Grant Agreement Number: 285368

ALTERNATIVE
Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies

---

Deliverable 7.2:
Report on the Contribution of
Restorative Justice to Peace Building

SEVENTH FRAMEWORK PROGRAMME
COOPERATION PROGRAMME

Project start date: 01.02.2012
Project duration: 48 months
Deliverable 2.1. due date: M12 (January 2013)
Submission date: 11 February 2013
Dissemination level: PU (public)
Workpackage: WP7 – Activating community through a multi-agency approach
Workpackage leader: Partner 7/UU
Contact person: Project Manager, Dr. Inge Vanfraechem
Project URL: www.alternativeproject.eu

University of **ULSTER**

FRAMEWORK PROGRAMME 7

ALTERNATIVE

WP7 University of Ulster

DELIVERABLE 7.2

**Report on the Contribution of
Restorative Justice to Peace Building.**

**"Working across Frontiers:
Restorative Justice with Conflicts
in Intercultural Settings"**

**Hugh Campbell, Tim Chapman and Derick Wilson
University of Ulster**

**Working across Frontiers:
Restorative Justice with Conflicts in Intercultural Settings**

Contents

Introduction

The purpose of Deliverable 7.1, Literature review on restorative approaches in local conflicts of Northern Ireland, was to review the field of conflict resolution in Northern Ireland both in theory and in practice so that the University of Ulster's work on the ALTERNATIVE project will not duplicate current or previous practices. Having surveyed the field, this report proposes how the University research will explore and evaluate alternative understandings and restorative practices in relation to conflict in intercultural settings and to peace-building in three local sites.

In doing so the staff team believe that it is important that it articulates clearly the discourses which inform and shape its approach. This means that it is necessary to summarise how restorative justice in Northern Ireland emerged from both work to build peace in civil society and initiatives by both local communities and the state to address the harm caused by crime. The report also outlines the history of the University of Ulster's Restorative Practices Programme and its influence in the field. This leads to an analysis of the University's pedagogical approach and how this has positioned the team to engage in the ALTERNATIVE research project. Finally the report defines where the University stands through defining the model it intends to test in practice and the range of practices that it will enable the various community sites to implement. In doing so it has chosen models from international research and adapted these to the conditions of Northern Ireland.

Working across Frontiers

A fault line is the surface trace on the earth's surface of a geological fault, a line of intersection. In modern societies there are many intersections or fault lines: where the genders, the classes, those of different faiths, different ethnicities, different age groups, and people of different sexual orientations interact, and where people with varying levels of disability encounter a society designed for the able-bodied and where people with caring responsibilities must adapt to situations suited to those who have not assumed such responsibilities. These fault lines can be seen as 'frontiers' in societies.

A frontier is a usually a border between nations. It delineates the authority of the state and it enables control of the entry and the exit of people and goods. Wright (1987) referred to Northern Ireland as an 'ethnic frontier society' in that it was characterised by an uneasy tension between the two dominant and competing nationalisms within its boundaries. There are significant class frontiers in both of these dominant nationalisms. However, in such ethnic frontier societies fear of the other can nurture an often violent politics of identity which can override politics that seeks to address socio-economic issues such as inequality and poverty (Wilson 2013).

There is also a generational frontier. There is a significant number of young people who are disaffected and at risk of becoming involved in violence both as perpetrators and as victims. Those most involved in violent conflict are predominantly male suggesting that there is a strong gender dimension to be taken into account. In addition, many economic migrants from diverse ethnic and cultural backgrounds have settled in Northern Ireland particularly as the inter-communal violence decreased. There have been a significant number of hate crimes against ethnic minorities (Police Service of Northern Ireland 2012).

Where there are frontiers there will always be friction: disputes over territory, competition over scarce resources, differences in perspectives on issues, conflicting goals or priorities, different cultural or religious practices. Most of

these conflicts can be managed adequately on a daily basis through informal communication, human rights, laws and regulations, political processes, and where necessary formal conflict resolution methods.

However, some conflicts in these intercultural settings result in people unjustly harming other people. Those most likely to be affected tend to be those at the margins of society, those with least power and wealth. The criminal justice system as a centralised and professional state bureaucracy offers an expensive, unwieldy and often ineffective response to such harmful conflict. other responses are needed.

If restorative justice is to offer an alternative approach to restoring justice and addressing the suffering that injustice causes people, it must provide evidence of its effectiveness, its value for money and its flexibility to engage with people on the margins of society.

For restorative justice to prove its worth in working at the frontiers and in addressing some of the most troubling conflicts in society it requires:
- a safe space in which people of opposing interests and often hostile attitudes towards each other can meet and enter into dialogue;
- a model of restorative justice which is sufficiently flexible and robust to facilitate such meetings and dialogues;
- an understanding of the different intercultural contexts in which harmful conflicts occur;
- a means of measuring the impact of restorative processes on harmful conflict.

This report
1. Outlines the context and development of restorative justice in Northern Ireland;
2. Analyses the specific role of the University of Ulster in contributing to the development of restorative justice in Northern Ireland;

3. Describes the model of community based restorative justice that has been designed on the basis of local conditions and international evidence to address harmful conflict in Northern Ireland;

4. Explains how this model will be applied to harm arising from the historical politics of our ethnic frontier conflicts and the challenge of intergenerational conflicts.

ALTERNATIVE

The action research that the University of Ulster is undertaking within the ALTERNATIVE project will explore the conflicts and harms that occur at some of the frontiers of Northern Irish society, expand the limits of our understanding of how people involved in these conflicts can have their needs for justice and security addressed through restorative justice and contribute to the building of a theory base on the potential and limits of restorative approaches to conflict in a variety of intercultural settings.

The research will focus on:

- ethnic frontiers between the Protestant/Unionist/Loyalist and the Catholic/Nationalist/Republican communities;
- and the tensions between these communities and incoming ethnic minorities;
- generational frontiers between marginalised youth and local communities;
- moral frontiers created by moral panics over the selling and use of drugs in local communities;
- the value of community based responses and active citizenship;
- the frontiers between the state and civil society.

It will also examine the general applicability of our learning of the dynamics associated with an ethnic frontier society to more 'secure' societies and societies in transition.

1. The Context and Development of Restorative Justice in Northern Ireland

There are many excellent texts that outline the political and historical dimensions of relationships between Ireland and Britain since the 17th Century and beyond that this paper will point to and not attempt to repeat. From the perspective of a practitioner in reconciliation and restorative activity the ethnic frontier analysis by Wright (1987) locates Northern Ireland alongside West Prussia, Bohemia, Algeria and the American South as spaces where it was impossible to experience anything that metropolitan societies called peace, where there have been large inequalities and where relationships on a daily basis have been dominated by antagonism. This analysis explains how the legacy of long past history in such areas has the potential to invade and even destroy every potential meeting across lines of difference in the present moment. Daily life is shaped by a force field of antagonism with roots in a long history.

Issues of discriminatory practices being ended, fair access to public employment on the basis of merit, freedom of cultural expression, equal access to education as well as securing an agreed criminal justice and policing system, were eventually achieved or underpinned through the peace process and agreement in Northern Ireland (Northern Ireland Office 1998).

Wright (1987) identified Northern Ireland as an example of an 'ethnic frontier' society established by a Britain exhausted by the First World War[1] (Morrow 2004). The ethnic frontier of Northern Ireland is a vortex in which, for one community (the Unionists), the state represented liberation and security and, for one community (the Nationalists), the state became a tyranny. Each community found it difficult to understand the other's perspective.

---

[1] In 1919 the Woodrow Wilson principle of self determination was established at Versailles. In deeply contested societies self determination can only be secured with the denial of the other and can result in ethnic expulsion or cleansing. This is critical to the understanding of the conflict in Northern Ireland (Morrow 2004).

Ethnic frontiers are contested places where the distinctions between 'legitimate force' and 'violence' are eroded. Between 1969 and 2001, 3,523 people were killed as a result of the conflict. Almost 60% were killed by Republicans, almost 30% by Loyalists and 10% by the security forces. The direct experience of violence fell on people primarily from the border areas between Northern Ireland and the Republic of Ireland, contested rural areas of mid Ulster, the urban areas with high levels of poverty in Belfast and Derry, on business people and the security forces and the criminal justice system. (See table below).

Summary of Status of the person killed:		Geographical Location of the death:	
Status_Summary	**Count**	**Location**	**Count**
British Security	1114	Belfast East	128
Civilian	1842	Belfast North	576
Irish Security	10	Belfast South	213
Loyalist Paramilitary	168	Belfast West	623
Republican Paramilitary	395	Britain	125
TOTAL	3529	County Antrim	209
		County Armagh	477
		County Derry	123
		County Down	243
		County Fermanagh	112
		County Tyrone	340
Source:		Derry	227
University of Ulster INCORE Research Centre		Europe	18
http://cain.ulst.ac.uk/sutton/tables/Location.html		Republic of Ireland	115
Last Accessed 3 February 2013		TOTAL	3529

Northern Ireland is a society which has suffered greatly from injustice and violence. Many people feel victimised and hurt by the conflict. In an ethnic frontier the past always has the capacity to invade and destroy present day hope because history always lies close to the surface of daily life. The normal rituals of more secure societies that allow hurtful events to be both acknowledged and placed at a distance over time do not work. Potentially, the past always has the ability to disturb the present, even as the society seeks to move on through new political agreements. Different groups demand that others take responsibility for their violence without feeling the obligation to acknowledge their own violence. It takes time and deep commitment to build new institutions that propel people forward and build mutual ownership and cohesion.

It was unsurprising that restorative practice emerged in such a context. A restorative task is to promote spaces and relationships where people experience being at ease with different others. Such relational work is made much easier when supported by wider societal imperatives and public policies. Moving beyond combative relationships with enemies means to promote robust relationships that engage with sharing responsibility for public institutions, promote more open and less partisan civil society groups and organisations, embed a political culture focussed on social and economic issues rather than identity politics and secure more open and shared public spaces in cities, towns and villages.

Many social work, youth work and community development practitioners in the 1960-90 period used restorative approaches intuitively when working to improve community relations and to build peace. Restorative principles became more explicit through the work of reconciliation organisations such as the Quaker Peace Education project based in the University of Ulster (Tyrell 2002). The Quakers were leaders in the field of restorative justice in the 1990s and supported the development of the Restorative Justice Forum which pressed government to introduce restorative justice in Northern Ireland. This Forum continues to be influential.

During the conflict many of the most bitter and violent struggles focused on the institutions of the criminal justice. These circumstances distracted and inhibited the criminal justice system from its core role of addressing crime. This created a vacuum which was filled by community action. Political marginalisation, antagonism towards the state and deprivation in Northern Ireland resulted in the growth of a strong network of community and voluntary organisations delivering services to the unemployed, to women, to the elderly and to youth. Many community groups sought to divert young people from offending (Chapman and Pinkerton 1987, Chapman 1995). They were motivated by the perception that the criminal justice system had failed to protect them and to contain youth crime. They were also concerned about the

vicious punishments being inflicted on young people by paramilitary organisations for criminal and anti-social behaviour.

Community restorative justice projects began to be established in the mid-90s in a number of mainly loyalist and republican areas. Eriksson (2010) traces their origins to disillusionment within the both republican and loyalist organisations with paramilitary punishments.

The Belfast Agreement (Northern Ireland Office, 1998) included arrangements for fundamental reform of policing and a wide-ranging review of criminal justice. The Independent Commission on Policing in Northern Ireland (1999) and the Review of the Criminal Justice System in Northern Ireland (2000) addressed most aspects of criminal justice in Northern Ireland. Both emphasised that human rights should be central to the criminal justice system. The government has taken the implementation of both reports seriously.

Arising from the Review of Criminal Justice, the Justice (Northern Ireland) Act 2002 was enacted providing for the introduction of the Youth Conference, which established restorative justice as the primary approach for the youth justice system. The Review of the Criminal Justice System in Northern Ireland stated that community-based restorative justice should be enabled to address low level crime committed in local communities. However, because community restorative justice had its origins in the provision of an alternative to paramilitary punishments and because ex-prisoners were taking a lead in the schemes, the government refused to fund the schemes or permit its agencies to cooperate with them. Concerns were also raised regarding the coercion of parties to a restorative process, the lack of due process and the possible abuse of human rights.

In 2007 protocols for community-based restorative justice schemes were finally agreed. The principles underpinning the protocols were designed to conform to the Human Rights Act 1998, the UN Convention on the Rights of the Child, equality legislation, and the UN Basic Principles on the use of

Restorative Justice in Criminal Matters. To ensure that these principles were observed the schemes would have to agree to be subject to regular inspections by the criminal justice inspectorate, to participate in an independent, external complaints mechanism and to undertake appropriate training.

Van Ness and Strong (2010, 46) distinguish the role of government and that of the community in relation to justice. They argue that government is responsible for preserving a just order whereas community is responsible for establishing a just peace. Order can be measured in the achievement of instrumental goals measurable by crime statistics and is thus the result of strategic action. Peace is less tangible; it is derived from the quality of relationships between people living in community and from how they set about resolving conflicts and breaches of norms. Community restorative justice aimed to reduce the culture of violence within some Northern Irish communities, to heal relationships and to clarify and reinforce the norms of the community (Eriksson 2010).

Northern Ireland has experienced a prolonged period of violent civil conflict. During this time democratic processes, equality, good relations, human rights and the credibility of the criminal justice system were severely weakened. Partly in response a vibrant community or non-governmental sector emerged to meet a range of social needs through the energy, intelligence and commitment of ordinary people. Community based restorative justice schemes engaged the active participation of local people in community safety and justice. The peace process has succeeded in restoring a devolved democracy, in re-establishing equality, good relations, human rights and increasing public confidence in the police and the criminal justice system. One result of this has been to weaken community restorative justice. As people assume the role of consumers of statutory services, there is now a real risk that the modernisation of the Northern Irish state will have to increasingly manage the social pathologies of fragmented communities and individuals who assume little responsibility for their neighbours.

Modern societies require both a healthy civil society and effective political and economic systems. For community restorative justice to work, it is necessary to create and protect a space where people can enter into dialogue without being dominated by state regulation or the culture of the market (Habermas 1987). The relationship between community and state needs to be based upon on a more equal partnership.

Strang and Braithwaite (2001) argue that the state and civil society can act as a check and balance on each other. This is similar to the idea of what Sen and Dreze (1989, 275-279) describe as "public action" which holds the state accountable. Restorative approaches in Northern Ireland, where the criminal justice system was until recently unable to assume widespread support, aids the development and strength of both. Edwards (2004) argues that a strong and independent civil society is required for modern states in which public institutions are trusted. This mirrors transitional and restorative justice aspirations elsewhere, such as in the Honduras National Commission of Human Rights. Crocker (1996, 122) argues: "Civil society ought to join forces so that judicial reform is a reality, and this requires the strengthening of a democratic and human rights culture... democracy is shown... by the system of justice... so that injustice is the exception and justice is the rule."

This frontier between state and community is an area that the ALTERNATIVE research project in Northern Ireland will examine.

2. The role of the University of Ulster in contributing to the development of restorative justice in Northern Ireland

In its work within the ALTERNATIVE research project, the University of Ulster does not act as a 'neutral', 'detached' scientific agent. It is part of the history of civic life, including restorative justice, in Northern Irish society and it is radically engaged in this society. This section makes this history and engagement explicit.

A brief history of activities

The restorative practices programme at the University of Ulster emerged in response to local need in 2002. Following the N.I. Justice Act (2002) statutory provision was made for the establishment of a Youth Conference Service to facilitate restorative conferences between young people responsible for offences and their victims.

University of Ulster staff were asked to develop a practice manual for the new service (Campbell et al 2003). This was done drawing on desktop research and the practice experience of the authors who had been involved in criminal justice, youth work, peace building and community development fields as practitioners.

Subsequently a training course was designed and delivered to the recruits of the Youth Conference Service. This initial training consisted of nine full days of experiential and reflective learning and was delivered to a series of staff cohorts on at least 14 occasions in the time between 2002 and 2006.

The initial training became accredited into module form at Postgraduate level. Between 2003 and 2009 40 practitioners in the agency successfully completed their Postgraduate Diploma in Restorative Practices. Furthermore 18 staff from what was then called the 'Community Services' wing of the agency undertook a Postgraduate Certificate in Restorative Practices. Upwards of 40 other staff also completed a non-accredited short course in restorative practices with the University.

A planning group comprising of stakeholders around restorative justice issues in Northern Ireland developed a proposal to establish a new university based course in restorative practices.[2] These courses would be accredited not only at postgraduate level but also at undergraduate level to accommodate potential students whom the university would regard as 'non-traditional'. In 2005 two

---

[2] http://www.socsci.ulster.ac.uk/restorativepractices/PG%20Restoratice%20Practices%20Leaflet.pdf.

new programmes of study were validated: a Certificate in Restorative Practices (Undergraduate) and a Masters degree in Restorative Practice with exit points at Post Graduate Certificate and Post Graduate Diploma. For any entrant with a social work qualification to the post graduate course the modules of study were also linked with their requirement to be undergoing continued professional development as part of their licence to practice.

Parallel to the deepening engagement with the statutory initiative of the Youth Conference Service the University staff also entered into dialogue with the community activists who had developed restorative justice at neighbourhood level. Their work needs to be understood within the wider political context of N. Ireland at that time. The community initiatives had taken root partly to fill a vacuum created by the extreme strain on relationships in these neighbourhoods with the police service as a consequence of the conflict. Paramilitaries on Loyalist and Republican sides were also by the early 1990's re-examining their policy of physical punishment of those accused of law breaking and anti-social behaviour in their own territories. A combination of factors gave momentum to community restorative justice pilots starting and developing. Given their roots in Loyalist and Republican paramilitary organisations, these new groups were viewed with suspicion by government and statutory agencies. At the time the University of Ulster training was getting underway the two main community organisations were not receiving any government funding. Sinn Fein at that time (2003) had not agreed to sit on the Policing Board and government in return would not formally recognise work connected, even indirectly, to the Republican community.

In 2007 the staff of NI Alternatives, a community based restorative project in loyalist communities, committed to participation in the restorative practices programme – some entering at Postgraduate level, others at Certificate. In turn this was linked to the choreography of the Criminal Justice Inspectorate for N. I. carrying out an inspection of the Alternatives agency and ultimately validating its practice. The Inspectorate commented on the significance of the training as a contribution to Alternatives development. The training was regarded as part of the legitimisation process in the relationship between the

state and the community agencies. The organisation within republican communities, Community Restorative Justice Ireland, then commenced the programme in 2008 – sending all their staff to the University.

In 2004 a conversation initiated by a prison governor with university staff about the potential for restorative practices within a prison regime began. The outworking of this was the prison service sponsorship of 18 of its staff from all three prisons in Northern Ireland to study on the restorative practices programme. This cohort attended the University from 2007 – 2009. The service then recruited a further 18 staff to attend as a second cohort. This group successfully completed their programme in 2011. The university staff team also entered into a sustained engagement with the prison service that included participating in a major government review of the service, running master classes for senior management, undertaking research into the role of the prison officer and ultimately entering one of the prisons to begin an education programme with prisoners in 2010, which continues to the present time. The men taking part hold 'separated' status in N. Ireland's maximum security prison. 'Separated' status indicates they are serving time as politically motivated offenders. This group are part of the 'Loyalist' section of the prison. Dissident Republican prisoners declined an offer of participating in the programme as they were engaged in a campaign of opposition to the prison regime.

As a result of these activities relationships between the broad field of restorative practices in Northern Ireland, the Republic of Ireland, England, Scotland and Wales and a local university grew. The University became regarded as a place to meet that was neutral, safe and conferred an atmosphere of learning, a structure that recognised and validated the prior experiences of students, and a civic agency committed to producing a more open, shared space in a divided society.

Accredited training increased the credibility of restorative practices within criminal justice and community organisations. It also facilitated practitioners

from a variety of contexts to see themselves as participating in a community of practice.

On reflection this safe and shared space that the University provided to diverse groups who had experienced conflict with each other was based upon some key principles underpinning the University's interactions with organisations and individuals.[3]

Inclusion

The programme was designed to be accessible not only to graduates with existing professional interest in the field of study but also to non traditional students whose personal, community or occupational interests motivated them to study. Inclusivity is linked to a commitment to hosting students who reflect the diversity of our wider society and to the promotion of equality and increased participation in society.

Relevance to Practice

The content of the curriculum is aimed at promoting skilful practice in any setting where restorative approaches may be used to respond to harm.

Responsiveness

The course team endeavours to understand the current realities of the various settings in which students live and work and to be open to having course

---

[3] The course team has been invited to teach postgraduate restorative practices courses in the Republic of Ireland (in Donegal) and in England with SHARES Lancashire. Co. Donegal is the most Northern of all counties on the island. From 2012 the University of Ulster team have been running a Post Graduate Certificate in Restorative Practices to staff from schools and youth projects across the county. The concept of the restorative school, and indeed a network of restorative schools and youth projects in a large rural community, is being developed though this particular programme. The team deliver a restorative practices module at the National University of Ireland, Maynooth, as part of the Masters in Conflict Resolution and Mediation.
The University of Ulster restorative practices team have also been involved in formative restorative practices research in the Dun Laoghaire Comenius Regio Programme and in County Donegal, where we are concluding a 15-month baseline research on the use of restorative approaches in diverse school and youthreach centres. The Programme also was a member of a 2009-11 Economic and Social Research Council Research Seminar Group on Restorative Approaches to Conflict in Schools led by Cambridge, Edinburgh and Nottingham Universities.

content and approaches to learning shaped by participants. This can lead to participants being involved directly in the process of knowledge production.

Respect and Relatedness

Student cohorts are themselves small communities where deep learning can take place. Respect for the diversity of people is an important value for the course team and is itself critically integrated to content and teaching style throughout the course. Interpersonal communication, safety and trust are entwined in this climate. The course team promotes dialogue around conflict and harm to move beyond responses that are based on violence, retribution, silence or politeness.

Personal Agency

Students are encouraged to take responsibility and to build the confidence, knowledge and skills required to be effective agents in their own setting. They are encouraged to articulate the best learning and practice insights so that their agencies can become learning organisations.

Political and social context

The course also emphasises the importance of the critical examination of the political and social environment that surrounds the students' field of practice. Students are encouraged to consider how they support the dissemination of best restorative practices information and practice in wider civil society, the policy community and in informing those in political positions.

The Pedagogical Approach at the University of Ulster

Minnich (1990) has called attention to some of the important matters in the politics of knowledge production and dissemination. The University staff were aware of the power relations in the classroom and the need to democratise learning and to model 'being restorative'. It is also necessary to respect and use the knowledge that students bring from their professional and personal experiences rather than rely totally on literature and the knowledge of the lecturer. Ultimately the value of learning relies on the integrity and

intelligence of the students as they carry the responsibility for acting on that knowledge in their own practice.

Tisdell (1995) has discussed levels of inclusion in adult learning environments and suggests that the most sophisticated level of inclusion centres around how the educational establishment practice reflects in some ways the 'changing needs of an increasingly diverse society'. The University of Ulster staff group have sought to understand and interpret the needs of those addressing various forms of harm at this particular time in the history of the Northern Irish state. Minnich (1990) argued that: "higher education is both shaped by and influential in defining and responding to ongoing struggles over knowledgeable responses to crucial questions. How can and should we live together not despite but with all our differences? Who are 'we'? How should we think if we wish to think together." These questions have resonance with the staff team's belief that restorative practices contribute to helping individuals and groups in Northern Ireland face the consequences of our long conflict and its aftermath.

Grant and Sleeter's (2009) approaches to multi-cultural education are also reflected in the University of Ulster restorative practice experience. Traces of what they describe as 'teaching the exceptional and the culturally different' are found in the University of Ulster's programmes desire to engage with non-traditional students in working class communities and within the prison system. The university strove to accommodate different groups rather assimilate them into standard university methods. The work with CRJI, NI Alternatives, prisoners and even prison officers could be understood in this way.

The engagement with non-traditional students has several pedagogical purposes. The emphasis on active citizenship and agency attempts to dissolve the pessimistic common sense that often characterises the thinking of people living in ethnic frontier societies. The use of storytelling and dialogue reinforces the importance of individuals listening to people from opposed identities. Such practices assist the wider society "mourn some features of our

... past with new present awareness that we must never repeat such events in our future" (Shriver, 2005, 9). In an identity-dominated society, all complexity between people is simplified or denied in favour of maintaining the tradition and the position of the group. So inter-relationships that historically have and, still, do take place between people from opposed traditions are denied or, if they are exposed, often result in the 'traitors' being expelled or dealt with, often violently. In an ethnic frontier everyone has a 'cultural good reason' for his or her actions. The restorative learning task is to alert people across generations to these dynamics.

Restoring an openness to those previously seen as the enemy in an ethnic frontier area, as well as an openness to those who are new citizens in an increasingly intercultural setting, requires an active citizenship through which people find relationships and civic and political structures which enable all to deal more openly with the legacy of the past through the core values of diversity, equity and interdependence (Eyben *et al.* 1997).

Pavlich (2004) speaks of the often hidden and violent edges of traditional models of community. In a contested society these violent and exclusionary edges are often very evident. In our restorative practices courses we seek to establish learning communities that work to a 'future oriented' understanding of open and inclusive community.

Grant and Sleeter (2009) describe an "education that is multicultural and social reconstructionist." At intervals over the last 9 years, course content is regularly reviewed and new modules have been introduced in line with student interest and emerging needs in society. Examples include the Restorative Prison module for prison staff and prisoners, the Restorative Community module for anyone with particular concern for how communities can shape restorative justice as a response to harm and the module on Family Group Conferencing for people working in welfare settings with children and families.

Grant and Sleeter (2009) see 'Human Relations' as another approach, where the emphasis is on challenging stereotypes and fostering connections based on respect. This requires a balance between being inclusive and expecting the highest academic standards. Whatever their background, students will be supported to perform to their potential. This reflects Zukas and Malcolm's (2002) focus on the pedagogic identities of the adult educator. A key pedagogic identity is the educator as assurer of organisational quality and efficiency, a deliverer of service to agreed or imposed standards. This has not only increased the credibility of the University but also of restorative justice as a viable social practice.

There is indeed a growing community of practice around restorative justice in Northern Ireland. The number of frontiers the university team has encountered and crossed reflects what Barrett (2000) calls 'supercomplexity', finding responses to multiple frames of reference and large volumes of data and theories. Supercomplexities occur when conflicting frameworks can be used to understand a situation or environment. Consider the prison officer as a student of restorative practices. The officer is faced with issues arising from the implications of consistently critical criminal justice inspection reports into the prison regime and how these have resulted in a major independent policy review. Operationally this means that attempts to implement review recommendations including large scale redundancies and waves of new recruits. This has generated deep uncertainties for staff. A further challenge comes for those working in a regime that contains politically motivated prisoners including some who are on a 'dirty protest'. The seriousness of this threat was underlined by the murder of an officer in November 2012 as he drove to work. Dissident republicans have "claimed" this murder. Alongside all these pressures prison officers were both studying and attempting to implement ways in which restorative approaches could be developed in day to day practice in the prison.

Against these sorts of demands Barrett argues that the chief pedagogical task of a university is not to transmit knowledge, but to develop in people the capacity to respond to situations drawing on knowledge, self-identity and

application of skills. Barrett argues that the student should have the space to develop their own voice, a notion also discussed by Minchin. In the classroom this has involved a democratic structure to enable frequent discussion and questioning, including the interrogation of ideas and the willingness to look deeply at one's own mental models.

Ira Schor and Paulo Friere (1987) emphasised the significance of dialogue to learning processes in the 'Pedagogy of Liberation'. In the various organisational, policy and community milieu that the university team has entered over the last 10 years staff themselves have been shaped and influenced by the voices they have heard. Indeed they adopted the restorative approach of avoiding the position of 'expert' (Christie 1977). Indeed as time has passed many students have gone on to amass considerable practice expertise that lies beyond that of the university staff. Friere contended that a dialogical educator should be open to their own relearning. The primacy of this dialogue moves the university staff away from positions where theory leads practice. Students are seen as an important source of knowledge. Knowles (1995) saw the faith in the individual to learn for himself as the theological foundation of adult education.

This stance emphasises the critical importance of reflective practice. Schon's (1991) approach to reflective practice resonates with restorative practices. It recognises the expertise of all parties and not just the professional in engaging with the reality of any situation and it asserts the value of uncertainty as a source of learning. All restorative practice students are required to keep a reflective journal where they record and muse on their own encounters with harm and conflict and the ways in which they and others respond. The journals are read by a staff member acting as a personal mentor. Verbal and written feedback is exchanged. The journals often contain intimate accounts of harm witnessed or experienced across the settings the students work in. This journaling is linked to a series of small group meetings (3 to 5 students and 1 tutor) where students are required to share current practice stories where they have been faced with dilemmas and challenges.

The course team approach to the various forms of assessment is reflected in Ramsden's (1994, 9) views:

> It should provide plenty of feedback and encourage openness and co-operative activity. It should minimize anxiety and the sense of being continually inspected. It should be valid, generous, and fair. It should be the subject of a dialogue between assessors and assessed. It should not do anything that discourages people from trying to criticize their performance candidly, and from trying to use the information they gather about their performance to enrich what they subsequently do. It should encourage responsible self-assessment. It should be integral to teaching and learning, rather than additional to teaching and learning. It must lead to trustworthy judgements about academic performance.

The staff team regard trust as a lived value in restorative work and strive to bring that to relations in the classroom. Jackson (1994) contends that trust is a key component for culturally sensitive pedagogy. The staff team as individuals have been prepared to share experiences from their own professional and personal lives, in part as a trust building measure. For example in the work with Loyalist prisoners one team member who is Catholic shared this part of his identity and some of its personal meaning with the group. Later the men in prison reported how significant this openness was for them.

Wheeless and Grotz (1977) found trust and self-disclosure to be related and that there is a tendency to trust those who self-disclose. The importance of trust is also linked to the idea in working with diverse groups of being regarded as a "critical friend". This has involved being able to maintain a relationship where the University staff could express independence of thought alongside a commitment to help individuals and organisations address their practice.

At the time of writing the citizens of Belfast have been caught up in a cycle of protests ostensibly about the flying of the Union flag over Belfast City Hall.

Many of the protests have descended into serious violence. For whole weeks nightly rioting has been the norm in the East of the city (where two of the authors live). Old sectarian narratives about the dispute emerge and are recounted. There is a steady diet of analysis from the media and academics. Social media has been used to promote organised riots, counter protests and a wave of further analysis.

It is the university staff team's position that restorative measures can contribute to addressing the serious harm this conflict is generating. There are numerous competing narratives around this dispute. A constructivist stance is used by the university team in order to better understand the way in which these stories emerge, coverage, clash or compete for space. For Proulx (2006) constructiveness means that all knowledge is construed by the learner on the basis of their own experience.

The concept of truth is also a theme explored through the pedagogy and curriculum of the course. Making the link between restorative practices and wider societal truth and reconciliation processes in diverse continents Shriver (2007) identified four aspects of truth[4], arguing for a truth that heals rather than divides, and an understanding of justice that repairs rather than revenges. A further dimension of truth in Shriver's model concentrates on the possibilities that may arise from 'dialogical truth', the way in which competing stories are shared, listened to and reflected on. Students are asked to look at the narratives underlying their emotional and psychological responses. The university team recognise the restorative functions of this model when applied in intercultural settings or interpersonal conflict.

Dialogical truth implies encounter. This paper has already referred earlier to the notion of frontiers in society. The university as a space for reflection on experience makes it possible for people from different sides of a conflict to

---

[4] Shriver, D. (2007) identifies four levels of truth:
   i.   Forensic truth: What happened, when and where and with whom.
   ii. Personal or narrative truth: The truth that releases people from their silence.
   iii. Dialogical truth: When personal stories are shared and heard.
   iv. Truth that heals.

think through their own position and to reflect deeply on the positions others hold.

The curriculum examines the concept of empathy from academic and experiential positions. The pedagogy of the course strives to examine how theoretical concepts such as empathy may contribute to restorative approaches to conflict, and how restorative justice may contribute to peace building in an environment where there is intercultural conflict.

The concept of a shared society or a shared future in Northern Ireland (OFMDFMNI 2005) and the relational and structural demands essential to such a vision has continually been diluted and resisted since announced in 2005 (Nolan 2012). The rich and demanding meaning associated with that concept has been continually diluted in political life. The concept of tolerance too has been narrowed.

Walzer (1997) views tolerance in four ways. Firstly he refers to resigned acceptance of difference to just keep the peace. Then he discusses passive indifference that is about putting up with and not interfering with those who are outside your group. The course pedagogy challenges these modes and supports Walzer's view of tolerance which extends to principled recognition that 'others' have rights even if they express these rights in unattractive ways and that one should show respect to those who belong to different and oppositional cultures to one's own.

Conclusions

What have been the products of this history of the University of Ulster's engagement with the state and civil society in Northern Ireland and its pedagogical approach?

A learning model
For restorative justice to be established as a mainstream approach to addressing harmful conflict throughout society, it is important that not only

do restorative practitioners work to the highest professional values and standards but also that they can advocate for restorative justice in the face of resistance to change. This requires workers in this area, whether paid or not, to be clearly serving the public and civic good.

Challenged by the work of Marie Connolly (2006) and colleagues in renewing the New Zealand Family Group Conferencing Services, the University of Ulster has developed the *Four E's Framework -Engage, Enquire, Embed and Evaluate*.

In this approach practitioners are challenged to develop their knowledge and practice through a learning process which demands their active engagement with theory, evidence of best practice models, and values that serve the public and civic good. They must develop their critical thinking to enquire into what they are learning so that they can embed what they judge to be relevant and useful in their daily practice. They are then expected to reflect on their practice and evaluate its impact and its effectiveness.

A safe space for critical engagement and learning
The University of Ulster has created a place where people from different identities, some of whom may be in conflict, can meet to engage in issues that have meaning to them and to learn how to respond to these issues in effective and non-violent ways.

A network of relationships
This space has enabled the University to build a network of relationships in which it is seen as a 'critical friend'. Through these relationships the University can not only support the development of progressive practices but also advocate for positive changes in public policy and service delivery.

These developments have positioned and prepared the University to engage in the ALTERNATIVE Framework Programme 7 Research project. The University has establish strong working relationships with three civil society organisations operating in areas of social need and marginalised from political

power. These organisations are engaged in very different and challenging restorative practices relevant to the security and justice of citizens and addressing inter communal violence, the interface between long established and more recent citizens and the challenge of illegal drug usage and its consequent harms to individuals and communities. They are also struggling to build a relationship with the state that works for the benefit of local people.

3. Restorative Justice in Intercultural Settings

Restorative justice is generally employed as a means of addressing individual acts of harm. Many of its processes and practices have been designed within this context. Most definitions of restorative justice methods such as conferencing speak of the offender, the victim and the community of support (Walgrave 2008, Shapland *et al.* 2012). What if those responsible for the harm and those who have been harmed are groups or communities? In an ethnic frontier society many individual actions of harm are understood to be actions by or on behalf of groups or communities.

To address conflicts which result in harm by and to local communities and groups it will be necessary to distinguish core restorative values and principles from current processes such as victim-offender mediation, restorative conferences and restorative circles and to enable the development of an approach which is appropriate to conflicts in intercultural settings.

Following Habermas (1987), the world in which people live their daily lives together is construed as having three spheres:
- culture – the shared beliefs and values which offer people purpose and meaning;
- society – a fabric of relationships and norms;
- personality – the capabilities which enable individuals to communicate and act.

Pranis (2005, 29) describes the importance of culture and relationships to community in this way: "Relationships are like threads in the fabric of a

community, and the shared values of the culture and community create the framework, or loom, for weaving the relationships together." Harmful conflict has the potential to prevent agreed common values developing and to corrode any shared values that do exist thus weakening the social fabric of community. Communities require processes which enable them to restore the vitality of their culture and the resilience of their relationships in the aftermath of harm.

This requires a methodology to understand and measure harm to community life, to understand how community life is harmed and to design and to deliver effective processes which address the harm effectively.

This is based upon the premise that conflict, even when it causes harm, can also present opportunities to enhance a culture of respect, to strengthen social relationships, reinforce positive behavioural norms and develop the capabilities that individuals need to live together in peace. The ALTERNATIVE research project will assess the effectiveness of restorative justice processes in enabling communities to become stronger.

This project aims to support the development of innovative forms of RJ designed to be relevant to and effective in civil society and community life especially as experienced in working class communities and its implications for promoting a restorative culture in society.

The Building Blocks of a Restorative Justice Model for Conflicts in Intercultural Settings

Definitions

The primary purpose of restorative justice is to restore justice.

Justice does not reside solely within the domain of the criminal justice system. Justice is a basic human need in every social formation, including families, schools, communities, organisations, civil society and the state.

The need for justice arises when people are harmed and the cause of that harm is considered to be unjust. Often this occurs when they objectify others as a threat to their interests or an opportunity to achieve their purpose. In Kantian terms injustice occurs when people treat others solely as a means to their ends. As such an injustice violates the values of respect, of relationship and of responsibility for others.

Restorative justice should respect, take seriously and respond to the often stated view that justice entails retribution. The retributive idea (Hampton 1994) is justified by restoring the moral balance caused by the injustice and indignity of a harm inflicted upon one person by another. Punishment sends a message to the public that the offence was unacceptable and the offender has not profited by it. Hampton argues that this is necessary to reduce the status of the offender so as to reaffirm the value of the victim.

Restorative justice needs to address the beliefs which underpin the public's attachment to retribution – denunciation of harm, respect for and vindication of the victim and some concrete evidence of the offender paying for transgression. Restorative justice processes must, then, include accountability for harm, ensure that the full truth of the harm is disclosed and addressed, take steps to repair the victim's loss or hurt and to protect the victim and community from further harm. Justice is achieved when respect, just social relations and responsibility for others are restored.

People who have been harmed have the opportunity to regain respect when their story is listened to and their needs are addressed. People who have harmed others can regain respect when they take responsibility for their actions and their harmful consequences.

Processes that restore responsibility:
- Focus on the harms and the needs that arise from an injustice;
- Assume that obligations are incurred when an injustice has been perpetrated;

- Enable people responsible for the harm to make themselves accountable for these obligations to those directly harmed;
- Enable those who have been harmed and affected to explain this to those responsible for the harm;
- Enable those responsible for the harm to put right the wrong, to repair the damage or loss and to make amends;
- Enable those responsible for the harm to commit to avoiding further harm.
- Enable the community to take responsibility for accepting persons who have committed to making amends and supporting them to do so.

People live and are shaped through relationships. They are members of families, communities, organisations and societies all of whom have norms or expectations of what is acceptable behaviour. When harm occurs between individuals who are strangers, it creates a breach in how people are expected to live together. These breaches of norms reduce trust and cohesion. An effective justice process addresses issues of relationship by offering an opportunity for trust to be regained. If the obligations of those who harm others are observed, the community accepts them back as full members and offers them the support that they need to comply with their norms.

Johnstone and Van Ness (2007, 19) state that "respect means not only treating all parties as persons with dignity and worth, but also as people with wisdom and other valuable contributions to offer." This means that in restorative justice processes people are respected both a priori as human beings and because of their potential to deal with the conflicts in their lives. What distinguishes restorative justice from other processes of justice is the participation of ordinary people.

The active participation of those most affected by an injustice is required to understand the full meaning of the harm to each party and to address the needs that arise from the harm for each party.

To enhance the quality of the participation and the likelihood of positive outcomes it is necessary to design and facilitate a process which enables the parties to move on to their satisfaction from a harmful experience.

Restorative processes are a series of practices designed and performed to achieve the restoration of justice. They can take many forms depending upon the context of the injustice and the parties involved.

Restorative processes require the active agency of all parties and do not depend solely upon the expertise of the facilitator. Restorative practices are more than the use of communicative methods, techniques and skills required both to facilitate and to participate in restorative justice processes.

Restorative practices are characterised by a particular 'way of being' reflected in the way restorative values are acted upon.

For these practices to work they should be infused with restorative values. Influenced by Braithwaite (2003) this model distinguishes between values which override restorative justice and prevent it from becoming oppressive and those that are specific to the process and outcomes of restorative justice. The former include conformity to human rights, the rule of law, proportionality of response to harm, equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally, between persons with a disability and persons without and between persons with dependents and persons without.[5] Values are further distinguished between those that are a defining core of restorative justice and those that guide the process as principles of practice.

---

[5] Section 75 (i) and (ii) Northern Ireland Act 1998.

The core restorative values include responsibility, relationship and respect.[6]

Each of the values affirm human worth and agency and reduce the tendency to objectify human beings when addressing social and political issues. These values provide a foundation on which to build a set of restorative principles which inform the restorative practices.

The key principles of practice include:
1. *Diversity: The process should be designed and delivered to be inclusive of and responsive to the parties affected by the harm as opposed to assessing whether the parties are suitable to the process.*
2. *Participation: The facilitator is committed to enabling all parties to meet their needs.*
3. *Equity: The process must be fair.*
4. *Interdependence: The parties need each other to meet their needs. (See Eyben et al. 1997 for 1, 3 and 4 above)*

These principles are designed to enable parties to find and commit to actions which resolve conflict and repair harm. They are also ways of relating and communicating that reduce the need for and risk of violence. Our approach to restorative justice in conflicts in intercultural settings is to build rapport with and understanding of all parties to a conflict. Unless all parties are satisfied that their needs have been addressed the process will not be considered to be effective.

This model takes an explicit stand against violence. This is not just because violence is morally wrong as it objectifies human beings and is usually ineffective in the long term but also because violence is too often an emotional and ill-thought out reaction rather than an informed and skilful response. If violence is ruled out, people have to think harder and act with greater purpose and skill. In doing so they not only develop themselves as individuals but also enrich the culture of society and strengthen social cohesion.

---

[6] Taken from Zehr (2009).

Restorative justice is driven by the search for effective, non-violent responses to harmful conflict.

In the ALTERNATIVE research project security has been defined provisionally (Vanfraechem 2012) as the sense of safety that people experience. This implies that safety is measured subjectively according to people's experiences, the stories they tell about these experiences and the discourses that influence their stories.

In relation to harmful conflicts in intercultural settings or along the frontiers of society the research project will seek to inquire into what effects a community based restorative response has upon people's sense of security and whether such an approach is more effective than the state's coercive powers.

To accomplish this the approach will need both relationally and structurally to transform people's sense of threat from 'the others' on the opposite side of the frontier by restoring the respect and relationships that enable people to live together in peace.

The context in which this approach will be tested will be within civil society and more specifically in three discrete local communities.

If community is a primary way for people to gain a sense of belonging and identity, and if identity is a significant factor in the social and political processes that cause harmful conflict, how can community be a positive foundation for restorative approaches to community? There is clearly a risk that strengthening community will also reinforce the conditions leading to conflict in intercultural settings.

Is it possible through restorative processes to enable people to imagine themselves living together interdependently as citizens in cohesive and more open communities made up of many different identities? Is it possible that an effective restorative process can enable people of different identities in conflict to create a sense of belonging to a more permeable community through

sharing narratives and through dialogue? These are the questions that our research seeks to answer.

To do so community needs to be redefined and transformed from a static description of a place where people live or even a group with common interests to an active, future oriented practice which creates even if only temporarily a sense of people connecting and communicating to achieve mutual understanding and agreement (Pavlich 2004).

Community is an active and reflexive social and communicative practice on how to live equitably in interdependence with an increasingly diverse range of other identities.

This sense of community is essential to a flourishing civil society which includes all those communal, social, cultural, religious, recreational and institutional activities outside of the direct control of the state and the market economy (Edwards 2004). In civil society relationships are likely to be more horizontal, relational and voluntary than the ways people relate to each other in statutory or commercial organisations. Civil society is where people have the opportunity to participate in democracy as citizens and form associations to meet their needs.

Citizenship means formal membership of a nation state. This entails not only the protection of one's rights and welfare by the state and the right to participate in political action but also the opportunity to participate actively in civil society. Holston (1999, 169) examine the impact of migration on citizenship: "(...) both national participation and community have become difficult notions for citizenship in the context of the new urban and, often at the same time, global politics of difference, multiculturalism, and racism. (...). These kinds of problems [referring to the problems posed by differentiated citizenship] challenge the dominant notion of citizenship as national identity and the historic role of the nation-state as the pre-eminent form of modern political community." Citizenship is often a contested status. The majority population may challenge the status of migrants on the basis of their cultural

integration or their contribution to the economy either through not working or paradoxically 'stealing the jobs and homes' of local people[7]. The tensions between citizenship and community will be studied through the ALTERNATIVE research project in Northern Ireland.

This research project will assess practices which aim to strengthen community life within civil society and to protect it from *colonisation* by the state and by the market (Habermas 1987) and narrow identity politics. As a consequence the sites of the research are in communities of social need and which experience exclusion from political power.

In discourses on intercultural settings there is frequent reference to 'the other'. *Otherness* is a concept signifying a quality of being different (Levinas 2006). Different by whose criteria? Those that find themselves defined as 'the other' do not see themselves as different. To define a group as different is an exercise in power (Said 1978) which may be met by active or passive resistance or indeed submission and internalisation. Each of these reactions become obstacles to addressing harmful conflict restoratively. Yet the concept of the other is critical to the understanding of oneself and one's responsibilities through dialogue.

The cultural and social theorist, bell hooks[8] (1990) writes of her resistance to being referred to as the 'Other'. She perceived it as symptomatic of the relationship between the coloniser and the colonised. "Often this speech about the 'Other' annihilates, erases: 'No need to hear your voice when I can talk about you better than you can speak about yourself. No need to hear your voice. Only tell me about your pain. I want to know your story. And then I will tell it back to you in a new way. Tell it back to you in such a way that it has become mine, my own. Re-writing you, I write myself anew. I am still author, authority. I am still the colonizer, the speaking subject and you are now at the center of my talk'" (hooks 1990, 152).

---

[7] The authors are indebted to their partners in ALTERNATIVE, Katrin Kremmel and Crista Pelikan for these references to citizenship. See Deliverable 4.1 Activating Civil Society ALTERNATIVE.

[8] bell hooks chooses to write her name in lower case.

The location of the space where people meet must be consciously chosen so as to resist this domination by the power of the expert (Christie 1977). "I am located in the margin. I make a definite distinction between that marginality which is imposed by oppressive structures and that marginality one chooses as site of resistance - as location of radical openness and possibility. This site of resistance is continually formed in that segregated culture of opposition that is our critical response to domination" (hooks 1990, 153).

The importance of this marginal location is that it provides a space for communication which is not dominated by political or economic power. It creates sites where people can resist imposed 'otherness' and assert, and if they choose reconstruct, their own identity and where groups can create community if only temporarily and in so doing imagine new contrasting possibilities.

The use of language at the margins is also critical. Language can be used as an exercise in power e.g. through 'expert jargon'. Similarly 'totalising language' (Drewery 2005) can be used to stereotype and demean individuals by using general labels. Facilitators need to encourage all parties as well as themselves to take care to use language that is respectful, accurate and understandable to all parties.

Injustice and the harm it causes arouses intense, distressing emotions – fear, anger, anxiety, shame etc. These emotions are normal human responses to suffering. When people feel bad, they often react by seeking relief from distress. In the field of conflict in intercultural settings there are many public discourses which offer simple definitions of the problem and simple solutions which promise to make the hurt disappear. These discourses tend to perceive the problem as residing in the negative qualities of individuals or certain groups of people. If these groups could only be expelled, controlled, defeated or punished, the problem would be solved. This means that people harmed by conflict are vulnerable to manipulation by politicians and others through

these discourses. This manipulation can lead to violent conflict (Girard 1986, Staub 2001).

Pursuing such political discourse as a solution to interpersonal or intergroup conflict is rarely satisfactory. The discourse is too general to address the authentic emotions, needs and questions that arise from a specific harmful conflict. The indiscriminate adoption of beliefs and values which have emerged from political and cultural discourse and further simplified by mass media does not provide parties with the nuances and possibilities that the examination of complex conflicts require. Discourses produce 'thin' or one-dimensional stories (White 2000) rather than 'thick', multi-dimensional narratives that reflect the reality of parties to a conflict.

People involved in harmful conflict need processes which enable them to uncover the truths which will lead to transformation. Aeschylus, the Greek tragic dramatist, said in about 500 years BC: "In war, the truth is the first casualty." Communal conflict like war often depends upon deception in its tactics and upon propaganda for its justification. Conflict is strategic and focused upon winning and surviving. As a consequence the truth becomes very important to protagonists, especially those who have suffered harm, in the post conflict period.

Truth is not the same as the facts, though objective data are important. Shriver (2007) has usefully written about a process of discovering the truth or a series of truths. He starts with the *forensic truth* which is the facts of what happened. However, he recognises that after conflict it is important to people that they have the opportunity to tell their stories. For Shriver this is the *narrative truth*.

Storytelling alone, while often therapeutic, rarely transforms conflict or repairs harm. As people tell their stories and listen to others' stories they ask questions and enter into dialogue. This is *dialogic truth*.

If the dialogue goes well a *healing* or transformative truth can emerge. Truth is not self-evident. It is uncovered through communicative action, a process which requires active participation and communication by the parties. Such a process complements the restorative practices of storytelling and dialogue.

The Narrative Dialogue Method

A harmful conflict is an opportunity for members of communities participating in community based restorative justice approach:

- To affirm and reinforce shared values;
- To strengthen relationships and social cohesion;
- To repair the harm caused;
- To clarify the norms of behaviour to which the community expects its members to comply;
- To offer support to members of the community in need.

We distinguish between conflict as a normal phenomenon in any social formation and conflict which causes injustices and harm. It is in the latter area that restorative justice is appropriate while in the former area other forms of alternative dispute resolution can be employed.

In engaging with harmful conflicts it is important to examine how the parties involved define the conflict. Listening carefully to how people talk about the conflict helps to discover the 'sacred values' (Atran 2010) that have been violated. The facilitator is enabling the parties to focus on the harm that is to be addressed and the needs that are to be restored rather than the perceived faults of the other group. This can be accomplished through the process of storytelling.

An account of the facts of what happened recounted by each party is the *forensic truth*. The skill of the facilitator is to enable each party to move from the general to the specific in their story.

Every story about an event links to a larger narrative in an individual's or community's life. This can be uncovered through the emotions which the story contains. These often disclose what has really been violated by the harm and what each party needs to be restored. This is the *narrative truth.*

Once the narrative truth is clarified, the parties may be ready to meet to share their stories in dialogue. While narrative focuses on what has happened, dialogue is concerned with what could happen. It moves the communication from the past to the present and the future. The restorative process is thus oriented towards the future.

Dialogue is a communicative process which enables individuals to understand the meanings of another's experiences with a view to enabling an agreed plan of action to emerge. It engages people with different perspectives, needs and interests in working towards mutual understanding and agreement rather than in winning the conflict. It requires (Isaacs 1999):

- A focus and a purpose (though not a predetermined outcome);
- An individual not only to advocate his or her point of view but also to be open to others' enquiries into it;
- Others to listen carefully and with respect and to ask questions in order to deepen their understanding;
- A facilitator who holds the space in which the dialogue can take place.

Through dialogue different stories encounter one another and can be completed and transformed. This opens up space for mutual understanding and agreement on what action is required of each party.

The narrative dialogue process is described in the table below.

| Stage	Tasks and outcomes	Thickening the story	Skills of the facilitator
Inclusion: Based upon the principles of diversity.[9]	Invitation and preparation of the parties: <u>Planned outcomes:</u> The parties agree to participate in a process designed to meet their needs. The parties are fully prepared to participate in the process.	Forensic truth: The facts. Narrative truth: The feelings, needs and wants.	Observing and listening; Open questions, affirmations, reflective listening and summarising; Externalising the harm; Moving from the general to the specific; Inquiring into the 'absent but implicit'; Discovering the critical questions; Engaging, explaining and clarifying expectations (Fair Process).
Participation: Based upon the principles of interdependence .	Facilitation of the restorative process: <u>Planned outcome:</u> A plan to restore what has been lost, damaged or violated and to prevent further harm.	Dialogic truth: • Stories • Questions • Dialogue • Agreement	Enabling the parties: To tell their stories; To listen and understand the other; To ask their questions; To enter into a dialogue; To agree to an action plan.
Transformation: Based upon the principles of equity.	Fulfilling commitments: <u>Planned outcome:</u> All the parties have been heard and the action plan is completed in full within the time agreed.	Transformative truth: Keeping to commitments .	Offering support and accountability.

---

[9] The inter-related value of Interdependence and the Principles of Equity and Diversity evolve from the work of Eyben *et al.* 1997.

Restorative Approaches

This research studies the value of the contribution of restorative justice to justice and security within specific communities experiencing harmful conflicts in intercultural settings. The approaches described in this section are models which will be tested in practices in our research sites.

Following Habermas (1987) the restorative approaches are organised under the categories of 1. Restorative practices which enhance a culture of respect; 2. Restorative practices which strengthen just social relations; 3. Restorative practices which address directly harmful behaviour and 4. Politics that restore a flourishing civil society.

This is illustrated in the diagram below.
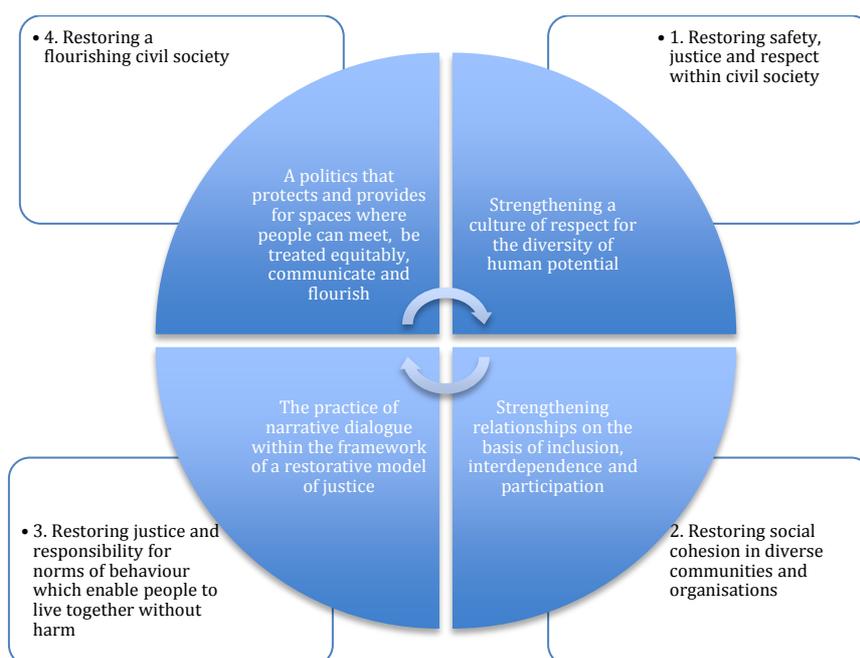
Four dimensions of restorative justice in inter-cultural settings – Chapman, Campbell and Wilson

1. Strengthening a culture of respect for the diversity of human potential

In this model culture is defined as the beliefs and values that enable human agency and communication. The key values that support people living

together in community are safety, justice and respect. This is not meant to be an exclusive list. Other values are clearly important in many cultures.

However when experiencing harmful conflict the needs to feel safe, to be treated justly and to be respected come to the fore. Rawls regards justice as "the first virtue of social institutions" (1971, 3).

We believe that these values transcend most cultures though definitions and practices may vary. Conflicts in intercultural settings may arise from different cultural identities and practices, e.g. the use of symbols and emblems. Whenever these conflicts escalate into violence, the underlying issues are almost always connected to safety, justice and respect.

Eriksson (2009) describing the history of community based restorative justice in Northern Ireland emphasised the important role of local projects performed in contributing to a transition from a culture of violence that emanated from the civil conflict. This was undertaken through a process of community education. This included meetings with key groups within the community to raise awareness of the value of restorative justice, the training of hundreds of volunteers and participation in community conferences addressing specific issues of concern. More recently DVDs, Facebook, Twitter and websites have been used effectively. These initiatives all contribute to stimulating active, reflexive citizenship and participative democracy in societies dominated by identity politics and unreflexive following of taken for granted norms and values.

The ALTERNATIVE research project in Northern Ireland will work closely with a community association, CARE, which is just beginning to develop its restorative justice practices in loyalist communities which have a history of violence and for whom non-violent methods of resolving conflict have been underdeveloped. The priority for this group will be to raise the awareness and to educate their community.

The University will enable CARE:

1. to develop a strategic plan for the development of restorative justice in loyalist working class areas in south Belfast;
2. to design and deliver educational programmes for awareness raising and for training volunteers. These programmes will include restorative principles and practices and active citizenship.

In each of the three sites the effectiveness of the arts in influencing the way local communities respond to harmful conflict will be tested. This will involve using film, drama and other creative practices.

2. Strengthening relationships on the basis of inclusion, interdependence and participation

Restoring shared space

Northern Ireland is a segregated society. Most people live, socialise and go to schools in areas which are predominantly either Protestant or Catholic. It is important that more 'shared space' is created where people from different communities can meet, communicate and resolve their differences.

Two community groups, CARE (Protestant area) and Community Restorative Justice Ireland (Catholic area), with which the University is engaged, plan to open a community justice house in an area on the 'frontier' between the two communities. This house will be jointly managed by the two organisations and will enable them to work jointly across the sectarian interface. The research project will monitor and assess this development.

Inter-communal or inter-group conflict

In harmful conflicts in intercultural settings, unlike personal acts of harm, there is unlikely to be a clear distinction between 'offender' and 'victim'. It is more likely that the parties have been engaged in a conflict over a period of time during which each side has been responsible for various harmful acts.

This may the case in the research sites when there are conflicts between the two dominant communities or involving ethnic minorities. A process will need to be designed both to address specific harmful acts by each party and to identify and address the core of the conflict.

Circles (Pranis 2005) rather than conferences are the appropriate form for such meetings. The research project will assess the quality and effectiveness of restorative circles in addressing inter-communal and inter-group conflict.

The main characteristics of the restorative circle model include:
- Interdependence;
- Participants sit in a circle of chairs with no tables representing shared leadership, equality, connection, and inclusion;
- Opening and closing rituals;
- Facilitation to create and sustain a space of justice, respect and safety;
- Guidelines will be designed and agreed by the participants prior to the circle meeting. Participants will be expected to commit themselves to actively following the guidelines at the meeting;
- Ground rules will be explained by the facilitator and in the event of them not being respected the facilitator will initiate a dialogue to address this;
- Mutual understanding and consensus decision making: it is not as important that each participant understands every other participant as that it is clear that everyone has been seen as making the *effort* to understand others. Similarly everyone does not have to be completely satisfied with the decisions but they do need to commit to its implementation.

3. The practice of narrative dialogue within the framework of a restorative model of justice

Conflict between a community and a group engaged in behaviour harming the community

Conflict between a community and a group engaged in behaviour harming the community is the concern of Community Restorative Justice Ireland in west Belfast and the Northlands Centre in Derry/Londonderry. There are communities that are suffering due to groups usually involved in drug use and dealing, in persistent crime and in disorder on the streets. This can have a seriously detrimental effect on the health of community life. People become reluctant to use social spaces particularly at night thus reducing social interaction and abandoning these spaces to those who threaten public safety. Resentment builds and this can be exploited politically and both strengthen the state's coercive powers and lead to the development of violent vigilantism. These reactions further alienate the perpetrators of the harm and reduce their opportunities to change their behaviour.

Fear of reprisal is an obstacle to addressing such a situation through community based restorative processes. The community as 'victim' requires courage to communicate to the young men the harmful effects of their behaviour, to offer them a pathway away from harming their community and to transform the relationship.

The young people need to know that they are not 'untouchable', both in the sense that they cannot be challenged and in the sense that no one cares about them. A restorative approach engages them on the basis of both their accountability for the harm that they cause and on the basis of supporting them to become respected and supported members of the community.

For this to happen the community and the young men need to be informed about the nature of the harm, focused on what they wish to repair, prepared to follow through on their commitments, and organised to implement any agreed plans and to respond to any further harmful events.

A model has been developed by Kennedy (2011) and has been used widely in the USA and some areas in the UK. It has a restorative element though this element is often dominated by other elements. The ALTERNATIVE research project will attempt to support its adaptation to local Northern Irish

conditions and assess how much such a strategy can be community led and restorative.

This approach involves:

1. in depth research into the harm;
2. accurate identification of those responsible for the harm;
3. clear definition of the harm to be addressed;
4. a multi-agency strategy led by the community to address the harm which includes:

    - the community describing to those responsible how their behaviour is harmful;

    - the offer of support to take a pathway away from harming the community;

    - the communication of the consequences of persistence in harmful behaviour i.e. community support for enforcement by the police and the criminal justice system;

    - management systems and organizational structure to ensure that the strategy is implemented effectively.

5. a 'call-in' of those most responsible for the harm to meet the multi-agency partnership where the community's perspective, the offer of support and the clarification of consequences are put to them;
6. The implementation of the strategy;
7. Close monitoring, review and adjustment of the implementation.

The Ceasefire model and the 'Interrupters'

We are interested in testing the effectiveness of an approach developed in inner city Chicago by Gary Slutkin, who is an epidemiologist. His thesis is that violence directly mimics infections and should be responded to through a public health approach.

The CeaseFire model uses outreach workers, or violence interrupters, to mediate conflict on the street before it escalates into violence. These interrupters are often former gang members and ex-prisoners, who use their

street credibility to show community members better ways of communicating with each other and how to resolve conflicts peacefully.

The project will work with community groups who employ or use volunteers from the local community many of whom are 'ex-combatants' and ex-prisoners'. This will be an opportunity to assess the effectiveness of more rapid restorative approaches on the street.

A politics that protects and provides for spaces where people can meet be treated equitably, communicate and flourish

The state of Northern Ireland is being reformed and modernised through the peace process (Northern Ireland office 1998). There is a danger in attempting to rectify democratic deficits and in improving public services especially in the field of security that the potential of civil society to address the safety of ordinary people will be 'colonised' (Habermas 1987) and diminished.

For this reason Community Restorative Justice Ireland would like the ALTERNATIVE research project in Northern Ireland to examine the frontiers between the state and civil society and to provide data that will enable more effective community based restorative practices to emerge.

The University will undertake to answer the following questions:
1. What aspects of security and justice should be undertaken by community organisations alone?
2. What aspects of security and justice should be undertaken by partnership between the statutory agencies and community organisations?
3. What aspects of security and justice should be undertaken by the state alone?
4. How much do community based approaches cost compared to statutory interventions?

4. Conclusion

This paper describes how the University of Ulster through the ALTERNATIVE research project plans to support local communities to develop restorative justice responses to the conflicts that are harming them. These conflicts occur along the various 'frontiers' of an ethnic frontier society. The University will generate and disseminate the new knowledge that emerges from the research in the belief that it will have an application wider than Northern Ireland.

Bibliography

Atran, S. 2010. *Talking to the Enemy: Faith, Brotherhood and the (Un)making of Terrorists*. New York: Harper Collins.

Bauman, Z. 2003. *Liquid Life: On the Frailty of Human Bonds,* Cambridge: Polity Press.

Barrett, R. 2000. *Realising the University in an age of Supercomplexity*. Buckingham: Open University Press.

Campbell, H., Chapman, T. and McCready, S. and the Northern Ireland Office for the Youth Conference Service. 2003. *Practice manual*. Belfast: Youth Conference Service.

Chapman, T. and Pinkerton, J. 1987. "Contradictions in Community." *Probation Journal* 34(1):13-16.

Chapman, T. 1995. "Creating a Culture of Change: a Case Study of a Car Crime Project in Belfast." In *What Works: Reducing Re-Offending* edited by J. Maguire, 127-138. Chichester: Wiley.

Christie, N. 1977. "Conflict as Property." *British Journal of Criminology*, 17:1-26.

Connolly, M. 2006. "Fifteen years of Family Group Conferencing." *British Journal of Social Work* 36(4):523-540.

Criminal Justice Review Group 2000. *Review of the Criminal Justice System in Northern Ireland*. Belfast: HMSO.

Crocker, D. 1996. "Transitional Justice." In *Truth vs Justice, The Morality of Truth Commissions,* edited by Rotberg, R and Thompson, D. Princeton: Princeton University Press.

Curzon-Hobson, A. 2002. "A pedagogy of trust in higher learning." *Teaching in Higher Education* 7:265-277.

Drewery, W. 2005. "Why we should watch what we say: Position calls, everyday speech, and the production of relational subjectivity." *Theory and Psychology, 15*(3):305-324.

Edwards, M. 2004. *Civil Society*. London: Polity Press.

Equality Commission for Northern Ireland. 2013. Race Quick Links. http://www.equalityni.org/sections/catlist.asp?catid=4 Accessed 3 Feb, 2013.

Eriksson, Anna. 2009. *Justice in Transition*. Cullompton: Willan Publishing.

Eyben, K., Morrow, D., and Wilson, D.A. 1997. *A Worthwhile Venture-Practically Investing in Equity, Diversity and Interdependence in Northern Ireland?* Coleraine: University of Ulster.
URL: http://eprints.ulster.ac.uk/12601/1/venture.htm#2

Girard, R. 1986. *The Scapegoat*. Baltimore: John Hopkins University Press.

Grant, C.A. and Sleeter, C.E. 2009. *Turning on Learning*. New York: Wiley.

Habermas, J. 1987. *The Theory of Communicative Action Vol 2: Lifeworld and System: A Critique of Functionalist Reason*. Boston: Beacon Press.

Hampton, J. 1988. "The Retributive Idea." In *Forgiveness and Mercy*, edited by Hampton, J. and Murphy, J. Cambridge: Cambridge University Press.

Holston, J. .1999. "Spaces of Insurgent Citizenship." In *Cities and Citizenship*, edited by James and Appadurai Holston, Arjun, 155-73. Durham and London: Duke University Press.

hooks, bell. 1990 "Choosing the Margin as a Space of Radical Openness." In *Yearning: Race, Gender, and Cultural Politics*, 145-153. Boston: South End..

Independent Commission on Policing in Northern Ireland. 1999. *A New Beginning: Policing in Northern Ireland*. Belfast: NIO.

Isaacs, W. 1999. *Dialogue and the art of thinking together*. New York: Random

Johnstone, G. and Van Ness, D. W. 2007. "The meaning of restorative justice." In *Handbook of Restorative Justice*, edited by Gerry Johnstone, and Dan Van Ness. Cullompton: Willan Publishing.

Kennedy, D. M. 2011. *Don't Shoot: One Man, a Street Fellowship and the End of the Violence in Inner-City America*. London: Bloomsbury.

Lascaris, A. 2008. *Healing Europe*. Dominicaans Studiecentrum voor Theologie en Samenleving.

Levinas, E2006. *Humanism of the Other*. Champaign, IL: University of Illinois Press.

Minnich E.K. 2005. *Transforming Knowledge*. Philadelphia: Temple University Press.

Morrow, D. 2004. *Nobody's aspiration, everybody's predicament.* Keynote Speech to British-Irish Association, Oriel College Oxford, 11 September 2004 http://www.community-relations.org.uk/about-the-council/background-info/nobodys-aspiration-everybodys-predicament. Accessed 3rd February 2013.

Nolan, P. 2012. *Northern Ireland Peace Monitoring Report, No 1.* Belfast: NICRC, The Joseph Rowntree Foundation & The Joseph Rowntree Charitable Trust. http://www.community-relations.org.uk/fs/doc/publications/NIPMR_2012_new_1.pd Accessed 3 Feb 2013.

Northern Ireland Community of Refugees and Asylum Seekers, 2013. Available at http://www.nicras.btck.co.uk/ Accessed 3 February, 2013.

Northern Ireland Community Relations Council (2013) Race Relations links. Available at: http://www.community-relations.org.uk/search/?search=Race+relations&x=6&y=11 Accessed 3 Feb, 2013.

Northern Ireland Office 1998. *The Agreement* ww.nio.gov.uk/agreement.pdf

OFMDFM 2005. *A Shared Future - Policy and Strategic Framework for Good Relations in Northern Ireland.* http://www.ofmdfmni.gov.uk/a-shared-future-strategy Accessed 3 Feb, 2013

Pavlich, G. 2004. "Restorative Justice's Community: Promise and Peril." In *Critical Issues in Restorative Justice*, edited by Barb Toews and Howard Zehr. Monsey: Criminal Justice Press.

Police Service of Northern Ireland. 2012. *Race Hate Crime.* Available: http://www.psni.police.uk/hate_motivated_incidents_and_crimes_in_north ern_ireland_2004-05_to_2011-12.pdf. Accessed 3rd February 2013.

Pranis, K. 2005. *The little book of circle processes: a new/old approach to peacemaking.* Intercourse: Good Books.

Proulx, J. 2006. Constructivism: A re-equilibration and clarification of the concepts and some potential implications for teaching and pedagogy. http://radicalpedagogy.icaap.org/content/issue8_1/proulx.html Accessed 19 January 2013.

Ramsden, P. 1992. *Learning to teach in higher education*. London- New York: Routledge

Rawls, John. 1971. *A Theory of Justice*. Cambridge: Harvard University Press.

Said, E. W. 1978. *Orientalism*. New York: Pantheon Books.

Schon, D. A. 1991. *The Reflective Practitioner: How Professionals Think In Action*. New York: Basic Books.

Sen, A. and Dreze, J. 1989. *Hunger and Public Action*. New Delhi: OUP.

Shapland, J., Robinson, G. and Sorsby, A. 2012. *Restorative Justice in Practice: Evaluating what works for victims and offenders*. Abingdon: Routledge.

Shor, I. and Friere, P. 1987. *A Pedagogy for Liberation Dialogues on Transforming Education*. Westport CT: Bergen and Garvey.

Shriver, D. 2005. *Honest Patriots*. New York: OUP.

Shriver, D. 2007. Truths for Reconciliation-An American Perspective. *Lecture to NI Community Relations Council*. http://www.community-relations.org.uk/about-us/news/item/125/an-ethic-for-enemies/?keywords=Donald+Shriver Accessed 2 Jan 2013.

Staub, E. 2001. "Individual and Group Identities in Genocide and Mass Killing." In *Social Identity, Intergroup Conflict and Conflict Reduction*, edited by Ashmore, R. D. Jussim L. and Wilder, D. Oxford: Oxford University Press.

Strang, H. and Braithwaite, J. 2001. *Restorative Justice and Civil Society*. Cambridge: Cambridge University Press.

Tisdell, E.J. 1995. *Creating inclusive learning environments for adults: Insights from Multicultural Education and Feminist Pedagogy*, Information Series No. 361. Columbus, OH: ERIC Clearinghouse on Adult, Career, and Vocational Education Selected journal articles and book chapters.

Tyrell, J. 2002. *Peer Mediation a Process for Primary Schools*. Quaker Peace Education Project, University of Ulster ISBN-13: 9780285636019 ISBN-10: 0285636014

Van Ness, D. W. and Strong, K.H. 2010. *Restoring Justice: An Introduction to Restorative Justice* (Fourth Edition). New Providence: LexisNexis.

Vanfraechem, Inge. 2012. *Deliverable 8.1: Work document on operationalisation of theoretical concepts*. Leuven: ALTERNATIVE.

Walgrave, Lode. 2008. *Restorative Justice, Self-interest and Responsible Citizenship*. Cullompton: Willan Publishing.

Wilson, D.A. 2009. *Platforms for a Restorative Society in Northern Ireland*. http://www.restorativejustice.org/10fulltext/Platforms%20for%20a%20Rest

orative%20Society%20Dec%2009.doc/view

Wilson, D.A. (2013, In Print). "Can Citizenship Trump Identity In Northern Ireland?" In *Restorative Approaches to Conflict in Schools*, edited by Mc Cluskey, G., Sellman, E. and Cremin, H. London: Routledge.

Wheeless, L.R. and Grotz, J. 2006. "The measurement of trust and its relationship to self disclosure." *Human Communication* 3:250-257.

White, M. 2000. *Reflections on Narrative Practice: Essays and interviews*. Adelaide: Dulwich Centre.

Wright, F. 1987. *Northern Ireland, A Comparative Analysis*. Dublin: Gill and Macmillan.

Zehr, H. 2009. http://emu.edu/now/restorative-justice/2009/04/20/restorative-justice-and-peacebuilding/

Zukas, M. and Malcolm, J. 2002. "Pedagogies for Lifelong Learning: Building Bridges or building Walls?" In *Supporting lifelong learning: Volume 1 - Perspectives on learning*, edited by Harrison, R., Reeve, F., Hanson, A., and Clarke, J. Abingdon: RoutledgeFalmer.