Building a Global Alliance for Restorative Practices and Family Empowerment
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‘Why the Real Justice Script?’

Terry O’Connell
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
- Question of best contribution as a facilitator
- 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?
- What do you mean by a ‘Socratic’ style?
- What are the benefits of simply asking questions?
The Script Questions
Rationale For Offender 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

• 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

- Script Sequence
  - Offenders
  - Victims
  - Victims’ families & Supporters
  - Offenders’ families & Supporters
  - Offenders
  - Victims
  - Offenders
  - Others generally
Restorative Explanation
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

- 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?

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

- Script Sequence
  - Offenders
  - Victims
  - Victims’ families
  - Offenders’ families
  - Offenders
  - Victims
  - Offenders
  - Others generally

- Past
- Present
- Future
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

Principle 1

Engagement:
Involving offenders/victims and their families in decisions that affect them, by asking for their input so they can tell their story.

Fair Process

Principle 2

Explanation:
Everyone involved and affected should understand why final decisions are made as they are. Creates a powerful feedback loop that enhances learning.

Fair Process

Principle 3

Expectation Clarity:

Once decisions are made, new rules are clearly stated, so that offenders/victims and their families understand the new standards and penalties/sanctions for failure to honour undertakings.

### OPERATING DOMAINS

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<thead>
<tr>
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<th>TO</th>
<th>NOT</th>
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<tbody>
<tr>
<td>Firm</td>
<td>Story Understanding</td>
<td>Fair Process</td>
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<tr>
<td></td>
<td>Shared Expectations</td>
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How can you practice consistently in this domain?
Restorative Questions

When challenging behaviour, why would the following questions consistently achieve ‘fair process’?:

- 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?
Supplementary Restorative Questions

Why would these questions assist, those *harm*ed by other’s actions, experience ‘fair process?’:

- 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?
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

Agreed Expectations
Challenging Behaviours

Lowers the high bar

Inclusivist
Reintegrative WITH

Treating The Person With Respect

Adapted from Social Discipline Window - Paul McCold and Ted Wachtel - 2000
Braithwaite’s Theory and Script Protocols

- Script Sequence
  - Offenders
  - Victims
  - Victims’ families
  - Offenders’ families
  - Offenders
  - Victims
  - Others generally

Two Communities

Maximise Shame
Reintegration
(One Community)
Psychological Explanation
Silvan Tomkins Psychology of Affects
Psychology of Affects

Tomkins’ Blueprint:

• We are ‘wired’ to want to increase positive affect, and;
• Decrease negative affect;
• We live best when we can accomplish these two goals;
• Anything that increases our power to do this favours life.

NATHANSON 1992
POSITIVE AFFECTS

• Interest - Excitement

• Enjoyment - Joy
  • Make us feel good about ourselves
  • Operate the great feeling associated with: entire range of interesting events.
  • Pleasant (but different) situations where we feel:
    • CONTENT
    • HAPPY
    • JOYOUS

NATHANSON 1992
Psychology of Affects

NEUTRAL AFFECTS

Surprise - Startle

• Acts as reset mechanism

• Detaches us from whatever we had been thinking

• Gets us ready to focus on whatever comes next

NATHANSON 1992
Psychology of Affects

NEGATIVE AFFECTS

• Distress - Anguish
• Disgust
• Dissmell
• Anger - Rage
• Fear - Terror
• Shame - Humiliation

NATHANSON 1992
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*).

Nathanson 1992
Psychology of Affects and Script Protocols

- Script Sequence
  - Offenders
  - Victims
  - Victims’ families
  - Offenders’ families
  - Offenders
  - Victims
  - Others generally

Negative Emotions

Positive Emotions
Linking Practice, Theory & Values

1. Restorative Framework

2. Fair Process

3. Restorative Questions

4. Theory

Explicit Practice
‘Challenge, engagement and understanding: A Restorative Practice approach to building community connections with Indigenous offenders.’

Terry O’Connell
Australian Director, Real Justice
Key Restorative Practice Elements

1. Understanding the client group.
2. Client engagement.
3. Client capacity building.
4. Reflective collegiate practice.
Assist Clients to Build Capacity

This is achieved through:

• Narrative - client story telling.
• Reflection - using the restorative questions.
• Feedback - involves explaining your practice rationale to help clients to better understand their own behaviour e.g. compass of shame.
• Future action - assisting clients identify ‘the way forward’ including ways of widening their ‘community net’.
• Clarifying expectations including reporting responsibilities.
Reflective Practice

This is critical to developing strong collegiate dialogue and consistent practice.
Developing a Restorative Practice Style

As practitioners, what are some of the ways you might begin to:

• Grow your own restorative experiences?
• Integrate restorative practice into your programs?
• Involve (and teach) your clients about restorative practice?
Developing a Broad Restorative Practice Multi-Agency Culture

As an agency, what are some of the ways you might begin to:

• Share the experience with your clients’ families?
• Encourage counsellors and other service providers to embrace restorative practice?
Developing a Restorative Practice
Organisational Culture

What would a restorative culture look like in your organisation?

How do you begin to develop a restorative culture?

What are those existing features (attributes) in your organisation which would support this happening?

What impediments will need to be overcome?