Wachtel (1997) define community in terms of personal connectedness to individuals and a group. Pranis (1997) has stressed that relationships are what defines community. It seems clear that defining community is an exercise that is as fluid and organic as the idea itself. Perhaps the question is not whether or not community is defined concretely, but rather have practitioners sufficiently explored the meaning for themselves, their organization, and the participants?

Movement towards a more flexible, needs based approach to harm and conflict should not escape critical questioning about possible impacts that the lack of uniform outcomes will have on our basic sense of fairness (Zehr, 1990). A more flexible approach can make professionals nervous about the lack of consistent options and predictability. However, do the benefits of pushing everyone through one process outweigh the risks associated with having a more flexible approach that holds safety and respect of the participants at is core?

An example of this move towards more flexible approaches was raised by Cohen (1985) in his discussion of what he has considered more humane and genuine community alternatives to incarceration. He notes that while these initiatives do increase social control, practice carried out in ways that are vague and less prescriptive are able to better respond to the varying needs of those on the margins. Cohen (1985), however, does continue to assert that the good work being done may be able to touch on individual factors linked to harmful behaviour (alcoholism, illiteracy, homelessness, etc.) but does nothing to address what he has called the "real sources of inequality, exploitation, and deprivation" (257). It should be cautioned that restorative justice responses in and of themselves can do little to shift the overarching and underlying social inequalities. To provide an entirely different way to think about harm requires that we move away from individualizing problems and scapegoating to realize the structural violence that affects each one of us (Sullivan & Tifft, 2001). This is why restorative justice must not be considered simply another response to crime and conflict but as a way of approaching the world.

The Experience of the Circle Process

Strauss and Corbin (1996) have advocated for research processes that involve "the constant interplay between the researcher and the research act" (42). These authors have suggested that an ongoing, critical, and demanding reassessment of the relationship between the participants and the researcher is crucial to ensure integrity of the approach. Kirby and McKenna (1989) have also noted the importance of reflexive research. The methods undertaken for this project provided a unique opportunity to attempt a restorative approach to research. Gathering feedback from the participants and an analysis of my field notes as a member of each of the circles will provide helpful reflections for the utility of the circle as a method of action research and provide suggestions for future research.

Participants' Reflections

When transcripts were provided for validation, participants were asked to offer feedback on how they experienced the circle process. The responses were extremely positive and confirmed that many of the aims of this research project were met. The purpose of the circle was to provide a safe and respectful place to explore the topic of community and justice. In addition, the use of the circle as a restorative response to research sought to transform, empower and connect people in a different way. Many of the participants' responses spoke to these goals although the questions posed were general in nature:

1) How did you experience the circle process?

2) Do you feel the circle is an effective way to gather information for the purpose of research?

The general theme that emerged was that the circle was an excellent process to discuss meaningful issues. Some of the reasons provided were that participants felt listened to, safe, and comfortable during the process. Many participants enjoyed the participatory nature of the process and the opportunity to have an equal chance to speak without interruption. Some reflections that were shared included:

> I always find a circle process to be a wonderful way to gather and share information. We have an opportunity to truly come together as human beings who have an interest, wish or need to connect with others. I also value the notion that we are participating in a restorative process itself that support and operationalizes the values that we hold dear (Restorative Justice practitioner).

> I loved the circle process, I knew what my answer was going to be, however, I appreciated hearing other peoples' answers and did change my response when I heard a response that I liked and was similar to my own; in other words, hearing other peoples' answers helped me to streamline my own responses (Restorative Justice advocate).

> I feel like the circle is a very effective, respectful and productive way of having dialogue in general, but particularly for gathering information for research. It seems to be a good way to flesh out ideas, more so than, say, a focus group — and helps lay out foundation for future follow-ups, etc. (Restorative justice advocate).

I always enjoy circle dialogue. It's a good process for me as it slows me down to do more listening and that's the point isn't it? Listening and learning (Restorative justice advocate).

Some participants spoke to the topic we were exploring. This validated the importance of a discussion around this issue.

> The circle process was a very stimulating, thoughtful, insightful and education experience for me. I racked my brain during the circle trying to get my head around the concept of community and how it relates to restorative justice (Restorative justice volunteer).

> I really enjoyed the process. I think that eventually we will have to come to terms with the definition of community in abstract and geographic place. I am a fan of these methods of collecting information I think it helps us keep respecting the organic nature of process (FCYJC member).

Participants liked how other perspectives were shared and how they inspired their responses. Equal appreciation was shared for the opportunities to speak and be listened to. Providing experiences to hear from others transforms individuals and others still were changed by post circle reflections. One participant shared her experience of reviewing the transcripts and noted:

> I realized that I am active in several communities.
> I realized that none of these communities that I am engaged in is based on where I live.
> I realized that this can be a real challenge for those making community initiatives within regions, or neighbourhoods.
> I realized that I miss being part of a neighbourhood community.
> I realized that I need to be part of a community, that this is quite important for me, a sense of belonging (Restorative justice volunteer).

There were comments about how people were pleased with the "safe facilitation" style. Others expressed their appreciation over the provocative – although complicated – questions that were posed. Many participants expressed genuine support for this thesis research and asked to be kept involved and informed of the progress. There were a number of participants who offered their participation in another circle process because they enjoyed their experience. The willingness to participate further without being prompted by the researcher suggests evidence of a positive experience of participants.

Perhaps most validating was a comment made by a participant that merged the topic and the research method. Although a sense of connection could be felt in the room and people touched on it with their feedback, this participant summed it up well by saying:

> That circle process went particularly well for me. *It seems creating a circle is in itself a community building activity* where people feel listened to and validated. Given that nobody talks over one another and speaks ideally from their own experience, it promotes safety too. I think it a very effective way to collect information and have everyone share their thoughts (Restorative justice volunteer, emphasis added).

My Reflections

One of the most interesting observations as a member of the circle was that people initially directed their responses towards me. As the circle progressed, participants appeared to become more comfortable when speaking and looked around to others in the circle. The questions written on the flipchart outside the circle was another area of focus when people were responding. Providing a visual cue seemed to be one way for people to focus on the question at hand. As mentioned, although the first question asked people to speak to a satisfying response for victims, offenders and community, the majority of participants skipped over the written "victim" prompt all together. Given that victims' issues are so critical to this field, it may have been interesting to have been able to interject and provide a verbal prompt. However, the data on its own are also interesting reconfirms the tendency to mirror what the contemporary criminal justice system does: ignores those most directly impacted by harm to focus on the offender and the public interest. Most people appeared very comfortable with the circle process although it was the first time many had experienced this way of being together. It did not take long for people who had sat in circle before to be speaking from the heart with apparent comfort.

The most helpful modification to the research process was to provide the opportunity, after each person had spoken around the circle, to add to their response. The post-circle feedback from participants about this part of the process was also very positive. Participants mentioned

that it allowed them to have more of a dialogue by being able to interact with each other. Also, it allowed people to contribute additional thoughts to their initial responses that were often inspired by other participants. As a result of my observations and the participants' feedback, a shortcoming of the circle became clear: the process does not lend itself easily to the experience of *dialogue*. While the purpose of the concentric passage of the talking piece is to provide an opportunity for all voices to be heard, the prospect for rich dialogue can be lost. Nevertheless, the circle was not intended to be a forum for dialogue but a starting point to future dialogue. This dialogue may take place amongst participants and also include others whom people would like to share their experience and reflections with. It would be interesting to follow up with participants to determine whether or not subsequent dialogue or action occurred as a result of their involvement in the circle.

The circle process allowed for a unique flow of ideas. How one person responded to a question seemed to affect the next participant's response and it built from there. As a result, strong themes emerged. While the depth of these themes came organically from the participants in the circle, it would be interesting to consider *how* peoples' responses were affected by what they had heard from the people who spoke before them. It was interesting to note that from the participant's perspective, they enjoyed being able to "feed off" and be inspired by others' perspectives. Many participants felt that the information shared was richer because they had the opportunity to consider other points of view. The fact that responses were affected by those who had spoken before reconfirmed the research decision to pass the talking piece to the left to allow that person to start so my response would finish the round. This minimized the initial impact of my response upon others in the circle.

The participants respected the guideline of no interruptions. The circles truly appeared to be a place where people could listen and speak with emotional safety. The number of the

participants did not seem to affect this as the largest circle with eleven people still appeared to provide people a space for speaking from the heart and post-circle feedback confirmed this. The number of participants, however, affected timelines as it is difficult to ask people to sit in circle for anymore than about one and half hours. People seemed to be happy with this timeline and any more may have excluded some participants because of the time commitment required. Having said that, given the excellent feedback from participants, those who had a positive experience in circle once may see the value and participate for again, perhaps even for an extended length of time.

The research process, especially the third round of the circle when people were asked to share a time they felt connected to community, produced personal stories and reflections. It was a good decision to leave this question for the final round as it seemed a very positive place to conclude. This demonstrates the ability of research performed this way to allow people to connect with each other in very unique ways. As Pranis (2000) has noted:

> Storytelling is fundamental for healthy social relationships. To feel connected and respected we need to tell our own stories and have others listen. For others to feel respected and connected to us, they need to tell their stories and have us listen. Hearing someone else's story reduces social distance and stereotypes about the other. Personal stories capture the complexity of the individual beyond the one dimensional impressions which might be created by knowing of one single aspect of a person's life. If we truly hear the story of another, it is difficult to maintain distance from that person and fear of them (43).

Although I attempted to target a diverse range of community groups in terms of age, it became clear that many of the individuals who participated likely had more experience with the justice system and exposure to restorative justice than the general population. Whether they were justice professionals and other affiliates, restorative justice advocates or people who had encountered the system as a victim or a person who has committed a crime, the level of knowledge definitely affected their ability to respond to these questions and draw out some of the complex and critical issues in regards to the topic. In this way, it was beneficial for these participants to have been

involved and, at the same time, it remains important to provide more opportunities for people not directly experienced with the justice system to share their perspectives. In terms of population, given the demographic of the community involved in this research, having a circle involving older adults would have been an important perspective to have. Although I had attempted to engage this population, barriers arose in terms of availability and interest that were not overcome given the timeframe of this thesis research.

CHAPTER VII - FINAL REMARKS

This research was an attempt to bridge the theory and practice of restorative justice. This was to be accomplished in two ways: by the methodological choices made; and by the research questions posed. The circle approach itself set out to employ the values of restorative justice and qualitative enquiry in a process that would provide the opportunity for empowerment, self-reflection, respect, inclusion, transformation, and connection. Based on the participants' feedback and experience in the six circles, it was determined that not only is the circle process a restorative approach to research, it can be a transformative and mutually beneficial approach for all participants, including the researcher herself. The participants felt safe and respected and showed great support for both the topic and the research process.

The questions posed to the participants explored the gap between what has been written about the importance of community inclusion in restorative justice and how this idea has been expressed in practice. The assumption that community exists at all is one that is both supported and challenged by the literature. Although participants expressed frustration over defining "community" they were readily able to provide powerful examples of a time felt connected. Many of the participants expressed sadness over the loss of community that they once experienced. Clear and Karp (1999) and Wheatley (2002) have noticed a similar sense amongst citizens that the quality of community and family life is deteriorating and people are feeling more disconnected than ever. The term "community" will continue to have different meanings for people although this struggle is no different than the debate over any abstract notion like "justice" or "healing." Although we may not be able to pinpoint the actual meaning, we know it when we

feel it. Pragmatically speaking, "the quest for community is no less real than its results" (Cohen, 1985, 127). The threads of feeling connected, accepted and loved are all intangibles that although invisible to the eye, do not mean non-existence. These are real emotions and values that get to the core of who we are and impact us in a very significant way. If, as Johnstone (2004) has noted, we can come to see the utility over different meanings and the restriction in having one definition, much of the frustration can be transformed into curiosity. By allowing for the possibilities of infinite experiences of community and hearing those stories, we can draw out what is common and therefore increase our ability to understand and empathize with others. This research provided opportunities for thirty-five people to reconnect to these experiences and the impacts of this experience can only be speculated upon.

The questions asked by this research were inspired by concerns about the sustainability of restorative justice initiatives. Without community support for restorative values and approaches, the shift from a retributive to a restorative paradigm will not occur. What has become clear is that even though many participants who engaged in this research had made movements towards an intellectual paradigm shift, what Zehr (1990) has called the "political and institutional interests" (222) certainly have an impact on whether or not any shift can take place. This is especially true in the politically charged, often misunderstood realm of criminal justice. Often evoking an emotional reaction, crime and our response to it produces professionals to deal with these problems which erode our abilities individually and collectively to deal with harm and conflict. This creates societies intolerant of any misdoing, as if conflict is bad and unnatural rather than productive and potentially healthy. Continuing to focus on individualizing problems and trying to fix broken people will perpetuate this intolerance and does nothing to help to increase social responsibility for creating conditions that create crime. While this apathetic nature is perpetuated by professionals, it may be able to shift by engaging people in dialogue about their

fears, needs and values about others. Being mindful of our interconnections and the ripple effects of our actions, intended and unintended, are important considerations.

Along with some insightful suggestions about the role of community in prevention and responding to harm and conflict, perhaps the most important results of this research came from the critical questions that were asked about the practice of restorative justice and the inclusion of community. These responses demonstrated the importance of continuous dialogue between restorative justice practitioners and others who can discuss ethical practice. This is especially critical given the increasing movement towards greater community involvement in so many different areas of our lives. We must be cautious that this increase leads to more healing approaches to justice, rather than more professionals doing the same thing in a non-custodial location.

Of utmost importance, however, is that restorative justice is only one approach to harm and conflict. While this research demonstrates that many of the values and processes like the circle resonate for people, the shift from a retributive paradigm to a restorative paradigm is not without risks. Restorative justice offers tremendous opportunities for healing, the restoration of relationships and transformations of individuals and communities but also has the ability to create harm and be easily co-opted. Therefore, identification and meaningful discussion of critical issues like community inclusion is a key to providing both the sustainability and the integrity of restorative approaches.

Future Directions

The preceding discussion of the dangers and opportunities of community involvement in justice issues is only the beginning. The issues raised in this thesis research seem to raise more questions than answers and further, critical dialogue with respect to the ripple effects of restorative responses is of great importance to the field. While the impacts of the professional on human services may have impacted individual and collective capacity to deal with conflict, research into what these specific impacts have been may help deepen our understanding of our increased reliance on "experts." Future research may seek to focus on how the professional and the citizenry can participate together and how the unique needs and values of a particular community will impact on this arrangement. The role of the government and the importance of public acknowledgements of harm are areas which were only touched upon in this thesis and certainly require further examination. If restorative justice initiatives truly value inclusion, room must be made for all voices to be present in meaningful ways.

The discussion of victims' needs were noticeably lacking from the responses of community participants and restorative justice advocates. Without more attention paid to victims' needs and the critical issues that arise from what we know about trauma and secondary victimization, restorative justice continues to run the risk of being seen as offender focused. Healing approaches have so much to offer for victims and a strategic effort must be made to engage those who have been harmed and their advocates in safe and respectful ways.

Finally, the notion of collective responsibility-taking is one which needs much more clarity. While this research identified that one of the main roles community members can take is to educate themselves and procure some level of responsibility for creating the conditions for harm to occur, the pragmatics of these ideas go beyond criminal justice to how we live together as a society. Restorative justice and its roots in social justice encourage further consideration of concepts of interconnection which motivate future study to move outside of criminal justice to a more interdisciplinary look at the political, economic, philosophical, psychological, historical, and social facets of human behaviour. A much broader examination of how we live together in community will be required to suggest ways to move towards a more collective and holistic way of responding to and preventing harm.

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