



Justice Connections

A joint publication of IARJD and PRASI

Reflection

From Persons to Peoples: Accountability and Getting to the Roots of Harm

by Denise Breton

When I first heard about restorative justice, I felt liberated and inspired by a movement that advocates responses to harm other than inflicting more harm. What a concept! It gave me hope that the untold harms in this world could be addressed in transformative ways—ways that addressed why harms happened in the first place. We could put our energies and resources into repairing whatever needed mending and changing whatever was generating hurt. The concept seemed so simple, yet so profound.

Restorative justice still gives me hope, but I've had more time to live with it. One experience that has influenced my thoughts considerably has been my participation in the Dakota Commemorative Marches. These biennial marches, which began in 2002, commemorate the 150-mile, seven-day Death March that 1,700 Dakota women, children, and elders were forced by Minnesota's government, military, and citizens to make in November 1862 from southwestern Minnesota to Fort Snelling in Saint Paul. More than anything, I learned from my experience with these marches the "presentness" of so-called "history." I still believe that restorative justice holds huge promise for helping us learn how to coexist and find happiness as individuals, but I now think the essence of restorative justice as a philosophy and as a way of life calls us to expand our focus.

Specifically, if restorative justice hopes to address harms on deeper and hence more effective levels, we need to consider the bigger picture: How did we

get to where we are as Peoples? How has our society come to look the way it does? How have some groups benefited from this history, while others have paid a terrible price and still pay? These questions challenge us to apply what restorative justice practitioners have learned about healing harms between people to healing harms between Peoples.

By using the term "Peoples," I mean to acknowledge differences among groups that respect distinct cultures, histories, languages, traditions, homelands, ancestries, diets, knowledge-bases, customs, ceremonies, family structures, dress, social, economic, and political experiences, and other bonds that hold people together as members of a group—bonds that have nothing to do with the fiction called "race." I also mean to acknowledge that, although "race" is a biological fiction, as a socio-economic, political construct in American history and society, "race matters." There is, for example, nothing "color blind" about our current "justice" system. For restorative justice to address harms in transformative ways—not just mopping up the floor of an overflowing tub but actually turning off the faucet—the context of who we are as Peoples needs to be part of the justice-making process. It does not serve re-

storative justice to keep this powerful context invisible and off the agenda.

Holding Peoples Accountable

A leading insight of restorative justice is that holding people accountable for harms is positive and transformative. Accountability is not about punishment, but about engaging in a process that can change lives for the better. Accountability gives us the means to learn the consequences of actions beyond what we know or realize. The process builds a sense a dignity and self-respect within those who commit and/or benefit from harm. And it enables the perpetrators and/or beneficiaries of harm to be transformed in our awareness, identity, and patterns of behavior, so that we can sustain respectful relations of fairness and mutuality with others.

As I learned about the transformative power of practicing accountability, it seemed increasingly incongruous that we hold every kid—especially kids of color—accountable for graffiti, petty theft, drug use, or truancy, but do not hold ourselves accountable for stealing a continent's worth of land through genocide, ethnic cleansing, slavery, racism, and all the White violence and terrorism that our

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*Organizational Update***Recent Developments Among Our Partners****In Memory**

Long time friend, civil rights activist, and partner Harmon Wray died in July. He fathered enormous change in prison education, anti-death penalty advocacy, and modeled authentic relationship building between people whether incarcerated or free. His challenge to the faith community to live its values will also continue to inspire thousands to continue his work.

NAFCM and PRASI

The National Association For Community Mediation (NAFCM) is moving offices and cutting costs in many ways including dropping as an official sponsor of Justice Connections. NAFCM members will still be encouraged to contribute and subscribe, but the national office will no longer be able to underwrite some of the costs. NAFCM will focus on developing national programs to provide community mediation services to specific populations and completing the third year of its Americorp program. PRASI will continue as a cosponsor of the newsletter and take on a more active role as members of a joint committee that will help identify themes and writers, policy and processes regarding process and content, and provide coaching and other support for authors who want it.

VOMA's Evolution

VOMA has selected a name for its own new collaborative initiative and repositioned organization. The **International Association for Restorative Justice and Dialogue** reflects the desires of members to become more aligned with the full range of RJ processes and values. The new name will also continue to assert a commitment to both an international scope and to dialogue as a core component of our work. Priorities for IARJD include the newsletter and a conference, an updated and interactive website, and training and technical assistance with increased use of technology and distance learning. Over the next few

months VOMA/IARJD will also become more visible in the areas of public awareness and both new curriculum and practical tools for anyone wanting to bring RJ principles and practices to their homes, schools, workplaces, and communities.

June Conference

The VOMA/AACJP conference in June was an exciting event. It was attended by over 350 people from around the world. Almost 70 people attended VOMA-sponsored pre/post conference trainings and 40 people attended our membership meeting. We hosted keynote speaker Pat Fennell whose 4-phase model helps match intervention content and process to the stages of trauma integration for victims. She has been able to demonstrate the physical impact of such trauma through the use of blood samples that demonstrate change over the course of integration of the experience. We also hosted Pat Clark whose recent participation in the Greensboro Truth and Reconciliation Commission (the first use of the process in the United States) inspires us and others to explore applications within communities with long-standing hurt from hate crimes, conflicts, and violence.

Board Transitions

Dale Landry has completed his tenure on the VOMA/IARJD board but not his advocacy for Restorative Justice. His Village Architects business continues to work around the country building community participation in justice that can reduce the over-representation of African Americans in the justice system. Board members Jane Riese, who served two years as co-chair, and Andrea Verswijver have also completed their board tenure. Andrea also joyfully announced with her husband the birth of Keaton Morrison Verswijver on August 15. Jane continues her work with the award winning Olweus bullying prevention program and is now the lead trainer on new videos co-produced with the nationally renowned Hazeldon Foundation.

Justice Connections

Justice Connections is a joint publication of the International Association for Restorative Justice and Dialogue and the Practitioners Research And Scholarship Institute.

We welcome contributions, including short articles, literature reviews, case studies, program news and other information.

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FGCs

Learning from the Past and Repositioning the Future: Family Group Conferences in Contemporary Practice

by Marie Connolly

Introduction

Sometimes the best of things take time to mature. One of these may be the Children, Young Persons, and Their Families Act 1989, which is currently under review. This is a good thing. The legislation that brought the Family Group Conference into law was introduced last century. It is now 18 years old and, despite its longevity, it continues to be one of the most innovative pieces of legislation that can be found in any jurisdiction. It is important that we look after it and make sure it continues to do what was originally intended – to empower families to look after their own children and to be the ones who decide what is best for them.

One of the first things the Ministry of Social Development did in reviewing the legislation was to bring together a group of people who shaped the ideas and brought the FGC into law – a group of historians if you will. It was a momentous occasion. It was a meeting of people with the courage and foresight to introduce radical law that has had an impact on not only families in this country, but also families across the globe. The legislation took a step toward something new and exciting. In terms of social work, it caught up with the beginning of a practice “sea change” that would alter the way we understood our work with children and families well into the future.

When we met with the historians group they shared with us how they saw this sea change:

There was a feeling of determination that the Department would actually lead the way in re-orientating itself ... from a mono-cultural department into a department that was there for Maori.

They talked about the concerns they had for children in care:

Children were under state guardianship in quite large numbers and we were worried about children drifting in care. We needed to find a working basis with the families. In the long run, the social worker wasn't going to be there for the child. More and more people were intent on making sure that there was a concentration of family, and if there were strengths to build on, you needed to do that.

They talked about developing a new culture of practice, a culture that provided hope for families and for workers. They also talked about a broader vision and the legislative foundations that they put in place to encourage a different type of service delivery. They issued a challenge to us by asking why we do not have a network of service operating now as an alternative to the state?

We have an opportunity to see how we have responded to the historians' ambitious calls for change. Do we now have a service that is responsive to Maori interests? Has this legislation provided the means through which families, regardless of their ethnicity, have been empowered to make decisions that are in their best interests?

These ambitions were set in the last century. We are now in the 21st century. Time and practice moves on. Practice, like everything, else evolves as we reshape, reinterpret, and generally mould our ideas toward the contemporary challenges we face. Practice now is different from 1989 when New Zealand so courageously introduced “the new Act” as it was called for many years to come. In 1989 we were moving into new practice territory.

Here is what a coordinator told me about their very first FGC back in

1989. It's a good example of a baptism of fire (Connolly, 2006):

...the conference proceeded and she continued to abuse us uphill and down-dale, which flustered both the social worker and I somewhat. Today it wouldn't one bit, but in those days it certainly did because we didn't know, sort of, where we were headed.

While the historians may well have had a vision of how the legislation would work in practice, anyone actually taking part in those early conferences will know that doing it with real families can present an unpredictable set of complex dynamics and sometimes unexpected outcomes.

Now, almost two decades later, when I asked coordinators how they have seen practice develop over the years, they talked about greater practice maturity – moving from not quite knowing where they were heading to having:

- greater clarity about the aims and purpose of the FGC;
- greater thoroughness in preparation;
- greater clarity regarding “bottom lines”; and
- more efficient processes regarding the organizing of the FGC.

It may be that FGC practice in the 21st century is a little different from those early forays into family decision-making. What sense do we have of contemporary practice? How have the years shaped and molded the way we work with children and families?

15,477 FGCs

Over the past financial year to the middle of 2006 we held

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a total number of 15,477 FGCs in New Zealand. Over 9000 of these conferences were youth justice FGCs, and we reach agreement around 79% of the time. In care and protection over the same period we held more than 6000 FGCs, almost 86% of which reached agreement.

When I talk to care and protection coordinators involved with modern day FGC practice, perhaps not surprisingly, they talk about the increased complexity of the family troubles they confront. Creating an environment within which issues can be confronted honestly but with dignity is a key function of the FGC. In practice, fostering family-centered work on one hand and child protection on the other, can become a delicate balance of responding to differing needs: family support and the need to maintain and preserve the family, and meeting the care and protection needs of the child. The tension between family support and child protection can be acutely felt within the FGC. Being upfront with families and talking honestly about the issues – although made more difficult in a meeting dominated by extended family – is important if the family is to make sound care and safety decisions. This is what a coordinator had to say about being up front:

I think the major thing I found is always tell them the truth, no matter how rough it might be, no matter how horrendous things might be, if you tell them the truth the family will work with you.

For social workers, though being upfront and telling “the truth” can also create stress and tension. And this may impact on their actions. Here is another comment from a coordinator:

I've got to say it's tremendously intimidating. I come to conferences and I'm sometimes sure that social workers avoid going to declaration because of the amount of effort and stress the work puts on them. It's their job, of course, but it's pretty tough.

This raises a number of questions for us to consider: how does this kind of pressure impact on the way professionals in these situations, not only statutory professionals but anybody involved with the family? Do these tense and difficult dynamics have the potential to undermine basic principles of Family Group Conferencing?

Equally, professional decision-making can creep into what was originally thought of as a family decision-making process. Coordinators have sometimes expressed concern to me about the potential for a professional pre-judgment of a conference:

It means that quite often it's a process that's gone through in order to get it to court. We're going to conference in order to get this outcome. ...the families feel very disempowered, and often voice that: 'What have you got us all here for – you've already decided what will happen'.

There are a number of things that swing the process either toward or away from a family led practice within an FGC. Increasingly, risk averse practices can shift the pendulum toward professional decision-making even within a family-led set of legal principles. In New Zealand over the past 18 years, increasingly high community expectations that social workers must protect all children and never miss a single case of abuse has, I believe, driven practice toward increasingly forensic investigations that have influenced the nature and style of the FGC process in this country. To understand pendulum shifts in practice over time it is useful for us to look at the ways in which practice has developed in New Zealand.

Before FGCs

Before the introduction of FGCs, New Zealand generally followed international child welfare service delivery systems. In the 1960s and 1970s New Zealand built an infrastructure of alternative care – foster care and residential care – to provide for the needs of children who could not be cared for at home. The Children and Young Persons Act of 1974 generally supported a benign child rescue model of practice.

Indeed, social workers did rescue children in reasonably large numbers and placed them in care situations often for long periods of time. In many ways this imitated the practices of other English speaking systems of child welfare. The 1989 legislation was a radical shift away from this approach. It was a significant step toward greater family participation in decision-making and was deeply embedded in strongly held cultural belief systems. It was an occasion when we looked to ourselves and based practice on what we thought was right for children and families in this country. The battle of practice between “child rescue” and “family support” had been won by the family centered practice lobby. At least that is how it seemed in 1989.

New practice struggles

As it turned out it was only a skirmish. The decade of the 1990s brought with it new practice development struggles. Internationally we were seeing practice that was strongly influenced by systems of risk assessment, and an increased bureaucratization of child protection. Perhaps paradoxically these practices found a sympathetic place within a new managerialism aimed at controlling, prescribing and making certain that which is fundamentally uncertain – the practice of child protection. The kind of family led practice that was introduced by the 1989 legislation struggled to coexist with an increasingly forensic child protection orientation. Despite our family-led legislation, social workers found themselves involved in adversarial investigative processes, which in turn had an effect on the dynamics and style of the FGC.

Over time it is perhaps inevitable that elements of our practice will shift along a continuum from family-led practice to more professionally determined ways of working as shown in figure 1. Using a continuum such as this can help us see where practice shifts occur:

Because practice responds to circumstance, it would be unlikely for practice to be constantly and fully up one end of the continuum or the other. The legislation we have in this coun-

*Research Reflections***Learning to Improve Therapeutic and Other Practices**

by Duane Ruth-Heffelbower

I recently had a conversation with a seasoned psychotherapist about evidence-based practices (EBP) and corrections. He listened patiently to my enthusiastic discourse and then rather patronizingly told me that EBP was all well and good, but that no therapeutic approach was really any better than any other. He went on to add that there is not much one can do to improve on what therapists are currently doing.

I thought that there was surely more to helping people change than just settling for the status quo. However, when I looked into it, I discovered that, "Overall, no one therapeutic approach stands out as offering better results than any other." (*Evaluating Therapeutic Effectiveness in Counseling and Psychotherapy*, 2006)

Was my friend right? What about all the EBP research? Surely there is something that makes a difference. So, as I read on, I discovered that, "The evidence suggests that the abilities of individual therapists may be a more significant factor in determining outcome than therapeutic orientation." (*Evaluating Therapeutic Effectiveness in Counseling and Psychotherapy*, 2006)

That insight would not have surprised Carl Rogers. He was promoting client-centered counseling (accurate empathy, nonpossessive warmth and genuineness) over 50 years ago. Bill Miller and Stephen Rollnick, the formulators of Motivational Interviewing, have since taken on an updated variation of his cause. They state, "Within the context of a safe and supportive atmosphere, clients are able to explore their experiences openly and reach resolution of their own problems." (Miller and Rollnick, 2002, p. 6)

In order to make sense of all of this I thought about three factors that must

be in place before anyone does anything: capacity, motivation and ability. *Capacity* is an innate potential for growth. Think of a developed capacity as an ability and an undeveloped capacity as a potential. A lack of capacity, then, is a condition without the potential for change; there are insurmountable obstacles, limitations or incapacitations. For example, a person with active schizophrenia that is not responding to medication lacks the capacity to make significant changes. Or, an alcoholic with Korsakoff's syndrome lacks the cognitive capacity to make good decisions concerning their drinking.

Without the capacity to do something, it cannot be done. If this is the case for a particular individual, then professional helpers should focus on harm reduction. However, if the capacity to do something exists, then the two other elements need to be in place as well before effective action can be accomplished. The first is *motivation*, the incentive to move to action. Motivation consists of seeing the importance of doing something and having the confidence that it can be accomplished.

Importance is established when the benefits of changing are seen to outweigh the benefits of not making changes -- the greater the difference, the greater the importance. The importance of changing might be clear to some people. Other people might not clearly see their role in their problems or their role in the solutions. For example, they might blame others for their difficulties and expect others to change before things get better. As a result they do not see their doing anything as being important.

Some people might know that things are not right, but have no idea that their lives could be different. They lack a vision for change. On the other hand, some people mistakenly believe that

they have everything under control and therefore changes are not necessary.

Some people know that the need to change is important, but do not have confidence in their abilities. Often it is because they have tried many times before and failed. Sometimes it is a self-esteem issue. It could even be that they do not have confidence in their counselor's ability to help them change.

An individual's counseling style (intentionally or otherwise) either increases their client's sense of self-efficacy and awareness of the need for change or decreases it. Their style has motivational consequences.

The other element is *ability*, the knowledge, skills and resources to perform effectively. With addiction, as one example, abilities might include:

- Maintaining resolve in the face of strong seductive emotions;
- Recognizing risky situations and being prepared to deal with them; and
- Having a support group.

Most therapeutic approaches center on what causes problems and what leads to solutions. They focus on ability development. And, apparently on average, it really does not matter much which route one takes as long as it eventually gets them where they want to go.

Therefore, the elements that need to be in place before a capable individual does anything are motivation and ability. By looking at combinations of these elements we may discover a way to improve therapeutic interactions beyond the way things are

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typically being done now.

A little known fact is that most people quit or successfully cut back on troublesome or problematic drinking or drug use on their own (Miller and Rollnick, 2002; National Institute of Health, 1998). I imagine that this is probably true of most other problem areas as well. This implies that most people already have the natural ability to improve their condition and they do so once they are motivated. Furthermore, most people naturally become motivated once they realize that they have a problem. They are motivated and able. We usually do not see these people in our offices because they end their problematic behavior before that becomes necessary. Or, if we do see them, they are the ones that do not need much attention.

A different group has the ability to change, but lacks the confidence. The counselor that can instill faith and hope in these clients will set the natural process of change in motion (Miller and Rollnick, 2002). Confidence building is the key.

Others have the ability, but lack the desire. "What fewer people appreciate is the extent to which change talk and resistance are substantially influenced by counseling style. Counsel in a directive, confrontational manner and client resistance goes up. Counsel in a reflective, supportive manner and resistance goes down while change talk increases." (Miller and Rollnick, 2002, p. 9) In this context, clarifying the importance of change is the key.

Some are motivated, but they lack the ability. Since most therapeutic approaches are centered on helping people develop the ability to manage problems, most approaches will likely be successful with motivated clients. Focusing on helping clients discover the knowledge, build the skills and gather the resources necessary to end their problematic behavior is the key.

Must we then assume that any therapeutic approach is as effective as any

other when it comes to dealing with offenders? I believe that the answer is no: "There is no justification for inferring from the evidence that a specific individual client (as opposed to the aggregate set of all clients) will be helped just as much by one approach as by any other." (Evaluating Therapeutic Effectiveness in Counseling and Psychotherapy, 2006)

More on Individual Therapeutic Style

Staff should exhibit these Relationship Factors:

- Warmth
- Genuineness
- Honesty
- Humor
- Self-confidence
- Empathy
- Intelligence
- Maturity

And these Skill Factors:

- Directive
- Solution focused
- Structured
- Effective at modeling

Furthermore, these Client Issues should be addressed:

- Motivation (as a barrier)
- Engages in denial and/or minimization
- Interpersonally anxious
- Cultural/ethnicity issues
- Gender issues
- Sexual orientation issues
- Communication barriers
- Low intelligence
- Learning disabled or brain injured

Source: Andrews and Bonta, 1998

Research shows that changing the beliefs that support criminal behavior or a chaotic lifestyle is the most effective approach when it comes to reducing the risk of re-offending (Andrews and Bonta, 1998). Cognitive-behavioral interventions are the keys for offenders.

I cannot wait to see my psychotherapist friend again. I will tell him (maybe a little patronizingly) that since a therapeutic approach can be learned, so can a motivational enhancement counseling style. Then, maybe, we can improve on what therapists are currently doing, especially if we all used motivational enhancement approaches when motivation is the issue and ability-building approaches when the lack of knowledge, skills and resources is the issue. I wonder what he will say then.

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Book Review

Peacemaking: Reflections of a Radical Criminologist review by Russ Immarigeon

Peacemaking: Reflections of a Radical Criminologist

by Hal Pepinsky

University of Ottawa Press

\$27.00 (paper), 214 + xvi pages (2006)

Hal Pepinsky is an international leader in the movement toward "peacemaking criminology." But he started his career as a criminologist well-familiar with traditional approaches to crime and punishment. Over time, he evolved. His dissertation work involved observations from police patrol cars as police officers made their rounds (see his 1976 volume **Crime and Conflict**). In subsequent years, Pepinsky's evolution can be viewed through his studies of crime control theories (see his 1980 volume **Crime Control Strategies**), violence (see his 1991 volume **The Geometry of Violence and Democracy**), and crime and penal abolition (see his 1984 and 1991 volumes **Myths that Create Crime** and **We Who Would Take No Prisoners**). His 1991 volume, **Criminology as Peacemaking**, which he co-edited with Richard Quinney, is now a classic.

But Pepinsky is still evolving. In his latest volume, **Peacemaking**, he offers text that is more personal memoir than criminological tract, although it centers on his evolution as a criminological activist and thinker (as opposed to merely an empiricist or theorist). Pepinsky has long taught criminology at Indiana University in Bloomington and his interactions with students are as likely (perhaps more likely) than his interactions with criminologists to cause shifts in his perspective from time to time. This is of little surprise as Pepinsky is an observer (he dismisses false or forced distinctions between qualitative and quantitative research) who gains as much (and perhaps more) from single events or encounters than from particular forays into academic libraries (although he notes that much can be learned in these places too).

Given the title of this volume, the first in a new series that Robert Gaucher of the University of Ottawa is editing on "Alternative Perspectives in Criminology," it is fair to say that Pepinsky focuses primarily (or at least more often than not) on "peacemaking." But Pepinsky's career – his academic training is in law and Chinese studies as well as in criminology – originally focused on police patrolling and diversion programming, among other topics, and his chapters on these are enlightening, and worth the price of the book, because instead of themselves being diversions from the topic of peacemaking, they are "part and parcel" of Pepinsky's perspective on peacemaking, and they certainly have application to this topic and, in fact, add a very important dimension.

Overview

Pepinsky's **Peacemaking** is parsed into nine parts: Pepinsky opens with a reflective statement and ends with a useful listing of his extensive written and edited works in criminology. In between, Pepinsky shifts paradigms and stretches his own being. His "journey" is not without pain and anguish, but, even though it is undoubtedly far from complete, the fruits of Pepinsky's sojourn are many. And these can be found throughout separate chapters covering criminal justice diversion, the rise of imprisonment, patriarchy and the politics of fear, violence, and the nature and practice of peacemaking.

Pepinsky's discussion of diversion is particularly important. He notes, as many have, that a discussion of diversion starts with the prison itself. But Pepinsky's point is more critical than most. Indeed, he immediately posits that prisons were diversions from corporal punishment (although corporal punishment hardly disappeared from the early American landscape); similarly, he says, new efforts to provide for "alternatives," such as probation and parole, have left previous, more punitive practices not simply in place, but often in "healthier" form. Thus, prison use has continued and ex-

panded over the years despite a plethora of so-called alternatives.

Peacemaking

In an engaging chapter on "The Nature of Peacemaking," Pepinsky begins with an announcement of his shift in teaching practices: "I now focus on sharing what each of us thinks she or he ought to do next to draw out and embrace conflict to make relationships safer rather than on apportioning and laying blame for violence. I want to learn what works and how to make it work rather than figure out whom to blame, to shame, and to 'hold accountable' for our problems."

Pepinsky's study of violence, including travels to such less violent places as Norway, which is home to influential criminologists Nils Christie and Thomas Mathiesen, placed him in position to embrace peacemaking: "My goal as a would-be peacemaker is to find safe, fair, honest, open ways for people to let off steam about conflicts they face. While the use of violence to achieve social control focuses on separation and isolation, peacemaking, when it works, embraces conflict and encourages honest, open social discourse about it."

Pepinsky sees his work as in its early stages, despite a lengthy and distinguished career. Peacemaking, says Pepinsky, is demanding, time-consuming, and requires inner-directed, self-challenging reflection. He observes, "You have to shut off the inner and outer voices telling you that you have to go wholeheartedly about your own business. That makes it hard to take time out to listen for and inquire about the interests that might underlie someone's position of opposition to your own interests."

Hal Pepinsky's Peacemaking can be obtained from the University of Ottawa Press, c/o University of Toronto Press, 5201 Dufferin St., North York, ONT M3H 5T8, Canada, (800) 565-9523, www.uopress.uottawa.ca.

Book Review

New Resources for the Practice of Restorative Justice

by Russ Immarigeon

Restorative Justice & Democracy

Diet for a Small Planet author Frances Moore Lappe's most recent book, **Democracy's Edge: Choosing to Save Our Country by Bringing Democracy to Life** (Jossey-Bass, 2006), challenges the notion that "to save ourselves and cleanse our society we believe we must banish, punish, and destroy offenders." Instead, she offers a brief, but very helpful, chapter that presents a restorative justice approach that counters the "just-get-tough approach" and "the cycle of crime it creates." Referencing the likes of sociologist Barry Glassner (on the culture of fear) and psychiatrist James Gilligan (on violence), she argues for citizen and police partnering, community partnering, and restorative justice. She identifies five methods Americans can use to create sounder approaches to community safety: "enabling prisoners to rebuild self-respect and to find a contributing place for themselves in communities; reknitting communities as citizens take on responsibility for safety and become partners with police, enabling nonviolent offenders to avoid prison and make amends to their victims and the community, spreading practices that resolve minor breaches and disputes *before* they escalate into crime, and strengthening community connections – including economic exchanges – that enhance mutual respect, trust, and support and therefore our feelings of safety." *Copies of Democracy's Edge* are available for \$24.95 from Jossey-Bass, 989 Market St., San Francisco, CA 94103-1741, (800) 956-7739, josseybass.com

Disaster Victims

Naomi Klein's new book, **The Shock Doctrine: The Rise of Disaster Capitalism** (Metropolitan Books, 2007), is an engaging, masterful account of how governments have, in recent decades, taken advantage of such events as the World Trade Center and Hurricane Katrina tragedies to promote and install what she calls "disaster capitalism," a swiftly responsive practice that orchestrates raids on (or privatizes) "the pub-

lic sphere in the wake of catastrophic events." In other words, Klein argues that capitalists, guided by economic theories such as those of Milton Friedman and the so-called Chicago School, essentially take advantage of natural or man-made disasters (which readily victimize large numbers of people) as "exciting market opportunities." Klein opens her book with an account of a Canadian woman's electroshock experiences at the McGill University laboratory of psychologist Ewen Cameron, who was financed by the American Central Intelligence Agency. Then she describes Milton Friedman's economic work with Argentine General Augusto Pinochet. Interestingly, Friedman used the term, "economic shock," and this makes sense, it turns out, because both approaches like to "wipe the slate clean" before proceeding. In such a state of emergency, or shock, individuals as well as societies are vulnerable to the manipulation of such "crisis managers." Klein is a great writer, and the research for this volume is first-rate. All of this, of course, is the antithesis of restorative justice, but it is also an extreme version of the forces that restorative justice must challenge in its insurgency. *Copies of Shock Doctrine* are available for \$28.00 from Metropolitan Books, 175 Fifth Ave., New York, NY 10010, henryholt.com.

Value-Centered Circles

In **Building a Home for the Heart: Using Metaphors in Value-Centered Circles** (Living Justice Press, 2007), restorative justice practitioners Patricia Thalhuber and Susan Thompson report on the practice of using metaphors in value-centered circles they conducted over the course of the past decade at the Volunteers of America Regional Corrections Center, a women's prison located in Roseville, Minnesota. **Building a Home for the Heart**, which also serves as one of the metaphors explored in this practice-oriented volume, consists of two major parts: In the first part, "Using Metaphors to Explore Values in Circles," Thalhuber and Thompson offer concise and compelling rea-

sons for the use of circles, and of restorative justice generally. I was especially struck by the authors' challenging of contemporary punitive practices. Also helpful is their summary of the principles on which value-centered circles are based. In the second section, "Sample Circle Formats," the authors more explicitly examine a set of values, such as humility, patience, respect and integrity, that were identified by the Roseville women. More specifically, Thalhuber and Thompson explore the women's values through dialogue and images that focus on seasonal (and, indeed, monthly) changes that find metaphors that "spark their imaginations" and "go deeper into these values." *Copies of Building a Home for the Heart* are available for \$15.00 (plus \$5.00 S&H) directly from Living Justice Press, 2093 Juliet Ave., St. Paul, MN 55105, (651) 695-1008, www.livingjusticepress.org, (orders) order@livingjusticepress.org. For class or group exercises, a 20 percent discount is available for orders of 10 or more copies.

Faith-Based Initiatives

Faith-based initiatives have been integrated into the public funding of welfare and corrections programming for more than a decade. Surprisingly, very little discussion of religion's moral and philosophical concerns has seen the light of public discussion. In the background, however, there does seem to be an emerging dialogue, lead by many leading theologians and others who are well-informed about matters of faith and social justice. In **Getting on Message** (Beacon Press, 2006), the Rev. Peter Laarman collects 14 articles that engage readers on different areas of faith-based involvement, including child-bearing, globalization and capital punishment. Of most interest, perhaps, is the Rev. Vivian D. Nixon's article, "A Christian Response to Mass Incarceration: Unbind Them!" In her article, Nixon, a formerly incarcerated woman who now directs the College & Community

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Fellowship program at the City University of New York, engages readers in a discussion of individual and societal responsibilities for “criminal” behavior, especially among Black men and women, with particular emphasis on the latter group, who are the most rapidly rising group with the American correctional system. Nixon observes, “A life of Christian principles and righteous influence requires more than the imposition of a fundamentalist morality; it requires a commitment to social justice. It requires interaction with the divine and interaction with society, each relationship enlightening and shaping the other.” Nixon advocates addressing social problems from their roots. She challenges much of contemporary religiosity, “Christians who choose to become agents of social change cannot do so effectively by focusing solely on the salvation of individuals. Would be-reformers must change their spiritual lens from one of evangelizing to one of social justice. In practice that could certainly *begin* with visiting prisons and establishing genuine reciprocal relationships with people who live there. But those relationships ought to eventually instill the incarcerated person with a sense of personal power. Christians who share their faith with incarcerated or formerly incarcerated people can be effective by telling their own stories, revealing their own inadequacies, and showing how faith makes a difference in their lives – not by preaching to prison residents about how they need to change.” *Copies of Getting on Message* are available for \$15.00 from Beacon Press, 25 Beacon St., Boston, MA 02108-2892, (617) 948-6444, www.beacon.org.

Textbook

Saginaw Valley State University administrator Clifford K. Dorne has written a valuable new resource, especially for college and university students. In **Restorative Justice in the United States** (Prentice-Hall, 2008), Dorne, who is also associated with the Restorative and Criminal Justice Section of the Association for Conflict Resolution (ACR), has written a 400-page text that describes the growth of restorative justice practice in the United States, but cautions, rightfully I think, that without significant policy

changes restorative justice is likely to remain marginal. Thus, Dorne has sagely juxtaposed his discussion of restorative justice theory and practice around the parameters of traditional criminal justice theory and practice. Restorative justice was originally formulated, after all, in opposition to contemporary criminal justice. Ron Claassen of Fresno Pacific University opens the volume with an appreciative note, and selections of his writings on restorative justice are reprinted in an appendix to the volume. In the volume itself, Dorne provides chapters comparing restorative and criminal justice, placing restorative justice in context, describing the theory and practice of restorative justice, assessing the theoretical and cultural roots of restorative justice, and describing general restorative justice practices, as well as such practices in schools and youth courts and with cases involving serious offenses. Dorne’s concluding chapter, wherein he peers into the future, is especially insightful. He suggests restorative justice will become “even more influential and increasingly available to a wider range of citizens in the United States if program development work is continued and expanded” to include active planning and team building, anchoring restorative justice in its principles and literature, making public presentations, fund-raising, inter-agency partnerships, building training and staffing systems, retaining dedicated volunteers, establishing program accountability, evaluating practice, and reporting on program activities. *Copies are available for \$53.00 from Prentice-Hall, Pearson Education, Inc., One Lake Ave., Upper Saddle River, NJ 07458, (800) 922-0579, www.prenhall.com.*

International Perspectives

Scott Veitch of the University of Glasgow has edited a diverse collection of 12 articles for the Edinburgh Center for Law and Society on **Law and the Politics of Reconciliation** (Ashgate, 2007). These articles stress that “reparation of historical injustices” mandates that “we face up to these injustices.” Too often, Veitch argues, in what Nigerian writer Wole Soyinka calls the “fever of atonement,” traumas of the past are inappropriately forgotten, or set aside to favor “the politics of reconciliation.” Veitch writes, “The politics of reconciliation alerts us to the fact that

‘coming to terms with the past’ invites a wealth of responses, where surrender, the burying of anger and the abandonment of hope for equal participation in the new society, or the submission to the exigencies of capital, are not, yet again, the conditions for any possible ‘common’ future.” The articles in this timely volume focus on about the nature of “community” within the context of contemporary efforts at reconciliation, about the theological aspects of reconciliation, about the contrary and conflicting role of law in reconciliation processes, about the actualization and repressing of memory, and about the nature and extent of responsibility. In another article, South African philosopher H. Louise du Toit provides a feminist analysis of Truth and Reconciliation Commissions. *Copies are available for \$99.95 from Ashgate Publishing Company, 101 Cherry St., Suite 420, Burlington, VT 05401-4405, (800) 535-9544.*

In **Guilty Pleas in International Criminal Law: Constructing a Restorative Justice Approach** (Stanford University Press, 2007), law professor Nancy Aboury Combs also examines Truth and Reconciliation Commissions and reparations schemes. Combs, who teaches at the William & Mary School of Law, examines the growth of international structures to prosecute states and state representatives for violations of law, the fiscal constraints on such prosecutions, the benefits of increasing such actions, the use of plea bargaining to obtain confessions of guilt, the appropriateness of such plea bargaining, and the creation of “an innovative guilty-plea system that is designed not only to make feasible more criminal convictions but also to advance the reconciliatory goals more often associated with truth commissions and reparations schemes.” The three core aspects of this reconciliation-oriented approach are truth-telling, victim participation and reparatory obligations. Combs’ guilty-plea model consists of restorative as well as retributive elements. According to Combs, the crafting of these elements in a well-balanced guilt-plea system will depend on factors that are specific to particular atrocities, including victim-perpetrator ratios, prior relation-

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ships, and amounts of available information concerning alleged crimes and perpetrators. In this

book, Combs investigations four case studies, including East Timor and Rwanda (with its *gacaca* courts). *Copies are available for \$29.95 from Stanford University Press, 1450 Page Mill Rd., Palo Alto, CA 94304-1124, (800) 621-2736.*

British Perspectives

An article in the Autumn 2006 issue of the British magazine **Criminal Justice Matters** proclaims restorative justice "perhaps the best hope for the next century." Still, another article identifies numerous problems facing the wide-scale implementation of restorative justice. The more optimistic appraisal comes from Frances Crook, who directs The Howard League for Penal Reform's valuable efforts to improve conditions of confinement, while reducing the overall use of imprisonment. More cautious support for restorative justice comes from Debra Clothier, Chief Executive of the Restorative Justice Consortium (restorativejustice.org.uk), which recently released the report, **The Positive Effects of Restorative Justice** (2006). According to Ms. Clothier, restorative justice has gained an important place within the organization of British criminal justice. However, it is still too widely unknown and its use is hobbled because of several factors. British government issued a Restorative Justice National Strategy in 2001, says Ms. Clothier, and the RJC's report finds "plenty of evidence that, when carried out properly, RJ is beneficial to all the people involved." Still, RJ suffers the following: media and public perceptions bereft of clear information, punitive and adversarial cultural systems, lack of political will, and insufficient support from criminal justice professionals, including those who serve crime victims. "For RJ to work effectively," Ms. Clothier argues, "criminal justice professionals need to give up some of their power and allow stakeholders to participate fully so that the system is not imposed on them." **Criminal Justice Matters**, a quarterly publication, is available from the Center for Crime and Justice Studies, Law School, King's College, London, 26-29 Drury Lane, London WC2B 5RL, Eng-

land, ccjs.enq@kcl.ac.uk, www.kcl.ac.uk/ccjs.

Richard Quinney

Richard Quinney, long a critical voice on American criminal justice and criminology, has for many years been writing about and photographing his family's Wisconsin farm, as well as other places in his search for an understanding of justice. "I argue in my writings and in professional forums," Quinney wrote in **Journey to a Far Place: Autobiographical Reflections** (Temple University Press, 1991), "that our academic work is – and must be – political and that our work should provide an understanding that allows us to make the necessary changes in the social and economic order. What a good society might look like, beyond the liberal notions of equality, civility, and humane social relations, is yet to emerge." A decade later, in **Borderland: A Midwest Journal** (University of Wisconsin Press, 2001), Quinney writes, "Solace comes in knowing the wonder of being alive. There is no retirement here, for one follows the passions that hold a life together, that give it meaning." Most recently, Quinney has produced three engaging volumes that continue to reflect upon family, photography and place: **Once Again the Wonder** (Borderland Books, \$24.00, 232 pages, 2006); **Where Yet the Sweet Birds Sing** (Borderland Books, \$24.00, 192 pages, 2006); and **Of Time and Place: A Farm in Wisconsin** (Borderland Books, \$28.00, 102 pages with 78 b/w photographs, 2006). *Quinney's Borderland books are available from Ivan R. Dee, Publisher, Order Department, 15200 NBN Way, Blue Ridge Summit, PA 17214, (800) 462-6420, www.ivanrdee.com.*

Other Justice Matters

Issues in Green Criminology: Confronting Harms Against Environments, Humanity and Other Animals (Willan Publishing, \$38.50, 2007), edited by Piers Beirne and Nigel South, is a valuable introduction to "green criminology," or as the co-editors suggest "the study of harms against humanity, against the environment (including space) and against non-human animals committed both by powerful institutions (e.g., governments, transnational corporations, mili-

tary apparatuses) and also by ordinary people." The foundations for green criminology were established a few decades back, but the field only seems to have taken hold more recently. The 12 chapters in this volume are divided into three parts that introduce the field, assess animal rights and abuse, and describe ecological systems and environmental harms. Individual articles address the interrelationship between ecology, community and justice; the relationship between social and ecological justice; non-speciesist criminology; the abolition of vivisection; various animals rights debates; climate change and women's vulnerability to male violence; food crime; regulation and radioactive waste; bio-piracy; and the state of green criminology in the United States. These articles cover matters that focus on Australia, Europe, North America, and South Africa. *For copies, contact Willan Publishing, c/o ISBS, Inc., 921 NE 58th Ave., Suite 300, Portland, OR 97213-3786, (503) 287-3093.*

In the Footsteps of Our Ancestors: The Dakota Commemorative Marches of the 21st Century (Living Justice Press, \$29.95, 2006), edited by Waziyatawin Angela Wilson, is one of the best, and most beautifully, documented accounts of a contemporary event that I have seen in some time. The Dakota Commemorative Marches of 2002 and 2004 were brave, challenging, educational and healing events more than a century after Dakota women, children and elderly were force-marched approximately 150 miles to a concentration camp at Fort Snelling, Minnesota at the end of the United States-Dakota War of 1862; shackled Dakota men were transported to a concentration camp at Mankato, Minnesota. These "journeys" were the first steps in the forced-removal of the Dakota from their ancestral homeland. In this volume, 25 articles report on the horrors of the past and the hope of the future. Most centrally, these articles, as well as valuable historical and contemporary photographs, place these commemorative marches in the context of history, memory, and current events, including other commemorative marches. *For copies, contact Living Justice Press, 2093 Juliet Ave., St. Paul, MN 55105, (651) 695-1008, info@livingjusticepress.org, www.livingjusticepress.org.*

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try places us more firmly along the family-centered end of the continuum with its emphasis on family-led decision making and family solution-focused processes. The professionally-driven end of the continuum perhaps best represents elements of traditional practice where professionals dominate decision-making and professionals dominate the development of practice solutions. Toward this end, we would see a much greater reliance on alternative systems of care for children as opposed to family-based care solutions. In between we are likely to see practice more or less influenced by the two extremes. Essentially, family-centered practice may have professionally-driven elements. For example, processes may have greater professional involvement at critical decision-making times. Equally professionally-driven practice may be more or less infused by family-centered elements. Here professionals may be the ones who decide who in the family will be involved, and where and when conferences take place.

Practice can shift along this continuum and families can get more or less of a family-centered response. Professional processes have the power to influence practice along this continuum. Coming in with rigid bottom lines can stymie family led decision making processes. Having your ducks in a row and being ready for court can pre-determine the decision-making process and can render family irrelevant to the process. Changes in practice, which are likely to happen as practice becomes mainstream, can also cause drift along the continuum. It is clear that the practicalities of bringing people together, and also issues of safety, influence how coordinators go about convening a conference.

There is a lot of down-time during private family time for professionals out at a community venue. Workers can catch up on their phone calls when conferences are held back at the office. Such changes in practice, while making every bit of sense in terms of better efficiency and maximizing social worker effort, can nevertheless impact on the participants' perception of the locus of

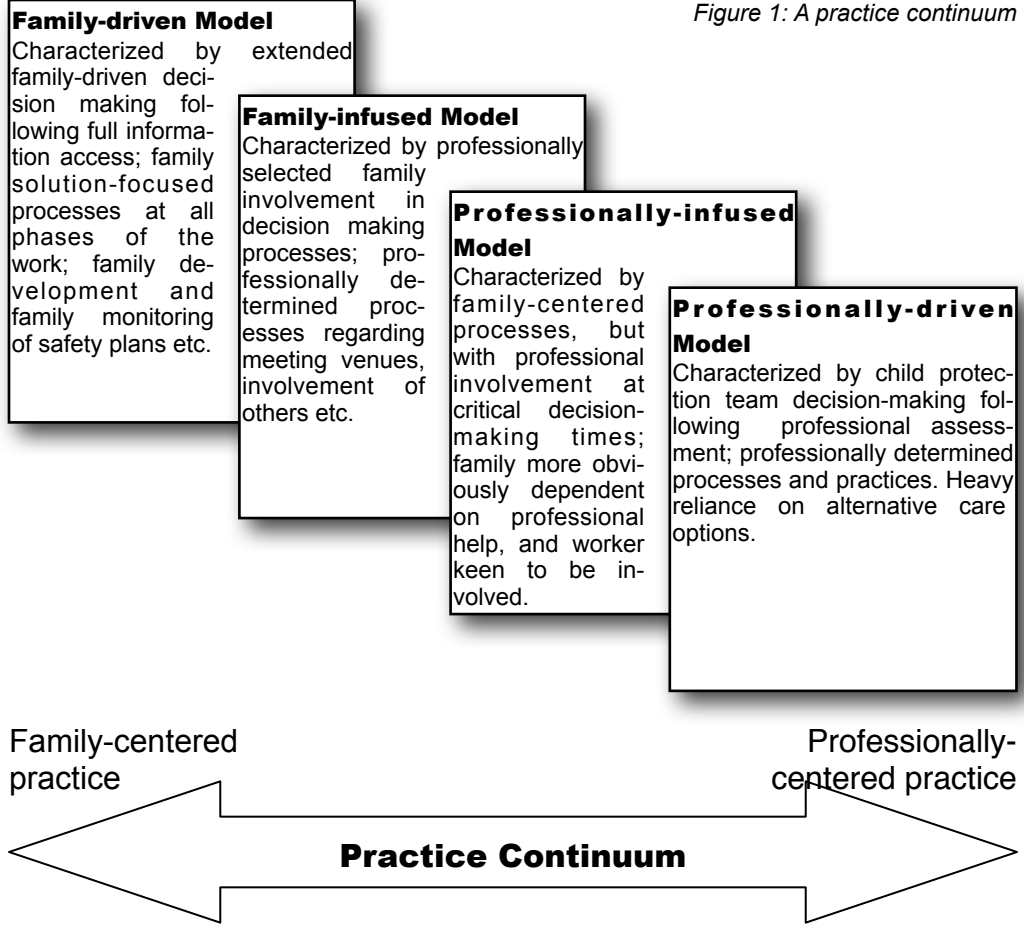


Figure 1: A practice continuum

control. Even when workers identify strongly with family-led practice, they may find that drift occurs almost imperceptibly and is affected by a range of contributing factors that may be within or outside their control. While these may seem small points in the overall scheme of things, gathered together they can get us into trouble if they cause our practice to slide consistently toward the professionally-driven end of this spectrum.

Conclusion

So where does this all take us when we think about practice in the 21st century? How do we mould and shape practice in response to the contemporary needs of children and families?

This brings us back to where our work begins and ends – it brings our family group conferencing back home where the family is. It is all about being responsive to children and families.

Having an outcome orientation requires that we think about the future of this child and how we may contribute to his

or her longer term outcomes. It is no longer good enough that we secure safety on the day. Of course safety is important, but we need to think about supporting our children to be healthy and thriving members of a society that they feel valued and connected to. We need to be sure that we are supporting safety and belonging for children. We need to be supporting parents to be the best parents they can be. We also need to support staff to do the kind of work that ultimately promotes good outcomes. We need to build knowledge into our practice about what works for children. In the future when the children whose lives we have touched ask us why we did what we did, we need to be able to explain what influenced our practice. We need to be able to use knowledge to develop practices that promote good outcomes for children.

It seems to me that the decade of the 1990s was very much the era of family assessment. A huge amount of social work effort has gone into investigating and assessing fami-

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lies within child welfare. This has been the case across jurisdictions. Assessments of themselves, however, contribute relatively little to children's outcomes. They are important in helping us to identify the best services at the right time. But they can never be an end in themselves. It is what happens next that is of greatest importance to good outcomes for children. Yet it is this part of the work – changing family systems and changing behavior – that is probably the hardest work to do. Improving the life chances for children is hard work and progress can be slow. There are no silver bullets. It is, nevertheless, where we need to maximize our efforts and improve our skills. Being responsive to families within the contemporary environment is a much more complex task than it used to be.

The next decade will require us to increase our responsiveness within a changing environment. Practice will always need to change and evolve as it confronts contemporary needs. Migrant populations will change the face of our work into the future. We are already experiencing much more complex family systems with multiple maternal and paternal parenting and step-parenting arrangements. Within this mix we have family violence across generations and between sub-sections of the family system. These dynamics require high levels of professional skill and practice frameworks that can help us to protect vulnerable people within the context of FGC practice. Looking to the future requires that we also consider how our systems respond to changing needs. For example, does our care system respond to the needs of children and families within the contemporary environment? If we were to start afresh would we build the system we have? We need to understand our work and plan for the kind of systems we need.

As soon as we adopt an outcomes focus we begin to understand the importance of forging and sustaining effective partnerships. No one agency can provide the kind of responses needed in today's contemporary child welfare environment. A wide array of partnerships are required that can respond to need across the spectrum – from early

intervention through to more specialist and intensive responses. Using a life course perspective to strategically build services across the sector requires more than just support services for families. It requires services for young people who will become tomorrow's parents. It requires specialist services for young people and adults who need to address drug and alcohol problems, mental health issues, and family violence. It requires nurturing environments that families choose to seek help from. Essentially it requires a model of welfare across the universal, targeted, and specialist spectrum of services. Research clearly shows that intervening early in the life of a child brings the best long-term results. Early intervention helps children to do better socially and educationally, and can reduce violence within the family over the long term. The strengthening and integration of services across the spectrum is more likely to ensure that the right services are provided at the optimum time in the life of a family. Building the sector strategically shifts us from ad hoc development toward a more integrated approach that prioritizes services across the universal, targeted and specialist continuum. Using a life course framework to guide sector development will also help us to identify where gaps exist and where services need to be developed.

Although we talk a good deal about working together and supporting holistic services for children and families, we have a little way to go. Unless we can mobilize and sustain effective partnerships and share responsibility for child and family outcomes, we will struggle to provide the wraparound service potential that is so important to addressing the needs of children and families.

In the end it is important that we realize that professional beliefs are incredibly influential in determining the nature and centrality of family-centered practice. For some professionals there is a tension between fostering family-led practice and supporting a children's rights perspective. Over the next decade children's rights are likely to be at the forefront of professional and community concern. For some professionals this will exacerbate the tension. Sometimes it is assumed

that a focus on children's rights, voices and participation is aligned with a professionally led or 'child rescue' orientations. This does not need to be the case. Integrating child centeredness within family centered practice has the capacity to avoid simple binary positions that hinder us from supporting families to take the lead as child advocates. In the end it is likely that families themselves will be the best guardians of children's rights. Engaging children more actively in the processes of the work, therefore has the potential to strengthen family centered practice overall.

The task ahead is that we repositioning the FGC in 21st century practice.

Family-led practice is up to all of us to protect, nurture and maintain. It is up to us to rekindle its spirit. It takes effort, and it takes time but it is nevertheless our common purpose.

Although born of the 20th century and built on ever more ancient wisdom, our FGC is nevertheless a very modern practice. It is up there at the cutting edge of family centered practice, and we can move forward with confidence into the next decades with a practice that has well and truly stood the test of time. We can embrace it as we confront the challenges of the new century. For in the end, practiced with integrity, the FGC will continue to support our families into the future. It will continue to provide hope and will continue to be a very modern practice.

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history includes.

Yet contrary to what we might think, we Whites stand to benefit significantly from holding ourselves accountable *as a People*, just as any offender does. Although those of us of European descent have many wonderful qualities as a People and hold much promise for who we could become, we are paying the price on many levels for not holding ourselves accountable for being the enslavers, oppressors, and colonizers of this place we now inhabit.

Most importantly, we pay the price of not experiencing other ways of being. Injustice is how we came here, and injustice is how we continue, so we seldom realize how thoroughly injustice and our role in it infuse our lives. As a result, we have today—as we have always had—separate justice systems along racial and class lines: one for the “Scooter” Libbys, Enron executives, and other privileged White criminals, and another for people of color and poor White people. For example, nine young Black men, known as the “Scottsboro Nine,” faced in 1931 what six young Black men, known as the “Jena Six,” face today: all-White juries and trials blatantly unjust in every procedural detail that condemn them to decades in prison, while the racial violence, terrorism, and injustices committed by Whites remain ignored—acceptable to White society. “Those people”—the people of color—are always “the problem.”

On 10 July 2007, Amy Goodman, the host of **Democracy Now!**, devoted the hour-long news program to exploring the case of six young Black men, all high school students in Jena, Louisiana, who now face trials on multiple charges. According to the parents interviewed, racial conflicts developed after their sons and other Black students opposed three nooses that three White students hung on a tree in the school yard after several Black students asked permission to sit under the tree, a space normally occupied by White students exclusively. According

to **Democracy Now!** correspondent Jacque Soohen:

A series of incidents followed throughout the fall. In October, a black student was beaten for entering a private all-white party. Later that month, a white student pulled a gun on a group of black students at a gas station, claiming self-defense. The black students wrestled the gun away and reported the incident to police. They were charged with assault and robbery of the gun. No charges were ever filed against the white students in either incident. Then, in late November, someone tried to burn down the high school, creating even more tension.

Four days later, a white student was allegedly attacked in a school fight. The victim was taken to hospital and released shortly with a concussion. He attended a school function that evening. Six black students were charged with attempted second-degree murder and conspiracy to commit murder, on charges that leave them facing between twenty and one hundred years in jail. The defendants, ranging in age from fifteen to seventeen, had their bonds set at between \$70,000 and \$138,000. The attack was written up in the local paper as fact, and DA Reed Walters published a statement in which he said, “When you are convicted, I will seek the maximum penalty allowed by law.” (www.democracynow.org)

Seventeen-year-old Mychal Bell was the first to be tried. He has recently been convicted of aggravated battery and conspiracy charges and sentenced to up to 22 years in prison. His sentence reflects what District Attorney Reed Walters told the Black high school students at a school assembly after an impromptu demonstration that consisted of them simply gathering under the tree: “I could end your lives with the stroke of a pen.” Marcus Jones,

Mychal Bell’s father, said he tells his son, “Now you know what it means to be Black.”

For those of us who are White, as long as we fail to hold ourselves accountable *as a People* for committing and then benefiting from institutionalized injustices against humanity of color, we *as a People* continue to act as if our violence and terrorism are okay.

Why wouldn’t we believe this? Violence and terrorism have been our route to wealth from Columbus to Bush, Wounded Knee to Baghdad, slave ships to stealth bombers. The U.S. Constitution was written to empower and privilege White, male, property owners exclusively. *As a People*, we have not challenged the “might makes right,” “White makes right” formula for success or held ourselves accountable for the magnitude of harms that “built” American society by these means.

In restorative justice, being held accountable includes making amends and making things right. Only then do people really change, because it is in the very process of making amends that life-changes occur. Yet this has not happened for Whites as a People. Even when we *as a People* have acknowledged our harms against other Peoples, we have seldom gone the distance in “making things right.” Emancipation was followed not by awarding every freed slave “40 acres and a mule” but also by Jim Crow laws, sharecropping, and prisons. The patterns have persisted, because we have not yet done what it takes to change by making things right. As for our crimes against Native Peoples, we have violated and continue to violate all the treaties that attempted some semblance of equity and justice between our Peoples. Land return and the return of “trust funds” from the massive exploitation of Native resources are nowhere on the horizon.

History Is Now

This unchallenged national policy of using violence and terrorism against

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other Peoples to secure White advantage gives Whites the go-ahead to carry this policy into everyday practice, personally and institutionally. The U.S. Bureau of Justice Statistics' report on **American Indians and Crime: 1992–2002** (www.ojp.usdoj.gov/bjs/pub/pdf/aico2.htm) found that one out of every six American Indians between the ages of 18–24 will fall victim to a violent crime, and Natives aged 25–34 are 2.8 times more likely than other races to be violently victimized (Jerry Reynolds, "Light Shed on 'Shameful' U.S. Attorney Firings," *Indian Country Today*, Vol. 27, No. 4, July 4, 2007, A1).

The Southern Poverty Law Center's *Intelligence Report* (Issue 124, Winter 2006) ran an article by Susy Buchanan entitled: "Indian Blood: From the Beginning, White Americans Have Brutalized American Indians. Half a Millennium Later, The Hate Goes On." Citing the Justice Bureau report, Buchanan states: "American Indians are more likely than people of other races to experience violence at the hands of someone of a different race,' with 70% of reported violent attacks perpetrated by non-Indians."

In South Dakota, if a Lakota is charged with killing a White, he or she can end up in prison for life without proper defense or parole. By contrast, Whites kill Lakotas and go scot-free. Many cases of violence against Lakotas remain uninvestigated by White-controlled "justice" systems. Mark Appel, the 17-year-old White driver who killed 21-year-old Dakota Justin Redday, for example, was charged with drunken driving, sentenced to 30 days in jail, and fined \$330. Redday's mother was outraged. She told a reporter:

In my opinion, the message the courts are sending to our community is that it's okay to kill someone as long as [he is] an Indian in this county and state. (Intelligence Report, p. 41)

For someone in restorative justice to assume that this is only an issue between individuals or families would compound the offence, which at its core is racism and genocide—the assumption made by Whites, including White courts, that it is okay to destroy people of color.

What Restorative Justice Offers

Given these 500-year patterns of differential justice and hence immense harms between Peoples, restorative justice offers a way to bring a positive sea change by holding ourselves accountable *as a People* for how we came here and how we have practiced "justice" ever since. According to restorative justice principles, accountability is not about blaming, shaming, or proving someone to be inherently evil. It is about being real—more real than ignoring or denying the harmful consequences of actions. It is also about having the courage to face the real-life consequences of how we have behaved and committing ourselves to "making things right," so that we change our ways and can form good, respectful, trustworthy relations with others. For Whites *as a People*, accountability is about learning and then practicing another way of being.

This is the direction restorative justice must go, it seems to me, or it will fall short of fulfilling its potential as a way to "do justice." Having one "justice" for those historically enslaved or "ethnically cleansed" and a separate "justice" that protects wrongfully gained advantages along racial and class lines is no justice—obviously. To this situation of legalized, institutionalized injustice, restorative justice offers a positive approach for transforming both those harmed and those who commit and/or benefit from harm. By holding ourselves accountable *as a People*, we seek not to condemn ourselves but to transform ourselves, so that we *as a People* can be "in a good way" with other Peoples.

This process of transformation begins with hearing the stories, which brings us back to the Dakota Commemorative Marches. Very few White Minnesotans

know how we came to dominate what is now known as the state of Minnesota. My mother, born in Minneapolis in 1924, never learned that our much-celebrated Governor Alexander Ramsey declared to the state legislature in September 1862 that "The Sioux Indians of Minnesota must be exterminated or driven forever beyond the borders of the State."

She never learned in the Minnesota schools she attended that Fort Snelling, where children are invited to play "Little House at the Fort," was a concentration camp for 1,600 Dakota people (100 had been killed on the Death March)—a place where Dakota women, children, elders, and men were tortured, starved, forced to convert to Christianity, and killed by exposure or execution. During the winter of 1862–63, 300 more Dakotas were killed, and the 1,300 who survived into spring were then forcibly "removed" from Minnesota to Crow Creek, Nebraska, where many more Dakotas died. Any Dakota who dared to remain in Minnesota could be shot on sight, and the White killer could collect a hefty bounty.

On learning about this history, we at Living Justice Press—devoted as our publishing is to restorative justice—felt compelled to engage the People-to-People restorative justice process by publishing *In the Footsteps of Our Ancestors*, edited by Dakota scholar and activist Dr. Waziyatawin Wilson. Nor are we the only Whites who want to learn about our state's history from a Dakota perspective. Mark Ritchie, Minnesota's Secretary of State, is considering purchasing several hundred copies of this book for the 2008 sesquicentennial celebration of statehood. He is also taking active steps to include the Dakota narrative of this history during the commemoration. He hopes that teachers and professors will use the book in high school, college, and university classes, as quite a few teachers and professors are already doing here in Minnesota as well as nationally and in Canada.

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Another positive step toward addressing People-to-People harms from a restorative justice perspective is a movement to hold a Dakota Truth and Justice Commission here in Minnesota. Again, the process begins with “hearing the stories.” From a Dakota perspective, these stories cannot be limited to any single event, such as the U.S.–Dakota War of 1862, but encompass the entire history of harms that have been inflicted on the Dakota People by Euro-Americans through invasion, terrorism, colonization, racism, differential “justice,” and oppression for more than 200 years.

The fact that Minnesota’s White population has dominated the telling of this history is a good reason to begin by focusing exclusively on the Dakota perspective. The aim is to give Dakota people—many of whom have scattered across the continent to escape Minnesota’s state-sponsored terrorism—a time and space to tell their stories, if they choose to do so.

Building on Restorative Justice Basics

Hearing stories

Hearing the stories of harm is, in fact, the first basic step of restorative justice processes. The great Dakota scholar Vine Deloria, Jr. titled one of his books **We Talk, You Listen** (Dellacorte Press, 1972). Addressing harms between Peoples begins with listening to the stories of harms suffered by a People. Most of us were taught American history from a White perspective in a way that attempts to legitimize the White-dominated, White-supremacist way our society came to be and now operates. As Dr. Wilson comments, even when White scholars recount atrocities committed by Whites, they treat these histories as “done and gone,” a past that is behind us. Black and Native people assure us that this is not so and that their stories have not even begun to be told. Truth commissions are one way for a People to tell their stories and to have them heard by other Peoples.

Injustice, apology and remorse

The second basic step of restorative justice is acknowledging the injustice and expressing apology and remorse. Hearing horrific stories from our history, we naturally have emotional responses on a personal level—horror, shame, grief, remorse, as well as guilt that we as a People secured our happiness by such brutal and unjust means. But as sincere as any White person’s remorse may be, it is inadequate, nor will any number of personal apologies by Whites suffice. We committed these harms for White gain *as a People*, so that our gains could be passed down through generations—White parents to White children. Therefore, we must work *as a People* to rectify this history on a People-to-People scale. Because the injustices have been perpetrated by White-controlled governments, businesses, and social and educational institutions, apologies need to be made on these levels of power. Only then is it clear that we are committing ourselves *as a People* to different ways of being in relationship with other Peoples.

Rectification

The third basic step of restorative justice is rectification—concrete actions that are carefully designed to help make the victim whole again, and the victim has a major role in deciding what is appropriate and necessary. Restorative justice is about doing justice where injustices have occurred, and this involves making amends and putting things right. Without positive action, apologies don’t do much on either side.

The process of making amends and putting things right is not only reparative for victims, but also for offenders, including those who benefit from harm. Again, without concrete actions, the process is ineffective, because we go on as before. The injustice stands unrectified. With amends, reparations, and restitution, justice becomes real—a new way of life on both sides of harm.

People of color naturally differ about what might be appropriate and necessary to make their Peoples whole and thriving, yet they generally agree that perpetuating the status quo is not an option. Proposals for land return, restitution of stolen funds, rethinking public memorials and place names, and making reparations for harms all seem entirely consistent with a basic reparative principle of justice. Many excellent books discuss reparations and the different forms they may take. I found Raymond Winbush’s collection of essays, **Should America Pay? Slavery and the Raging Debate on Reparations** (Amistad, 2003) compelling, and almost every contributor to it agrees that writing checks to individuals is not the answer. Reparations entail various forms of systemic, institutional rectification that establish the means for securing a People’s wellbeing both now and for future generations.

Our ability *as a People* to make these amends is an issue of our priorities and what we demand of those who make decisions in our name. If, for example, we applied even a portion of the 2.2 trillion dollars that now pay for invading and occupying Iraq to addressing People-to-People harms here at home, great restorative justice good could be done among the Peoples living within U.S. borders. These are choices we make *as a People*.

In addition to dollars, amends to Peoples will inevitably involve returning lands to Native Peoples as well as to African Americans—the “forty acres” the freed slaves never received—and returning publicly held lands is a good place to start. It was for the land that we Whites committed genocide, and justice calls for land to be returned, as we would assume to be necessary in any case of stolen property. Moreover, Peoples need a place, a self-determined homeland where they can feel safe from centuries-old patterns of White injustice and terrorism. No Whites would lose any personal property in this process.

In other words, the immensity of harms

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that we Whites have committed as a People should not prevent us from working to rectify the harms.

Much can be done today, if we Whites as a People choose to do so.

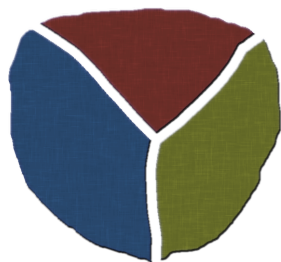
Finally, the aim of restorative justice is not to make people like each other or to “reconcile” those who were never together in the first place. Instead, it is to build a foundation for sustainable, balanced, respectful relationships—peaceful coexistence—so that harms are far less likely to recur. Restorative justice is a relationship-building endeavor that secures good relations not on emotional preferences but on a shared commitment to practicing justice across the board and in all our relations.

Conclusion

Today, I believe wholeheartedly in the worth of restorative justice—its principles, values, practices, and ancient origins with Indigenous Peoples worldwide, including Indigenous Europeans. In Indigenous terms, restorative justice helps us learn how to “be good relatives” to each other precisely when it seems most impossible to do. I have also come to believe, though, that practicing restorative justice demands far more of us than we first imagined, if being real about justice and being whole as Peoples are goals we want to pursue.

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Mystic Heart of Justice. She is now the executive director and co-founder of Living Justice Press, a not-for-profit publishing group that focuses exclusively on restorative justice-related topics. To date, Living Justice Press has published four books on peacemaking circles and Indigenous views of justice. This article is adapted from Breton’s article, “Decolonizing Restorative Justice,” which originally appeared in the book, ***In the Footsteps of Our Ancestors: The Dakota Commemorative Marches of the 21st Century***, edited by Dr. Waziyatawin Angela Wilson. For further information about the philosophy or publications of Living Justice Press, contact Denise Breton at Living Justice Press, 2093 Juliet Ave., St. Paul, MN 55105, (651) 695-1008, info@livingjusticepress.org, www.livingjusticepress.com.



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