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Restorative Justice: Spiritual Resources for Sustainable Peace in Communities

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Religions and the Practice of Peace kicked off its 2017-18 colloquium dinner series October 5 [with a talk](#) focusing on the restorative justice approach. It will explore restorative justice, its spiritual dimensions, and the potential contributions of its approach to advancing sustainable peace in communities and the world.

The session featured presentations by Fania Davis, co-executive director of [Restorative Justice for Oakland Youth](#), and sujatha baliga, director of the [Restorative Justice Project](#) and vice president of [Impact Justice](#). It was moderated by Professor Janet Gyatso, associate dean for faculty and academic affairs.

Below, Davis and baliga discuss the role of spiritual resources in restorative justice and its impact on communities in which they work.

HDS: Restorative justice advocates contrast the current judicial system of “state-sanctioned vengeance” with a different process that emphasizes repairing harm, inviting all affected to dialogue together to figure out how to do so, and giving equal attention to community safety, needs of persons harmed, and accountability and growth for those who have caused harm. What is the role of

“spiritual resources” in this approach? How do each of the parties—persons harmed and those who've harmed them—apply spiritual resources to the work?

Fania Davis: Unlike our prevailing justice system that sees religion or spirituality as something that must be kept out of and divorced from the process, restorative justice (RJ), rooted in indigenous worldviews, embraces a life-affirming, non-sectarian spirituality. Restorative justice sees justice as healing, relational, community-based, inclusivist, participatory, needs and accountability-based, and forward-looking. RJ is not merely a conflict resolution tool; it is a set of principles and a way of life.

Criminal justice harms people who harm people to show that harming people is wrong. But restorative justice's purpose is to heal, not replicate harm. It's a very different notion of justice, akin to Mahatma Gandhi's view—that action alone is just that does no harm to either party to a dispute. Restorative justice invites us to be present to one another in ways that bring about healing and wholeness rather than in ways that deepen harm and hostility. And importantly, it gives us the tools to do so.

The Circle, one of three primary RJ models, is a process we use a lot in Oakland's schools and increasingly in communities. Two of the five foundational elements of the Circle process are ceremony and developing shared values. We enter the Circle with an opening ceremony—a quote, breath work, silence, prayer, drumming, dance, or song—something that is culturally appropriate and something that grounds us, helps us to be present, and marks the space we're entering as a special one—one where we will connect to one another as humans in ways we don't ordinarily get the chance to do.

And after the opening ceremony and introductions we take time as to identify and collaboratively adopt individual and group values, entering into a values agreement that guides our behavior throughout the rest of our time in Circle. And most important are values that bring out and hold us to our best selves, values that allow us to be in good or “right” relationship, whether compassion,

truth-telling, open-heartedness, respect, or love. This holds true whether we are Circle Keeper, community member, person harmed, or person causing harm.

We say RJ isn't solely about skillfully navigating interpersonal conflict nor just about disrupting the school to prison pipeline or mass incarceration, important as these systemic transformations are. It is also about inner transformation— modeling the change, being the hope. It's an "inside job" too. We also say that our intentional, values-based conduct in the sacred space of the Circle allows us to practice the way we want to be as humans all the time. It gives us the opportunity to practice more healing ways of being present to one another and to the earth. It gives us the chance to develop new habits of human and community conduct that will carry us into a perilous future.

sujatha baliga: Restorative justice draws from many roots. At its best, it is birthed from and manifests the Bantu word *ubuntu* (a person is a person through other people), Buddhist notions of interdependence, and/or, as Howard Zehr describes in *Changing Lenses*, a Biblical justice that is "an act of love that seeks to make things right." Thus, many of us come to restorative justice through faith communities or through indigenous worldviews.

Yet, American secularism's requirement that public settings eschew religion/spirituality can lessen restorative justice's brilliance. In packaging it for the 45-minute class period or the judge's calendar, ceremony is replaced with protocol, prayer with preambles. In stripping restorative justice of its deeper wisdoms we lose not just the best of it, but its very essence as well.

On the other hand, there's a danger in adopting the packaging of the ancient and scriptural roots of these practices without knowing much about their meaning. The challenge for the restorative justice practitioner, then, is to leave intact the values and practices that make restorative justice true to its sacred nature, while simultaneously avoiding appropriation of others' spiritual/indigenous wisdom. This balance can be best found by allowing the faith journeys of the participants to guide the practitioner in the planning of the restorative process. The process should always and only reflect the

religious/spiritual experiences of those who are coming together to transform the harm.

HDS: What makes this approach effective?

FD: Our adversarial system of justice drives people apart in the wake of harm, fracturing relationships even further. Whether in the context of schools or justice, punishment is an ineffective deterrent, most often reproducing harm. Countless research studies show RJ is effective in reducing suspensions and violence and increasing academic outcomes in schools. And, in the justice system, it decreases recidivism. It's also successful in creating some amazingly beautiful and unlikely alliances—survivors of loved ones lost to violence befriend their killers, for example.

RJ is effective, whether applications in schools, justice, or in transforming the wounds of homicide or severe violence, because it responds to human need. It is attuned to peoples' yearning to be in good relationship with one another. It recognizes humans are encoded to be in relationship with one another, and this includes the impulse to heal and repair in the wake of harm. It affirms that we all participate in a luminous web of interrelationship—the universe is comprised of relationships and energy and not of solitary atomized particles with no inherent connection. Restorative justice, inspired by indigenous insights, creates modern day practices and protocols that respond to and honor that longing.

sb: My organization recently published a report about an Oakland-based program that shows a 44 percent reduction in youth recidivism and 91 percent satisfaction for participating victims. International meta-analyses show that the two factors most linked to low re-offense rates are the opportunity to apologize and completing a plan to repair the harm. Victims who meet with those who've harmed them show a decrease in post-traumatic stress. They're also generally more satisfied with the frame of restorative justice, which centers around holding those who've harmed accountable to victim-identified needs. But there are other factors, often difficult to measure, that make restorative justice so powerful. When the time is taken to honor each person's story and the impact

the event has had on them, a shared humanity arises that allows for deeper problem solving and healing than I ever witnessed when I practiced law.

Our legal and school discipline systems ask, “What law was broken, who broke it, and what punishment is deserved?” In my experience, impacted parties and communities are better served by the questions posed by restorative justice: Who was harmed? What do they need? And whose obligation is it to meet those needs? Through communities and families supporting those who have harmed to be directly accountable to the needs of the person they harmed, the possibility opens for everyone to win.

HDS: How are restorative approaches just and fair?

FD: As a Sioux elder has emphasized, it is not in the nature of light to overcome darkness, nor of any being to have dominion over others. It is in the nature of things for us each to find our place in the universe, the place of balance. At deepest levels, this is what justice is: finding the place of balance. That’s the historical origin of our scales of justice, going all the way back to Ma’at’s scales in Kemetic or Egyptian traditions. According to Howard Zehr, a pioneer in the field, RJ is also consistent with Judeo-Christian notions of *Shalom*. “[Being in] right relationship between individuals, between groups of people, between people and the earth, and between people and the divine, *Shalom* declares an ultimate allegiance to respecting life in all its forms... [It] encourages us to see the nurturing of this sacred relational web as our ultimate calling.”

sb: Facilitators of restorative processes are not neutral mediators, but instead hold with equal compassion all those who have been impacted by the harm. Nor are facilitators decision-makers. The parties come together to create a plan to repair the harm by consensus, facilitated by someone who cares deeply that each person, as Navajo peacemakers say, will move forward “in a good way” through and after the process.

HDS: You are both based in Oakland, California. What has changed about the community as a result of your work?

FD: We can see changes in the spaces where we are doing our work. sujatha can talk juvenile justice and I can talk schools. Our advocacy, organizing, and demonstration projects led the school board to adopt RJ as official school policy in 2010. Holistic implementation of RJ has also eliminated violence and fights altogether at some schools. Latest statistics show that out-of-school suspension rates declined from 7 percent in 2012 to 3.3 percent in 2017, a decline of 55 percent. Graduation rates and test scores are increasing in RJ schools. This is huge.

Having been suspended once by ninth grade triples a child's chance of incarceration and doubles the chance they will drop out. Dropping out of school is a strong predictor of incarceration, and juvenile incarceration is a huge predictor of adult incarceration. And the child of an incarcerated adult is more likely to be suspended and start the whole cycle all over again. So a more than 55 percent reduction in suspension rates means thousands of children, and especially children of color, are being diverted from the negative short and long-term outcomes that can reverberate across generations from out-of-school suspensions.

So while Oakland still has one of highest violent crime rates in the nation, we can see change starting to arise in the more micro spaces where we work. And one thing we've learned is that while we can do the work in schools and in the juvenile justice system, we also need to help build the capacity of community members to utilize restorative reconciliation processes—so the youth are doing Circle in schools, juvenile institutions, and at home and in their communities.

And so communities develop the capacity to navigate their own conflict without the need for police intervention. Having said this, we are mindful that RJ is not a panacea and the socio-economic drivers of crime need also to be addressed for sustainable change. The North Oakland Restorative Justice Council, for example, has a restorative economic initiative where youth and formerly incarcerated cooperatively own and run a food business.

sb: It's amazing to see that so much Fania and I had imagined in 2006 has come to fruition. There are Circle Keepers in almost every school in Oakland Unified School District, and a district-wide policy on restorative justice practices. I meet people in grocery stores or walking around the lake who tell me they were trained in restorative justice facilitation by people we trained!

Today, the pilot restorative justice diversion program started in 2008 keeps over 100 young people entirely out of the juvenile justice system each year. When strangers ask me about my work, they seem to know what the words "restorative justice" mean—this was surely not the case when we started talking about restorative justice in Oakland all those years ago. Indeed, restorative justice philosophy and practice are now well-known by Oaklanders; there are more local requests for facilitators than we have the capacity to honor—a sign that we need to keep on keepin' on in our work to make restorative justice something that everyone has access to, in Oakland and beyond.

—by Michael Naughton

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