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<b>Authors(s)</b>	Keenan, Marie
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Dr Marie Keenan

Associate Professor,  
University College Dublin

[Marie.Keenan@ucd.ie](mailto:Marie.Keenan@ucd.ie)

## Why Restorative Justice?



# Harm, Hurt, Trauma

- Working with people who have been **harmed or hurt or traumatized** by others – sometimes by those they loved, admired or for whom they otherwise had regard,
- Sometimes by government policy and systems that renders them **powerless and hopeless**
- [think of the housing crisis, the financial crash, the lost lives by suicide and stress as a result of all of this, the victims of abuse in the Catholic Church, sporting organizations, schools and other systems – we could go on]....

# Injustice

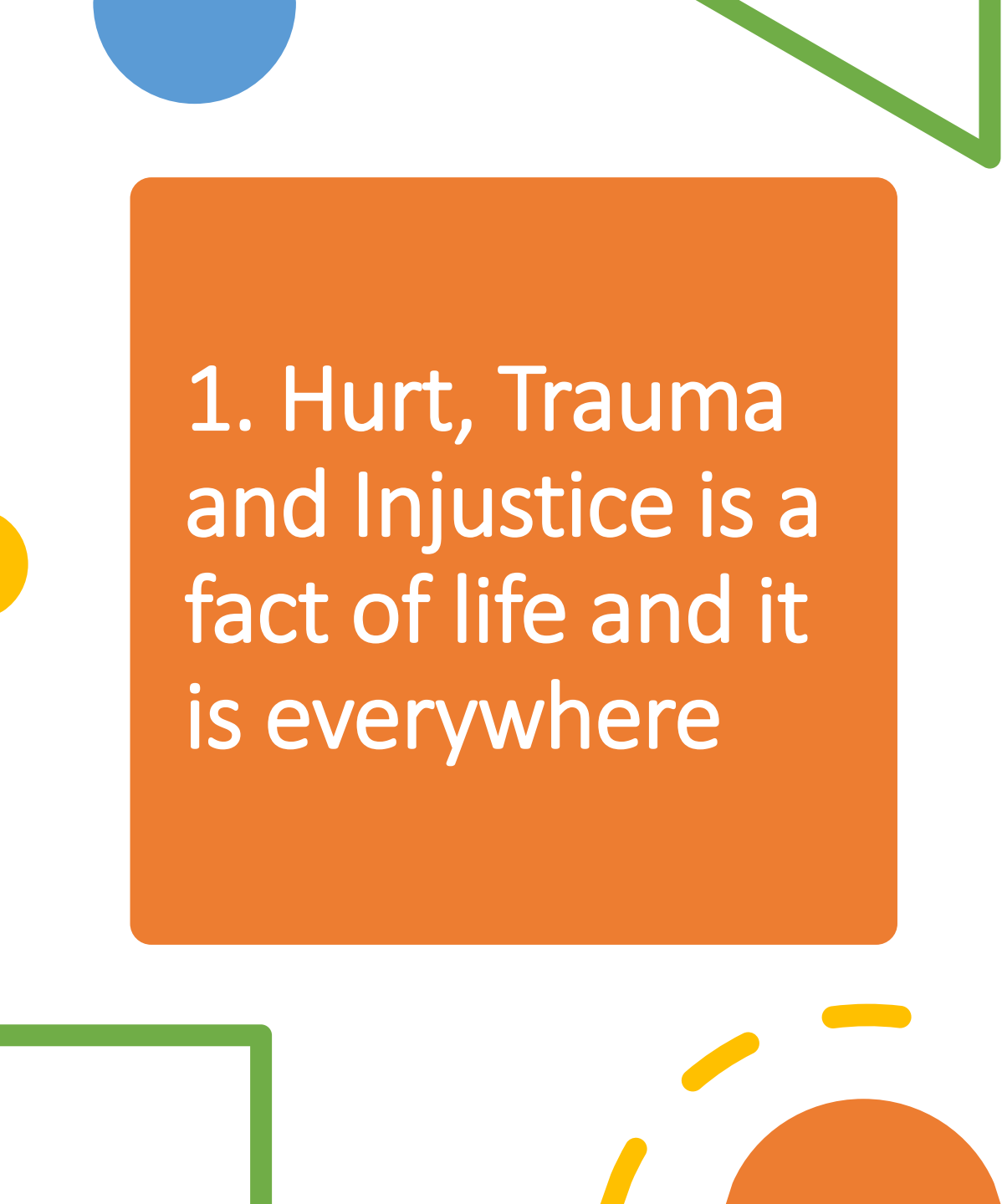
- As well as **hurt and harm** many of these people also feel a sense of **injustice** – this is not right – what this person or this system or this organization did to me was wrong.
- Much of the time in my therapeutic work I am dealing with **hurt / harm** and **injustice** – in their many forms and manifestations

# Those who Perpetrated Harm

- Those who have perpetrated the hurt or harm from the smallest, sometimes unintended but nonetheless hurtful incidents to the most violent of events
- ... from **individuals who have caused the harm** to individuals to **leadership of organizations and systems whose action or inaction has compounded the harm**

So, I thought I would talk about what I have learned from this life of working at the **cold face of hurt and injustice** and where **restorative justice** comes into this.

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# 1. Hurt, Trauma and Injustice is a fact of life and it is everywhere

- Veterans and their families deal with the painful aftermath of war and combat;
- Refugees deal with the aftermath of their escape and displacement
- One in four children in Ireland have been sexually abused
- Alcoholism is blind to class or gender, leaving suffering everywhere;
- One in four women have experienced domestic abuse and coercive control – sometimes men suffering with this control behaviour too

I could go  
on....

- I'd say there is not a person in this room who has not suffered some form of hurt and injustice to a greater or lesser extent
- It is part of the human condition
- And
- 'the body keeps the score' ...
- It can leave body, mind and soul feeling its impact
- **Trauma affects not only those who have suffered it but also those who surround them and, especially, those who love them.**



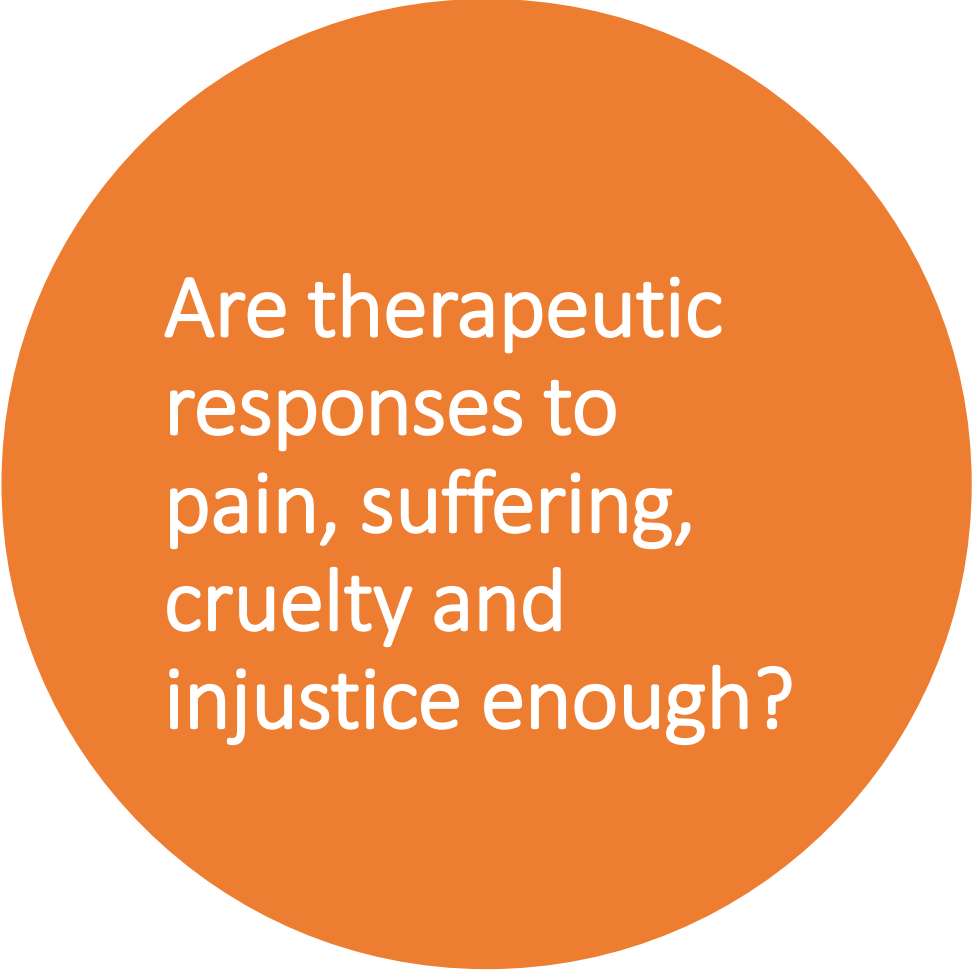
- For many ... these trauma/ experiences of hurt or injustice are **healed by the love of family or friends**
- – and for others – children and adults - they need to come to therapists, social workers, psychologists, counsellors .... for **therapy**
- The love of family and friends, the faith, a supportive employer, supportive friends – all are very helpful; but not enough.





## Historical Hurt and Injustice

- If the hurt and injustice is **an old one** it can take **tremendous energy to keep functioning**
- while carrying the **memory of terror** or the hurt or injustice,
- sometimes accompanied by a **sense of shame** at being weak or vulnerable or of not being able to **'get over it' – 'to move on'**



Are therapeutic responses to pain, suffering, cruelty and injustice enough?

- We all need good medicine, doctors, psychiatrists, psychologists, therapists etc– but medicine alone and therapy alone can sometimes not cure the pain and suffering resulting from **trauma, hurt and injustice**
- the pills can help – maybe a lot – but ultimately, we need something else too .....
- Talking to ‘**empty chairs**’ / writing ‘**symbolic letters**’ while help - won’t quite bring the empowerment that some victims need
- This is a possible place for restorative justice

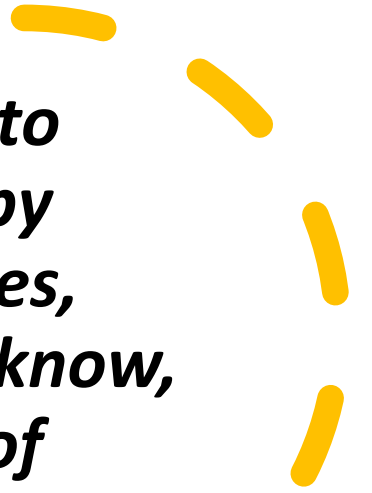
# Background thought on my work on Restorative Justice



- ***Our capacity to destroy one another is matched by our capacity to heal one another.***
- *Restoring power, restoring relationships [if desired] and restoring community is central to restoring well-being*

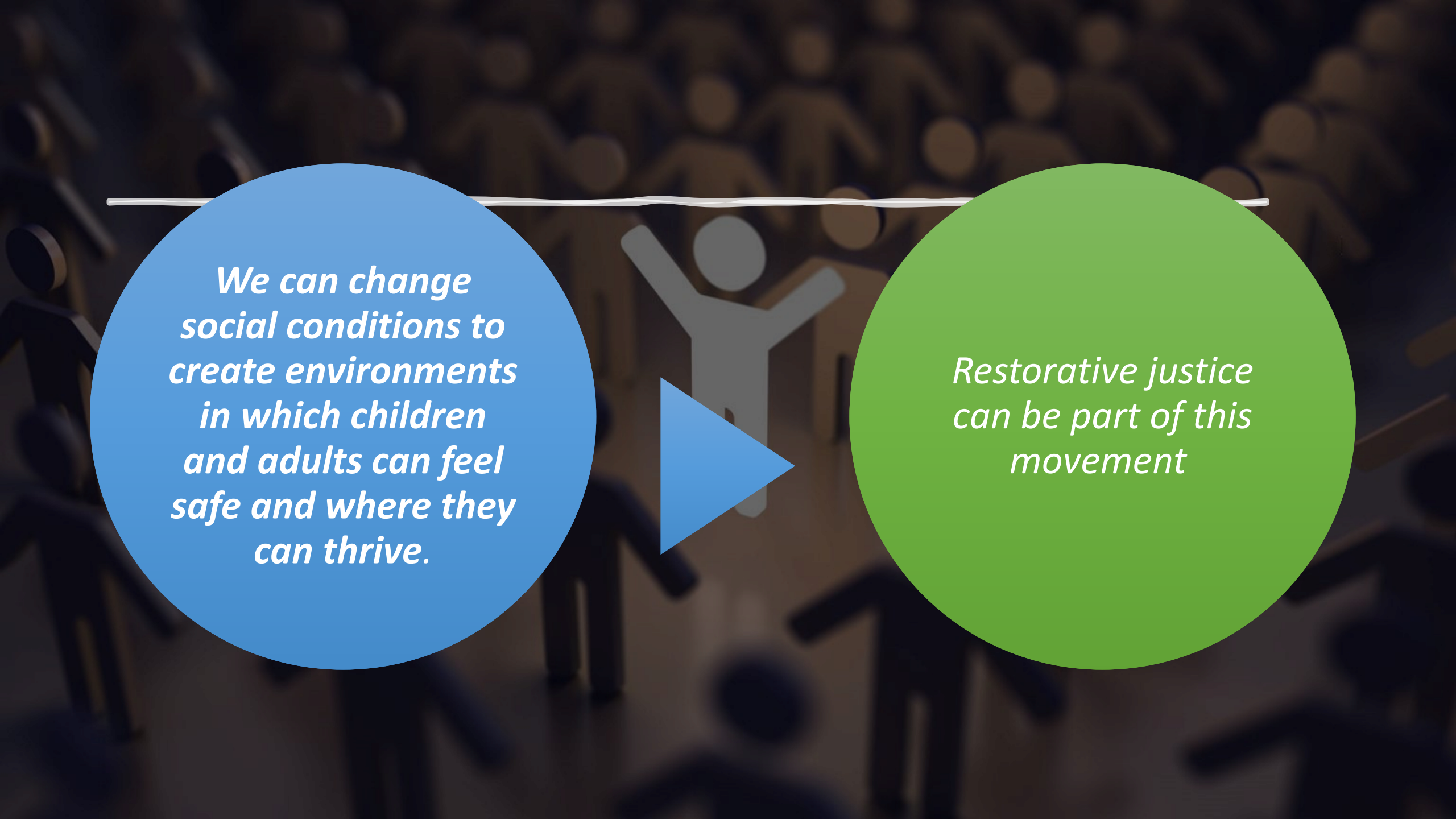


- *Language gives us the power to change ourselves and others by communicating our experiences, helping us to define what we know, and finding a common sense of meaning*
- *Communicating with the person who has perpetrated the harm – sometimes languaged as ‘confronting’ the person who harmed - can offer a means of human transformation*






- *We have the ability to regulate our own physiology, including some of the so-called involuntary functions of the body and brain, through such basic activities as breathing, moving .....*
- *Preparation and Time-out mechanisms in restorative justice can respond to the signals in body and brain*



*We can change  
social conditions to  
create environments  
in which children  
and adults can feel  
safe and where they  
can thrive.*

*Restorative justice  
can be part of this  
movement*



Restorative  
Justice:  
What is it and  
how does it  
work?

- It is a way of repairing harm and responding to injustice through various forms of what I will loosely call **'dialogue'**
- face to face dialogue,
- 'mediation' of some form of dialogue indirectly by means of letters or video
- dialogue in circles or
- Restorative conferences
- Facilitated by a trained facilitator




# So, what is it not?

- It is **not therapy** – although it can have therapeutic benefits
- It is **not a court of law** – although truth-telling and acknowledgement of harm is part of the process
- It is **not a place where people are blamed or ridiculed or disrespected** [irrespective of the wrongdoing]





It is a place of  
accountability

- A place for the **telling of one's experience**
  - A place for the **asking and answering of questions**
  - A place for **acknowledging harm**
  - A place where the **miracle** of human acknowledgement, of meeting through **language** gives us the power to change ourselves and others by communicating our experiences.
  - It is a place where our **capacity to heal** one another becomes possible.
  - **Restoring power, restoring relationships** (if that is desirable), **restoring community**, and ultimately restoring well-being is ultimately possible in these facilitated human encounters
- 


# To this extent RJ is radical


- Mainly because we try in Western world to marginalise, ostracise, alienate and **keep apart the harmed and the harmers**
- This process brings them together in direct or indirect dialogue






So how does it  
work?

- Always a **voluntary** process
  - A **respectful process** for all parties
  - **Acknowledgement of harm / wrongdoing** is prerequisite for participation in restorative justice
  - **Preparation** is essential – preparation, preparation, preparation
  - **Safety** is paramount – **physical, psychological, procedural**
  - **Training of facilitators must be suitable for the level of injustice and the crime** – RJ training for responding to children who taunting each other / bullying in school different from that requires to facilitate serious sexual assault
- 



# Restorative Justice in Sexual Violence and Abuse Cases – with Adults

- Why Victims want RJ?
  - Why Offenders willing to participate?
  - Keenan, M. (2014). Sexual Trauma and Abuse: Restorative and Transformative Possibilities. Dublin: UCD. Available at: <http://hdl.handle.net/10197/6247>
- 



# Interviews: N=149

Oct 2012 - May 2014, 149 People interviewed

90 individual Interviews

10 group interviews

Interviews on average 2-3 hours  
[some less]

# Who was Interviewed?

- 30 Victim Survivors
- 23 Offenders
- 2 Family members (offenders)
- 1 Family member victim
- 31 Therapists and Stakeholder
- 2 Mediators
- 9 Bishops and Religious
- 7 Judges
- 6 Politicians
- 5 Legal professionals
- 8 Gardaí (Police Officers)
- 12 Irish Prison Service Officers / Psychologists
- 4 Irish Probation Service
- 9 Print and Broadcast Media

# Data Analysis



Interviews  
Transcribed



ATLAS ti to  
store data and  
code



Multiple  
reading and  
re-reading of  
transcripts



Integration  
with  
Literature



Analysis: a  
combination  
of grounded  
theory  
methodology  
and thematic  
analysis



# Finding: Gap in Justice Provision for Victims

- ▶ Criminal Justice System [Victim as Witness]
- ▶ Evidential Threshold “Beyond Reasonable Doubt” high threshold for many cases
- ▶ Civil Justice System [Costly, Lengthy and Adversarial]
- ▶ Evidential Threshold “On Balance of Probability”

# Finding:

- ▶ Public Validation and Vindication – being believed by a legitimate authority figure is important
- ▶ There remains an ongoing need for **another form of accountability and justice mechanism for victims of sexual crime**



- ▶ **Consensus:** RJ not as Alternative [with some exceptions] but Additional Justice Mechanism
- ▶ **Exception:** Intra-familial and Young Offenders
- ▶ Victims want RJ available for all who require it
- ▶ Offenders would take part if requested to do so




# Why Restorative Justice?

- Face Fears
- Questions / Statements
- Change the Memory Card
- Understand Why – Why sexual crime; Why me?
- Relational Disconnection from Offender
- Child and Adult Protection
- Debts owed, Moral Obligation
- Opportunity for Victim's to Confront, Ask questions
- Apology and Expression of Sorrow
- Speak Honestly – for the first time
- Hope for Victim to Move on with their Lives

Victim Survivors

Offenders

# Common for Both

- ▶ Family Reconciliation Work
  - ▶ Healing for Victims, Offenders, Families and Communities
  - ▶ As a Mechanism of Accountability
  - ▶ Apology and Forgiveness – Individual and Subjective
- 
- A large yellow triangle is positioned in the bottom right corner of the slide, pointing towards the top right.

# Final Remarks

- A life without hope is no life at all
- People and communities can and do heal
- We need each other to be able to do this
- We are not only capable of hurting each other deeply; we are also capable of helping each other heal
- That is the message of restorative justice
- Let's do it and change our lives and our communities

