

Thanks for having me here with you today to talk about Restorative Justice. I've been facilitating RJ in Taos for juveniles for 10 years now and exploring what it is that has kept me involved all these years. I can assure you it's not the money! It's love.

I'm pairing the word Love with Restorative Justice today. You won't see those words together very often. As professionals we don't talk about Restorative Justice as an act of Love. But as Mahatma Gandhi said, "*Where there is Love there is Life.*" I believe that, and that the reverse is true as well.

And for me, Restorative Justice is a life giving, life affirming process. It's about action and change and the Love I'm talking about is a Verb. It's Love as an active state of Being; a state of spaciousness that is receptive, a spaciousness that allows change to occur. It's love that is observant and curious; genuinely interested.

That kind of love allows us to listen deeply and to speak from the heart of who we are, to speak from the heart of our life experience and to listen to the hearts of others.

Receptivity is the key and Herman Hesse describes receptivity this way, "*Seeking means to have a goal, but finding means to be free, to be receptive, to have no goal*" ...and a photographer says, "*A very receptive state of mind is not unlike a sheet of film itself - seemingly inert, yet so sensitive that a fraction of a second's exposure conceives a life in it.*" Just a fraction of a second's exposure, a fraction of a second of receptivity and something comes to light.

That receptivity involves listening and listening has, as Leo Buscaglia describes, "*the potential to turn a life around.*"

Paul Tillich says that, "*The first duty of Love is to Listen*", and the artist David Hockney says, "*Listening is a positive act. You have to put yourself out to do it.*"

Consider that. Great phrasing. We have to put ourselves "out" to listen. We have to set "our self" aside in order to listen.

And finally, Jane Goodall said, "*CHANGE happens by listening and then starting a dialogue with the people who are doing something you don't believe is right.*"

Love and Restorative Justice are often viewed as healing processes for those involved. The word heal comes from the Latin root *hale*, which also is related to the words whole and healthy. *Wholeness*: including everything, nothing dismissed or left out.

For Restorative Justice to be healing there needs to be trust and an opportunity to speak and to listen.

This is a speaking from the heart, without needing to convince others of one's viewpoints. It's intimate, like love is. It's an intimate kind of speech, a vulnerable kind of speaking. You might imagine a fire in the center of a Restorative Circle; a fire that supports life. Every word spoken in the Circle is like a stick of wood feeding that fire.

Listening is also crucial in a healing process; listening without judging. Listening with the whole body. Listening for the words and for the feeling tone behind the words. This kind of listening can be imagined as *listening the way dry earth receives*

rain. In New Mexico we know about dry earth.

Imagine that, receiving the words and feeling tone of someone's speaking the way dry earth receives rain. Dry earth can receive the rain if it's porous and absorbent. When dry earth is too hard packed the rain slides right off it.

We can receive if we soften; if we allow ourselves to absorb what we are hearing. To do that we need to set aside any fear that hearing things we disagree with is dangerous ...Though in some ways it is, because we might change our minds if we listen, and for some people change is a danger to be avoided at all costs.

We can listen as if the words and ideas being spoken are something we need. As if these are words that might nourish us, ideas that might support our life. Words painting a picture, giving us a view that can take us to a new level of understanding or insight. Words that might touch our hearts and minds.

Before I talk more about Love, Receptivity, Spaciousness and Listening I'll briefly review what Restorative Justice looks like in Taos, the principles involved and how it looks in a few other cultures.

Restorative Justice is one aspect of a body of Restorative Approaches aimed at re-establishing harmony where there has been misunderstanding, conflict, tension or unresolved issues. In Taos, my work with Restorative Justice involves working with juveniles who have broken the law and been referred to the RJ program by the Juvenile Probation Office. It might be vandalism, assault or battery, or theft. Occasionally we've worked with youth involved in more serious offenses, including vehicular homicide and an action resulting in the death of a minor.

Crime in the U.S. is identified as an offense against the State. Restorative Justice views crime or delinquent acts as offenses against the community, and engages the people involved in the event, or those identified as affected community, in a process to name the harm, identify ways to repair the harm, prevent future offenses and ensure the community of its safety.

Other kinds of Restorative Approaches can be used when there has been a breach of trust in community, such as the current conflict with communities of color and their supporters, and various police departments.

Restorative Approaches have also been part of Reconciliation practices in post-conflict zones around the world.

Restorative Justice follows some best practice principles:

- Encouraging full participation of the offender and victim
- Holding the offender accountable.
- Keeping the Emotional and physical safety of participants as a primary concern.
- Ensuring respect for all involved and the delivery of an effective process.

Restorative Justice operates in Response to some basic questions:

- *How can we increase opportunity for victim involvement in defining harm and potential repair?*
- *How can we increase offender awareness of injury to the victim? And awareness of the affect of their actions on their own life and the lives of those they care about?*
- *How can we encourage offender acknowledgment of the wrongness of the behavior?*
- *How can we involve the offender in repairing the harm?*
- *How can the community send messages of disapproval while not banishing offenders?*
- *How can the community provide opportunities for the offender to repair harm?*

Restorative Justice operates within a System of Values that believes everyone is a valuable participant. Everyone contributes in their own way, Silence is respected and everyone has the right to their own feelings.

Restorative Justice has been and continues to be practiced in the context of several cultural settings, drawing on tribal traditions or religious writings. In every instance it acknowledges the value of repairing relationship. I mention these other cultures because Restorative Justice is not new, and the ways its done elsewhere might spark ideas about how to best serve communities without our cultural context.

Sulha, from an Arabic word for reconciliation (musalaha), is a process used in various parts of the Arab world, especially Palestine/Israel and Lebanon. Today it centers on a peace council, comprised of local respected mediators, who usually know both parties socially; this is in contrast to the Western idea that mediation must be done by a neutral third party. Typically the mediators will continue to interact with each party regularly after the sulha process is complete. *Sulha* is built around principle that reconciliation is possible if victim and offender approach each other with *forgiveness; shaking hands; and mutual partaking of bread and salt*. Each of these reflects a cultural meaning and importance. Shaking hands has long been a way of “sealing” a relationship. Bread and salt are ancient foods. Bread as the staff of life and salt as a preserver of life, both have great cultural and economic value.

Another example of restorative justice practices in a modern context is *Jirga* in Pakistan. This process seeks reconciliation for the parties in conflict. It’s a communal process used primarily among the Pashtun people in Pakistan. The *Jirga* is a council convened by a neutral third-party who is trying to mediate between two disputants. The mediator appeals to the *Jirga*, which is comprised of local tribal leaders who

support one or other of the sides. The *Jirga* allows both sides to speak and then comes to a resolution through consensus.

In the Sudan, an organization called *Fambol Tok* has been supporting Restorative processes. Fambol Tok means “family talk”. It’s a process, not a one time event. It begins with consultation and ends with reconciliation ceremonies and activities to sustain the peace. Everyone involved is asked if they are ready to reconcile 2-3 people work with the *Fambol Tok* organization to prepare the community for the reconciliation ceremony. Everyone involved makes a commitment to peace. It takes 3-4 months of work to prepare a community for its reconciliation bonfire and ceremony.

The ceremony is typically a 2 day event that begins with a community gathering . At dusk the villagers gather and light a bonfire. This continues a time-honored tradition. Participants know that there will be no prosecutions associated with the process, and they are reminded of the importance of truth telling and acknowledgement. People tell their stories, perhaps for the 1st time since the war. Victims speak. Perpetrators acknowledge their own actions. The testimonies culminate in apologies and forgiveness now that their hearts are cooled and a reconciliation process has been initiated. But this isn’t the end. The 2nd day includes a healing ceremony which might involve a traditional symbolic cleansing. That day often ends with feasting and more dancing in recognition that reconciliation has begun...Often those who were in conflict begin to work together on a community farming project. You can learn more about Fambol Tok on the internet. They have a great Video on their site.

So, back to what’s love got to do with all this? Community, family, organizations, governments, nations are a tapestry made of individual experiences and shared relationships, of histories woven in and out and around one another. When harm is done threads of relationship are broken. In Restorative processes we are acknowledging that the fabric of relationship has value and that each thread, each connection has value. We’re acknowledging that the fabric of our community is weaker if the threads remain broken, so we extend ourselves to repair what needs repairing. We bring a receptive mind, a listening mind and heart and our genuine interest to the situation and let that guide us.

Years ago I video taped theatre and dance performances. I wasn’t given a script. I didn’t know the dance or the play in advance. In order to follow the action with my camera I relied on listening to the words that were spoken and how they were spoken. I relied on observing the clues that people’s body language gave me to tell me where they were going to move next, how they were going to move, or who would pick up the next piece of dialogue. I was tracking them, following their lead and entering their reality.

That's what we are doing when we facilitate or participate in Restorative Justice or other Restorative Approaches. We don't know the script. So we allow ourselves to follow and enter into a more inclusive picture of what has happened and what is happening. We are receptive in order to receive information, to follow the threads of the story and enter a larger more inclusive reality.

Usually we only receive information that fits in with our ideas about things. So our receptivity is filtered and limited. It's often limited by our intellect, limited by the information we already have. Our pre-conceived opinions, based on limited information, can only give us part of the picture.

A Mayan friend told me long ago that in his culture a story needs to be told in at least in 3 ways. Its like a "mug shot" he said, you see the story from one side, from one angle, and then another side, another angle and then from a third point of view. These 3 views together give us the opportunity to see the whole story. That's how we make sense of things. Because the total is greater than the sum of the parts. Something bigger than any one viewpoint emerges. That's where the healing happens; in seeing and hearing the whole story. It's difficult to be vulnerable and honest. But its healing to be heard. It's healing, and hard, to listen. It's difficult for the offender to be accountable, to hear how they affect others, and how they have hurt themselves. All this doesn't erase the suffering, or the anguish, but it opens up the space around an event, and makes it 3 dimensional. It can be confusing to face the roots of a violent act, it's complicated, so many threads involved, all pulling on each other.

It's not easy, it's not simple, but it is profound, it is real.

My Restorative Justice work once led me to meet with a young man who had shot and killed his best friend. They were members of the same gang. The information I was given about him was not encouraging, because many of the men in his immediate family had killed someone.

He sat opposite me, tapping his left leg as I asked him some questions. In RJ we don't separate people with large tables. We always sit in a Circle, physically exposed and open. But, oddly, I had his file on my lap that day... very unusual for me to do that. Perhaps it was a result of my discomfort and a desire to keep some distance between us... As if the information and the file itself was some kind of protection.

Then he mentioned a detail of their gang life and I set the file aside and told him I knew nothing about gang life. I asked if he would explain what he had just said. The minute I put the file down his leg tapping stopped and our relationship changed; I had become receptive to a story that was larger then what the file could possibly convey. Later I told him I had felt nervous about him because of what was in his file and he said, "Yah, Miss, I hear that a lot. That file has a lot of information about me, but I am more than what's in the file. He was right.

He was still completely accountable for his actions, but those actions became visible in the larger context of his life story and the life he shared with his friend and listening to him in a receptive way humanized him. Listening only for what we think

we already know, or mentally arguing with what someone else is saying isn't really listening, and worse, it's the opposite of love, its dehumanizing. Again, as Ghandi said, "*Where there's Love there is Life.*"

The Restorative Justice Circle that followed that was one of the most touching I have witnessed; involving this youth and the father of the young man he shot. There was sadness and yearning and regret. It was challenging and brave and intimate. And it was loving, because these two men listened, and spoke from their hearts, hiding nothing.

When Restorative Justice is an act of Love –an Act of Receptivity, and Genuine Interest; it can take us beyond the ideas, thoughts and judgments that we carry with us. Beyond the "ready responses" to what we think are the facts. It invites us to observe a situation with both our body and our mind; calling upon all of our senses and broadening our field of vision.

We don't have the community at large attend the RJ Circles we hold for youth offenders for a number of reasons. But the principles of RJ can be applied in your family, in your work place, in the ways your choir, or club or Church operates.

I recommend beginning by committing to create and participate in a Council Circle on a regular basis. I've made copies of Council Process available to you. Try it. Practice it. Choose some themes to explore that will invite people to share their personal perspectives. You might use the theme of *Faith*... What does having faith mean to you? How has faith affected your life? What has deepened or eroded your faith? Choose a few questions and invite people to gather in a Circle and speak, one person at time, for up to 2 minutes each. No interruptions, no comments. Watch how the group wisdom arises. Or consider the topic *Forgiveness*. Make the questions personal. Council process, like Restorative Justice, is not about philosophical discussions. It's about speaking and listening from the heart.

Or perhaps hold a Council on the question of *What Does Service in and Service to Community Mean?* ...What inspires you to serve? Then move to holding a Council Circle to talk about controversial issues. The difficult conversations where listening & learning & speaking authentically are the intention, not agreement or consensus. It might feel risky, or dangerous, or uncomfortable. That's because it's courageous.

I've written up a short reading list of books about Restorative Justice. You might want to choose a book and discuss the ideas. The most important thing is, of course, to practice the ideas and make them yours.

I did receive a small grant so I will be doing some training in the Spring here in Taos. We'll start, as I always do, with Council process. I'll let someone here know when those will happen. I hope this has been of value to you. Thank you.

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