



Justice Connections

A joint publication of IARJD and PRASI

Intervention Model

Integrating Fennell’s Four Phase Treatment Model within Restorative Justice Practices to Address Trauma’s Aftermath.

by Jon S. Rice and Patricia A. Fennell

Newspaper headlines routinely speak of violent assaults, punishments, and injuries, but then the stories disappear. The public doesn’t hear what happens later. Those of us who serve people who have suffered such experiences know, however, that that the lives of these individuals are forever changed by the violence, with some experiencing chronic pain, loss and other consequences as they strive to heal their trauma.

Imagine a rape survivor saying, “I can’t say enough good things about the bad things that happened to me.” But one of our clients said just that after she had managed to work through both her initial experience and the traumas she suffered.

While a survivor almost never says anything like this when the violence occurs, or during the times of despair that follow, she may still, sometime later, come to experience thankfulness for what has emerged from what she went through, dark times and all.

When violence occurs, four simple words may help us understand how it happened and how we may be able move toward healing. The International Institute for Restorative Practices’ Social Discipline Window (see Figure 1) suggests these words are “to,” “not,” “for,” and “with.” (McCold and Wachtel 2003)

We may describe any crime or act of harm as involving someone doing

something “to” another. We can say, if we approach trauma from the perspective that “help providers” can play a powerful role to bring about healing, that such providers are doing something “for” the survivors of violence.

even someday eliminate the need for headlines about violence.

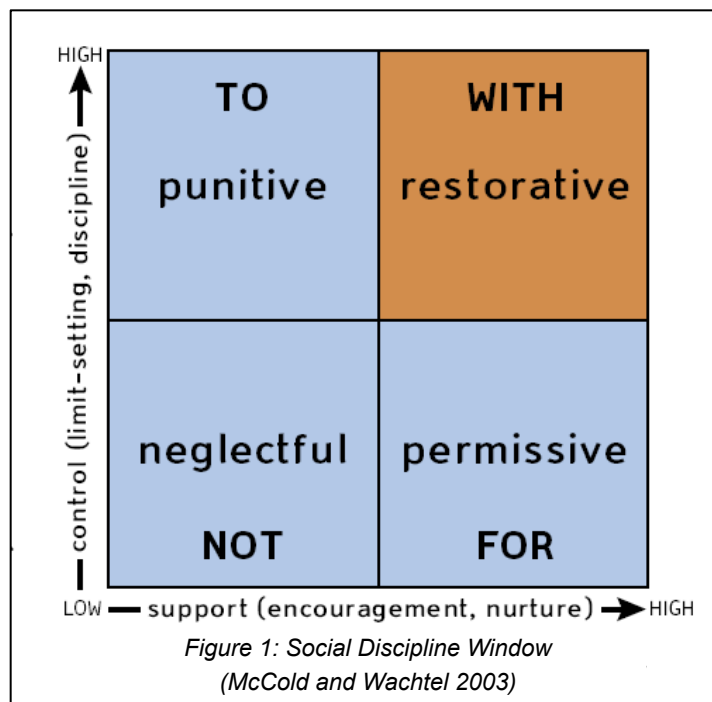
Two philosophical models that bring a “with” approach to assisting others in the aftermath of crime and harm are Restorative Practices and the Four Phase Treatment Model (FPFT), developed by Patricia A. Fennell. In this article, we describe each approach and explore how a blending of the two can enhance our understanding and ability to assist others in the aftermath of what Fennell calls “imposed change”—conditions including crime, surgery, illness, being injured in war, or being a war refugee (Fennell, Rice, Curo 2007, Fennell 2007).

Restorative Practices

According to the International Institute for Restorative Practices (IIRP), “(T)he restorative practices concept has its roots in ‘restorative justice,’ a new way of looking at criminal justice that focuses on repairing the harm

done to people and relationships rather than on punishing offenders (although restorative justice does not preclude incarceration of offenders or other sanctions).” IIRP

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However, if we can make ourselves into a culture wherein we try to do things “with” others, rather than “to” them, “for” them (or “not” at all), we may find ways to bring greater opportunities for healing and health. We might

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*Organizational Update***New Directions**

by Barbara Raye

VOMA continues its goal of bringing more people into an international network of people committed to restorative practices in their lives and professions. A communications plan for our new initiative, the International Association for Restorative Justice and Dialogue, is being developed by a committee headed by board member Susan Sharpe. You should see upgrades and new varieties of ways to obtain and share information in the coming months.

Volunteers Help!

We also continue to face financial challenges and are engaging board members and volunteers in more of the day-to-day work of the organization. Board chair Sheri Gatts is working with an intern in Wisconsin to help speed up renewal notices and outreach for a broader base of support and participation. Another intern has been coordinating with the Minnesota office to conduct interviews with RJ practitioners in cases that involve intimate partners, and to update our resource list. She will soon have her report ready to share. A third intern is discussing work for VOMA with Susan in Seattle. We value the significant work that interns and board volunteers contribute. If you or others you know are seeking meaningful work as part of their educational program, please let us know.

2008 National Conference

Sheryl Wilson, Millicent Carvalho, and Barbara Raye will be presenting at the AARJP conference in Miami this June. Sheryl and Tim Hansen will again offer their training on starting a prison-based program. Millie will provide a one-day training on racism and restorative justice. Barbara and others will be offering the basic 3-day RJ/VOM training. We also recommend the presentation by Pat Fennell who has been working with her 4-phase model to align the integration process for recovering from and living with trauma and the elements of service that are most helpful during each phase. We know that other speakers will provide great information and opportunities for cross-discipline dialogue. We hope to see many of you there for the third conference that brings together practitioners

from corrections, criminal justice, victim services, and restorative justice in dialogue and exchange. For more information about the conference go to the VOMA website at www.voma.org.

International Relationships

VOMA friends and colleagues continue to build relationships across the borders. Board member Cornel Loghin continues to position VOMA training in Romania and with the European Union. Board member Sheryl Wilson and Barbara Raye will be among several people working with the Liberian Justice and Reconciliation process being conducted in Minnesota. Long time CPPP staff member Evans Mirieri is scheduled to have an article in the coming edition of the Witness magazine (a publication of the Fellowship of Reconciliation) about the post election violence in Kenya and its meaning for all of us committed to issues of peace and justice. Colleague Leon Dundas from Jamaica has also written to announce funding has been acquired to expand his work there. Please continue to share your own local and international journeys when you can

PRASI

PRASI's anthology Re-Centering Culture and Knowledge in Conflict Resolution Practice is due out this summer from Syracuse University Press. PRASI and colleagues have begun hosting symposia around the country to stimulate conversation and to announce the launch of the book. The first one was in Chicago in April, but others are being planned as discussion and presentations on culture, race, power, justice, and knowledge-making. The event engages with culturally diverse authors, scholars, activists, and practitioners in offering perspectives on conflict and peacemaking to inspire activism for social justice. Please attend when one comes to your area or offer to host it yourself. This is an amazing time in our country for such dialogue and we're pleased that PRASI is providing such leadership.

We wish you ongoing peace and health for you and your communities.

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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Views expressed within Justice Connections are those of the authors and not necessarily those of IARJD or PRASI.

Publishing Schedule

<i>Issue</i>	<i>Submissions Deadline</i>
#7 September 2008	Aug 15
#8 December 2008	Nov 15

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Advocating reentry programming

Restorative Justice is a Mandated Component of Hawai`i's Reentry System

by Kat Brady and Loren Walker

"The process is both a powerful healing tool and a way to empower victims to make decisions about how to repair the harm caused by offenses." Hawai'i Community Safety Act of 2007.

Hawai'i Governor Linda Lingle distinguished herself as the first governor in the United States to veto a reentry bill. But Hawai'i community justice advocates never gave up and they were well organized. In July 2007, the Hawai'i State Legislature convened a special session to override some of Governor Lingle's vetoes. In this session, Senate Bill 932 was overwhelmingly supported by a bipartisan vote. The bill was passed into law the first year that it was introduced—unusual for Hawai'i—demonstrating widespread community support for the measure.

How the Community Worked Together

In Hawai'i, the Community Alliance on Prisons (CAP) came together a decade ago to advocate for more effective ways of dealing with crime in Hawai'i. CAP's mission is to develop effective research-based interventions for Hawai'i's incarcerated people and to educate the community on criminal justice issues. To achieve the goal of an informed community, CAP has sponsored many conferences, seminars, presentations, and workshops. These events have helped build a solid e-mail communications list to share the latest research findings, notices of upcoming events and hearings, and informational articles and books relating to criminal justice.

Some of the incarceration and justice-related issues that have converged to ignite interest in prison reform by communities throughout the state, including the following:

- Native Hawaiians suffer disproportionate minority confinement in prison (Oh & Umemoto, 2005);
- Hawai'i women comprise 12.4% of the incarcerated population, almost twice the national average (approximately 7.15%) of incarcerated people (Sabol, Minton & Harrison, 2007.);
- Rising costs of corrections impacting other budget items, including education and health;
- Hawai'i is Corrections Corporation of America's largest single customer (Dayton, 2007);
- Hawai'i leads the nation incarcerating people in for-profit prisons (58% of its prison population, approximately 2,100 people, of a total state population around 1.2 million people) (Dayton, 2005);
- Hawai'i's recent \$50 million contract with Corrections Corporation of America for a newly constructed prison to incarcerate people from Hawai'i in an Arizona desert about 3,000 miles away.

Acknowledging that Native Hawaiians are disproportionately represented in our prisons and jails, support for an effective reentry system came from every sector of our community. Advocates for the measure included reentry and treatment program providers, churches, businesses, restorative justice practitioners, participants from the *Restorative Circle* project, community organizations, Native Hawaiians, formerly incarcerated people, 'ohana (family) of incarcerated people, scholars, researchers, and concerned citizens. This widespread community representation was instrumental in passing Hawai'i's Community Safety Act, Act 8 of the Special Session of 2007 as the testimony supporting its passage was research-based and informed. The testimony also educated legislators and others who attended the hearings.

For the past decade, CAP has advocated the following measures:

- Repealing mandatory sentencing laws for drugs (repealed HRS 712-1243 (Class C crystal meth statute), session laws of 2004 with 2009 sunset);
- Establishing more effective gender-responsive programming for our rising population of incarcerated women and girls (passed in 2006 as Act 258 with \$200,000 appropriation);
- Creating a comprehensive reentry system (passed in 2007 as Act 8 of the Special Session of 2007); and;
- Expanding Drug Courts on all Islands (all islands now have their own drug court programs).

CAP faced a number of barriers in arguing against state laws that perpetuate prisons and harsh punishments. We are all volunteers. We have little money, and have no slick lobbyists to sell our product. We are simply people who care about our community. The government is well-funded and has many full-time employees working to counter our *pro bono* work.

While the administration works hard to paint a picture of all incarcerated people as "monsters" who are "not one of us" to dehumanize people who violate the law, we work to put a "face" on incarceration. We want to show how incarceration affects more than the person locked up. We highlight the families outside the bars who are "invisibly incarcerated." They are left to clean up the mess, raise the children, and try to move the family on, generally with little to no support.

It is always a barrier to overcome the opposition's access to media urging the

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fear message. Our message is different—it's one of compassion and forgiveness. We remind

people that individuals *are* being punished, they are serving sentences for their crimes, sometimes thousands of miles away from home, and most are eventually returning to the community. We advocate that their captive time should be used to help them rebuild their lives, restore their `ohana, and learn how to participate in the revitalization of their communities.

We want the public to see incarcerated individuals as an asset rather than a liability. Something amazing happens when someone knows that someone else believes in their strengths and sees them for more than their deficits and poor decisions. Many today know the story of Cupcake Brown (Brown, C., 2006), a former prostitute, substance abusing member of the Crip gang who became a lawyer for one of the largest law firms in the United States. Ms. Brown is testament to the power of rehabilitation.

Advocacy Process

As the Community Safety Act went through the committee process and was scheduled for hearings, CAP sent out announcements and talking points through its e-mail bank and asked for supportive testimony and calls to the legislators. The e-mail recipients responded. Concerned citizens, the faith community, Hawaiian organizations, advocates, civil rights organizations, and many concerned citizens came out in support of a comprehensive reentry system that included innovative programs like Restorative Circles, programs with a cultural focus, and other cognitive restructuring programs.

When it became clear that the Governor was considering a veto, CAP again worked its e-mail and contact list to ask supporters to call or e-mail the Governor's office to express support for the measure and ask that she sign it into law.

Political Football

The biggest barrier we had to face in advocating for the Community Safety Act of 2007 was the political crossfire it created. The opponents used fear tactics, such as "felons will be running around your neighborhood," etc.

Supporters focused on creating a comprehensive reentry system with a strong aftercare component to help people successfully reenter the community after incarceration.

The more the issue became political, the harder the opponents worked the fear angle and the advocates responded with focus on the individuals incarcerated. We focused on the invisible incarceration of families, the lack of services for their children who are six to seven times more likely than their peers to end up incarcerated. We focused on the need for effective rehabilitation programs both inside and continuing outside of prison, and on the desperate need to help individuals reenter their communities successfully as a community-building strategy.

Research Support

There is a growing body of research showing the ineffectiveness of prisons without a focus on rehabilitation (Maruna, S., 2006), which has helped advocates reach out to non-traditional allies, i.e., the Hawai'i Parole Board and the federal Probation Department in Hawai'i, for support in getting this legislation passed.

The Chairperson of the Hawai'i Paroling Authority testified in favor of *Restorative Circles*, a unique reentry planning process for individual incarcerated people. He stood up during a legislative meeting saying that he saw the transformation that the Restorative Circle reentry process had on the individuals who came before the Board.

Daniel Goleman, psychologist and author of *Emotional Intelligence* and *Social Intelligence*, calls Hawai'i's re-

storative reentry work, "*magnificent.*" (Goleman, D., 2007)

Restorative Justice As A Reentry Strategy:

Restorative Justice advocates in Hawai'i scored a victory in passing the new law: the *Community Safety Act of 2007*

(http://www.capitol.hawaii.gov/session_current/Bills/SB932_CD1_.htm).

The law states, "The legislature finds that restorative circles is a pilot program that has been in place at the Waiawa correctional facility since March 2005. The program is based on the methodological tool known as "restorative justice," which aims to address the unresolved issues faced by victims, offenders, and their families. The program brings together victims, offenders, and their personal supporters in a carefully managed, safe environment. The process is both a powerful healing tool and a way to empower victims to make decisions about how to repair the harm caused by offenses. . . . Considering that approximately ninety-eight per cent of all inmates will eventually be released back into the community, a program such as this one is vital because it helps an offender take responsibility for past behavior and plan for release."

The law allocates \$202,000 state funding to continue the promising reentry program, *Restorative Circles* (Walker, Sakai, Brady, 2006) and to expand the program to facilities statewide in 2008.

Restorative Circles are a group reentry planning process, which allow individual incarcerated people to take *active responsibility* (Braithwaite & Braithwaite, 2001) for their futures; find ways to reconcile with themselves and others harmed by their behavior; and to create plans to meet their needs for achieving a positive life.

Restorative Circles are an example of "organically occurring community processes of recon-

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Essay

Beyond an “Accepted Vision” of Restorative Justice: The importance of a ‘dialectical-rhetorical’ approach

by Federico Reggio

In the last two decades Restorative Justice has collected an increasingly widespread consensus among practitioners and scholars of social, criminal and legal-philosophical matters.

As a result, the increased attention and interest on the theoretical and practical frameworks of this approach to justice has led a remarkable number of legal systems – at first mainly in common law countries, and more recently in civil law countries, too – to study and experiment programmes and regulatory schemes inspired by the principles of Restorative Justice.

On the background of this phenomenon, the lively debate that’s been recently held in Europe seems to concentrate mainly on the type of legal instruments and operative tools that can be adopted in reforming (or correcting) penal codes and procedures under the light of Restorative Justice principles. It must be acknowledged, in this regard, that there are many different approaches and solutions depending on each country, as it’s perhaps natural to happen when dealing with different legal systems and traditions. Nevertheless, it is also important to be aware that some legal instruments which are namely inspired by restorative principles could instead arrive “at non-restorative outcomes.” In fact if – on one hand – it is possible to argue that each system and legal culture requires adequate and specific tools, on the other hand this situation might reveal that, apart from a declared consensus on some basic principles, the compatibility of some regulatory schemes with a restorative ‘lens’ cannot be taken for granted and must be, instead, concretely verified.

This verification, however, previously requires a common and clearly shared

understanding of those core-ideas: to verify the existence of an agreement, it seems necessary to previously have a clear idea of its object. It is not perhaps fully surprising that such a high agreement on certain core-ideas has been reached by a theory, which suggests a remarkable rethinking of the criminal justice system (if not of the whole attitude to justice). [Author’s note: I am aware that for some Restorative Justice scholars the word “theory” may not represent with adequate precision the ‘range’ of Restorative Justice itself, which can also be seen as an attitude to justice and perhaps also an ethics of justice, or, according to Gerry Johnstone, as a “life ethos.” Nowadays, in fact, one of the most common opinions about criminal systems seems to be – also in the international debates – the one that certifies their state of deep crisis, involving both the theoretical frameworks and the practical outcomes. The coldness and the unfriendliness toward the actual criminal justice system’s goals and operative tools seems to be, in fact, very strong, involving both the public opinion and the world of scholars and practitioners in criminal matters: from this point of view I believe we can plainly agree that the critiques pointed out by Restorative Justice advocates about the limits of the ‘retributive paradigm’ have effectively reached the target.

This might explain one of the reasons that lay behind Restorative Justice’s increased consensus, but in my opinion it is only a very partial justification: such a relevant development of studies, debates and experimentations seems to reveal that also the changes and the proposals outlined by Restorative Justice advocates meet some relevant (and probably still almost unheard) needs of the civil society, as well as the opinions of an increasingly

high number of scholars and practitioners.

It must be acknowledged, nevertheless, that the core-concepts around which the consensus on Restorative Justice it’s commonly built outlined an ideal meeting-point for many different perspectives and attitudes to criminal justice, whose first and most evident overlap seems to be the common critique to the modern approach to criminal justice. It is no news, in fact, that the restorative approach played the role of a ‘meeting point’ for many different theories of justice. Different theories, with a different background of values and philosophical views, which might likely still characterize the diverse approaches that can be found within the number of the restorative paradigm’s advocates.

The question is now: have those different backgrounds also found a real *synthesis* in Restorative Justice? The consensus on that theory’s core-concepts might be, otherwise, only apparent, and for this reason can be even a source of dangerous misunderstandings. This could also explain why when it comes to adopting legal instruments or practices inspired by a restorative approach some of them easily lead to outcomes, which aren’t really compatible with those theory’s principles.

Behind these doubts there is the relatively radical question concerning the real capability of Restorative Justice to provide nowadays ‘one’ ‘alternative lens’ to a justice system: does perhaps the word ‘alternative’ recall instead a theory where many alternative sub-theories can (perhaps unconsciously) co-habit?

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**Consensus and ap-
parent consensus.
An example: hu-
man rights.**

When dealing with ideas or concepts which tend to obtain a widespread consensus, it is not unimportant to wonder about the 'nature' of this agreement, and, most especially, about the possibility of verifying its real consistency. Sometimes, in fact, it happens that people simply 'think' to agree on certain contents: nevertheless, if we tried to analyse more in detail their opinions about the object of their agreement, we could be surprised to realise that their consensus was more apparent than real. This may happen, mainly, when we have to deal with concepts of a certain 'extent' and 'vagueness', and, also, when these concepts tend to obtain a (relatively) immediate consensus by the listener, perhaps because they already have gained a relevant consensus within a certain 'community' (of people, of scholars, of practitioners...).

The value of 'human rights' could be a good example to show what I mean.

A very few people, in a debate or in a survey, would (publicly) deny the importance of protecting human rights: also in the political debates or in the legal discussions, recalling the protection of human beings' fundamental rights generates an immediate and widespread consensus. But if we tried to get to a clearer and more critical notion of 'human rights', a lot of definitional problems would very probably emerge. For instance: what is 'human'? When can we define a person as 'titular' of human rights? The problems connected, for example, with recognizing a human right to life for embryos or persons in an irreversible state of coma, can help to show how a basic fundamental right – as the right to life – can meet very different and often conflicting interpretations.

In 1948, when the *Universal Declaration of Human Rights* was proclaimed, the delegates of the different ONU

State-members voted it with shared enthusiasm: they actually voted the same list of rights, the same text. It is interesting, however, what Jacques Maritain tells about the general meeting of scholars and intellectuals from all over the world, supported by the UNESCO in 1947, and preliminary to the project of the Universal Declaration: the French philosopher tells us that during a reunion of that committee, someone was really surprised that – in outlining a list of fundamental rights – intellectuals from different (and sometimes even enemy) ideologies could reach such a plain agreement. The answer – as Maritain retails – sounded like this: "we do agree with this list of fundamental rights, only as long as no-one asks about their meaning: then, the dispute would begin."

This anecdote ironically shows that the condition to obtain a consensus around those rights was to keep vague and 'unproblematicized' their content, by avoiding the discussion on the values, the cultural roots and the political views that could lay behind the concept of human rights. A situation that, probably, hasn't changed.

Commonly shared assumptions and the notion of "endoxon."

The example given above shows how consensus can be widespread but only superficial and, most importantly, reveals how the 'vagueness' of some concepts can hide the presence of remarkable divergences of opinion on the real contents and on the foundations of a certain topic which is apparently subjected to a general agreement. It also shows that important differences might very likely emerge whenever the attention moves from consensus to contents, or, to be more precise, from the 'shared assumptions' to the values and philosophical views that can be found at their base.

This is the reason why – going back to my critical question on Restorative Justice – relevant consensus on some common premises seems not enough to guarantee the 'solidity' of that the-

ory and to prevent from obtaining contradictory outcomes when moving from theoretical agreements to practice. The presence of quite a constant debate among its advocates about the fundamental characteristics of a restorative approach to justice, as well about the definition of Restorative Justice itself, surely underlines the active effort of the scholars and supporters of this theory to achieve a clearer vision of it, but – on the other hand – witnesses the need of a more defined and theoretically rooted common ground.

Therefore, although some of this theory's advocates underline the priority of passing 'from theoretical reflection to restorative action', the question about the theoretical, or, better, 'philosophical' roots of Restorative Justice, therefore, seems to be still quite open.

This said, we must also be aware that dealing with 'commonly shared assumptions' as premises of an argumentation is unavoidable in the non-scientific type of reasoning. When we're not using premises whose meaning is (hypotetically) assumed as clear and undiscussed (as it happens with axioms in the mathematical and geometrical demonstrations) – and therefore undiscussable – we are in a field where the premises of the reasoning must meet the initial consensus of the listeners, in order to perform a 'demonstration.'

The structure and the possibilities of such a form of reasoning – which is still today the one mainly used in the human sciences' argumentations – had been studied and exposed by the ancient Greek philosopher Aristotle, whose teachings on this subject still appear to be topical still today. As the Greek philosopher had significantly pointed out, in this kind of debates and argumentations he premises are to be found within previously accepted concepts or ideas, which he calls with the name of *endoxa*, a concept that we could translate with the word "common opinions." Aristotle reminds us, nevertheless, that *endoxa* can be assumed as

Apology and Forgiveness

Expanding the Borders of Restorative Justice

by Darrell L. Puls

Most published articles regarding restorative justice place it squarely in the realm of the victims of criminal offenses and the offenders who did the crimes, and particularly within victim-offender mediation. Indeed, restorative justice programs are “an alternative approach to criminal justice that began in response to what proponents viewed as the ineffectiveness of our current system.” (Wellikoff, 2004)

Some people find it necessary personally to confront the offender face-to-face. They must see him, hear his voice, and watch his body language to satisfy themselves that the offender is no longer a threat. If the offender confesses both the act and the damage done, and makes an offer of restitution, it is more likely that the victim will forgive and find personal release from the criminal act. [*Author’s note: Forgiving does not imply ignoring justice by condoning or pardoning the act, but is a series of decisions to let go of anger and the desire for revenge. Rather, forgiveness and justice are intertwined. (Puls, 2006a)*] In addition, the offender is more likely to see the victim as a human being rather than as an object, and find regret for what he or she did. Restorative justice, in treating crime and civil offenses as a violation of one person by another, emphasizes face-to-face dialogue, problem solving, repentance, social repair, and the possibility of forgiveness (Sarre, 1997), and so meets these needs.

Restorative Justice

Restorative justice offers the opportunity to mend personal relationships and reestablish both in society (Dzur & Wertheimer, 2002). It allows both to see each other as human beings rather than as objects. Thus, the offender seeks to regain status through changing morally incorrect behaviors, and the victim regains power by shedding the baggage of victimhood. As rehumanization progresses and the offender begins to truly understand the gravity of what he has done and the damage he caused, it becomes more

likely that he will express contrition, apologize, and request forgiveness, knowing that both making the request and granting forgiveness have behavioral and moral consequences for both parties. Thus, the restorative model opens a window of opportunity for the two parties to each find cathartic release and relational repair; it is win/win rather than win/lose or lose/lose.

Restorative justice works. Offenders who have gone through mediation with their victims have considerably lower recidivism rates than those exposed to strict punishment (Zehr, 1990), with particularly dramatic reductions in juvenile offender recidivism (Umbreit, Coates & Vos, 2004). The act of placing a human being whom the offender hurt before them who asks them to explain their actions while offering their own pain and fear often serves to break through offender defenses, allowing them to admit the offense and seek forgiveness. Restorative justice also goes far in helping victims heal the past and move into a brighter future in these intimate encounters where remorse and apology are used as powerful tools in bringing closure to victims and restoration to offenders (Stephanos & Bierschbach, 2004).

But is restorative justice truly limited to the criminal justice system? Not if you define victims as those persons directly affected by the offense, including family members and members of the affected community (Maise, 2003). We must also look at what we mean by an offense. My Webster’s Ninth Collegiate Dictionary has several different meanings for the term, and so I go with the most inclusive: a breach of a moral, social, or legal code.

I spent much of the last five years studying the dynamics of forgiveness, relational repair, and reconciliation in individuals and communities disrupted by severe interpersonal or violent conflict. I suggest that limiting restorative justice to being part of the criminal justice system confines our thinking and practice to standing on the border

of a vast new country and calling what we see all there is. If we look at the definitions of victims and offenses, it immediately becomes clear that they encompass a much wider array of possibilities—the borderland we see is very narrow, so we must look beyond it.

Unlocking Restorative Justice

The key to unlocking restorative justice is this close and personal encounter, its essence is the desire to understand and heal, and its heart is apology.

The magnetism of victim-offender mediation is the possibility of understanding the offender and triggering some form of release for the victim and the hope of forgiveness and redemption by the offender. Otherwise, why bother? It’s dangerous to open oneself to being wounded again or simply rejected, but the hope that is buried in the encounter is often strong enough to overcome these fears.

My more than 30 years experience in conflict resolution leads me to conclude that this same hope is present but mostly ignored in other areas where it can be an incredibly powerful goad to apology, changed behaviors, restitution, and even forgiveness. Isn’t that what restorative justice is all about, an interplay between victims and offenders where each is healed and changed for the better?

By its very nature, justice cannot restore all that which was lost. Instead, it often creates a paradox where, in attempting to make one whole, the original loss is compounded by demanding that even more be lost, often through the trauma of testifying in court. In addition, justice alone cannot restore the sense of personal safety to the rape victim, or the peace of mind of the burglary victim. Even if something stolen is returned, justice cannot restore the time that it was gone. The strict justice of forfeiting a life for a life not only cannot restore the life that was lost, it instead compounds the loss

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of life where not only is there no surcease of mourning, but mourning is doubled. Restorative justice

inculcates an ethic of mercy into this complex calculation, making what was rigid into something far more pliable.

Restorative justice encounters are already being expanded into such fields as medical mistake litigation, and with astonishing effect. To understand why, we must examine the very heart of the encounter: face-to-face apology.

Apology

Nicholas Tavuchis (1991) states that apology "is the middle term of a moral syllogism," which Lee Taft (2000) describes as beginning "with an inner urging to repent and ends with forgiveness as a moral option for the offender. Apology is, then, the centerpiece in a moral dialectic between sorrow and forgiveness." Apology cannot be separated from morality, for apology is about admitting wrongdoing. If there is wrongdoing, there must also be a place for "rightdoing" to rebalance the scales. Justice is also about morality, right and wrong, healing, and relational repair. Justice by itself, however, brings only temporary satisfaction. Strict justice is about revenge and revenge lights up the same short-term pleasure center in the brain as do thoughts of chocolate (deQuervain, et al., 2004). To satisfy, justice must be something creative and deeper, and cannot follow a legal equation, for determinations of what constitutes justice swirl and change as the process moves forward.

Apologizing requires moral courage, but also a "willingness to accept the consequences that flow from the wrongful act." (Taft, 2005) According to the Law Commission of Canada (1999), this heart of apology is generally considered as incompatible with mounting a strong defense. One cannot apologize for what one did, with its admission of guilt and sorrow, and still defend it. I offer that this is where we misapprehend the proper role of apology. Too often advocates count only the tangibles that admitted liability may threaten, e.g., damages. There is more to the justice equation, and apology, with its gut-wrenching moral challenges, plays a major role in bringing it to the fore.

Jonathan R. Cohen (1999) argues, "Apology subtracts insult from the injury," and, offered at the right time, can prevent minor conflicts from escalating into major lawsuits.

Why is apology such an integral part of restorative justice? And, why does it so often go wrong? There are a many reasons, but the most common come together in what is called "needs theory" where the needs for safety, security, and relatedness have been violated (Ryan, 1995) and the apology falls short of meeting those essential needs.

We each have differing needs when it comes to apology, and we tend to extend apologies based on our own needs by projecting those needs onto other persons. We are thus perplexed when the apology fails, for it seemed like a very good and sincere effort on our part. Unfortunately, we met our needs and not those of the other party.

There are four levels of apology, and each must be met to maximize the probability of success, preferably in the following order:

- 1.The most foundational level is confession where the transgressor acknowledges what he or she did, taking unequivocal ownership of the act and the damage it caused, and the victim hears the truth from the one who did the act. The result is a sense of relief for the victim at having a face and name to go with what happened or, already knowing the name, seeing honesty restored where deception had prevailed.
- 2.The next level is the most powerful component: the expression of remorse, such as "I'm so sorry that I hurt you." The expression must be genuine, but may be expressed verbally, through body language, in other ways, e.g., flowers, or in combinations of these. Showing remorse acknowledges that the act itself was wrong, damaging, and painful, and that the victim did not deserve it. True remorse contains great power through the risky but moral act of dropping all defenses and reaching out to heal the injured, a voluntary sacrifice of the self for the sake of one's victim.

3.The third level by necessity incorporates the first two, but adds on repentance, a change of mind and behavior that assures the victim that the transgressor is no longer a threat, and perhaps even is trustworthy again. This is usually a verbal recounting of what he or she learned and how he or she will behave in the future under similar circumstances. This is the trust-building phase, and may have to be stretched out over a considerable period of time to ensure that the transgressor truly is "walking the walk."

4.Restorative justice is the final phase of every effective apology, and it arrives through the open-ended offer from the offender of, "What can I do to make this right?" This is where things can get very creative and travel down unforeseen, but ultimately healing, paths. What is justice to one is injustice to another, so expect variations and nuances, particularly since the preceding actions, if done genuinely and completely, invoke mercy to intervene with punishment (Puls, 2006b). In one instance in South Africa, the mothers and wives of the seven murdered young men known as the "Guguletu 7" forgave the police informant who led their sons and husbands into police bullets. Why? He owned and confessed his crimes, showed true remorse, offered no defense and no excuses, and his repentance was so real that they forgave, meaning they let go of their anger and resentments and desires for revenge against him. Several physically embraced him, with one ending the embrace with, "Go well, my son."

Expanding Restorative Justice

Where else might we expand the role of restorative justice? Why not use a similar process in employment cases? I represented unions and union members for 26 years and can attest to the terrible toll that wrongful (or even rightful) terminations can take on people, both for the termination itself and for the increasingly cold manner in which it is carried out. In one recent case, a woman returned

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from vacation to find a certified letter stating that she had been terminated from her job three days previously. The employer, fearing liability, refused to give reasons and refused, on the advice of counsel, to apologize *even for the inhuman manner in which the termination was carried out*. The result is an expensive lawsuit when what she wanted was an apology for the way she was treated. In another case, the employer spent more than \$500,000 developing its defense and \$1,000,000 on a settlement when all the man wanted was an apology, his old job, and back wages. He even would have signed an agreement guaranteeing his silence. Restorative justice would have been much cheaper and far more satisfactory in both instances.

Let's look at some startling results of expanding restorative justice into medical practice. In 2002, the University of Michigan Hospitals adopted a policy of immediate full disclosure, sincere apology, restitution, and transparency in their investigation into every medical error case. Attorneys usually argue that this is an invitation to suicide because it readily admits error and apologizes for it. Instead, the number of new lawsuits dropped by more than 60% within 18 months, and legal costs also dropped from \$3 million to \$1 million annually (Sparkman, 2005). This has been replicated at the Dana Farber Cancer Center, Johns Hopkins University, and the Children's Hospital of Minneapolis (Berlin, 2006). The Veterans Administration Hospitals saw an even more amazing change: average settlements dropped from \$98,000 to \$16,000 (American Academy of Physician's Assistants, 2007). In all of these scenarios, victims and their families reported much higher levels of satisfaction than in those cases handled in the more traditional manner. Why, you may ask, is this so? The research indicates that people want to see their physicians as fallible human beings, and they find it fairly easy to forgive when he or she admits honest error, expresses sorrow, and does everything possible to make things right again. An attorney reported to a friend that his clients reduce their settlement demands by an average of \$100,000 after an effective apology is given; con-

versely, their demands tend to harden if they believe there is a cover-up or that they are being stonewalled. (Berlinger, 2003).

Where else might restorative justice bring people back together? Why not negligence and other tort cases? Why not national and international disputes? Why not long-standing, even inter-generational or cultural disputes? Why not family disputes? It could be a very long list as we move out of borderland and into the unexplored interior.

Restorative justice requires humility, honesty, and the ability to reach out to the wounded. It is a two way street upon which confession introduces victim and offender, remorse makes them reach out for each other, repentance begins rebuilding trust, and mercy intervenes with justice to create a place where they kiss instead of hiss.

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- Darrell L. Puls, DRS, Peacebridge, 712 N Oklahoma St., Kennewick, WA 99336, (509) 735-3619 or (509) 308-2737, www.churchhealers.com. (Editor's note: The Peacebridge website contains an excellent 16-page bibliography on apology- and forgiveness-related resources, plus numerous other restorative justice-related articles from Darrell Puls.)

**Accepted
Vision**
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premises of both true and false forms of reasoning: a false conclusion occurs whenever the premise is only apparently respected during the reasoning's development (it's the case of a fraudulent use of rhetorical skills) or, secondly, when the starting point is only apparently shared by the listeners. This likely happens when the *endoxon* taken as a premise is a concept affected by a remarkable ring of vagueness that allows more different 'meanings' to 'cohabit' under the same word or concept. In this case the *endoxon* results to be illusory, the consensus between the discussing parties only apparent, and, therefore, source of misunderstandings or contradictory outcomes.

Such a situation shows that the shared assumptions on which a theory is commonly based must always be critically analyzed, in order to make explicit their underlying values and philosophical foundations, since it is thanks to them that the meaning of a reasoning's (or a theory's) main assumptions can be clarified.

If we tried to apply such a critical analysis on Restorative Justice's core-concepts, I am not sure that the different cultural and philosophical roots that flew together into the river of restoration would not re-emerge, showing that the consensus on those premises is more apparent than real. This might reveal, then, that without a clarification on their underlying values and philosophical backgrounds – those core-concepts are probably too vague and ambiguous to set a real common ground: this could be one of Restorative Justice's heavier theoretical weaknesses.

Beyond an 'accepted vision' of Restorative Justice: the importance of a 'dialectico-rhetorical' approach.

For the reasons expressed above, the critical analysis of the 'commonly shared assumptions' that lay at the base of a theory becomes unavoidable, in order to 'test' its 'solidity'. This is

also the reason why I don't think that working on an 'accepted vision' of Restorative Justice – as Paul Mc Cold suggests – can be a good solution. To solve a problem intrinsically connected to consensus by recurring to consensus itself leads to a vicious triangle where the source of the problem is invoked as the source of its solution. The gist of the question, in fact, is not a matter of 'fixing axioms,' nor a matter of consensus: it is a matter of contents.

This means that making explicit the underlying values of Restorative Justice is only the first step of a critical analysis of its foundations. Here, again, I call the lesson of the classics in my help. *Endoxa* – shared opinions – are a starting point, a premise, as I said: but this doesn't mean that they must not be discussed, as it happens with axioms in the mathematico-geometrical demonstrations. Once they have been clarified, in fact, they must be instead analyzed, criticized, 'tested'. This is the specific role of philosophers who, following Socrates' example, as experts of logic and rhetoric, are called to analyse the implications of those premises, and to eliminate from that range of alternatives those which appear to be contradictory or anyhow logically inconsistent. This is, following the lessons of the classical approach to philosophy, the role of the 'dialectic' form reasoning, thanks to which it is possible to prevent a dangerous (source of misunderstandings or instrumental use) use of consensus in the forming of 'shared assumptions' at a base of a theory. Thanks to this perspective it is also possible to concretely verify whether – and in which terms – the practical applications of those ideas are really coherent to the principles who (should have) inspired them.

The itinerary drawn up to this point leads now to a fundamental question: how to get to an acceptable premise? For what's been discussed so far, I cannot share the opinion for which "the goodness of arguments is determined by the acceptance of the interlocutor, the badness of arguments by the refusal to do so." This way the acceptance is seen merely as a fact to be

empirically recognized, while acceptability calls instead for a critical analysis of some contents. We must be conscious, in fact, that an 'accepted' argument isn't necessarily also 'acceptable.'

The simple absence of (dialectical) opposition – which is another way to consensus to be formed – is not enough to test dialectically the validity of certain contents: it can be called 'acceptable' only the idea that cannot be critically denied, if not by getting to contradictory and violent outcomes. This is the 'control of rationality' that a dialectico-rhetorical verification can specifically provide, and this is, in my opinion, an approach that could contribute positively to a process of clarification of Restorative Justice's fundamentals.

If on one hand, in fact, I am persuaded that Restorative Justice can be understood only by referring to some underlying values, and, more specifically to the ones that Howard Zehr outlined in the "interconnectedness" and the respect of "individuality and worth of each person," on the other hand I am also conscious that – without a stronger philosophical foundation – those values could be seen only as 'optional' and, therefore, equally acceptable as others that perhaps aren't so acceptable. The way this philosophical foundation can be conceived is a 'conceptual itinerary' that I am willing to expose in a further essay of mine: for the moment I would be glad if I succeeded in showing that such a question is vital, and perhaps unavoidable, in order to find a real common ground for Restorative Justice.

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ciliation" which is important for promoting *desistance* from crime (Maruna, 2007, p. 14).

Philosophical Shift:

The importance of the Community Safety Act of 2007 is its shift in Hawai'i's corrections paradigm from one focused on retribution to one focused on rehabilitation and reentry, with restorative justice practices employed as an important element for success in reentry planning.

As advocates, we know that our work is just beginning and we will continue to work to ensure that this important paradigm shift is implemented by the state. We have already met with the Department of Public Safety, which administers Hawai'i's corrections system, to offer our help in constructing a request for proposals or in any thing else necessary for implementing Act 8 – the Community Safety Act of 2007.

Lessons

The passage of the Community Safety Act taught many lessons including the importance of keeping interested people in the loop with consistent, but not overburdening communications; the importance of providing up to date information to advocates (including talking points and research links to include in testimony); and strategizing to find where to put the most effort to push an issue across the finish line.

Inspiring to all of us who want to see our communities vibrant and healthy is that jurisdictions from 22 states and 13 countries around the world have requested copies of this holistic and proactive-looking legislation.

Plan and Strategy

We have a plan and strategy—including the clear goal that restorative justice programming be provided at all Hawai'i correctional facilities and supported by a permanent line in the state budget.

Training more facilitators is crucial to be able to meet the need. Training people on all islands to facilitate and record Restorative Circles will build the resource network needed to grow this incredibly positive program.

To date the Governor has not released the funds to provide the services mandated in the new law. Hawai'i state law gives the governor the power to withhold funds for even legislative mandates if there are indicators of a state fund deficit. We have been told that after 2008 she may release more allocations made by the 2007 Legislature.

CAP is persistent and focused. We perceive our job as one to raise building community and to show how helping people who have served their sentences transition back to our communities is a smart strategy for public safety. This is the true meaning of community. Taking care of each other is a public safety strategy.

CAP will continue to call for release of funds for Act 8 and submit more research-based information to the Governor to help her make an informed decision.

Since passage of the bill, the Restorative Circles reentry program has been continuing at Waiawa and the Women's Prison. We have met with Department of Public Safety officials to discuss the Restorative Circles program that has been operating since March of 2005. The Department appeared open to the program and we sent a budget for the \$202,000 allocated by the 2007 Legislature.

Shoutin' Out

CAP has just started a monthly series entitled, **Hawai'i InJustice**, that will start airing in 2008. Kat Brady is the Host/Interviewer. Lorenn Walker was a guest and she spoke about restorative justice and her work in developing and implementing a variety of restorative practices for youth, the Honolulu Police Department, for victims with unknown offenders, and a host of other areas

she has worked in. Lorenn also spoke about the passage of Act 8 and expressed hope that the Department of Public Safety would implement this law.

CAP and Lorenn continue to educate the public on restorative justice, and for 10 months Lorenn has been conducting Restorative Conversations with variety of programs about the areas people would like to see restorative justice used in our community. Overwhelmingly, people in Hawai'i want restorative justice to be used for incarcerated people.

It takes a just heart to make justice happen. As Eleanor Roosevelt asked, "When will our conscience grow so tender that we will act to prevent human misery rather than avenge it?"

Restorative justice is a positive route to achieving peace and harmony for Hawai'i, a place characterized by beauty and a paradise, but a land of banishment and brutality toward it's native people, who ironically introduced the world to *aloha*, which includes the concepts of love, compassion, mercy, kindness, grace, and charity (Pukui, M.K., & Elbert, S. H., 1986).

We continue to work for justice because we must.

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*Book Review***Aboriginal Justice in Canada**

by Russ Immarigeon

Reclaiming Aboriginal Justice, Identity, and Community

by Craig Proulx

Purich Publishing Ltd.

\$31.00, 240 pages (2003)

Justice for Young Offenders: Their Needs, Our Responses

by Mary E. Vandergoot

Purich Publishing Ltd.

\$29.00 (paper), 224 pages (2006)

Tough on Kids: Rethinking Approaches to Youth Justice

by Ross Gordon Green and Kearney F. Healy

Purich Publishing Ltd.

\$28.00, 272 pages (2003)

Restorative justice, at its best, not only challenges the contemporary justice system, but also replaces it with new forms of intervention. Even in the best of circumstances, restorative justice, like any system of justice, shares some common features with "mainstream" criminal justice. Both systems are concerned with organization, procedure, intervention, and even "social control," an often inadequately discussed and misunderstood term. At their best, both systems try to divert persons charged with, or convicted of, crimes from the punitive side of criminal justice. In mainstream justice, diversion tactics try to lessen "punishment." In restorative justice, diversion tactics replace punishment with non-punitive, reparative options.

These three books, each a few years old at this point in time, grapple with the task of diverting young persons from the formal justice system, with varying degrees of allegiance to restorative justice. In **Reclaiming Aboriginal Justice, Identity, and Community**, for instance, anthropologist Craig Proulx broadly examines the "intersection between alternative justice practice, individual and community healing, and identity in an urban Aboriginal community." More specifically, Proulx investigates the Community Council Project, an Aboriginal-operated, Toronto-based diversion program. In **Justice for Young Offenders**, clinical psychologist Mary E. Vandergoot, who works in private practice as well as the University of Saskatchewan in Saskatoon, examines di-

version practices for those who suffer developmental disabilities, mental health disorders, or criminal violence and neglect. In **Tough on Kids**, Saskatchewan legal aid attorneys Kearney Healy and Ross Green examine Calgary Community Conferencing and other programs for young people in the wake of Canada's reparation-oriented *Youth Criminal Justice Act*, which was enacted in 2003.

Content

The Community Council Project, which was originally funded in 1991, "diverts Aboriginal offenders from the formal justice system into a culturally appropriate process." The project, based on "kindness and respect," identifies Aboriginal adults who wish to change their drinking and other crime-related behavior. The only persons excluded are those for whom community resources are unavailable. Project hearings are held when necessary; the project safeguards clients, letting them know what is expected of them and what they can gain from participation. The project is permitted "to situationally use culturally relevant and meaningful means to give justice to both victims and offenders." Noncompliance with project process does not result in project-specific penalties; however, non-compliant persons can be sent back to the criminal justice system.

Does this work? Proulx observes, "Clients indicate that working through the (project) process, while listening to and emulating council and agency members who have experienced many of the same problems that clients are now facing, produces or re-produces meaning in their lives. The process helps clients to construct or reconstruct healthy individual, community, and cultural identities while opening up, deconstructing, and healing negative colonial identities and stereotypical images that have been internalized by clients. The (project) thus helps clients to claim or reclaim the power to define who they are at individual, community, and cultural levels."

"Youth who have been in custody are much more likely to reoffend than those who have not," Vandergoot reminds us. "Placing young people in custody may provide some respite to parents, but family relationships suffer as a result,

and parents are often derailed in their parenting when the justice system takes over."

Vandergoot, who only hints at restorative justice, takes a more "therapeutic justice" approach, critically reviewing a "disability paradigm." Such a paradigm, like restorative justice, shapes perceptions, expectations, and responses. It gives more control to family members than to criminal justice professionals. Interestingly, while being a reasonably standard approach in itself, such a therapy-oriented approach, which has its own critics, nonetheless, at least in its purest form, challenges mainstream practice. Vandergoot notes that it helps "people cope with the negative consequences of a youth's misbehavior, providing metaphors and explanations about why a youth is having difficulties and resolving many of the issues of self-blame or failure experienced by parents and professionals working with troubled adolescents. When we know that inappropriate or noncompliant behavior stems from more than mere willful disobedience, we can to some extent rule out the view that the child is 'bad' or has a 'character defect.'"

Green and Healy also remind us that "the youth found in our custodial facilities in no way represent a random sample of the young people across our communities. Indeed, among these youths there is an undeniable overrepresentation of disabled, Aboriginal, poorly educated, and poverty-ridden young people."

Conclusion

At its best, restorative justice challenges current justice practices. Historically, its roots come from contemporary thinkers as well as age-old practitioners. These books show that restorative justice comes from different perspectives, and in many cases creates conflicts of its own. As we settle into a more holistic understand of restorative justice, we must appreciate the "common" as well as the "exceptional" in our practice.

All three of these volumes can be purchased through Purich Publishing Ltd., PO Box 23032, Market Hall Postal Outlet, Saskatoon, SK S7J 5H3, Canada, (360) 373-5311, www.purichpublishing.com.

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adds that “the fundamental unifying hypothesis of restorative practices is disarmingly simple:

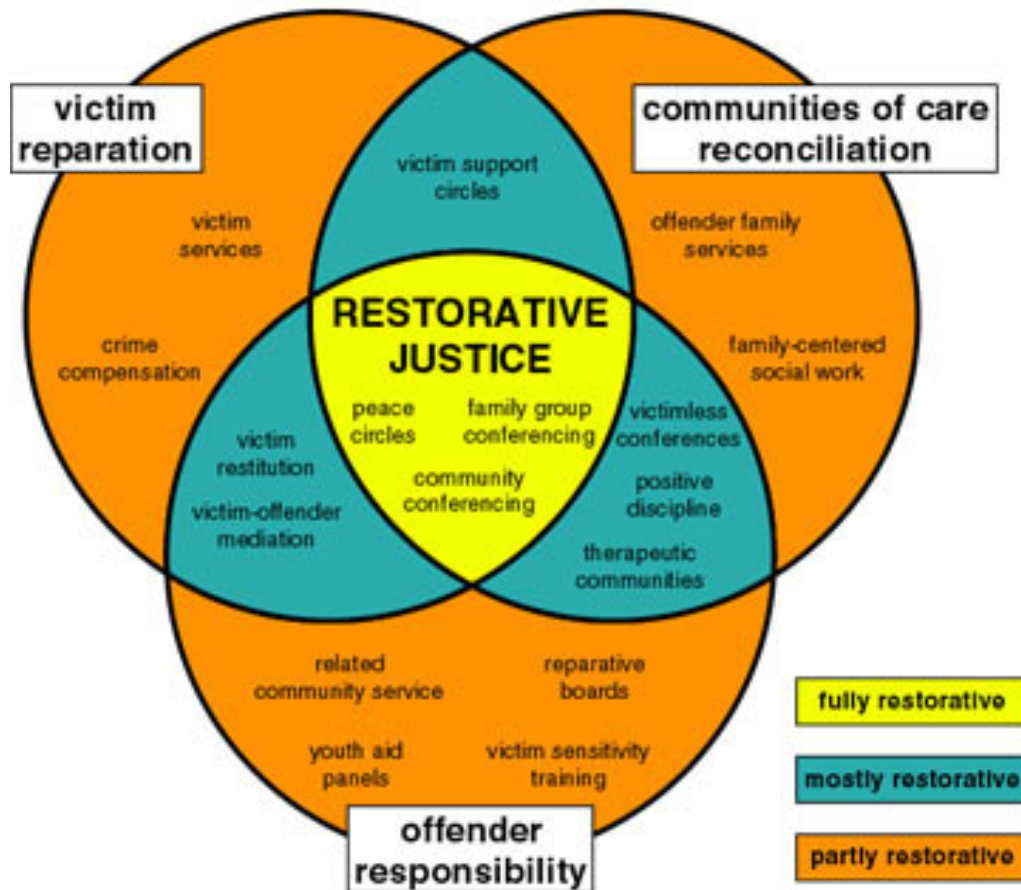
that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things *with* them, rather than *to* them or *for* them.”(IIRP 2007) If this holds true, as IIRP suggests, it has significance for many other disciplines.

McCold and Wachtel’s image of independent yet overlapping circles (see Figure 2) shows that a restorative philosophy takes into account all those directly affected by an event involving harm. For instance, in cases like rape, when the violence occurs, the ripple effects extend far beyond those involved in the original crime scene. All of the primary participants have individual experiences emanating from the act of one person, labeled the “offender,” who has done something “to” at least one other person in an attempt to meet his or her needs at the expense of another. But in addition, the

family and friends of these individuals—offender and victims alike—also have their own individual experiences of what has happened, both at the time of the harm and later, as various aftershocks occur.

Thanks to McCold and Wachtel, we understand that when either a “victim” or an “offender” has his or her subsequent needs addressed, we may refer to such actions as being “partly restorative.” When either of these individuals comes together with someone who cares about them—family, co-workers, friends—from their “community of concern,” this is a “mostly restorative” approach. And, when it is safe to do so, a trained facilitator or therapist may bring together a survivor, the person who did the harm, and those who care about both individuals in what is described as a “family group conference,” which is one of several sorts of “fully restorative” intervention. How we proceed to meet the needs of all those affected, in whatever circle they happen to reside at any given

Figure 2. Restorative Practices Typology (McCold and Wachtel 2003)



point, may be guided by using the Fennell Four Phase Treatment Model.

Fennell Four Phase Treatment Model

The Fennell Four-Phase Treatment (FFPT) Model is a flexible clinical and self-management approach, a validated empirical paradigm, and an assessment tool designed to help the intervention team determine what may be expected over time and how best to improve the person’s quality of life at any given point (Fennell 1999, 2003, 2006, 2007; Jason 1999, 2000). Research supports the concept that individuals coping with imposed change progress through four distinct phases as they learn to cope with their situation. The FFPT Model provides a framework for understanding this critical process. Clients may respond differently to various treatment modalities depending upon which phase they are in. Research suggests that matching best practice to the phase of experience processing can help clinicians interact with clients more effectively, increase treatment efficacy, and save time and resources (Fennell 2003; Prochaska and DiClemente 1992).

Within each phase, the FFPT Model addresses three domains: the physical/behavioral, the psychological, and the social/interactive:

In **Phase I, Crisis**, the individual moves from the onset of symptomology, which may be specifically detectable or may happen gradually, to an emergency period when the person knows that something is seriously wrong. The task of the individual, caregivers, and clinicians during this Phase is to cope with and contain urgency and trauma.

In **Phase II, Stabilization**, the individual discovers that he or she fails, sometimes repeatedly, to return to normal regardless of interventions or behavior. The task in this Phase is to initiate stabilization and life restructuring.

In **Phase III, Resolution**, the individual recognizes deeply that his or her old life will never return.

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Early in this Phase, many experience significant grief and loss. The task of this Phase is to begin establishing an authentic new self and start developing a supportive, meaningful philosophy.

In **Phase IV, Integration**, the individual defines a new self in which the aftermath of the imposed event may be an important factor, but which at the same time is not the only or even the primary factor anymore in his or her life.

Integration of all these experiences, from the original event through the processing of it, into a meaningful life is the goal the individual seeks. The individual comes to live "with" the experience rather than fighting it or trying to get rid of it by doing something "to" it or "not" attending to it.

Most people come for assistance at some point during the **Crisis** or **Stabilization** phase, whether that person is a survivor, offender, or someone close to those persons. The FFPT Model provides a helpful map to normalize the individual's experience, regardless of their role in the original event, as well as presenting a hopeful message that he or she can "get better." Individuals are not "cured" of their experience, any more than one can be "cured" of high

school, but they arrive at a better, more meaningful life.

Fennell's model allows for flashbacks, relapses, flare-ups, triggers, and so forth to be experienced without adding another layer of shame. This is important given the ebb and flow of symptoms, and the cycles of relapse and remission that characterize many chronic conditions. A person may be in a store, for example, and suddenly, out of nowhere, something triggers them to re-experience the images and feelings of a crime that may have occurred decades ago. An offender may be faced with public disclosure of a past crime, such as exposure via a sex offender registry.

In these experiences, the individual faces another **Crisis** phase. But these new experiences of crisis are not seen as failures; rather, they are expected to occur at times. With each crisis visitation, however, elements learned from previous work during this phase can help reduce the intensity and duration of the symptomology and eventually the frequency of occurrence. New skills, or new or enhanced relationships with others, may help the individual seek assistance more effectively and infuse old experiences with new meaning that can ease the journey.

Timing is Everything

By identifying the client's different functional capacities and symptoms at different Phases, the FFPT Model also can help those assisting clients select the most appropriate and effective interventions and avoid choosing interventions that might be useful at another time, but may be counterproductive in the client's current phase. By intervening with treatments suited to the client's particular phase, providers can help people break out of a pattern of repeated crises, which when they occur usually require more extensive resources in response. The FFPT Model can help organize a narrative for the client, and this helps provide the client with a sense of what the experience means within his/her life. Such understanding allows for self-management and is essential for moving forward through the phases.

Previously, we reviewed the concept that there are interventions that people may choose to pursue on their journey, and that these may be "partly" through "fully restorative." We suggest that it is important to understand the phase a person is experiencing and to tailor any restorative approach accordingly.

It is also wise to understand the phase that others in the support network are experiencing as interventions are contemplated. This applies particularly to any possibly "fully restorative" family group conferences. Recognizing the phases of these others may help explain why certain individuals within the group of desirable participants may choose not to participate. If such individuals are in their own **Crisis** phase, they may not be able to look beyond themselves and their own needs.

Clinical Applications

If we revisit the rape victim whose experience opened this article, we can illustrate the blending of these models.

This young woman sought therapy several years after she was raped, yet downplayed what had happened "to" her. She felt that

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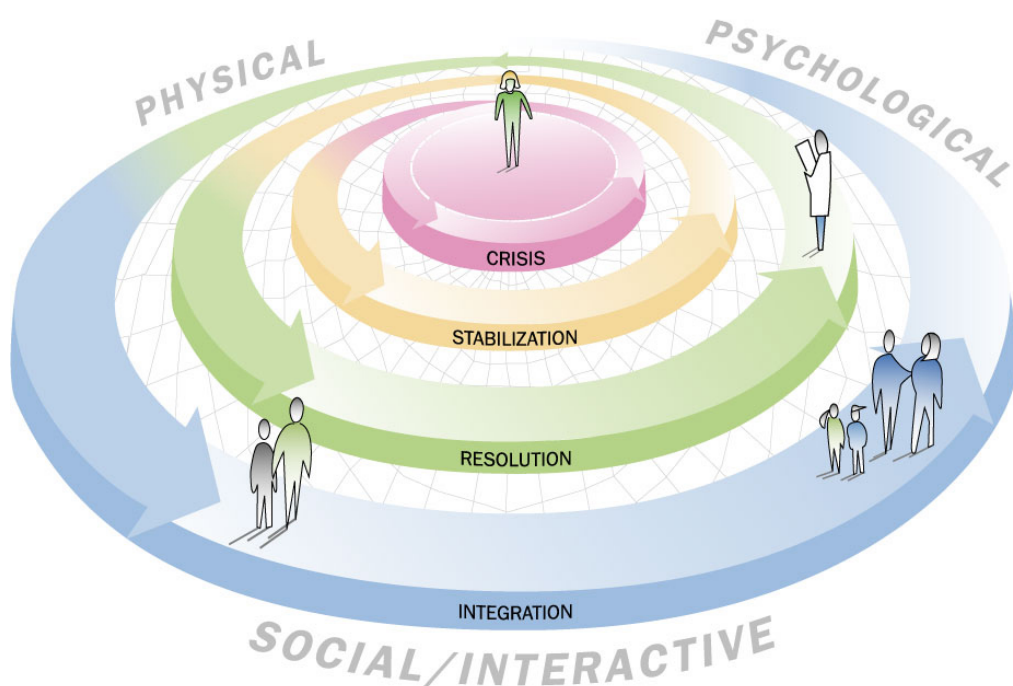


Figure 3: The Fennell Four Phase Model

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other women undoubtedly had suffered more difficult experiences. From a phase perspective, she had reached **Stabilization**; yet she continued to wrestle with the trauma in her life and in therapy as she moved toward further Integration.

While she still has not fully integrated all aspects of her trauma, she has since learned to explore her experiences, live with what happened, appreciate her subsequent suffering, and even achieve a sense of peace regarding the man who harmed her. She did this without confronting the offender. Although doing so was discussed, she chose a “partly restorative” approach within the larger Restorative Practices framework. It is important to note that had she chosen to meet with the offender, preparations would have required an assessment of everyone’s readiness for a Family Group Conference and of each participant’s phase. Regardless of whether this young woman confronts her attacker in the future or shares her story further, we respect her choices and appreciate the degree of restoration that she has achieved.

Thus far, our client has gradually integrated her trauma experience, as well as performed the “emotional heavy lifting” associated with the **Resolution** phase. She has also explored other personal issues that predate the rape, but that have an impact on how she experienced the rape and its aftermath. This points to an important issue, that an individual may need to deal with other areas of his or her life while going through the phases for one particular challenge. The good news is that reflective practice becomes easier over time. The client’s work continues as we move with her in and out of the phases at her pace. She directs her course, and we offer her assistance as she moves toward further integration and restoration.

Conclusion

By blending an understanding of Restorative Practices—which open many possibilities for restoration for those whom harm has been done “to” and

those who have done harm to others—and the FFPT Model, we see that we can help clients map their journey and provide the type of support likely to be most effective at each particular phase of their journey, as we work “with” them to develop new and better selves through their integration process.

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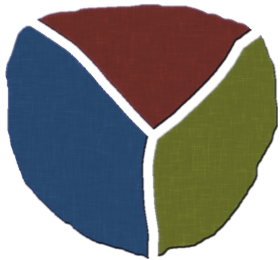
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