1. Introduction

*About the subject and this book.*

2. Understanding sexual abuse

*The cycle of sexual abuse, its impact on victims and why it happens.*

3. Restorative Justice

*A framework for addressing harm and obligations.*

4. Victims

*A case study and observations using a restorative framework with victims*

5. Offenders

*A case study and observations using a restorative framework with offenders.*

6. Communities I

*A case study and observations using a restorative justice framework with a faith community.*

7. Communities II
A case study and observations using a restorative justice framework with a university or college.

8. Communities III

A case study of an Indigenous response, the Ojibway people of Hollow Water, to sexual abuse.

9. Conclusion

Some limits and challenges of restorative approaches, as well as some principles to guide practice.
Introduction

A young boy is sexually abused by his uncle. How can we help?

A man is arrested for soliciting sex from a minor. What can we do to make sure it doesn’t happen again?

A teenage girl is sexually assaulted by her youth pastor. How can a faith community respond?

This book considers the use of restorative justice in response to sexual abuse. How might such interventions address the above stories?

Restorative justice is gaining increasing acceptance for addressing harm and crime, and interventions have been developed for a wide range of wrongdoing. Rather than a blueprint or a specific set of programs, it is more about mapping possibilities. This allows people to carefully consider its use in responding to violent crimes such as sexual abuse.

[sidebar] Restorative justice is about mapping/exploring possibilities [end sidebar]

Restorative justice is concerned with the disproportionate attention given to offenders, often at the expense of victims; it seeks to balance concerns for both those who
have harmed and those who have caused harm. With this in mind, this book asks the following questions:

1) What can a restorative justice approach offer to those who are victims of sexual abuse, those who have offended sexually, and communities impacted by it?

2) How does restorative justice compliment or differ from what is already being done by the therapeutic and legal communities?

3) How can we create communities where victims are supported, offenders are accountable, and all can live safely?

4) What would it mean, philosophically and practically, to shift some justice resources from enforcement, court, and prisons, toward prevention and the needs of people harmed?

What is this book about?

This book is not about making excuses for offenders. Sexual abuse is wrong. When a person chooses to sexually offend against another, they cause tremendous harm not only to direct victims, but also to others in the community. Regardless of an offenders’ own histories – which often includes hurt and/or trauma – they need to be accountable for their choices and behavior. Restorative justice does not minimize harm,
make excuses, or help offenders avoid consequences. People often equate it with forgiveness and/or reconciliation. These are not priorities of restorative justice, unless desired by those harmed. Restorative justice takes a stand: against violence, for community safety.

**This book is about moving victim needs to the forefront.** Most of the financial and human resources of criminal justice machinery are utilized on offenders – from policing, to courts, to prisons, billions of dollars are spent in North America on those who have caused criminal harm. This is often at the expense of meeting the needs of victims. Restorative justice starts by asking, “Who has been hurt?” followed by “What do they need?” This fundamentally moves victims’ needs to the forefront.

[sidebar]Restorative justice moves victims to the forefront[end sidebar]

**This book is not a soft- or a tough-on-crime approach.** Some assume that restorative justice allows people to take the easy way out, to avoid jail time or punishment. Others argue that it is actually more demanding than conventional punishment. In reality, restorative justice is complex. It considers how to repair harm when needs are different, or even in opposition to each other. What if many in society want people who have offended sexually to suffer for their wrongdoing while others who have been hurt simply want acknowledgement and changed behavior from an offender? Soft-on-crime (“hug –a-thug”) tends to minimize harm, while tough-on-crime (“lock ‘em up and throw away the key” or “tail’em, nail’em, jail’em”) minimizes real accountability. Both sideline the complex needs of victims.
That being said, prison and restorative justice are not mutually exclusive. Prisons can be an important part of community safety, at least temporarily. When a person is unsafe to themselves or others, incapacitation is vital. Yet longer sentences, or punishment for punishment’s sake (or political expediency) often do not make our communities safer, nor do they always satisfy victims. For offenders, research identifies the failure of prison to create behavioral change and ultimately community safety. For victims, arrest and conviction can provide some vindication, but the process itself is often re-traumatizing and does not go far enough to meet their needs.

**This book is smart on crime and/or harm.** Restorative justice is comprehensive, asking intelligent questions of those affected by harm. Healthy restorative justice practices consider victim trauma and offender accountability as well community safety. Healthy theory considers diversity, complexity, and research evidence. Healthy community considers the dignity of all members.

**This book acknowledges sexual abuse as a form of gender-based violence.** While both men and women perpetrate violence, the majority of offenders are men. This book is not anti-man, nor does it suggest that all men are rapists. However, sexual abuse is predominately a male issue. The restorative justice framework described in this book acknowledges that sexual abuse is a form of gender-based violence. While some women also perpetrate sexual abuse – and this should not be forgotten, especially for their victims – it will not be eradicated until more men stand up to challenge dominant forms of masculinity that perpetuate it. As authors, we are indebted to many scholars and practitioners concerned with gender issues who have championed, often at great personal cost, an end to gender-based violence.
This book acknowledges community as a value. Restorative justice is about people. It is about people learning to live together in a way that honors the dignity of all. This means talking about harm and supporting those who are hurt. It also means that sex offenders are people, too. They are fathers and stepfathers, mothers and stepmothers, uncles and aunts, cousins, brothers and sisters. People hurt each other for a variety of reasons. It is important that offenders have support alongside accountability to heal and understand their choices.

A restorative justice framework suggests that accountability happens best when people are supported. Eileen Henderson, Restorative Justice Manager of Mennonite Central Committee Ontario, often says, “Reintegration is a myth when most offenders were never integrated to start with.” This is not an excuse, minimizing the harm they have chosen to perpetrate, but a reality that offenders need space to heal and develop healthy relationships. Communities include people who have been hurt, people who have caused harm and some who have hurt and are hurting. Restorative justice values all members of a community.

This book does not advocate specific programs, including those based on face-to-face dialogue. People often equate restorative justice with encounter, a face-to-face meeting between victim and offender. While such approaches may be appropriate or desirable in some cases, there are many situations where this type of dialogue is not. Sometimes offenders are unwilling to take the responsibility demanded by an encounter-based restorative justice program and/or would not willingly participate. What is more, many victims do not need, or want, to meet with the person who caused them harm. Beyond this, it is also important to acknowledge that most perpetrators of sexual abuse
are not caught. If dialogue is the only restorative justice tool available, this approach will miss the majority of victims and offenders. Restorative justice is first and foremost a framework, a way of doing justice. Only secondarily is it a type of program.

**This book is but one framework.** There is much work to do in supporting victims of sexual abuse and holding offenders accountable. Restorative justice offers some pieces, but not all, in the puzzle to accomplish this. Furthermore, as restorative justice advocate Howard Zehr often says, we are still early on the learning curve of doing and articulating restorative justice. Practitioners must be open to critique and change, while also being careful about over-promising what it can do. The framework in this book can coexist or be in partnership with other ones. For example, criminal justice processes are exactly what some victims and offenders need. Rule of law, due process, public denunciation of wrong, and the protection of rights are important elements of justice and community safety. Furthermore, therapeutic models are an important part of healing for both victims and offenders. Remembering, mourning, and reconnecting through these processes are vital steps for victim recovery. Relapse prevention and safety plans are important for offenders.

[sidebar]This book is an invitation to further, respectful, dialogue. It is conversational rather than prescriptive or confrontational.[end sidebar]

**This is a tough issue.** Many people have been hurt by sexual abuse. And many of these people have also been further traumatized by how people have responded to it – from family members doubting their stories, to a criminal justice system that challenges
the facts, their truth, about what happened. We as authors acknowledge this, and tread into these waters with caution, and utmost respect for those who have survived sexual abuse.

Why this book?

This book was written because of the urgency of the issues it addresses, and because so many have asked what restorative justice has to say to sexual offending and harm. We would like to highlight two specific concerns:

1) **The need for safe communities.** The heart of this book is about creating safe communities. In the next chapter we will discuss the widespread nature of sexual abuse. More needs to be done to acknowledge and end it.

2) **The need for imaginative conversations.** Our society’s intervention methods to date are limited at best. This is true of both criminal and restorative justice. Our hope is that this book sparks the imagination of the reader to try new, safe, creative ways of addressing the harm of sexual abuse.

Book Outline:

- Chapter 2 describes the issue of sexual abuse, its impact on victims and why some offenders perpetrate it.
• Chapter 3 describes a restorative justice framework.

• Chapter 4 uses a case study to describe how a restorative justice framework can be used with victims.

• Chapter 5 uses a case study to describe how a restorative justice framework can be used with offenders.

• Chapter 6 uses a case study to describe how a restorative justice framework can be used with communities (here, a faith community).

• Chapter 7 describes some limits and possibilities of restorative justice based on academic literature on the topic.

• Chapter 8 describes principles that can guide restorative practice in cases of sexual violence.

• Chapter 9 concludes with a case story.

**Integrity**

Many emphasize restorative justice as a values-based approach. In this book, we would like to highlight integrity as a key value. Restorative justice, from our perspective, is a pursuit of wholeness: wholeness of individuals and communities. Wholeness is also a
way of doing restorative justice. If we facilitate restorative justice dialogue between
victims and offenders without addressing root causes, we only accomplish justice in part.
If we encourage others to be accountable for their actions without holding ourselves to
the same standard, justice is partial. If we work to repair relationships in communities
while failing to work respectfully with all people and systems, integrity is compromised.
Restorative justice is about integrity.

A note on terminology

Increasingly, the labels “victim” and “offender” are being questioned. While these
terms provide handy shorthand references and are common within the criminal justice
system, they also tend to oversimplify and stereotype – people are much more than what
they have done or experienced. In criminology, labeling theory has emphasized that
labels are judgmental and people may tend to become what they are labeled.

We have chosen to use these terms but want urge you to keep these concerns in
mind.