

*From Australia*

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## **FROM BLAMING & SHAMING TO RESTORATION & TRANSFORMATION**

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by Rhonda Mann

*“It is not small people who ask for forgiveness. It is large hearted,  
magnanimous people who are ready to say what are some of the most  
difficult words in any language:  
‘I AM SORRY’.*

*But once uttered, they open the way to a new opportunity, the possibility  
of a new beginning, the chance to start again, having learnt a lesson  
from the past”.*  
*Archbishop Desmond Tutu*

### **Introduction**

Over the past decade the Restorative Justice social movement has greatly expanded and possesses the capacity to provide resolution and remedy to conflicts and injustices within diverse realms. School bullying, child abuse, sexual abuse, workplace negotiations, domestic violence, international conflict, adult/juvenile criminal behaviour and the gross violation of human rights are some of the areas that have benefited from restorative practices. Restorative Justice roots are deeply embedded within many cultures including Aboriginal Peoples of North America and Australia, the Maori of New Zealand, and peoples of Japan and Africa (conferencing/sentencing circles).

The biblical roots of Restorative Justice emanate from the concept of “Shalom” from the Old Testament (a way of peace and justice – a way of being). In the New Testament, Jesus commands in Matthew 18:15-16:

If another member of the church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses.

Eminent Australian criminologist John Braithwaite (2000) relates the ancient Palestinian Restorative Justice institution of the *Sulha*, which is still practised in Galilee today, and illustrates one of the precious survivals of the paradigm of utilising the lesser evil to build the greater good of a caring community.

A wise old man is asked in an ancient Arab story, “How do you make peace between people”? The old man answers: “If a bad man and a good man quarrel, I take from the good man and give to the bad man”. Then he is asked, “What if it is two bad men who quarrel?” “If it is two bad men”, he replied, “then I take from myself and give to both of them” (Jabbour (1997, p.45))

What is Restorative Justice?

*Restorative Justice is a process that advocates that the people most effective at finding a solution to a problem are those most directly impacted by the problem. Opportunities are created for those involved in a conflict to work together to understand, clarify, resolve the incident and work together towards repairing the harm caused (Laycock:2002).*

Restorative practices are grounded in the fundamental belief:

- That each and every person has God-given worth
- That no one is disposable
- That human conflict and harm can be most effectively addressed by attending to the healing of all persons affected

Restorative Justice by definition implies a meeting of people affected by conflict/discord/ wrongdoing. Whilst the physical meeting of such people is not always possible, it is desirable. However, restorative processes have the capacity to accommodate for victims only, (O’Connell 2004) or, in the situation of possible further trauma or the risk of re-victimisation as in cases of sexual abuse or murder, can be represented by others. The role of the facilitator is one of non-maleficence, being unobtrusive, and being acutely aware of possible re-victimisation – a guardian of the process (Mann 2004).

Through vigilant and thorough preparation, the facilitator endeavours to assess and attend to any perceived imbalances of power, safety issues, perceptions, the areas of conflict and the physical environment. With

## REFERENCES

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these elements in mind and addressed appropriately the bringing together can often be achieved in very difficult cases. All affected persons ideally should be supported throughout the process, if at all possible, by someone who will continue to be available post-conference. The spiritual, psychological and emotional effects may continue post-conference and it is desirable to have ongoing support available from person/persons who have been involved in the process.

When a conference is convened, a facilitator must avoid becoming a mediator; the problem belongs to those affected, as does the outcome. Differing perceptions, lack of understanding, intolerance and ignorance are the basis of much conflict, and are targeted through restorative conferencing. Having achieved a more common understanding and consideration of the issues (not necessarily agreement), strategies are discussed together for moving forward and the process of healing can begin for all involved.

For some, the understanding of another's position will suffice (for victims to feel safe again, or for offenders to cease offending). This may precede a genuine apology that is accepted because the victim is aware through dialogue and action of the remorse of the wrongdoer. It is only when an apology is felt to be sincere that true forgiveness can begin to occur (personal experience).

An adversarial model of "*What happened, who is to blame, what punishment or sanction is needed?*" focuses upon blaming, and this invariably provides an invitation, if inclined, to shaming, (Mann 2004).

By contrast, a restorative approach of "*What happened, what harm has been caused, and what needs to happen in order for reparation to occur?*" is a process of attempting to 'make things as right as possible'. Restorative Justice entails a fundamental shift in attitude. It transcends the paralysing emotions of revenge, hostility, resentment and bitterness, and is replaced with, at the very least, a degree of satisfaction and contentment in the knowledge that the pain/anguish has been provided with an arena to be articulated and heard.

The basic tenets of restorative practice are surrounded with healing and restoration. This means that, within a restorative conferencing approach, at least one of the stakeholders has decided to be *constructive* rather than *destructive* in the relationship.

Restorative practice ‘does not go easy on the wrongdoer’. Restorative Justice is not about assuaging guilt or exculpating accountability for the wrongdoer! It embraces victim awareness, empathy, recognition and acknowledgement of the harm that has been caused, hopefully leading to genuine sorrow and remorse, where the individual has a deep remorse and seeks forgiveness. For victims, restorative practices legitimise their personal issues, provide a ‘safe place’ and allow their voice to be heard.

In advancing the restorative model, the process conveys authenticity to the values that the church confesses. Actually having to confront a person whether it is in relation to murder, harassment within a Church setting, or workplace or school bullying is not easy for the respondent. The scenario of Jesus and his conduct with the woman at the well, depicted in John 4:1-42, offers evidence and reflects the ameliorating effects of the restorative process.

### KEY PRINCIPLES

The more directly and timely the conflict is addressed the better. Integral components of a conference embody recognising the injustice (mutual recognition of the incident), restoring the equity (the accountability factor), and the clarification of future intentions. The facilitator meets with the parties individually and in person prior to the joint conferencing session. This allows the facilitator to hear their individual narratives, builds a trusting rapport, addresses any imbalances of power, explains the process and prepares the participants for engagement in facilitated dialogue. Specifically nominated support persons are invited to attend the session if agreed by both parties - usually the secondary stakeholders (personal experience).

The first issue to be addressed is to provide a sacred/safe space in which to address the conflict. This encompasses the attention to detail of the physical environment and the psychological aspects undergirding the session. (It may be considered appropriate for permission to be sought by the facilitator for a silent spiritual time/prayer.) The entire process is directed toward preventing an impersonal, dehumanising experience for the stakeholders. Sensitivity, respect and dignity are accorded all participants, at all times. The sacred/safe place provides a unique opportunity for the claimant to describe the violation experience from their perspective and its ramifications, and the opportunity for the

respondent to hear the harm and hurt caused, often eliciting empathy (which many sex offenders completely lack), whilst acknowledging and taking responsibility for the violation, including unintended consequences (personal observation).

Should a violation be admitted by a respondent, the Restorative Justice model has an additional beneficial effect by allowing an offender to be rehabilitated appropriately by being accountable for their behaviour, taking responsibility for their conduct, to facilitate change, to offer a sincere apology and perhaps some form of reparation.

### CONCLUSION

Many claimants/victims state that what they really want is a genuine heartfelt *apology* from their offender. It may be asserted, that the Restorative Justice paradigm provides the church system with an innate opportunity to re-affirm Christ-centred values.

Then Peter came to him and said, ‘Lord, if another member of the church sins against me, how often should I forgive? As many as seven times?’ Jesus said to him, ‘Not seven times, but, I tell you, seventy-seven times’. (Matt. 18:21-22).

Marshall (2001:95) asserts that;

Forgiveness is not an optional response to wrongdoing; it is an obligation placed upon all who celebrate the saving justice of God made manifest in the life, death, and resurrection of Jesus Christ.

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