

Athabasca University  Master of Arts - Integrated Studies

SAWBONNA: JUSTICE AS LIVED EXPERIENCE

By

MARGOT VAN SLUYTMAN

Integrated Studies Project

submitted to Dr. Dale Dewhurst and Dr. Carolyn Redl

in partial fulfillment of the requirements for the degree of

Master of Arts – Integrated Studies

Athabasca, Alberta

June, 2012

**ABSTRACT**

The purpose of this paper is to identify the problems with the justice system and restorative justice and to show how altered definitions of “justice” can fix these problems. This autoethnographic research shows that the choice to live new definitions of justice means that individuals who were previously ignored or marginalized by the existing system can share their stories and approach restorative justice in ways that were not previously possible. My own lived experience with murder to meaning, which includes the gift of meeting the man, Glen Flett, who killed my Father, Theodore Van Sluytman, thirty years after that savage day, is expressed by the word, Sawbonna. Sawbonna means that we see the essential goodness and fragility in each other. My lived experience and Sawbonna have taught me that systematic change is required in the justice system. Stories that are told against the same “justice” environments and institutions, traditional and non-traditional, will have the same results, including continued concentration on punishing perpetrators, while offering little in the way of rehabilitation and healing, and will continue to exclude hearing what victims of crime need and can offer in their own processes of re-storying their lives.

**TABLE OF CONTENTS**

|  |    |
|--|----|
| Contouring Closure .....   | 5  |
| Assumptions and Expectations .....   | 16 |
| Text and Method: Voices of “Victims” at the Restorative Justice Conference ..... | 30 |
| Seeking Engagement .....   | 41 |
| References .....   | 46 |

*My silences had not protected me. Your silence will not protect you. But for every real word spoken, for every attempt I had ever made to speak those truths for which I am still seeking, I had made contact* (Lorde 20).

~ ~ ~

### **Contouring Closure**

Tomorrow has come early for me, just as did death with her patrician hands. I had planned to leave my autoethnographic romp alone for another date, because my struggle to birth a wholistic paper wherein I would situate my story of meeting and finding forgiveness with the man who murdered my Dad, proved a funeral pyre. My pressing challenge is not merely to tell my story, but is as well a visceral want to use this story to teach what happened to me. I wish to show how my individual experience can illuminate a justice system that is often focussed on norms and expectations, which includes service to systems, as opposed to addressing individual needs and injuries. Individual needs often include a desire for restoration, with a view to being able to re-story lives after crime. My ashes were stirred over and over again, and phoenix-like I rose, and daily to the page I have come. Come begrudgingly and fear-filled in an effort to write research that would be my lived experience, known as Sawbonna, being situated upon social justice theory, and woven with both the beauty and banalities of restorative justice, which might see me live another layer of closure that has been too, too long in coming. To live closure is to live with an opening up and an opening out, to, through, and for life.

I am compelled to continue to work for transforming the justice system. I am aware that there are norms, truths, and expectations that go beyond my story and, in this paper, I will address some of these. Considering what the word “victim” and the word “survivor” mean in relation to story, insists on acknowledging that words have limitations. I, as many others who are victimized, do not live in a passive role of being “victim,” wherein presumption might exist that harm has gone unaddressed. The word “survivor,” might imply a similar notion with an added sense that even as the harm has gone unaddressed

an individual has managed to find and create ways to live around, perhaps, in spite of the harm. Neither of these understandings of these words expresses fully what happened to me, nor who I am in relation to life after violent crime. Celebration of resiliency is a phrase that describes my process. It expresses that I now have useful gifts and skills not present before the murder of my Father, that I am more than a victim, more than a survivor. It is a descriptive, illuminating, and inclusive expression for living life after murder, relaying an essence of *joie de vivre*, clarity, and depths of hopefulness.

In this final project I will share my story to expand on the truths, norms, and expectations of lived justice. Story told with purpose, discipline, and authenticity, has profound value (Bolton et al 9). Writing about social justice frame working it with my Sawbonna experience will open dialogue and continue to inspire new questions to lead the way for the creation of solutions within the justice paradigm. My lived experience continues to teach me that in the very sharing of my story and workshops, others who are connected in any way to the justice system, often choose to enter what can often be a madly difficult dialogue. That I have concrete beliefs in how victims and inmates and our society as a whole can benefit from a justice system that incorporates and lives the values of respect, responsibility, and relationship, contoured in a Sawbonna framework, has permitted me to discern the difference between preaching akin to what goes on in church pulpits and pontificating like that in parliament, while confidently sharing what I know to be another way to enter the justice discourse.

Given my goal to transform the justice system with my belief that the rational and relational cannot be disengaged (Sparkes in Ellis and Bochner 216), a goal which is contoured by the proofs in the responses to my lived-experience when I present my

Sawbonna talks and workshops in different venues, I have come to understand with equanimity that a researcher's personal journey is intricately connected to society and culture. Because of this knowing, I have chosen autoethnography as the methodology for this paper. Kim Etherington describes autoethnography as, "an autobiographical genre of writing and research...that incorporates elements of one's own life experience (and) a form of self-narrative that places the self within a social context" (Etherington 140). Much debate has occurred around the quality, worth, and usefulness of autoethnographic research, debate often underscored by the view that autoethnography is an act of self-indulgence, one which relegates the research paper to a narcissistic gavotte, wherein verification of criteria based on "proper research" techniques can be up for challenge (Holt 2003). This, however, is not my view.

I believe that story, akin to myth, which is often the wisdom of the Elders, the Grandmothers, and the Grandfathers, can and does open minds and hearts, and that these openings can prove helpful for creating opportunity for much needed dialogue about what justice is, for whom, and why. For my own research, autoethnography affords this. Writing and rewriting and telling and retelling my story so that it will be heard by all manner of audience is how I will work at transforming the justice system. It is my desire to explain the very essence of Sawbonna and to show the concrete expressions of justice that come directly from the heart, the gut, and the intellect. With these expressions grounded in Sawbonna, systematic change will follow, because dialogue with those responsible for making changes in the justice system, will be persistently presented with clarity, proof, and passion.

I will write this paper by weaving the relationships between social justice, restorative justice, and Sawbonna, to show their inter-connectedness, which are as a mirror to my own lived experiences with life after murder that eventually included profound healing and a rich celebration of resiliency. Choice and my sense of personal responsibility to continue to take my story via talks and workshops and presentations to those who will want to continue to work together to make concrete changes in the political and social justice arenas, is one of my reasons for birthing this paper. Because it is necessary to engage in concrete ways of changing others and educating the justice system about how to eradicate the disempowerment that often occurs in entrenched systems, this paper is a road map to my work which will not only include a way to engage others, but will offer specific content on what the engagement should include, leading to action and to change for a more just society. Another reason for birthing this paper is my need to continue to write my paradox-steeped process of how it is I am to live with my belief in being the change I wish to see in the world, creating at least one course to be taught in post secondary settings. This course will not merely stop at the sharing of story. It will include the sharing of how story has contributed and will continue to contribute to necessary changes in the justice system. These goals will be met by teaching specific theories of social justice and restorative justice and examining their symbiotic relationship to Sawbonna, examining how it is possible and vitally necessary to always challenge and deepen our lived experiences of justice. This work will be informed by teaching that justice is not merely “out there,” but rather very much a part of each of our daily lives. Paradox will be explicated, inviting dialectic about how it is possible to re-story our lives to find meaning even after the senseless taking of life.



A common thread connecting the areas of social justice, restorative justice, and autoethnography is power. Notions of power can be exclusionary and silencing by relying on specious though ingrained beliefs of the supposed importance of being rational and objective, and of being a particular sort of expert and professional, thereby upholding flawed ideas about merit. Who is worthy of speaking? Who is worthy of being heard? Who is worthy of being seen? Responses to these questions, which will be given in this paper, will reflect the vital fact that when we are heard and seen, we are engaging in dialogue which in turn facilitates dialectic, wherein not only are we affirmed and empowered, but where systems can be created so that these interchanges can happen as a matter of course. What is apparent is that boundaries and parameters, along with assumptions and expectations, need to be reexamined in terms of making space for ways to include more victim voices in the justice system.

Because social justice, restorative justice, and Sawbonna, are the frameworks upon which I will build my thesis, it is imperative to explain each of these concepts to afford clarity and understanding. Iris Marion Young, whose work will contour my explication of social justice, states that “social justice concerns the degree to which a society contains and supports the institutional conditions necessary for the realization of the (specific) values (which include) developing and exercising one’s capacities and expressing one’s experience (and) participating in determining one’s action and the conditions of one’s action” (*Justice and the Politics of Difference* 37). She highlights the need to address how it is that democracy, which works on the premise of inclusivity and universality, in fact daily affords exclusion of many necessary voices. She views dignity as a vital component of justice. As the assumptions and expectations that are made about whose

voices matter, Young addresses as a truncation of deep relationship and interaction whereby the biased notion of universality must be challenged.

Howard Zehr, whose work is seminal in the area of restorative justice, speaks to it as being about “dialogue and exploration” (Changing Lenses 78). He says further that restorative justice is, “a process to involve to the extent possible those who have a stake in a specific offence (victims, offenders, community) and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (The Little Book 65). While other theorists, such as Bazemore and Elis, purport goal-focused standards, which understand restorative justice as face-to face meetings between victim and offender (Handbook 399), Zehr, in line with Sawbonna, states that restorative justice is not necessarily about face to face meetings, and that, “it is not primarily about forgiveness and reconciliation; it is not mediation; it is not primarily designed to reduce recidivism or repeating offences; it is not a panacea nor necessarily a replacement for the legal system” (The Little Book 8). Zehr states that, “the first step in restorative justice is to meet the immediate needs, particularly those of the victims (but that) criminal justice is inherently offender-centered” (Changing Lenses 203 and 233). Restorative justice practitioners often set the dangerous precedent of binary thinking whereby “restorative justice is good; everything else is bad” (Roche in Handbook 81). This us vs. them approach to justice is pernicious. Because restorative justice is tightly knitted with criminal justice and as yet offender centered, it becomes necessary to address how “real-life practices (of restorative justice) raise doubt on whether retribution and restoration can be neatly classified and corralled in the way that restorative justice advocates suggest” (Roche in Handbook 81). It has been pointed out that it is very difficult to have respect

for those who oppose restorative justice values (Pranis in Handbook 72). Three questions arise from this view. Who is opposed to restorative justice, why, and when? I believe the answer to who is simple: many victims, many offenders, and many in society. The answer to why is not as simple, though a sense of not being heard by those who are supposed to be engaging in restorative responses, is one factor. A second factor is that some restorative justice practitioners have specific expectations, often based on narrow systems of outcomes, limited by a criminal justice framework. The response to when is crucial, because depending on when restorative justice is offered in relation to particular crimes, victims and offenders and community members might be more or less open to it. These insights inform the crux of why Sawbonna, discussed below, offers a more comprehensive understanding of justice. To expect instant and total agreement about restorative justice ideals ignores the fact that debate and disagreement about how those values are expressed is bound to occur. Both Howard Zehr and Mary Achilles address the fact that claims of increased victim engagement and empowerment in restorative justice is in name only. Some of the reasons for this failure include, offender-focused justice systems, offender-advocacy backgrounds of many restorative justice practitioners, the unwillingness of practitioners to take seriously the worries and concerns of victims and victims advocates, as well as the failure to include victim voices in the development and oversight of programmes” (Achilles and Zehr in Handbook 49). Restorative justice should be, but often is not, about how we navigate with the political in the personal, and because empowerment is crucial to the process of experiencing justice, the credentials and experience of those engaged in facilitating empowerment becomes crucial (Sawin and Zehr in Handbook 53). The training for professional facilitators, mentors, and

educators in the area of restorative justice, raises the crucial question of co-optation. As restorative justice finds itself linked to professions such as law and religious communities, it is challenged to be mindful not to be influenced by entrenched systems, which too often serve the systems and their processes, and not people.

Sawbonna, which is the title of my book about my life from murder to meaning, is a Zulu word which means, “I see you...I see your true self your fundamental goodness” (Casarjian 59). The word and its meaning were taught to me by Glen Flett, the man who murdered my Father, Theodore Van Sluytman, and with whom I have shared the gift of authentic healing. Sawbonna has become for me a substitute for the many varied applications and lived-realities of restorative justice. Sawbonna is not the spelling out of confining precepts, nor is it an event bound to personal story, to a moment in time, or to stringent rules and regulations. It is an ongoing process wherein the empowering of relationships is informed by designing content, such as talks, workshops, courses, and lectures that make it possible to address how we can live with each other daily. Part of the design of these ways to enter dialogue with and about Sawbonna, is acknowledging that trust must be gained in order for personal and individual stories to be shared. Sawbonna, with its core value of empowerment, situated upon a belief in being seen and seeing other, and in being heard, and hearing other, invites trust. The acceptance of intense emotions, abundant questions, tears, laughter, expletives, and a powerful knowing that the process of engagement itself guides the interactions, is one of Sawbonna’s strengths. Because it is experiential and inclusive and because it invites and inspires the choice to take personal responsibility it is not contingent upon face-to-face meeting of victim and offender. This is one potent reason why it is effective for victims, offenders, and our

communities. Sawbonna is a system whereby dialogue is invited to flow out because it is conceptualized with the vision of creating and living harmoniously with our very self, and in relationship with others exactly where we are at any given moment in time. Key here is the fact that though living harmoniously is a positive and life-enriching gift we offer to others and ourselves, it does not mean ignoring and denying anger, shame, guilt and fear. It means truly connecting with our authentic emotions and feelings, and expressing them within open, safe, and supportive contexts. What I began to recognize after Glen addressed me with the word Sawbonna, was that Sawbonna is about seeing the essence of another individual, her complexity, including goodness, worth, beauty, angst, frustration, and anger and not merely seeing a particular definition of an act or a cultural or societal sanction. The automatic responses about who and how an individual is supposed to be or about who and how an individual has become are often based on an act committed against her, or an act she committed; but, we are whole beings. We are not merely the crime we have committed or the crime committed against us.

As opposed to concrete ideas about victims and offenders meeting face-to face, and stakeholders and theorists shaping what is required of restorative justice, Sawbonna addresses the fact that victim, offender, stakeholder, community, society, everyone, is responsible for their relationship to what power means. What needs to be more prevalent in restorative justice, but is the very heart of Sawbonna and of Young's concept of social justice, is that justice affects us all. It does not merely victim and offender and those who work with them, or those who write justice theory. What we believe and how we choose to respond to all manner of daily interaction informs the norms, truths, and expectations we have in our relationships with each other, and our expectations of how justice should

be lived. Sawbonna calls for broad-based and loosely structured engagement as well as ongoing dialogue, so that we can probe into the layers of the deep and dark and fertile places in each of us, exposing and elucidating what we all share in commonality of our humanness. One simple truth from which Sawbonna contours its expectations about social, restorative, and criminal justice, is that we are all saints and sinners. The lived meanings of these words are expressed in a myriad of ways and by varying degrees. To have an expectation that an us versus them paradigm within our justice systems will ensure equitable and just outcomes, is unrealistic. This fact is what empowers Sawbonna to be shared and to be well-received in every conceivable venue, unlike restorative justice, which often draws from a binary bound system of those “behind bars,” and those not, i.e. the bad guys and the good guys. Further, because Sawbonna refuses to believe in specific underpinnings in which restorative justice finds itself in effect mirroring and reproducing parameters and expectations of a justice system that is as yet limited by the notion that crimes are committed against the state and not against individuals, by individuals, it offers much more scope and hope for including many voices and many needs in relation to what justice can look like.

Sawbonna is not contingent upon religion or religious beliefs. It does not rely on a biblical message or on God’s word. Some practitioners of restorative justice (Barrett in Zehr, *Changing Lenses* 156) work from the premise that to understand and live restorative justice it is necessary to situate beliefs on retribution and reconciliation within a biblical context. Even as I have a deep spiritual life, my belief in how Sawbonna works is not dependent upon religion. I was once told, prior to presenting Sawbonna at an institution, that unless those who wanted to participate in the restorative justice program

believed in a greater power, they were not accepted. In my talks and workshops I speak to the fact that Sawbonna is not contingent upon religion or religious beliefs. This is another reason why Sawbonna proves effective. It presents an offer to consider that taking responsibility for the fact that our thoughts and actions affects our communities and us is a powerful and positive step to take. That a deep spiritual connection can help victim, offender, and society, is not a required criteria to live Sawbonna, though discussions about this are included in my presentations and workshops for they always arise.

Further, Sawbonna encourages and invites varied expertise and experiences that are not manacled to political or religious systems of beliefs. Politics and religion often enter our dialogues, and they are discussed deeply and embraced or not as required by the individuals present, with a clear understanding that respect and inter-relationship can exist apart from often-divisive dogma. This truth about Sawbonna is reflected in the lived reality that Glen and I share Sawbonna not because of religious or church sanctions and support, but because of choice and what we call the gift of grace. Because Sawbonna focuses on not remaining in the debilitating chasm of pointing and blaming, it encourages individuals to think about specific ways in which they can take responsibility for their thoughts and actions, no matter if they are behind literal or figurative bars.

Lived experience is crucial to the Sawbonna dialogues about justice, and how to create more empowering and inclusive systems. Young's theory of social justice is very much in sync with this view, as expressed when she writes about the need to develop and exercise one's capacities not only to express one's own experience, but to be an active participant in what actions to take to be heard and to make a difference. Limitations in the implementation and application of restorative justice diminish the necessary value of

inter-relatedness. Sawbonna challenges those who value restorative justice, including those who write the theories and plan the conferences, to recognize if inclusivity is addressed. The reason for this challenge is because “victim voices have been too often excluded from the design and evaluation of programmes, and that victims are engaged only to the extent that they can serve to rehabilitate offenders” (Sawin and Zehr in Handbook 49). These knowings raise vital questions about the monolithic and impersonal abstraction that is the state and how it wields its power in relation to how story, the inclusion of many voices, and inter-relatedness can transform social and criminal justice. These knowings insist as well on engaging in layered and ongoing dialogues with those who believe in the strength and beauty of how restorative justice can assist in navigating the terrain of social and criminal justice. This insistence means the necessity of reflecting on and changing the ways that we create empowering and inclusive processes to reshape how we can face and deal with broken relationships, without sanctioning brutality and unreflective and narrow responses to justice.

### **Assumptions and Expectations**

Social justice and restorative justice as they are currently practiced find their relationships to power connected to complex webs of assumptions and expectations. Within these webs exist concepts and understandings of how we are expected to speak, which affect if we are heard or ignored. Calling myself a poet is the descriptor that satisfies me for situating myself within the framework of how it is I earn a living. Further, it is the foundation from which I understand myself as an individual who both takes and makes meaning. It informs who my communities include, and how I am perceived via my writings and workshops which are sculpted in a Sawbonna framework, with a view to



creating and finding opportunities to engage in dialogue with particular audiences. Fuelling this goal are concrete examples of responses to my story and workshops, several explicated above. As well, media continues to contact me about Sawbonna, and I continue to receive requests from those who have been affected by crime, and those who work with current and ex-inmates, to speak with them. These requests for me to share Sawbonna indicate that many in our society yearn for deepened dialogue about how to respond to crime and how to negotiate the terrain of justice, a terrain in which human dignity must always factor. My personal story living and working with Sawbonna is used to plant concrete seeds of content in the justice context, wherein better responses to crime can be created; hence, the value of using autoethnography as my methodology for this paper.

Because it is both a method and a text (Etherington 140), autoethnography has much in common with the feminist tenet that the personal and the public are inter-related and inter-connected (Peddigrew 122 and Young 153), wherein Sawbonna finds for itself tangible and useful content for effecting change in the justice system. Implicitly, autoethnography challenges ideas of objectivity and impartiality, and too what it means to be an expert and a professional. Addressing these challenges might inform a more inclusive justice system, particularly if grounded in a conception of social justice that focuses on preventing exclusion, which would allow room for hearing many diverse voices. What becomes apparent in my own unfolding relationship to how and where and why to use Sawbonna as a way to engage with the justice system, is that I provide knowledge I have gained in my lived-experience, presenting people with information in effective and potent ways. My process is aligned with the knowing that using expertise is

not the same as abusing power. Respect, responsibility, and relationship are linked with the great need to examine boundaries, parameters, assumptions, and expectations for making space to include more victim voices in the justice system. This is necessary in order to provide room for a wide range of experience and expertise. Doing this can empower more people to pursue their own goals in effective, thoughtful, and useful ways.

The proofs of Sawbonna mattering and being of use are shown in the responses I continue to receive by being invited to share it in talks, workshops and conferences for restorative justice and peace and justice studies, in prisons, remand centres, at elementary schools, high schools, colleges, and universities, and to share my expressive writing workshops with victims and offenders. What it is about Sawbonna that matters to people is not only hearing a story of hope that is not situated upon religious or political dogma, it is that people can feel empowered as they put themselves in the very roles of Glen (offender) and Margot (“victim”), in a manner that is safe, even as those roles are complex and compelling, even as being in those roles can cause feelings of chaos, can stir to the surface profoundly painful emotions.

What becomes clear is that these challenging roles and emotions can be liberating. My lived experience is an example of how speaking, being seen, and being heard is empowering. The liberation may come simply from entering someone else’s journey, without having the same experience. This is very much akin to watching a play or a film, reading a poem, a novel, or an essay, wherein for a time we are transported and for a time transformed. The sharing of Sawbonna is a way to show our shared humanity. In that shared humanity is the need to be seen and to see others. This must continue to be at the very root of what justice speaks to, from, and about. Examples of Sawbonna being

seen includes the following: being contacted by media for my views about healing after violent crime; being listened to by individuals such as the Criminal Justice Investigator and the Federal Victims' Advocate for my views on justice; and, having my book, *The Other Inmate: Mediating Justice-Mediating Hope*, which is a poetry and workbook for restorative practices used with and by victims, inmates, correctional services staff, and in classrooms, recently being funded by Correctional Services Canada to be translated into French. Each of these is an example of inclusivity and empowerment. Each of these is an example of the lived realities of both social and restorative justice systems.

One important element of Zehr's theory of restorative justice is the need to include many voices in ongoing dialectic and "putting key decisions into the hands of those most affected by crime...using inclusive and collaborative processes" (The Little Book 34 and 37). Young's social justice vision is linked with both Sawbonna and Zehr's view, for she too argues that it is imperative to create ways to both empower and include many stakeholders in the justice paradigm. From my lived experience I see that what I share of inter-relationality, including a deep need to be connected and to know that we can effect change, is shared by others. They see that they too can engage in dialogue that will empower them to act. Many individuals want to know that they can be included in the justice system. And many who work in the justice system want to know ways to deal with brutality, ennui, and fear, which crime daily doles out. Sawbonna matters to those who work to try and make social justice changes inside and outside of both literal and figurative prison bars.

Sawbonna matters to everyone who wants to learn how to include more victim voices in the criminal justice system. It matters to everyone who wants to understand the vast

and varied processes of what living justice can mean. Because Sawbonna matters to me it has catapulted me into the terrain wherein social and restorative justice are no longer “out there,” attended to by certain kinds of experts. As part of my unfolding lived-experience, Sawbonna underscores the value of subjectivity, of telling my subjective story and experience, making a clear link between this story and both social and restorative justice. The clear link is reflected in one of the truths and expectations that social justice and Sawbonna share, which is the importance of personal empowerment.

The sharing of subjective story and being heard is one crucial way in which empowerment occurs. When I tell my story, I do not engage in setting up binary dichotomies about relationships. I am being inter-relational. I tell my story from a place of deep yearning and deep pain, sharing the fact that I will never stop missing my Father, and that I will never forget that just as I miss Theodore, Glen misses a deeper relationship with his sons because of that fatal day. Just as I yearn to have everyone who hears Sawbonna accept and understand that I have become friends with the man who murdered my Father, I accept the fact that many might find this relationship almost unfathomable, while others find it a betrayal. However, in telling my story, I am clear about my belief that to live with paradox means embracing a view of justice that demands ownership of my truths and taking my personal responsibility for my actions and choices. The same is true for Glen.

My story is one that offers a bridge between both victims and offenders, whose suffering and confusion are real. They can see that they too can honour and speak their voice and story. What becomes clear is that subjectivity is closely linked to social justice. My sharing of story however, is not merely for the act of telling a story to get a particular

response or reaction, to simply stir emotions. This telling shows concrete ways in which subjectivity is linked to cultural and universal concepts and theories. It is a lived example and a rich catalyst for inspiring other subjective stories to be shared. It shows that transcendence and transformation are possible even after brutal crime. Sharing Sawbonna is very much in line with Young's ideas about social justice and the need to ensure that exploitation and powerlessness are eradicated. Sawbonna invites individuals to be present to their journey with the view that each one of us yearns for dignity, yearns to be empowered, yearns to matter, even after a crime that has been committed against us, even as we have committed a crime. Like Young's social justice point of view, Sawbonna enables people to meet their needs and express their desires without having to truncate their emotions by relying on oftentimes limited and limiting political or religious dogma. Because we can come to see and hear the facts of our inter-relationality, even as our pain from loss does not permanently go, we can imagine what it is like to live as a victim and to live as an offender, and to live from a place of wanting to be more beyond these descriptors. From these sharings of story can be birthed other concrete actions which can then be put in place to expand and change what can often be limiting and limited relationships to how justice is addressed, by whom, and why.

Why so little time has been given to subjectivity and story as they relate to and are intricately linked to the political and cultural of our lives proves baffling. Why it is that reason and objectivity are most often seen as worthy and useful in terms of deciding how and to whom and by whom voice, hence, power is given, if not wrested (Ellis & Flaherty 9) is particularly significant in relation to social and restorative justice. Intricately related to this is the false idea that impartiality exists in these two areas, and that experts and

professionals educated in a particular language and belief system can speak for those who have experiences and relationships to social and restorative justice that are apart from the systems and institutions that would seem to have the monopoly on what and how justice means. Young addresses this flaw in writing about universality and objectivity:

A theory that limits justice to formal and universal principals that define a context in which each person can pursue her or his personal ends without hindering the ability of others to pursue theirs entails not merely too limited a conception of social life...but too limited a conception of justice...as a virtue, justice cannot stand opposed to personal need, feeling, and desire, but names the institutional conditions that enable people to meet their needs and express their desires.

(Young, JPD 121)

From this concept of justice surfaces the idea that justice requires an inclusion of personal need, feeling, and desire, which strongly highlights that notions of impartiality, neutrality, and objectivity prove incongruous and unhelpful to those involved within the justice system, a system that sets up parameters and boundaries about what is acceptable for inclusion, how, and by whom. What is the demarcation between subjectivity and objectivity, and who has the final word on universality, based upon what criteria? Responses to these questions must take into consideration issues such as privilege, and lack thereof, which involve beliefs around merit, which are tightly linked to the foundational beliefs of a given institution and what values and ethics are used in building that foundation. The notion of community proves an important jumping off point for addressing beliefs about merit and inclusivity, and whose voices matter, and why. Young calls this the “distributive paradigm” (Young, JPD 12). This distributive paradigm makes particular assumptions about inclusivity and exclusivity, about whose voice matters, and which merits are given which roles. These decisions imply that certain choices, beliefs,

and values take precedence over others; and too, that those who are part of a particular tribe, group, community, or institution must listen and support what those in positions of power decide. What cannot be ignored in this hierarchical relationship to justice is that three forms of oppression are virtually guaranteed, “exploitation, powerlessness, and cultural imperialism”(Young 12) because the inclusion of the few means the exclusion of the many, thereby setting up an adversarial relationship between them and us.

One significant aspect of exclusion in the hierarchical justice system is examined in Dewhurst’s paper wherein he considers Daicoff’s examination of “developing dispute resolution alternatives to the adversarial (justice) system” (Daicoff in Dewhurst 463). Daicoff’s alternatives include “converging “vectors” or alternative developments...the converging vectors are collaborative law, creative problem solving, holistic justice, therapeutic jurisprudence, and transformative mediation” (Daicoff in Dewhurst 463). In concert with Daicoff’s views, Dewhurst addresses how emotional and inter-personal dynamics are not highly valued in pure legal analysis. What is noted is that within an adversarial justice system the focus is primarily on intellectual virtues. Social justice and Sawbonna view this emphasis as ineffective.

This awareness is a crucial jumping off point for necessary questions about who has decision-making power about how justice should be lived, with a view to questioning why it is that only particular voices are deemed relevant, necessary, and useful within the social justice context, and why so many are left out, or profoundly challenged, if not insulted, and ultimately silenced. My autoethnographic research insists that emotional virtues can and should be included in the terrain of teaching and living justice. That Sawbonna can be included in the landscape of emotional virtues, for it invites an

expanded dialectic about how restorative justice can be implemented in a more inclusive and empowering way continues to become clear.

The reason for this is that my story continues to serve as a way to model similar dialectic and dialogue. Victim, offender, each of us in society, yearns for a way to enter into dialogue and dialectic with meaning and purpose. Sawbonna is a concrete example of how this possible. My audiences and course participants gain from me because they see justice as a lived-reality and they see how they may gain from entering into their own dialogue and dialectic. A rigid justice system, which Young critiques, does not invite or inspire engagement, must be reshaped to embrace more subjective elements such as hearing stories and responding with openness by embracing these possibilities and ensuring that they can occur. Rigid and narrow restorative justice approaches do not invite or inspire sufficient inclusivity. Creating enriched mechanisms for changing systems do. They are important for broadening the scope of inclusion in how we live social justice and address specious notions of universality.

Young addresses ideas of guilt and responsibility, whereby responsibility is forward looking while guilt is a backward movement that fails to address what can and must be done to change entrenched assumptions and expectations. How individuals choose to tell their stories of past injustices and how that relates to them moving forward, is directly connected to believing that they can create more just ways of living into their future. What becomes important here is the vital and challenging, if paradoxical act, of forgiving and remembering. The past cannot be changed, but how we as individuals and societies deal with our rememberings is crucial to how it is we live the values of social justice in the present, and into our future.



Because my own lived experience of justice, Sawbonna, speaks to and from story intricately connected with past injustice that found itself transformed by forgiving and remembering, I was drawn to the moving and important story of Mi'kmaq, Law Professor, Patricia Doyle-Bedwell, feeling a kinship of understanding with how, as yet, culture and society are governed by narrow, limited, limiting, and exclusionary "ethics." In her teaching journal, she wrote about the aggressive and belittling, if soul-shattering disrespect, better known as racism, she faced while teaching law at Dalhousie (Doyle-Bedwell in Baker and Gamache 76). Her autoethnographic expression of her voice and story being diminished by students, and her sense of being betrayed because of bringing her life experience as a Native woman into the classroom, say much about the brutality that can be caused by entrenched values. How her effort to foster broader understanding of inter-relatedness was received, expresses how the group that is in power can have a profoundly negative effect by sanctioning the marginalization of those not part of that group. This negative effect in turn easily filters down and through our societies and communities, becoming automatic, if acceptable, expressions of exclusion and hatred in our own children and grandchildren.

I share Bedwell-Doyle's story for four reasons: firstly, to show how personal voice matters; secondly, to give another example of the importance of story; thirdly, to show how criminal and restorative justice can benefit from hearing and responding to stories; and lastly, to show how power is taken, given, and distributed, and how it continues to be a savage act of attempting to silence necessary voices. That misuse of power continues in our education systems and filters into our justice system is untenable. And restorative

justice with its foundation tied to that adversarial justice system, is not yet inclusive to particular “victim” experiences of crime.

Further, illuminating what restorative justice is supposed to mean along with what it purports to do, and does not do, highlights a relationship to the notion of universality, one directly connected to Young’s caution about how universality with its presumptions about inclusion, in fact prejudice and exclude. And it is here that it becomes crucial to recognize the boundaries and parameters, along with assumptions and expectations that call for reexamination, with a view to making space for ways to include more victim voices in the justice system. Gerry Johnstone says that restorative justice must “become adept at articulating contested meanings” (Johnstone 20). He describes five areas of concern for restorative justice. They are:

Firstly, an encounter and process involving all stakeholders in decisions about what is to be done in relation to a crime;

Secondly, an alternative conception of the “state of affairs” that makes up justice, which seeks to repair harms, rather than ignore them;

Thirdly, it is a distinctive set of values focusing on co-operation and respectful resolution of conflict, with a view to reparation;

Fourthly, restorative justice can mean a call for a transformation of societal values, and how we interact with each other;

Lastly, restorative justice is a vision that things can be made better, that fair processes and punishment can afford hope and healing after crime particularly if it is sought.

Sawbonna with its lived-reality of justice expands on generalizations. Sawbonna does this by living the reality of ongoing dialectic by not only engaging in it, but by creating the mechanisms to make it happen. It is a daily encounter with responsibility and choice for what and how justice means. Sawbonna does not stop at a notion of “closure” which is often wrongly seen as something being finished with. Sawbonna is an ongoing dialogue and dialectic with self and with media and community, which though connected with the shared restorative justice value of relationship, takes it further and deeper, in that it understands and lives empowerment as an integral and ingrained part of how we live each day of our lives. According to Marian Liebmann, “a very simple definition I sometimes use when I give talks to audiences unfamiliar with criminal justice jargon is, ‘restorative justice aims to restore the well-being of victims, offenders and communities damaged by crimes, and to prevent further offending’” (Liebmann 25). This very simple definition is not sufficient to inspire enriched and enriching dialogue and dialectic. It sounds like jargon. It sounds like a platitude. Another guideline she speaks to, shared by Helen Reeves of Victim Supports states, “that an approach can only be deemed restorative if it includes attempts to put things right for the actual victim of crime” (Liebmann 25). This definition is also too general. Like Liebmann’s definition above, this too is a platitude seemingly relegating the intensely demanding interactions that occur in restorative justice processes to banal cliché. Sawbonna as lived justice continues to ask for and offer concrete ways of putting things right, which includes addressing how we deal with exclusion, confusion, and fear.

Though each of the definitions above is optimistic, they neglect to address specifics about how victims of crime can come to the place where they can see how restorative

justice implements and practices inclusivity in concrete ways. Optimism is a respectable starting point, but more is needed. My lived experience as yet shows that specific expectations are placed upon victims and offenders in terms of how our emotions, including fear and anger, are understood. Little argument can be made against individuals yearning to address well being and further prevention of crime, however, Johnstone and Liebmann's descriptions and definitions lack a Sawbonna vision which is one that, akin to Young's deliberative democracy, values including public deliberation by citizens, citizens who in fact have been profoundly affected by crime. Sawbonna, with its concrete and lived-reality of individuals seeing and being seen, challenges restorative justice to create room to include victims in an ongoing process wherein their lived experiences, which often include their sense of being objects within systems of definitions and expectations, are heard, understood, and supported. Restorative justice practitioners must question if and how they offer specific supports and safety considerations to victims of crime, without speaking clichés, generalizations, and platitudes. They must address how it is they create spaces for us to speak for ourselves. My lived-experience of Sawbonna is a concrete example of how victims can empower ourselves by speaking our story and thereby engage with rigid justice systems. Some restorative justice practitioners recognize this very important challenge. "Mary Achilles, a state-level victim advocate...argues that some programmes have been designed on the assumption that 'one size fits all'"(Sawin and Zehr in Handbook 49). Sawbonna is a lived expression that victims can speak for themselves and can play a role in making change to restorative and criminal justice systems. Sawbonna is not one size fits all.

Addressing why it seems acceptable that we speak for others and accept the notion that others speak for us is imperative. This question, “Will speaking (for others) enable empowerment” (Alcoff 28) is one key to why Sawbonna as social and restorative justice matters, for it addresses that to have one’s story heard is important and necessary for self and other, because the personal is not separate from the public. It as well underscores that it is not merely those who make and implement rules and policies and theories whose voices should matter. Empowerment is not merely a fixed proposition in which sanctioned outcomes by those in power and those “in the know,” as understood by particular positions and titles say it is. It is many voices and many needs that only become known when they are shared, shared with a view to being of use to self and if desired, of service to others. This is precisely why Sawbonna works. It offers a lived-theory of justice which not only echoes Young’s view of developing and exercising our capacities to act, it also insists, like Young, that society creates and supports the conditions necessary for the realization of these truths. Because society is us, and not “those out there,” Sawbonna lives the reality of being a part of creating and supporting the conditions required for justice to be lived. Social justice and Sawbonna recognize that voices that wish to share must be heard in public. Being heard in public means that we are seen. To be seen is to witness and to be witnessed is to be included.

Though he is speaking about the Native community, Rupert Ross’s insight, that, “we blithely make pronouncements about what we will do for them and then impose our structures and institutions without ever explaining why we built them and how we believe they will produce the desired results” (Ross xxv) can be used for any individual and any group who not only feels, but experiences what it is to be spoken for and spoken to,

without having a place to speak, let alone be heard. Sawbonna speaks to and from a genesis of seeing and being seen, and moves into the concrete of sharing how that matters in relation to social justice, and why. My choice, via Sawbonna, is to engage in dialectic and dialogue about changing specific processes as they relate to how justice is addressed. My choice has resulted in concrete and ongoing dialogue with those who work in both criminal and restorative justice, and those who work for social justice. Further, my choice shows others that they too can engage in changing ineffective and exclusionary processes. Broad input and varied output is what Sawbonna, in concert with Young's distributive paradigm, addresses. What Ross is addressing here is a need to recognize diverse needs that ask for unique responses, which include new questions about why it is we feel that only some of us know the right processes that are to be used in order for the right outcomes to be arrived at. Restorative justice is not immune to exclusionary and limiting practices, even as its theories would say otherwise. Sawin and Zehr note that, "for some years after restorative justice practice emerged, there was...increasing evidence that victims and their supporters were feeling excluded and disempowered in the expression of this concept and practice" (Handbook 49-50). I have had this experience of feeling excluded and disempowered, and Sawbonna helped me to understand how to respond.

### **Text and Method: Voices of "Victims" at the Restorative Justice Conference**

An experience at a restorative justice conference on a bitterly cold Saturday afternoon catapulted me into remembering that though words offer us a means by which to understand and be understood, they as well challenge us profoundly. Challenge comes by demanding that we do not forget that it is listener, speaker, community, and cultural contexts that shape meaning. That those meanings are fluid, ever connected to our inter-

relationality, is important to address. That we must be careful not to limit meanings by a particular time and context to serve any number of needs and wants is crucial. Saying what a word or concept means and writing definitions and theories is not the same as living those definitions and theories. It is not words and theories about loss that define us. It is how we deal with loss that does. Because it is rare that we deal with our losses by ourselves, and because the personal is intricately intertwined with the public, the supports and tools that we are offered affect how it is we deal with loss. In relation to dealing with loss from crime, restorative justice is one such tool; however, though many of its theories are sound and affirming, its implementation can prove lacking. Young's social justice theory in addressing the fact that any justice theory which limits inclusivity, virtually guarantees powerlessness because the inclusion of the few means the exclusion of the many, is deeply related to the discovery I made on that bitterly cold Saturday afternoon. My discovery rested on the fact that though there are many meanings for the word victim, and many types of victimizations, restorative justice, drawing heavily within the framework of an adversarial justice system, has not yet effectively addressed this important concern. Using specific definitions within the justice paradigm makes it far too easy for stakeholders to become a product of the crime itself, being slotted according to assumptions and expectations about the roles they are then to play. The word victim, in section 722(4) of the *Criminal Code* (below) "means:

1. (victim) means a person to whom harm was done or who suffered physical or emotional loss as a result of the commission of the offence; and
2. where the person described in paragraph (a) is dead, ill or otherwise incapable of making a statement, ... includes the spouse or common-law partner or any relative of that person, anyone who has in law or fact the custody of that person or is responsible for the care or support of that person or any dependant of that person.

My experience at restorative justice conferences is that the kind of victim that is included is one whose value is measured “to the extent that they can serve or rehabilitate offenders” (Sawin and Zehr in Handbook 49). That particular victim’s views about forgiveness and religious beliefs are two common contingencies upon which rest the degree of her inclusion and acceptance at those conferences. Young’s view that, “A theory that limits justice to formal and universal principals that define a context (and conditions) in which each person can pursue her or his personal ends without hindering the ability of other to pursue theirs entails... a limited conception of social life” (Young, JDP 121) challenges the inclusion of only one type of victim experience. Restorative justice supporters and practitioners are often limited by narrow definitions and responses to crime (and to loss) because many come to restorative justice from “offender-advocacy backgrounds” (Zehr and Achilles in Handbook 49).

On that bitterly cold Saturday afternoon I attended a talk entitled, “How Murder Saved My Life.” I was intrigued by the title, drawn to it based on the description in the handout. I wanted to hear the speaker explain how murder saved her life. I was thinking of my Father’s murder, and how that title did not reflect my relationship to that profound loss. My interest was deep. The words in the hand out were, “In this informal dialogue E. will share her own personal journey with restorative justice, and how this journey has changed and rewarded her life... The terrible tragedy has given her a more powerful outlook and purpose” (Leenheer in Handbook for 5<sup>th</sup> Annual Restorative Justice Conference 16). I went to hear about how restorative justice worked in such a complex and challenging process as living life after murder. The speaker’s experience of victimization was not of a loved-one being murdered, but of a loved-one murdering. The



woman said that she chose that title for her talk for she knew it would provoke interest. It had worked. Listening to her story was deeply touching and profoundly distressing.

As she spoke, I found my ire rising. I as well remember myself, a sixteen-year-old girl sitting in a chapel hideaway after the murder of my Father, yearning for escape. Crying. Crying. Crying. Though tears came as I listened to this woman, escape was not what I wanted. I was closing in on fifty on that icy November afternoon. A mother. A grandmother. I thought I understood restorative justice. When the time for questions came, I asked, "How do you think the family of that murdered woman might feel about the title of your talk?" She responded, "I don't know." I was shocked. I thought about my Grandmother and Grandfather, Theodore's parents. I thought about my Mother and my siblings. I thought about Wilma Derksen, about Marjean Fitchenberg, women with whom I have shared time and conversation, whose children were murdered. I thought about conversations Glen and I have had about how he would feel if one of his children was murdered. I tried to understand how it was not possible to speculate on how the parents and siblings of that murdered woman might feel about that title. That a positive result had occurred for the speaker in that she decided she would love and support her brother, after having hatred for him and wishing for his death, was evident. She said that a restorative justice program she had taken inspired her change.

I have shared Sawbonna with individuals behind literal and figurative bars knowing that this occurred because Sawbonna, not shaped by an adversarial criminal justice system or weaker restorative justice practices, but linked with in a social justice theory of inter-relationality, public deliberation, and inclusivity, creates trust in those who are part of the dialogue. Inter-relationality speaks from having a sense of how another's loss can

hurt as deeply as our own. That all manner of loss is difficult and painful is a fact. Murder is a loss. It is catastrophic for everyone involved. It is a loss for the one killed and for the one who did the killing. It is a loss for the family and friends of both. It is a loss for communities. It is a loss for society. Just because we are called cancer victim, murder victim, or murderer, does not make us immune to understanding the complex processes of dealing with pain and loss that we each can feel. This is one of Sawbonna's truths and strengths. People see people. People feel for and with people. The woman's response spoke from an as yet unrealized conceptualization situated within the context of being defined by a word, and the expectation of what that definition spoke to.

“That restorative justice can give rise to a number of difficult conflicts of interest” (Dignan) was apparent not only in the response I was given to my question, but one woman in that same talk, who belongs to a restorative justice association, turned to me and with venom in her eyes and dripping from her voice, said, “She is a victim too, and restorative justice is for all victims.” She was correct. What was problematic for me was that I felt chastised for asking a question that did not sit well within that context contoured in expectations about what was acceptable.

Roche addressing this issue states that, “Those who observed restorative justice conferences, and interviewed participants afterwards, note that far from being oases of reconciliation, conferences also provided opportunities for people to punish and hurt one another” (Roche in Handbook 81). In response, I said that I believed in restorative justice. I said that I had yet to attend a restorative justice conference that included a variety of victim experiences. I said that I was puzzled that in a restorative justice context that my question proved an annoyance and a surprise. I said that I did not

understand how it was difficult to imagine how the parents of a murdered child might find such a title deeply difficult to handle, even if they were glad about the woman's healing and growth.

Sawbonna is about addressing how it is we use words to define ourselves and in so doing, how we not only become stuck in the meaning of those words, but how we continue to feed into beliefs and notions about who we are supposed to be, and how we are supposed to act because of those meanings. Sawbonna addresses the important knowing about how words impact our relationship to others who are both close to us and further away.

The title of this presentation and the responses I received strongly hinted that restorative justice is as yet tied to the criminal justice system of them vs. us, and is still drawing from binary positioning of how people are expected to respond in their personal relationships to crime. The antagonistic and confrontational nature of an adversarial system which "(is) too rigid, not permitting the parties to negotiate and fashion their own solutions" (King et al 3) is what restorative justice needs to dialogue about, particularly in its lived-reality.

The lived-realities must include ongoing and open dialogue, not attempts at silencing. These dialogues do not necessarily have to occur in formal settings such as conferences or classrooms. Community centres, healing centres, cafes, pubs, greasy spoons, cafeterias, local parks, backyards, before and after school programs, senior centres, and church basements, are some of the alternative places where these dialogues can occur. Places where people feel comfortable is where trust is created and where people are more likely to want to talk, to want to be seen. Though prisons and remand

centres might appear to be places where trust is unlikely to be given, in my Sawbonna talks and workshops in these two places, both from me to the offenders and staff, and from them to me, trust comes. It comes because we speak not as products of crime or criminal justice systems, not from living by the definitions that situate us, but from our inter-related selves wherein respect and responsibility contour the dialogues.

Young's views as they relate to restorative justice highlights the need for "institutional conditions" to create the spaces that offer opportunities for a vast variety of voices to come together in safety, with support. Within the context of the restorative justice conference, which often takes place in institutions such as colleges, universities, and other government settings, organizers need to address inclusivity and be particularly wary of not reproducing the very system they find untenable. According to Brenda Waugh in her article in which she writes of her personal experience with the Virginia Tech killings of April 2007, "restorative justice practices tend to rely upon the same charging process, allowing the state to identify the harm through the selection of the charge and to name the victim and offender based on objective definitions contained within its statutes" (Waugh 154). That neither victims nor offenders can be slotted into easy categories and stereotyped into conformity is one of the profoundly undeniable challenges of justice: criminal and restorative. Restorative justice must be prepared for and accepting of not only the celebratory interactions, but of the messy and chaos-steeped discussions that can happen when inclusivity is lived; inclusivity that does not mean castigating questioners, but recognizes opportunity for growth. A reformulation of the relationship that restorative justice has to the language upon which it situates itself is a necessary challenge it faces.

Crime creates a multitude of disharmonies and disruptions and because criminal justice views crime as being committed against the state, and because restorative justice is as yet tightly knit with the adversarial criminal justice system, the way in which inclusivity of stakeholders at the restorative justice conferences is addressed, begs to be broadened. The title, “How Murder Saved My Life,” ignited my ire and inflamed my fevered yearning to understand how this title was speaking to broad based empowerment and inclusivity. Sawbonna believes in speculating on how each person might feel in relation to loss, no matter the role each is supposed to play based on being defined in a particular manner. Sawbonna offers the opportunity to speculate on all types of loss, i.e. victim experiences, offender experiences, and experiences all of the individuals affected by those losses. Speculating is not about knowing for others. It is about knowing with others.

Sawbonna believes in and works from the premise that subjectivity is valid and valuable within the justice terrain; however, Sawbonna does not mean just any type of subjectivity. It refers to subjectivity that informs and invites and includes the underlying value of inter-relationality. When I asked the speaker how she thought the parents of the murdered woman might feel about the title of her presentation, she said that she could not speak for them, that she did not know. What struck me was that of course we can never *know* for another, but that we can come to learn how to mirror and model what others might feel. Sawbonna offers a way to do so. That our subjective selves can include the confusion and uncertainty and as per Dignan the “chaos,” of seeing and feeling with other, is a gift we give to ourselves and to them, for we are empowered with deepened and broader wills for understanding many viewpoints. Chaos accompanied me home after

the conference. The very last, the keynote speaker, said with equanimity, that, “The victim of crime must forgive the perpetrator.” Sawbonna is not contingent on the notion of forgiveness. When I returned home, I emailed several individuals involved in restorative justice: advocates, lecturers, professors, friends, and colleagues. I wanted their thoughts about victims and forgiveness. I received abundant responses, most reflecting what is shared below. What follows are two questions I asked Howard Zehr, and his response. He asked for my permission to share our dialogue on his blog. I said yes.

*Is a victim of crime who values restorative justice welcome in the restorative justice community only if s/he “works for” forgiveness?*

*Does restorative justice have room for victims who are in the throes of deep and savage grief, feeling that they are somehow “bad” because they are not “chosen” or “holy” or “healed” enough to belong to what can often seem an elite group who “knows” about living life after crime?*

Margot Van Sluytman, whose father was murdered, has dedicated her life to the healing of both victims and offenders. Recently she emailed me these questions after attending a restorative justice conference. They are important questions.

It is tempting for restorative justice advocates, consciously or not, to differentiate between “good” and “bad victims.” Good victims are those who are ready to forgive and reconcile; bad victims are those who are angry, punitive and unforgiving.

An attitude of forgiveness is a lovely thing, and a restorative encounter that results in some measure of forgiveness or reconciliation is wonderful. However, I would suggest that this is not a goal of restorative justice and is not a measure of whether an approach qualifies as restorative justice. For me, restorative justice is about addressing harms and needs, and helping those who have offended to understand and accept the resulting obligations. To the extent possible, it implies a collaborative and dialogical process. As long as an encounter can be engaged in respectfully and safely for all participants, whether a victim is angry or forgiving is not the decisive factor. And in an encounter, the choice to forgive and reconcile is totally up to the participants; forgiveness is not a measure of whether a restorative justice approach has occurred or is worthwhile.

It is important that we as practitioners welcome those who have been harmed into our midst, regardless of their orientation. Restorative justice calls us to listen to their harms and to the extent we can, help them identify and address their needs, regardless of whether they are forgiving. That, to my mind, is essential to being a restorative justice community. (Zehr November 2011 Blog)

In the morning session of that Saturday conference I had presented my talk, “Sawbonna: The Powerful Process of Forgiveness.” I wanted to talk about the “f” word, forgiveness. I used the word forgiveness in the title because my experience with restorative justice conferences has shown me that many who have interest in a “victim”

story want a happy one, with a happy ending, which includes the “victim” forgiving the “offender.” I do share a happy story, wherein two people who were once known as victim and offender saw each other and heard each other, shared Sawbonna. I spoke about restorative justice as a complex process wherein forgiveness, as well a complex process, might or might not happen, but that restorative justice is not necessarily about forgiveness, but rather about support and inclusivity and hearing all “victims,” all “offenders,” all stakeholders. One man in my talk insisted that without forgiveness healing cannot occur. One woman told me she appreciated my talk, but that I needed to ask God to help me with my “anger,” that she would pray for me. I knew she meant well, and that we were drawing from related though vastly different relationships to expectations from restorative justice conferences, and “victim” voice. She was doing what is too often done to lived restorative justice, which is a sort of co-optation by religious rhetoric; rhetoric which still sanctions the abuse of women and children, wherein those who are harmed are chastised for being angry, and for not being able to walk with calm, complying acceptance, managing to survive with “god’s” help. Two glaring reasons why this rhetoric is still prevalent are: firstly, wide-spread abuses of power whereby political and religious dogma often deems what is acceptable and what is not based on what best serves those in power; and, secondly, inequality between the genders, which includes particular expectations of how women and children are to behave. Keeping what might be contrary thoughts and feelings private and away from the public sphere is one such expectation. Though this individual’s view is one form of understanding and living justice, it does not reflect the view of social justice or Sawbonna, neither of which is contingent upon “God” and religious belief. The dialogues

shared with that man and that woman reflect Johnstone's insight that, "conflict is not something to avoid or resolve (but) can be a valued possession for those who are in conflict, and (that) wrestling with that can become the occasion for inner growth and personal transformation" (Johnstone 19).

Sawbonna which is situated upon the social justice norm of inclusivity and empowerment argues that to transcend and transform the dark savagery of the aftermath of crime, is to engage in dialectic and dialogue, which acknowledges that the words "victim" and "offender" situate us in a paradigm of responding in inherently binary ways. It struck me that at each restorative justice conference I had attended there were very, very few "victims" of crime presenting a talk or keynote who addressed the lack of inclusivity of a particular kind of "victim," or victim experience, one who did not believe that it is necessary to meet the perpetrator of the crime, to forgive, to eradicate anger, anguish, or fear as soon as possible after a crime is committed.

The lived-reality of Sawbonna is more inclusive and useful than an unrealized restorative justice framework that is as yet intricately tied to not only an adversarial justice system, but to oft-time narrow religious dogma. Without victims of crime being seen and heard they have little way of even knowing what the harm really means for them, and little or no way of identifying what they need in order to recover and to restore their lives. Sawbonna works for an understanding that we must be aware of the fact that we define the notion of victim in many ways. Sawbonna further knows from lived experience that we must continue the dialogue and dialectic about why we use the word victim to situate ourselves as a product of a particular context. Habit, ignorance, and the purposes of funding for conferences and research are some of the reasons. Sawbonna is



an invitation to consider that we are much more than a product of any act committed against us, of any act we have committed, and of any system that attempts to keep us playing particular roles. Margot does not equal victim. Glen does not equal offender. Both know profound loss. Both know resiliency. Both can see from each other's experience. Sawbonna is a bridge by which we can ford the polarizing chasms of them vs. us.

Sawbonna, like social justice, situated on the foundations of empowerment and inclusivity, is a lived-reality of paradox and process, wherein many voices can come to live a celebration of resiliency. A celebration of resiliency means allowing room for the complex emotions that are part of dealing with loss, with disharmonies, and with broken relationships. Though formal adversarial justice frameworks often do not take into account the interests of other persons who are not necessarily party to the dispute (such as victims, parents, relatives) may have in the court proceedings" (King et al 3), restorative justice can; and Sawbonna, which is not an event, is not a product, is not a moment in time, does "take into account the interests of other persons not necessarily party to the dispute" (King et al 3), because it is a deeply layered, ever-unfolding process, one that continually seeks engagement.

### **Seeking Engagement**

Tomorrow came early. Today is on schedule. Phoenix has risen yet again and my gavotte with autoethnography, social justice, restorative justice, and Sawbonna, finds me completing this piece of writing, and at the cusp of yet another beginning. I am seeking deeper inclusion and engagement in the communities where Sawbonna can invite layered communication. I am seeking to offer a particular perspective about how subjectivity,

story, and many varied voices can mean a more inclusive jumping off point from which to dialogue ever more deeply about what it is we mean when we speak about justice.

As I was birthing this paper I struggled not to allow myself to be tempted into simplistic and stereotypical conclusions, afterall I am, by legal definition, a particular sort of victim and I am a poet. Expectations vary considerably about how I am supposed to act and what and how I am supposed to write. Time and experience, which for me includes Sawbonna, means that I cannot pretend I do not know that none of us are merely stock characters in some sorry production, no matter how we define ourselves or are defined. We are connected to family, community, to story, and to beckoning futures, which invite us to be a part of scripting new realities, which includes resistance to denying what we think and feel, as well as learning not to react as stock characters. In order for us to insure that the scripting of new realities is not merely newly-named duplications of exploitation, imperialism, and hegemony drawing from staid rhetoric and stultifying theories, which promise adversarial and exclusionary practices, we are invited to lean into the belief held by Young and Carl Gustav Jung, that imagination is an ally. “Imagination and intuition are vital to our understanding. And though the usual popular opinion is that they are chiefly valuable to poets and artists (that in “sensible” matters one should mistrust them), they are in fact equally vital in all the higher sciences...they play an increasingly important role, which supplements that of the “rational” intellect” (Jung 82); and justice is inarguably a “sensible” matter, and Sawbonna can and does ignite the intellect and the imagination.

I came to this final project, a poet in academia, begrudgingly and fear filled; however, my autoethnographic methodology which included situating Sawbonna in

relationship to social and restorative justice has reminded me of a truly potent fact: no matter the genre we use, we are sharing our voices, our stories, and we are seeking to engage others. We are seeking to engage with others. And I now own gratitude. Derek Briton, one of the creators of this program, The Masters Arts Integrated Studies (MA-IS), in which I have been engaged for three years, expresses what I mean, “If I am to understand more fully the attributes of my *self* and the *selves* of those...I wish to enter into relationship of learning with, it is imperative that I examine the limits and functions of the theories that inform my practice...within the community of my discourse”(Briton 29). Because I wanted to examine the “limits and functions of the theories” of restorative justice, and understand what and how they mean in relation to Sawbonna, I came to the Master of Arts Integrated Studies, which has lead me to this paper. I selected an independent track because I wanted to explore all manner of discourse that I believed would mean exposure to varied perspectives, values, and visions. I trusted that I would be able to enter dialogue, to learn, to teach, and to find myself confronting my own personal conflicts and beliefs about justice. Now I see that no matter what definitions are used in criminal and restorative justice, I have been engaged in a celebration of resiliency. I learned that to better live my relationship to justice includes learning to better articulate lived-experience for my *self* with other *selves*.

In writing this paper, resting it upon Young’s view of social justice, which is grounded upon the understanding about the importance of the relationships we have with each other, and grounded as well on the need to not bandy about the word “justice” without caution regarding who is actually included in the justice paradigm, I learned even more deeply how boundaries, parameters, assumptions, and expectations are liberated

and broadened by trusting the struggle to be seen and to see. In my very own thesis I came to really understand how the word “victim” is used and misused. Based on both the criminal and restorative justice systems, the use of that word situates me. I am seen and understood by the expectations and assumptions of what to be a victim means, just as Glen is, within those systems, an offender. With social justice and Sawbonna, we become Margot and Glen. We are parents and grandparents. We both love words. Neither of us is behind bars any longer. We recognize our diverse needs and unique responses.

My vision for Sawbonna is to create a community, working title, Sawbonna: Voices for Inclusive Justice. I believe that we need many voices to transform notions of us vs. them in an all too divisive and adversarial criminal justice system, and an oft-time deeply well meaning, though exclusionary restorative justice system. One important challenge for social, restorative, and criminal justice, is to turn theories and ideas into lived-realities. I promised my Dad that his death would not be for nothing, therefore, I continue to write and re-write and to speak in order to better clarify and articulate what it is I do and do not understand, but wish to, about my own relationship and responsibility to justice, to Sawbonna. And Sawbonna is not only about writing and rewriting, it about how to make choices and to take action in order to create concrete ways to insure inclusivity and empowerment of many voices.

I conclude this paper with a celebration of resiliency that for me must include poetry. On Monday, March 27, 1978, Theodore, my Father, left the world. On Tuesday, March 27, 2012, Poet, Adrienne Rich, left the world. Both of these human beings have enriched the world with their legacies. In the process of birthing this paper, I took time out to write a short essay that has an original poem for Correctional Services of Canada 2012

restorative justice week resource kit. This poem is as closure for my last step in my Master's journey, and for the lived-research that honours our diverse needs with unique responses, infused with a Sawbonna vision of lived and living justice.

**Diverse Needs. Unique Responses**

Let us circle around hope.

Lighting a candle to trust,

Inviting possibility,

Where all seems lost,

Shallow, and forgotten.

Let us carve out a new

Story. Seeing each other

With new eyes. Even as

We feel nought

But darkness and dread.

We are that. And so much

More besides when our

Voices as one, speak

Our diverse needs,

Honouring

Our unique responses.

For Sawbonna is.

© Margot Van Sluytman

## References

Achilles, Mary. "Can restorative justice live up to its promise to victims?" in H. Zehr and B. Towes, (eds) *Critical Issues in Restorative Justice*. Monsey, NY: Criminal Justice Press, 2004.

Achilles, M. and Howard Zehr. "Restorative justice for crime victims: the promise and the challenge" in G. Bazemore and M. Schiff (eds). *Restorative Community Justice: Repairing Harm and Transforming Communities*. Cincinnati, OH: Anderson Publishing, 2001.

Alberta Restorative Justice Association, Alberta Solicitor General and Public Safety, Edmonton Restorative Justice Network, Grant MacEwan University, Mustard Seed Edmonton, and Edmonton Roman Catholic Archdiocese, Eds. *Handbook for the 5<sup>th</sup> Annual Alberta Restorative Justice Conference: Re-Defining Justice: Communities in Action*. Edmonton, Alberta. November 18 and 19, 2011.

Alcoff, Linda Martin, "The Problem of Speaking for Others," *Cultural Critique*, 20 (Winter 1991), 5-32.

Baker, Sheridan and Lawrence B. Gamache. *The Canadian Practical Stylist With Readings*. Don Mills, ON: Addison Wesley Longman Ltd., 1998.

Barrett, Lois, "The Gospel of Peace," MCC Peace Section Newsletter, 18, No.2 (March-April, 1988, pp. 1-8.

Bazemore, Gordon and Lori Elis. "Evaluation of restorative justice." *Handbook of Restorative Justice*. Johnstone, Gerry and Daniel W. Van Ness. Eds. Portland, OR: Willan Publishing, 2007, 397-425.

Bolton, Gillie, Victoria Field, Kate Thompson. Editors. *Writing Routes: A Resource Handbook of Therapeutic Writing*. London, UK: Jessica Kingsley Publishers, 2011.

Bowman, James and William Rehg, Eds. *Deliberative Democracy: Essays on Reason and Politics*. MA: MA: MIT Press, 1997.

Briton, Derek. *The Modern Practice of Adult Education: A Post-Modern Critique*. Albany, New York: State University of New York Press, 1996.

Camus, Albert. *The Myth of Sisyphus and Other Essays*. New York: NY: Alfred A. Knopf, Inc., 1955.

Casarjian, Robin. *Houses of Healing: A Prisoner's Guide to Inner Power and Freedom*. Boston, MA: The Lionheart Foundation, 1995.

Daicoff, S. "Law as a healing profession: The comprehensive law movement", *Pepperdine Dispute Resolution Law Journal*. NYLS Clinical Research Institute Paper No. 05/06, Fall 2002-12.

Dewhurst, Dale. "Justice Foundations for the Comprehensive Law Movement", *International Journal of Law and Psychiatry*, 33(5-6), Nov-Dec. 2010, 463-74.

Dignan, James. *Understanding Victims and Restorative Justice*. Berkshire, England: Open University Press, 2005.

Doyle-Bedwell, Patricia. "Justice and Healing: A Teaching Journal." *The Canadian Practical Stylist: With Readings*. Eds. Sheridan Baker and Lawrence B. Gamache. Don Mills, ON: Addison Wesley Longman Ltd., 1998.

Ellis, Carolyn and Arthur Bochner. Eds. *Ethnographically Speaking: Autoethnography, Literature, and Aesthetics*. Oxford, England: Rowman & Little filed Publishers Inc., 2002.

Flaherty, Michael and Carolyn Ellis. Eds. *Investigating Subjectivity: Research on Lived Experience*. London: United Kingdom: Sage Publications, Inc., 1992.

Foucault, Michel. *Discipline & Punish: The Birth of the Prison*. New York, NY: Vintage Books, 1977.

Holt, Nicholas L. *Representation, Legitimation, and Autoethnography: An Autoethnographic Writing Story*. *International Journal of Qualitative Methods*. Leeds Metropolitan University. Leeds, England, 2003.

Johnstone, Gerry and Daniel W. Van Ness. Eds. *Handbook of Restorative Justice*. Portland, OR: Willan Publishing, 2007.

Jung, C.G. Editor. *Man and His Symbols*. New York, NY: Dell Publishing CO., INC., 1964.

King, Michael, Arie Freiberg, Becky Batagol, and Ross Hyams. *Non-Adversarial Justice*. Annandale, NSW: The Federation Press, 2009.

Leenheer, Elizabeth. "How Murder Saved My Life." Alberta Restorative Justice Association, Alberta Solicitor General and Public Safety, Edmonton Restorative Justice Network, Grant MacEwan University, Mustard Seed Edmonton, and Edmonton Roman Catholic Archdiocese, Eds. *Handbook for the 5<sup>th</sup> Annual Alberta Restorative Justice Conference: Re-Defining Justice: Communities in Action*. Edmonton, Alberta. November 18 and 19, 2011, 16.

Liebmann, Marian. *Restorative Justice: How it Works*. GBR, London: Jessica Kingsley Publishers, 2007.

Lorde, Audre. *The Cancer Journals*. Argyle, New York: Spinsters Ink, 1980.

Master of Arts – Integrated Studies, Athabasca University.

Peddigrew, Brenda. *Original Fire: The Hidden Heart of Religious Women*. Haliburton, ON: Booksurge, 2008.

Pranis, Kay. “Restorative Values.” *Handbook of Restorative Justice*. Johnstone, Gerry and Daniel W. Van Ness. Eds. Portland, OR: Willan Publishing, 2007, 59-73.

Roche, Declan. “Retribution and restorative justice.” *Handbook of Restorative Justice*. Johnstone, Gerry and Daniel W. Van Ness. Eds. Portland, OR: Willan Publishing, 2007, 75-90.

Ross, Rupert. *Dancing with a Ghost: Exploring Indian Reality*. Markham, ON: Octopus Publishing Group, 1992.

Sawin, Jennifer Larson and Howard Zehr. “The ideas of engagement and empowerment.” *Handbook of Restorative Justice*. Johnstone, Gerry and Daniel W. Van Ness. Eds. Portland, OR: Willan Publishing, 2007, 41-58.

Sparkes, Andrew C. “Autoethnography, self-indulgence or something more.” Ellis, Carolyn and Arthur Bochner. Eds. *Ethnographically Speaking: Autoethnography, Literature, and Aesthetics*. Oxford, England: Rowman & Little filed Publishers Inc., 2002, 209-232.

Van Sluytman, Margot. *Sawbonna: I See You. A Real Life Restorative Justice Story*. Calgary, AB: Palabras Press, 2008.

Waugh, Brenda. “Who Will Choose the End Words? Structuring Justice Amid Tragedy”, *Journal of Law and Policy*, Volume 36, March, 2011, 141-177.

Williams, Melissa S. *Voices, Trust, and Memory: Marginalized Groups and the Failing of Liberal Representation*. Princeton, NY: Princeton University Press, 1998.

Young, I. M. “Defining injustice as domination and oppression,” in M. D. A. Freeman (Ed.), *Lloyd’s introduction to jurisprudence*, 2008. (8th ed., pp. 614–629).

Young, I. M. *Inclusion and Democracy*. Oxford: Oxford University Press, 2000.

Young, I. M. *Justice and the politics of difference*. Princeton, NJ: Princeton University Press, 1990.

Young, I. M. “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship.” *Ethics*. Vol. 99, No. 2 (Jan., 1989), pp. 250-274.



Young, I. M. and Martha Nussbaum. *Responsibility and Justice*. Oxford: Oxford University Press, 2011.

Zehr, Howard. *Changing Lenses: A New Focus for Crime and Justice*. Scottdale: PA. Herald Press, 2005.

Zehr, Howard: <http://emu.edu/now/restorative-justice/2011/11/29/good-and-bad-victims/>

Zehr, Howard. *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, 2002.

Zehr, Howard. *Transcending: Reflections of Crime Victims*. Intercourse, PA: Good Books, 2001.