

Introduction

Restorative justice is very difficult to define. It is portrayed to be a victim centred way of resolving conflicts. The procedure is non-alienating and community centred, it is respectful to all parties involved. The main aim is to give the participants a listening ear using the 'repentance rituals' to rebuild communities after a harmful event (Walgrave, 2002). Restorative justice does not solely rely on legal rules but works through human cooperation, mediation and dialogue. During the restorative justice sessions, the victims are open to saying what justice looks like for them (Burford, 2019). Restorative justice provides an alternative way of thinking about crime and punishment. A harmful incident does not only affect the immediate victim but includes family and community (Menkel-Meadow, 2007). This essay suggests that restorative justice looks beyond crime and creates space for conversation to build long lasting peace within individuals and their communities. To ground theory to practice, this essay will analyse the Trust Building Program of Initiatives of Change, to examine how restorative justice processes engage with existing literature and operationalize the Restorative Justice Principles to effectively build positive peace.

This essay will analyse Johan Galtung's positive peace approach which makes a clear distinction between negative and positive peace. Negative peace is described as the absence of violence and positive peace as the absence of structural, direct and cultural violence with the presence of justice (Galtung, 1969). The restorative justice principles from the Restorative Justice Council will be used to further analyse the Trust building program. The principles are a tool for translating theory to action, by directing the flow of restorative justice processes. The most fundamental elements being participation and repairing harm (Restorative Justice Council, 2016). Other scholarly perspectives will be integrated into the essay to further analyse the concept of restorative justice. The 'what' aspect of restorative justice will be provided by

Johan Galtung's theoretical framework and other scholars while the 'how' will be derived from the Restorative Justice Principles in analysing the Trust Building Program.

Literature Review

A pivotal figure, Howard Zehr in his book entitled "The Little Book of Restorative Justice" highlights that, when someone breaks the law they are held accountable to the justice system. On the other hand, restorative justice moves away from merely blaming the offender to seeking restoration between the victim and the perpetrator. This process allows for the victim to tell their story marking the beginning of the healing process. Allowing the sufferer to take part in the process gives them a sense of empowerment. The offender shows remorse for the harm inflicted and they take responsibility for their actions. The community is known as the secondary victim and they are encouraged to speak up in shaping the community they want. In some instances, restorative justice can lead to forgiveness which is a positive outcome. Restorative justice brings healing that goes beyond individuals and transcends to community level (Zehr, 2015). These ideas form the basis of restorative justice as they explain what the process entails. They also compliment Gill's (2017) idea about the significant involvement of community in restorative justice processes.

History teaches us that when crime was committed the offence resulted in a negative impact on the victim, the family and the community. However nowadays, crime is viewed as a process that involves the law, police and the prosecutors making this concept unfamiliar in today's setting. The concept of restorative justice stresses that arresting criminals does not actually address the harm associated with the crime. Looking at this from the perspective of war, most peace agreements take place during the heat of the war and usually at this point, more violence erupts. As violence ensues, trust between the negotiating parties can be broken leading to further tension between the parties involved (Hoglund, 2022). This is where restorative justice

can come into play, to curb the continuous friction through acknowledgement of harm and repairing of relationships.

Peace education widens the scope of restorative justice turning it into a more powerful tool in de-escalating conflict. The programs are designed to improve knowledge and skills towards building a culture of peace. Education is usually used post conflict, however, implementing it before, during and after conflict gives restorative justice a more concrete foundation. There is a risk however of it being controlled and used against positive peace initiatives (Cromwell, 2022). Trust building is a restorative justice technique that can be used during the peace talks. It can serve as a safe haven for all actors to effectively engage in dialogue and chart a way forward that provides sustainable long lasting peace.

The arguments about control resonate with Burford`s (2019) concern about restorative justice processes being manipulated into a form of control. Schools can be used as grounds to foster structural violence through omitting certain aspects of positive peace that can be particularly useful to learners in navigating conflict. Propaganda in the curriculum can be used to push hidden agendas that may favour one group more than the other making people lean towards one narrative. This can be harmful in that it silences other truths and causes people`s thoughts to be controlled. Unequal access to education which is a form of structural violence can cause education to be unavailable for marginalised communities. Conflict analysis is key in restorative justice, it is a tool that is used to understand the dynamics of conflict and assess the root cause. Facilitators can guide people to move from a state of emotions to a state of thinking of a way forward (Schirch, 2022). It provides a critical analysis of the conflict before rushing in with solutions, curbing the risk of poor delivery of the processes.

The Restorative Justice Council (RJC) defines restorative justice as a facilitated practice or method that brings about repair after harm has been done in order for the affected parties to

have dialogue and define their own form of justice and move forward positively. Restorative Justice falls under a wider scope known as restorative practice. This is used to prevent conflict before it erupts, to repair harm and to open up the space for healthy meaningful conversations. This practice is becoming popular in workplaces, communities and in the justice system especially in the UK. In the case where conflict has already taken place, the opportunity for conversation is opened up and people can navigate a way forward to calm the tension and prevent future harm (Restorative Justice Council, 2016).

There are nine principles developed by the RJC that make up the framework for all forms of restorative practice. At the heart of restorative justice is the belief that strong relationships form the foundation for healthy communities. This belief takes on Gill's (2017) holistic model that incorporates the importance of belonging to a community and stresses the role that the community plays in peace initiatives. Participation in restorative justice should be strictly voluntary to maintain integrity of the process and give autonomy to individuals. Zehr (2015) agrees with this approach in that restorative justice sessions should flow without anyone coercing people into saying certain things or forgiving the offender. The process fosters empowerment by transferring power back to the victim. Participant needs are taken into account to heal the harm and prevent future reoffending. Harm is acknowledged and a way forward is charted which is part of the healing process. The offender is also encouraged to take accountability for their actions through acknowledgement of their part in causing harm. The environment promotes active listening, respect, empathy and understanding. Everyone is treated equally and respectfully regardless of social status, gender, mental health status and race (Restorative Justice, 2016). Schirch's (2022) warning concerning marginalisation of minority groups is taken into account by focusing on problem not the person's background.

The marrying of restorative justice and responsive regulation seeks to pave a healthy way forward. They share a common view that when punishment is delivered it should not be seen

as a bluff or too excessive as this can lead to defiance which in turn causes people to stop trusting the system. When complaints are addressed safely and fairly, and participants have satisfactory answers to their questions, there is a reduced risk of conflicts escalating. This approach is not only beneficial in law but also in other settings such as families and the education sector (Burford, 2019).

Restorative justice can be analysed through the lens of three main concepts. The encounter concept is centred on having a meeting with the victim and the offender to discuss the details of the offence and the repercussions thereof. During this time, both the offender and the victim can share their stories and they can state their needs moving forward. This opportunity for the offended to express emotions and have the empowerment to be in charge of telling their own story is not offered in the conventional courtroom. The reparative process stresses the impact of crime and the processes involved in order to repair the damage taking into account the needs of the victim in every step. Structural matters such as racism fall under the transformative concept (Van Ness, 2022). In some criminal cases, other people can be satisfied by the sentencing of the offender. However, this is not the case for other victims because they are not given the platform to express how they feel and to tell their story. Restorative justice has paved a way for that to happen through its mechanism of story sharing.

Restorative justice as a practice did not begin until the civil rights and women's movements of the 1960s era. It was driven by the claim of racism within the criminal justice system where majority of the prisoners were African-American. The African-American community was largely criminalised together with other minority ethnic groups. This was also typical in New Zealand, South Australia and Canada. In the 1970s, feminist groups stood up against gender based violence and brought to light the unfair treatment of prisoners in the system (Immarigeon, 1997). This is an example of structural violence as defined by Galtung (1969). It is the injustice that is built within the system that suppresses human flourishing through its oppressive nature.

It lies buried with the social structures, laws and culture such that people are oblivious to its existence compared to physical violence which is visible. Structural violence is not obvious, it is silent and it easily becomes a normal part of life (Galtung, 1969). Restorative justice is used as a tool to not only acknowledge its presence but to dismantle the dominant narratives to create new narratives of a shared future.

Activists in the 1970s began to identify the problems in the system through women led campaigns. The perpetrators were subjected to unfair conditions characterized by their needs being ignored and not prioritized. Initially, restorative justice programs were moderated meetings between the victim and offender. Later on, family members and the community started to participate and this has become more common even today. Through the writings of Colson and Van Ness, Mackey, Heetderks Strong, Wright and Zehr, restorative justice was recognised as a concept in the criminal justice system (Immarigeon, 1997).

Restorative justice is not only about changing the justice system but it is a method of transforming lives, communities and families. It is a form of justice that seeks to heal historical harms that are born out of structural violence. This provides the means to dismantle structural violence (Burford, 2019). Galtung (1969) believed that peace cannot be perpetuated through violence but by changing the systems and structures that impede human flourishing. Restorative justice bridges that gap within the system that can influence positive change in the systems and structures by targeting the root causes.

The process is so delicate such that it is very easy for people to be unintentionally harmed. There is a risk of controlling people's lives instead of actually helping them move forward after a harmful event. The goal is to involve all the affected actors, heal the past together and move on in unison (Burford, 2019). The Restorative Justice Principles provide guidance on how to

protect participants from harm, which is done through creating a safe space that is non-judgemental and participation is strictly voluntary (Restorative Justice Council, 2016).

One strength of restorative justice is that it goes beyond the wrong doing and seeks to restore just relationships, also known as relational justice (Llewellyn, 2021 cited in Rossner, 2024). Restorative justice brings together the offender and the victims of the harm in order to discuss what has transpired, why it happened and what can be done to move forward. Harm is looked at under a different lens that reveals that it is not only a violation of the law but a direct insult on the victim (Rossner, 2017). There is often a facilitator present during the sessions and the affected people together with the perpetrator. Apologies, exchange of items and rituals can all be part of the restorative justice approach (Menkel-Meadow, 2007). It is viewed as a transformative experience that can potentially bring out the goodness in people (Zehr, 2015). Although forgiveness can be born out of it, no one is forced to forgive. It does not mean that lives return to normalcy because there are some harms that can never be reversed for example rape. These concepts embody the restorative justice principles and are tools in facilitating restorative justice processes.

There is a positive and negative approach to influence that is mentioned by Galtung (1969) contrary to what restorative justice stands for. The negative consequences in the justice system would include punishment whereas the positive would be a reward for good behaviour. Restorative justice focuses on the current wrongdoing that has resulted in harm and does not include the positive behaviour of the wrongdoer (Galtung J, 1969). It could be beneficial to incorporate the aspect of the positive approach where people are awarded for doing well. This can be a good source of motivation to deter people from committing harmful acts knowing that good behaviour produces good reward.

Galtung (1969) argues that any directive made towards any policy speaks the message of peace. Using the word peace gives some kind of commonality of purpose to navigate around potential emergence of conflict resulting from the exclusion of certain words in one policy and inclusion in another. Despite the difference in terminology and structure, everyone is concerned about peace. Restorative justice is an idea that seeks to change existing justice policies and is considered a peaceful means to achieve justice.

In synthesising this concept with restorative justice, the term peace should be used together with the term violence. Violence is described as the cause of the distance between what could have been and what is. When the actual is unavoidable then there is no violence. If the system monopolises resources and it causes the actual to fall beneath potential then that system is considered to have violence. When the potential to avoid negative consequences is present but the potential is neglected leading to disturbance in full flourishing of humans, then violence is considered to be present (Galtung, 1969). This is the narrative that restorative justice seeks to reform by healing the harm that is brought about by structural violence. Just like in the justice system, if the needs of the victims and perpetrators are not met, it disrupts their full flourishing, this is viewed as violence. Restorative justice aims to achieve equilibrium between potential and the actual through its core principles.

Governments and institutions influence peace but people are ultimately the drivers of peace through choices made that make up war and peace (Allen, 2022). Peace is deeply rooted in the quality of relationships between fellow human beings. Every person belongs to a community that they identify with, this is a central aspect of peacefulness in communities. This is because when people identify themselves by their race, nationality and gender, being human becomes their secondary identity. Regarding humanity as a secondary identity can cause people to take part in violent crimes. It is important to accept conflict as part of human life. The most important thing is how it is managed and transformed (Gill, 2017). Personal identities should

not mask our shared identity of humanity as it creates the grounds for dehumanisation and inequality. Restorative justice relies on community as its stakeholder for peace initiatives. Accepting conflict as an actor in every community relays the need to constructively transform it through restorative justice processes.

Communities that practice deep dialogues and transformative processes can be peaceful. However there is need for careful facilitation during dialogues. Dialogue is a medium that can be used to engage in difficult conversations in repairing relationships towards sustainable peace. This is an important tool in synthesising social cohesion in communities. Understanding the roots of conflict is also a crucial element of managing conflict (Gill, 2017). This is an important aspect of restorative justice processes. Gill's holistic models views dialogue as a medium to facilitate peace by repairing relationships. The community is a key stake holder in restorative justice by providing the necessary support for reintegration of an offender back to the community. This concept utilises restorative justice principle of inclusion to foster long lasting relationships.

Reformers seek to have restorative justice implemented into the system or to alter policies so that they have the ultimate goal of restorative justice. However, the revolutionaries focus on substitute justice processes independent of the justice system entirely. This is born out of concern that programs such as restorative justice may sustain unfair systems (Levrant et al, 1999 cited in Rossner, 2024). There is a risk of restorative justice being absorbed by other institutional goals that seek to deterrence at the expense of the victim (Wood, 2016). There is evidence in the United States of America that highlighted the issue of victims feeling coerced to accept apologies and being subjected to threats from the perpetrators. Some critiques have pointed out that there is a risk of worsening the power imbalances that already exist especially when handling cases that involve the poor and disadvantaged in the community. These

disparities have called for a different approach, introducing transformative justice to replace restorative justice (Rossner, 2024).

The South Australia Juvenile Justice (SAJJ) project provided data collected between 1998 and 1999. Conducted surveys showed that over 53% of offenders were more concerned about their impending sentence and did not have much concern about the victims of their crimes. Of the 79 people interviewed in 1998, only 40% of them were told what to expect (Daly, 2002). The survey provided a strong evidence of Daly's (2002) concerns coming to life about fully understanding the concept for what it is and what it is not. This is a clear indicator of the importance of making sure that the practitioners of the restorative justice process possess the required qualifications to enable them to fully explain the process and deliver it safely. In order to be a restorative justice facilitator, education around the topic is very critical. There is a need for explaining the details of the process before participants are involved.

The justice system has experimented on restorative justice techniques since the 1980s. Northern Ireland and New Zealand have taken it up as their preferred method of delivering justice especially among the youth. Due to the work of John Braithwaite and others, Australia was the first to hold a trial of restorative justice called the Reintegrative Shaming Experiments (RISE). These experiments yielded positive results measured by the rate of repeat offences and testimonies from participants as compared to the conventional justice system results (Sherman et al, 2015 cited in Rossner, 2024). The positive results gave rise to the Restorative Justice (Crimes) Act of 2004 which was integrated into the formal justice system. This has spread to every state in Australia taking it up into the youth and adult justice system (Larsen 2014 cited in Rossner, 2024). Evidence also shows that the process is fair and highly likely to produce forgiveness and eliminate grievances and grudges (Angel et al. 2014, Rossner 2019, Strang et al 2013 cited in Rossner, 2024).

The principles of restorative justice have been critiqued by some scholars. Despite the good intentions of restorative justice, it does not replace fact-finding hence it becomes limited in what it can actually achieve. There is a clear need to distinguish between restorative justice and retributive justice. Restorative justice cannot bring the much needed change in most people as it does not work for everyone (Daly, 2016 cited by Rossner, 2024). Levrant et al in a 1999 publication warns that the passion surrounding restorative justice could lead to alteration of its purpose diminishing its existence. The justice system may not explore its full potential due to poor uptake of the concept and they may not invest in human resource and financial support to keep it active. This was particularly seen in the debate between reformers and revolutionaries.

Translating theory to practice is a difficult task mainly because most people do not fully understand the idea behind restorative justice. There is no substantial amount of knowledge around this topic, people do not know how to act or what to expect during the process. Not everyone possesses the emotional capacity to be remorseful of their actions (Daly, 2002). One way of dealing with the education gap on the concept of restorative justice would be to incorporate it into the education curriculum. It would be beneficial as well to support organisations that deal with restorative justice so that they can hold the programs in communities. The support can be in the form of partnerships and providing resources.

Literature Review Conclusion

This literature reveals the use of restorative justice as a tool for facilitating peace initiatives. It uses the lens of Zehr, Galtung, Gill, the restorative justice principles and the critiques of scholars like Daly, to explain the evolution of the concept. The concepts are related and synthesised into the literature review. The gap that exists between theory and practice will be closed by the careful examination of the Initiatives of Change's Trust Building Program.

Case Study

Moving on from theory to practice, the Trust Building Program of Initiatives of Change serves as a restorative justice case study that can be analysed. This analysis will examine how this program functions as a restorative justice program through Galtung's (1969) framework and the restorative justice principles. Initiatives of Change (IofC) is a global community made up of people from different backgrounds committed to making the world a better place through community transformation, starting with oneself. The organisation encourages people to be the change they want to see in the world, based on the belief that change begins with oneself before it can be escalated into the world while measuring their actions against the moral standards (Initiatives of Change International, n.d.). This program seeks to dismantle the effects of structural, social and direct violence as mentioned by Galtung (1969). This is done through the acknowledgement of harm and charting a way towards healing. Volunteers and staff members play a pivotal role in pushing the vision forward and facilitating its key programmes. The organisation prioritises trust building across the world divides, ethical leadership and sustainable living (Initiatives of Change International, n.d.).

At the heart of IofC programs is restorative justice which has prompted the trust building program. The Trust Building Program is IofC's signature program which started in 2019, spanning across different cultures in all continents in 15 countries. Trust is diminishing in the world as communities continuously face racial discrimination, religious divisions, social divisions and war. The trust building program does not concentrate on pointing fingers of blame but extending the hand of friendship even in difficult situations. Every person is considered an ally and not an enemy (Corcoran, 2019). This concept operationalizes the restorative justice principle of repairing harm through respectful engagement with participants. Running the program in all continents embodies the principle of inclusivity.

The thrust of the program is to promote dialogue, understanding and reconciliation by addressing the root cause of mistrust in communities. Local people are empowered and trained

to conduct trust building programs in their communities through reconciliation and healing historical harms. Acknowledging historical harms involves deconstructing false narratives and creating new narratives of a shared future. Trauma awareness, story sharing is part of the process. The approach uses Scherto Gill's (2017) belief that the root cause of conflict should be understood in order for conflict to be transformed. The emphasis on the importance of training relates with Cromwell (2022) who stresses on the importance of education in peace initiatives. This is embodied within the trust building through training locals in facilitation and dialogue skills. Daly (2002) argues that there is a risk of failure that can result in harm if there is lack of sufficient education around restorative justice programs, IofC offers a solution through training all facilitators and equipping them with the necessary tools needed.

Dialogue plays an important part in the program and it follows the Restorative Justice principles of having a non-judgemental active listening space. There is a need to hold honest conversations in a safe space with active listeners. This crucial aspect is held in high regard by the Restorative Justice Council in their restorative justice principles. The questions are designed in a way that provokes story sharing in order to reveal the underlying issues. Facilitators have a responsibility that falls under the principles of making sure that all participants are volunteers and there is no coercion (Initiatives of Change International, n.d.). This safeguards against Daly's (2002) warning of coercion of participants which fractures the credibility of the programs.

The Trust Building Program takes note of the cultural and linguistic differences that exist. In light of that, each program is tailor made in respect to culture and values of each community. The program follows the Restorative Justice Principle of leaving no one behind regardless of race, ethnicity or gender by running the program across all continents. This aspect of the program is seen in its delivery that varies according to the needs and culture. The trained facilitators are from the target communities which is reflective of respect towards culture.

Participants may feel more open in engaging with someone who speaks the same language as them and comes from the same community. In Australia, the program focuses on repairing historical harms within indigenous communities and build pathways for reconciliation. The program embodies Gill's (2022) holistic model on the importance of community in building long lasting peace. To date, the program has 21 400 beneficiaries, 4 000 trained communities and has hosted 12 000 activities. These results show that it is possible to make the program even bigger than it already is (Initiative of Change n.d.)

In Burundi, peace circles are held for Hutu, Tutsi and Twa ethnic group healing to restore trust. In Cameroon, workshops are held to bring the different linguistic communities together. In India, there is a cultural gap between the rural and the urban youth, the program aims to build mutual understanding and respect through exchange programs and collaborated community projects. Indonesia and Kenyan teams host interfaith camps and workshops to build trust between the Muslim and Christian community and repair relationships. South African teams seek to heal intergenerational trauma caused by broken families (Initiatives of Change International n.d.). The IofC program fosters Burford's (2019) argument on how restorative justice is a tool for societal change, not only useful in the law system but also in families and schools. Trust building is a long term investment into the future through transformation of individuals and their communities to build long lasting change as envisioned by Galtung (1969).

Case Study Conclusion

The Trust Building Program demonstrates how restorative justice works in building positive peace through honest dialogue and community engagement. The success of the program lies in its ability to translate dialogue, openness, facilitation and voluntary community engagement into long lasting peaceful relationships. Personal testimonies bear witness to its transformation

capacity and potential for reconciliation. When applied to a society it is able to breakdown historical harms and effectively build healed communities.

The principles of restorative justice have not only been theory based but even the United Kingdom has implemented them in national policy. This task was handed over to the Restorative Justice Steering Group to see that the plan was set into motion (Wright, 2012). His Majesty's Inspectorate of Constabulary (HMIC) was concerned however that the restorative justice approach could fall short if it not applied strategically as this can lead to inconsistencies. Geographical location and the agency victims are exposed to could end up being the determining factor of how they are treated leading to unfairness. This was curbed by having pre-set standards and trained practitioners to maintain safety and fairness throughout the delivery of restorative justice (Robb, 2012).

A study conducted showed that 85% of the victims who participated in restorative justice conferences were satisfied by the outcomes and there was 14% drop in the rate of repeat offences (Ministry of Justice, 2012). The goal of restorative justice is to find the best possible way of repairing the damage caused by harm and prevent recurrence of harm (Van Ness, 2022). Clearly the positive effects of restorative justice had been tried and tested for the Ministry of Justice to feel the need to propose implementation. This shows that they have a good record of achieving desired outcomes, solidifying social cohesion and repairing harm. This solidifies the claims made by Gill (2017) about the importance of healthy communities.

Conclusion

This essay has demonstrated how the restorative justice effectively builds positive peace through the Trust Building Program by creating tailor made safe spaces for dialogues to facilitate repair of harm and restore relationships. The success of the approach is evidenced by improved social cohesion and decreased reoffending rates. The road to healing harms

incorporates processes that restore trust and human flourishing. The Trust Building Program shows evidence of this.

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