



## OVERVIEW OF RESTORATIVE JUSTICE

Peacebuilders has focused its approach upon the *Peacemaking Circle* ('Circle') process. Circles fall within the broader category of restorative conferencing processes referred to below and seek to involve all necessary and appropriate stakeholders who have an interest in the outcome of the situation or case. This means that the Circle generally involves many more participants than just the victim and the offender and seeks to build or re-build solid meaningful relationships based upon mutual trust and respect. The victim does not need to participate if he or she is not ready to do so but their viewpoint is always represented in the Circle.

The following overview of Restorative Justice has been reproduced from the Nova Scotia Restorative Justice Community University Research Alliance (NSRJ-CURA) website, with the permission of its Director.<sup>1</sup>

\* \* \* \* \*

### What is Restorative Justice?

Restorative justice is a theory of justice that understands justice as fundamentally concerned with addressing the harm to relationships related to and resulting from wrongdoing. Restorative justice offers an approach to accountability for harm, based on the restoration of equality in social relations and reparation to those who have suffered that harm. Restorative justice is rooted in values of equality, mutual respect, and concern.”

### Restorative Justice Practice & Processes

Restorative justice uses deliberative processes involving victims, offenders, their respective supporters, and representatives of the broader community under the guidance of authorized and skilled facilitators. There are many contexts within which restorative justice processes may be utilized. These may include youth or adult criminal justice matters, school bullying, disorder in institutional residential homes, conflicts in the workplace, or solutions to the kind of widespread social conflict and violence which has led to truth and reconciliation commissions.

There are many kinds of processes which often go under the name of restorative conferencing. To be fully effective, restorative conferencing should involve not only the offender, the victim and a facilitator, but also family and friends of both victim and offender who can bring insight

---

<sup>1</sup> This overview, with the exception of added headings, formatting changes and further reading list, appears as seen on the NSRJ-CURA website: “Restorative Justice Overview”, Nova Scotia Restorative Justice Community University Research Alliance, online: <[http://www.nsrj-cura.ca/nsrj-cura/cmp\\_text/default.cfm?TargetID=1859&strMenu=Introduction](http://www.nsrj-cura.ca/nsrj-cura/cmp_text/default.cfm?TargetID=1859&strMenu=Introduction)>.



## Peacebuilders International (Canada)

and support to the discussion. In addition, it is important to identify representatives of the community, who are respected by both offender and victim, who appreciate the impact that the harm may have on the wider community, and who may also be capable of identifying or providing resources in the process of reparation of the harm. Restorative conferences are more than an isolated encounter leading to some sort of mediated agreement. Trained facilitators are required to identify appropriate people to attend the sessions, prepare participants for the restorative process, secure participant safety and protection against power imbalances in the conference, guide the deliberations through productive and egalitarian channels, and assist participants in reaching and monitoring outcome agreements. While restorative justice may be imbedded in communities of diverse character, the state can play an important supervisory role in ensuring that community based restorative justice processes respect principles of due process, fairness, equality and the rule of law. The mainstream justice system, of course, provides a backstop where restorative justice fails or where particular cases are evidently inappropriate for such an approach.

### **Roots of Restorative Justice in Canadian Practice**

Restorative justice has its roots in many common social practices which predate the rise of the nation state. But for the most part, modern variants of restorative conferencing are attempts by various actors in different communities, both inside and outside of the justice system, to respond to perceived inadequacies, injustices and alienating features of mainstream legal processes.

Religious communities have been a source of restorative alternatives to the criminal justice system, either in the form of pre-trial diversion projects or adjuncts to correctional activities on the part of the state.

Aboriginal culture and practices, such as healing circles, have also had a formative influence on Canadian restorative justice thinking. Circle sentencing, based on aboriginal practice in different guises, was pioneered by courts in northern and western Canada and has been adopted in other areas of the country.

The RCMP embraced the Australian Wagga Wagga Model of restorative conferencing in the mid-1990s and trained many of its officers and community members across Canada in police led “community justice forums”.

Scholarly writing on restorative justice from around the world, particularly Australia and New Zealand, has also had an impact in Canada.

Saskatchewan developed a youth diversion approach based on restorative justice and crime prevention principles astutely called “getting smart about getting tough”. [...]

Nova Scotia has implemented a comprehensive approach to restorative justice in the youth context. [...]

Charitable Registration:  
BN 83877 6524 RR0001

120 Adelaide Street East, Suite 300  
Toronto, ON M5C 1K9 Canada

tel 416-960-0105  
fax 416-960-8735

[www.peacebuildersinternational.ca](http://www.peacebuildersinternational.ca)



Peacebuilders International (Canada)

\* \* \* \* \*

In Toronto, Peacebuilders has established the *Youth Circles Project* in conjunction with the 311 Jarvis St. Youth Court and in partnership with St. Stephen's Community House Conflict Resolution Services. Volunteer lawyers have been recruited through Pro Bono Law and volunteer mediators through the ADR Institute of Ontario. Further support for this approach has been provided by the Toronto Police Services, the Toronto District School Board, Probation services, Pathways for Education, Justice for Children and Youth and many other organizations and individuals. The Youth Circles program is available to youth under the age of 18 within the boundary of the City of Toronto and for Federal Offences referred to the 311 Jarvis St. Youth Court (including drug and gun related offences) to youth from all across Metro Toronto including the designated thirteen high risk communities.

## FURTHER READING

### Journal Articles

J. Llewellyn & R. Howse, *Restorative Justice: A Conceptual Framework* (Ottawa: Law Commission of Canada, 1998)

B. Archibald & J. Llewellyn, "The Challenges of Institutionalizing Comprehensive Restorative Justice: Theory and Practice in Nova Scotia" (2006) 29 Dalhousie Law Journal 297

### Books

G. Bazemore & M. Shiff, eds., *Restorative Community Justice* (Cincinnati: Anderson Publishing, 2001)

C. Boyes-Watson, Ph.D., *Peacemaking Circles and Urban Youth: Bringing Justice Home* (Living Justice Press, 2008)

G. Cormick, N. Dale, P. Emond, S. Glenn Sigurdson and B. D. Stuart, *Building Consensus for a Sustainable Future: Putting Principles into Practice* (National Round Table on the Environment and the Economy, 1996)

G. Johnstone, ed., *A Restorative Justice Reader: texts, sources, context* (Portland: Willan Publishing Co., 2003)

K. Pranis, *The Little Book of Circle Processes: A New/Old Approach to Peacemaking* (Intercourse, PA: Good Books, 2005)

Charitable Registration:  
BN 83877 6524 RR0001

120 Adelaide Street East, Suite 300  
Toronto, ON M5C 1K9 Canada

tel 416-960-0105  
fax 416-960-8735

[www.peacebuildersinternational.ca](http://www.peacebuildersinternational.ca)



Peacebuilders International (Canada)

- K. Pranis, B. Stuart & M. Wedge, *Peacemaking Circles: From Crime to Community* (Living Justice Press, 2003)
- L. Shutzman Amstutz & J. H. Mullet, *The Little Book of Restorative Discipline for Schools* (Intercourse, PA: Good Books, 2005)
- L. Stutzman Amstutz and Judy H. Mullet, *The Little Book of Restorative Discipline for Schools: Teaching Responsibility; Creating Caring Climates* (Intercourse, PA: Good Books, 2005)
- D. Sullivan & L. Tift, *Handbook of Restorative Justice: A Global Perspective* (Routledge, 2006)
- P. Thalhuber, B.V.M., S. Thompson, *Building a Home for the Heart: Using Metaphors in the Value-Centered Circles* (Living Justice Press, 2007)
- D. W. Van Ness & K. Heetderks Strong, *Restoring Justice*, (Cincinnati: Anderson Publishing Co., 2002)
- H. Zehr, *Changing Lenses: A Focus for Crime and Justice* (Waterloo: Herald Press, 1990)

Charitable Registration:  
BN 83877 6524 RR0001

120 Adelaide Street East, Suite 300  
Toronto, ON M5C 1K9 Canada

tel 416-960-0105  
fax 416-960-8735

[www.peacebuildersinternational.ca](http://www.peacebuildersinternational.ca)