'Developing Restorative Communities’
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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:**
“What do 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.”

REAL JUSTICE®
History - Script Origin
• 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?
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

- Script Sequence
  - Offenders
  - Victims
  - Victims’ families & Supporters
  - Offenders’ families & Supporters
  - Offenders
  - Victims
  - Offenders
  - Others generally
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?”
<table>
<thead>
<tr>
<th>Adversarial</th>
<th>Restorative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus is in the past</td>
<td>Focus in past, present &amp; future</td>
</tr>
<tr>
<td>Preoccupied with blame</td>
<td>Emphasis on resulting harm</td>
</tr>
<tr>
<td>Deterrence linked to punishment</td>
<td>Deterrence linked to relationships and personal accountability</td>
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</tbody>
</table>
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

- Script Sequence
  - Offenders
  - Victims
  - Victims’ families
  - Offenders’ families
  - Offenders
  - Victims
  - Offenders
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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 - 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

Firm/Expectations

TO

NOT

Story
Understanding
Shared Expectations

Fair Process

FOR

Fair/Respect
Sociological Explanation
John Braithwaite’s Reintegrative Shaming Theory
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

Act

Lowers the high bar

Inclusive
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
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  - Offenders’ families
  - Offenders
  - Victims
  - Offenders
  - Others generally

Two Communities
- Maximise Shame
  - Reintegration
(One Community)
Psychological Explanation
Silvan Tomkins Psychology of Affects
Silvan Tomkins’ Nine Affects

Positive +
Enjoyment-Joy
Interest-Excitement

Neutral
Surprise-Startle

Neutral
Distress-Anguish
Disgust
Dismell
Fear-Terror
Anger-Rage

Negative -
Shame-Humiliation

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
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  - Offenders’ families
  - Offenders
  - Victims
  - Offenders
  - Others generally

Positive Emotions
Negative Emotions
CONFERENCE FRAMEWORK
(PERSON ACCEPTING RESPONSIBILITY)

PERSON RESPONSIBLE FOR HARM
VICTIM AND HIS/HER SUPPORT
FAMILY/SUPPORTERS OF
PERSON RESPONSIBLE

PERSON RESPONSIBLE FOR HARM
“ANYTHING TO SAY”?

ASK ALL PARTICIPANTS
WHAT NEEDS TO BE DONE?

AGREEMENT PHASE

CLOSURE AND
REINTEGRATION PHASE

EMOTIONS

Distress Disgust Anger Shame Anxiety

Surprise Interest

Interest Excitement Enjoyment Contentment

HOPE AND RELIEF

STRONGER RELATIONSHIPS

ACTION

Acknowledgement
Listening
Validation
Ownership

Remorse Reflection

Acknowledgement Attribution Reflection Normalisation Change of Status Relationship Building

REFLECTION PHASE

PAST

(Story Telling Phase)

PRESENT

(Reflection Phase)

FUTURE

(Reparation Phase)

RESTORATIVE