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Introduction to Restorative and Transformative Justice

Anti-oppressive, trauma-responsive practice involves the creation of healing communities, communities that refuse to replicate the harm that happens when power imbalances go unaddressed. Restorative and Transformative practices provide us with a roadmap for how to do this well.

The table outlines the organizing questions behind three different types of justice:

Types of Justice		
Punitive	**Restorative**	**Transformative**
What rule or law was broken? How should we punish the person who broke it?	Who was harmed and what do they need? How can the person who did the harm make things as right as possible?	What are the conditions that allowed the harm to happen? How do we change these conditions so that the harm is impossible in the future?

Punitive Justice is the form of justice most of us are familiar with, and the foundation of our criminal legal system it the United States.

No one enters violence for the first time by committing it.
- *Danielle Sered*

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Restorative Justice is… *a proactive relational strategy to create a culture of connectivity where all members of a community thrive and feel valued.*[1]

Core Tenets of Restorative Justice

- Violence is a thwarted attempt to regain a sense of power and control.
- If we further take someone's power through punishment in response to violence, we only perpetuate harm.
- To heal from harm (a power wound), the person who was harmed needs an opportunity to reclaim their sense of agency and power (power-from-within).

Using this approach in our settings helps our clients reclaim their voice and identity.

This is an approach widely used in schools and treatment settings and has been shown to have better outcomes than traditional punishment-based approaches.

Restorative Justice aims to:

1. Restore balance thrown off by harm
2. Restore relationships broken by harm
3. Restore the humanity/agency of the persons harmed

Restorative approaches balance support of the individual who has caused harm, with holding that person accountable within the relationships where the harm has occurred (see graphic below).

"Each of us is more than the worst thing we've ever done"
- Bryan Stevenson

[1] (Davis, 2019)

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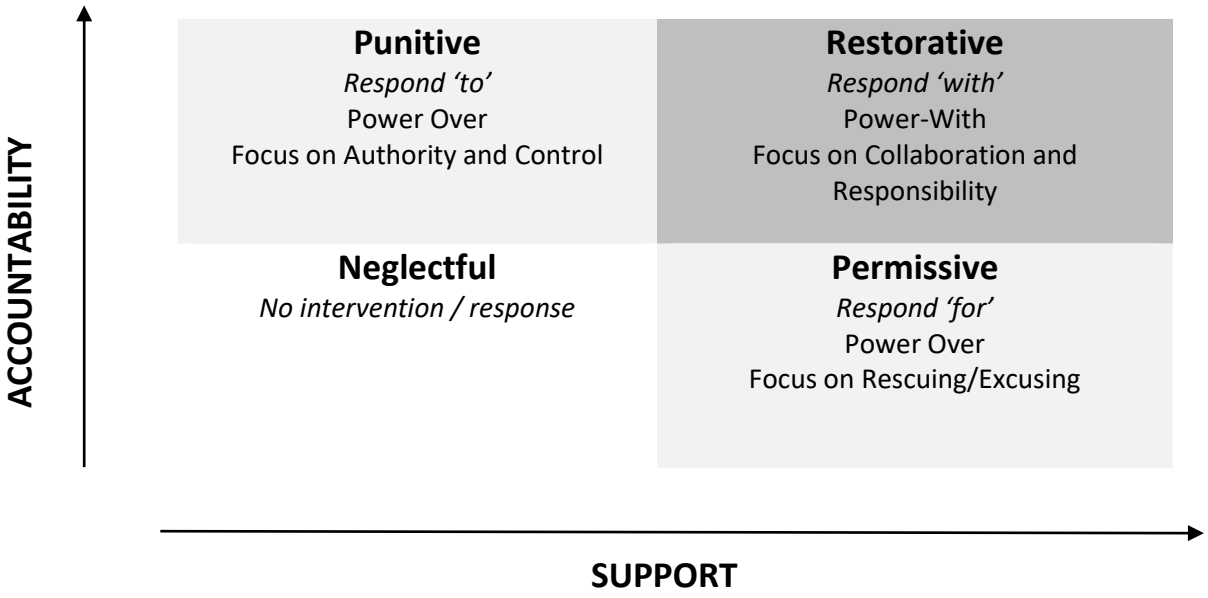
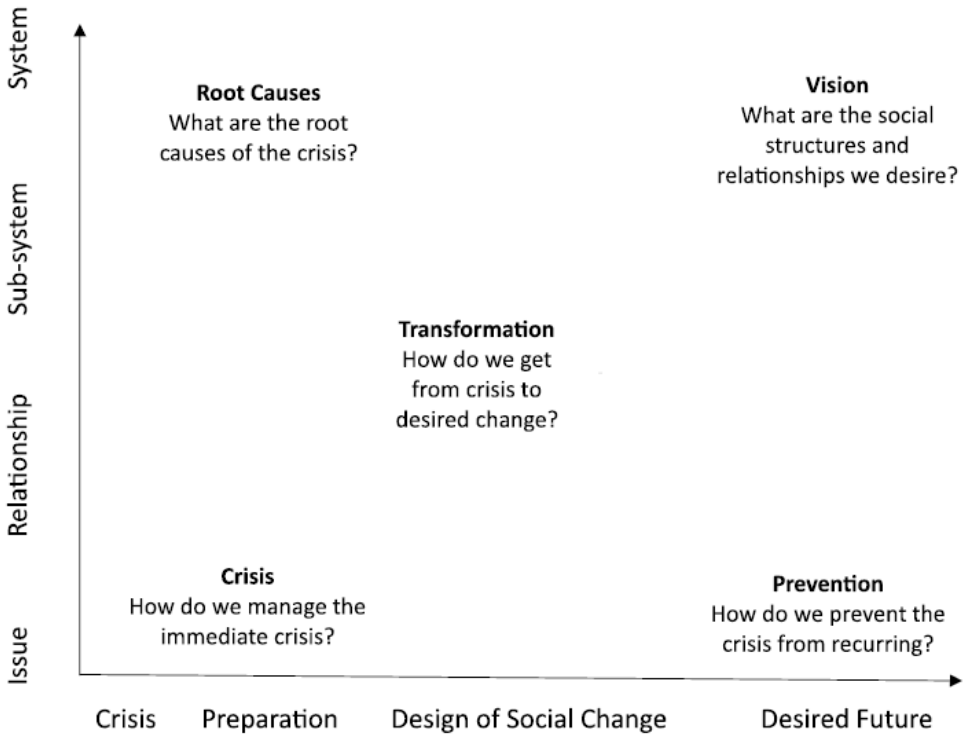


Transformative Justice takes this a step further and looks to make harm impossible in the future. Transformative Justice examines the conditions that allowed the violence to occur[2], and engages macro and micro-level interventions to change these conditions.

- Micro level examples: learning how to make a good apology, conflict mediation, finding resources for a family in need.

- Macro level examples: advocating for better jobs, equity in education and health outcomes, racial justice, environmental justice, etc.

The following graphic by Jean-Paul Lederach maps the questions required of a Transformative response to harm.



"Because every truly transformative process exhumes a little bit of the pollution of racism and classism which form the contaminated soil of our unjust society, these processes are fundamental opportunities to create a more just society, as well as one with more healed and empowered individuals." – Ruth Morris

[2] (Generation FIVE, June 2007)

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Circle Practice

Circle is an Indigenous practice that includes exploring values, telling stories, and engaging in ceremony while using a talking piece. One or two Circle Keepers guide the conversation by preparing questions, storytelling from their own experiences, and encouraging everyone to uphold the group guidelines and values. In Circle, we practice a way of being in relationship to one another that is holistic and rooted in accountability. Through storytelling in Circle, we can begin to make sense of what is happening around us and to us, build empathy for each other, and find opportunities for collective action.

Keeping Circles with young people and families creates genuine youth-guided and family-driven treatment. These can be family meetings, classroom check-ins, group home community gatherings, treatment reviews, intakes, celebrations, etc. When a young person or parent co-keeps the Circle alongside a member of their team, they can guide the conversation so that it focuses on their concerns, their strengths, and is grounded in their family culture (by picking their own talking piece, opening and closing ceremony, etc.).

Elements of Circle

Centerpiece: Filled with special objects, values, and other elements unique to each group and culture, the Centerpiece is a visual anchor of how we want to be in community with each other.

Opening: an opening ceremony, quote, and/or mindfulness practice.

Land Acknowledgement: It is important to honor the land and the history that brings each of us to the moment where we are sitting in Circle together. However, a Land Acknowledgement alone is insufficient to truly respect and appreciate the gift of Circle practice. We need to also engage in advocacy efforts at the individual and collective level.

Talking Piece: The talking piece is an object that passes to each person in the circle after each question or discussion round. People can pass if they do not wish to share, but everyone has an opportunity to speak.

Agreements and Values: We co-create agreements together before entering into a conversation, practicing shared decision making and community accountability. We share our values because these are the reason behind our actions/words, and the base that holds us together during difficult moments.

Check-In: The check-in question ranges from surface-level to deeper story-telling, depending on the needs of those present in Circle. Circle practice encourages us to slow down and connect with each other as human beings, before rushing into the busyness of agendas and productivity.

Discussion Rounds: Can be an activity, a series of questions, or a reflection on a topic.

Check-Out: a question that gives opportunity for final reflections, establishes a pulse of the room and how people have experienced their time together.

Closing: a ritual, quote, or mindfulness practice that ends our time together in Circle.

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