

FORUM

Power, Authority and Restorative Practices

BY JOHN BAILIE

John Bailie is assistant director of training and consulting at the International Institute for Restorative Practices (IIRP), Bethlehem, Pennsylvania, USA, and a lecturer at the IIRP Graduate School. The following are excerpts from his paper presented at the First International Restorative Justice Conference: *Humanizing the Approach to Criminal Justice*, in Oaxaca, México, September 23-26, 2008.

“Power” can be defined as the ability to exert influence over one’s environment and play an active role in the decisions that affect one most. Healthy communities set external boundaries while fostering inner control and social discipline.

Restorative practices provide participatory processes that determine social power and promote healthy self-discipline and social discipline. Restorative practices greatly broaden the scope of restorative justice by offering a unifying model that can optimize all uses of power and authority, not just responses to crime and wrongdoing. By maximizing social engagement and participation in both proactive community building and reactive responses to wrongdoing, restorative practices provide a philosophical framework and practical mechanisms to foster individual and social health.

The social discipline window (Figure 1) offers a simple model for authority (i.e., how people exercise social power).

The authority figure represented in the high-control/low-support box (upper left), uses force and coercion to establish social discipline (i.e., getting people to “do the right thing”). Sanctions for misbehavior employed by such authority figures are experienced as punitive. Rules are stated, little support or nurturing is offered, punishment or fear of punish-

ment keep subordinates “under control.” Power wielded this way prevents stakeholders from exploring how they can meet their needs or how others’ behavior can be kept within acceptable boundaries. Lack of engagement and one-way flow of communication and action from authority to subordinate (i.e., doing things to people) create a dynamic that makes it difficult to shed the “offender” label.

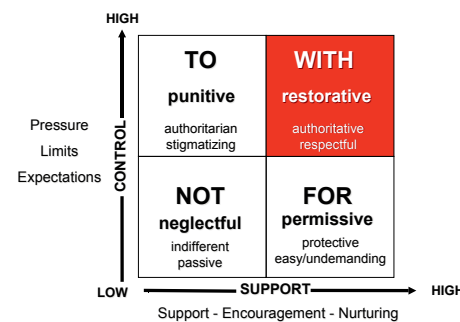


FIG. 1 - SOCIAL DISCIPLINE WINDOW Wachtel, 2000. Adapted with permission.

Highly punitive cultures may establish order, but they ultimately generate resentment, resistance and formation of negative or alternative subcultures (Braithwaite, 1989, p. 8). Punitive cultures consolidate social power at the top of hierarchies and suppress discussion about who has power and how it’s exercised. Instead of engaging the community in discussion of social goals and social discipline, punitive cultures limit such discussion to elites. Problems are solved behind closed doors, plans made inside managerial circles. Barred from participation in decisions that affect their lives, people feel disempowered, disconnected from decisions and distrustful of authorities, leading to active or passive resistance (Kim & Mauborgne, 1997).

Many school discipline policies demonstrate the shortcomings of the punitive power-wielding approach. As schools increasingly adopted the “get tough” strategy of late 20th century criminal justice policy, “zero tolerance” became the standard response to student misbehavior, which came to include harsh mandatory punishments and increased use of criminal charges for offenses once handled by school administrators. This alienated students “from the exact social institutions charged with teaching them the conformist norms necessary to become successful citizens” and left them open to involvement in negative subcultures (Anderson, 2004, p. 1182). Use of criminal charges for student misbehavior created a form of double-jeopardy, increasing delinquent behavior (Anderson, 2004, p. 1197). Use of harsh punishments for even a single event exiled students from the social fold most likely to positively impact their behavior (Anderson, 2004, p. 1198), a vicious cycle seen from criminal justice to family settings.

Such criminal justice and school discipline policies overestimate the power of fear and coercion to deter crime and misbehavior. In *Crime, Shame and Reintegration*, Australian criminologist John Braithwaite (1989) posited that society’s most potent normative force is the influence of our closest family and friends. He found that in societies with the lowest crime rates, such as Japan, they rely on formal and informal processes by which those affected by crime can express their disapproval to offenders while also offering opportunities for reintegration (Braithwaite, 1989, p. 64). Such processes offer a route to

FORUM

voluntary compliance and de-emphasize the coercive potential of the state (p. 10). Braithwaite termed this approach "reintegrative shaming" and contrasted it with the "disintegrative" or stigmatizing shaming of traditional punishment. Instead of isolating offenders from society, reintegrative shaming holds fellow citizens accountable within the powerful web of personal relationships to which they are most likely to positively respond.

Punitive use of power stands in direct contrast to the reintegrative or restorative model. Punitive use of power must utilize coercion and force due to a lack of engaging participation; the restorative alternative utilizes social connectedness and relationships to internalize social norms and healthy behavior. Individuals are empowered to play an active role in the decisions that affect them most while strengthening connection to those around them (Brendtro et al., p. 45).

From this perspective the primary goal of restorative environments is to foster social discipline. Within the restorative framework, power is defined as the ability to influence the community through control of one's own behavior and participation in engaging collective processes (Brendtro et al., p. 45). Restorative environments can reclaim antisocial individuals because they satisfy our innate need to establish self-worth and exert influence over our environment. Restorative cultures apply communal pressure to change behavior by utilizing relationships and social connection in lieu of force and coercion. Punishment is transformed into "social consequences" — the need to confront the impact that one's behavior has on others. Those who harm others or violate norms perceive the consequences of their behavior as the result of that behavior instead of something done to them by an emotionally disconnected authority figure (Brendtro & Larson, 2006, p.

111). Restorative environments maximize community members' creative potential by eliciting increased communal decision making, which also helps maintain behavioral norms. Restorative processes spread power horizontally within the community and allocate authority according to one's willingness to reinforce the restorative norm.

The restorative norm is accomplished through implementation of a range of informal through formal restorative practices that can be utilized by all community members, not just authority figures. A restorative environment encourages explicit conversations about social power (Morgan, 2000, p. 18), which is defined not as only who can do what, but also as who can say what and how they are allowed to say it (White, 1989, p. 10).

Practices such as affective statements and questions encourage direct, emotionally rich communication between community members. Small impromptu conferences or meetings train people to meet informally to resolve problems or share positive experiences. More formal groups and circles provide forums where community members can learn more about one another, build relationships and trust, set behavioral norms or address problems. Restorative practices such as circles help bring the voices of the marginalized back into the communal conversation and allow them to tell their story in their own way — to participate in the social conversation and behavioral regulation. Finally, formal conferences (i.e., restorative conferences) are structured opportunities to repair harm where offenders and victims can effectively address instances of wrongdoing, often without recourse to punitive sanctions. Processes such as family group decision making (FGDM) empower family and community members to collectively make plans to care for others, often in lieu of institutional intervention.

In "Restorative Justice in Everyday Life: Beyond the Formal Ritual," Ted Wachtel (2000) offered a vision of the potential of restorative practices. Braithwaite's concept of reintegrative shaming combined with proactive building of social capital can be implemented in nearly any social institution, including on the micro-level of the family (Wachtel, 2000, p. 114). Formal and informal processes using high levels of both control and support have the potential to transform the use and experience of authority in society (p. 117).

Power exists. It cannot be ignored; it must be approached creatively. Restorative practices can radically change how we talk about power and authority and who we include in the conversation. In restorative environments, individuals and communities can realize their full social potential, unimpeded by the suppressing effects of punitive manifestations of authority.Ⓜ

REFERENCES

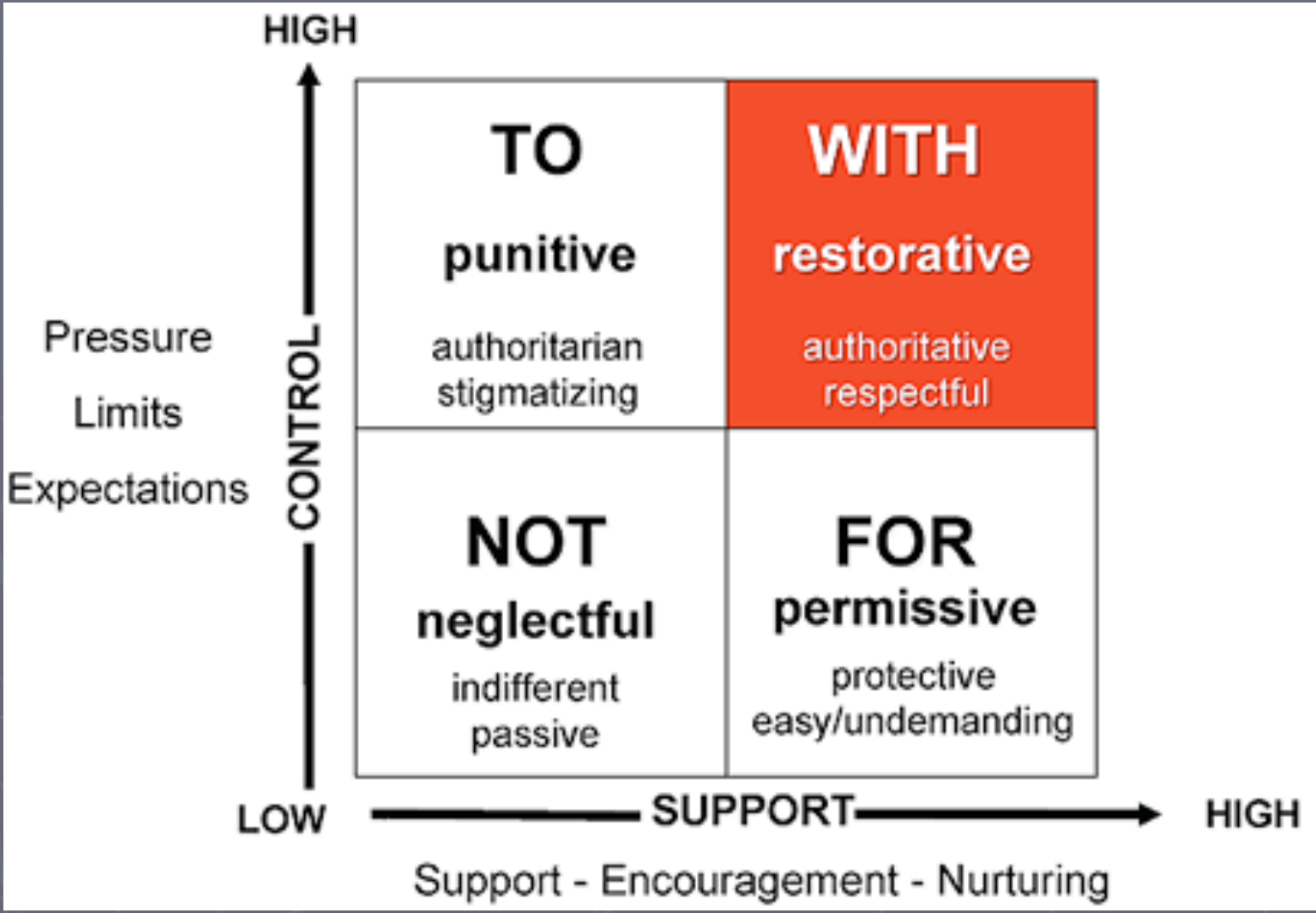
- Anderson, C. (2004). Double jeopardy: The modern dilemma for juvenile justice. *University of Pennsylvania Law Review*, 152, 1181-1219.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. New York: Cambridge University Press.
- Brendtro, L.K., Brokenleg, M., & Van Bockern, S. (1990). *Reclaiming youth at risk: Our hope for the future*. Bloomington, IN: National Educational Service.
- Brendtro, L.K., Larson, S.J., (2006). *The resilience revolution*. Bloomington, IN: Solution Tree.
- Kim, W. C., & Mauborgne, R. A. (1997). Fair process: Managing in the knowledge economy. *Harvard Business Review*, January-February, 65-75.
- Morgan, A. (2000). *What is narrative therapy?* Adelaide, Australia: Dulwich Centre Publications.
- Wachtel, T. (2000). "Restorative Justice in Everyday Life: Beyond the Formal Ritual." In G. Burford & J. Hudson (eds.). *Restorative Justice in Child Welfare*. Monsey, NY: Criminal Justice Press. (p. 86-92).
- White, M. (1989). The externalizing problem and the re-authoring of lives and relationships. *Dulwich Centre Newsletter*, 3(20), 5-28.

Power, Authority and Restorative Practices

John Bailie, MRPYC

International Institute for Restorative Practices (IIRP)

Social Discipline Window



(Adapted by Wachtel, McCold from Glaser, 1969)

John Bailie, International Institute for Restorative Practices, 2009

Punitive Model

Characteristic

- ▶ Tend toward hierarchy
- ▶ Power hoarded at top
- ▶ Fear of engagement
- ▶ Compliance focused

- ▶ Secretive

Result

- ▶ Bureaucracy
- ▶ Micro-management
- ▶ Decisions made in isolation
- ▶ Coercion and force, subculture formation, stigmatization
- ▶ Mistrust and corruption

Permissive Model

Characteristic

- ▶ Paternalistic
- ▶ Power diffused and unfocused
- ▶ Engagement for its own sake
- ▶ Deficit focused
- ▶ Uncomfortable with power

Result

- ▶ Disempowerment/enabling
- ▶ Inefficiency, lack of leadership
- ▶ Difficulty making decisions
- ▶ Waste of resources
- ▶ Uncertainty, lack of vision

Restorative Model

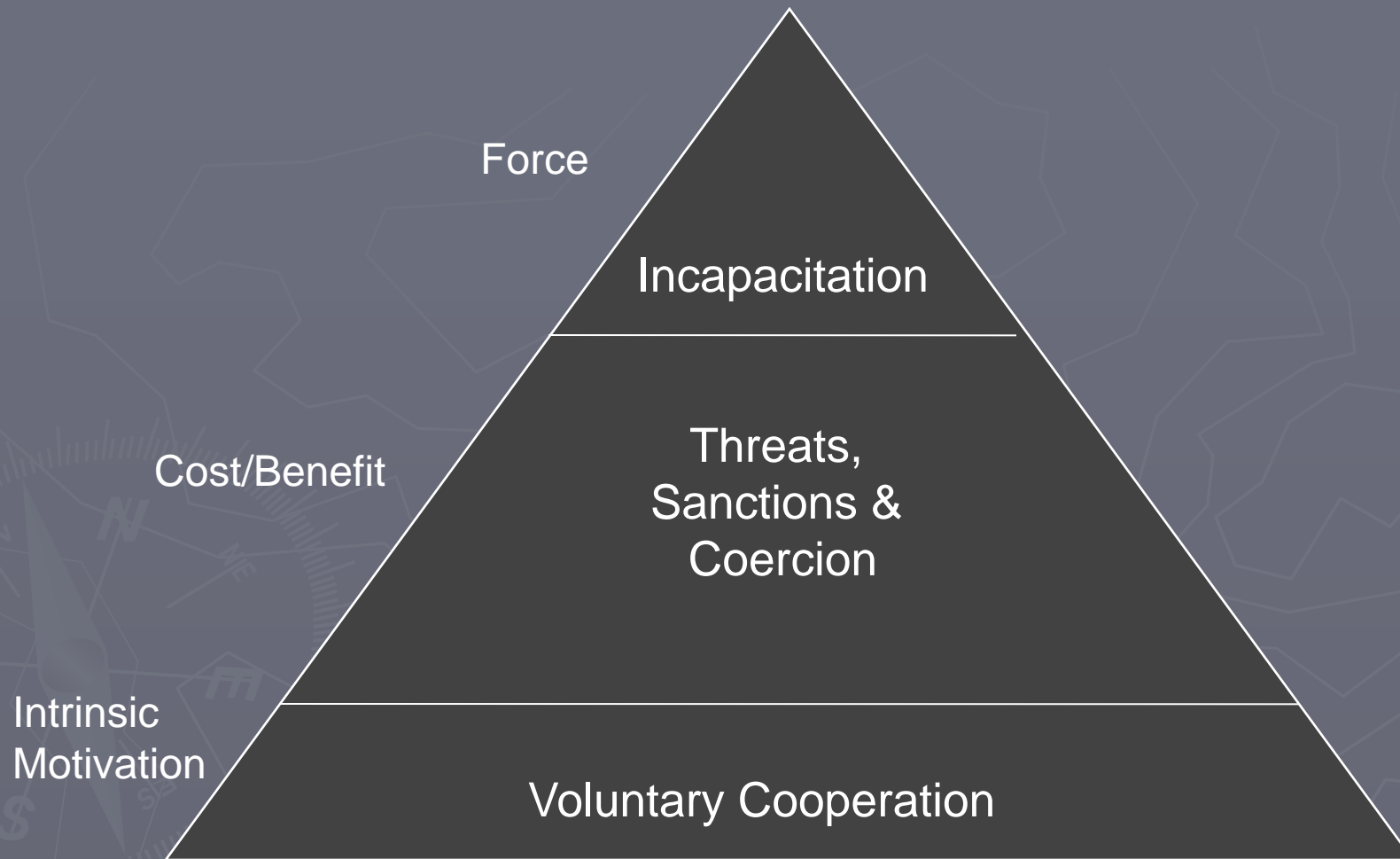
Characteristic

- ▶ Authoritative
- ▶ Collaborative
- ▶ Engaging of direct stakeholders
- ▶ Strengths focused
- ▶ Comfortable with power

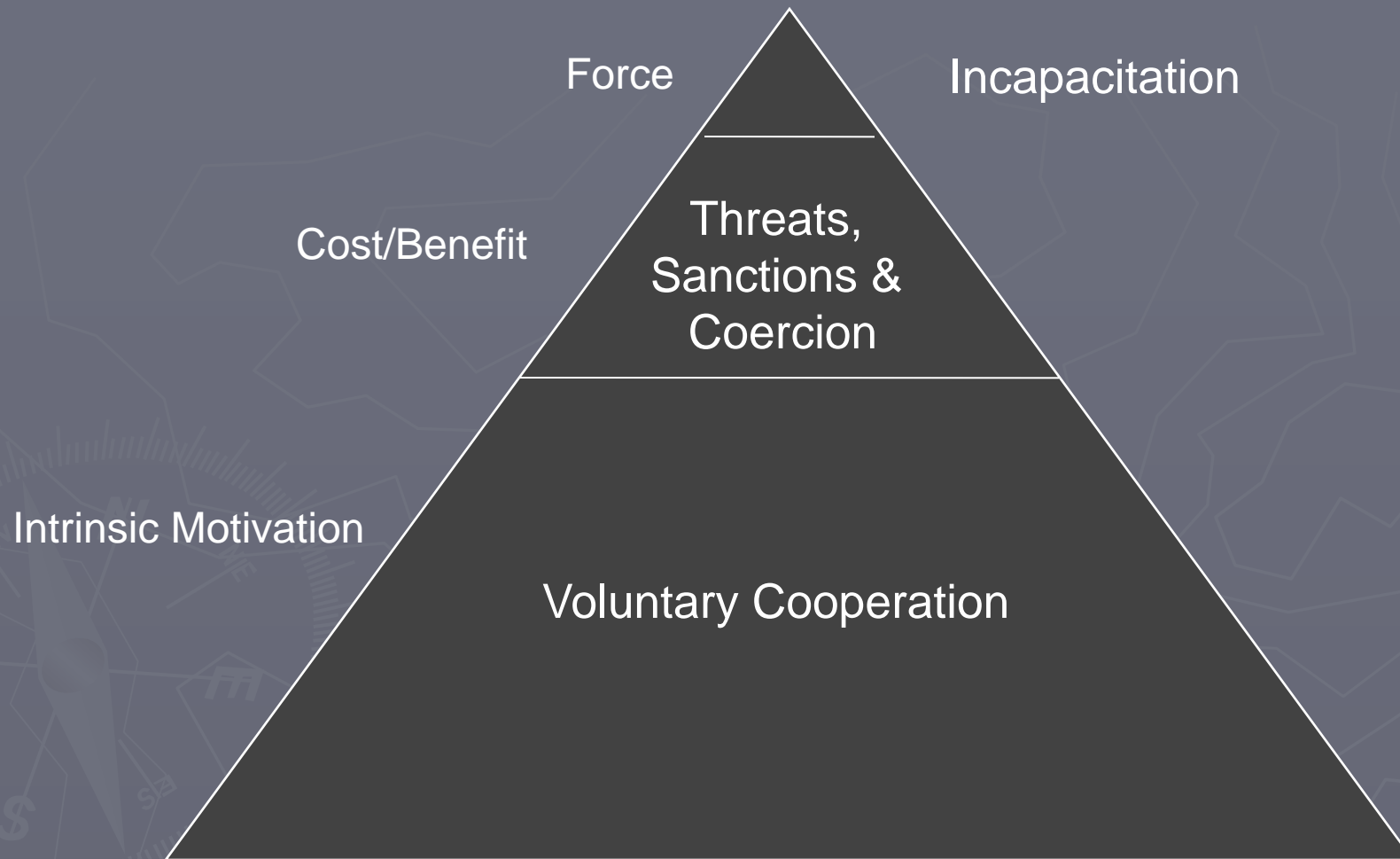
Result

- ▶ Respect for authority figures
- ▶ Power shared
- ▶ Fair process, vision developed collectively
- ▶ Maximizing of resources
- ▶ Power discussed/challenged openly

Regulatory Pyramid (Traditional)



Regulatory Pyramid (Restorative)



Restorative Practices Continuum

Informal

Formal



Fair Process - The Central Idea

‘....individuals are most likely to trust and co-operate freely with systems - whether they themselves win or lose by those systems - when fair process is observed.’

Kim & Mauborgne, Harvard Business Review, July – August 1997

Three Principles of Fair Process

Engagement

Explanation

Expectation Clarity

Kim & Mauborgne, Harvard Business Review, July – August 1997

John Bailie, International Institute for
Restorative Practices, 2009

Subsidiarity

- ▶ This principle holds that no larger unit (whether social, economic, or political) should perform a function which can be performed by a smaller unit.

<http://en.wikipedia.org/wiki/Distributism>

Implications

- ▶ Schools / Education
- ▶ Criminal Justice
- ▶ Workplace
- ▶ Child rearing
- ▶ Economic Democracy
- ▶ Civil Society
- ▶ Community Self--Determination

Principles for a “Movement for Restorative Practices”

- ▶ People have the right to play the *primary and maximal* role in the decisions that most affect them
- ▶ “Process” arguments versus “outcomes” argument
- ▶ Insist on empirical evidence
- ▶ Family/Community priority
- ▶ Subsidiarity
- ▶ Solidarity (especially prioritized over politics and cultural arguments)