

Institutionalizing Restorative Practices

Building Alliances Among Practitioners,
Policy-Makers and Scholars

Halifax, Nova Scotia

June 15-17, 2011

Meeting the Needs of Victims and Offenders in the Pursuit of Justice.

Paul Redekop
Conflict Resolution Studies at the
University of Winnipeg



Overview

Needs Theory

- Basic Assumptions
- Needs Theory and the Problems with Punishment
- Evidence of the Harmful Effects of Punishment: Effects on Children
 - Needs of Victims
 - Needs of Offenders

Restorative Justice

- As frame of reference
 - To meet the needs of victims
 - To meet the needs of offenders
 - To meet the needs of the community

Human Needs Theory

Basic Assumptions:

- Individuals cannot be socialized into behaviors that destroy their identity and related needs

If basic identity needs are not met:

- Leads to disturbed and anti-social personal and group behaviors.
- Hostility and violence

John Burton

The Problem

The simple operational premise of the external control psychology the world uses is:

Punish the people who are doing wrong, so they will do what we say is right; then reward them, so they keep doing what we want them to.

This premise dominates the thinking of most people on earth.

W'm Glasser

The Consequences

- The misery created by this kind of thinking continues unabated not because we have thought it over and decided that controlling others is best. It continues because when people do not do what we want them to do, coercion and control are all we can think of using.

W'm Glasser

Problems with Punishment

Deterrence Value of Punishment

- Individual Deterrence
 - Individuals more, not less likely to commit crimes the more severe the punishment
- General Deterrence
 - Harsher sentences are not more likely to deter others

Problems with Punishment II

Demonstration of Disapproval: Showing them it's wrong; how wrong it is

- Depends on who disapproves and why
- Is it disapproval of the act or the person?

Restoring Balance – “a just measure of pain”

- How is balance determined?
- How can two harms make things better?

Kinds of Harms Resulting from Punishment of Children

- Anti Social Behavior
- Aggression
- Maladjustment and Depression
- Impairment of Cognitive Development

Antisocial Behavior

Definition: Younger child: frequently “cheats or lies, bullies or is cruel/mean to others,” “does not feel sorry after misbehaving,” “breaks things deliberately,” “is disobedient at school.”

Findings

- A study of 1100 children age 4-11 over a 5 year period found that the more punishment in year one, the more anti-social behavior in years. 2-5
- 8-17 yr olds: more ‘truancy, vandalism, theft, or illicit use of alcohol or drugs’
- Adults slapped or spanked as children 2X more likely to report alcohol or drug abuse

Aggression

Survey of 1100 Children found that:

- 18% of children who received no corporal punishment in the last year “kicked, bit, punched or hit a sibling with an object 3+ times during the year
- 41% of children who have received some corporal punishment
- 78% of those who had received severe punishment

Maladjustment and Depression

Study of 6,000 adults found that:

- The more corporal punishment, the more likely they were to be depressed as adults
- With 2,000 10-16 yr. olds, found they were 3X as likely to suffer depression if subject to frequent corporal punishment (1+ /month)

Cognitive Development

Found, based on a sample of 1500 children, age 2-4 and 5-9, that:

- Children who were not spanked in a 2-week period had substantially higher test scores
- 5-9 yr. olds hit once in 2 weeks before the test scored below average; lower scores if hit more than once

Basic Human Identity Needs

- **Meaning** - sense of purpose and a sense of justice, or fairness
- **Connectedness** – Love. experience of belonging, the experience of community, and an ability to identify oneself as a member of a community
- **Security** - economic, spiritual, emotional, as well as physical security
- **Action** – Power. Ability to act and experience a sense of empowerment, personal autonomy, or agency
- **Recognition** – Respect. acknowledgment, appreciation, and basic dignity and self-worth as a human being

Needs of Victims

Victimization Undermines:

- Meaning –confidence that the world is basically an orderly, just, fair place
- Connectedness – relations with others; alienation from others who don't want to hear about it
- Security – basic sense of safety
- Action - basic belief in our own autonomy and independence
- Recognition - sense of dignity and self-worth

Retributive System's response to Victims' Needs

The Three Big Lies:

- Retaliation is protection
- Fear = Respect
- We're All family

Needs of Offenders

Offenders commit crimes because:

- Meaning – feel life isn't fair, feel disadvantaged
- Connectedness – weak ties with family, in community
- Security – view of world as hostile, threatening
- Action – lack of legitimate opportunity
- Recognition – lack of legitimate sources of respect, status

Retributive Response to Needs of Offenders

The Justice System further undermines their ability to meet their needs by:

- Meaning – imposing an elaborate system for retribution and punishment that makes little sense to the offender
- Connectedness – separates offenders from any meaningful connections with law-abiding people he might have had and encourages connection with others who have behaved as badly or worse

Retributive Response to Needs of Offenders (cont'd.)

- Security – throws offenders into a dangerous environment where “might is right”
- Action – places offenders in a position of greater powerlessness
- Recognition – attaches a negative, disrespectful label that will be very difficult to remove

Restorative Justice

- Wrong is defined by harm done to persons. Justice involves making things right,
- Crime is the violation of relationships. Harm done by one person to another creates an imbalance or “brokenness” in human relationships.
- The goal is to restore the relationship by restoring the balance. Those who have done the harm and those persons harmed – the victims - are brought together in the context of the community to determine what the harm has been and what is required for restoration.
- Restoration involves repair and vindication for those who have been harmed, reintegration for those who have done the harm, and some form of reconciliation and healing for both or all involved.

Meeting the Needs of Victims through Restorative Justice

- Meaning – Meeting with offender provides opportunity for vindication
- Connectedness – opportunity to restore relationships
- Security – get answers to questions; “Why me?”
- Action – participate in the justice-making process
- Recognition – repair sense of dignity, self-worth

Meeting the Needs of Offenders through Restorative Justice

- Meaning – opportunity to learn of the harm done; injustice committed, directly from the victim
- Connectedness – opportunity to restore relationships with offender; community
- Security – opportunity to return to community as a member
- Action – to participate in ones own redemption
- Recognition – repair sense of dignity, self-worth

Meeting the Needs of Community Through Restorative Justice

- Meaning – involvement in crime and justice issues in ways that make sense
- Connectedness – Provides a means of building an restoring relationships
- Security – Provides a basis for real security
- Action – Provides opportunities for active participation in justice making
- Recognition – Restores a place for the community and its members in the justice process

Changing Paradigms

CHANGING PARADIGMS

After several decades of working in the field of restorative justice, Paul Redekop concludes that punishment is a major obstacle to healthy societies, families, and schools. Punishment can be so damaging, cruel, and barbaric, especially to children, that it should be replaced with restorative discipline, and societies should move toward a punishment-free justice system.

...

"How can we make restorative justice a way of life? How does it apply to our lives and institutions? In this refreshing book, Paul Redekop helps to answer this by taking restorative justice further—to restorative discipline and restorative living in general."

— From the foreword by **HOWARD ZEHR**, author of *Changing Lenses: A New Focus for Crime and Justice*

"Paul Redekop's challenge of punishment in homes, schools, the justice system, and international relations approaches a difficult topic with courage and creativity. He deconstructs our cultural and political rationale justifying the infliction of pain on others 'for their own good.' He offers restorative alternatives that make it possible for us to be active, caring, and reflective."

— **LIZ ELLIOTT**, Simon Fraser University

"This much-needed book allows strong and longstanding restorative justice advocates to reflect once again on the strength of restorative justice and the pitfalls of punishment. Newcomers to the field of restorative justice will clearly identify the weaknesses of the traditional criminal justice systems and the advantages of a restorative justice approach."

— **ELMAR G. M. WEITEKAMP**, University of Tübingen, Germany

RELIGION / Christian Theology / Ethics



Redekop

CHANGING PARADIGMS



CHANGING PARADIGMS

Punishment and Restorative Discipline

Paul Redekop

Foreword by Howard Zehr