

RETHINKING RESTORATIVE JUSTICE: WHEN THE GEOGRAPHIES OF CRIME AND OF HEALING JUSTICE MATTER

*Jarem Sawatsky**

This article identifies the geography and logic of crime. Based on the author's ongoing international research into healing justice from the perspective of three communities that practice such a justice, the article then contrasts the geography and logic of healing justice with the geography and logic of crime. It then argues that restorative justice falls between these two geographies. Despite the rhetoric that restorative justice is an alternative to the criminal justice system, this article demonstrates that restorative justice does not sufficiently challenge the underlying logic and geography of crime. The field of restorative justice would benefit from listening more closely to the geography and logic of healing justice found in various traditional communities.

INTRODUCTION

We begin with a detour called “understanding the nature of geography.” Ellen Semple, an American geographer, said in 1911 that geography was the study of how environment controls human behaviour.¹ Of course, taking environmental determinism to an extreme can justify the violence of colonial empire-building by claiming that without foreign “saving,” certain groups of people would simply be controlled by primitive environmental conditions. But Semple was highlighting a central insight of geography: particular environmental conditions lead to particular human behaviour. To put it differently, particular geographies lead to particular kinds of logic or ways of being in the world. Therefore, if one could understand the environmental conditions—the rise and fall of the land, the climate, the soil typology and vegetation—one might better understand human behaviour. End of Detour.

In this paper, I argue that the Western criminal justice system represents a particular kind of geography, complete with its own logic. This “geography of crime” covers a particular territory, has particular “environmental conditions,” and supports the growth of particular kinds of “vegetation” while actively discouraging the growth of others. In other words, it supports a distinct set of actors—lawmakers,

PEACE RESEARCH

The Canadian Journal of Peace and Conflict Studies

Volume 39, Numbers 1–2 (2007): 75–93

©2007 Peace Research

judges, lawyers, police officers—who act within the limits of certain environmental conditions. Once we learn to see the geography of crime we can better understand how it controls the behaviour of its various actors. The paper demonstrates that the geography of healing justice, based primarily but not exclusively on the approaches to justice of some Indigenous, Buddhist, and Christian communities I have been researching, represents a significantly different kind of geography, which in turn leads to significantly different behaviour. One characteristic of that different behaviour is a healing approach to justice rather than a largely punitive one. In between these two different geographies we find restorative justice. I propose that while much of the rhetoric of restorative justice criticizes mainline Western approaches to crime and in some ways resembles healing justice, restorative justice often does not sufficiently challenge the basic geography and logic of crime, and therefore is easily co-opted or incorporated into the geography of crime. If restorative justice wishes to live into the rhetoric of being an alternative to the criminal justice system, one real possibility is to challenge the basic conditions of the geography of crime by learning from the geography of healing justice.

THE GEOGRAPHY OF CRIME

We will enter the geography of crime from the underside—that is, from the perspective of a victim and critic. Then we will turn to some of the mainline proponents of criminal justice to see how they describe the lay of the land. From these sources we will then draw out the logic of crime, the way that such a geography controls human behaviour.

Let us hear from a victim-critic, a woman named Rob Baum, who speaks in a poem entitled “This Body of Crime.” Listen to her experience of the criminal justice system:

I was afraid
I was alone
Hereafter I will always be afraid & alone
When the darkness
when the silence
when the human nature
of an approaching shadow
tears my heart into jagged pieces
to cut my teeth

In the language of cases & rules
I am neatly transcribed
tucked in sweet dreams
amid the files

Fear gives me significance
already I am textbook material
held down against the sheets
my flesh curling back
again the winds of anger disbelief & shame

They call me a rape
but I say it was done to me
I have a name
my own body apart from this one

I am the body of a crime
discovered by the leagues of men
fingers greedily probing the innermost
but despite all this
I still think I am more
woman than statistic

You want bruises
the smell of flesh on record
a fracture to knit in the folder
wounds for release
You want hysteria
my bleary face in profile
& perhaps missing buttons too
mysterious threads
slithering & unravelling in your drawer

& yes I fought
& no I did not fight
There was a gun

there was a knife
 or there was no weapon but fear & betrayal
 the damned inequity of my own genetics

Your inferences are obvious
 & insulting
 Your concern is admirable
 especially on paper
 & those pills which make me sick
 develop human guppies
 another medical victory

You will ask for blood
 & I will give you more
 more blood more answers
 more bloody answers
 until everyone is satisfied
 I will nourish myself on memory
 too vivid
 even for cross reference

I am your rape
 but I have a name
 a body apart from this one
 plundered
 for its remaining loot

The crime is yours²

This poem describes some of the geography and logic of the criminal justice system from the perspective of a victim of the crime called rape. The poem is the struggle between the body of her true self, “a body apart from this one,” “more / woman than statistic,” and the “body of a crime,” which she sees as plundered and looted, as someone else’s body. The writer experiences the criminal justice system as tearing her “heart to jagged pieces” as she is forced to learn “the language of cases & rules.” The system begins by naming the harm according to its own standards and not according to the experience of the victim. “They call me a rape.” The criminal justice system names reality according to its own rules. The victim is sidelined: “neatly transcribed

/ tucked in sweet dreams / amid the files . . . already I am textbook material.” Those who work in the system are characterized as leagues of men greedily probing her innermost, seeking after blood and answers and “more bloody answers.” Baum suggests that the system seeks after the cold hard “facts” in ways that divorce them from experience, context, story, and emotion.

The picture of the criminal justice system that emerges in this poem is clearly negative, and it comes from a single critic. To understand the lay of the land of the criminal justice system we also need to look to its best advocates. A study of ten major texts used in United Kingdom law schools to teach criminal justice reveals several distinguishing patterns that help identify the geography of crime.³ They help map in broad strokes the lay of land, the relevant actors, and the relevant issues and arguments.

At the level of broad strokes, these texts are remarkably similar. In fact, one could roughly divide each of them into four parts:

1. Introduction: Each text begins with an introduction that sets the stage for the main actors: the legislature, the laws themselves, the police, the judges, the juries, and the lawyers. Ninety per cent of the books have an introduction to punishment in their opening sections. Not one of them has a section on victims, communities, or families of victims and offenders. Only one has a section on public and private interests.

2. How to Prove Guilt: These chapters address issues of criminal liability including *actus reus* (the conduct component of crime) and *mens rea* (the mental component of crime). They also address issues of proof and strict liability.

3. The Rules: These chapters focus on naming and describing the offences. This is the largest section of each of the books, comprising fifty to sixty per cent of each one.

4. Defences: This is a relatively brief section of each book—about ten per cent—and explores possible rationales for defence.

There are some variations in the texts. Sometimes the inchoate offences (incitement, conspiracy, and attempt) and complicity offences are treated separately from the rest of the offences and are at the end of the book. One book addresses issues concerned with conditions of release, whereas the other nine do not cover the topic. Nevertheless, all ten books follow roughly the same structure.

From the overview of the texts it is possible to understand Rob Baum’s poem more deeply. Victims are not included as a central part of the geography of crime, and so they are often treated as non-persons. With a focus on proving guilt, the justice system treats victims as evidence that can convict an offender. Baum’s

experience of the criminal justice system is that it names the conflict according to its own rules and codes. Indeed, this reflects and highlights the largest section of criminal law training, which focuses on naming and describing the offences that may happen.

So what can be said about the geography of crime and the logic of crime, or the way the geography of crime controls the behaviour that flows from it? I would like to highlight six components of the logic of crime:

1. The Logic of States and Institutions

Criminal justice begins with law, the rules, and the states and institutions that formed those rules. It is a state-centered understanding of justice, where the conflict, the process, the enforcement, and the punishment all belong to the state. To understand the criminal justice system, one needs to understand how and why institutions and states function. I will highlight just a few characteristics of this logic. A modern state and institutional logic is one that fragments. Accordingly, criminal justice is seen as a limited realm of activity that is separate from many other realms such as spirituality, health and healing, and social justice, to name a few. A state and institutional logic holds that it is able, and mandated, to create institutional systems that will care for people. The criminal justice system is one example where the state takes over the role of responding to conflicts on behalf of the community.

2. The Logic of Rules and Processes

We saw in the analysis of criminal justice texts that much of the content of these texts relates to what the rules are and what the processes are for following the rules. The hope of the logic of rules and processes is that if one applies a process in a just way, one will get an acceptable outcome. It is what John Rawls calls “imperfect procedural justice” or, in the more extreme form, “pure procedural justice”; if you apply the process in a just way, you need not worry about the outcome.⁴ For the criminal justice system, the process is epitomized by the courts and the legal system, and the just way is to follow rules of procedure, which create safeguards to make the process fair, balanced, and blind. However, any analysis of the outcomes shows that jails hold a disproportionately high number of persons with mental-health issues and persons from racial minorities and lower socio-economic classes. This powerfully demonstrates that in its outcomes the process is neither fair, balanced, nor blind.⁵ The point, however, is that the logic of processes holds that the right process administered in the right way will lead to an acceptable outcome.

3. The Logic of Problem Responsiveness

The criminal justice system begins with setting the rules and does not act again until the rules are broken. The incident of breaking the rules is the key focus of criminal justice. This is why Rob Baum says, “they call me a rape.” Someone broke the rule prohibiting rape, and this is what the criminal justice system sets out to prove or disprove. By acting when problems arise, the criminal justice system focuses its energy on the immediate crisis or the presenting problem. It is based on the belief that by responding to injustice it will cultivate justice, and the belief that the disease of crime can be stopped by an emergency-room method of responding to harm.⁶ There is not a clear or positive sense of justice apart from responding to the wrong.

4. The Logic of Nouns

The logic of nouns is perhaps hard to understand, especially for English-speaking people, because it is such a natural part of our use of language. We saw in the poem and in the survey of criminal law texts a significant focus on naming and describing or judging “things” or nouns. Take rape: we have turned a terrible act of harm—a verb—into a noun. “They call me a rape.” The person who was harmed has become a noun, a victim, a rape case. The one who acted in a harmful way has also become a noun: an offender. These labels do not describe the true self. Rather, they are judgmental labels that only describe a moment in time, but may stick with a person for a lifetime. The criminal justice system is based on the belief that if you gather the right nouns—the judge, the jury, the prosecution, the defence—you can have an adversarial fight between these nouns to determine whose noun-label is correct: Guilty or Not Guilty. The logic of nouns is the logic of guilt. Rupert Ross, a Canadian prosecutor who studied Aboriginal justice and compared it to the Canadian justice system, devotes a whole chapter to showing how a noun-centred language like English conceives of justice as opposed to the verb-centred languages of most Canadian indigenous peoples.⁷

5. The Logic of Individual Autonomy

The criminal justice system comes out of a political philosophy that is based in notions of the autonomous self. Criminal law scholar Andrew Ashworth writes: “One of the fundamental concepts in the justification of criminal laws is the principle of individual autonomy—that each individual should be treated as responsible for his or her own behaviour.”⁸ Another legal scholar, William Wilson, agrees, saying that autonomy is “a fundamental, yet challengeable, premise” underlying the whole

operation of criminal law.⁹ This premise of autonomy means that the individual's liberty must be respected, but a person who is capable of making free decisions must be held to account for deciding to break the law. This holding to account, then, assumes that the problem lies within individual will and liberty, and so holding to account means restricting or violating individuals and their liberty.

6. The Logic of Punishment and Violence

Restorative justice pioneer Howard Zehr has said that the focus of the criminal justice system can be summed up with three questions: "What laws have been broken? Who did it? What do they deserve?"¹⁰ The presumed answer to the final question is most often that they deserve punishment. This is why ninety per cent of the criminal justice texts have a section on punishment in their opening sections. This is why the media report on whether or not justice has been done by judging if an appropriate punishment has been delivered. But violence is not only the end product of justice. It is also considered an appropriate method of justice, and criminal law allows for the use of limited force and coercion at various stages in the process. Even outside the criminal justice system, in the popular imagination, to "bring someone to justice" often means to bring her/him to violence.

So here is my attempt to highlight some of the basic components of the logic of crime that flow from the geography of crime. Of course, the identification of these components of logic requires more debate, but for now it is important to recognize that the criminal justice system is not just the court process: it is also the underlying logic of that process. If restorative justice strives to be an alternative to the criminal justice system, an alternative must be found both to the process and to its underlying logic.

Before getting too far into how restorative justice does or does not challenge these basic components of logic, I would like to lay out another option, namely, healing justice.

THE GEOGRAPHY OF HEALING JUSTICE

Of course, not everyone believes in the logic of crime. Recently, I conducted the first international comparative research into healing justice. The goal was to find three very different living communities that were said to practise some form of healing justice. By engaging these communities in a participatory comparative study of healing justice, I was able to identify a common phenomenon of healing justice that was present in each community despite differences in faith, language, geography, and ethnicity. While these communities differed in some of the practices and forms of

healing justice, they shared a common logic of healing justice and a common understanding of the kinds of relationships that need to be present to sustain a healing kind of justice.

The communities included in this comparative research were Hollow Water, an Aboriginal and Métis community in Manitoba, Canada; Iona Community, a Christian community in Scotland; and Plum Village, a Vietnamese-inspired Buddhist community in southern France.¹¹ Here, I would like to highlight some of my analysis of the logic of healing justice as practised by these communities, especially in comparison to the logic of crime. I have identified six components of the logic of healing justice:

1. The Logic of Land and Spirit

Healing justice does not begin with states and institutions. Healing justice, as practised by these communities, begins and ends with the Spirit and the land. For each of these communities, healing justice comes from a journey into old-wisdom teachings. They trace this justice to the heart of, and a gift from, the Creator. Each community has a different name and understanding of this Spirit. However, all communities argue that if one wants to create and sustain a healing kind of justice, one needs to be in a particular relationship with Spirit and land. Both Spirit and land push a sense of justice beyond the individual and beyond the state. In fact, this kind of justice is not primarily about social control, but more about cultivating a life that acknowledges and responds to the gift, beauty, and fragility of life. When the land becomes a teacher of justice, the goal is to find wholeness by finding common connection. The goal of healing justice is more to (re)discover a sustainable and good balance in the local community than it is to impose a hierarchical state order on distant lands.¹²

2. The Logic of Transforming Patterns

When one begins with a broad view of justice as something sacred, reflected in the logic of the Earth, which involves balance, harmony, and wholeness, the procedures of justice involve transforming relationships and patterns within the whole system. This does not follow the typical logic of rules and procedures. Here, justice is a creative act of staying close to those who suffer as they demonstrate, like canaries in a mine, those aspects of the environment that lead to harm rather than healing. Healing justice seeks to understand the root causes and conditions of harm, and to break the unhealthy patterns that lead to such harm. The logic of transforming patterns intimately links the episode of harm to the structures, patterns, and relationships that encourage such harm. This logic expands the horizon of time and

widens the *relevant who*—the people and networks involved. Rather than dealing with incidents, healing justice sees patterns, generations, and structures. Rather than primarily blaming individuals, it responds to harm as an opportunity to transform the whole community.

3. The Logic of Cultivating the Conditions of Loving-Kindness

Unlike justice that is rooted in responding to harm (the logic of problem responsiveness), healing justice is rooted in the logic of cultivating the conditions of loving-kindness. It does not wait for harm or for troubling episodes, but seeks at all points to cultivate the conditions for loving-kindness. In Johan Galtung's terminology, this is a justice based not in negative peace (the absence of violence) but in positive peace (the presence of social justice).¹³ This logic of justice sees healing justice as an exploration of social, economic, and political conditions that lead not to harm but to loving-kindness. This logic explores how to organize a community in such a way as to lead to joy. When harm happens, healing justice does not focus all of its attention on the negative. It believes that demonstrating loving-kindness is the way of awakening those who have forgotten how to act kindly. The logic of cultivating the conditions of loving-kindness, then, has a double goal: to avoid the environments that cause harm and to cultivate environments that lead to the fullness of life.

4. The Logic of Finding True Identity

Rather than labelling victims, offenders, and professional helpers, healing justice seeks to help persons discover their true names. For these communities, the inspiration of watching land and Spirit leads them to focus on people's true names as a way of learning about how all are connected to "others." Those who have forgotten how to act as good relatives need to be reminded of what it is to be a good relation. Those who suffer harm are often seen as those who are out of balance—in danger of forgetting their essential natures, their true names. The logic of finding true names means that justice must create space to explore identity and rediscover how all things are connected. Healing justice does not try to create good by telling people they are essentially bad. Rather, it tries to awaken compassion for the other by teaching about one's true nature and the nature of mutual interdependence. Healing justice assumes that those who live in forgetfulness of these things need to be surrounded by a caring community that will help them remember who they are. These communities do not have a single, universal process, because this kind of logic seeks to understand identity both in its particularity and interconnectedness.

5. The Logic of Interdependent Relationships

Healing justice is not based on logic that turns on individual autonomy, but on the logic of interdependent relationships. Because all things are seen as essentially interconnected, responsibility and accountability are understood communally. Rather than blaming individuals, healing justice moves to understand how it is that families, villages, and countries raise people who harm others. At the same time, healing justice focuses on transforming those same sets of relationships. This logic of interdependent relationships is different from the logic of states. This logic gives preference to locally based and locally driven harm responses over state-based and state-driven ones. It seeks to transform the whole collective—its memory, its structures, its relationships, and its patterns of behaviour. This logic of interdependent relationships sees healing justice as creating community—that is, creating social, economic, and political structures that are rooted in a healing perspective.

6. The Logic of Healing for All

This logic sees healing as the interpretative framework for justice. Rather than punishment, it sees healing as both the means and ends of justice. While healing justice is not always a justice free of punishment, punishment does not become the main interpretative framework. Healing justice is rooted in a justice that respects the sacredness of each person and believes that all can heal. It does not rely so heavily on punishment and violence as a last resort. It sees the world as constantly engaged in processes of change, and open both to change toward healing and change toward harm. Healing justice sees harm as an opportunity to work at healing for all involved—the ones harmed and the ones harming. It also works to transform the family, as well as socio-economic and ecological structures. The logic of healing for all returns us to the logic of Spirit and land, in which all find their true identity.

We can see that healing justice covers territory different from criminal justice. It has a different geography and a different logic. Based on the common patterns outlined above, we can contrast the logic of crime and the logic of healing justice as seen in Table 1.

Such a characterization of healing justice, however, is a bit skewed, because healing justice is not primarily understood in contrast to criminal justice. Healing justice is rooted in traditions that predate criminal law. While there are important ways in which these types of logic contrast, there are also ways in which they overlap and co-exist. In other writing, I explore this overlapping geography,¹⁴ but the purpose of this essay is to introduce the notions of “geography of crime” and “geography of

<i>Criminal Justice</i>	<i>Healing Justice</i>
Logic of states and institutions	Logic of Creator and creation
Logic of rules and processes	Logic of transforming patterns
Logic of problem-responsiveness	Logic of cultivating loving-kindness
Logic of nouns	Logic of finding true identity
Logic of individual autonomy	Logic of interdependent relationships
Logic of punishment and violence	Logic of healing for all

Table 1

healing justice,” and to challenge restorative justice more carefully to understand and be informed by the geography of healing justice.

The final task of this paper is to try to locate restorative justice between these two geographies.

RETHINKING RESTORATIVE JUSTICE

Before engaging restorative justice, I would like to make two distinctions in language. I am using restorative justice as distinct from both Aboriginal justice and healing justice. In reality these categories are blurred, with no clear agreement on the distinctions between them. For example, a number of Aboriginal authors call for a clearer separation between these terms,¹⁵ while others say that Aboriginal justice is restorative justice.¹⁶ With respect to healing justice, the language of healing justice is most often used by advocates of restorative justice.¹⁷ Many restorative justice authors explain that restorative justice is a healing model of justice.¹⁸ I encourage the use of healing in the discourse of restorative justice, just as I encourage careful listening to Aboriginal traditions of justice. However, conflating all these terms hinders our ability to learn more fully from others. For example, the argument I now turn to is that restorative justice does not sufficiently challenge the basic logic of crime. By learning from those who practise healing justice, restorative justice could broaden and deepen its practice of justice.

Let us examine restorative justice in light of the logic of crime. The rhetoric of restorative justice positions it as an alternative to criminal justice. For example, Howard Zehr claims that criminal justice asks, “What laws have been broken, who did it? And what do they deserve?,” while restorative justice asks different questions: “Who has been hurt? What are their needs? Whose obligations are these?”¹⁹ The different questions are meant to represent an alternative vision and practice of justice. To some extent, restorative justice is an alternative to mainline criminal justice. In other words,

restorative justice challenges part of the logic of crime. For instance, the logic of states and institutions is challenged by many forms of restorative justice. Nils Christie's 1977 article "Conflict as Property"²⁰ has influenced many in the restorative justice field. Christie argues that conflict is the property of those involved in harm. Through the justice system, the state has developed a long tradition of stealing that conflict. However, communities need conflict to become strong, and so communities need to find ways of reclaiming the conflict. Restorative justice processes participate to some degree in this return of conflict to its rightful owners. Restorative justice encounters such as Victim-Offender Conferencing, Family Group Conferencing, and Circles all provide ways of creating space for the victim, the offender, and, sometimes, the communities around them to participate directly in responding to the harm.

Restorative justice also clearly challenges the logic of punishment and violence. While perhaps not completely devoid of punishment, most forms of restorative justice do not follow the logic of punishment. Punishment and violence are not the goals or the means. Restoring people is the goal and means. Most restorative justice programs do not use coercion or force as means of justice. In fact, many would argue that restorative practices must be voluntary to be restorative. It is worth noting, though, that some healing justice communities, such as Hollow Water, do not agree that voluntary participation is necessary at all stages: they work with sexual abuse victimizers who are still in denial about their abusing role.

So there are ways in which we can see restorative justice challenging the logic of crime, but there are also ways in which restorative justice does not challenge the logic of crime. For the following components of the logic of criminal justice, the response of restorative justice is problematic or at best a point of potential growth:

The Logic of Rules and Processes

While restorative justice challenges the notion that a crime is against the state rather than harming a person, restorative justice does not challenge the logic of processes. In fact, the story of restorative justice is often told from the standpoint of processes. That is, restorative justice is Victim-Offender Conferencing, Family Group Conferencing, Circle processes, and other similar processes. Restorative justice replaces court processes with conferencing processes, but it does not challenge the underlying logic that if one could just get the right process, everything would be all right.

The Logic of Problem-Responsiveness

While restorative justice recasts crime as harm, it still focuses on what is not working. It waits for the bleeding or harm to begin. Because many restorative justice cases are

referred by government, restorative justice is still dependent on the state for determining and naming the nature of the harm. Restorative justice still waits for people to do harm and then tries to find a positive way to respond to the crisis.

The Logic of Nouns

Restorative justice does try to move away from the stigmatizing effect of the labeling that characterizes the logic of nouns, but, generally speaking, restorative justice substitutes different nouns without challenging the actual logic of nouns. The idea is that what needs to change is the roles. Instead of a focus on the judge and the lawyers, restorative justice focuses on the victim, the offender, and the facilitator. Depending on the process, more or fewer nouns are added.

The Logic of Individual Autonomy

On this logic, restorative justice seems to be all over the map. Victim-Offender Conferencing, which focuses on creating space for victim and offender to engage as isolated individuals, seems to follow this logic. Family Group Conferencing and Circle processes tend to expand the circle but often keep the focus tightly on the presenting problem and thus miss opportunities to make changes that address the root causes of the problem. Adherence to this logic is a reason why restorative justice seldom moves from a case-orientation to an orientation of systemic change. To respond to personal harms while at the same time working to transform the wider system requires a logic that is much more expansive than individual autonomy. This logic is not sufficiently challenged by restorative justice.

These arguments are not entirely new. Gerry Johnstone challenges restorative justice not to focus too much on criminal justice reform, for such a focus hides broad systemic issues of harm.²¹ Elmar Weitekamp rebukes scholars in the field for beginning their analyses with state systems rather than non-state systems, because such a beginning point “tak[es] for granted the existence of political power and state law.”²² George Pavlich charges restorative justice with supporting the *status quo* and not providing a deep enough alternative, but rather creating dependency on the existing state system.²³ Pavlich is supported by Martin Wright, who argues that restorative processes have done little to surface or engage the factors conducive to crime.²⁴ Ovide Mercredi, former Grand Chief of Canada’s Assembly of First Nations, affirms that systemic change for Aboriginal people will not come from a case-by-case focus.²⁵

The argument I am making is that restorative justice does not sufficiently challenge the underlying logic of crime. This is not surprising, since restorative justice has looked to the criminal justice system for its cases, its funding, and its sense of validity.

The state has been one of the dominant dialogue partners in the development of restorative justice. However, if restorative justice is to deliver on its rhetoric of being an alternative praxis of justice, it must have well-developed roots that stand outside the logic of crime.

One option is for restorative justice to learn from those who practise the geography of healing justice. Of course, this has already been happening. Arguably, the main processes of restorative justice have roots in such communities—North American Mennonites (Victim-Offender Conferencing), the Maori in New Zealand (Family Group Conferencing), and Aboriginal peoples of North America (Circle processes). Furthermore, we can point to restorative justice advocates who try to draw on biblical justice,²⁶ on Aboriginal justice,²⁷ and on many other traditions.²⁸ However, following the logic of rules and processes, these dialogues often take place with a goal to extract universal processes from local contexts. But what if it is not primarily at the level of processes that we should be learning from these communities? Perhaps there is more to learn about the nature of the vision of a justice that heals. Perhaps there is more to learn about what is needed in society to sustain a vision of healing justice. Of course, these inquiries move far out of a case-orientation that fits neatly in a criminal or legal discourse. They push us to ask hard questions about how we organize all of life and to ask troubling questions about the justice we claim to believe in.

Here are a few of the questions that come out of listening to communities that practise some form of healing justice:

- How can restorative justice move from responding to crises to cultivating restorative practices in every area of living?
- How can restorative justice nurture the capacity to see and address the structural-political-spiritual problems and resources in which any particular dispute is embedded?
- How can restorative justice nurture independent, local justice centres rather than relying on state systems?
- Is restorative justice too dependent on the neutral, outside facilitator, thereby displacing locals?
- What would restorative justice look like if it were open to the possibility that the Spirit is the source of healing?
- If the trauma of harm is losing one's sense of meaning, how can restorative justice nurture ways for people to (re)discover a true identity or, in the words of Zehr, to "transcend" the experience of harm?²⁹

- How can we develop notions of security that are based on cultivating healthy interconnectedness rather than cultivating the insecurity of the “other” by promoting punishment systems?
- What would public policy, city planning, and foreign policy look like if they were based in a restorative vision that included the restoration of the land?

It is possible for restorative justice to be a true alternative to the criminal justice system. This does not mean that restorative justice must be a completely separate system or that the criminal justice system is irrelevant to a true alternative restorative justice. What it does mean is that if restorative justice is to be an alternative voice, it must be an alternative not only in process and rhetoric but also in logic. To date, restorative justice has partially, but not sufficiently, challenged the logic and geography of crime. The discourse on healing justice demonstrates that there are real, functioning alternatives that are not based on the logic and geography of crime. From the insights and worlds of these communities, it is possible to cultivate a logic of restoration that will lead to a broadening of the geography of restorative justice. If this challenge is taken on, restorative justice will leave the geography of crime and enter a different land, and everyone will benefit.

ACKNOWLEDGEMENTS

* Portions of this article were first published in “The Geography of Crime, the Geography of Healing Justice and the Ambivalence of Restorative Justice,” *Restorative Directions Journal* 2, no. 2b (2006): 129–52. The present essay draws on fresh research and experience to clarify and expand on ideas initially presented in that paper.

ENDNOTES

1. Ellen Churchill Semple, *Influences of Geographic Environment of the Basis of Ratzel's System of Anthropol-Geography* (New York: H. Holt and Company, 1911).
2. This poem was first published in *Women's Studies Quarterly* 32, nos. 3/4 (2004): 289-91. It is reprinted here with the permission of its author, Dr. Rob Baum, all rights reserved.
3. Richard D. Taylor, Martin Wasik, and Roger Leng, *Blackstone's Guide to the Criminal Justice Act 2003* (Oxford: Oxford University Press, 2004); Janet Dine and James J. Gobert, *Cases and Materials on Criminal Law* (Oxford: Oxford University Press, 2003); J. C. Smith and Brian Hogan, *Criminal Law* (London: Butterworths, 2002); Sir Rupert Cross, Richard Card, and Philip Asterley

- Jones, *Criminal Law* (Oxford: Oxford University Press, 2006); C. M. V. Clarkson, *Understanding Criminal Law, Understanding Law* (London: Sweet & Maxwell, 2006); Jonathan Herring, *Criminal Law, Palgrave Macmillan Law Masters* (Basingstoke: Palgrave Macmillan, 2005); Jonathan Herring, *Criminal Law: Text, Cases, and Materials* (Oxford: Oxford University Press, 2006); Ursula Smartt, *Criminal Justice, Sage Course Companions* (London: Sage, 2006); Andrew Ashworth, *Principles of Criminal Law* (Oxford: Oxford University Press, 2006); William Wilson, *Criminal Law: Doctrine and Theory* (London: Longman, 1998).
4. John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1999).
 5. Nils Christie, *Crime Control as Industry: Towards Gulags, Western Style* (New York: Routledge, 2001); David Cayley, *The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives* (Toronto: House of Anansi, 1998).
 6. James Gilligan, *Preventing Violence, Prospects for Tomorrow* (New York: Thames & Hudson, 2001).
 7. Rupert Ross, *Returning to the Teachings: Exploring Aboriginal Justice* (Toronto: Penguin, 1996).
 8. Ashworth, *Principles of Criminal Law*, 27.
 9. Wilson, *Criminal Law: Doctrine and Theory*, 32.
 10. Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), 38.
 11. A forthcoming publication shares the full details of my study. See Jarem Sawatsky, *The Ethic of Traditional Communities and the Spirit of Healing Justice: Studies from Hollow Water, Plum Village and the Iona Community* (London: Jessica Kingsley, forthcoming).
 12. Nils Christie, "Conflict as Property," *British Journal of Criminology* 17, no. 1 (1977): 1–5.
 13. Johan Galtung, "Violence, Peace and Peace Research," *Journal of Peace Research* 6, no. 3 (1969): 167–91.
 14. Sawatsky, *The Ethic of Traditional Communities*.
 15. Michael Jackson and Jonathon Rubin, *Report of the Royal Commission on Aboriginal Peoples: Bridging the Cultural Divide* (Ottawa: Canada

- Communication Group, 1996); Patricia Monture-Angus, "The Existing System Can't Be Indigenized" (paper presented at "Restorative Justice: Four Community Models," Saskatoon, SK, 17–18 March 1995); Michael Jackson, "In Search of Pathways to Justice: Alternative Dispute Resolution in Aboriginal Communities," *University of British Columbia Law Review* Special Edition (1992): 147–238; Raymond Austin, "Freedom, Responsibility, and Duty: ADR and the Navajo Peacemaking Court," *Judges' Journal* 8 (1993): 11; Kent Roach, "Changing Punishment at the Turn of the Century, Restorative Justice on the Rise," *Canadian Journal of Criminology* 42, no. 3 (2000): 249–79.
16. Chief Justice Robert Yazzie, "Justice as Healing: The Navajo Response to Crime," in *Justice as Healing: Indigenous Ways*, ed. Wanda McCaslin (St. Paul: Living Justice, 2005), 121–33.
 17. Howard Zehr, "Restoring Justice: Envisioning a Justice Process Focused on Healing—Not Punishment," *The Other Side* 33, no. 5 (1997): 22–27; Howard Zehr, "Restorative Justice: The Concept," *Corrections Today* 59, no. 7 (1997): 68–70; Daniel Van Ness, "Legislating for Restorative Justice," (paper presented at "Drafting Juvenile Justice Legislation" conference, Cape Town, South Africa, 4–6 November 1997); Daniel Van Ness, "Restorative Justice: International Trends," (paper presented at Victoria University, Wellington, NZ, 7 October 1998); Jim Consedine, *Restorative Justice: Healing the Effects of Crime* (Lyttelton, NZ: Ploughshares, 1995); Jim Consedine and Helen Bowen, *Restorative Justice: Contemporary Themes and Practice* (Lyttelton, NZ: Ploughshares, 1999).
 18. Carol Lee O'Hara Pepi, "Children without Childhoods: A Feminist Intervention Strategy Utilizing Systems Theory and Restorative Justice in Treating Female Adolescent Offenders," *Women & Therapy* 20, no. 4 (1997): 85–100; Margaret Thorsborne, "Justice as Healing in a Small Australian Town," *Justice as Healing* 3, no. 2 (1998); Viviane Saleh-Hanna, "Penal Abolition: An Ideological and Practical Venture Against Criminal (In) Justice and Victimization" (master's thesis, Simon Fraser University, 2000); Martin Wright, "The Paradigm of Restorative Justice," *VOMA Connections* 11 (2002): 1–7; Dennis Sullivan and Larry Tift, *Restorative Justice: Healing the Foundations of Our Everyday Lives* (Monsey, NY: Willow Tree, 2001); John Braithwaite, David Dolinko, and Michael Tonry, "The Future of Punishment," *UCLA Law Review* 46, no. 6 (1999): 1719–940.
 19. Zehr, *The Little Book of Restorative Justice*, 38.
 20. Christie, "Conflict as Property."

21. Gerry Johnstone, "How, and in What Terms, Should Restorative Justice Be Conceived?," in *Critical Issues in Restorative Justice*, eds. Howard Zehr and Barb Toews (Mosney: Criminal Justice, 2004), 5–16.
22. Elmar Weitekamp, "The History of Restorative Justice," in *A Restorative Justice Reader*, ed. Gerry Johnstone (Cullompton, UK: Willan, 2003), 111–24.
23. George Pavlich, *Governing Paradoxes of Restorative Justice* (London: GlassHouse, 2005).
24. Martin Wright, "Book Review: Governing Paradoxes of Restorative Justice," review of *Governing Paradoxes of Restorative Justice*, by George Pavlich, *Restorative Justice Online*, November 2005, <http://www.restorativejustice.org/editions/2005/nov05/bookreview> (accessed 13 January 2006).
25. Ovide Mercredi, "Concluding Remarks" (paper presented at "Conference on Restorative Justice," Winnipeg, MB, 24–28 September 2001).
26. Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald, 2005); Christopher D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment*, *Studies in Peace and Scripture* (Cambridge: Eerdmans, 2001).
27. Wanda D. McCaslin, *Justice as Healing: Indigenous Ways* (St. Paul: Living Justice, 2005); E. J. Dickson-Gilmore and Carol La Prairie, *Will the Circle Be Unbroken?* (Toronto: University of Toronto Press, 2005).
28. Michael L. Hadley, *The Spiritual Roots of Restorative Justice* (Albany: State University of New York Press, 2001).
29. Howard Zehr, *Transcending: Reflections of Crime Victims: Portraits and Interviews* (Intercourse, PA: Good Books, 2001).