Daniel Van Ness has worked in restorative justice for 35 years with Prison Fellowship (USA) and then with Prison Fellowship International. He led the design team that created the Sycamore Tree Project, a victim-offender programme currently in place in prisons in 34 countries. He helped draft the UN Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, endorsed in 2002 by the Economic and Social Council. He is the author of Crime and its victims (Van Ness, 1986), Restoring justice: an introduction to restorative justice (5th ed.) (Van Ness & Strong, 2014) and co-editor of the Handbook of restorative justice (Johnstone & Van Ness, 2007).

1. Early beginnings: a street-level understanding of justice and the king’s peace

Dzur: From a personal standpoint, what made you think, ‘working in restorative justice is the right path’? Was it a person, something you read, something you experienced? When did it click for you, exactly?

Van Ness: When I graduated from college it was the tail end of the Vietnam War. Vocationally I was torn between two directions I might take. One was to go to seminary and become a pastor, which would have given me a deferment from military service. The other was to go to law school and become an attorney, which would not give me a deferment. I knew that if I went to seminary I would always wonder if I did that more to avoid going into the military than because God called me. So, I took a year off to see whether I would be drafted. As it turned out, my draft number was high enough that I was not conscripted.

I had a little apartment in the Uptown neighbourhood in Chicago, which was a melting pot – a place where people arrived before dispersing throughout the city. Down the street was a federally funded free legal aid office. My interest in law stemmed from concern for people who did not have enough money to hire a typical lawyer and who consequently would end up going without legal representation. So I volunteered as a receptionist at the legal aid office. It became clear to me after about two months that my calling was to practice law. The people I interviewed didn’t have complicated cases; many were landlord-tenant cases in which they were being evicted illegally. For example, one landlord had recruited a motorcycle gang to break into the apartment, put all the tenant’s possessions on
the sidewalk and remove the doors to the apartment so it could not be secured. All it took was for one of the lawyers to call the owner and say, ‘You’ll be in court tomorrow if the tenant and his property are not returned to the apartment right away’. Access to a lawyer meant immediate help.

After law school at DePaul University, I started my own law practice on the West Side of Chicago in a church that had relocated there. The Austin community had transitioned from being all white to 90% African-American in just three years. A group of us moved into Austin: a medical student started a doctor’s office, a therapist started a counselling centre and I started a legal practice. I charged everyone a sliding fee based on their income. The goal was to establish a law practice available to the poor that could sustain itself. By the time I left after five years, I had brought in another lawyer who continued the practice after me.

Those five years gave me some on-the-ground understanding of justice. One of my clients had been stalked by her boss and she asked me to represent her in the resulting criminal case. This was in the late 1970s. It was obvious to her that the prosecutor wasn’t representing her interests, and she could not understand why she couldn’t have her own lawyer represent her. After all, she was the victim.

One of my professors in law school, M. Cherif Bassiouni, was a leader in the newly developing field of international human rights law. In spite of his international reputation, he was assigned the Introduction to Criminal Justice class that I took. At one point he mentioned that until the 1100s or so, crime was viewed as an offence against victims. It was only as states in Europe began to consolidate power, that it was redefined as crime against the king and the king’s peace. My client couldn’t understand why the victim was no longer in control.

2. Policy advocacy for alternatives to incarceration: the Prison Fellowship organisation

Dzur: You eventually worked in policy advocacy for victims and offenders through a non-profit organisation.

Van Ness: After my five years of practice, I went to work for Prison Fellowship US, an organisation started by Chuck Colson. He was an aide to President Nixon who did time in prison for Watergate-related offences. My job was to follow up on contacts Chuck was making with old political friends who were now elected state or federal officials. When he visited their states to promote Prison Fellowship, they would tell him of their plans to build new prisons. Chuck would tell them that was a big mistake. They didn’t realise there were alternatives to imprisonment that cost less and were more effective.

This was shortly after the sentencing theory of rehabilitation had been largely abandoned after, as Martinson and others argued, ‘Nothing works’ (Martinson, 1974). Without the humanising influence that rehabilitation had offered in policy debates, nothing stood in the way of longer sentences for more people.

We were struggling with how to gain political traction for alternatives to incarceration like restitution and community service. One of the first states in
which we began working was Indiana. As it turned out, there were some very interesting experiments taking place in that state. Howard Zehr was running a victim-offender reconciliation programme in Elkhart and Mark Umbreit was doing the same in Valparaiso, and they were excited about the results they were seeing. Mark was already collecting data for research. And Howard was thinking philosophically about how victim-offender meetings opened up an entirely different way of doing justice. They were just beginning to refer to this new approach as restorative justice.

Prison Fellowship initially was interested in victim-offender reconciliation as an intriguing alternative to incarceration. But our mission statement included the phrase, 'to work for criminal justice reforms consistent with biblical teaching on justice and righteousness'. I began thinking about how biblical teaching might relate to criminal justice. As I began researching that question, I discovered that many of the ancient criminal codes from the Middle East, including those found in the Old Testament, focused on crime as an offence against the victim rather than against the government. The government had an interest in making sure the law was observed, but as in indigenous cultures, the authority of leaders was achieved by them making sure that the victim was satisfied. This was the point that Bassiouni had made in my criminal law class.

3. A policy tangle unravels: the absent victim and the victimised offender

Dzur: This was a fertile time to be rethinking criminal justice.

Van Ness: It really was! I experienced what Howard Zehr called a ‘paradigm shift’. I realised that this absence of the victim explained why there was no remedy for them in the criminal justice system. This was my former client’s concern and a source of frustration to many crime victims. Ronald Reagan’s Task Force on Crime Victims, established in 1981, included in its final report recommendations that seemed more focused on helping prosecutors than crime victims. The result ultimately was more people going to prison for longer sentences. It helped me understand why all the criminal defendants I had represented focused on how they had been victims of society and of an unfair criminal justice system. They didn’t think of themselves as people who had created victims. It explained why sending increasing numbers of people to prison only increased their sense of estrangement from society. It helped me understand why society seemed to have an insatiable appetite to imprison criminals in spite of the mounting financial and social costs this created.

Punishing offenders for an abstract harm they had committed against the government does not communicate the most important thing they and their victims needed to hear: that it is wrong to intentionally harm others and when this happens there is an obligation to make things right. The restorative justice insight that victims need to be invited into the process of deciding how that should be done, just made a whole lot of sense and pulled things together.
Where Mark Umbreit was working on programmes and Howard Zehr was developing the philosophy of restorative justice, we began working on the public policy implications. We needed this direction to guide our lobbying efforts. Clearly, restitution was one piece of that, but were there other aspects as well? And were community-based responses also needed in addition to law reform? Prison Fellowship mobilised community members to work with prisoners, so should we also recruit community members to work with victims of crime as they dealt with the aftermath of their victimisation?

So when it clicked for me, and my ‘paradigm shifted’, I realised that finding ways to include the victim was the linchpin of everything.

4. From victims’ rights to restorative justice

Dzur: In your thinking, deepening one’s concern for the victim and the victim’s absence from the process is fully congruent with deepening one’s concern for the offender and the way the offender is treated in the prison. But help me understand how those two elements come together. They diverge in the Reagan era, as you suggested earlier, because a victims’ rights orientation led to harsher sentencing regimes. How do you communicate to people that concern for the victim doesn’t have to lead to harsher sentences and in fact shouldn’t lead to harsher sentences?

Van Ness: That continues to be a big issue. How do we educate the public? How do we present this in terms that will capture people’s imaginations and overcome the automatic crime-must-be-followed-by-punishment default setting, where punishment is something harsh and vindictive?

There are a couple of ways we addressed that problem. A good deal of our advocacy work was with politically and theologically conservative Christians, because those were the people who supported Prison Fellowship. Colson was outstanding at communicating to them because they viewed him, rightly, as a genuine conservative with good credentials. First, he would say, it is way too expensive for a fiscal conservative to endorse what we were doing. There are other criminal punishments that cost far less. Second, he argued, it is a waste of human capital to send people to prisons. Sending people to prison, where we must feed, house and try to change them is a ‘welfare state’ strategy, putting far too much confidence in the state’s ability to shape individuals than conservatives believe is possible or wise. Third, he would say, it is a mistake to use the loss of liberty as the currency of justice when justice ought to be measured by our ability to make the victim whole again after the crime.

I once heard Chuck move a crowd to a standing ovation by concluding, ‘It is time we get prisoners off of their backsides, out in the street, working to pay their victims back and support their families!’ I don’t know if the cheers lasted as far as the ballot box, but we focused on this particular constituency that tended to be tough on crime. We sought to gain just enough support from that group to let
politicians feel it was safe to vote for something that didn’t look immediately tough on crime.

We organised citizen task forces made up of business leaders and had them visit prisons, talk with criminal justice officials and explore what other states were doing besides building more prisons. They would then meet with key legislators to discuss their concerns and proposals. This often led to successful bipartisan efforts by Republicans and Democrats that resulted in criminal justice reforms.

5. Thirty-five years of restorative justice: experimentation, network building, but still on the margins

Dzur: Casting a glance over the last 35 years of work in restorative justice, are there things that you never would have imagined happening? And, on the other hand, things that have surprised you because they haven’t happened yet?

Van Ness: One positive thing is its staying power. When I first started working on restorative justice, people called it a fad that would disappear with its initial funding. But it didn’t.

Dzur: What accounts for its staying power, do you think?

Van Ness: One reason is it came at a time of communications advances, when the Internet was just developing, so there was information available about restorative developments all around the world. That gave the movement some ‘reverb’: something starts in Canada, then moves to Indiana and spreads through North America. Next it appears almost spontaneously in Europe and the Pacific as well. With the Internet, people had access to what was happening elsewhere. So if at some point in North America it seemed that not so much was happening, news of developments in Europe would advance programmes and policies.

Restorative justice became a worldwide phenomenon. It didn’t happen all at once – although a lot of it felt spontaneous and simultaneous. Family group conferencing in New Zealand developed without any direct reference to restorative justice. John Braithwaite had written about reintegrative shaming in Australia and it was only after conferencing advocates had gotten in touch with Howard Zehr and others in North America that people began piecing these together as a bigger overall movement than it first seemed to be.

The Internet was really important. There was always progress somewhere. You’d look at it and realise that we’d hardly begun to understand the potential of restorative justice. There was always something more happening. In the late 1990s, Tony Blair decided to use restorative justice on a wide-scale basis in England and Wales. What it required was to take lessons learned from the fifteen or so pilot projects running in England and other places and ask, ‘What would it look like to put that into a larger system?’ Nobody was quite prepared for this at the time, but as they began to launch Youth Offending Teams, we in North America
could look at it and say, ‘Restorative justice is part of the government’s menu of responses to crime in the UK. That should be possible here as well’.

**Dzur**: You are talking about a kind of experimentalism. Programmes pop up over here, they seem to accomplish this or that, then maybe fade away, but then another set of programmes building on this earlier project starts up in another country. So, there is an experimentation and a learning process for a larger and increasingly networked community of practitioners.

**Van Ness**: And because it’s experimental, there is an expectation of innovation and development. And not a sense of, ‘Well we tried that once; we’re done’.

Restorative justice is more than a programme or intervention. Restorative justice claims to be an alternative approach to justice, and that opens the likelihood of continual experimentation and lessons learned.

There are two other reasons for the staying power of restorative justice. First, I think restorative justice captured the imagination of some people as a hopeful alternative to imprisonment and increasingly harsh responses to crime, which are remote and impersonal. Restorative justice is a personal response and it changes people’s attitudes—victims, offenders and community members involved in the process. For some people who run the programmes, research them and promote them, there develops a deep commitment that goes beyond loyalty to a specific programme. If a programme’s funding ended, the staff might return to more traditional justice system roles, but they go back as different people open to new possibilities.

Second, restorative approaches began being applied in contexts other than criminal justice. Particularly important was its use in schools and especially with children up to 12th grade. Bringing restorative approaches into disciplinary systems and over time replacing them entirely with restorative processes is an interesting development because it has allowed us to see what can happen when a culture changes. There is more of a learning culture in those schools because infractions and the need for discipline become a learning opportunity rather than an interruption to learning.

This suggested that restorative justice is more robust than we thought, applicable outside the criminal justice system.

**Dzur**: I’d like to press on the less positive side of the initial question: are there changes you hoped to see but have not materialised? Are there instances in which you hoped to see restorative justice take root and yet it has just not happened despite good faith efforts?

**Van Ness**: We claim that this is a new paradigm, but we have to admit that in most places it is still marginal. It is not possible to look at anything that is going on – with the exception perhaps of the schools – and say that the paradigm has shifted. The criminal justice system is still highly punitive and largely impersonal.

**Dzur**: Are you speaking of the US or more broadly, all over the world?
Van Ness: Certainly, in the US there has been no paradigm shift. Elsewhere there have been examples of more systemic impact, usually at the juvenile level or with a select group of offenders. But even that has not happened in that many countries, just a few. There has been important progress in Colorado, for example, in Nova Scotia, in some parts of Europe. But when we look at what countries are actually doing, it still appears that the impact of restorative justice has been marginal.

Dzur: Restorative justice just isn’t part of the political discourse in the way that one might hope. That is a surprising negative aspect of the past generation of work.

Van Ness: I think that’s right. I think restorative justice has more currency within the criminal justice system than it does with the general public. The system people are aware of it and are open to it in ways that the general public isn’t. You might suppose that it would be the system people who think, ‘This is just a fad, which we will stay with until the funding dries up’. But with the system people it seems to have staying power. It comes and goes, flourishes and declines and then flourishes again. But we’ve not cracked the nut on public opinion.

Dzur: I too have noticed that many criminal justice professionals have a deep commitment to restorative justice. Not everyone, but a strong cadre across different professional disciplines. And I wonder if restorative justice helps express certain things in their professional life that they wouldn’t be able to express otherwise and allow them to reach certain goals they would be unable to reach otherwise.

Van Ness: It may be that restorative justice became the hopeful substitute for rehabilitation. There were people in the justice system who were motivated by the rehabilitative ideal. With the demise of broad support for rehabilitation, restorative justice provided a hopeful goal with real potential. So, people transferred their allegiance to restorative justice.

6. Restorative justice in prison: the Sycamore Tree Project

Dzur: Let’s talk about the Sycamore Tree Project that you’ve developed and which now has roots in a number of countries. What have you learned about restorative justice from this project?

Van Ness: A couple of things. In the Sycamore Tree Project, we ask victims to come to a prison to meet with prisoners over an eight-week period. There are two versions of STP. In one, the victims come in for all eight weekly sessions. In the other, they attend two sessions and victim input in the other six is provided in videos of victims telling their stories. In both instances, the victims and offenders are unrelated; the victims aren’t speaking with their actual offenders. So both learn something about the experience of the other, but the interaction is more
generalised than in typical restorative encounters. Nevertheless, it is still a pow‐
erful experience in the lives of both the victims and the prisoners who participate.

We recently started the STP programme in Lebanon, and the person running the programme said it was like small earthquakes going off in the prisoners. They come into the programme thinking they are victims of society. They’re poor, they have never gotten a break in terms of getting an education or work. They believe they weren’t treated fairly by the justice system, they don’t like what is happening to them in prison. They expect that when they get out of prison they will have to go back into crime because there are no other options available to them. They view themselves, with some justification, as victims of societal injustice. But sometime between the second and fifth meeting it dawns on them that what they have done is create victims. Whatever their disadvantages were, in responding the way they did they caused real harm to real people. And this gives them a sense of agency, which is energising. It actually brings them hope because they realise they don’t have to be that kind of person. They can chart a new course to be the kind of person who doesn’t cause these dangers or harms.

This is an eight-week programme. It is hard to know what the long-term effect is going to be, but for some it begins a longer-term process of change. When New Zealand began using STP 20 years ago, prison social workers reported that prisoners they had classified as resistant to treatment changed during STP and began signing up for treatment programmes. Their perspective had changed and became a motivation for them to address criminogenic factors. That’s really hopeful, particularly in places where there’s a continuum of interventions that are offered in prison as well as outside.

Unfortunately, too often that support just does not exist. But this experience suggests that there is the possibility of transformation of perspective, of attitude. In 2009 a before-and-after survey was done with a group of prisoners who had gone through STP. The researchers used an instrument that measures attitudes of prisoners related to recidivism. They found that STP had a significant positive impact and, because of the size of the cohort, they concluded that it was the programme that made the difference and not some intervening factor. STP caused them to make a commitment away from the things that were likely to result in new crimes in the future. It gave them increased empathy for their victims, greater awareness of the harm they had caused victims and a reduced expectation that they will commit new crimes in the future. I’m not suggesting that STP is a magic bullet, but I do think that it begins a change, which then needs to be sup‐
ported.

The European Union funded a study two years ago of victims who go through Sycamore Tree. They found their sense of well-being improved: they had less anxiety and depression, less worry about being a victim again in the future and less residual post trauma issues.

It’s a very simple programme, run by trained volunteers. They use a standard curriculum, they go through an eight-week programme and at the end of the eight weeks both the victims and offenders have experienced significant change.
Dzur: One question is whether programmes like Sycamore Tree have an impact on the prison environment. Other than the interpersonal connection between the offender and the victims who have come to the prison, are you noticing any changes to the institutions themselves?

Van Ness: Prisons are coercive, punitive and focused on maintaining order. Restorative justice values are very different. They’re voluntary, non-punitive, more interested in safety than in externally-imposed order. It’s clear that restorative justice programmes can affect prisons, but can they influence the overall character of the prison? It does appear to have some positive influence on the overall prison culture. The director of the prison in Lebanon told me that the prison had become safer since STP started. This is anecdotal reporting, of course, but other officials from other prisons have made similar comments.

Second, some people have argued that we should not run restorative programmes in prison. Reformers shouldn’t waste effort or money on restorative justice in prison, and instead should focus on replacing prisons with something better. The argument is that one can’t pursue justice in an overwhelmingly unjust environment like prison. I respect that point of view. It is a kind of ‘conscientious objection’ to prison reform. I suppose it would be analogous to defence attorneys protesting the disproportionate numbers of black males in the US criminal justice system by refusing to accept criminal cases. But there is a counter-argument that even in an unjust system, someone should stand with the defendant, protesting the injustice. I think there is a similar argument for a restorative programme that does benefit the individual offenders and victims who participate, even if the societal impact is not as great as we’d like. It is important that we continue to say that there is a better alternative that has hopeful outcomes. There is lots of darkness, but that is not a reason to not light a candle.

Third, staying involved in prisons allows us to continue experimenting with a variety of restorative justice programmes. Some interesting programmes in the US and elsewhere bring homicide survivors into prison to meet with the person who murdered their loved one. These are meetings of actual perpetrators with the survivors of their acts.

Belgium has tried some interesting approaches that take the idea of making amends very seriously. The idea is to take dimensions of restorative justice in addition to encounters and make them a normal part of the prison experience. The prison might not become a fully restorative prison, what Frank Cullen has called a ‘virtuous prison’, but it would be less destructive than what we have now (Cullen, Sundt &Wozniak, 2014).

7. On faith-based restorative justice

Dzur: The word ‘virtue’ leads to a question about a faith-based foundation. I know that has played a role in your work, so I wonder what the pros and cons have been of a faith-based approach. What has it allowed you to do that you might not have been able to do otherwise and what doors have been shut because of it?
Van Ness: Faith traditions and indigenous cultures have played a big role in restorative justice, particularly in the early days. Mennonites developed victim-offender reconciliation programmes; indigenous cultures in Canada helped us discover the possibility of circles; and Maori practice led to family group conferencing. Howard Zehr’s book *Changing lenses*, probably the most significant book in restorative justice in terms of its impact, has a whole chapter on biblical covenant justice. In addition, many people in the restorative justice movement have been motivated by their core values and beliefs. For some people that’s based on their religious or faith beliefs. Those not only inform their work, they also help them persevere in their reform advocacy. Work for justice reform can be heart- and back-breaking. You have to return to your roots from time to time just to have the staying power to continue this work.

The obvious negative to a faith orientation is that unless you are dealing with a homogeneous society – and there are very few of those – anything that you do from that perspective has to be translated into terms that people who do not share that perspective will be able to understand. So, in our lobbying we spoke in marketplace and secular terms. Karen Strong and I wrote a book called *Restoring justice*, which is a secular introduction to restorative justice (Van Ness & Strong, 2014). In only one place, near the conclusion, do we talk about where we go for renewal. The book is not in any way a ‘Christian’s guide to restorative justice’. I did, however, write a book called *Crime and its victims*, for an audience of conservative evangelicals in the US (Van Ness, 1986). Because of that audience, I referred to biblical scriptures and examples.

The risk all restorative proponents run in linking our arguments for reform to our beliefs is that people who do not share those beliefs will reject reforms they might otherwise have supported. I got a call once from someone who had attended a meeting of senior judges and lawyers on restorative justice. The presenter began with an extended explanation of the Native American Medicine Wheel. My friend said that many of the judges just stopped listening at that point. They had expected a presentation expressed in legal or jurisprudential terms and were turned off by what seemed to them to be new age ideas.

I think we can, sometimes, run into this same problem using restorative justice terminology; we always have to be careful to express our ideas in terms that our audiences can understand.

The benefit of faith-based work is that it can be a source of ideas and energy. But everything has to be translated into terms that can be understood in the public square. It’s possible to do.

8. The United Nations basic principles on the use of restorative justice

Dzur: You’ve been able to work very effectively with diverse groups. I’m thinking of your contributions to the UN basic principles on the use of restorative justice. What did you learn from that process about the possibilities of growing support for restorative justice?
Van Ness: It was a really interesting project, although difficult, and we got a lot of help with it. There was a coalition of NGOs working on it and we drew on the experience of many people around the world who participated through the Internet. We also had available the work of the Council of Europe which had just adopted guidelines on the use of mediation in penal matters (the 1999 Recommendation). The government of Canada carried the political effort of getting the basic principles endorsed. So many people worked on this, and that helped strengthen them.

One thing we realised fairly early on was you don’t want to ask the UN or any political body to define restorative justice, particularly since the restorative justice movement hasn’t settled on a single definition. Politicians and bureaucrats define by consensus, which means they produce watered-down definitions that do not offend anyone. So we focused our guidelines on restorative justice programmes. We defined these as programmes pursuing restorative processes and/or outcomes. Examples of processes are circles, victim-offender dialogue, conferencing and similar encounter programmes. Examples of outcomes are restitution, apology and community service. So, we sought to focus discussion on programmatic expressions of restorative justice and not restorative justice itself. The downside to that approach is that it can leave the impression that restorative justice is merely a set of programmes and not a theory or approach to justice.

UN endorsement of the basic principles had a significant impact in raising the credibility of restorative justice among public officials, who would otherwise have ignored it. Not only did the UN recommend that countries implement restorative programmes, but the basic principles provided guidelines on how this could be done while respecting the fundamental human rights of victims and offenders. This made restorative justice significant in a way it wouldn’t have been otherwise. Some countries actually adopted major portions of the basic principles into their statutes.

I’ve also found the basic principles to be useful in training judges and lawyers because it shows how the programmes can be integrated into the criminal justice process while respecting human rights. It uses language familiar to officials in the justice system. We could explain the philosophy of restorative justice and then review the basic principles, and they understood it in a way that they hadn’t when the discussion was more conceptual.

Dzur: Do you think it has been effective in that way in the United States?

Van Ness: No. The US hasn’t shown itself to be particularly deferential to the UN’s position on most things. Unfortunately, many Americans think that anything good that the UN is doing is because the US got them to do it.

9. Looking to the future: restorative cities

Dzur: Let’s shift to the topic of restorative cities because you were really very early on interested in this idea and I wonder what you find attractive in it and if you think it has momentum.
Van Ness: In the early 2000s we conducted a five-year research and design project asking, ‘What would a city of 1 million people look like that responded as restoratively as possible to all crimes, all victims, and all offenders?’ It was a thought experiment to get restorative justice people – like ourselves – to step out of the normal constraints of our limited imaginations. We wanted to consider what something would look like that was capable of responding to the volume of criminal cases, victims and offenders that today's criminal justice systems must handle.

It was a big project and in the end we were able only to get the first part of it done, which was to prepare a written description of what a system like this might look like. We described the project on our website, calling it 'RJ City'. After a time, people began to contact us because they were interested in their city becoming an RJ City. They were asking a related but different question: 'How can we develop a mass of local support for restorative justice so that our city becomes restorative in character?'

Dzur: In your thinking about this, I find it interesting that your city had to have a million plus residents. That cuts against a prejudicial belief about restorative justice only being good in very small, local contexts. You’re saying, 'No, let’s think big. Restorative justice is needed in real cities'. Did you think cities that were candidates for becoming restorative cities had to have certain characteristics such that if they were lacking it would be very difficult to transition in that direction?

Van Ness: We got the idea when Tony Blair proposed integrating restorative responses into the criminal justice system in the UK. We realised that most restorative advocates were struggling to survive, not dreaming of the possibility that an entire system could be restorative in nature. To do that we would need to answer some interesting questions, like whether police would be allowed to use coercion, how we would deal with situations where either or both the victim or offender were unwilling to participate cooperatively, whether we would have prisons or something that serves the incapacitation purpose of prisons.

Another set of questions centred around how to decentralise justice and still maintain fairness across the entire jurisdiction. We had the idea of 'Justice Houses' with a variety of programmes centred around elementary school sized neighbourhoods. We hypothesised one hundred such districts for a city of a million. That allowed for differentiation based on the economic and social strengths and limitations that existed in the different parts of the city.

For example, how do we include the grandmother who sits on the front porch of her house and mediates disputes on her block? Everybody trusts her and they rely on her to do that kind of harmony building. How do we include her in a restorative process and not replace her with professionals?

That was the kind of thinking we were doing. And it required us to ask what are some of the impediments to doing this on a large scale? We concluded that the only way to achieve this would be to reduce the large scale to many tailored, small scale efforts that were well-connected and coordinated.
10. The long road ahead: public opinion, increased experimentation and seizing opportunities

_Dzur:_ I want to finish with a question about public opinion. You’ve said that the public is often stuck, so to speak, on the idea that prison is real punishment and anything less is somehow inauthentic – not the ‘real deal’. That is a solid enough conventional attitude to pose as the most significant impediment to restorative justice in many countries. How might the field address this big question?

_Van Ness:_ It is a big question, a hard question, and it was one I wasn’t able to answer in my 35 years of work! But I’m hopeful, nonetheless.

First, we must remember that there have been areas of our lives about which attitudes have changed significantly. The attitudes towards drunk driving, for example, or on sexual harassment. This can happen with our expectations of criminal justice as well.

Second, what’s going on in schools is very promising because we see such positive results. In schools with restorative practices kids get better grades. It is a better place in which to learn, an easier place in which to teach. As parents are exposed to these benefits and observe the changes in their kids, they begin to open up to possibilities they hadn’t thought about as a way of dealing with crime.

Third, I think that from time to time moments arise when there is an opportunity to make a radical change. A good example is the legislation in New Zealand that replaced courts with family group conferences for most young offenders. This came following publication of a study that revealed the horrific abuse of Maori youth in conventional juvenile justice processes. The leaders and citizens of New Zealand became receptive to a radical new approach which they adopted in 1979 and which dramatically reduced the number of young people in detention.

I’m encouraged by these words of Seamus Heaney, Northern Irish poet, from his work _The cure at Troy:_

_Human beings suffer,_
_They torture one another,_
_They get hurt and get hard._
_No poem or play or song_  
_Can fully right a wrong_  
_Inflicted and endured._

_The innocent in gaols_  
_Beat on their bars together._  
_A hunger-striker’s father_  
_Stands in the graveyard dumb._  
_The police widow in veils_  
_Faints at the funeral home._

_History says, don’t hope_  
_On this side of the grave._  
_But then, once in a lifetime_
A talk with Daniel Van Ness

The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme.

So hope for a great sea-change
On the far side of revenge.
Believe that further shore
Is reachable from here.
Believe in miracle
And cures and healing wells.

Call miracle self-healing:
The utter, self-revealing
Double-take of feeling.
If there's fire on the mountain
Or lightning and storm
And a god speaks from the sky

That means someone is hearing
The outcry and the birth-cry
Of new life at its term.

References


