

Report on restorative justice models

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Executive summary

The deliverable we summarize here provides an overview of the **different strands** in defining restorative justice (RJ), the different understanding of the concept of RJ and its underlying values. Core practices of RJ are presented as well as other, broader models which can be a source of inspiration for the restorative approaches which will be developed in the ALTERNATIVE project. Finally, the deliverable situates the vision of the project ALTERNATIVE in this landscape.

There is no generally accepted definition of restorative justice. **Core elements** in restorative justice according to Pelikan – researcher in the ALTERNATIVE project - are (1) the social or life-world element – implying that RJ focuses on the concrete experience of the persons involved in the conflict, (2) the participatory or democratic element – implying that RJ promotes active participation of those concerned and affected by the conflict and (3) the reparative element – implying that RJ seeks to meet the victim’s real needs.

Thus ALTERNATIVE does not make a choice amongst definitions focusing on the process or rather the outcome of a RJ process. The work done in ALTERNATIVE values the dialogue process and the restorative outcomes as **equally important** when restorative justice approaches are developed.

The RJ approach of the project comes furthermore close to a transformative conception of RJ, **‘transformation’** being described by Pali and Pelikan (2010) as ‘the requirement to overcome taken for granted modes of thinking and of perceiving oneself and ‘the other’, which can be done through a dialogical process’.

Restoration, respect, inclusion, dialogue, active participation, empowerment and transformation are

the crucial underlying **values** of such approach and they will have to be kept in mind when the project develops its own restorative approaches in intercultural settings.

Restorative justice approaches refers to the **activities** which will be developed in the project. They will have to be based on the values mentioned above and they will take RJ beyond the field of criminal justice in order to deal more generally with conflicts in intercultural settings. These activities can be based on existing, implemented and institutionalised practices of RJ such as mediation, conferencing or circles.

Broader models will however be equally inspiring, such as the **Zwelethemba community peacemaking programme** and community, social and/or neighbourhood **mediation**. These practices have in common the aim to resolve interpersonal conflicts that occur in people’s lifeworlds (in the neighbourhood, workplace, school...) mostly outside the legal system, and with the help of a third party mediator who encourages disputants to participate peacefully to resolve their conflict. Moreover these practices move beyond the interpersonal level and tend to deal also with underlying issues or problems at the community level. In the Zwelethemba model, for example, a part of the funding for each peacemaking gathering goes to peace building activities (e.g. actions to address poverty, creating a children’s playground...) which can be decided upon to tackle issues in the community which are underlying the conflict. Neighbourhood mediation deals with conflicts between neighbours, but also works with groups to deal with neighbourhood problems. This two level approach is a promising strategy for tackling conflicts in communities in a more sustainable way and by using local capacities.

Finally, the principles of **non-violent communication** as developed by Marshall B. Rosenberg are identified as interesting to draw on for the development of restorative justice approaches. This method based on self-expression, active listening and empathy has been used for resolving conflicts peacefully. According to Rosenberg what we have to work with in a conflict are the underlying needs of the people involved. These needs are universal, regardless of gender, educational level, religious beliefs and nationality. Mediation practices based on this approach have proven useful in various cultural contexts.

The deliverable reminds that ALTERNATIVE works on **'conflicts in intercultural settings'**. This means that the root conflict can relate to other issues than those pertaining to culture and that difference in culture is not seen as a primary problem in itself. Ideas about culture often come in when a conflict between people of a different background escalates.

There is experience showing that mediation is an effective means of **conflict resolution** in cross-cultural

cases. Nevertheless, one has to keep in mind that in that context there will be different interpretations of key concepts such as justice, guilt, shame, reconciliation and forgiveness, as well as different worldviews, and different ways of expressing and communicating these. This can affect the RJ process. Some researchers recommend to explicitly work with these differences and to even work with a mixed team of mediators of different cultural backgrounds. Others argue against this approach because it risks to overly emphasize the cultural differences, while this is often only part of the story.

The experience with RJ for hate crimes is still limited and the cases are rather exceptional. An elaborate research in the UK on everyday hate conflicts between people who know each other nevertheless shows that for many participants the process provides **emotional benefits** and that incidents stop to occur in most cases.

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