Restorative justice: the promise and the challenge
by Lorraine Stutzman Amstutz

Mennonite Central Committee (MCC) has a long, pioneering history of theoretical and practical restorative justice work in both Canada and the United States. So, for example, Howard Zehr, the first director of MCC U.S.’s Office on Crime and Justice, has been credited with presenting a different lens through which to view our legal system and with calling for a new paradigm of justice with regards to crime. This paradigmatic shift involved moving the questions asked within a system of punitive justice—What laws were broken? Who committed the crime? and What should the punishment be?—to a new set of questions focusing on what justice requires from victims and offenders, questions such as, Who has been hurt? What needs have emerged from the crime? and Who bears the obligations to put things as right as possible?

MCC U.S.’s Office on Crime and Justice collaborated with MCC Canada’s Offender Ministries to promote Victim Offender Reconciliation Programs (VORP) in communities in both Canada and the U.S. Today hundreds of programs around the world bring together victims and offenders in dialogues to answer the restorative justice questions above, seeking to address, and if possible restore, broken relationships, rather than exclusively focusing on broken laws. VORP and similar programs provide opportunities for victims to be included in a justice process from which they have often been excluded and allow offenders to understand how their actions have affected people they have harmed and to take responsibility for the harm. These restorative justice practices provide communities with healthy ways of responding to harm, in contrast to solely punitive models of justice that too often further stigmatize and alienate both victims and offenders.

These programs have expanded as practitioners have broadened and fleshed out the principles and values that undergird restorative justice. Dialogues between victims and offenders initially—and still today more commonly—take place in response to crimes considered on the less serious end of the continuum of harm. Yet today restorative justice practitioners respond not only to requests of victims from such crimes as auto theft,
but also from family members of murder victims. Practitioners have also increasingly recognized the limits of processes that happen after crimes are committed, asking how to work at community harms before crimes are committed and people enter the legal system. Such reflection has led to hundreds of teachers and administrators exploring restorative discipline in schools, examining how they might respond to conflict and disruption within school systems in ways that are positive and life-giving and prevent such conflicts from spiraling into harm and violence.

As restorative justice approaches become more widespread a tension arises between attempts to develop professional, common standards, on the one hand, and an insistence on community-specific practices that do not necessarily fit within a certain standardized mold, on the other hand. The development of a recently-formed national association of community and restorative justice practitioners reflected the fact that some practitioners feel marginalized by the emerging restorative justice discipline and accordingly resist a knowledge base that promotes professionalized standards.

As these discussions about where practices are embedded continue, we must underscore that restorative justice is not a new concept. Rather, it is rooted in Indigenous cultures around the world that have known restorative justice as a part of all-encompassing ways of life rather than as a defined practice. Many of those traditional ways of living in community have been suppressed or lost through colonization and it is critical to acknowledge that Indigenous communities are now seeking to reclaim their own traditional practices that those of us in the dominant culture have been calling restorative justice.

With the establishment of the Office on Crime and Justice in the mid-1970s, MCC U.S. began looking for redemptive ways that crime could be addressed. That office merged in the 1990s with Mennonite Conciliation Services, at a time when practitioners increasingly recognized that restorative justice must address conflict as well as harm within our communities and that issues of justice were much broader than those dealt with in the legal system. These realizations have prompted debate about the place of restorative justice within peacebuilding. How do we distinguish peacebuilding and restorative justice (or should we distinguish restorative justice and peacebuilding), particularly when the language of restorative justice is not universally used or accepted?

A frequent criticism of restorative justice is that it lacks an agreed-upon definition to provide clarity about its nature. In contrast, I frankly believe that one of the strengths of restorative justice is that many of its practitioners are trying not to define the principles, processes, and practices of restorative justice in an overly narrow manner. Definitions aimed at standardizing restorative justice have largely come from those with a particular worldview—a worldview that values models of practice that are clearly defined. Rather than seeking to develop narrow, standardized definitions of restorative justice as an academic field, practitioners in Canada and the United States would do better to focus on ensuring that Indigenous peoples, too often absent from telling their own stories and practices of restorative practice, have an active, lead role in shaping what the future holds for restorative justice theory and practice.

My co-compiler, Stephen Siemens, and I have sought in this issue of Intersections to acknowledge the complexity of naming and defining ways
of working at conflict and specifically restorative justice by including stories from varied global contexts. We trust that the articles included here will provide a broader awareness of the scope of restorative justice and the complexity involved in determining whether specific practices fit within the restorative justice framework.

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Indigenous eyes to restorative justice

Over the years of embracing difficult issues as they pertain to Indigenous people, including those that involve non-Indigenous society, and trying to wade through the complexity, we have found it a difficult task to give a name to exactly what we are doing. We believe this difficulty comes from what you could call our worldview and chosen, cultural way of viewing life. As descendants of the Indigenous peoples of this part of the world whose stories stretch back thousands of years, we still follow many of the teachings that go along with an earth-based culture. That is, most of the Indigenous societies and peoples that lived on this continent strove to live with the environment as a relative, mimicking the flow, cycles, and rhythm of the entire natural world rather than to dominate it. Patterning the natural world and continually nurturing that natural world within ourselves through our Indigenous languages, ceremonies, and cultural practices have led to an all-encompassing way of viewing life and the world around us. Out of this Indigenous cultural milieu emanated a way of dealing with conflict and difficult situations that followed the basic understanding that all things are connected or related. Therefore, when something is amiss, we should look to and draw in the relatives to help figure out a way of dealing with any breach in relationships.

For many Indigenous nations no specific name or institutional program existed for dealing with conflict. Rather, addressing conflicts was simply a natural way of dealing with a situation as conflict was viewed as a natural occurrence as well. For this reason we have found it challenging to embrace the name of restorative justice, other than for the pragmatic reason of bringing some sort of context to what we do in this modern world. We especially find it difficult to name our practice “restorative justice” when restorative justice is presented as a specific process or even only a specialized program to deal with crime and conflict without realizing that the roots of restorative justice come from a holistic worldview markedly different from that of European settlers. Even more frustrating is the experience of non-Indigenous practitioners of restorative justice not recognizing the importance that many Indigenous people put on the need to restore this Indigenous worldview. On the whole, the restorative justice movement fails to embrace the need to de-colonize the colonial North America in which we live. Restorative justice practitioners too often remain blind to the depth of harm that has been and continues to be administered upon this land and its Indigenous peoples. The challenge, as we are incorporated into the current restorative justice movement, becomes to assist practitioners of western restorative justice approaches to see just how far-reaching an Indigenous understanding of restorative justice can be and what it might mean to restore our worldview.

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So the next question that must be considered becomes: What is involved in the journey of restoring our Indigenous worldview? As two Indigenous people actively involved in trying to answer this question, we have come to realize the importance of NOT asking, “What is wrong with you?” but rather asking, “What has happened to you?” This question takes the focus off of seeing individuals in conflict, or offenders, or even the conflict event itself, as the main or only issue, and shifts focus back into the life of the individual, or individuals, involved in the conflict and peels back the layers endeavoring to expose the entire picture of the conflict situation. Further, this line of questioning helps us to look at systemic and historical issues that have inevitably shaped the conflict situation. For restorative justice practitioners to operate with integrity, they must be well-versed in understanding the history of colonial oppression in this land and must understand how unresolved trauma plays out in the lives of individuals and historically-oppressed people groups. As Indigenous people we want restorative justice practitioners to have an acute understanding that so many deeply traumatic events have happened to Indigenous peoples on this land over the centuries.

For Indigenous people and settler communities of this land, an answer to the question “What happened to you?” becomes, “Colonization happened to us.” Restorative justice approaches must therefore focus on undoing the effects of colonization, both historical colonization and those current colonial practices we continue to face. In a February 27, 2008 report on Institutional Colonization and the Delivery of Healing Programs in First Nations, Rupert Ross quotes Indigenous staff members from Hollow Water’s Community Holistic Circle Healing (CHCH) Team as stating:

Much of what used to be described as healing is now viewed as decolonization therapy by the CHCH Team... Community healing as decolonization therapy involves: articulation of the principles that promote health and balance for the community; supporting people to move back into balance; and basing all community systems on healthy balanced principles and taking full responsibility as a community journey.

De-colonization, it should be emphasized, is not only for those of Indigenous North American descent. If we extend the questioning of “What happened to you?” to investigate further the process of colonization, then we have to ask colonizers: “What has happened in your past that allowed for you to participate in the atrocious acts of colonization? What patterns of colonization do you carry with you passed down from generation to generation?” In our opinion, as we reflect on our own healing processes, the colonizer in order to colonize must have experienced being colonized without being able to heal appropriately from it. Perhaps the biggest lesson to be learned for practitioners of restorative justice is for practitioners to turn the process inward and ask the questions that lead all participants in restorative justice practices to discover their own part in the history of colonization and to recognize the lingering effects of what happens when the harm caused by colonization goes unaddressed. Indeed, effective restorative justice processes at their core involve creating a respectful setting in which truth can be told and heard and in which participants can carefully explore the large contexts of the conflicts at hand, leading to collaborative decisions that are restorative in nature. Effective restorative justice processes open up spaces in which the skill and practice of what it means to be a human being to...
one’s surroundings as a relative can be nurtured and in which patterns of colonization in all of us can be changed.


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Restorative discipline in schools

My work with schools and interactions with students in Kenya was always made miserable whenever disciplinary issues arose. I loved the children I taught and wanted to help them, but I was never at peace with the traditional calibration of punishment against the level of misbehavior. Working mainly with orphaned and vulnerable children, I knew that these kids had continually been caned, slapped, and treated in a mean way by life itself. I hated to see more pain inflicted upon them, even if for the greater good of classroom order. Time and again I shed tears as I peeped through the window of my office to catch a last glimpse of students leaving the school compound due to suspensions and expulsions following acts of what our school administration considered major infractions. I kept wondering if there was another way to approach classroom discipline.

After taking a course titled Victim Offender Conferencing (VOC) at the Center for Justice and Peacebuilding at Eastern Mennonite University, my head immediately started spinning. I next turned my attention to the Restorative Justice course and my thinking towards school discipline was forever changed. I came out of that class determined to introduce restorative approaches in Kenyan schools, starting with the one that I ran. I made up my mind that I would make time and listen to students.

As the director of the institution, I excitedly shared restorative approaches with my staff and believed they would embrace them with enthusiasm similar to mine, but I was wrong. Some rejected the approach outright while the kinder ones tolerantly listened to me and expressed appreciation for these new concepts, but never put the approach into practice. Undeterred, I began borrowing heavily from the Little Book of Restorative Discipline in Schools as I sought resources to aid in promoting restorative discipline in Kenyan schools. None of the institutions, including Kenya’s Ministry of Education, gave funding. So I started marketing the restorative discipline approach to private schools, who quickly grasped it. My daily planner soon began filling up. I created a module and held a full day workshop for each school. Wherever I trained teachers, they would introduce me to another school. I have now trained teachers in many private schools with very good feedback. But this is only a start; I yearn to conduct similar trainings in public schools where the use of physical, verbal, and non-verbal violence is part of the daily routine.
The Kenyan Ministry of Education banned corporal punishment in 2003. But since then teachers and parents have continually called for the reinstatement of the cane. They complain that the removal of the cane has made discipline in schools impossible. Teachers see the removal of the cane as disempowerment. Some choose to continue using it while risking prosecution, while others decide to be hands-off and allow kids to do whatever they please. Parents and teachers are desperately looking for a solution to the perceived “unruliness” of the youth. Experience has shown that we cannot remove a commonly used practice like caning, regardless of its ineffectiveness, unless we provide other tools for teachers to use.

I conduct one-day workshops where together with teachers we look at the traditional disciplinary approaches and then explore alternative options. Often teachers start by rejecting restorative discipline, arguing that African children do not understand any other way apart from the cane. After a session looking at traditional discipline and another exploring restorative approaches, teachers go into group work using case studies. As they work through the case studies, teachers become visibly torn between the old and the new way. The process of transformation starts during the circle process when teachers begin to reflect on their treatment of students with behavior problems. The circle also gives an opportunity to map out future interactions between teachers and students. The circle session is filled with difficult emotions as teachers recall individual instances in which they lost opportunities to dialogue with their students. While I enjoy seeing teachers regretting how they treated students, I cannot stop wondering why a teacher would be so hurt by actions of children as young as four years old.

My workshops start and end with a written evaluation. The idea is to measure how far the teachers have moved along the retributive-to-restorative discipline continuum. Both evaluations include the question: “What is one word that describes your feelings towards the most notorious student in your class?” The positive change in reported feelings by the end of the day is so great that participating teachers emerge from the training convinced that the administrators, students, and parents at their schools should go through similar workshops exploring restorative approaches. In the schools where this has happened, relationships among administrators, parents, teachers, and students have changed in ways that are visible even to outsiders.

Recently I started using listening projects for students struggling with substance abuse. Although my knowledge of issues of drug abuse and rehabilitation is limited, I never saw any gain in expelling students who were struggling with the habit, viewing such measures as simply transferring a problem from one school to another or to the wider society, where no helpful behavior change mechanisms exist. I started engaging students privately and was always thankful whenever students felt safe to share about their struggles freely. In one such instance, two boys suggested that we start a support group for those who were struggling with drugs within our school. This was a major breakthrough. Within a few days we were sitting in a circle with over 20 youth raising awareness on substance abuse. This has resulted in a huge student-to-student campaign on the dangers of drug abuse. We have continued to meet weekly with the group, with wonderful testimonies and success stories shared openly. Stigma related to having been a drug user has been overcome and the spirit of brother- and sisterhood is evident among boys and girls who demonstrate a readiness to help one another.


Much work remains to be done. I have begun extending training in the use of restorative approaches beyond the school setting to include families: this new direction is quickly gaining momentum. And the significant challenge of partnering with the Kenyan Ministry of Education in introducing restorative discipline approaches into the public schools continues to loom large. Yet despite the challenges before us, by providing space and opportunities for teachers and community members to learn and reflect on alternative discipline, many Kenyan schools have been convinced to adopt new methods of restorative discipline. This inspires us to move forward and gives us hope for the future.

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**Sexual offending and restorative justice**

Persons who have committed sexual offenses are widely feared and despised in society today. Many people see these offenders as monsters waiting to create more victims. The general perception is that sexual offenders are the most dangerous of criminals. They are treated as the lepers of today’s world and are often completely excluded from and isolated within the communities in which they live.

The fear and hostility people feel toward persons who have committed sexual offenses are grounded on particular assumptions, including the beliefs that:

- the incidence of sex crimes has increased in recent years;
- sexual offenders re-offend at a higher rate than other offenders;
- most sex offenders target strangers rather than people they know; and
- tougher laws will prevent new sexual offenses and create a safe community.

Many of these incorrect assumptions derive from publicity about a handful of particularly horrific crimes. Seven-year old Megan Kanka was abducted, sexually assaulted, and murdered in New Jersey in 1994 by a released sexual offender who had two prior convictions of child molestation. Jessica Lunsford was raped and murdered in Florida by a released sex offender in 2005. Many states now have laws aimed at protecting the public named after these two girls.

Thus the most heinous crimes have increasingly become the basis for legislation regarding sexual offenders. Yet these crimes do not adequately reflect the realities of sexual offending. Sex crimes fall along a continuum, ranging from possession of child abuse images (child pornography) to indecent exposure to violent rape and murder. The overall incidence of sexual crimes in the United States has actually decreased since the early 1990s. Most persons who commit sexual crimes know their victims and the rate of reoffending for sexual offenders tends to be lower than other criminals. Information about sexual offending and sex offender
management is readily available on the websites of the Association for
the Treatment of Sexual Abusers (ATSA) and the Center for Sex Offender
Management (CSOM), yet unwarranted assumptions about sexual
offenses continue to shape the public imagination as well as public policy.

In response to society’s fear of persons who have committed sexual
offenses, the legal system is being used in a particularly aggressive manner
with the hope of creating safer communities. The title of California’s law
about sexual offenses makes its intent clear through dramatic rhetoric:
“The Sexual Predator Punishment and Control Act: Jessica’s Law” (italics
added). The “Findings and Declarations” section of the law illustrates the
dependence on the legal system to prevent sexual reoffending: “The State
of California currently places a high priority on maintaining public safety
through highly skilled and trained law enforcement as well as laws that
deter and punish criminal behavior (California General Election Official

As jurisdictions have enacted similar laws aimed at protecting the public,
researchers found that measures such as residency restrictions for sexual
offenders, GPS monitoring, a sex offender registry accessible to the public,
and public notifications do little, if anything, to create a safer community.
Instead, they may destabilize the life of an ex-offender and put him or
her at greater risk of re-offending. A national organization, Reform Sex
Offender Laws, Inc. (RSOL), is actively working to raise awareness of the
unintended consequences of sex offender legislation and to bring change.

Added to the challenges caused by laws intended to create safer
communities is the reality that most parole or probation supervision for
sex offenders released from prison gives little attention to the needs of the
ex-offender, to his or her rehabilitation, or to the challenges sex offenders
face in transitioning from prison to the community. Restorative justice
provides one necessary approach in the form of the Circles of Support
and Accountability (COSA) program. COSA is a community-based
program that gives communities responsibility for their own safety and
takes seriously the needs of both offenders and victims. Two foundational
principles of COSA are: 1) No More Victims and 2) No One Is Disposable.

COSA, as it operates in Fresno, California and other communities, is a
prisoner re-entry program that works with persons who are classified as
high-risk sex offenders. A Circle or small group of three to six trained
volunteers from the community is formed for an ex-offender (called the
“Core Member” of the Circle). The Circle meets together regularly—
weekly to start with—as the Core Member transitions into the community,
providing practical, physical, emotional, and spiritual support for the
Core Member along with holding him or her accountable for safe living.
In between formal meetings of the Circle volunteers have frequent contact
with the Core Member. The Circle is supported by a coordinator and by
professionals available for consultation on an as-needed basis.

Participation in COSA is voluntary for offenders and is not a condition
of supervision. Volunteers from the community come from various
backgrounds and bring a variety of experiences and perspectives. COSA
works in cooperation with supervising authorities, but volunteers have
a very different relationship with the Core Member. The relationships as
friends in COSA are the key to its success. These relationships hold the
Core Member accountable and encourage him or her to take responsibility
for offenses, while at the same time providing much-needed support.
as the Core Members work on putting their lives back together. These relationships stand at the heart of creating a safe community and bringing healing to a person who has committed a sexual offense.

COSA was originally developed in Ontario in 1994 and is currently one of the programs of MCC Ontario. COSA programs have spread across Canada and the United Kingdom, with new programs developing in several other countries, including the United States. Experience and research across Canada has shown that providing support for persons who have committed sexual offenses while holding them accountable is very effective in creating safe communities and assisting ex-offenders to lead productive lives. A 2007 study showed that COSA participants had 83% less sexual re-offending than the matched comparison group (Wilson, Cortoni, and Vermani, 2007, i). Currently the Canadian Government is in its fourth year of a five year national demonstration project studying the impact of COSA across 16 sites in Canada.

The mission of COSA as originally articulated by the first Ontario program is: “To substantially reduce the risk of future sexual victimization of community members by assisting and supporting released sexual offenders in their task of integrating with the community and leading responsible, productive, and accountable lives.” While the work of COSA obviously focuses on offenders, it strives to do its work with sensitivity to the needs and concerns of victims/survivors of sexual abuse. It also recognizes that some offenders are also victims and seeks to address their needs. While victim/offender dialogue is often not appropriate in cases of sexual abuse, there is openness to such dialogue if and when it is appropriate.

COSA has been one of the service programs of the Center for Peacemaking and Conflict Studies of Fresno Pacific University since 2007. In that time over 50 Circles have been formed in the larger Fresno area, providing support for persons who have committed sexual offenses, while at the same time holding them accountable to create no more victims. One of the Core Members in Fresno speaks of the importance of COSA in his life: “COSA is a lifelong commitment because I need them and I’ve got nobody else. They’re my friends. They’re my family. They’re more than just support.” On another occasion he said “COSA is there to keep me remembering. They are there and we talk and I always remember that the only way that I’m going to have a life like I have now is to never fall back on the behavior. I have to be accountable. There is no one else, no one else is going to do that part for me.” Relationships that elicit that kind of response have great potential to bring healing and hope to victims, offenders, and communities who have experienced the trauma of sexual abuse.

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See Peace.fresno.edu/cosa/ and http://www.cosacanada.com/

10 year outcomes for CoSA in Calgary, AB. Available at http://measuredoutcome.org/portfolio/circles-of-support-and-accountability-calgary/


Restorative justice and the Truth and Reconciliation Commission

From the mid-1800s to 1996 the government of Canada, in partnership with some Christian churches, operated Indian residential schools (IRS) in an attempt to assimilate Aboriginal children into the broader Canadian society. Children were effectively isolated from their parental culture, language, and intellectual and spiritual environments. Over seven generations, more than 150,000 First Nations, Inuit, and Metis children went through the IRS system, with devastating consequences. In their 2012 interim report, the commissioners of the Truth and Reconciliation Commission (TRC) appointed by the Canadian government highlighted the ongoing impact of the residential schools, stressing that this “legacy from one generation to the next has contributed to social problems, poor health, and low educational success rates in Aboriginal communities today” (Truth and Reconciliation Commission of Canada: Interim Report, 1). The TRC organized events across Canada to address the systemic and individual abuses of the IRS system. After describing the history that led to the establishment of the TRC, I will explore whether or not the TRC as experienced at the Saskatchewan National Event represented an expression of restorative justice adequate for addressing the large historic injustices that continue to shape the contemporary realities of both First Nations and settler communities in Canada.

In the 1990s, survivors of the residential schools and researchers began documenting the emotional, physical, and sexual abuses inflicted upon children in residential schools. Groups of Indigenous survivors filed civil class-action lawsuits against the federal government and the churches that ran the schools. In 2007 a large out-of-court settlement involving the government, the churches, and the residential school survivors called the IRS Settlement Agreement (SA) was reached to address the IRS legacy.

One of the conditions of the SA was the establishment of the TRC of Canada. In its attention to stories of harm perpetrated against First Nations children and their communities, TRC commissioners heard and secured a permanent record of each statement. Survivors shared their testimonies in multiple venues, including at the Commissioners’ sharing panel, sharing circles organized by the survivors’ committee, and at private statement gatherings. Survivor statements shared publicly helped non-Indigenous Canadians understand the harmful IRS legacy. At the TRC Learning Place, residential school survivors and researchers used posters, photographs, and videos to narrate the histories of residential schools. During the TRC Indigenous peoples supported one another through cultural ceremonies, round dances, concerts showcasing First Nations artists, a tipi village, and a sacred fire.

According to basic restorative justice principles, when a crime is committed and harm inflicted, relationships are broken and violated. Crimes have a harmful impact not only on victims, but on offenders and the broader community as well, with social bonds rendered. The responsibility of the community, from a restorative justice perspective, is to set things right and to repair these broken communal ties. Restorative justice practitioners ask: Who has been hurt? What are the needs of victims? Whose obligation is it to address these needs?

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The national hearings provided opportunities for survivors to tell their truth outside of the adversarial court environment. At least one of three commissioners attended each statement, ensuring an archived record of the TRC proceedings. Those who listened bore witness, but not as jury, to the legacy of peoples whose family and community life were irrevocably altered by the residential school system. Survivors recounted stories of systemic harm and individual abuses endured. Many tears were shed and the pain soaked tissues that were collected, to be released later in a sacred fire. Not only did survivors share stories: representatives from church groups and civic organizations offered expressions of reconciliation, often accompanied by symbolic gifts. Each statement of reconciliation was then housed permanently in a bentwood box.

As a restorative justice model, the TRC was a good beginning to address large historic injustices in Canada. Within the parameters already identified, survivors told their stories at their own pace, where emotion was expected—not stymied. Many were able to name what they needed for healing. Church and civic organizations also named how they were already responding and how they were prepared to continue working towards building just relationships and healing. Some survivors found a way to healing. One man said at the second telling of his story that he had come out of the first Commissioners panel and “threw his pain into the garbage.” The absence of tears matched his words. For individuals caught in addictions and still unable to work at healing, this avenue is still not an option.

The Saskatchewan National Event was successful in bringing together Indigenous survivors and concerned Canadians of non-Indigenous backgrounds to start the hard, long work of restorative justice. Survivors of the IRS system had opportunities to be respectfully heard and honored in a supportive environment. The truth-telling provided the basis for relationship-building between First Nations survivors and church and community representatives from settler communities. The magnitude of the IRS legacy rules out any easy and rapid restorative process, but the TRC has at least begun the long process of restoring relationships between Canada's Indigenous peoples and its settler population.

But the work is far from over. The words of Commissioner Justice Murray Sinclair noted that the path of restoring broken relationships is long, stating that the TRC’s work will only be realized fifty years from now. What we do today, we do for our children’s children. The greatest challenge will now be to maintain momentum for the good work begun at the TRC, recognizing that restorative justice is not a one-time event, but an ongoing journey. Non-Indigenous churches and organizations involved in operating the IRS system must now work for justice and healing for the survivors of that system, for undertaking the hard work of seeking to restore broken relationships. We as church people from Canadian settler populations are called to put ourselves in places where we can meet and develop relationships with First Nations neighbors. The church’s task is to listen, learn, and build relationships in the wake of the IRS legacy. As Christians who care about truth and reconciliation, we must be committed for the long haul to work together to create new truths about our country.

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Restorative justice in the correctional service of Canada and post-genocide Rwanda

When I retired from the Correctional Service of Canada (CSC) in 2006, I took satisfaction in several positive developments in the incorporation of restorative justice approaches into the CSC and in greater acceptance of restorative justice within Canadian society. These positive signs included:

- The timid mention of victims in the CSC Mission of 1989 (Core Value 1:10: ‘To ensure that the concerns of victims are taken into account in discharging our responsibilities’) had grown into a full Restorative Justice Division;
- In the 1990s, Victim Offender Encounters were now used to address serious offenses and a number of mediators were trained to meet the increasing demands for such meetings;
- Restorative Justice Week in November was celebrated widely across Canada;

Following my retirement, I received an invitation from Rwanda to teach restorative justice and to help in the development of prison chaplaincy within the Rwandan corrections system. I initially hesitated before accepting, but I finally decided to respond positively to the invitation and created Just Equipping (www.justequipping.org) to provide a focus for this new venture. As I embarked on this journey, the following question stirred my thoughts: Could restorative justice work in post-genocide Rwanda? Over the past six years I have traveled regularly to the Great Lakes region of Africa to work at supporting the introduction of restorative justice into corrections systems; so far this experience has pointed to an affirmative response to the perhaps skeptical question of whether or not restorative justice approaches might work in Rwanda and other African contexts scarred by genocide and other mass violence.

As the chaplains began to journey with the inmates of the prison in Gisenyi, Rwanda, taking time not only to preach but also to listen to and accompany prisoners in their daily lives, the germ of an idea formed for a Letters Project in which prisoners who had participated in carrying out the Rwandan genocide would write letters to the genocide’s survivors asking for forgiveness. This project took several years to carry out, as more than a decade had passed since the 1994 genocide and survivors or the families of persons killed in the genocide were often hard to find. A typical week with the Letters Project looked something like this:

Chaplains Lazare, Fine, Canisius, Kizungu, and Nelson contact two or three survivors of the genocide and ask if they are ready to come for a face-to-face meeting with their offender. We arrange for them to arrive at the Petit Sanctuaire Gisenyi on Monday, and we have dinner together on Monday evening. Survivors share the meal, their stories, and their expectations. We pray together. The next morning, one chaplain goes early to the prison to call the prisoners and check that a meeting place is available. One or two other chaplains then take the bus or moto and arrive with the survivors at the prison. After they have passed through the
necessary security steps, survivors sit down at one end of a table, flanked by chaplains as they await the arrival of their offender. Often offenders arrive fearful and bent over. Some fall on their knees when they come into the room and must be encouraged to take their place at the table. The emotion is intense and palpable. The letter that the offender wrote asking for forgiveness is then reviewed and he or she is invited to speak to the survivor.

The survivor then has the opportunity to ask any questions he or she may have felt have gone unanswered for so many years. How did my family die? How did you kill my children? Where is my husband’s body? Did they suffer? Why did you do it?

In most cases, incredibly, these moments are both extremely difficult and extremely grace-filled. Survivors often reach out to offenders with gestures of forgiveness, offering a hug or handshake, a wish for a better future, some money to help with food. When the survivor is not satisfied or the offender is not honest or forthcoming, the process is halted and the chaplaincy team plans an appropriate follow-up.

If survivors have travelled a long distance for the encounter, they return to the Petit Sanctuaire for another night where they will eat, sleep, and debrief with the chaplaincy team. Almost all ask when they can come back! They crave more friendship counseling. After the survivors have gone home, the chaplains must visit the prisoners for a feedback session with them and then begin the whole process again for the next week’s group.

This work is physically, emotionally, and spiritually exhausting for the chaplaincy team. The prisons’ chaplains are deeply affected by each encounter: as caregivers they need special care and renewal themselves. Some survivors are also left emotionally fragile from the encounter and require close follow-up support. Yet for most survivors the encounters with offenders begin healing processes that they have been searching for since the genocide conflicts. This process is truly amazing. We cannot explain it. God can.

My experience in the Great Lakes region has confirmed that the restorative justice vision is strong enough to succeed in post-genocide Rwanda. Not only that, but working at restorative justice in Rwanda has led my chaplain colleagues and me into uncharted territories and has led us to ask questions such as:

• Have our programs of Victim-Offender Encounters in Canada become too professionalized and too sanitized?

• Has the time come to take new and courageous risks in truly listening to survivors, offenders, and communities and not determine in advance for them what can and cannot be done?

• Do we underestimate the resilience of the human spirit and the deep desire to heal on the part of all those affected by crimes?

Rwandan experiences with restorative justice have much to teach and challenge practitioners of restorative justice in Canada and around the world.

More reflection is also needed to rediscover the lost treasure of biblical justice as restorative justice so that punitive attitudes within our faith

communities will be replaced by more compassionate approaches. Restorative justice, after all, is a serious invitation from the God of the covenantal community to enter into the pain of those affected by crime and to journey with them with open eyes and an open heart. There is no greater calling!

Pierre Allard is president of Just Equipping, an organization that organizes and sustains prison ministries using restorative justice principles and practices in the Great Lakes region of Africa. An ordained minister, Allard previously worked in the senior executive of Correctional Services of Canada and served as president of the International Prison Chaplains Association.

Discipleship, design, and pneumatology

Restorative justice practitioners within MCC have much to be proud of. The programmatic landscape we have inherited has been shaped by the courage of persons who believed that a peace theology committed to reconciliation must be lived out in the context of seemingly stable, so-called First World democratic countries by addressing how crime ruptures relationships. Mennonite restorative justice practitioners framed our response in terms of discipleship, of faithfully embracing the way of the cross and urging Mennonite churches to move along the trajectory of enemy love, giving heart and mind allegiance to the Lamb of God through faithful action to restore relationships broken by criminal offenses. We have called not only on Anabaptist-Mennonite churches, but also the wider Christian fellowship, in Canada and the United States to remember that the ministry of reconciliation given to us by Jesus calls us to reach out in love to all, including criminals who have offended. From an un-academic, humble, organic, and full of faith-in-the-face-of-fear starting point, faithful discipleship has propelled MCC to the forefront of the restorative justice movement in Canada.

MCC has been actively involved in many contexts helping in establishing the programmatic infrastructure for restorative justice efforts. Canadian government grants have supported restorative justice efforts, and MCC began availing itself of such grants to expand its restorative justice programs. Restorative justice efforts moved from pilot stages and from focusing on how restorative justice approaches might positively transform relationships broken by “small crimes” to confidently answer the question: “Can restorative justice practices really work with violent, more serious crimes?” So, for example, Mennonite practitioners in Fraser Valley of British Columbia started to mediate encounters between survivors and offenders of so-called “serious” crimes like murder and rape and sexual assault. As they gained more practical experiences in bringing restorative justice practices to bear on reconciling offenders and survivors of violent crimes, these pioneering practitioners discovered, to their surprise and that of others, that restorative justice applied to more serious crimes in fact worked. We began to see over the decades that restorative justice, implemented well by skilled and compassionate facilitators, can take on more difficult cases than we initially believed it could.

As restorative justice has matured and developed as a set of practices, our recognition that the large categories of “victim” and “offenders”—often
opposed to one another—do not account for nuances. MCC restorative justice practitioners were led into in-between spaces that respect such nuances. MCC now has domestic violence programs (working by and large with female survivors but also men who abuse) and assists Mennonite churches in responding to crimes like murder, rape, and sexual assault and in confronting the harm of pornography. We in MCC have expanded the scope of our response, with God leading us into new programmatic spaces, even while recognizing that we cannot do everything. The ongoing question before Mennonite restorative justice practitioners today is this: where is God’s Spirit leadings us now?

The restorative justice scene has changed significantly over the past several years. We are now at a phase in which restorative justice organizations that MCC helped to initiate (through funding, gifts in kind, and the provision of service workers) have not only become independent, but may have also forgotten us, not only in terms of practice and philosophy but with regards to MCC’s Christian underpinnings. Indeed, restorative justice increasingly is not conceptualized by most practitioners as a form of Christian witness. In many ways restorative justice has gone mainstream, having become increasingly academic and no longer needing the backbone of faith. In some ways this development is positive and should even be celebrated as it illustrates the successful way in which restorative justice is slowly being ingested by the wider society, a development for which our spiritual mothers and fathers in restorative justice yearned. But restorative justice’s transition from a practice rooted in Christian convictions about reconciliation to one that is secularized does raise the question for MCC: “So where to now?” Where is MCC’s niche in restorative justice? Where is MCC’s cutting-edge today in promoting and developing restorative justice practice? How to function when MCC’s voice means less than it used to in restorative justice conversations?

MCC restorative justice programs in Canada have partnered with government bodies to help create safer communities, with these partnerships demonstrating the effectiveness of restorative justice approaches. MCCs in Canada have in the past often worked in dialogue and partnership with state agencies to promote restorative justice as an effective alternative to punitive justice. But governments are increasingly ignoring or looking ambivalently upon MCC-supported and -operated restorative justice programs, even though they function at a fraction of the cost of similar government services. MCCs in Canada have consistently received state funding for restorative justice efforts. Can we count on such funding indefinitely? What will happen to our restorative justice work when the funding dries up?

Perhaps these questions all suggest that today we are standing within a kairos moment with regards to MCC’s restorative justice work. And so while the present situation is full of questions, working in restorative justice today alongside colleagues on the front lines of service delivery is also exhilarating: we simply have so many unknowns before us.

Forty years ago we needed to understand how to be present, to walk alongside those wounded by the ripple effects of crime. We sought to give voice to the voiceless, accompaniment to the persons who stood alone. We pushed our churches to affirm the restorative justice paradigm. We dialoged with the state and urged provincial and federal governments to explore alternatives to incarceration. We sought to be faithful to a

The following MCC-produced resources about restorative justice can be ordered at: https://resources.mcc.org/

**Restorative Justice: Rooted in Respect (DVD)**
Explores how restorative justice works to build community and restore relationships and speak to harm. Also examines how perspectives and understanding have changed in addressing both victims and perpetrators of crime and violence.

**Return to the Earth Project Study Guide**
See how MCC’s Return to the Earth study guide helped a Kansas Mennonite church embark on their own journey of education and reconciliation and learn more about MCC’s Indigenous Vision Center.

**Conflict Transformation and Restorative Justice Manual**
*Foundations and Skills for Mediation and Facilitation, 5th edition*
Conflict transformation and restorative justice foundations and skills—from interpersonal to group facilitation. Chapters focus on faith/spirituality, theory, communication, restorative justice, mediation process, group facilitation, group conflict dynamics, standards and ethics of practice, pedagogy and peace work and beyond. Available as a bound manual and as a digital download.

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**Learn more**
Christocentric reading of Scripture. We sought to be faithful disciples of Jesus. All that must continue and remain at the forefront of our work. The infrastructure—the design—of restorative justice must be maintained. But there must be more. There must be a greater sense of empowerment by God’s Spirit.

Globally there are pockets where the church has bridged the gap between the charismatic and prophetic movement that values being empowered by the Spirit, on the one hand, and the social justice movement, on the other. Charismatic and social justice movements have often been depicted as being polar opposites. But thanks be to God we can confidently say that this unhelpful dichotomy is being overcome. More and more we see and hear Christians in love with the poor and with justice, but who also have an appetite for prayer and worship, knowing that confession, praise, and thanksgiving are essential elements in the redemption of individuals and unjust structures. Excellent restorative justice service delivery is wonderful, but can we agree that it only goes so far?

Restorative justice is at a crossroads. I believe MCC’s niche right now within the restorative justice world is a lived pneumatology of restorative justice: that is, reframing anew the necessity, intimacy, power, and compassion of the Holy Spirit to work within and outside of restorative justice practice. Restorative justice needs to be fueled by the power of God, as globally Jesus Christ and his Lordship is the biggest transforming power we have ever seen. God longs to set individuals, families, communities and even whole societies free—free from personal sin and unjust structures. Our restorative justice work must burn brightly with such passion to share the good news of God’s transforming love through concrete practices that help to reconcile victims and offenders.

We must (re)turn to the triune God who is ready to provide “all these things that will be added unto us” if we seek first the kingdom and God’s righteousness. We must see the paradigm of restorative justice as a gift flowing from the heart of God to the church, for it is an extension of the life, ministry, miracles, death and resurrection of Jesus for the sake of the world. Restorative justice operating and promoted without this explicit and intimate connection will become lifeless, powerless, institutionalized, and sterile. I dream of far greater reduction rates of recidivism through our programming, the healing of trauma in victims and offenders, and contagious engagement by members of Anabaptist-Mennonite churches across Canada to participate in the ministry of reconciliation.

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