

INTERVIEW

Interview with Howard Zehr, pioneer of the concept of restorative justice

Sandra Martínez Domingo and Eugènia Riera Casals

International Catalan Institute for Peace

Dr. Howard Zehr, distinguished Professor of Restorative justice at the Center for Justice and Peacebuilding, Eastern Mennonite University, is considered one of the pioneers of the restorative justice field. He is author of many books and articles including *Changing Lenses: Restorative Justice for Our Times*; *The Little Book of Restorative Justice*; and most recently *Restorative Justice: Insights and Stories from my Journey* (2023).

From a retributive justice view, crime violates the law and the state. Still, from a restorative justice approach, crime violates people and relationships. One focuses on “who has done it?” and the other focuses on “who has been hurt”. However, you say that they are not the polar opposites we often assume. Could you please develop this vision?

As philosophies, retribution and restoration have much in common. Both argue that those who cause harm must be treated as a moral agent. Both argue that the “victim” is owed something by the “offender.” Both intuit that there is a kind of balance that must be restored, but they differ significantly in what is thought to restore that balance. Retribution argues that punishment – the infliction of harm – will restore a balance. Restorative justice argues punishment is often counterproductive and unsatisfying and what will create a sense of balance is a process of restoration. That usually involves the person who caused harm taking responsibility and making an effort to “make things right,” even if it is only possible to do that symbolically.

This has implications between restorative justice. I'm convinced that the need to "balance the score" is intrinsic to human beings, and there are both healthy and unhealthy ways to attempt to achieve this balance. If peacebuilding efforts do not take this into account, they are likely to fail.

Restorative practices are often accused of being utopian. It is common to think that restorative justice is about rehabilitating the offender or a "get out of jail free card". It is also frequent to see it appropriate only for comparatively "minor" offences. In this magazine, we synthesize what restorative approaches are, but we would like to discuss more about what they "are not". Could you demystify which you consider the three most common assumptions?

One common misunderstanding about restorative justice often promoted by the media is that restorative justice is about forgiveness. While research has suggested that "victims" and "offenders" are often less hostile and have fewer misunderstandings about each other after a restorative process, whether they want to move toward forgiveness is totally up to them; it is not on the agenda of a reputable restorative justice practice. In cases of harm such as crimes, restorative justice processes are provided as an opportunity for victims to express themselves and identify their needs, for offenders to be given encouragement to understand and take responsibility, and as a way to empower participants to tell their stories, express their feelings, and decide outcomes. If they choose to move in a direction that seems like forgiveness, that is totally up to them.

Another common misunderstanding is that a restorative justice encounter with the one you have harmed is an easy out. It is not; many who have caused harm have admitted that jail or prison was easier than having to face up to the person they harmed and hear about the harm they caused.

A third misunderstanding is that restorative justice processes are only for less serious offenses. In fact, the processes are often most impactful and effective for more serious violations.

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On the other end of the spectrum, a common misunderstanding by its advocates is that restorative justice, at least as we know it, is a beautiful thing with no downsides and a solution to everything. Maybe in some form it could be an answer to many problems, but we definitely don't know enough yet to propose a full systems approach. And as I say repeatedly in my new book, like all ideas, it can be – and is being – hijacked and misused by some.

In fact, your recent book *Restorative Justice: Insights and Stories from My Journey* (2023) is a powerful guide demonstrating how restorative practices can be extended to all human interaction—through respect, relationships, and responsibility, along with humility and wonder. One of the chapters includes the signposts for applying principles, published in *The Little Book of Restorative Justice* (2002), which can be used as guides along the day. After so many years of experience, which of them do you consider the most difficult to develop and which are more accessible?

I'd say that, at least for me, the most difficult to fully understand, embrace and put into practice is number 10: “Sensitively confront everyday injustices, including sexism, racism and classism”. These things are so deeply engrained in us that they are very hard to recognize and act on. Perhaps the easiest or most accessible principle is number 9 about “not imposing my “truth” on other people” – but that may just be my personality. Maybe number 1, “taking relationships seriously”, is the most accessible in general.

Restorative justice is a relational, people-centered understanding of justice. It acknowledges that each of us exists in a web of relationships with others. Our actions impact others and their actions affect us. With this in mind, we are encouraged to treat

one another respectfully and to take responsibility for our actions. Restorative justice seeks to treat all parties respectfully, balancing concerns for everyone.

You point out that society's laws for handling crime have often resulted in increased violence, mass incarceration, and unresolved human cost. So, what do you think are the current leading political barriers to defeating punitiveness?

In my country at least – the United States – everything has become so politicized that it is difficult to have a respectful discussion about things that seem as simple as whether one should wear a mask to prevent the spread of disease.

The US is said by some researchers to have the most politicized criminal legal system in the western world. This is due in part of the fact the key actors are elected -such as prosecutors and many judges. Given that crime policy is such an easy stick for politicians to use to beat each other, this makes for a real obstacle to movement away from punitiveness.

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On the other hand, which experiences or countries would you like to highlight as good examples of restorative lenses?

In my retirement, I am no longer trying to keep up. Anyway, a promising application within the criminal legal system being pioneered in some U.S. communities draws from New Zealand's innovative approach to youth justice. Instead of prosecution, cases are handled through a restorative conference involving the person who caused the harm, the ones harmed, and significant individuals in the lives of these people. Plans are worked out to address the harms as well as the needs of the parties involved and prosecution is avoided. Unlike many approaches here in the US that happen within the

system (e.g. by referral from a judge or prosecutor), the intention here is to address problems and needs and avoid the stigmatization and other negatives that happen within the criminal legal system.

The focus of my work has been in the criminal legal arena, but there have been many exciting applications in other areas such as schools, the workplace, the medical field, etc.

In this sense, other example in which I have been involved a bit as a consultant, is the use of restorative justice as a framework for addressing past wrongs committed by historical museums. Previously-marginalized communities are being brought into the conversation and highlighted. Artifacts that were taken from communities without authorization are being returned. Distorted histories are being corrected. Museum practices are changing as a result of this work.

You always point out that restorative justice is not a new or a North American development; it greatly benefits earlier movements and various cultural and religious traditions. Could you summarize the precedents and roots of restorative justice? In this sense, how does it feel to be called the “grandfather” of restorative justice?

I once asked the author who gave me the title “grandfather” why they had done so. They replied that because I tended to support efforts, making suggestions when asked, rather than imposing my ideas and will, grandfather seemed more appropriate than father. I definitely would object to “father” because I didn’t invent restorative justice. Rather, I synthesized a variety of ideas and experiences from others and tried to communicate them in an accessible way. Originally, however, I knew little about any traditions except my western ones. Later I came to realize that restorative justice is actually a kind of westernized and maybe modernized formulation of what many traditions and cultures had been doing, at least in part, for centuries.

In my original synthesis, I was drawing heavily upon the Christian tradition, European history and movements in the US such as the civil rights and victim rights movement, prisoners’ rights, community mediation, etc. When I began teaching at the Center for

Justice and Peacebuilding, my graduate students from all over the world began to find resonance in their histories, cultures and religious traditions. There are so many roots that I cannot begin to summarize them here!

In 1996 you published *Doing Life*, a book of photo portraits of individuals serving life sentences without the possibility of parole in Pennsylvania prisons. Your goal in *Doing Life* and in others, such as *Transcending*, has been to humanize those you interviewed and photographed so that we see and listen to them without our stereotypes getting in the way. How would you explain this experience with a restorative lens? What has photography contributed to your way of understanding restorative justice and vice versa?

Intrinsic to restorative justice is dialogue with one another, and I see the concept of restorative justice as an invitation for communities to dialogue about who we are, what are values and traditions are, what are needs are, etc. Restorative justice also recognizes the therapeutic and relational value of narrative, of story-telling.

My photography and interview projects have been intended to allow people – those who have been harmed, those who have caused harm (even pickup truck owners, in my book, *Pickups: A Love Story*) – to present themselves respectfully and to tell their stories to others who may not know them or their situations. I have tried to conduct these projects with same values I advocate for restorative justice – respect, responsibility, relationships. My goal with them, as with my work in restorative justice, is to encourage thought and discussion by allowing us to encounter real people rather than symbols and stereotypes.

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Approached in a “restorative” way, I have found that photography can help us see one another as persons, can build bridges, and can even help those photographed to get

new insights into themselves. As with restorative justice processes, such photographic encounters are at best a collaboration between the photographer and the person photographed. I am convinced – and research affirms this – that communication is most effective when it involves visuals as well as words.

Twenty-five years later, in *Still Doing Life* (2022), you revisited many of the same individuals and photographed them in the same poses. What was the main objective of this project, and which have been the main learnings?

I very much wanted to see how these individuals were doing, how they were coping, how they had changed or not, what they had learned over the 25 years since I last talked with them. I enjoy exploring how we change and how we remain the same visually and psychologically as we age. These visits allowed me to renew old acquaintanceships and friendships, to talk about these issues, and then to do their portraits in poses that were somewhat similar to the poses in the original portraits.

When I revisited these individuals, I was not thinking that a book would be possible. However, by teaming up with my friend and colleague Barb Toews, and with the enthusiastic support of the publisher, we were able to shape a book that helps to humanize life-sentenced prisoners and their situations in a way that might provide insight into how people cope in such situations and encourage conversation about related policy issues. I was pleased that the first public webinar about the book was sponsored by a victim advocate office and presented voices and photos from my books of both life-sentenced prisoners and crime victims. Personally, perhaps the most important reminder from these books is that one can find ways to grow and flourish under the most trying of circumstances. Hope is essential.

“Forgiveness is not on the agenda of a reputable restorative justice practice. That point is totally up to the participants”

In this issue, we have reflected on the relationship that exists, or should exist, between peacebuilding, security and justice. What do you think about this intersection?

Restorative justice is in essence a peacebuilding approach to justice. My former colleagues at the Center for Justice and Peacebuilding Dr. Lisa Schirch and Dr. Barry Hart have written that peacebuilding is essential for security and that it is an overall approach in which fields such as restorative justice and trauma healing play an important part. At the Center for Justice and Peacebuilding we've understood the peacebuilding field as a wheel made up of a variety of sub-fields or "spokes" such as trauma healing, conflict transformation, and restorative justice as well as organizational and community development.

Peacebuilding is about building and maintaining healthy relationships and mending them when they are broken or threatened. Restorative justice is a philosophy, a set of principles and values that can guide us in many situations, including those where no "program" or fully-restorative process is possible. As I have long argued, it is a "lens" through which we can consider how we want to live together in a web of healthy relationships.

Photography

Howard Zehr.