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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
- Summary

The Script

RESTORATIVE PRACTICE FACILITATOR GUIDE 1 [Offender/Victim]

- 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).
..... (Offender's name) has admitted his/her part. During this conference I will invite you all to talk about how you and other people may have been hurt or affected by what has happened. This will help us to understand what is needed to make things right.
- Step 2** **Start with Offender/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 offender's family or support people to speak;**
..... (victim's name) what did you think when you realised what (offender's name) had done?
How has this incident affected you?
What has been the hardest thing for you?
- Step 4** **Go back to offender/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 Offender/s:**
"..... (offender'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 Offender/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 being involved in today's meeting. I hope our time together has given us a better understanding of how to deal restoratively with things when they go wrong."

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?

The Script Questions

Rationale For [Offender] Questions 1

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?

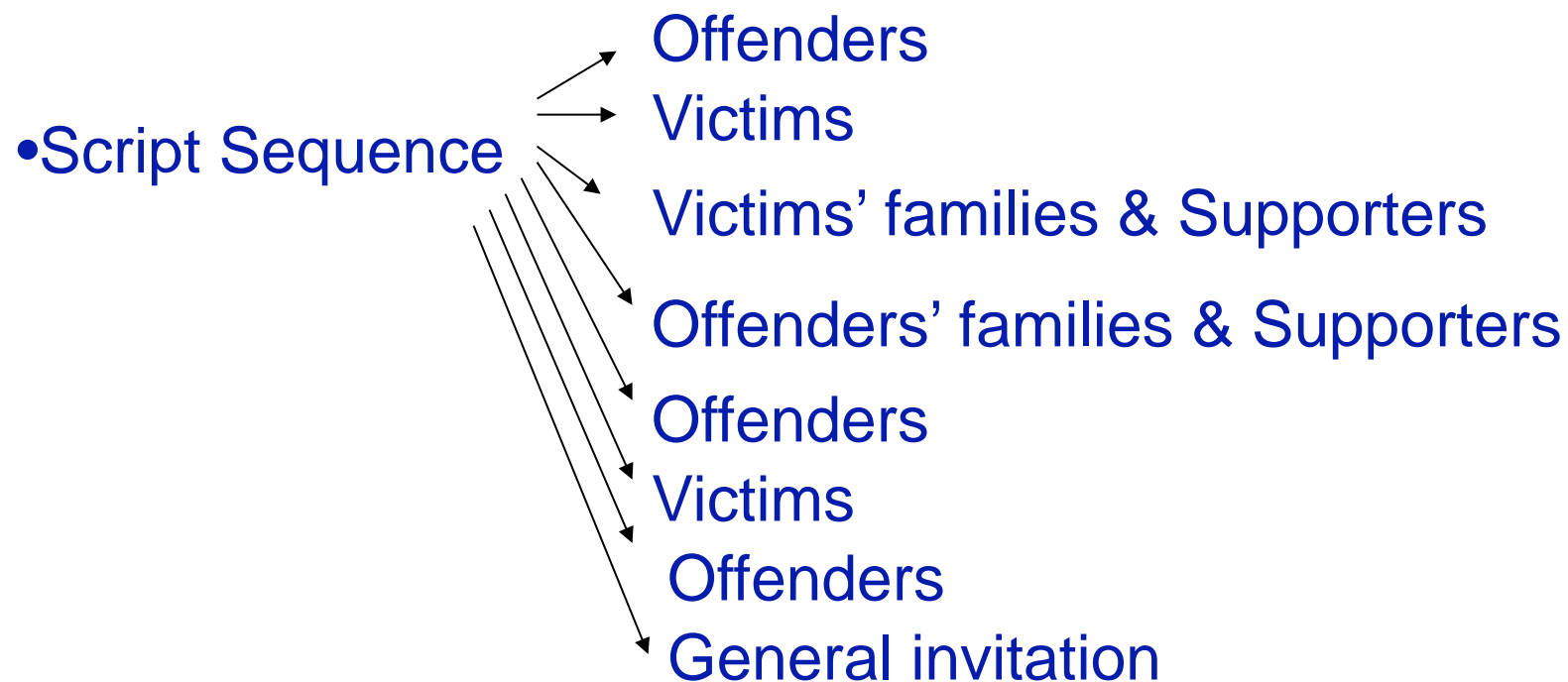
Rationale For [Victim] Questions 11

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 1

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?

Restorative Questions 11

Past

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

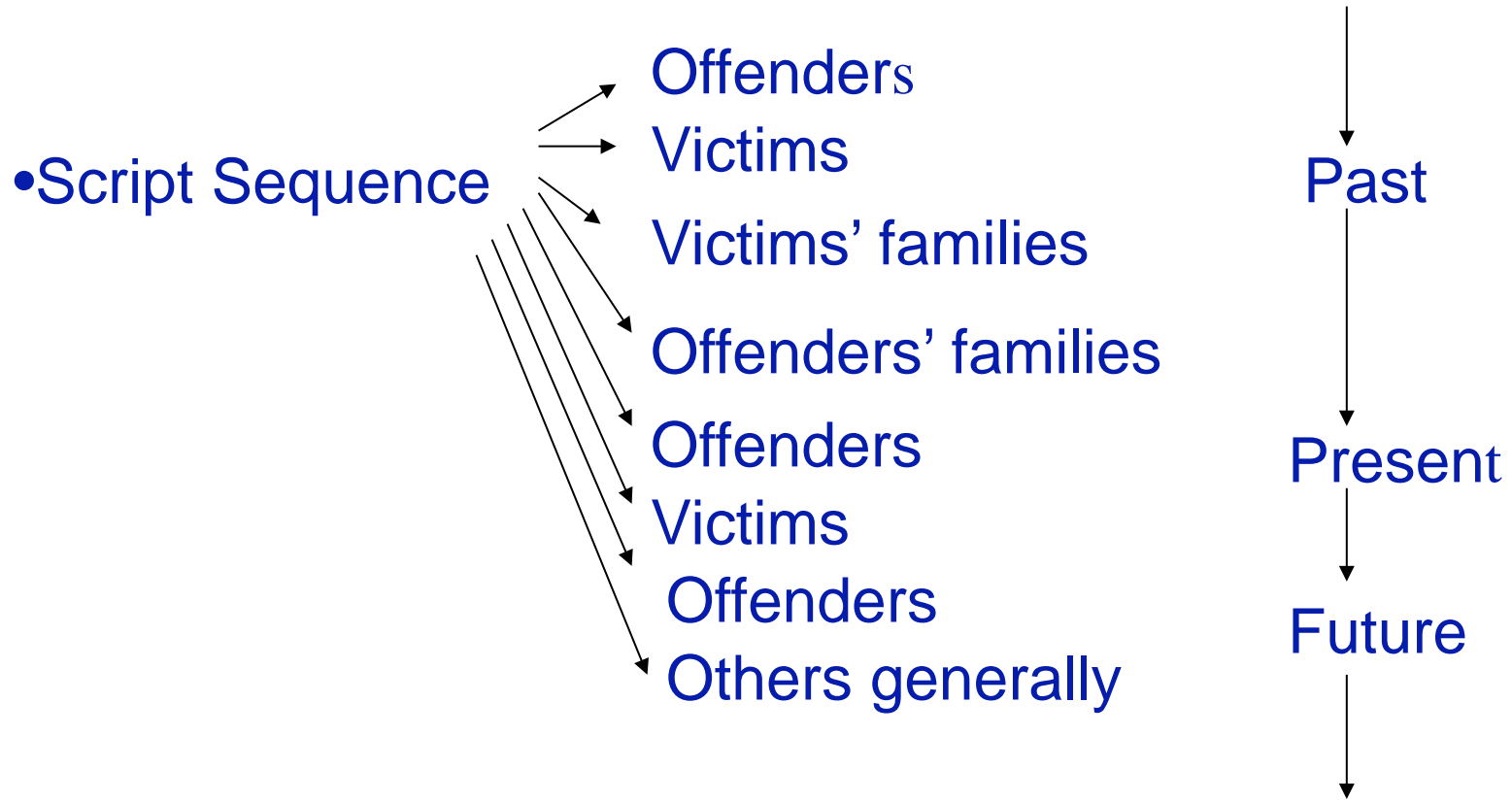
Present

- What has been the hardest thing for you?

Future

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

Restorative Protocols



Social Control & 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	Story Understanding Shared Expectations Fair Process
	NOT	FOR

Fair/Respect

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:

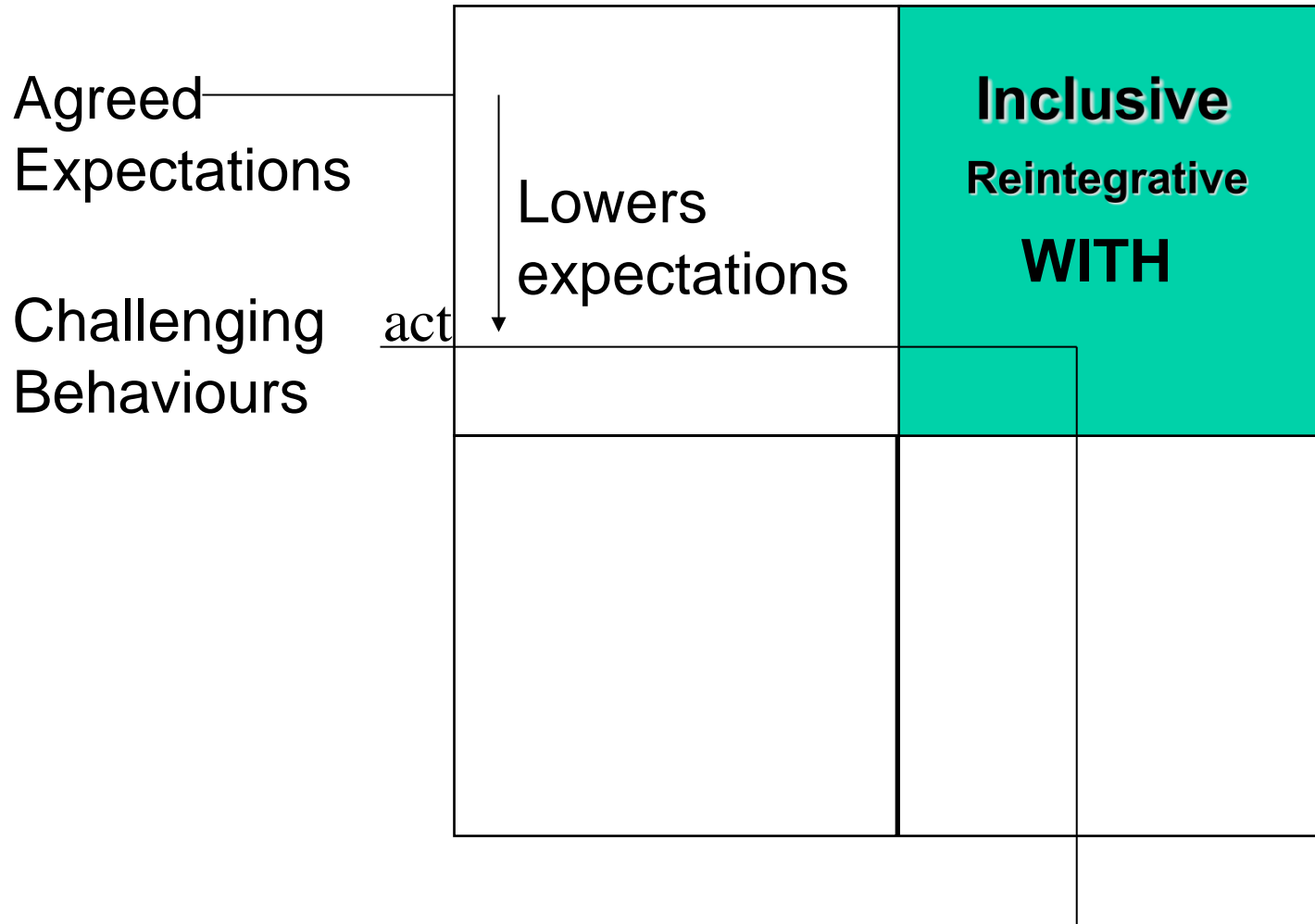
The act (unacceptable behaviours) to be rejected because they failed to reach expectations or standards

WHILST:

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

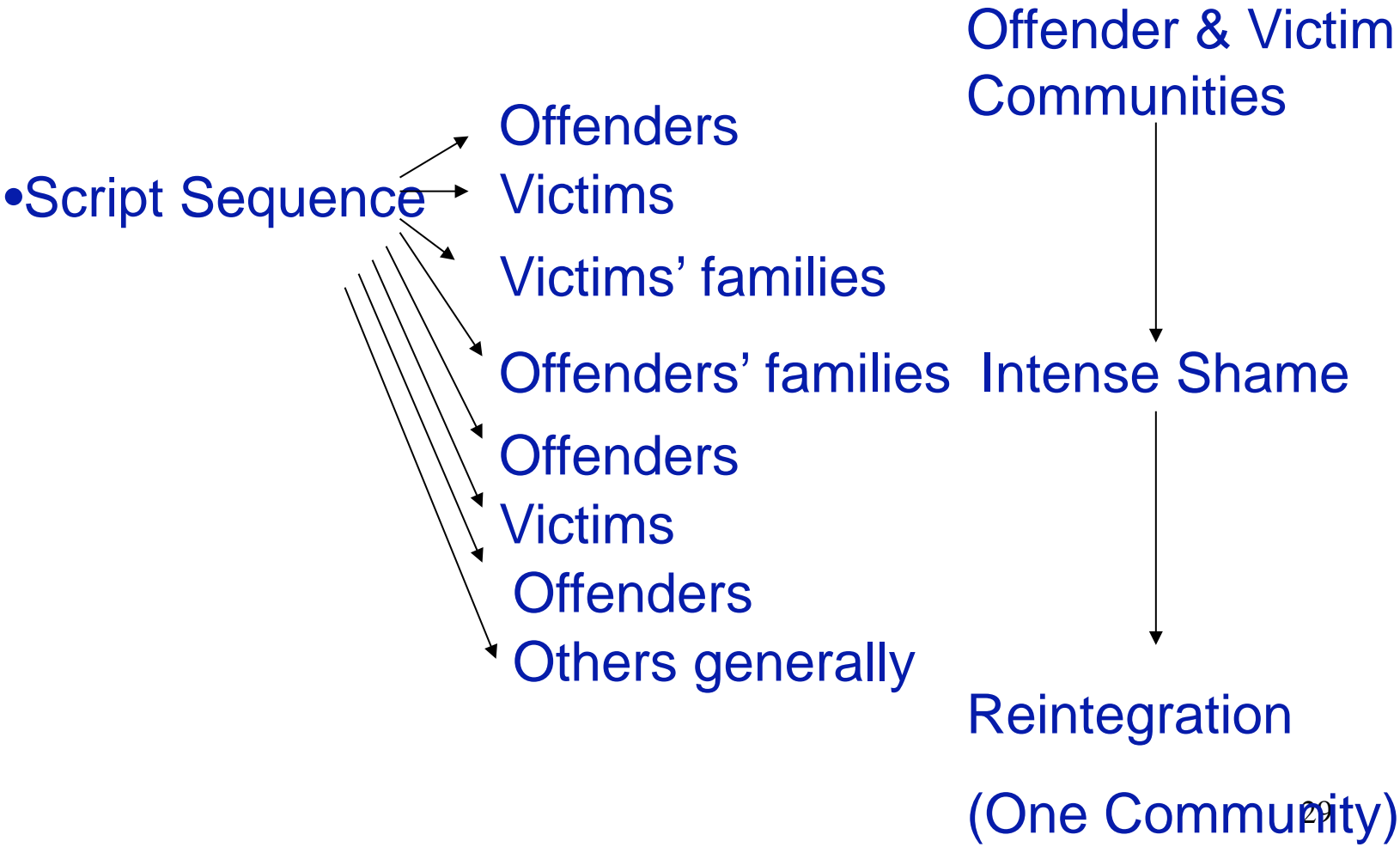
"I like you but not your behaviour"

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

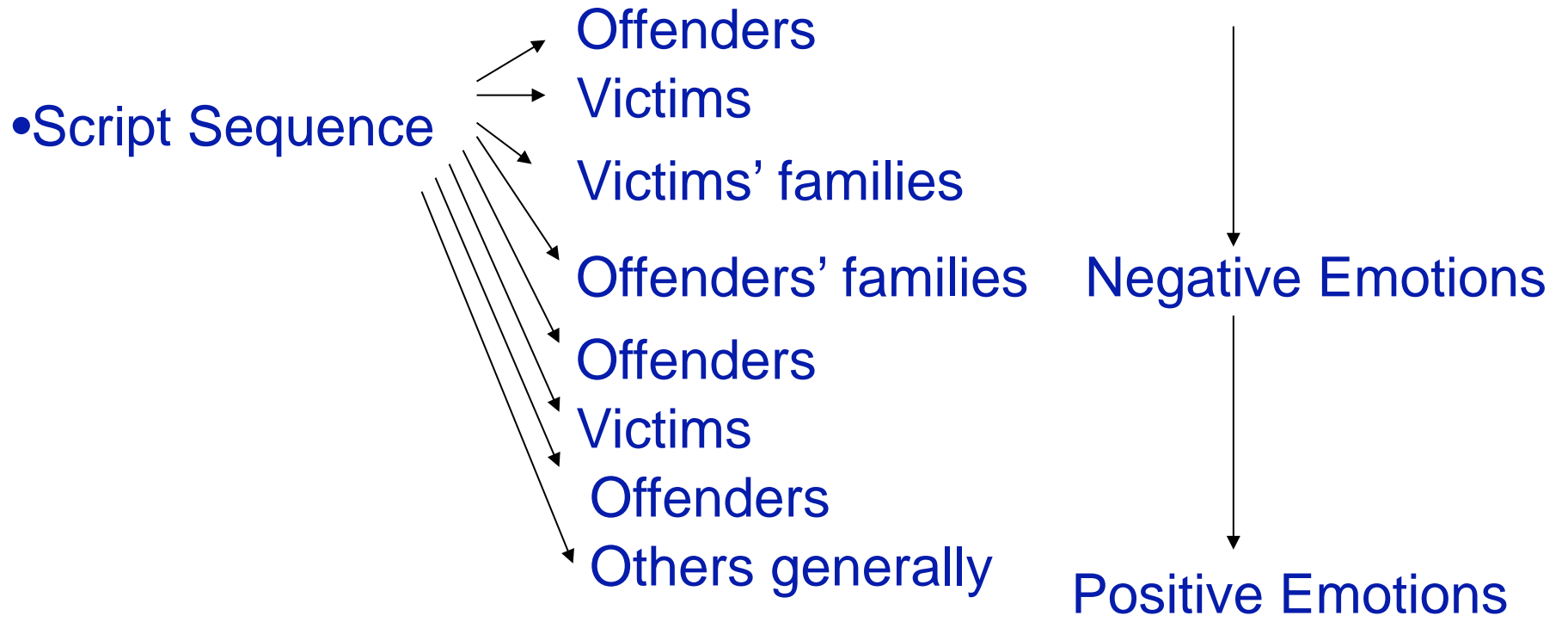


GOOD RELATIONSHIPS

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)

