

# “What do we mean by ‘Restorative Justice’?”

Guest Speakers: John Becker, Q.Med, Dr. Jennifer Ball, Chris Cowie, Sarah Ovens, and Mark Yantzi

By Mary Korica



**John Becker, Q.Med**

practices transformative community mediation for St. Stephen's Community House and is a circle keeper with Peacebuilders International. He has a certificate in Peace and Conflict Studies, and a master's degree in Ethnomusicology.



**Jennifer Ball, PhD, RPP**

**MCIP** is an international consultant and Circle trainer. She is an accredited planner and is co-author of *Doing Democracy with Circles: Engaging Communities in Public Planning*.



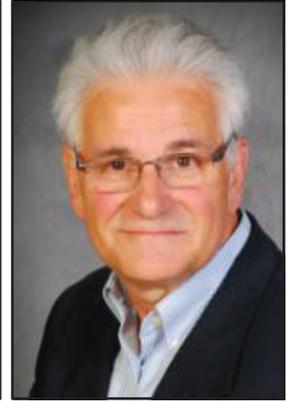
**Chris Cowie, M.A.**

**Leadership:** Chris is the Executive Director of Community Justice Initiatives (CJI). He has previously served as the Executive Director of two agencies in Kitchener. He is the Chair of the Waterloo Region Crime Prevention Council.



**Sarah Ovens** is a community

worker and activist in the fields of harm reduction and prison abolition. She holds a Master of Social Work from the Factor Inwentash Faculty of Social Work, and is a founding member of the Toronto Harm Reduction Workers Union.



**Mark Yantzi** is currently a

mediator with the restorative opportunities program at the Correctional Service of Canada.

The ADR Institute of Ontario's ("ADRIO") Restorative Justice Section presented a live panel discussion and webinar on the topic "What do we mean by 'Restorative Justice'?" on Monday, December 1, 2014 at the ADRIO office in Toronto. The discussion was moderated by John Becker and the panelists were Dr. Jennifer Ball, Chris Cowie, Sarah Ovens, and Mark Yantzi.

To start off the discussion, Mr. Becker asked the panelists to express the intentions and values that underlie their work as Restorative Justice (RJ) mediators. Dr. Ball described herself as working on the preventive end of conflict more than on the frontlines of mediation. She is fundamentally motivated to

facilitate, within both individuals and society, transformation away from the overvaluing of the "masculine" and denigration of the "feminine". She expressed her conviction that the imbalance between the two manifests as patriarchy and other injustice. Dr. Ball defined the "feminine" as a "deep sense of wisdom and intuition" and a valuation of relationships, process and storytelling, saying that it is as important as the "masculine", which is a more linear and goal-oriented quality.

Mr. Cowie described his RJ practice as being about providing a safe place for someone often severely damaged by another person to meet with that individual and, in a conversation

facilitated by the mediator in the direction of uncovering what is most important to them, to address how the injured person's needs can be met. In his experience, a "natural desire for relationship" is usually uncovered and the outcome tends to be surprisingly satisfying to the injured party, both considering the nature of the damage done and how different the outcome is from what an external authority would likely have decided. In the absence of mediation, Mr. Cowie remarked, people tend to lack the social skills to address conflict constructively, and opportunities for human connection are lost.

Mr. Yantzi spoke about being drawn to RJ practice because his origins in a pacifist Mennonite

community led him to see it as a means for peacemaking. He said that his work within the federal prison system is about bringing people in conflict together by focusing on personal connectedness rather than institutional solutions.

Ms. Ovens offered "Transformational Justice" (TJ) as a term more suited to her mediation practice than "Restorative Justice" since she works with people whose conflict situations stem from circumstances that are better overcome than restored: people

**In his experience, a "natural desire for relationship" is usually uncovered and the outcome tends to be surprisingly satisfying to the injured party...**

who, as a result of trauma or lack of supports, are prisoners or former inmates; use drugs or are living on the streets; or have histories of doing so. Her work likewise emphasizes the importance of relationships, since those are the means by which many of our needs are met. Ms. Ovens' intention is to "find better ways to be together".

Ms. Ovens' comment on the term "Restorative" prompted audience member Mr. Peter Bruer, Manager of Conflict Resolution and Training at St. Stephen's Community House

in Toronto, to also challenge the term "justice". He asked the panel how they define it, whether as the justice system in the sense of courts and police and laws, or in terms of universal understandings of human rights, or otherwise. A spirited discussion ensued, with Mr. Cowie, Mr. Becker and Ms. Ovens all emphasizing the strong negative perception that certain groups—especially marginalized ones—have of the justice system, associating it with punishment and injustice. Mr. Cowie and Ms. Ovens agreed that there is a

need to reclaim the term "justice" for those people. Mr. Cowie added that the term "Restorative Justice" was originally chosen because of this reality, and was intended to convey an alternative to the criminal justice system. He also noted his own experience that

the average lay person is more likely to agree to participate in a process labeled "restorative" rather than "transformative".

Long-time Restorative Justice practitioner Molly Bannerman, also in the audience, spurred further debate when she brought up the dilemma of RJ practices commonly being used to address conflicts between individuals who are members of social groups outside of the mainstream of society and whose conflicts are to an important degree the outcome of their marginal status. Yet

the systemic, structural obstacles that "lead to marginalized, disempowered and incarcerated populations" in the first place remain unaddressed. Mr. Becker agreed that it is important to deal with "the systemic limits on people's ability to have good community relations."

Mr. Cowie made the provocative comment that, because of the power imbalance between social groups, "impartiality is one of the most overrated concepts in conflict resolution". He explained that when decision makers who are also part of the social group holding a monopoly of power adopt "impartiality" in making decisions for those without power, the outcome is not impartiality but rather abuse of power. This, he maintained, is why certain demographics are overrepresented in our criminal system. He advocated empowering people to make decisions together, as through RJ processes, to arrive at more reasonable solutions.

Dr. Ball echoed that notion, saying that more widespread use of Restorative Justice Circles, a modality also known as Peacemaking Circles or Listening Circles, "has the potential to transform our culture and society", and therefore encouraged experimentation with the process in new domains. Ms. Ovens expressed confidence in the potential of the Circle process to "build or magnify the voice of people who are marginalized" and to support the innovative alternatives to punishment and criminalization that those groups are already applying in their own communities.

In his final question to the panel, Mr. Becker asked them to recount case histories "from the trenches" to help the audience understand what their jobs as RJ mediators involve. Ms. Ovens talked about her work with the prison abolition



**TO VIEW *ADR Update***

**BACK ISSUES**

<http://adrontario.ca/resources/newsletters.cfm>

organization the Rittenhouse Project, training clients of shelters and drop-in centres in conflict resolution skills, and thereby reducing reliance on exclusion and punishment when difficult situations arise.

Dr. Ball recounted her work using the Circle process to address the dramatic conflict between a Lake Huron coastal community's farming and recreational residents regarding land usage. The outcome was a transformation of the conversation: it led to improved mutual understanding and in-

creased channels of communication between the two groups. Mr. Cowie described the challenge he experiences alternating between his role as the Director of the organization Community Justice Initiatives (CJI), which requires him to be an energetic advocate for RJ, and as a facilitator in CJI's victim-offender reconciliation and facilitative dialogue processes, when he takes a much more backseat approach.

Mr. Becker noted the sometimes mysterious way in which the Circle

process can elicit positive change. He made a point of acknowledging that this powerful, beneficial practice so central to RJ comes from aboriginal culture, from a still-marginalized and disenfranchised social group. Mr. Becker also noted the optimistic view of human nature underlying the panelists' experiences: with practices like those used in RJ, it is possible to "liberate a quality of human spirit that seeks community, relationship and wholeness at a personal and social level". ❁

## Congratulations to the following Members on receipt of their designations:

### New C.Meds

Jeanette Bicknell, C.Med (ON)  
Sarah Collins, C.Med (SK)  
Darlene Doiron, C.Med (Atlantic)  
Susan Jolly-Maxie, C.Med (SK)  
Pierre Lavigne, C.Med (Atlantic)  
Mike Lund, C.Med (MB)

### New Q.Meds

Morgan Knezacek, Q.Med (SK)  
Alicia Kuin, Q.Med (ON)  
Sarah L.P. Manning, Q.Med (Atlantic)  
Melanie Michaud, Q.Med (ON)  
Jill Moriarty, Q.Med (ON)

Dwayne Pyper, Q.Med (ON)  
Paul Robichaud, Q.Med (ON)  
Marlene Weston, Q.Med (SK)

### New Q.Arbs

Cecil Jaipaul, Q.Arb (ON)  
Roy McPhail, Q.Arb (MB)  
Yvonne Whyte, Q.Arb (ON)

### New Certified Family Mediator- ADRIO Designation

Steven Benmor, Cert.F.Med

## Do you have your designation yet?

The Chartered Mediator (C.Med) and Chartered Arbitrator (C.Arb) are senior designations. These, as well as the Qualified Mediator (Q.Med) and Qualified Arbitrator (Q.Arb) are Canada's only generalist designations for practicing mediators and arbitrators. They demonstrate the member's specific credentials, education and expertise. Recognized and respected across Canada and internationally, they allow the holder to convey their superior level of experience and skill. Clients and referring professionals can feel confident knowing that ADR practitioners holding an ADR Institute of Canada designation have had their education and performance reviewed, assessed and verified by a team of senior and highly respected practitioners.

For more information and application criteria, visit <http://adrcanada.ca/resources/designation.cfm>