

Office of the Federal Ombudsman for Victims of Crime

## **SAWBONNA: VICTIM-LED RESTORATIVE JUSTICE**

[Sawbonna is an award-winning model of Restorative Justice that highlights shared-humanity, human rights, right relationship, and agency.]

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## ABSTRACT

This paper will discuss victim-led restorative justice. Addressing the question: why is it that even as restorative justice and restorative processes are offered to victims, as a whole, it is rejected. Autoethnography is the methodology that will be employed to respond to this question. Common definitions and applications of restorative justice will be presented, explicating how they are used, by whom, and to what end. Sawbonna, a new model of restorative justice, will be explained, situating the explanation in the framework of both restorative and criminal justice, and aligning it with social justice, to reveal how it not only challenges common definitions and processes of restorative justice; but, furthers the important discourse on forgiveness and apologies, demonstrating how re-victimization can occur when forms must be filled-in and systems adhered to in order for victim-voice and experience to be heard and viewed as valid. Situating Sawbonna within the context of building relationship with Indigenous Peoples will be explored, underscoring that reconciliation is a pressing, challenging, and vital issue, wherein mistrust, anger, and fear, via a Sawbonna lens, means no quick fixes; means rather commitment to stay the course, no matter the challenges that arise. Sawbonna demonstrates how to use the challenges as opportunities. This paper will conclude with suggestions for implementing concrete ways of addressing how to create safe, inclusive, and powerfully effective means for victims of crime to want to be involved in the justice system via a Sawbonna lens of lived-experience intricately linked to human rights.

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*"Out of the mountain of despair, a stone of hope"*  
- Martin Luther King Jr

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*"In my humble opinion, it is vital that we all work in alliance to remedy the systemic and ongoing inequalities engendered by our respective positions with respect to social, economic, racial, and other privileges or challenges"*  
- Senator Kim Pate

## Necessary Engagement: Voice

Our voice, our story, our narrative is the most profoundly important aspect of our humanity.

Expressing who we are informs our freedom, which in turn affects how we live into our meaning-making and our meaning-taking. Injustice and crime can decimate our capacity to voice, relegating our story and our narrative to all but minuscule shards of unexpressed need, want, yearning, showing up as anguish, ill-health, and trauma.

Navigating the legal system and the justice framework after crime, affords pressing challenges that often further the negation of voice by highlighting the limited and limiting ways in which victims find themselves further harmed, scarred, and silenced. It behoves us to in-form, re-form, and trans-form how it is we as a society engages with, and acts upon life after crime.

Restorative justice has been touted as one way in which dealing with crime can assist victims. Though it can indeed be a rich way to deal with crime, it, as yet, cries out for more voices. Voices that insist upon an un-truncated discourse, wherein power, funds, and funders, often affect who can be involved in restorative justice processes; and indeed, how.

This paper will unpack and discuss these vitally important areas by placing restorative justice, and its many definitions and understandings in the crucible of empowerment and resilience. And showing the relationship of empowerment to justice; justice, which is a labyrinthine web of words, ideas, definitions, and meanings. Each of these is symbiotically-twinned to voice, narrative, and story and who decides how they “should” be employed.

The crux of this paper is: if restorative justice is such a rich and vital manner in which victims of crime, in which society as a whole, can find hope and meaning in the justice system, why then is it not being accepted in a vast and far-reaching manner?

This paper is divided into clearly delineated sections which are as follows: explicating restorative justice; explaining the methodology of this paper; addressing what victim means; followed by how incarcerated First Nations People are also victims of a broken justice system; and, leading into a section of recommendations which include concrete actions to take, right now, for victims of crime. Both of these sections address why and how Sawbonna victim-led restorative justice can and will continue to create concrete opportunities for those with harrowingly painful and heinous experiences, as well as for those who work with and for either victims or offenders, or both, and for academics, researchers, and policy makers to become allies. The conclusion will underscore that relationship-building and shared-humanity are not only the cornerstones of Sawbonna; but, offer a profoundly valuable way to include a wide-range of diverse and necessary voices.

## What is Restorative Justice

Though restorative justice has a long and rich history from and with Indigenous societies, “restorative justice echoes ancient and indigenous practices employed in cultures all over the world, from Native American and First Nation Canadian to African, Asian, Celtic, Hebrew, Arab and many others” (IIRP) Howard Zehr’s work in the area of restorative justice continues to be considered one of the most, if not the most, important in this research. His statement 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 make things as right as possible”<sup>1</sup> is a significant marker about why victims and much of society might indeed find restorative justice at best a charming naivete and at worse, a pernicious pontification about humanity and how we function. These words in effect position restorative justice, with the implied idea of face-to-face meeting, with a one-time action, in which all is solved and settled. A page closed. And even as Zehr writes that restorative justice is “to meet the immediate needs, particularly those of victims”<sup>2</sup>, he states further that “criminal justice is inherently offender-centered”<sup>3</sup> underpinning a flaw of restorative justice that continues to alienate victims and society. That flaw being that victims are merely an add-on in service of a legal system that sees their needs, if they are seen at all, as inconsequential.

Howard Zehr with researcher Mary Achilles notes that even as restorative justice purports to offer increased victim engagement and empowerment, this is not so. A pressing concern of restorative justice is 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 programs<sup>4</sup>.

More pressing still is empowerment and resilience in light of the needs of victims and their relationship to restorative justice, is that well-meaning practitioners most often come to restorative justice from “offender-advocacy backgrounds”<sup>5</sup>.

Expecting victims of crime to feel seen, heard, and supported, aware that restorative justice is as yet intimately and intricately linked to offender-advocacy, proves profoundly problematic, if profoundly unkind. This underscores another reason why victims are not, yet, asking for restorative justice in wide-spread manner.

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<sup>1</sup> Zehr, Howard. *Little Book of Restorative Justice: A Bestselling Book by One Of The Founders Of The Movement*. Intercourse, PA: Good Books, 2002. Page 65

<sup>2</sup> Zehr, Howard, *Changing Lenses: Restorative Justice for Our Times*. Kitchener, ON: Herald Press, 2015. Page 203

<sup>3</sup> Zehr, Howard, *Changing Lenses: Restorative Justice for Our Times*. Kitchener, ON: Herald Press, 2015. Page 233

<sup>4</sup> 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. Page 49

<sup>5</sup> 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. Page 49

Although most academics, researchers, and prevailing media understands restorative justice to be face-to-face meetings between victim and offender<sup>6</sup>, Zehr, sharing the same belief as Sawbonna, states that, “it (rj) 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”<sup>7</sup>. The widely held beliefs that restorative justice is about face-to-face meetings and forgiveness, can be argued to be one of the most salient reasons why victims choose to have little to do with restorative justice. It is also why the legal system finds itself, as yet, ineffective in generating interest and acceptance in restorative justice.

As Zehr notes, forgiveness is not restorative justice’s purview or purpose. Pervasive judgements within the context of restorative justice re: good victims forgive and bad victims do not, must continue to be challenged. Sawbonna, victim-led restorative justice, is not at all predicated upon any of those limited and limiting notions noted above. Sawbonna is not predicated upon doing. Forgiveness is an action. Sawbonna is a way of being. And being in shared-humanity does not call for heroism. Shared-humanity simply is. For the ethics that are required for legal systems and justice frameworks to be situated in the context of Sawbonna, means that human rights and humane rights will always supersede expectations based on dehumanization, guilt, and shame.

Sawbonna rests squarely in the lap and lens of being. And shared-humanity is its framework. Practitioners’ background or expectations do not only spring from offender-advocacy backgrounds; but, are often based on specific rules and outcomes linked to exacting rules and criteria to meet outcomes delineated by “experts” and funders, whereby filling out specific forms, which themselves have a statute of limitations, denies the vast spectrum of victims’ needs.

### Autoethnography: “And You Still Believe in Restorative Justice?”

In 2007 after living since 1978 with my Father’s brutal and callous murder an interesting shift occurred. One of the three murderers, the one that was serving a life-sentence for murdering my Father, contacted me. That contact was made only a short time after he had been released from jail once again for another crime. I chose to meet him in what would eventually be called a “non- formal” restorative justice process (restorative justice being used, erroneously by media and academia as inter-changeable with mediation will be addressed in this paper). No forms were filled in. No funding from government bodies, though at that time, I did not know that he earned most of his livelihood being funded by Corrections Services Canada for work that they hired him to do with offenders coming out of jail.

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<sup>6</sup> Johnstone, Gerry and Daniel W. Van Ness. Eds. Handbook of Restorative Justice. Portland, OR: Willan Publishing, 2007. Page 399

<sup>7</sup> Zehr, Howard. Little Book of Restorative Justice: A Bestselling Book by One Of The Founders Of The Movement. Intercourse, PA: Good Books, 2002. Page 65

Up to and including that time and thereafter, my life-work has included writing and publishing books and giving trauma-informed workshops and courses about therapeutic writing, writing as healing and self-expression. He contacted me shortly after I received an award from The National Association for Poetry Therapy for this work and one of my publications, *Dance With Your Healing: Tears Let Me Begin to Speak, Poetry and Workbook for Your Healing Words*. Voice, story, and narrative saved my life after my Father's murder. And continues to offer me, my students, and workshop participants a manner to be resilient and empowered through a vast terrain of hurt, loss, and betrayal.

This meeting with him led me to finally, at the age of fifty, completing a Master's Degree, my thesis entitled, *Sawbonna: Justice as Lived-Experience*. I chose autoethnography as my methodology because as Professor Kim Etherington states, "autobiographical (is a) 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"<sup>8</sup>. This was precisely what my Masters was, never thinking for a moment that that paper about Sawbonna as a new model of restorative justice would metamorphose to highlight and underscore that Sawbonna as victim-led restorative justice would address many of the complex and vitally pressing, important, and warranted concerns of victims, justice systems, and society as a whole, in relation to restorative justice and its purported processes of worth to victims, offenders, and society.

After making his life about being the reformed murderer and being heavily funded by Corrections Services Canada, the murderer whom I met, tried to convince me that it was not his bullet that killed my Father. Along with this troubling claim, it began to become clear he was no longer attuned to how we knew each other. Of the brutal harm that he had caused. He exemplified this by choosing to get up on stage to give a talk, planned for us to do together, and to talk about himself, not acknowledging my Father or me. I was there, at his request to support what I had come to trust as he too wanting to bridge gaps between victims and offenders.

This occurrence showed one of the reasons why restorative justice as a panacea of joyful meetings and government funds "well-spent" truncates and in fact limits the scope of possibility for human dignity. For the spectrum of motivations as well as for the fact that a one-time apology, a possible hug, and a hand-shake is not empowerment. And, that empowerment is not to be given; but, must be chosen. Researchers aplenty, those who support restorative justice, with any number of understandings and definitions, joyously applaud "those precious meetings." The most common and the one that does the greatest harm to restorative justice (hence the need for Sawbonna) is the mediated meeting, often sculpted in the framework of forgiveness given, received, or sought. An end-game, if you will, one that does not address the fact that life is not a static snapshot of a moment in time, but rather an ever-unfolding process of living with grief, loss, shame, and harrowing pain. Applying theory to reality, demonstrates

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<sup>8</sup> Etherington, Kim. *Becoming a Reflexive Researcher: Using Our Selves in Research*. London, England: Jessica Kingsley Publishers, 2004. Page 140

time and time again that no amount of statistics or research can prepare us for life happening outside of theory.

After his recent death, a reporter contacted me to do an interview about “the amazing restorative justice story you shared with your Father’s murderer.” When we met, a choice I made because I know this reporter’s credibility, I told him what had occurred. He was shocked and surprised. After we spoke he asked me, “And you still believe in restorative justice?” My response was, “I do. I believe in Sawbonna. I do not believe in have to-s and should do-s or must do-s. Nor funding opportunities. Nor black and white pre-packaged and touted explanations and expressions of the bad turned good, of the good offering absolution to the bad.” Sawbonna is symbiotically-twinning with how to invite society as a whole to address shared-humanity. And doing so expresses how and why the personal is indeed the political. His editor decided not to do the story. His interest, he told me, is in victim-led restorative justice. And allies, which will be addressed later.

## Victim Means Voice

Understanding, defining, and re-forming the meaning of the word victim is essential. Society is behooved to do so, for the current understanding of what victim means as it relates to restorative justice, offers limited and limiting scope and focus. The effects of which can be seen in what, if any, rights are accessible or even available to victims. And indeed, rights without the capacity to implement them, prove useless. This point is clearly reflected by Dunne in Wemmers, “The identity of “victim” is not one we value much because of the negative association of suffering and sacrifice associated with it”<sup>9</sup>. Suffering and sacrifice are viewed as weakness, incapacitation, and ignorance, if idiocy. Each of these requiring the help and guidance of experts, who “know” what is necessary, how, when, where, and why. Victims of crime, too often subject to condescension, silencing, and being dismissed, unless of course they forgive or are accepted by restorative justice practitioners, are choosing to voice in academia, politics. Resculpting the dialectic and informing policy-making.

Two definitions of victim will be used in contextualizing this paper’s understanding and usage of victim. Firstly, the *United Nations Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power*:

*“Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power...*

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<sup>9</sup> Wemmers, Jo-Anne M. *Victimology: A Canadian Perspective*. Toronto, ON: University of Toronto Press, 2017. Page 2

*The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in inter-vening to assist victims in distress or to prevent victimization.<sup>10</sup>*

The second definition is the Canadian Victims Bill of Rights:

*“...victim means an individual who has suffered physical or emotional harm, property damage or economic loss as a result of the commission or alleged commission of an offence”<sup>11</sup>*

Though the languaging of these denotations of what a victim is and what being a victim means read clear and precise, what is most crucial, is that:

*“...over the centuries, the victim’s role as an active participant, responsible for the complaint and the prosecution, has been transformed to that of witness as the state has taken over the burden of prosecution from victims, but in doing so it also changed the focus of criminal prosecution. The offence is no longer viewed as an act against the victim but as a crime committed against the state”<sup>12</sup>*

Even as restorative justice addresses this pernicious focus, because it too has sprouted out of the criminal justice system with an offender-focused relationship to crime, it continues to treat victims as useful to the purpose of reforming offenders, as opposed to working with and for victims from the lens of power, voice, agency, and resilience. Further making the crucial and troubling error of working within the confines of statutes of limitations, wherein the timeframe of a human being to process harrowing harm and pain, is addressed as though being contingent upon dates and timelines adjudicated by legal systems.

Sawbonna victim-led restorative justice, underscores the fact that neither the timelines of legal systems or the timelines of funders, under which formal mediation and conferences (erroneously called and understood to be restorative justice) functions, prove useful to victims. Power is intricately related to imposed timelines. Sawbonna shines a light on how victims not only choose to find and create empowerment, but further challenge, shift and affect change in policies that limit and truncate agency.

Legal systems and justice frameworks are constructed within existing concepts of law, resting firmly on constitutional foundation, whereby any challenge requires resilience, tenacity, and unerring focus. Each of these, supported and nurtured by a community of individuals who choose to live the values of shared-humanity and human rights. Addressing the knowing that,

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<sup>10</sup> UN General Assembly, 1985, Art 1-2, in *Victimology*, 4

<sup>11</sup> Department of Justice Canada, 2015a, in *Victimology*, 4

<sup>12</sup> Wemmers, Jo-Anne M. *Victimology: A Canadian Perspective*. Toronto, ON: University of Toronto Press, 2017. Page 16

“the policy development arena is...where human psychology and political systems intersect and create a dynamic process”<sup>13</sup> is exactly the place where Sawbonna victim-led restorative justice, wherein voice, agency, resilience, and empowerment, starts. Because the personal is political, no matter the rights that are “given”, victims living their life-sentences after crime, can become fully participatory in the process of in-forming, re-forming, and trans-forming how and what living justice means.

## Incarcerated Indigenous People Are Also Victims of a Broken Justice System Too

Writing this paper is a compelling process of personal, professional, societal, and political interactions. It is challenging. This is good. Striking at the heart of restorative justice via a Sawbonna lens, which insists on human-rights, means addressing the Calls to Action from the Truth and Reconciliation Commission, as well as the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Both clearly address the horrendous, brutal, and long-lasting effects of colonialism and cultural genocide of First Nations People. In so doing they spell-out clearly that the heinous over-representation of First Nations People incarcerated in Canada’s jails, is a stark and harrowing fact that the justice system, as it stands, that the legal system, as it stands, is not yet addressing this pernicious fact.

In his recently published paper, which addresses that Indigenous People in Federal Custody Surpasses 30%, Dr. Ivan Zinger, noting that incarceration of Indigenous women is upwards of 42%, Zinger highlights that these are, “disturbing and entrenched imbalances.” He states, “It is not acceptable that Indigenous people in this country experience incarceration rates that are six to seven times higher than the national average. Bold and urgent action is required to address one of Canada’s most persistent and pressing human rights issues”<sup>14</sup>.

Some of those who cause the harms have been brutally victimized themselves; behind bars due to colonial legacy and cultural genocide. Victims creating victims...circular. And if people do not want or cannot have face-to-face meetings then i.e. mediation or conferencing then Sawbonna, victim-led restorative justice offers another way. Sawbonna is the fact and act of shared-humanity. And it means addressing the Calls to Action of the Truth and Reconciliation Commission.

Calls to Action 25-42 entitled, Justice, articulates clearly what is required to address the unacceptable and glaringly unjust over-representation of First Nations People incarcerated. Call to Action 30 states unequivocally, “We call upon federal, provincial, and territorial governments

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<sup>13</sup> Ferrara, Nadia. In Pursuit of Impact: Trauma and Resilience Informed Policy Development. Maryland, US: Lexington Books, 2018. Page 7

<sup>14</sup> Zinger, Ivan. Indigenous People in Federal Custody Surpasses 30%. Ottawa, ON: Government of Canada, 2020.

to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so”<sup>15</sup>.

In the Calls for Justice from the Missing and Murdered Indigenous Women and Girls Final Report Article 5.11 states, “We call upon all governments to increase accessibility to meaningful and culturally appropriate justice practices by expanding restorative justice programs and Indigenous Peoples’ courts”<sup>16</sup>.

A large percentage of those who cause the harms have been brutally victimized themselves; behind bars due to colonial legacy and cultural genocide. This salient and concerning fact begs repetition: victims creating victims is a circular and painful fact. One that must be dealt with. If people do not or cannot want face-to-face meetings i.e. mediation or conferencing then Sawbonna, victim-led restorative justice offers another way. Sawbonna is the fact and act of shared-humanity. And shared-humanity means that we can and must address a broken criminal justice system and a legal system that as yet relegates victims to actors in service of a system that fails them. And fails them badly. A failing with repercussions for all of society not just those who have been harmed and those who have caused the harms, but those who must live with the consequences of ignoring, dismissing, and turning a blind eye.

Connected with this is the notion of reconciliation being a simple and straight-forward action consisting of simple words, happy hearts, and handshakes. This is not case. Time, process, and small steps mean starts, stops, negotiations and renegotiations. Over and over and over again. Returning, each time, to the table Sawbonna victim-led restorative justice demonstrates how to respond to this vitally important and pressing issue.

## Recommendations: Theodore’s Place Healing Home and Allies

Unlike current models, understandings, and definitions of restorative justice, Sawbonna victim-led restorative justice is an intricately articulated process, wherein layer by layer victim-voice in the framework of both legal systems and justice contexts, addresses human rights and shared-humanity, placing victims at the forefront, underscoring the need to ask victims what they want.

Sawbonna victim-led restorative justice takes time. It is not merely a one-time action within the stipulation and rules of face-to-face meetings. However, if victims want to have a face-to-face meeting, there should be no mandated or proscribed period of time for them to request this. And for it to occur. Further supports, including funding for working to assist in making this happen, if it is possible, should be put in place. Funding, filling out of forms, and who is permitted to engage in this must include a broad and diverse spectrum of people, groups, and agencies, which are trauma-informed, and human-centered.

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<sup>15</sup> The Truth and Reconciliation Commission of Canada. *Calls to Action*. Report, Winnipeg: The Truth and Reconciliation Commission of Canada, 2012.

<sup>16</sup> The Final Report of the National Inquiry into Murdered and Missing Indigenous Girls and Women. *Calls to Action*. Report, Ottawa: The Final Report of the National Inquiry into Murdered and Missing Indigenous Girls and Women, 2019.

Sawbonna is a multi-dimensional perspective of growing with and because of a victim's narrative, voice, and lived-experience, which unfolds and evolves over time, over and over again in relationship not only with the harrowing pain and trauma which crime creates, but also with their relationship to legal systems and justice paradigms.

Crucial aspects of how Sawbonna unfolds and is informed include, but is not limited to the list delineated below. Each of these elements is taken from my master's thesis, Sawbonna-Justice as Lived-Experience:

1. Sawbonna is a celebration of resiliency (p. 6);
2. Sawbonna means that a researcher's journey is intricately connected to society and culture (p. 7);
3. Sawbonna (shows) concrete expressions of (how) justice come(s) directly from the heart, the gut, the intellect (p. 7);
4. Sawbonna is not spelling out confining precepts, nor is it bound to personal story, to a moment in time, or to stringent regulations (p. 12);
5. Sawbonna 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 (p. 12);
6. Part of the design of these ways to enter dialogue with and about Sawbonna, is acknowledging that trust must be gained (p. 12);
7. Sawbonna's core value is empowerment (p. 12);
8. The acceptance of intense emotions, abundant questions, tears, laughter, expletives, and a powerful knowing that the process of engagement (with and about victimization) guides the interactions (and) is one of Sawbonna's strengths (p. 12);
9. Because (Sawbonna) is experiential and inclusive and because it invites and inspires choice to take personal responsibility it is not contingent upon face-to-face meeting of victim and offender (p. 12);
10. Sawbonna is a system whereby dialogue is invited to flow out because it is conceptualized with the vision of living harmoniously with our very self (p. 13);
11. Key (to Sawbonna) is the fact that though living harmoniously is a positive and life-enriching gift we offer to ourselves and others, it does not mean ignoring and denying anger, shame, and guilt. It means truly connecting with our authentic emotions and feelings, and expressing them within open, safe, and supportive contexts (p. 13);
12. Sawbonna means seeing the essence of another individual, her complexity, including goodness, worth, beauty, angst, frustration, and anger, and not merely a particular definition...or societal sanction (p. 13);
13. Sawbonna addresses the fact that victim, offender, stakeholder, community, society, everyone, is responsible for their relationship to what power is (p. 13);
14. The heart of Sawbonna...is that justice affects us all (and) what we believe and how we choose to respond to all manner of daily interaction. Informs norms, truths, and expectations we have in our relationships with each other, and our expectations of how justice (including victim-led restorative justice) should be lived (p. 13-14);
15. 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 humaneness (p. 14);
16. Sawbonna...encourages individuals to think about specific ways in which they can take responsibility for their thoughts and actions (p. 15).

Empowerment, resilience, and relationship are crucial aspects of Sawbonna victim-led restorative justice. “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”<sup>17</sup>.

That progress, policy, and resources are crucial to Sawbonna victim-led restorative justice, means that building bricks-and-mortar places for victims, is a must. Theodore’s Place Healing Home for Crime Survivors, is one such possibility<sup>18</sup>. Theodore’s Place, is currently a virtual healing home for crime survivors.

*Theodore’s Place virtual healing home for crime survivors, is for it to metamorphose into Theodore’s Place of bricks and mortar. A healing sanctuary where we can meet. A healing sanctuary where all emotions, all ideas, all visions, passion, views, and ideas, come together, burgeoning with life-force.*

*Because Theodore’s Place is about justice, is about, voice, resilience, and healing, community building is essential. Theodore’s Place community is a groaning board of expertise. No ordinary expertise. The expertise of Theodore’s Place is embraced and offered in the crucible of Sawbonna.*

*And Sawbonna invites, inspires, ignites agency by creating this open table whereby companionship is the fuel that fires our passion for justice. Justice as both lived and living experience; wherein, the heart of the intellect and the intellect of the heart informs all that we do to be the change we wish to see in the world.<sup>19</sup>*

Bridging chasms of almost insurmountable pain, anguish, anger, and rage, which can often infuse and inform life after crime: crime committed against one or a loved-one, and crime that one has committed, insists upon building relationships. Insists upon finding and creating the places and spaces and the opportunities to find allies and to be an ally. Grassroots relationships that are situated in a community of care, with a vision and commitment to shared-humanity, is vitally necessary.

Building personal relationships in order to create spaces, places, opportunities to speak about Sawbonna, means that an us versus notion about and belief about legal systems, can be challenged. Challenged because the personal acknowledged as political, set in the crucible of trust, invites diverse voices, diverse stories diverse knowledge, diverse experiences. This

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<sup>17</sup> Van Sluytman, Margot. *Dance With Your Healing, Tears Let Me Begin to Speak: Poetry and Workbook for Your Healing Words*. Peterborough, ON: Palabras Press, 2006. Page 37

<sup>18</sup> Van Sluytman, Margot. “Theodore’s Place Healing Home for Crime Survivors: A Promise Kept”, *The Justice Report*, Volume 34, November 2019. Page 48-49

<sup>19</sup> Theodore’s Place Healing Home for Crime Survivors: <http://theodoresplace.org/open-table/>

permits a way to start to attend to, and to continue to work to cross, ever so slowly and respectfully, barriers and boundaries of fear, shame, anguish, anger, and hurt. Barriers which serve to highlight differences, as opposed to nurturing commonalities. It is a choice, a choice based on support, based on information that invites, not demands, relating and relationship, even if challenging and raw. Sawbonna shows the way. Understanding that the personal is political offers us a compass for navigating the terrain of being allies.

The personal is political. And poetry is both personal and political. The poetry of Turtle Islander Lee Maracle, is the crucible in which Sawbonna victim-led restorative justice finds itself richly aligned with possibility and hope for both those who have caused grave harm and those who have suffered from brutality, crime, and injustice, wherein generations bear the trauma and the opportunity to act decisively with clarity and commitment to building bridges, to fording chasms, to speaking truth. As Murray Sinclair stated on CBC, “the truth will set you free, but first it will piss you off.” Victims are pissed off. Offenders are pissed off. Policy-makers, academics, researchers are pissed off. Sawbonna victim-led restorative justice sees this as rich fodder from which to address what Lee Maracle writes of justice. For allies to be formed:

*Justice is an ember  
burning slow and easy  
A fire, filled with hope  
Hope for our humanity*

*Our fire seeks relations  
with all beings  
Justice calls us to burn  
brightly together<sup>20</sup>.*

Allies, working to in-form, re-form, and trans-form how crime creates chasms of us versus them paradigms, wherein humans and shared-humanity are relegated to camps of divisiveness and dehumanization, offer a rich way in which to address even the most harrowing of pain, grief, and injustice.

## What to Do for Victims: Now

The process of understanding restorative justice is a many-layered one. Throughout this paper, I have addressed and unpacked the varied and various meanings of and relationships to restorative justice. Explaining how Sawbonna: Victim-Led Restorative Justice can benefit victims, policy makers, academics, and practitioners. I have highlighted several salient reasons why, responding to the question: if restorative justice is such a rich and vital manner in which victims of crime, in which society as a whole can find hope and meaning in the justice system, why then is it not being accepted in a vast and far-reaching manner? In this, the final section of this paper, I will address what can be done for victims, now. Right now. The definition of

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<sup>20</sup>Maracle, Lee, Columpa Bobb, Tania Carter. Hope Matters. Toronto: ON: Book\*Hug Press, 2019. Page 77

restorative justice I will employ, is the one that speaks to what can be better understood as face-to-face meetings or victim-offender mediation.

Research by both the Canadian government and academics, demonstrates evidence that victims of crime can benefit from restorative justice processes. A clear distinction between restorative justice processes and mainstream processes is made, highlighting the salient difference of restoration and retribution<sup>21</sup> whereby agency and choice figure in how victims find degrees and versions of healing and satisfaction.

One glaring lack in this area, is the information available to victims of crime regarding the right to be informed of restorative justice programs, and how, when, where, and if it is made available. According to the Victim Bill of Rights, “Every victim has the right, on request to information about the services and programs available to them as a victim, including restorative justice programs”<sup>22</sup>. Right now, there is a need for Sawbonna: Victim-Led Restorative Justice information to be made available and mandatory. From the very start of the process of a victim dealing with the justice system, she should receive information on what Sawbonna: Victim-Led Restorative Justice is, how to access it, how to use it, including where the supports are. Further, a right does not come with an automatic need for enforceability. Right now, the government must make it enforceable by law that the not only is there a right to request information about Sawbonna: Victim-Led Restorative Justice, but that there is a legal obligation for it to be provided. As Wemmers states, “Rights without recourse are popular with governments, but they do little to improve the plight of victims”<sup>23</sup>.

In direct connection with this, is the fact that funding must be put in-place for Sawbonna: Victim-Led Restorative Justice programs, for the current programs, and for creating cross-county programs and facilities for such programs. The fourth recommendation from The Federal-Provincial-Territorial Meeting of Ministers Responsible for Justice and Public Safety, Newfoundland, 2018, effectively addresses the need for education and training in the area of restorative justice (4). Not only can this be implemented now, but addressing this training within the framework of Sawbonna: Victim-Led Restorative Justice means that the focus is on human rights, right relationship, and eradicates the issue of restorative justice growing out of an offender-focused lens.

Benefits to victims of crime have been shown to occur when they participate in restorative justice/mediation processes<sup>24</sup>. Intricately connected with this is: agency/choice. Having choice and using agency, is one of the crucial elements of a victim of crime to begin to regain a sense of meaning. Having the knowledge about restorative justice/mediation processes, being able to

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<sup>21</sup> Glynis Elliott, Kari. Restorative Justice: Research and Statistics Division, Research Brief. Justice Canada: 2019. Page 1

<sup>22</sup> Canadian Victims Bill of Rights: <http://canlii.ca/t/53gxx>

<sup>23</sup> Wemmers, Jo-Anne M. *Victimology: A Canadian Perspective*. Toronto, ON: University of Toronto Press, 2017. Page 136

<sup>24</sup> Department of Justice, Canada. *Restorative Justice: The Experiences of Victims and Survivors*. <https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd11-rr11/p5.html>, 2018.

learn about these processes, is crucial. The choice to participate or not means two things: that a victim has resources to access and to learn of this possibility; and learning of Sawbonna means that she understands that she is part of a human rights lens, whereby she is not obliged to be or do a particular act in order to have her needs met. Funding is needed for each of these needs to be met to occur. Consistent funding across Canada.

Right now, building a healing centre for victims of crime, is not only possible, but greatly needed. After the trauma that crime causes, "...victims often need assistance...to integrate the experience into their lives...this requires substantial investment of resources to ensure that all victims...receive the necessary medical, psychological, and social assistance they require"<sup>25</sup>. Healing centres that are trauma-informed means staffing that includes skilled persons who understand that face-to-face meeting and/or mediation is not the purpose. The purpose must be, "approaches (that) strive purposefully to treat trauma and related health outcomes through specific healthcare modalities"<sup>26</sup>.

## Conclusion: Justice is Personal and Political

Sawbonna: Victim-Led RJ is clear about its vision. It does not proscribe what victims of crime should do, must do, and how. It believes that the criminal justice system must start with asking victims what they want and need in terms of healing and justice. If this means a face-to-face meeting with the perpetrator/s, then that should be accommodated as it has the potential to lead to real transformation and potentially less punitive outcomes. Sawbonna victim-led restorative justice is clear that retribution, revenge, and relegating humans to objects, whereby punishing the offender and sculpting a political agenda focused on ignoring and denying the rights of offenders, viewing these ways of addressing crime as victims' services, is untenable. Outright wrong.

Focusing on more supports for victims, such as healing centres where trauma is addressed, along with free mental health supports given over the long-term, is crucial. Victims of crime are policy- influencers and change-makers, also citizens of a country; and, the ethics upon which Sawbonna victim-led restorative justice is founded, understands that in asking victims what they want, some responses might be "lock them up and throw away the key" or "bring capital punishment back." However, because of the foundational ethics upon which a nation is situated, these requests, though understood and respected, are not acceptable. Sawbonna insists on both shared- humanity and human rights, which a society and a country must uphold and practice.

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<sup>25</sup> Wemmers, Jo-Anne M. *Victimology: A Canadian Perspective*. Toronto, ON: University of Toronto Press, 2017. Page 152

<sup>26</sup> Department of Justice, Canada. *Trauma-(and Violence-) Informed Approaches to Supporting Victims of Violence: Policy and Practice Considerations*. <https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd9-rr9/p2.html>, 2018.

***Resilience Will Not Sleep***

*In my heavy-heaving armour,  
Victim to your untimely spilled blood,  
Renewal whispers. Too, too many  
Years injustice held me prisoner.  
Now another call comes.  
No longer accepting silencing.<sup>27</sup>*

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<sup>27</sup> Van Sluytman, Margot. *The Other Inmate: Mediating Justice, Mediating Hope: Poetry and Workbook for Restorative Practices*. Calgary, AB: Palabras Press, 2008. Page 17

## REFERENCES

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

Canadian Intergovernmental Conference Secretariat: <https://scics.ca/en/product-produit/restorative-justice-key-elements-of-success/>

Canadian Victims Bill of Rights: <http://canlii.ca/t/53gxx>

Department of Justice, Canada. *Trauma-(and Violence-) Informed Approaches to Supporting Victims of Violence: Policy and Practice Considerations*. <https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd9-rr9/p2.html>, 2018.

Department of Justice, Canada. *Restorative Justice: The Experiences of Victims and Survivors*. <https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd11-rr11/p5.html>, 2018.

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

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

Etherington, Kim. *Becoming a Reflexive Researcher: Using Our Selves in Research*. London, England: Jessica Kingsley Publishers, 2004.

[Federal-Provincial-Territorial Meeting of Ministers Responsible for Justice and Public Safety](#), 2018.

Ferrara, Nadia. *In Pursuit of Impact: Trauma and Resilience Informed Policy Development*. Maryland, US: Lexington Books, 2018.

Ferrara, Nadia. *Reconciling and Rehumanizing Indigenous-Settler Relations*. Maryland, US: Lexington Books, 2015.

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

Glynes Elliott, Kari. *Restorative Justice: Research and Statistics Division, Research Brief*. Justice Canada: 2019.

Gavrielides, Theo. Editor. *A Victim-Led Criminal Justice System: Addressing the Paradox*. London, UK: Independent Academic Research Studies (IARS), 2014.

International Institute of Restorative Practices Web Site: <https://www.iirp.edu/defining-restorative/history>

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

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

Luther King Jr., Martin. <https://www.history.com/topics/civil-rights-movement/i-have-a-dream-speech#section>

Maracle, Lee, Columpa Bobb, Tania Carter. *Hope Matters*. Toronto: ON: Book\*Hug Press, 2019.

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.

Senator Kim Pate. 2019, October 31. *Appointed: A Canadian Senator Bringing Margins to the Centre "Don't Label Me"* <https://appointedpod.simplecast.fm/063bcc1e>

Senator Murray Sinclair. 2019, November 14. *The legal industry needs to understand the truth of Canada's Indigenous history if we truly want to move forward*. *The Globe and Mail*. <https://www.theglobeandmail.com/business/commentary/article-the-legal-industry-needs-to->

[understand-the-truth-of-canadas/](#)

Senator Murray Sinclair. 2019, December 23. Murray Sinclair has tried for years to shock Canada into confronting colonialism. He's not done yet. *The Globe and Mail*.  
<https://www.theglobeandmail.com/canada/article-murray-sinclair-has-tried-for-years-to-shock-canada-into-confronting/>

The Final Report of the National Inquiry into Murdered and Missing Indigenous Girls and Women. *Calls to Action*. Report, Ottawa: The Final Report of the National Inquiry into Murdered and Missing Indigenous Girls and Women, 2019.

Theodore's Place Healing Home for Crime Survivors: <http://theodoresplace.org/open-table/>

The Truth and Reconciliation Commission of Canada. *Calls to Action*. Report, Winnipeg: The Truth and Reconciliation Commission of Canada, 2012.

Van Sluytman, Margot. *Dance With Your Healing, Tears Let Me Begin to Speak: Poetry and Workbook for Your Healing Words*. Peterborough, ON: Palabras Press, 2006.

Van Sluytman, Margot, "*Justice as Lived-Experience*," Athabasca, AB. Athabasca University, 2012  
[http://dtp.r.lib.athabascau.ca/action/download.php?filename=mais/Final%20\(2\)%20Submission%20to%20MAIS.pdf](http://dtp.r.lib.athabascau.ca/action/download.php?filename=mais/Final%20(2)%20Submission%20to%20MAIS.pdf)

Van Sluytman, Margot. *The Other Inmate: Mediating Justice, Mediating Hope: Poetry and Workbook for Restorative Practices*. Calgary, AB: Palabras Press, 2008.

Van Sluytman, Margot. "Theodore's Place Healing Home for Crime Survivors: A Promise Kept", *The Justice Report*, Volume 34, November 2019.

Wachtel, Ted, Terry O'Connell and Ben Wachtel. *Restorative Justice Conferencing*. Bethlehem, PA: The Piper's Press, 2010.

Walker, Loren, *Restorative Justice Without Offender Participation: A Pilot Program for Victims* (February 10, 2004). *Restorative Practices E-Forum*, February 2004. Available at SSRN: <https://ssrn.com/abstract=2139140>

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

Wemmers, Jo-Anne M. *Victims in the Criminal Justice System*. The Hague, NL: Kugler Publications, 1996.

Wemmers, Jo-Anne M. *Victimology: A Canadian Perspective*. Toronto, ON: University of Toronto Press, 2017.

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

Wilson-Raybould, Jody. *From Where I Stand: Rebuilding Indigenous Nations for a Stronger Canada*. Vancouver, BC: UBC Press, 2019.

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).

Zehr, Howard, *Changing Lenses: Restorative Justice for Our Times*. Kitchener, ON: Herald Press, 2015

Zehr, Howard, *Little Book of Restorative Justice: A Bestselling Book by One Of The Founders Of The Movement*. Intercourse, PA: Good Books, 2002

Zinger, Ivan. *Indigenous People in Federal Custody Surpasses 30%*. Ottawa, ON: Government of Canada, 2020.