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## **MEDIATING THE RELATIONSHIP BETWEEN COMMUNITY AND STATE**

# NILS CHRISTIE

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- ✘ Conflicts as property stolen by the state and the interests of professionalisation.
- ✘ In the legal system the offender and the victim are represented but do not participate.
- ✘ In the therapeutic system the offender becomes an object of study, manipulation and control. The victim becomes a non-entity.
- ✘ Conflicts are opportunities for participation by lay people on norm clarification and learning.

# RESTORATIVE JUSTICE

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- ✘ A process which reclaims the conflict for the protagonists.
- ✘ Enables the parties to a harmful act to express their feelings, to tell their stories and to be heard respectfully and to reach agreement through dialogue.

# NILS CHRISTIE

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Warns of the dangers “when the specialists get sufficient power to claim that they have acquired special gifts, mostly through education, that they can only be handled by the certified craftsman.”

# JURGEN HABERMAS

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- ✘ The 'lifeworld' is the informal and unmarketised domains of social life: family and home, community, social networks etc. In which communicative action takes place creating consensus and cohesion. Most daily problem solving takes place in the lifeworld.
- ✘ Restorative justice aims to restore the repair of harm to the lifeworld.
- ✘ Community restorative justice is an integral part of the lifeworld.



# HABERMAS CONTINUED

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- ✘ The 'system' is based upon money and power directed and coordinated through the economy and the state.







# HABERMAS CONTINUED

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- ✘ The colonisation of the lifeworld through instrumental action intruding and dominating.
- ✘ As the domain of the lifeworld diminishes 'social pathologies' emerge.
  - Decrease in shared meanings and mutual understanding;
  - Erosion of social bonds;
  - Increase in helplessness and lack of belonging;
  - Unwillingness to take responsibility
  - Breakdown in social order

# COMMUNITY RESTORATIVE JUSTICE

# RESTORATIVE SPACE

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- ✘ To create a space in which to meet where money and power do not dominate.
- ✘ Requires structures, processes, commitment and skill.
- ✘ Does it require professionalism or the abolition of professionals?

# REDEFINING PROFESSIONALISM

“Let us try to get them to perceive themselves as resource-persons, answering when asked, but not domineering, not in the centre. They might help to stage conflicts, not take them over.” Nils Christie

Decentring professionals so as to place the parties at the centre.

# PROFESSIONAL ROLE

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Individuals, families, communities and societies have within them the capacity to restore themselves.

The system can disrupt, control and steal this capacity but it also support and nurture it.

The main thing for the professional is to trust the process and get out of the way.

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**THANK YOU**

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