Edited Excerpt from *Active Peace: A Mindful Path to a Nonviolent World*

Restorative Justice Unleashed

Imagine if all the energy that goes into fighting other people and reinforcing the belief in separateness was instead directed at showing respect for people and giving priority to relationships. What if the 5 Rs of restorative justice—respect, relationship, responsibility, repair, and reintegration—were guiding principles of our activism? What if elected officials and other decision-makers adopted the 5 Rs and we could actually meet in an open field of trust and real dialogue?

Naive? Maybe, but is it less naive to think we can continue with business as usual and survive?

Restorative justice is a proven success—a grand success—and it's time to bring its principles and practices to bear on the full range of social and environmental issues. When we transform the way we *approach* difficult issues, we greatly increase the odds of transformative outcomes. When life-affirming values are put into practice in the service of bringing out the best in people and tapping the collective wisdom, with that shift alone we've created a new and very different way of doing business. Instead of entrenching separateness and division, we facilitate the relationship building that allows the truth of interbeing to be experienced. In an atmosphere of safety and respect, when the defenses drop, what's left is the truth of who and what we really are.

In an atmosphere of safety and respect, anything is possible!

Each of the 5 Rs of restorative justice set a certain intention and specific questions flow from each one; taken together they lay out a framework for addressing harm.

In order to more fully explore how a restorative process could be used to address issues outside of the criminal justice system, we'll consider the example of British Petroleum's Deepwater Horizon oil spill in the Gulf of Mexico.

In choosing such an extreme event, an event that killed eleven workers and a tremendous amount of marine life, and caused such a huge amount of

ecological and economic damage, my intention is to show the flexibility and potential of the process. I invite you to compare it, as imperfect, slow, and messy as it would likely be if actually used to address something as significant and complicated as the BP oil spill, with the bureaucratic, lawsuit driven process that actually unfolded as a result of the spill.

It's been several years since the explosion and the beginning of the spill on April 20, 2010. Has the harm to people and the environment been repaired? Has full responsibility been taken? Has systems-level change been made to assure that such a disaster will never—can never—happen again? I suspect the answer to all these questions is a resounding "No."

Obviously, there is no quick fix to something as disastrous as the BP oil spill, and I hope it will be equally obvious that what follows is not intended as such. I simply hold it up as a possibility—one that could serve to move us in a life-affirming, nonviolent direction.

It's important to remember that the context for the questions is an atmosphere of respect. Without respect nothing approaching full restoration is possible.

Remember too, that it's not your job or mine to answer these questions in isolation. Instead, with the understanding that this process is non-adversarial by nature, imagine a group of people who are most affected, and representatives of the groups most affected, coming together with those willing to take their share of responsibility (regulators, elected officials, and industry representatives). Add in some respected community members with no axe to grind—people who can see the big picture, and facilitators responsible for orchestrating the process.

The many people in the sectors impacted: the families of those killed and injured, the oil and gas workers as a group, shrimpers, fisherfolk, property owners, the tourism industry, and environmentalists speaking on behalf of wildlife and the ecosystem have already come together. They've elected the people who will represent their interests in the restorative process and come to some initial shared understanding about the harm and who is responsible for it. How to repair the harm will come later, once the harm is fully understood and those responsible have had the opportunity to step forward. These stakeholder groups have already adopted and practiced the restorative mindset; they know this is about healing, not revenge.

Community representatives have taken lots of community input and are prepared to bring that pain and local knowledge to the process.

Mechanisms are in place so the many people who can't be in the room (the public at large) can be informed.

Now imagine the participants—the primary stakeholders— all sitting in a large circle where every voice counts, where everyone is respected. No table separates them. In the middle of the circle, each participant has placed something that reminds them why they are participating, a photograph perhaps. Imagine an opening statement acknowledging the pain and anger in the room and the enormity of the task ahead—the repair of a tremendous, nearly inconceivable amount of harm.

Imagine a final reminder of the ground rules that will keep the process respectful and allow everyone to be heard, and a final reminder that this is a *healing circle*. Imagine everyone being invited to take some deep breaths and to connect with their highest selves in whatever way works for each. Then the questions unfold, in an order that makes sense, guided by the facilitators and with no artificial time constraints, with the ultimate intention of repairing the harm.

The 5 Rs then unfold the process in a way that's specific to this issue:

Responsibility – What happened? What is the harm that resulted? How has the human community been harmed (e.g., physical/health, economic, social, cultural)? Which individuals have been harmed and how? How has the environment, other species, and the ecosystem as a whole been harmed? What are the ripple effects of the harm?

Who is responsible? Who will decide who is responsible? Who is voluntarily stepping up to take their share of responsibility?

Why did this happen/What is the context? What were the people who caused the harm thinking? What were the needs underlying the behaviors that led to the incident?

What are the contributing factors at the systems-level?

How do the people responsible feel about their actions now? What is needed to encourage more self-responsibility?

Respect – Is respect being shown to everyone involved? Are the people who caused the harm being seen as full human beings better than their worst mistakes? Are those involved showing self-respect?

What does respect look like in this situation? What limits respect? What support is needed to encourage more respect?

Relationship – How have interpersonal, economic, and social relationships been damaged? Why are these relationships important?

Repair – What does repair of the harm (personal, interpersonal, economic, social, environmental, ecological, non-human beings) entail in this situation? Who will decide what constitutes full repair? Can there be a consensus?

What has already been done to repair the harm? Do those harmed feel restored?

Have the ripple effects of the harm been addressed and repaired? Have the relationships been restored? Has repair occurred on the community-scale? Do the people who caused the harm feel restored?

Have steps been taken to ensure that an accident like this will not happen again? What systems-level changes have been made?

Is there more that needs to be done to repair the harm and, if so, what are some specific actions that can be taken? How can a process of restoration and repair be sustained over time? What structures need to be in place? Who will facilitate what?

What additional support (economic, material, psychological, spiritual, social/cultural) is needed to repair the harm when so much has been changed and getting back to "normal" isn't possible?

Can there be a consensus on an action plan? If there is no consensus on how to repair the harm, what are the options for moving forward?

Reintegration – Once the process of restoration and repair is completed (if that's possible), are those harmed willing to allow those who caused the harm to reintegrate back into society without resentment or shame? To the extent that the answer is "no," the harm has not been fully repaired. What additional repair and support is needed to get beyond resentment?

Are those who caused the harm, assuming they have repaired the harm, willing and able to reintegrate back into society without feeling shame and resentment? To the extent that the answer is "no," the harm may not be fully repaired. What is needed to get to "yes"?

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These questions, so basic and yet so big, outline a way to repair harm that is much more humane, holistic, and healing than business as usual. Many more questions would obviously follow those listed and much detail has been left out. But it *is* clear to me that this process is big enough, and compassionate enough, to hold the whole world in the circle of its care. It's big enough to hold the uncertainty and the challenges—the knowing that there are no easy answers or guarantees of a wonderful outcome that makes everyone happy.

Uncertainty about causes and impacts, and disagreements over how to best repair the harm will not magically disappear. There will still be tendencies toward shame, blame, resentment, dishonesty, and lack of self-responsibility; but unlike current litigation-based mechanisms, these won't be the very foundation of the process.

The basic point is this: When people come together with a heart-felt intention to repair the harm, and demonstrate good faith in the process, trust can be built and the collective wisdom gathered.

My purpose in this section is to stimulate thought in the direction of conflict transformation and what really serves life. Hence, another guiding question can be: What is the life-serving and nonviolent response in this situation?

If we are serious about creating a nonviolent world, restorative values such as respect and responsibility will have to find their place, not only in our hearts, but in our systems as well. We clearly aren't there yet, but how hard are we trying?