

*‘Developing Restorative Communities’  
Seventh International Conference on  
Conferencing, Circles and other Restorative  
Practices.*

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*‘Why The Real Justice Script?’*

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# Overview of Presentation

- The Script
- Brief History
- The ‘Socratic’ nature of the script
- Rationale for the script questions and protocols
- Restorative explanation
- Social Discipline Window & Fair Process Linkages
- Sociological explanation - Braithwaite’s Reintegrative Shaming
- Psychological explanation - Silvan Tomkin’s Theory

# The Script

# RESTORATIVE PRACTICE FACILITATOR GUIDE

## Step 1

### Welcome and Introduction:

"Hello, as you know my name is ..... and I have been asked to facilitate this meeting. *(Introduce participants if this is necessary)*. I have spoken to all of you about the incident *(briefly describe what happened)*.  
..... (perpetrator's name) has admitted his/her part. I will now invite you all to talk about how you and other people may have been hurt *(or affected)* by what happened. This will help us to understand what is needed to make things right.

## Step 2

### Start with perpetrator/s:

"I would like to start with .....  
Could you tell us what happened and what was your part?  
What happened then?  
At the time, what were you thinking about?  
What have you thought about since?  
In what way has .... (victim's name) and others been hurt or affected by what you did?"

## Step 3

### In turn, invite (i) victim/s (ii) their family or support people (iii) the perpetrator's family or support people to speak:

..... (victim's name) what did you think when you realised what .....  
(perpetrator's name) had done?  
How has this incident affected you?  
What has been the hardest thing for you?"

## Step 4

### Go back to perpetrator/s:

"You have just heard how ..... (victim's name) and others have been affected by what you did. Is there anything you want to say at this moment?"

## Step 5

### Return to victim/s:

"..... (victim's name), what do you think needs to happen to make things right?"

## Step 6

### Return to perpetrator/s:

"..... (perpetrator's name), what do you think of what ..... (victim's name) suggested? What do you think you need to do?"

## Step 7

### Return to the victim/s:

"Is there anything else you think will help make things right?"

## Step 8

### Return to perpetrator/s:

"What have you learned from our meeting?"

## Step 9

### Final invitation to speak:

"Before I close the meeting, does anyone have anything further they need to say or to share."

## Step 10

### Closing The Meeting:

"Thank you for participating in this meeting. I hope our time together has helped make things right again."

# History - Script Origin

# History

- Wagga Wagga 1991
- Purpose of process was to:
  - Understand what had happened?
  - How people had been affected?
  - What was needed to make things right?
- Facilitator role analogous to a boundary umpire in Australian Rules - only involved when ball goes out.

# The Socratic Nature of the Script

# Socratic Style

What do you notice about the script's structure?

If I said the script encourages a 'Socratic' facilitation style, what would I mean?

*“Socrates was a Greek thinker and teacher.*

*He held no classes and gave no lectures and wrote no*

*books. He simply asked questions. When he got his*

*answer he asked more questions. Socrates asked*

*questions in order to make people think about ideas they*

*took for granted.*

What are the benefits of simply asking questions? 8

# The Script Questions

## Rationale For Offender Questions

Explain the thinking behind these questions:

- What happened?
- What were you thinking at the time?
- What have you thought about since?
- Who has been affected by what you did?
- In what way?
- What do you think you need to do to make things right?

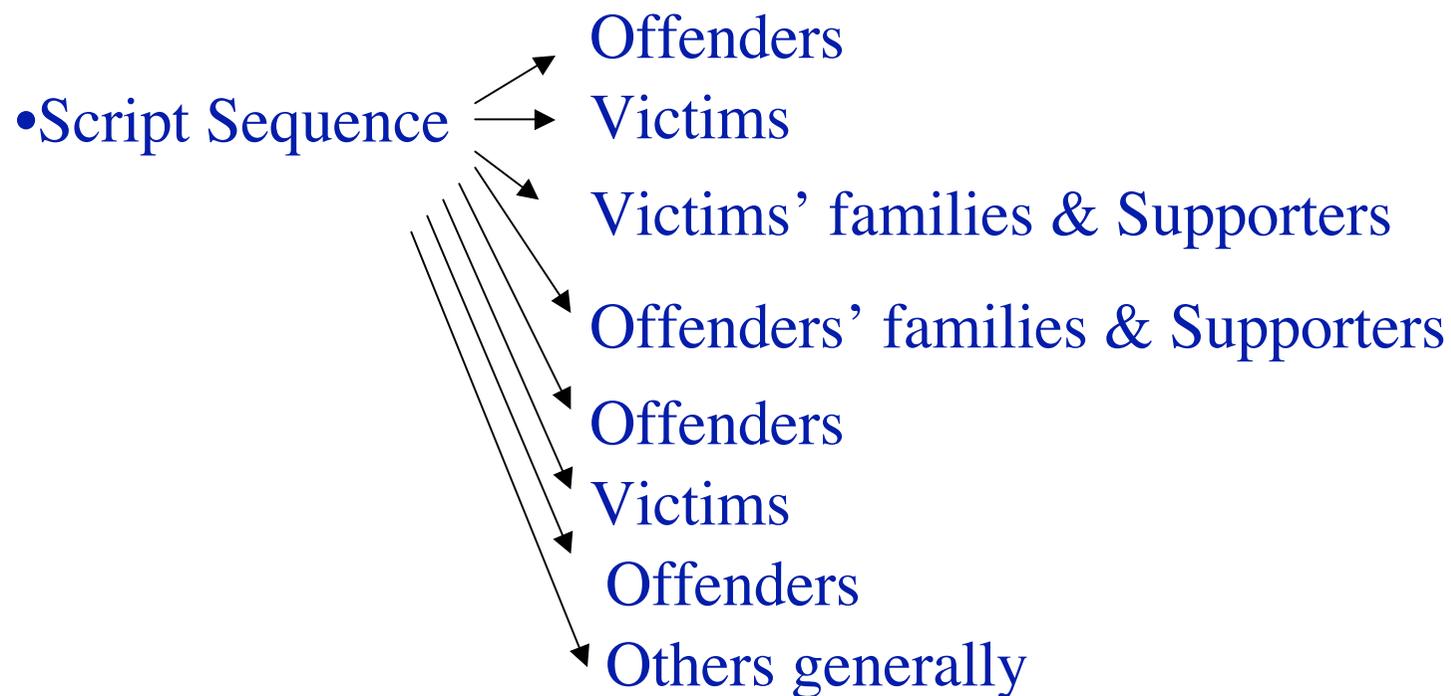
## Rationale For Victim Questions

Explain the thinking behind these questions:

- What did you think when you realised what had happened?
- What impact has this incident had on you and others?
- What has been the hardest thing for you?
- What do you think needs to happen to make things right?

# Script Protocols

# Rationale For Script Protocols



# Restorative Exploration

## BASIC TENETS OF RESTORATIVE JUSTICE (PRACTICE)

### *“Harm and Relationships”*

**Adversarial (Blame) approach:**

**“what happened, who is to blame, what punishment or sanction is needed?”**

**Restorative approach:**

**“what happened, what harm has resulted and what needs to happen to make things right?”**

# **Adversarial**

**Focus is in the past**

**Preoccupied with blame**

**Deterrence linked to punishment**

# **Restorative**

**Focus in past, present & future**

**Emphasis on resulting harm**

**Deterrence linked to relationships and personal accountability**

# Restorative Questions

Past

- What happened?
- What were you thinking at the time?
- What have you thought about since?

Present

- Who has been affected by what you did?
- In what way?

Future

- What do you think you need to do to make things right?

Theme: Identifying the harm and to whom

# Supplementary Restorative Questions

Past

- What did you think when you realised what had happened?
- What impact has this incident had on you and others?

Present

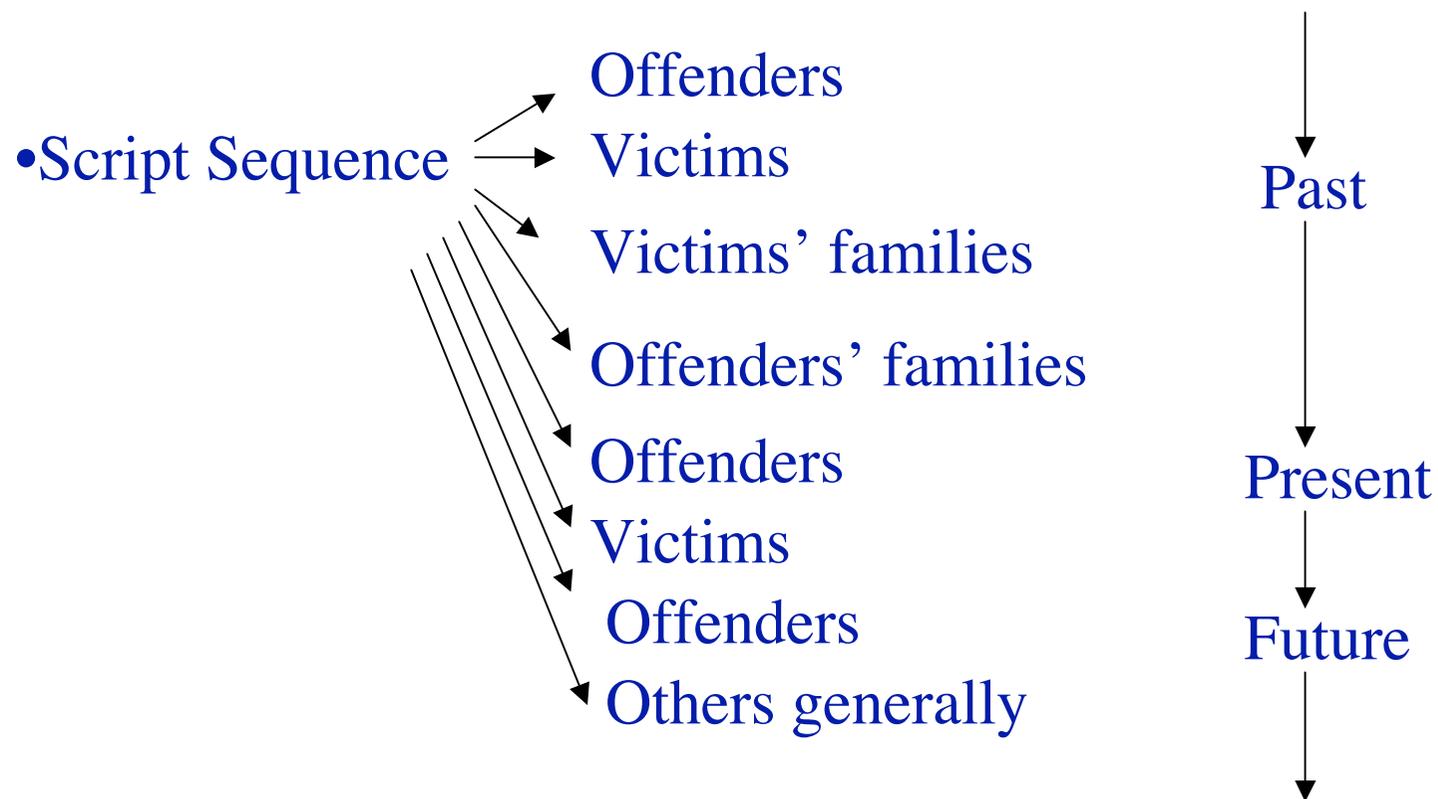
- What has been the hardest thing for you?

Future

- What do you think needs to happen to make things right?

Theme: Identifying the harm and to whom

# Restorative Protocols



# Social Discipline & Fair Process Linkages

# **Fair Process**

## **The Central Idea...**

**‘....individuals are most likely to trust and co-operate freely with systems - whether they themselves win or lose by those systems - when fair process is observed.’**

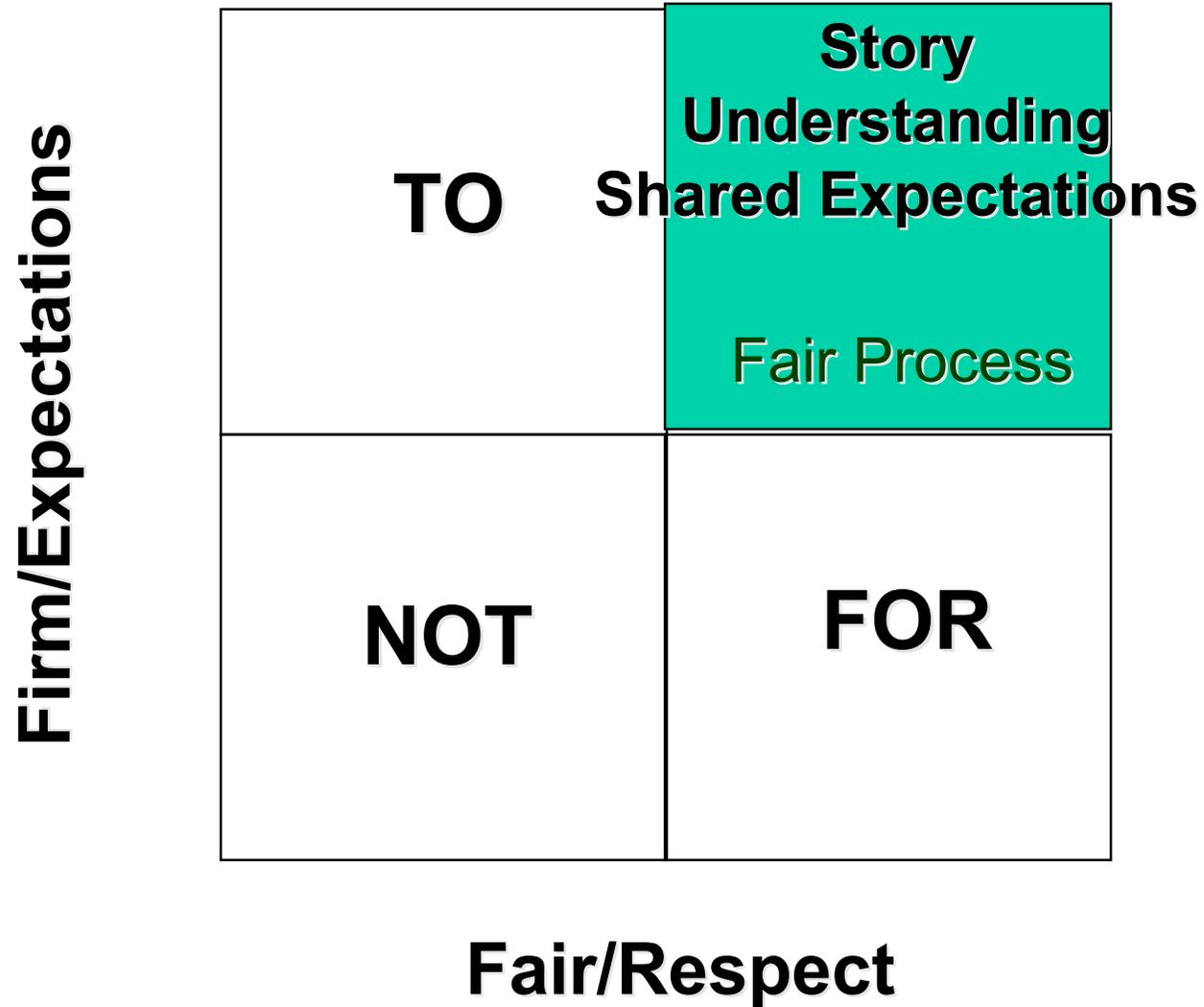
# Fair Process - Principles

**Engagement:** An opportunity to be heard.

**Explanation:** Everyone involved and understand why final decisions are made.

**Expectation Clarity:** Once decisions are made, new rules and expectations are clearly stated.

# OPERATING DOMAINS



Sociological Explanation  
John Braithwaite's Reintegrative  
Shaming Theory

# Reintegrative Shaming

John Braithwaite suggest shame is innate, and is experienced in two ways:

## Internal

- Socialisation
- Ability to decide between right & wrong
- Conscience

## External

- Through sanctions or condemnation from family or significant others.

# Braithwaite's Hypothesis

*'Where individual wrong doers are confronted (SHAMED) within a continuum of respect and support, then a process of REINTEGRATION can begin'.*

# Braithwaite's Hypothesis

ALLOWS:

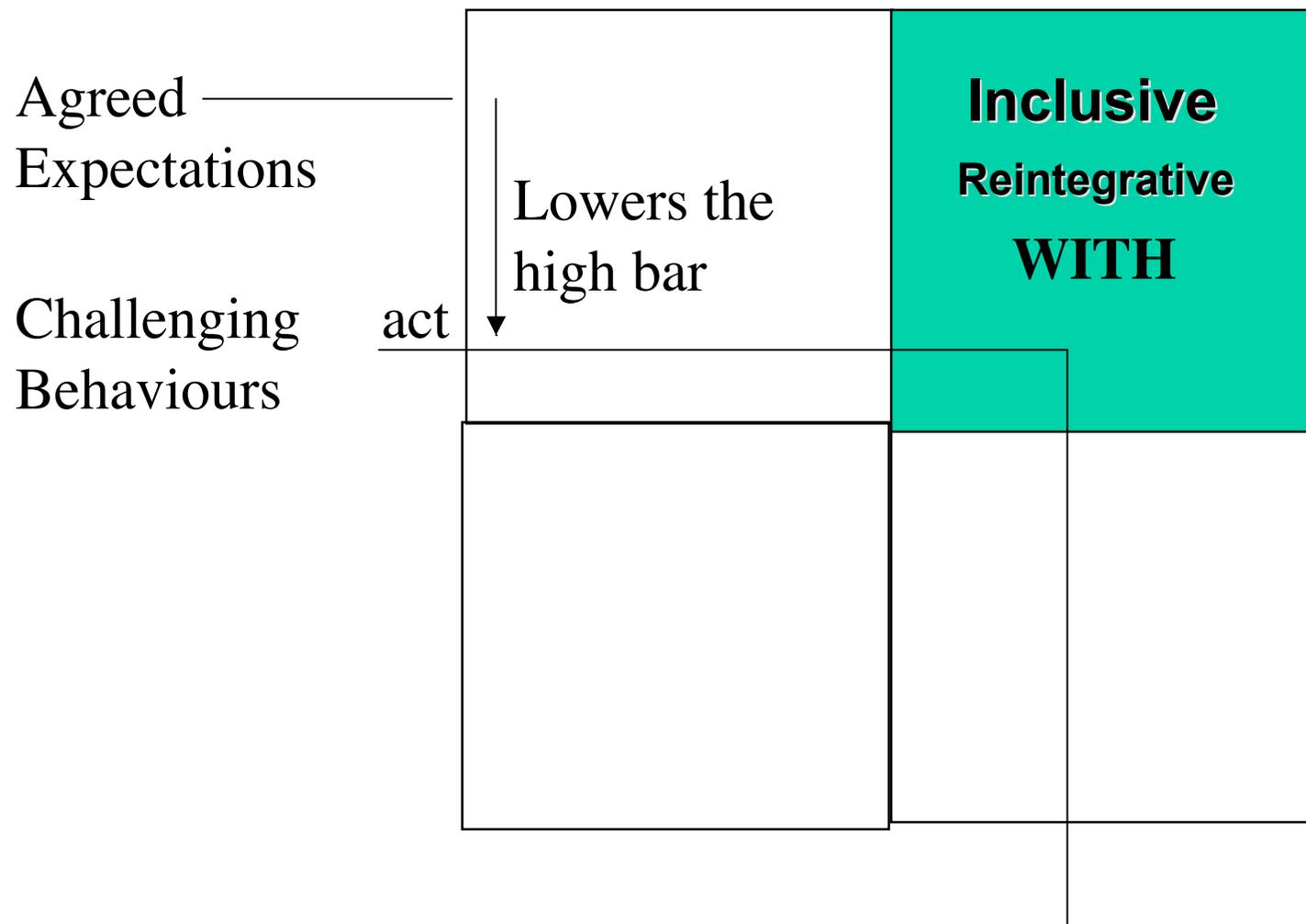
The act (unacceptable behaviours) to be rejected because they failed to reach expectations or standards

WHILST:

Acknowledging the intrinsic worth of the person and their potential contribution to society.

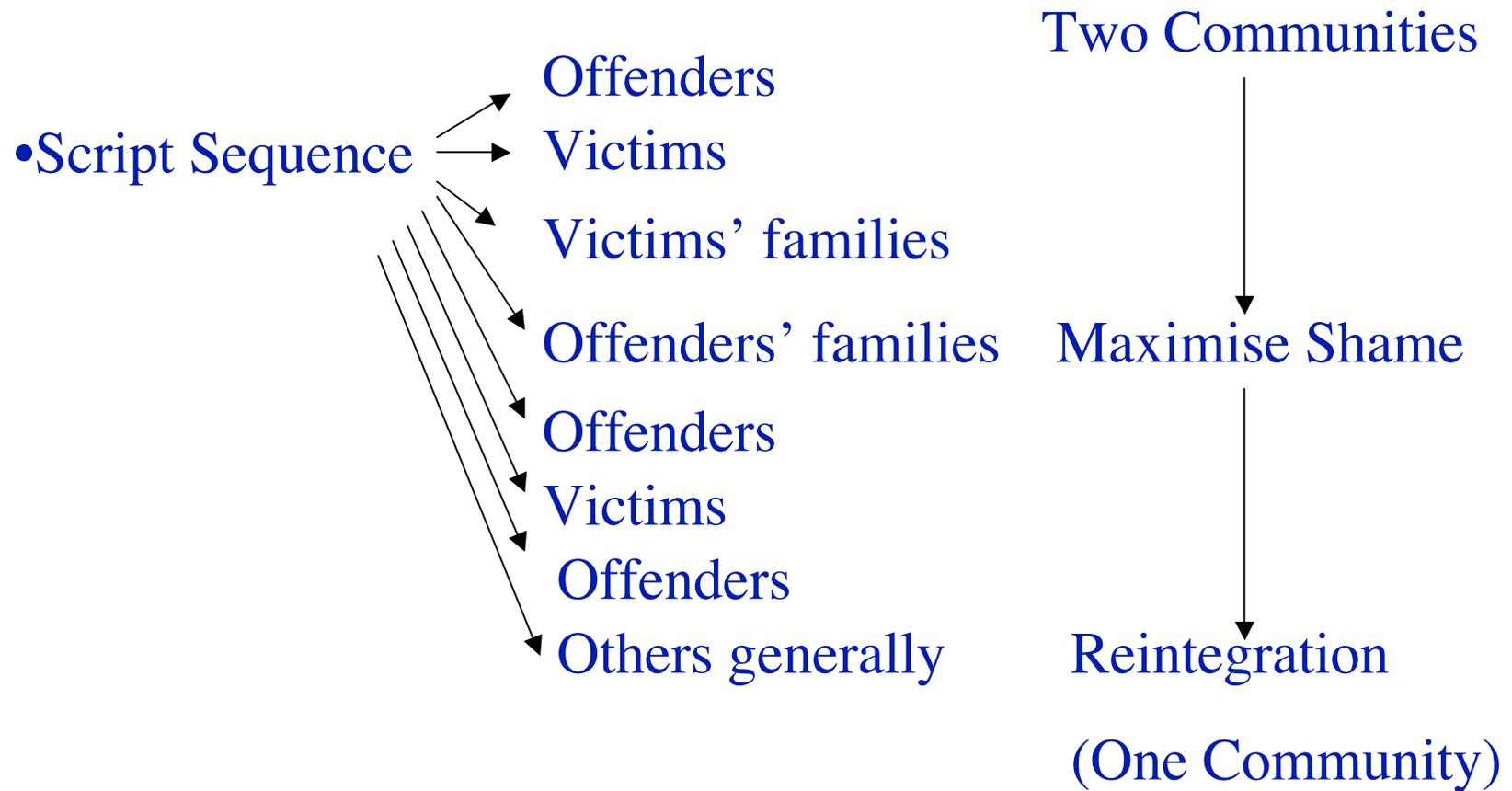
*“Hate the sin, love the sinner”*

## A REINTEGRATIVE APPROACH



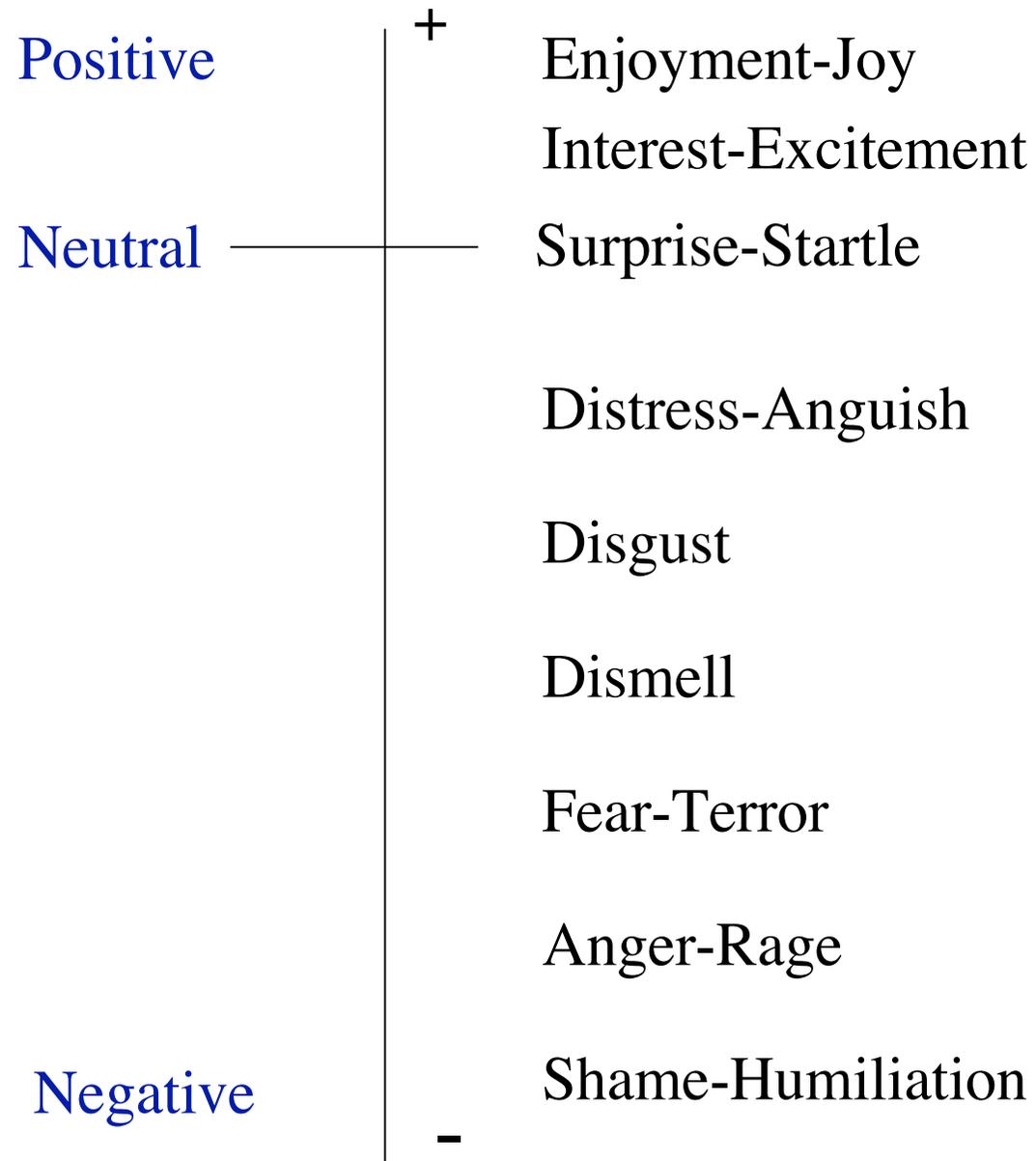
Treating The Person With Respect

# Braithwaite's Theory and Script Protocols



Psychological Explanation  
Silvan Tomkins Psychology of  
Affects

# Silvan Tomkins' Nine Affects

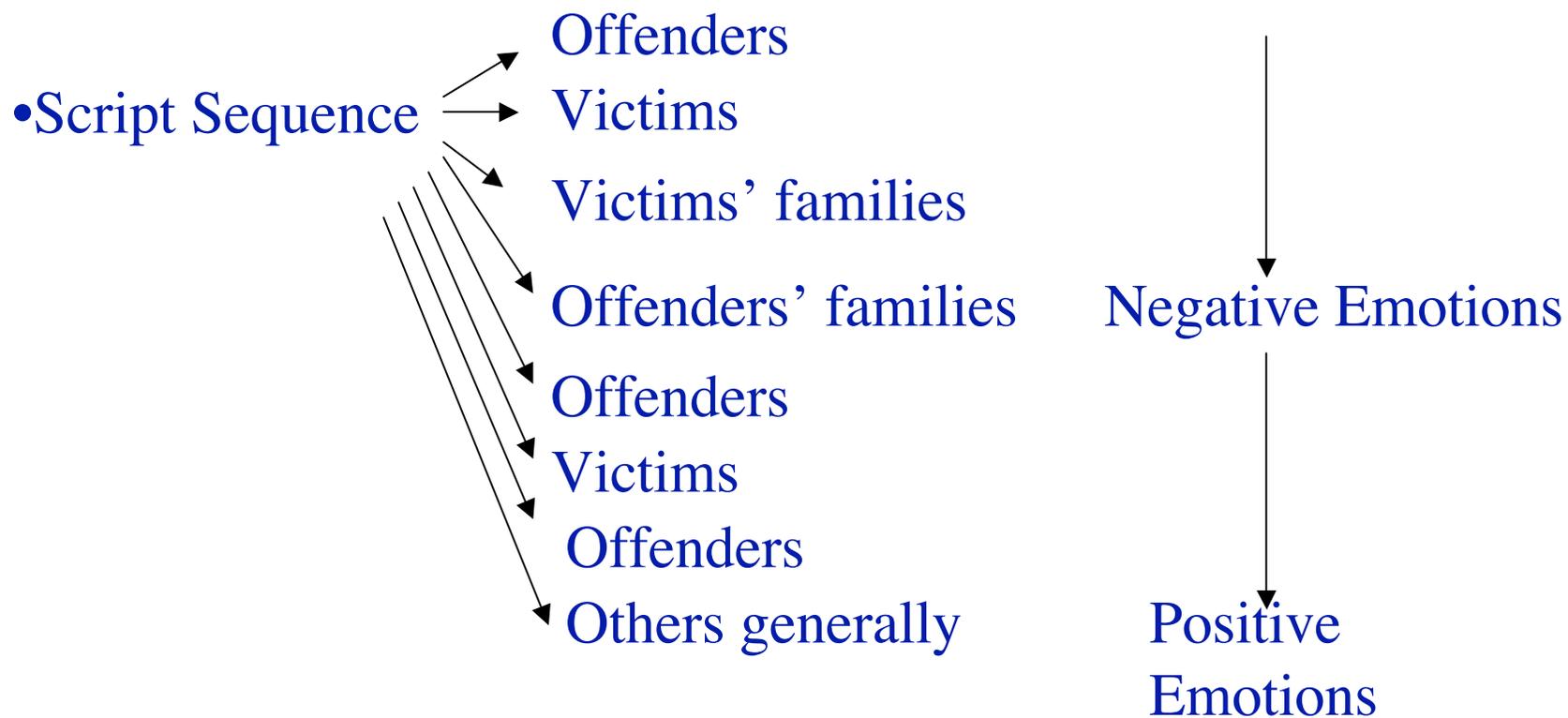


## GOOD RELATIONSHIPS

### ARE EXPERIENCED WHEN WE:

1. Share and reduce negative emotions (*best achieved by listening and acknowledging*)
2. Share and promote positive emotions (*achieved by affirming*)
3. Encouraging the venting of emotions as a way of experiencing 1 & 2.
4. Doing more of 1, 2 and 3 (*essential for building and maintaining good relationships*).

# Psychology of Affects and Script Protocols



# CONFERENCE FRAMEWORK

(PERSON ACCEPTING RESPONSIBILITY)

