



## The Restorative Practices Programme at the University of Ulster

### The Balanced Model of Restorative Justice

#### Definitions

*Restorative justice engages those most affected by an injustice in a process that restores what has been lost, damaged and violated by the harm that has resulted from the injustice.*

*Formal restorative processes include restorative conferences and circles, victim-offender mediation, and family group conferences. Restorative principles and practices can also be used in informal conversations and daily interactions to strengthen relationships and build a culture of respect.*

*Restorative practices are the methods, techniques and skills required to facilitate and to participate in restorative justice processes.*

#### Restoring Justice

The immediate purpose of a restorative process is to enable the parties most affected by the harm to restore what has been lost, damaged or violated.

Restorative practices can also contribute in the longer term to sustaining a culture of respect in families, communities and organisations, to strengthening social cohesion and to enhancing the

effectiveness of socialising people to live together without recourse to harmful behaviour. Consequently these practices can prevent harm as well as respond to it.

#### Balancing the needs and interests of all parties

The Balanced Model of Restorative Justice<sup>1</sup> is based upon the following premises.

1. Wherever people live or work together or when they encounter each other in a diverse society there is a basic need to be treated equitably and with respect. When this does not occur they experience harm and they need justice.
2. Harm is not confined to crime and the need for justice is not restricted to the criminal justice system. It is just as keenly felt in families, schools, community and organisational life and in major social and political conflict.
3. When an injustice occurs three parties are involved. The person, group, community or organisation

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<sup>1</sup> This model was inspired by the Balanced and Restorative Justice model in the USA (<http://www.ojjdp.gov/pubs/implementing/balanced.html>)

that has suffered the harm, the person, group, community or organisation that is responsible for the harm and their communities.

4. Unless the needs and interests of each of these parties are addressed to their satisfaction, they will not have an experience of justice.
5. These parties are interdependent. They need each other to have their needs and interests met.

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## Needs

Each person will have a response to harm specific to them and their needs and interests must be heard and addressed. Yet we believe that the needs arising from harm for all parties whether perpetrator, victim or community can generally be categorised under four headings:

- Justice: anger over being wronged, a need for the perpetrator to be made accountable and a need to be treated fairly;
- Safety: the fear that they will be harmed further;
- Respect: the shame that comes from doing wrong or being wronged;
- Control: the anxiety that the harm has reduced the control you have over your life.

Key Needs Arising from Harm



## Emotions

The experience of harm for all parties causes strong emotions. Each person's feelings provides a guide to what they need. Strong anger is usually a response to injustice while fear may indicate a need to be protected from further harm. Anxiety or stress is a symptom of the need to regain control over one's life.

The emotion of shame is often present. It may be a mistaken shame as when victims blame themselves for another's harmful action. For those who have harmed others feeling ashamed of what they have done is a normal emotion and can be a gateway to remorse and making amends.

However, some people who harm others may have had many experiences of being shamed or humiliated and this history may not only drive their harmful behaviour (Gilligan 2000) but also be an obstacle to their participation in a restorative process (Nathanson 1992).

Braithwaite (1989) makes a useful distinction between shame that stigmatises and shame that reintegrates. Stigmatising shame is attached to the person and may result in exclusion. Reintegrative shame attaches the shame to the harm and offers the person

responsible for the harm the opportunity to gain respect and acceptance through making amends.

The restorative process allows these emotions to be expressed and enables each party to open up to the possibilities of having their needs met and moving on.

### The role of the facilitator

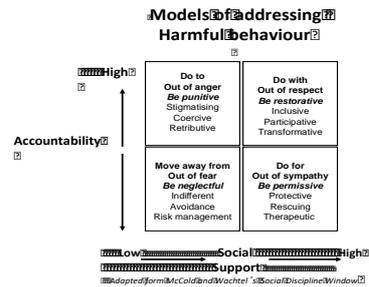
The Balanced Model aspires to be considered relevant wherever there is injustice and people suffer and perpetrate harm. The facilitator's responsibility, then, is to design and facilitate a restorative process tailored to all those most affected by the harm rather than identify participants who fit a prescribed process.

Consequently the Balanced Model requires highly committed, competent and creative facilitators. The facilitator engages diverse people who may be very angry, afraid, anxious and/or ashamed in a meeting to resolve conflicting needs and interests.

In this model the facilitator is committed to enabling all parties to meet their needs. The facilitator must not only have the knowledge and skills to facilitate a restorative process but she or he must *be* restorative. To alleviate any obstacles or inhibitions to participation the facilitator must 'be' safe, 'be' in control, 'be' just' and critically 'be' respect.

The facilitator balances supporting each party with holding them accountable to the process. The Accountability - Support Matrix

below is adapted from the IIRP Social Discipline Windows.



This matrix makes it clear that the restorative process is collaborative and based upon respect. Unlike other responses to harm it requires a high level of both accountability and social support.

This matrix demonstrates how vital the core values of restorative justice are to the process (Zehr 2009):

- Respect;
- Responsibility;
- Relationships.

The matrix also outlines the key stages in the restorative process:

- Inclusion;
- Participation;
- Transformation.

Each of these stages are connected but demand a different approach and set of skills of the facilitator. The table below summarises these stages in practice.

We have called this approach to facilitation – *narrative dialogue*. The practices have been influenced by narrative mediation. It emphasises the critical value of exploring different perspectives of the truth to 'thickening the story'. The skills derive from of non-violent communication (Rosenberg 2003) and dialogue.

## Narrative Dialogue

Stage	Tasks and outcomes	Thickening the story	Skills of the facilitator
Inclusion: Based upon the principles of diversity	Invitation and preparation of the parties: Planned outcomes: 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 <ul style="list-style-type: none"> <li>• The facts</li> </ul> Narrative truth <ul style="list-style-type: none"> <li>• The feelings, needs and wants</li> </ul>	<ul style="list-style-type: none"> <li>• Observing and listening</li> <li>• Externalising the harm</li> <li>• Moving from the general to the specific</li> <li>• Inquiring into the 'absent but implicit'</li> <li>• Discovering the critical questions</li> <li>• Engaging, explaining and clarifying expectations (Fair Process)</li> </ul>
Participation: Based upon the principles of interdependence	Facilitation of the restorative process: Planned outcome: A plan to restore what has been lost, damaged or violated and to prevent further harm.	Dialogic truth <ul style="list-style-type: none"> <li>• Stories</li> <li>• Questions</li> <li>• Dialogue</li> <li>• Agreement</li> </ul>	Enabling the parties: <ul style="list-style-type: none"> <li>• To tell their stories;</li> <li>• To listen and understand the other;</li> <li>• To ask their questions;</li> <li>• To enter into a dialogue;</li> <li>• To agree to an action plan.</li> </ul>
Transformation: Based upon the principles of equity	Fulfilling commitments: Planned outcome: The action plan is completed in full within the time agreed.	Transformative truth <ul style="list-style-type: none"> <li>• Keeping to commitments</li> </ul>	Offering support and accountability

### References

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<http://www.ojdp.gov/pubs/implementing/balanced.html>