# Restorative Values: Where Means and Ends Converge

**By:**
Jarem Sawatsky,
Lecturer at Menno Simons College and Canadian Mennonite University

**Abstract:**
Many people speak of restorative justice as a values or principled-based movement. Few have offered a coherent articulation of what those values and principles are and what they are not. This essay is a hindsight articulation those restorative values and an attempt to bring them together into a JustPeace Ethic. Examples of best practice are given to illustrate values, however, the larger agenda is not so much to advocate specific forums/processes as it is to encourage creative value-based peacebuilding. Best practices should change as time, people and culture change. What stays the same and what must hold this movement together is a commitment to shared values. It is hoped that the JustPeace Ethic presented here might serve as a meeting ground – a place for people from very diverse backgrounds to come together and discover common ground: restorative values.

**Key Words:** Ethics, Values, Principles, Justice, Postmodern

Jarem Sawatsky lives and works in Winnipeg, Manitoba, Canada. He has degrees in restorative justice, conflict transformation, religious studies and theology. He is currently working with the Institute for Justice and Peacebuilding at Eastern Mennonite University in Virginia and teaching at Menno Simons College and the Canadian Mennonite University in Winnipeg.

**Restorative Values: Where Means and Ends Converge**
**Jarem Sawatsky**

*Nothing will change in criminal justice until we change the basic assumptions underlying the system. We've tried changing the facilities by designing new prisons; we've tried change the roles of prison guards to correction officers, we've tried changing the norms of how people relate. But the system has not changed. We have not yet changed the underlying assumptions of the system. That requires a change of values.*

(Howard Zehr, 2001).

Restorative Justice is a values and principled-based approach to harms created between people. It is an attempt to recover justice as a central concern of victims, offenders and the community. It is more than a new, more efficient technique. It is more than a way to fine-tune the criminal justice system. It is more than a new language for old approaches to criminal justice. Restorative Justice is a new paradigm, arising out the failures of the old paradigm. It is a different imagination. It offers an alternative to the basic assumptions underlying the modern state system.

Underneath the many diverse Restorative Justice processes is a shared, and often unarticulated, set of values. As Restorative Justice grows in popularity and scope, it becomes increasingly important to be clear on those values. Clarity of values will decrease the chance of being co-opted by the system, will decrease likelihood of restorative justice techniques being imposed inappropriately into a new context and will open a transparent, and perhaps fruitful, dialogue with those of different values.

What are the values of Restorative Justice? How and who should articulate these values? How widely are these values shared?

These questions sent me on a research and interviewing project, asking leading restorative justice and conflict transformation practitioners what values undergrid their work (Sawatsky, 2001).

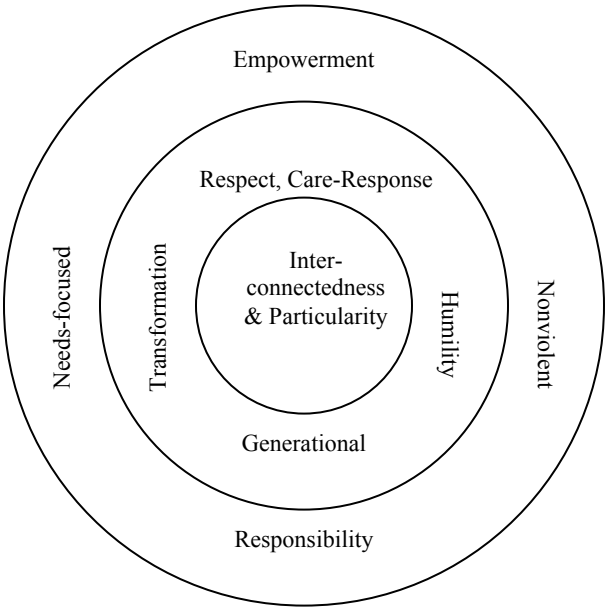
When these often unarticulated values and principles are woven together as a whole, a new paradigm or philosophy emerges requiring a completely new orientation to systems and relationships. This new orientation is presented here as a JustPeace Ethic.

The term "JustPeace" reminds us that justice and peace belong together and are essentially inseparable. Peace without justice is suppression. Justice without peace is a new form of oppression. Justice and peace belong together. This term has been borrowed from other thinkers (Lederach, 2000; Moltmann, 1989).

While this essay focuses on JustPeace Ethics as a way of articulating the underlying values and principles of Restorative Justice, these not limited to Restorative Justice. Conflict transformation, feminist social ethics, environmentalism, many religious traditions, and the new sciences all have similar themes. Part of the reason restorative justice has spread so quickly is because it touches something within people from very diverse backgrounds. It is a radically alternative vision but not a radically unique or new one. The underlying values and principles of restorative justice therefore serve as a meeting place for people from many different backgrounds. This meeting place is called JustPeace Ethics.

We begin with a problem of communication. If one believes that peace and justice is more about putting things together than breaking them apart, more about relationship than abstraction, more about wholeness than fragmentation, then how do we talk about core values? To conceptualize values as principles is already to play the modern game -- rationalize, break apart, abstract. How do we speak of a new way without falling into the old? What should we do?

The virtues and guiding principles that follow should be seen not in a linear or hierarchical fashion (which is the way of the modern system) but rather as a web of interrelated parts of a whole.




Here, virtues are linked in pairs: interconnectedness and particularity; care-response and generational; humility and transformation; needs-focused and nonviolence. Out of each of these values flow other sub-values and out of those flow guiding principles common to Restorative Justice approaches. By linking virtues, the model presents a relational and holistic approach to ethics.

**INTERCONNECTEDNESS & PARTICULARITY:**

*Interconnectedness – The Web Of Relationships*

Interconnectedness is a wholistic view that all things are connected to each other in a web of relationships. JustPeace comes down to right relationship between all (people, land, structures, God). A harm/crime creates ripples of disruption to many relationships. Interconnectedness confronts injustice (harms) with the goal of establishing a just connection.

When people neglect, abuse or harm this interconnectedness, injustice abounds. Injustice is therefore seen as harmed relationships, rather than crimes against the state. Justice is then about taking responsibility for harms created and nurturing harmonious relationships, rather than reducing justice to getting what you deserve: punishment.

Interconnectedness assumes that all events, things and people are interdependent as opposed to autonomous or independent. From the perspective of an interconnectedness context, relationships, history, social structures and systems may all be relevant factors when a crime is committed. They may not be used as an excuse to not address the direct harm/victim but they must be addressed if justice is to be experienced fully. The value of interconnectedness calls us to deal with both the case/relational issues and the larger systemic ones. Family Group Conferencing from New Zealand and Aboriginal justice circles demonstrates the value of interconnectedness by gathering people with various connections to the victim, offender and others affected by a harm, to first address the obligation to the victim and second address the interconnected relationships that caused the offender to harm a relationship in the first place.

From the stand point of victims, offenders, communities and indeed from the stand point of interconnectedness, justice imposed top down through hierarchical power often seems arbitrary and unconnected to the lives and context in which the injustice took place. Hierarchical justice is rarely healing. Interconnected justice offers the possibility of healing for all involved.

Interconnectedness is more interested in cooperative models of justice (symbolized by the circle), rather than adversarial ones (symbolized by the court room). Dividing between prosecutor and defendant reflects neither the nature of relationships, nor justice. Interconnectedness does.

*Particularity – Identity And Context Matter*

Particularity values particular identity. Particularity recognizes that context, culture, and time are all relevant matters of justice. Not only are they relevant they are the very soil out of which all experiences of justice must go. To transplant foriegn processes into cultures most often undermines particular identity – ask any indignenous person for a long list of examples. Particularity says that we are not all the same. It is about respecting diversity and difference. JustPeace does not have a single source (the law) but comes from many communities.

One of the distinguishing qualities of the Restorative Justice is the demand that context is core. It is not enough to modify a process or workshop to be culturally sensitive but rather process must start with context and then find it's way. Both the process and the outcome of justice must be experienced in context. A foreign process (the Law) and an outcome which removes people from context (prison) does not help justice to be experienced.

Particularity sees the world as diverse. Justice is not seen as some abstract, distant principle but rather something that is experienced in relationships. Those relationships together with the context and the culture in which they are set, need to be central for justice to be experienced. Family Group Conferences (FGC) in New Zealand see itself not as a technique or process but as a *principled vessel*, which the youth worker needs to fill with the relevant people, places and questions appropriate to the context. FGC in New Zealand looks different depending on the context of the people involved in the harm. This should be the case with all Restorative Justice processes. Scripted, rigid processes do not give role for the particularity of identity or culture.

Universal process imposes on people and forces them to assimilate to the dominant. The disproportionate number of African Americans in USA jails and First Nations People in Canadian

jails demonstrate this point – the universal justice system is an imposition and form of assimilation to the dominant culture.

Within a JustPeace Ethic elicitive models, which draw out contextual knowledge and skills, are advocated. Procedures then must be flexible and not preset. The goal of the outside interveners is not to bring a solution but to help facilitate affected populations to dialogue and come to solutions that make sense for their context to address the relevant relationships. Particularity recognizes that conflicts are the property of particular communities, not states or professionals (Christie, 1977)

*Interconnectedness says that we are connected and that harms create responsibility to those affected (victims, community, family). Particularity adds that while we are connected we are not all the same. Justice must respect both our connections and our particularity.*

**PERSONAL CARE-RESPONSE & GENERATIONS:**

*Personal Care Response – Respecting Real People*

Restorative Justice has a relationship centric core. Unlike modern warfare or justice systems, Restorative Justice keeps in mind that it is essentially about dealing with real people. People, rather than precedent, are key. Restorative Justice practitioners see their work as helping people turn and see the humanity of the other. It is embrace-oriented rather than exclusion-oriented (Volf, 1996).

Personal care response says *who* is more important than *what* (Lederach, 1997). Being oriented toward the real people involved is more important than being oriented to what happened. Kay Harris' "Moving into the New Millennium: Toward a Feminist Vision of Justice" (1991) speaks

of this shift as a shift from a rules/rights response to a care-response. The rules/rights focus is an outgrowth of enlightenment's focus on the autonomous person. Justice here is reduced to getting my rights, keeping the rules, and getting punished if you do break the rules. This rules/rights/punishment orientation is not a basis for a shared interdependent future. We must recover human-centered values such as care. People must be treated as ends rather than means to an end (Kraybill, 2000). Care-response means getting into a situation, seeing what people need and how they want those needs met. The care-orientation changes everything from process to attitude to follow-up. It really comes down to respecting real people (Zehr, 2000). From respect follows listening, including, asking, apologizing… Respect is key.

Victim Offender Conferencing (VOC) is a way of dealing with harms by keeping care for real people central. While the Justice System largely ignores victims and offenders, VOC sees these people as primary participants in experiencing justice. Care-Response searches for responses to harms that care for real people and relationships, especially the victims, offenders and communities. This value sees crime not against the state but against people.

*Generations – Looking Beyond The Immediate*

Generations is a relational value with a long-term time dimension. Generations look both to the past and to the future to determine the best way to relate to the present. Generations become a value when they shape our lens. To value generations means to view the world through the lens of the generations past and the generations future. It has to do with identity, grassroots, root causes, broken pasts and shared futures. The generational lens is not just concerned with people currently affected by a conflict but also with those who have gone before and those who will come after.

Expanding the timeframe of Restorative Justice is one of the cutting edges of the movement (Dyck, 2000). The value of generations helps in that movement. A Mohawk chief is called to use the principle of seven generations when making important decisions. The problems of today are in part the result of decisions made seven generations ago. The decision made today will affect children seven generations to come.

The generational lens brings into focus issues of history, issues of structure and issues of learned patterns. It is this generational lens that helped the First Nations People at Hollow Water in Manitoba address patterns of sexual abuse through restorative means. The generational lens creates taboos to keep the community from harmful activities. It may use shame to reinforce those taboos but will always work to reintegrate an offender into community life. Only by breaking harmful patterns and rebuilding the interconnectedness of life, will future generations experience justice.

This generational lens has to do with the life of a people. It seeks not just to address harms as they arise but seeks to also educate and empower people to live in harmonious ways in the first place.

*Personal Care-Response is a relational orientation that calls to care for particular people. Generations as a value, expands that orientation to care for the past and the future.*

## TRANSFORMATION & HUMILITY:

### *Transformation – The Status Quo Is Not OK*

When transformation is a value, the goal is not just to fine-tune a basically working system but rather to seek to radically change people, systems and dreams for the future (Kraybill, 1996; Zehr

2000). Transformation of victims, offenders, communities and the state systems are all central to Restorative Justice.

Transformation is the long-term human conflict outlook. Although immediate change is celebrated, the transformative lens sees deep transformative change as taking time. The western justice system focuses on solving issues once and for all. The transformative lens focuses on the lives of people and how they deal with day-to-day conflict over the long term. It is not interested in cheap peace through short-sited crime policy (incarceration) but rather seeks long-term changing in how people relate. Patience and vision are friends of transformation.

The transformative lens is also about finding appropriate ways to facilitate change in a specific direction: JustPeace. For this reason, practitioners do not see themselves as neutral outsiders (an objective judge) but partial insiders – facilitators working with an agenda for change (Lederach & Wehr, 1991). Encouraging change toward JustPeace is to move away from life-destroying ways of living toward life-nourishing ways of living (Schirch, forthcoming).

*Humility –The Only Restorative Attitude To Dealing with People and Complex Systems*

Humility is about being aware of our limits. It is about respecting others and having an appropriate level of self-doubt, not assuming that we know what others need.

The old model of criminal justice sees strength, expertise, advanced knowledge and power as key. Restorative Justice values vulnerability, self-doubt and facilitative leadership. When justice and peace is connected to the former values then justice is about the state proving a case. When justice and peace are connected to these later values, then justice is about the people affected by a harm and their needs.

Recognizing that life is a complex web of relationships makes it hard to be sure one is having a positive impact for all. Helping calm a racial dispute (a case focus) may enable an unjust system to keep working. Humility and self-doubt are core values. Humility can lighten the spirit and creates the freedom to try, as the expectation is that we will not change everything (Zehr, 2000).

*When transformation and humility are linked, change is sought through listening, empowerment and holistic vision.*

**NEEDS-ORIENTED & NONVIOLENCE:**

*Need-focused – JustPeace As Meeting Needs*

*Justice which aims to fill and overflow must begin by identifying and seeking to meet human needs. With crime, the starting point must be the needs of those violated.*

Zehr, 1990a, p.191

Mahatma Gandhi said, "There is enough in the world for everybody's need but not enough for everyone's greed." It should be the basic human needs of people rather than power or precedent that guide peace and justice. Restorative Justice is about recovering the central place of human needs in the conflict process (Burton 1993 is one example of a way of doing just that). The criminal justice system never asks what the victim needs, what the offender needs or what the immediate community needs. It focuses on what the state needs at the exclusion of other's needs. It is interested in assessing guilt and handing out punishment.

Restorative Justice is needs-oriented. People affected by a conflict should have the right to say what they need. It is those needs that a process should be built around. For lasting JustPeace the needs of all must be addressed. Conflicts need to be reframed to state what harm has been done and what needs are at stake.

The new evolving role of victim liaison in cases of capital punishment is an outgrowth of this need-orientation which is demanding that victim's needs guide the process and sentence of those accused of murder. This is done by incorporating the victim's stated needs into a plea agreement.

Needs of victims, offenders and communities are central for Restorative Justice. Justice is about participation. This has a huge implication for justice. If needs are central then justice is always ad hoc. Justice must respond and be experienced within a context. That means justice will look different and be arrived at differently dependent on the needs, the culture, the history, the future, and the people involved.

*Nonviolence – Exposing Injustice and Discovering Justice*

Basic human needs have been the basis for many conflicts both domestically and internationally. Often, if these needs go unmet, violence is turned to as a means to pursue securing these needs. Violence does not fit the JustPeace paradigm – whether it is violence of subjugation, violence of revenge, violence of revolution or structural violence that systematically denies the basic human needs of others (Assefa, 1993). However, passivity and blind submission also do not fit the JustPeace paradigm. Nonviolence is seen as a means to interrupt the cycle of violence (Schirch, forthcoming), to heighten conflict to prepare for peace, and as a basis to organize around our basic human needs.

In the modern adversarial paradigm it is possible to deal with the other without concern for his well-being. Life prison sentences demonstrate the violence possible when the other is objectified. Nonviolence is rooted in a respect for the other and recognition of our connectedness. Nonviolence is both a powerful way to resist and a means to cooperatively organize around basic human needs.

Nonviolence calls us to find nonviolent mechanisms for expressing and handling conflict. It favors cooperative methods (circles, conferencing) over adversarial ones (the courts). Doing harm to offenders is not nonviolence. Neither is the offense. Neither is the environment that created the conditions within which the office took place. Needs-oriented nonviolence is concerned with all of these levels.

*In the past, meeting basic human needs has been linked to violence, both by individuals and the state. A JustPeace Ethic calls for a different way for both individuals and the state. Rooted in interconnectedness, respect for people, humility and a desire for deep transformation, JustPeace is interested in both basic human needs and nonviolence. Basic human needs without a commitment to nonviolence opens the door to reorganized oppression.*

## EMPOWERMENT & RESPONSIBILITY:

### *Empowerment – Creating Space For Participation*

Empowerment is about creating space for the inclusion, participation and voice of those effected by a conflict (Bermant, 1978). As already mentioned, the victim liaison program demonstrates that victims needs and voices can be central in the justice process. Empowerment is about finding creative ways to include those on the margins at the table. It sees people not as recipients of JustPeace but as a resource for JustPeace (Lederach, 1997). It is only when they are empowered to participate that JustPeace can be discovered and experienced (Zehr, 1990a).

Restorative Justice has learned that listening and storytelling are transforming experiences. This connects to empowerment. Telling one's own story, one's own history is about naming and creating meaning. There cannot be peace or justice if there is no meaning, no inclusion, no storytelling.

Empowerment is a wild beast. It is about giving away power and influence. Such a value requires great flexibility. Preset solutions and processes (a legal process of the state) often do not allow for radical enough empowerment. Empowerment includes naming the conflict and creating a means or process to respond. Conferencing is one context of empowerment as it allows both victim and offender to tell their stories and participate in finding an appropriate response.

Injustice robs people of power. JustPeace returns power. That's empowerment.

*Responsibility – Accountability for the ripples of your actions across the web of interconnectedness*

Responsibility recognizes that as one gains power he/she also gains responsibility to care for those around them. When interconnected relationships are harmed, through conflict or crime, the responsibility increases (Zehr, 1997a). The Responsibility value calls us to change justice systems from a culture that encourages offenders from not taking responsibility (in the justice system you must plead not-guilty to get a trial) to one that encourages taking responsibility. Responsibility is about acknowledgment (truth-telling) and accountability to those affected by your decisions (offering restitution). The focus is not on guilt as much as responsibility. Guilt paralyzes. Responsibility calls for account and for restoration.

Judge Barry Stewart, known for helping to establish Yukon Sentencing Circles, claims, "Communities grow strong by taking responsibility for themselves." It is actually as we take responsibility that we learn to live in harmonious ways. If the state takes responsibility by telling us what the process and the outcome of the conflict will be, the victim, offender and community are all stripped of the opportunity to grow stronger through taking responsibility (Christie, 1977).

*Empowerment without responsibility sees freedom as doing whatever you want or will. Responsibility without empowerment is like living with a dictator. Empowerment with responsibility invites participants in the transformative JustPeace dance. Linking these values says that both your needs and care for the other is important.*

**CONCLUSION:**

The values underline Restorative Justice are a powerful alternative to the modern justice system. The JustPeace Ethic presented here must not be seen through the lens of the old paradigm as a discipline, a way of thought or as a set of techniques. Rather, JustPeace Ethics is a means of finding our way back to humanity. As such, it should be seen more as forms of art. Art encompasses the whole person, comes out of culture, and invites the observer to participate in a new transformative space. Art is anything but rational, objective, linear or formulaic. It is dynamic, creative and in some sense wild. It is not surprising that Restorative Justice is now looking to the more aesthetic fields for help: art, photography, ritual, storytelling, music, religion, wilderness. These spirit-filled approaches have a way of creating transformative space, which words can never match.

So we close with presenting a JustPeace Ethic as a way of dancing our way back to humanity. It is a dance of listening, of acting, of tears, of confrontation, of joy, of coming together, of justice

and of peace. In the end justice is about beautiful relationship.  May we learn many ways and opportunities to dance our way back to humanity.

## Bibliography


Assefa, Hizkias. Peace and Reconciliation as a Paradigm: A Philosophy of Peace and Its Implications on Conflict, Governance, and Economic Growth in Africa. Nairobi: African Peacebuilding and Reconciliation Network, 1993.

Bazemore, Gordon and Mara Schiff editors. Restorative Community Justice: Repairing Harm and Transforming Communities.Cincinnati: Anderson Publishing Company, 2001.

Bermant, Gordon, et al. The Ethics of Social Intervention. Washington, D.C.: Hemisphere Publishing Co., 1978.

Burton, John W.. "Conflict Resolution as a Political System". Working Paper, Institute for Conflict Analysis and Resolution, George Mason University, August, 1993.

Cayley, David. The Expanding Prision: The Crisis in Crime and Punishment and the Search for Alternatives. Ohio: The Pilgrim Press, 1998.

Christie, Nils. "Conflicts as Property," *British Journal of Criminology*. 17, No.1, 1977.

Consedine, Jim. Restorative Justice: Healing the Effects of Crime. New Zealand: Plowshares Publication, 1995.

Dyck, Dave. "Reaching Toward A Structurally Responsive Training and Practice of Restorative Justice". Contemporary Justice Review. 3.3 (2000): 239-265.

Kraybill, Ron. An Anabaptist Paradigm for Conflict Transformation: Critical Reflections on Peacemaking in Zimbabwe. Unpublished, 1996.

_____. Personal Interview. 10 Nov. 2000.

Harris, M. Kay. "Moving into the New Millennium: Toward a Feminist Vision of Justice" in Criminology as Peacemaking. Ed. Harold E. Pepinsky and Richard Quinney. Indianapolis: Indiana University Press, 1991.

Harrison, Beverly Wildung. Making Connections: Essays in Feminist Social Ethics. Boston: Beacon Press, 1985.

Lederach, John Paul. Building Peace: Sustainable Reconciliation in Divided Societies. Washington, D.C.: United States Institute of Peace Press, 1997.

_____. "Conflict: The Only Way to Live: Personal Values in Conflict Management". Unpublished paper, 1983.

_____. "Ethical Dilemmas of Military Intervention in Disaster Relief, The Development of Cooperative Relationships and Implications for Long Term Rehabilitation and Development", unpublished paper, June, 1993.

_____, and Paul Wehr. "Mediating Conflict in Central America:, Journal of Peace Research. 18:1, (February 1991): 91.

_____. Personal Interview. 6 Nov. 2000.

_____. Preparing for Peace: Conflict Transformation Across Cultures. Syracuse, New York: Syracuse University Press, 1995.

_____. "Restorative Justice and Conflict Transformation Have Met Together, Reconciliation and Trauma Healing Have Kissed". Unpublished, 2000.

Moltmann, Jurgen. Creating a Just Future: The Politics of Peace and the Ethics of Creation in a Threatened World. London: SCM Press, 1989.

Osborn, Sara. "The Role of an Ultimate Authority in Restorative Justice: A Girardian Analysis". Contagion. 7 (Spring, 2000): 81-107.

Ross, Rupert. Returning to the Teachings: Exploring Aboriginal Justice. Toronto: Penguin Books, 1996.

Sawatsky, Jarem. "A JustPeace Ethic: Dancing Our Way Back To Humanity", *Seeds of Change,* 2001.

Schirch, Lisa. Drops of Water: Synthesizing Approaches to Violence, Justice and Peacebuilding. In process, publication forthcoming.

_____. Personal Interview. 3 Nov. 2000.

Sharpe, Susan. Restorative Justice: A Vision for Healing and Change. Edmonton: Edmonton Victim Offender Mediation Society, 1998.

Sider, Nancy. Personal Interview. 22 Nov. 2000.

Stephens, William, et al. "Ethics of Environmental Mediation" in Mediating Environmental Conflicts: Theory & Practice. Ed J. Walton Blakburn et al. Connecticut: Quorum Books, 1995.

Volf, Miroslav, Exclusion and Embrace.

Zehr, Howard. Changing Lenses. Scottsdale, PA: Herald Press, 1990.

_____ and Harry Mika. "Fundamental Concepts of Restorative Justice". Akron, Pennsylvania: Mennonite Central Committee US, 1997.

_____. Mediating the Victim/Offender Conflict: The Victim Offender Reconciliation Program. Elkhorn, Indiana: MCC US, 1990.

_____. Personal Interview. 8 Nov. 2000.

_____. and Mark Umbreit. "Restorative Family Group Conference: Differing Models and Guidelines to Practice". Federal Probation. 60.3 (1996): 24-29.

_____. "Restorative Justice: the Concept". Corrections Today. 59.7 (Dec. 1997): 68-71.