

FROM RESTORATIVE JUSTICE TO RESTORATIVE PRACTICES: EXPANDING THE PARADIGM

**Ted Wachtel, President
International Institute for Restorative Practices
Bethlehem, Pennsylvania**

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Paper by Ted Wachtel & Paul McCold

For the last decade, the International Institute for Restorative Practices (IIRP), which grew out of the Real Justice program, has been developing a comprehensive framework for practice and theory that expands the restorative paradigm beyond criminal justice (McCold & Wachtel, 2003). Academicians and practitioners tend to do their work within their own distinct disciplines and professions. In contrast, the emerging field of “restorative practices” offers a common thread to tie together theory and research in seemingly disparate fields of study and practice.

The restorative practices framework presented here is the collective effort of the IIRP’s staff and friends around the world. Since the founding of the IIRP’s Real Justice program in 1994, we have attempted to find or develop applicable theory and definition to apply not only to restorative justice, but also to all the related fields that might benefit from this new way of thinking.

The fundamental unifying hypothesis of restorative practices is disarmingly simple: that human beings are happier, more productive and more likely to make positive changes in their behavior when those in positions of authority do things *with* them, rather than *to* them or *for* them. This hypothesis maintains that the punitive and authoritar-



Ted Wachtel
President
International Institute for
Restorative Practices
Bethlehem, Pa.

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ian *to* mode and the permissive and paternalistic *for* mode are not as effective as the restorative, participatory, engaging *with* mode. If this restorative hypothesis is valid, then it has significant implications for many disciplines.

For example, contemporary criminal justice and educational disciplinary practices rely on punishment to change behavior. As the number of prison inmates and excluded students grows unabated, the validity of that approach is very much in question. In a similar vein, social workers doing things *for* and *to* children and families have not turned back the tide of abuse and neglect.

Meanwhile, individuals and organizations in many fields are developing innovative models and methodology and doing empirical research, unaware that they share the same fundamental hypothesis. In social work, family group conferencing or family group decision-making processes empower extended families to meet privately, without professionals in the room, to make a plan to protect children in their own families from further violence and neglect (American Humane Association, 2003). In criminal justice, restorative circles and conferences allow victims, offenders and their respective family members and friends to come together to explore how everyone has been affected by an offense and, when possible, to decide how to repair the harm and meet their own needs (McCold, 2003). In education, circles and groups provide

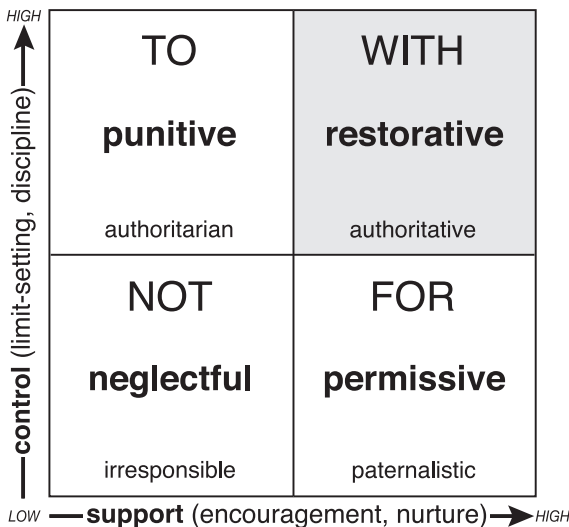


Figure 1. Social Discipline Window

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opportunities for students to share their feelings, build relationships and solve problems, and when there is wrongdoing, to play an active role in addressing the wrong and making things right (Riestedberg, 2002).

In the criminal justice field, these innovators use the term “restorative justice” (Zehr, 1990); in social work, they advocate “empowerment” (Simon, 1992); in education, they talk about “positive discipline” (Nelsen, 1996) or “responsive classrooms” (Charney, 1992); and in organizational leadership, they use terms like “horizontal management” (Denton, 1998). All of these phrases are related to a similar perspective about people, their needs and their motivation. But in all of these fields, the implementation of this new thinking and practice grows only at a modest rate.

Restorative practices is the science of building social capital and achieving social discipline through participatory learning and decision making. Through the advent of restorative practices, using its common perspective and vocabulary, there is now the potential to create much greater visibility for this way of thinking, to foster exchange between various fields and to accelerate the development of theory, research and practice.

The social discipline window (Figure 1) is a simple but useful framework with broad application in many settings. It describes four basic approaches to maintaining social norms and behavioral boundaries. The four are represented as different combinations of high or low control and high or low support. The restorative domain combines both high control and high support and is characterized by doing things *with* people, rather than *to* them or *for* them.

Restorative practices are not limited to formal processes, such as restorative and family group conferences or family group decision making, but range from informal to formal. On a restorative practices continuum (Figure 2), the informal practices include affective statements that communicate people’s feelings, as well as affective questions that cause people to reflect on how their behavior has affected others. Impromptu restorative conferences, groups and circles are somewhat more structured, but do not require the elaborate preparation needed for formal conferences. Moving from left to right on the continuum, as restorative practices become more formal, they involve more people,



Figure 2. Restorative Practices Continuum

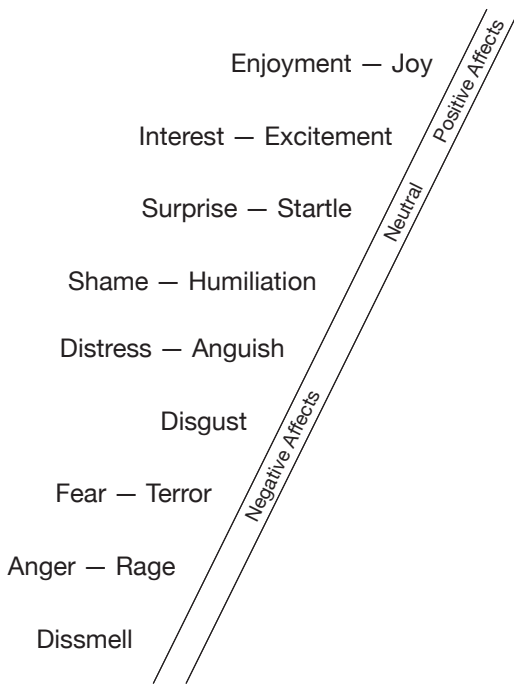


Figure 3. The Nine Affects
(adapted from Nathanson, 1992)

require more planning and time, and are more structured and complete. Although a formal restorative process might have dramatic impact, informal practices have a cumulative effect because they are part of everyday life.

The most critical function of restorative practices is restoring and building relationships. Because informal and formal restorative processes foster the expression of affect or emotion, they also foster emotional bonds. The late Silvan S. Tomkins's writings about the psychology of affect (Tomkins, 1962, 1963, 1991) assert that human relationships are best and healthiest when there is free expression of affect—or emotion—minimizing the negative, maximizing the positive, but allowing for free expression. Donald Nathanson, director of the Silvan S. Tomkins Institute, adds that it is through the mutual exchange of expressed affect that we build community, creating the emotional bonds that tie us all together (Nathanson, 1998). Restorative practices

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such as conferences and circles provide a safe environment for people to express and exchange intense emotion.

Tomkins identified nine distinct affects (Figure 3) to explain the expression of emotion in all human beings. Most of the affects are defined by pairs of words that represent both the least and the most intense expressions of a particular affect. The six negative affects include anger-rage, fear-terror, distress-anguish, disgust, dissmell (a word Tomkins coined to describe “turning up one’s nose” at someone or something in a rejecting way) and shame-humiliation. Surprise-startle is the neutral affect, which functions like a reset button. The two positive affects are interest-excitement and enjoyment-joy.

Shame is worthy of special attention. Nathanson explains that shame is a critical regulator of human social behavior. Tomkins defined shame as occurring any time that our experience of the positive affects is interrupted (Tomkins, 1987). So an individual does not have to do something wrong to feel shame. The individual just has to experience something that interrupts interest-excitement or enjoyment-joy (Nathanson, 1997). This understanding of shame provides a critical explanation

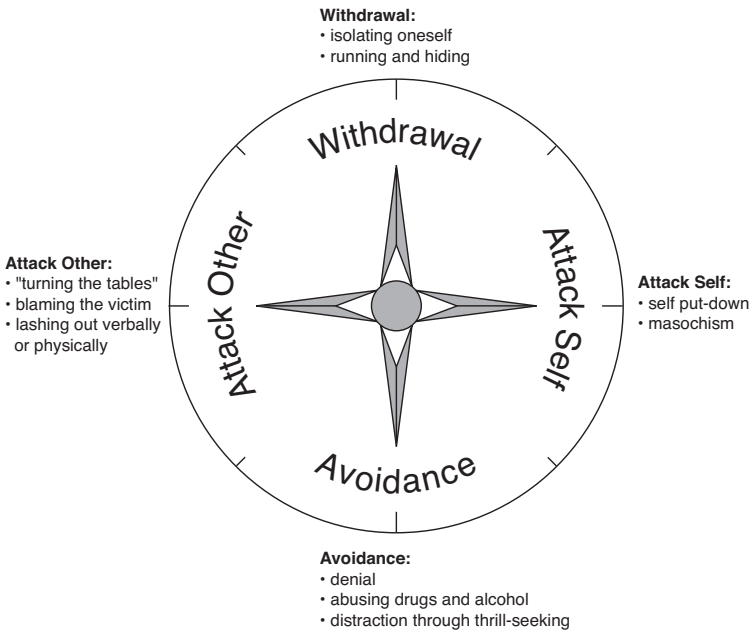


Figure 4. The Compass of Shame
(adapted from Nathanson, 1992)

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for why victims of crime often feel a strong sense of shame, even though the offender committed the “shameful” act.

Nathanson (1992, p. 132) has developed the compass of shame (Figure 4) to illustrate the various ways that human beings react when they feel shame. The four poles of the compass of shame and behaviors associated with them are:

- *Withdrawal*—isolating oneself, running and hiding
- *Attack self*—self put-down, masochism
- *Avoidance*—denial, abusing drugs, distraction through thrill-seeking
- *Attack other*—turning the tables, lashing out verbally or physically, blaming others

Nathanson says that the “attack other” response to shame is responsible for the proliferation of violence in modern life. Usually people who have adequate self-esteem readily move beyond their feelings of shame. Nonetheless, we all react to shame, in varying degrees, in the ways described by the compass. Restorative practices, by their very nature, provide an opportunity for us to express our shame, along with other emotions, and in doing so reduce their intensity. In restorative conferences, for example, people routinely move from negative affects through the neutral affect to positive affects.

Because the restorative concept has its roots in the field of criminal justice, we may erroneously assume that restorative practices are reactive, only to be used as a response to crime and wrongdoing. However, the free expression of emotion inherent in restorative practices not only restores, but also proactively builds new relationships and social capital. Social capital is defined as the connections among individuals (Putnam, 2001) and the trust, mutual understanding, shared values and behaviors that bind us together and make cooperative action possible (Cohen & Prusak, 2001).

For example, primary schools, and more recently, some secondary schools use circles to provide students with opportunities to share their feelings, ideas and experiences, in order to establish relationships and social norms on a non-crisis basis. Businesses and other organizations utilize team-building circles or groups, in which employees are afforded opportunities to get to know each other better, similar to the processes used with students. The IIRP’s experience has been that classrooms and workplaces tend to be more productive when they invest in building social capital through the proactive use of restorative practices. Also, when a problem does arise, teachers and managers find that the reaction of students and employees is more positive and cooperative.

When authorities do things *with* people—whether reactively, to deal with a crisis, or proactively, in the normal course of school or

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business—the results are almost always better. This fundamental thesis was evident in a *Harvard Business Review* article about the concept of “fair process” in organizations (Kim & Mauborgne, 1997). The central idea of fair process is that “...individuals are most likely to trust and cooperate freely with systems—whether they themselves win or lose by those systems—when fair process is observed.”

The three principles of fair process are:

- *Engagement*—involving individuals in decisions that affect them by listening to their views and genuinely taking their opinions into account
- *Explanation*—explaining the reasoning behind a decision to everyone who has been involved or who is affected by it
- *Expectation clarity*—making sure that everyone clearly understands a decision and what is expected of them in the future

Fair process applies the restorative *with* domain of the social discipline window to all kinds of organizations, in all kinds of disciplines and professions (O’Connell, 2003; Costello & O’Connell, 2003; Schnell, 2003). The fundamental hypothesis that people are happier, more cooperative and more likely to make positive changes in behavior when authorities do things *with* them, rather than *to* them or *for* them expands the restorative paradigm far beyond its origins in restorative justice.

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