

1 Understanding Restorative Justice and Key Concepts

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Learning Outcomes

After reading this chapter, you will be able to:

- Discuss the philosophical foundations of restorative justice.
- Describe the values and principles upon which restorative justice is based.
- Compare responsive and prescriptive restorative justice practices.
- Define restorative justice.
- Distinguish between retributive justice, restorative justice, rehabilitative justice, transformative justice, and Indigenous legal orders and traditions.
- Identify the various applications of restorative justice in the criminal legal system and beyond.

A Healing Journey

I was the first person in my family to attend university. My parents encouraged it and, as small business owners, had the resources to help me pay for it. However, I struggled in high school. I found school unchallenging and uninspiring at best and violent and victimizing at worst. I felt unsafe at school, where I was gossiped about, threatened, and eventually physically assaulted. I was suspended for three days for “fighting” even though I had been the one hit and then cowered in a ball outside the office. I was humiliated and scared to come back to school. I started skipping and hanging out with the older guys who would hang out at the smoke pit.

My life took more challenging turns, and by the year after the “fight,” I was no longer living at home and was expelled from high school for missing too many days. I ended up living on the streets of downtown Vancouver, where I experienced violent trauma, exploitation, isolation, and substance misuse. I was arrested for a drug-related offence just before my 16th birthday and placed in foster care, where I struggled to get my life on track. Through the support of a caring youth worker, a non-judgmental foster mother, and the unconditional love of my mum and dad, after several sessions of dialogue, I returned home to live with my parents. I didn't leave again until I was 30 years old. I felt like I needed to make up for lost time. My parents are my best friends today, and our relationship means the world to me. In the aftermath of the harm I caused, I accepted responsibility and worked hard to reintegrate back into the family. They accepted me, took responsibility for their part, and we rebuilt our relationship from there. I didn't know it then, but this was my first experience with restorative justice.

The second experience came when I entered university. After completing high school through an alternative program, I applied to a local college and completed two years, during which I took an elective course in criminology called Police Deviance. This course sparked my interest given my personal experience with violence and my tour through the legal system and foster care as a young offender. I became a criminology major at a larger university where I took a restorative justice course and met Dr. Liz Elliott, who became my mentor. She invited me to participate in a prison-based workshop called the Alternatives to Violence Project (AVP).¹ At 20 years old, I was sitting in a circle with about 12 men in a prison chapel, most of whom had taken a life. I thought I was there to help the prisoners, but the healing that began for me that day was really what I took away. I shared about the violence and exploitation I had experienced at the hands of men with similar backgrounds as they had. Many in that circle had used violence against women. I sat one-on-one with a man who had committed almost the same harm that I had been victimized by. I shared my story, he shared his ... and we cried. I left that prison workshop with a commitment to look more deeply at my trauma, and I have been working through the pain of my past since, so I can be as healthy as I can be for my family, my friends, my community, and my students.

While I have never met directly with the people who harmed me as a youth, the mediation with my parents at 16 and the circle in prison at 20 transformed the way I looked at myself and sent me on a healing journey. Since then, I have facilitated countless restorative justice processes for others that have transformed them. I have researched this phenomenon in cases of serious crime like murder and trained others to work restoratively. My work on this book is part of that healing journey and an offering of gratitude to all who have and will engage with restorative justice.

—Alana Abramson

Introduction

Restorative justice is often seen as a victim/survivor and an offender sitting down together and talking about the crime. But that is only one expression of this justice approach. Restorative justice is a set of values and principles that inform how individuals can come together as human beings and start to heal people and relationships. It is an approach that has the potential to transform people, relationships, and the social structures and institutions like schools that can contribute to the conditions that allow harm and injustice to occur.

1 This project, which is based on restorative justice principles, will be discussed in Chapter 6, Restorative Justice and Corrections. You can read more about the AVP at <https://avp.international/alberta-canada/>.

Restorative justice can be compared to a tree (see Figure 1.1). The roots of the tree are the philosophical and theoretical foundations from which restorative justice has grown. The trunk consists of values and principles, and the branches are the practices and applications of those values and principles. Each part of the tree will be introduced in this chapter and expanded upon in upcoming chapters.

FIGURE 1.1 The Restorative Justice Tree



Roots of Restorative Justice: Philosophical Foundations

The roots of restorative justice in Canada are deep and varied and can be traced to three main sources: Indigenous justice/teachings, faith-based communities, and critical criminology.

Indigenous worldviews and justice practices have shaped restorative justice in significant ways. Some Indigenous societies, for example, have preserved and shared the peacemaking circle process that is used in community, prison, and school settings (Pranis et al., 2013).

Mennonite and Quaker faith traditions have also played a foundational role in the development and promotion of restorative justice in Canada. These branches of Christianity emphasize non-violence, reconciliation, community healing, and forgiveness, and organizations like the Mennonite Central Committee have been key in promoting restorative practices such as victim–offender mediation. Their theology centres on peacebuilding and restoration rather than punishment, aligning

with core restorative justice values. While less prominent in historical development, other religious traditions in Canada—such as Islam, Judaism, Buddhism, and Sikhism—also uphold values that resonate with restorative justice. Critical criminology, peacemaking criminology, and penal abolition have each played an important role in shaping the theory and practice of restorative justice in Canada, especially as a response to the limitations and harms of the traditional criminal legal system. Each of these perspectives challenges dominant punitive models and has contributed to restorative justice as a more humane, inclusive, and transformative approach.

From Indigenous ways of knowing to community justice and faith traditions, the roots of restorative justice in Canada are deep and varied. Contemporary understandings have also been informed by relational theory and empirical research about the justice needs of offenders and survivors, the dissatisfaction with the criminal legal system, trauma and shame, and social and emotional learning. Chapter 2 will explore these roots in detail and how they have grown into the great trees of restorative justice that exist in Canada today.

Trunk of Restorative Justice: Values and Principles

Values of Restorative Justice

Values are deeply held beliefs that individuals or communities consider important and desirable. They represent what is meaningful, worthwhile, and significant to a person or a group. Values serve as a foundation for attitudes and behaviours. They guide how decisions are made, how priorities are set, and what is morally right or wrong. Values provide a framework for ethical and moral judgment.

Restorative justice is grounded in several core values, including:

- *active responsibility*: making amends for the harm caused to people and relationships;
- *peaceful social life*: responding to harm and conflict in ways that build harmony, security, and community well-being;
- *respect*: treating all people with dignity and worth; and
- *solidarity*: promoting the experience of support and connectedness (Van Ness & Strong, 2015).

Many scholars have written about the importance of understanding the values basis of restorative justice. Just like many social movements, restorative justice is not immune to the tendency to centre contributions from white, male scholars. Authors of a pivotal book called *Colorizing Restorative Justice* frame the current state of restorative justice as colonial and not truly honouring Aboriginal/Indigenous roots as it remains situated in a Western, white-supremacist, cisgender, male-dominated system (Littlewolf et al., 2020). Box 1.1 introduces only a few people who have made significant contributions to the understanding and development of restorative justice in Canada. Their work is linked to others from around the world who have been practising and studying restorative justice for many decades.

BOX
1.1

Profiles—Prominent Canadian Restorative Justice Knowledge Keepers, Key Contributors, and Scholars

Black Opportunity Fund's National Justice Working Group (BOFJWG) is “a coalition of grassroots organizations, scholars, Elders, cultural keepers, policy specialists, youth, and members of Black communities across Canada, working in various ways in myriad disciplines to address systemic and structural inequities in the justice system” (2023, p. 2).

Liz Elliott taught at Simon Fraser University. She was a board member of the Canadian Prisoner Aid Organization, the John Howard Society of the Fraser Valley, and the West Coast Prison Justice Society. For Dr. Elliott, care was a central value of restorative justice (2011, p. 119). Her work espoused the principle of **interconnectedness**, believing that caring for others reflects the inherently relational nature of human beings and the responsibilities we have to each other.

Jennifer Llewellyn is the director of the Restorative Research, Innovation and Education Lab (RRIELab). In 2018, she served as the scholar in residence for the Nova Scotia Human Rights Commission. Professor Llewellyn facilitated the design process for the first ever restorative public inquiry (into the Nova Scotia Home for Colored Children) and served as a commissioner for the Inquiry. She previously advised the Assembly of First Nations and Canadian Truth and Reconciliation Commission on the response to residential school abuse (Dalhousie University, 2025).

Wanda D. McCaslin is a Cree legal scholar and the editor of *Justice as Healing: Indigenous Ways*, a seminal collection amplifying Indigenous voices on restorative justice. Her work is grounded in Cree traditions and advocates for decolonizing justice through Indigenous worldviews.

Brenda Morrison is Simon Fraser University's director of the Centre for Restorative Justice. She is an interdisciplinarian with teaching, research, and field experience in governance, justice, public health and safety, education, and reconciliation. She served as an editor for the Canadian content of the inaugural Encyclopedia of Restorative Justice. She has served on several justice transformation committees at the federal, provincial, and local levels.

Donald Nicholls is a member of the Cree Nation Government (James Bay, Quebec) and a key figure in integrating restorative and Indigenous justice practices in northern Quebec. He has worked extensively to establish programs based on Cree customs and law within formal justice systems.

Rupert Ross is a former assistant Crown attorney for Ontario, who worked closely with Indigenous communities and became a respected advocate for integrating traditional Indigenous approaches into Canadian legal systems. His books, including *Returning to the Teachings*, explore the intersections of Indigenous knowledge and restorative justice.

dorothy vaandering is a prominent Canadian scholar and educator specializing in restorative justice in education. She serves as a professor in the Faculty of Education at Memorial University of Newfoundland and Labrador and directs the Relationships First NL.

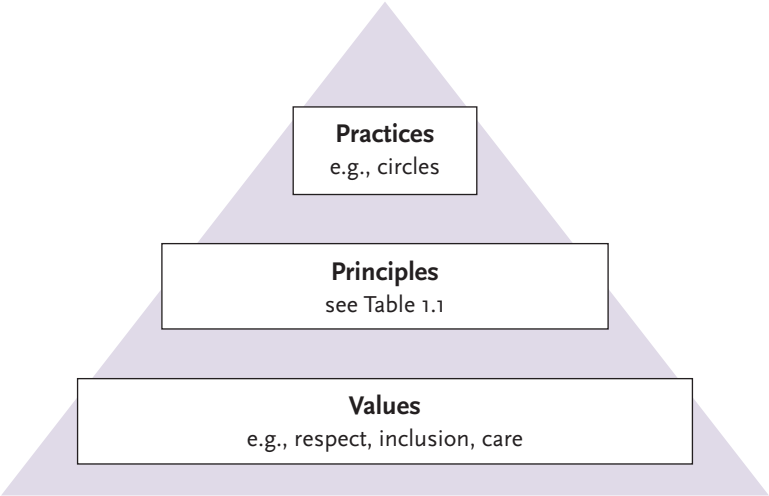
We do not have the space to include everyone we wanted to, but there are so many others whose work has been foundational, including **Harold Gatensby (Black Raven)**, who was instrumental in bringing Indigenous peacemaking traditions into contemporary Canadian restorative justice practice; **Barry Stuart**, a judge in the Yukon Territorial Court, who helped develop the use of sentencing circles and community-based justice processes; **Mark Wedge**, a Mi'kmaq leader from Nova Scotia, who was a key architect of the Nova Scotia restorative justice program; and **Susan Sharpe**, who helped articulate and advance the philosophical foundations of restorative justice in Canada through her influential writing and advocacy.

The values of care and respect highlight the importance of the emotional and social bonds that connect human beings and, thus, guide behaviour. Rather than focusing on rules and external sanctioning to affect behaviour, restorative justice emphasizes emotional engagement “to build positive affect (empathy, interest, and excitement) and discharge negative affect (anger, humiliation, fear, and disgust)” (Morrison & vaandering, 2012, p. 140). Attending to the social, emotional, and spiritual parts of the human experience is essential to promoting healthy and safe individuals and communities. Thinking about justice as “getting even” has shifted to thinking about justice as “getting well” (Pranis et al., 2013, p. 14).

Principles of Restorative Justice

While values are broad, subjective beliefs about what is important, **principles** are specific, objective rules or guidelines derived from values. Values guide overall attitudes and behaviours, while principles provide specific guidance for decision-making in various situations. Values can be highly subjective and may vary between individuals or cultures. Principles, on the other hand, are often formulated as universal truths or guidelines that can apply across diverse contexts. As shown in Figure 1.2, values form the basis of principles, and these principles translate into models of practice.

FIGURE 1.2 Restorative Justice Values, Principles, and Practices



Restorative justice is not a prescribed model of practice but is an orientation to justice based on values and principles. At times, these principles can be at odds with one another and difficult to define and put into practice. For example, how might a restorative justice approach balance the safety of the community with a commitment to providing support and non-punitive accountability to a perpetrator who may still be a danger to society? How might we define community in a large urban centre? These are the kinds of critical issues that will be discussed in future chapters that consider specific applications of restorative justice in prisons, communities, and schools. The key principles that guide restorative justice practices are described in Table 1.1.

TABLE 1.1 Key Principles of Restorative Justice

PRINCIPLE	DESCRIPTION
Repairing harm	An RJ approach redefines “crime” and “broken rules” to be violations of people and relationships. These violations result in harms and create obligations in those who cause harm to make things as right as possible. Harm may be physical, emotional, financial, spiritual, relational, or reputational. Repair might involve restitution, apology, or other actions aimed at addressing the damage done to victims and the community.

PRINCIPLE	DESCRIPTION
Relationality	RJ attends to the harm caused to both people and relationships and is focused on understanding and promoting just interconnections between individuals, groups, and communities (Llewellyn, 2018).
Given non-coerced participation	People are invited to participate in RJ with informed consent, free of coercion. They can choose to end their participation at any time. RJ options can be offered anytime following a harm. Some prefer to engage right away, others later down the road (even years), and some not at all. There are ways to move forward with RJ even if all parties do not agree to participate.
Inclusive dialogue	RJ encourages open and inclusive communication among those affected by harm. It provides opportunities for victims, offenders, and relevant community members to express their feelings, perspectives, and needs and for those responsible to take accountability and work to make amends and take steps to prevent future harm.
Empathy and understanding	RJ aims to foster empathy and understanding between everyone involved in the harm. Offenders are encouraged to acknowledge the impact of their actions, and victims are given an opportunity to express their feelings and have their needs recognized and questions answered.
Community involvement	The community plays a significant role in RJ. Community members may facilitate RJ processes, participate in dialogues, support those affected, and contribute to addressing the needs of all. Community can be defined as the “community of impact” based on those affected by the harm or as the people connected to those most involved in the harm/conflict.
Responsibility and accountability	Responsibility is about acknowledging one’s role or action, while accountability is about facing those affected, understanding the harm, and actively working to repair it. Both individual and collective responsibility and accountability are important considerations in RJ as people and groups are invited to take active responsibility for their actions or inactions and to make amends and take steps to minimize the risk of future harm.

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PRINCIPLE	DESCRIPTION
Reintegration	Harm and conflict fracture relationships with communities. An RJ approach seeks to supportively reintegrate people back into their communities or to foster relationships with new, supportive communities.
Cultural responsiveness	The principles of RJ are adaptable to various cultural contexts. These approaches should respect and integrate cultural values and practices, recognizing that different communities have unique ways of addressing harm and conflict.
Flexibility/responsivity	RJ is flexible and can be tailored to fit the specific needs and circumstances of the people and communities involved. It can be applied at various stages of the criminal legal system and beyond to areas such as workplaces, schools, and families.
Long-term prevention	RJ aims to prevent future harm by addressing the underlying and overarching causes of harmful behaviour and promoting a sense of accountability and responsibility within individuals, institutions, and communities.

Branches of Restorative Justice:
Practices and Applications

While there are specific models of practice that are associated with restorative justice, such as circles, these are not—in and of themselves—restorative. In fact, if the process is not firmly rooted in restorative principles, the practice itself risks being punitive and even harmful. Given that restorative justice is a set of values and principles, restorative justice approaches can look very different based on the needs of the people who are participating and the program, community, and practitioner. This is a strength of restorative justice because the processes can be flexible to meet the needs of the people and community of impact. Restorative justice practitioners and approaches often fall into two categories: prescriptive or responsive.

Prescriptive Restorative Justice Practices

Prescriptive restorative justice practices occur when a specific model of restorative justice is offered to those involved in a harm or conflict. Depending on the skills, knowledge, and guidelines of the program/practitioner, these models

commonly include community justice forums, victim–offender dialogue, conferencing, and circles. Usually, individual meetings are held with each of the participants to explain the restorative justice process(es) available, to hear about individuals’ experiences and impacts related to the harm, and to assess whether the restorative justice process offered is the right fit. In some communities, only one model is offered, and some cases may be screened out because the participants either do not desire that model or the case does not meet the criteria for the specific practice available.

Victim–Offender Dialogue

Victim–offender dialogue can also be referred to as victim–offender mediation programs (VOMPs); however, the term “dialogue” is preferred over “mediation.” This is because mediation is often related to conflict resolution and suggests equal power between the parties involved. Given that violence and other criminalized harm involves a power imbalance between the harm-doer and the victim/survivor, the term “victim–offender dialogue” more appropriately describes the model.

Victim–offender dialogue (or mediation) started in Canada 25 years ago and has proven extremely beneficial in assisting victims and those who cause harm in beginning to gain a sense of understanding, accountability, and healing in the aftermath of the harm. The process prepares interested parties for an opportunity to meet in a safe and structured setting and with the assistance of a trained mediator/facilitator. During these meetings, victims often tell the people who harmed them about the harm’s physical, social, emotional, and financial impact on their lives and are able to ask lingering questions. Both victim and offender participate directly in developing options for trying to make things right. The offender is afforded opportunities to make apologies, provide information, develop reparative plans, and gain insight for personal growth and rehabilitation (Canadian Resource Centre for Victims of Crime, 2022). More discussion of this model will be presented in Chapter 6, Restorative Justice and Corrections.

LOOK INTO IT ...

Restorative Justice—Nova Scotia

<https://www.youtube.com/watch?v=Sdfm74lZTew>

In this 2017 video posted by the Nova Scotia government, the owner of a café in Antigonish and the young woman who stole money from her business discuss their participation in the restorative justice process.

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Discussion Questions

1. In what ways did the restorative justice process allow both the café owner and the young woman to address the harm caused by the break-in? How might this approach differ from what would happen in a traditional criminal legal process?
2. What role did the café owner's and community members' participation play in shaping the outcome? How might restorative justice processes like this influence broader community relationships and perceptions of justice?

Conferencing

Conferencing in Canada evolved from a practice called family group conferencing that began in New Zealand. This approach was born out of attempts to address overcriminalization of Indigenous (Māori) peoples in the court and prison system in that country. Conferencing includes the offender, the victim, and their supporters (family and others) in a dialogue about the harm and its impacts that is conducted by trained facilitators. The discussion often involves a consensus-based decision about what should be done to repair the harm. An agreement is created and overseen by the supporters or the program. In the 1990s, the RCMP branded their own version of scripted conferencing based on this model called the Community Justice Forum. This model is discussed in more detail in Chapter 4.

LOOK INTO IT ...**An Introduction for Youth to Restorative Justice Victoria**

<https://www.youtube.com/watch?v=LoXM3dw3WQQ>

Restorative Justice Victoria posted this video as an introduction to their organization that facilitates dialogues in the aftermath of crimes.

Discussion Questions

1. How does restorative justice provide opportunities for healing for both the victim and the youth who caused harm—beyond what might happen in a conventional court process? What are some potential psychological or social benefits (and also risks) for each party in this model?
2. In what ways does restorative justice shift power dynamics compared to the traditional justice system? How important is giving a voice to all invested parties (victims, youth, community), and what challenges or barriers might get in the way of meaningful participation?

Circles

Circles related to restorative justice in Canada are rooted in many diverse Indigenous worldviews and traditions and are based on the belief that the primary responsibility for addressing harm lies in the community and not just with those directly impacted and their immediate families. Peacemaking circles, be they healing circles, community circles, or sentencing circles, also have at their core the belief that it is important not only to address the presenting harm but also to build community. These circles provide opportunities to begin to uncover the underlying issues contributing to harm in the community and to restore balance where possible. Discussions in these types of circles often explore wider issues of local harm and prevention issues, going beyond just the situation at hand (Canadian Resource Centre for Victims of Crime, 2022, pp. 6–7).

Circles in response to harm may be Indigenous or non-Indigenous led, and the process varies depending on who the circle keepers are and in which community they are taking place. Circles of all kinds provide an opportunity for all people involved in a harm to speak about the incident and express the impact. Circles can include ceremony and cultural elements specific to the people involved or the community, such as the presence of Elders and rituals. Circles often include the passing of a “talking piece,” which is an item that has meaning to the group or the circle keeper. When this piece is being held by one of the members of the circle, all others are encouraged to listen with their hearts and without interruption.

LOOK INTO IT ...

Reconciliation Through Restorative Justice

<https://www.youtube.com/watch?v=RTb85GNcAVc>

This video, which was posted by Canada’s Department of Justice, examines restorative justice in the context of a First Nation healing circle.

Discussion Questions

1. How does the healing circle draw on Indigenous traditions, values, or ceremonies? In what ways do those cultural elements affect the legitimacy, acceptance, and outcomes of the restorative justice process (for victims, offenders, and the community)? What might be lost if cultural components are shortened or removed?
2. In the video, who gets to speak, how are support people involved, and what is the role of Elders? How does the structure of the circle affect

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whose voices are heard and how safe people feel participating? What challenges might arise in ensuring that marginalized or traumatized parties genuinely feel able to share honestly?

Sentencing circles are connected to the criminal legal system and offer the victim/survivor, offender, family, and community members the opportunity to meet with the judge, lawyers, police, and others to recommend to the judge what type of sentence an offender should receive. The victim and the community have the opportunity to express themselves and to address the offender, and they may also take part in developing and implementing a plan relating to the offender’s sentence (Canadian Resource Centre for Victims of Crime, 2022, p. 7).

Table 1.2 presents a comparison of the most common prescriptive restorative justice models. Yvon Dandurand and Annette Vogt (2020) wrote about these models in a handbook on restorative justice, which was developed for the UN Office on Drugs and Crime.

TABLE 1.2 A Comparison of Prescriptive Restorative Justice Models

FEATURE	VICTIM– OFFENDER DIALOGUE (MEDIATION)	CONFERENCING	CIRCLES
Main purpose	Dialogue between victim and offender to address harm and agree on reparation	Broader dialogue including support networks of both victim and offender	Collective healing, relationship repair, and consensus-based decision-making
Participants	Victim, offender, trained mediator/facilitator	Victim, offender, their families/ supporters, facilitator, possibly community reps	Victim, offender, families, Elders, community members, facilitator or circle keeper
Process	Usually one-on-one, facilitated discussion	Structured process with planned contributions from each party	Open, egalitarian dialogue in a talking circle format often including the use of a talking piece

FEATURE	VICTIM– OFFENDER DIALOGUE (MEDIATION)	CONFERENCING	CIRCLES
Roots/ influences	Christian peace traditions (especially Mennonite/ Quaker), therapeutic mediation models	Family group conferencing from New Zealand Māori traditions	Indigenous justice traditions in Canada and globally
Focus	Direct accountability and reparation	Accountability, reintegration, and healing of extended relationships	Restoring harmony and balance within the broader community
Formality/ structure	Moderately formal, confidential, voluntary	More structured, often used in institutional settings (e.g., schools, youth justice)	Flexible and holistic, often ceremonial and spiritual in nature
Use in Canada	Used in prison and community settings	Used in schools, youth justice, and community programs	Common in Indigenous communities, increasingly adapted in non-Indigenous contexts
Strengths	Direct, focused dialogue; high rate of victim satisfaction	Inclusive, addresses broader social and emotional context	Deep relational repair, culturally grounded, collective responsibility
Challenges	May feel intimidating in 1:1 setting, limited community involvement	Risk of power imbalances and harm to participants if not well-facilitated (i.e., not perceived as voluntary, participants are not well prepared)	Time-intensive; requires strong community or cultural support

Responsive Restorative Justice Practices

The concept of responsive restorative justice was developed by John Braithwaite (2002) and has been influential in Canada. Braithwaite contends that responsive restorative justice should be part of a responsive justice system that adapts its response to the seriousness of the harm, the willingness of those involved to participate, and the effectiveness of restorative processes. Rather than viewing restorative justice and punishment as opposing approaches, Braithwaite proposes a regulatory pyramid in which restorative interventions are attempted first, with more formal and coercive responses available if accountability is not achieved. **Responsive restorative justice practices** emerge from this framework and prioritize the principles of victim-centredness, flexibility, and responsiveness. A responsive approach to restorative justice can involve inviting victims/survivors to co-create what the process will look like with the restorative justice facilitator. Compared to the prescriptive models outlined above, responsive practices tailor the process to the needs of the situation and people involved.

Given that harm disempowers, responsive restorative justice embraces the **trauma-informed care** principles of collaboration and empowerment. Additional guiding principles to a trauma-informed approach are presented in Box 1.2 (SAMHSA, 2014).

BOX
1.2

Six Guiding Principles to a Trauma-Informed Approach

1. *Safety*: Ensure physical, emotional, cultural, and psychological safety for everyone involved—especially survivors of trauma. Environments should be predictable, respectful, and non-threatening.
2. *Trustworthiness and transparency*: Build and maintain trust through open communication, honesty, and consistency. Ensure decision-making processes are transparent and clearly explained.
3. *Peer support*: Include people with lived experience of trauma and recovery in the design and delivery of programs. Peer support promotes healing through shared understanding and validation.
4. *Collaboration and mutuality*: Emphasize partnerships and power-sharing, including between service users and providers. Recognize that everyone has a role in creating a trauma-informed environment.
5. *Empowerment, voice, and choice*: Prioritize agency and self-determination by centring the voices of those with lived experience. Offer options and support-informed choices, rather than imposing authority.

6. *Cultural, historical, and gender acknowledgment*: Recognize the impact of systemic oppression, including racism, colonialism, gender-based violence, and intergenerational trauma (SAMHSA, 2014).

Responsive restorative justice offers survivors a voice and a choice in designing aspects of the process, such as where the dialogue is held, what the speaking order will be, and what topics will be covered. These seemingly small choices provided to survivors often have a big result in terms of feeling safer, empowered, and heard in the justice process.

Responsive restorative justice programs and practitioners offer different processes to participants that provide opportunities for direct or indirect dialogue. The decision about what approach to use is based on a series of meetings conducted with all parties to ascertain their needs from the restorative justice process. Indirect dialogue seeks to address these needs without a face-to-face or in-person session through exchanging letters, video/audio recordings, or messages through the facilitator. Reasons for indirect dialogue may be related to safety concerns or significant geographic distances between the people involved. In some cases, the victim/survivor does not desire a direct encounter with the person who harmed them. Sometimes indirect communication can occur prior to a direct dialogue as a way to prepare all parties to speak face to face.

Finally, some restorative justice processes do not require the direct involvement of victims or offenders. Known as **surrogate processes**, a victim or an offender may choose to meet with someone who committed a similar crime or who was similarly victimized, instead of meeting with the specific offender or victim in their case. This practice has proven beneficial to many victims who want to experience a restorative justice process, but who for whatever reason cannot meet the offender in their case. The offender might not have been identified or may have died, or they might otherwise be unable or unwilling to participate in restorative justice. Surrogate victim–offender dialogues may also help prepare victims and offenders for an anticipated meeting at some point in the future. It may also help offenders who want to participate in such a program but the victim is unable or does not want to take part (Canadian Resource Centre for Victims of Crime, 2022, p. 9). More about these surrogate processes will be outlined in Chapter 6, Restorative Justice and Corrections.

Defining Restorative Justice

There is no universally agreed upon definition of restorative justice, and an Internet search of “What is restorative justice?” renders thousands of different results. Some definitions focus on the encounter between victim and offender:

Restorative justice is a process whereby the parties with a stake in a particular offense come together to determine collectively how to deal with the aftermath of the offense and its implications for the future. (Marshall, 1998, p. 43)

However, given that restorative justice does not always involve an encounter, broader definitions may be more helpful:

Restorative justice in its most comprehensive form is relational, transformative democratic peacebuilding that attempts to transform communities and schools toward recognizing that people are not objects to be manipulated, but rather organic, interconnected, worthy human beings. (vaandering, 2014, p. 513)

Transformative, restorative justice focuses on a given point in time and on the specific people who are involved with one another at that time, as well as directing attention to both the preconditions and antecedents of that particular moment, which generally implicate factors and forces that go beyond the individuals most directly affected. (Harris, 2004, p. 139)

For our purposes, **restorative justice** will be defined as a set of values, principles, and practices to address harm and conflict that emphasizes repairing relationships and restoring the well-being of individuals, relationships, and communities.

Defining Justice

The term “justice” is contentious and complex because it carries multiple, often conflicting, meanings across different social, cultural, legal, and political contexts. It is not a neutral concept; rather, it reflects deeply held beliefs about fairness, power, morality, and order—which vary widely between individuals and groups.

Unfortunately, many use the words “justice” and “punishment” interchangeably. Think about a journalist asking the victim leaving the courtroom, “Do you think justice was served today?” That very question suggests that justice is only measured by the sentence handed down. Some definitions of justice—including restorative justice—do not include the imposition of harm or punishment:

- *retributive justice*: emphasizes punishment proportionate to the crime—justice as retribution,
- *restorative justice*: focuses on repairing harm and restoring relationships—justice as healing and reconciliation,
- *distributive justice*: concerned with the fair allocation of resources—justice as equity or fairness,
- *procedural justice*: emphasizes fairness in processes—justice as due process and transparency, and
- *transformative justice*: aims to address root causes of harm—justice as systemic change.

While there is focus on the “restorative” part of the term, it is equally important to think about “justice.” The following definitions of “justice” and “restorative justice” highlight both the similarities and differences between the two concepts:

Justice is concerned with restoring right relationships—balancing the needs of victims, offenders, and communities—rather than simply determining guilt and administering punishment. (Zehr, 2015, p. 19)

[R]estorative justice is an approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offense or harm to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible. (Zehr, 2015, p. 48)

In a circle, there is no right or left, nor is there a beginning or an end; every point (or person) on the line of a circle looks to the same center as the focus. The circle is the symbol of Navajo justice because it is perfect, unbroken, and a simile of unity and oneness. (Yazzie, 1994, p. 180)

Restorative justice seeks to heal the harm caused by crime by involving victims, offenders, and communities in processes that promote accountability, reparation, and the restoration of relationships. (Sharpe, 1998)

There is also concern from some survivors that the term “restorative justice” does not reflect the realities of the victim experience. For example, a life taken through dangerous driving can never be “restored.” Arguably, survivors of sexual violence cannot be restored back to their pre-crime state. Similarly, perhaps it is not possible nor desirable to restore people who have caused harm back to the state that they were in prior to the harm. This pre-crime state of suffering, isolation, or inequity could be precisely what contributed to the harm-doing. We honour this dissent and acknowledge the limits that both the words “restorative” and “justice” have.

Given the wide variety of definitions, there is debate in Canada about what “restorative justice” actually is. One of the common misunderstandings is that restorative justice is anything that doesn’t appear to involve punishment or incarceration, such as anger management or probation. The next section aims to clarify some of those misconceptions by discussing restorative justice along with other justice approaches.

Restorative Justice: The Restorative Justice Tree in the Justice Forest

As discussed above, restorative justice exists within the context of other justice approaches, including retributive, rehabilitative, transformative, and those based on Indigenous legal orders and traditions. These can be thought of as trees located in the justice forest sharing some roots and overlapping branches. While

restorative justice shares some principles from these other justice approaches, there are important differences.

Indigenous Legal Orders and Traditions

There are more than 630 First Nation communities in Canada, which represent more than 50 Nations and 50 Indigenous languages (Government of Canada, 2023). Prior to contact with European settlers in the early 1600s, each Nation had its own approach to legal traditions.

Indigenous legal traditions in Canada operate in a legally plural way, managing law and jurisdiction between Indigenous legal orders. These traditions do not share the characteristics of European legal systems and are often downplayed in Canadian legislation and other legal sources. Indigenous peoples governed through oral laws and kinship-based justice before European legal frameworks were introduced.

Indigenous legal traditions were a source of complex proactive and reactive mechanisms that attempted to produce and maintain a stable and predictable social world for Indigenous communities (Chartrand & Horn, 2016, p. 6). A common theme throughout most Indigenous legal traditions across Canada is the idea of law being interconnected and intertwined with the idea of promoting and maintaining the well-being of the community through fostering relationships within the community, the land, water, and animal and spirit worlds (Chartrand & Horn, 2016).

These traditions influenced the early development of restorative justice programs in Canada. Likewise, there is evidence to suggest that the influence flows in the opposite direction, in that restorative justice has influenced the modern-day implementation of some Indigenous justice initiatives. Restorative justice has informed some modern Indigenous legal processes, in that it has filled the gaps that colonization created when Canadian officials suppressed Indigenous legal systems (Chartrand & Horn, 2016, p. 14).

It is important to critically examine the promise and limits of restorative justice in Indigenous communities in Canada. Jane Dickson-Gilmore and Carol LaPrairie (2005) have argued that while restorative justice programs emerged as alternatives to the colonial and punitive Canadian criminal legal system, they frequently become constrained or reshaped by state control, legal requirements, and funding structures. As a result, rather than fully restoring Indigenous legal traditions, restorative justice can be co-opted into the existing system, sometimes extending state surveillance instead of reducing it. They emphasize that Indigenous communities are not homogeneous and face internal conflicts, power imbalances, and ongoing impacts of colonialism, all of which complicate the implementation of restorative justice practices. In the Canadian context, meaningful justice reform cannot be achieved simply by adopting restorative justice techniques without addressing structural inequalities, sovereignty, and the legacy of colonial harm.

Transformative Justice

Transformative justice is based on the idea that harm emerges, in part, because of unhealthy and inequitable relationships and social systems. This harm creates obligations to build new or better relationships both at an individual level and at the level of social structures and institutional policies. Justice responses, therefore, involve attempts at changing wider social systems in ways that help to prevent the occurrence and reoccurrence of harmful incidents.

Retributive or Punitive Justice

Retributive or punitive justice approaches emphasize that punishment (the deliberate infliction of physical, mental, emotional, and/or financial harm) is morally justified as a response to the harm-doer’s wrongdoing. Retributive justice is based on the idea that individuals deserve to suffer in proportion to the harm they have caused. The primary goal of retribution is to ensure that offenders experience consequences for their actions and to restore a sense of balance or justice in society. Punishment is determined by a third party with power over the offender (such as a judge or school principal) with the goal of discouraging both the offender and others in society from engaging in the harmful behaviour. Such punishment is intended to be fair, proportionate to the offence, and reflective of the moral culpability of the offender.

Rehabilitative Justice

Rehabilitative justice is based on the idea that the primary goal of justice should be the rehabilitation and reformation of the people who cause harm. This approach views behaviour as a result of various factors such as social, economic, biological, or psychological conditions, and rehabilitative efforts aim to address these root causes to prevent future harmful conduct. Rehabilitative approaches seek to identify and address the underlying factors contributing to harmful behaviour, such as substance misuse, mental health issues, and lack of education and/or economic opportunities.

Table 1.3 provides guiding questions for each of the different approaches to justice.

TABLE 1.3 Questions That Guide Different Approaches to Justice

JUSTICE APPROACH	GUIDING QUESTIONS
Transformative	• What social circumstances promoted the harmful behaviour? • What structural similarities exist between this incident and others like it? • What measures could prevent future occurrences?

(Continued on next page.)

JUSTICE APPROACH	GUIDING QUESTIONS
Retributive	• What level and form of pain/discomfort does this person deserve? • What level and form of pain/discomfort will be the most likely to prevent the harm-doer and potential harm-doers from causing this harm?
Rehabilitative	• What is “wrong” with the individual? • How can we bring this person to a place of health and well-being, so they do not cause more harm?
Restorative	• Who was impacted by the harm, and what are their needs? • Whose obligation is it to address the harm caused? • What needs to happen to start to heal people and relationships?

The questions posed by restorative justice focus not only on the person who did the harm but on those who are impacted (victims/survivors) and the community. It is a more inclusive, responsive focus that may include Indigenous and transformative aspects that can address some of the limitations of retributive and rehabilitative approaches more common in the criminal legal system and other parts of society, including in our homes, schools, and workplaces.

Fruit: Applications of Restorative Justice in Canada

While restorative justice in a Canadian context began as a response to criminal harm, these approaches can now be found in a wide variety of contexts (see the Growing Accountability feature box, below).

GROWING ACCOUNTABILITY

The Many Contexts in Which Restorative Justice Approaches Can Be Found in Canada

1. *Criminal legal system:* From pre-charge to post-conviction, restorative justice is being applied to cases of criminal offences.
2. *Community:* Restorative justice can be an option to victims/survivors who do not wish to report the crime or for matters that are not criminal

in nature, such as neighbourhood disputes or violations of municipal by-laws.

3. *Workplace*: In some organizations, HR departments offer restorative justice approaches to harm and conflict that occur within the workplace.
4. *Elementary and secondary schools*: School districts and individual schools are embracing restorative justice approaches to harm and conflict that occur between students and with teachers and administrators.
5. *Universities/colleges*: Post-secondary schools have been a recent and keen adopter of restorative justice approaches to non-academic and academic student misconduct, such as plagiarism.
6. *Health care*: Restorative justice is offered in a limited way in health care settings as a response to health-related harms.
7. *Military*: Following a class action lawsuit, the federal government has used restorative justice approaches to sexualized violence within the Canadian Armed Forces and the Department of National Defence.
8. *Conservation and environmental harm*: The federal government and some provincial/territorial governments have introduced restorative justice approaches to harms against the environment, including fishery and conservation offences and harms to non-human animals.
9. *Family matters and child/elder protection*: Many provinces, territories, and Indigenous governments have integrated restorative justice approaches to respond to harm that occurs within families.
10. *Inquiries*: The Nova Scotia Home for Colored Children Restorative Inquiry was collaboratively designed between former residents, the government, and community members. It was the first public inquiry in Canada to take a restorative justice approach (Province of Nova Scotia, 2019).
11. *Truth and reconciliation*: From 2008 to 2015, the Truth and Reconciliation Commission (TRC) of Canada conducted research across the country and heard testimony from over 6,000 witnesses and survivors of residential schools, culminating in the publication of the TRC's final report in December 2015. The TRC focused on repairing harm and severed relationships as a result of violence and emphasized its focus on restorative justice practices. The TRC was directly modelled on the South African Truth and Reconciliation Commission, which also placed significant emphasis on healing symbolically, personally, and on a national level in order to sustain peace (Participedia, n.d.).

Whether in schools, courtrooms, or communities, there are limits to retributive and rehabilitative justice approaches. In fact, Canada's reliance on these has contributed to the development of inequities and harm to individuals, relationships, and communities. Some of the biggest challenges facing Canadians are:

- the overcriminalization of Indigenous and Black people (Maynard, 2017; Monchalin, 2017);
- low satisfaction with and public confidence in the criminal legal system (Perrin, 2023); and
- increased trauma, shame, and harm to victims and offenders who are involved in the criminal legal system (Office of the Correctional Investigator, 2023; Wemmers, 2009).

While restorative justice alone cannot address all of these complex issues, evidence and experience from all over Canada has demonstrated tremendous benefit and potential. In the following chapter, we will present the development of restorative justice in Canada, and subsequent chapters will track what is being done within the criminal legal system and beyond to address injustice and harm through a restorative justice lens.

You will be introduced to other stories of restorative justice, present theory, and research throughout this textbook, with the goal of inspiring you to consider how you might take these values and principles into your own life. Join us on this journey, and after reading this textbook, you will be able to see the potential for restorative justice approaches in Canada and maybe even in your own life.

CHAPTER SUMMARY

- Restorative justice is a values-based approach to addressing harm and conflict; emphasizing healing; repairing relationships; and transforming individuals, communities, and institutions. It is rooted in Indigenous teachings, faith-based traditions, and critical criminology, which challenge punitive justice models and promote reconciliation, community well-being, and non-violence.
- Core values of restorative justice include active responsibility, peaceful social life, respect, and solidarity. These values guide behaviour and decision-making, while principles derived from them provide specific frameworks for justice practices. Restorative justice emphasizes emotional engagement and interconnectedness, focusing on healing rather than punishment.
- Restorative justice practices are categorized as prescriptive or responsive. Prescriptive practices, such as victim–offender dialogue, conferencing, and circles, follow structured models to address harm and promote accountability. Responsive practices prioritize flexibility, victim-centredness, and trauma-informed care, tailoring processes to the needs of participants and situations.
- Restorative justice is defined as a set of values, principles, and practices aimed at addressing harm and conflict by repairing relationships and restoring the well-being of individuals, communities, and social structures. It emphasizes healing, accountability, and inclusivity, moving beyond punishment-focused approaches.
- Restorative justice exists alongside other justice approaches, such as retributive, rehabilitative, transformative, and Indigenous legal traditions. While sharing some principles, restorative justice focuses on repairing harm, addressing root causes, and fostering inclusivity, offering a more holistic and relational perspective compared to punitive or rehabilitative models.
- Applications of restorative justice in Canada extend beyond the criminal legal system to schools, workplaces, health care, environmental conservation, and family matters. Restorative justice addresses inequities and harm caused by reliance on punitive and rehabilitative justice approaches, offering transformative potential for individuals, relationships, and communities.

REFLECTIVE QUESTIONS

1. Read this scenario and then answer the questions that follow.

In search of cash and valuables, Jim and Ben, aged 19, decide to burgle a vacant house. They need the money to buy a new Xbox. After ringing the bell and making sure that no one is at home, they break into the house. They steal cash and valuable jewellery that they find in the bedroom. As they are about to leave the dwelling, Celia, the 68-year-old homeowner, walks through the door. Jim and Ben panic, push Celia violently to the ground, and flee. Celia breaks several ribs in the fall and can only stand up with great difficulty. She immediately calls her daughter Rachel, whom she has just visited, and tells her in shock about the violent incident. Rachel immediately notifies an ambulance and the police.

Questions from restorative justice paradigm:

- a. What happened?
- b. Who was affected?
- c. How can the situation be redressed?

Questions from retributive justice paradigm:

- a. What laws were broken?
- b. Who violated them?
- c. What punishment do they deserve?

What do you notice in comparing the two sets of responses to the questions posed?

2. How does restorative justice challenge or complement your existing beliefs about punishment, accountability, and justice?
3. In what ways might restorative justice practices better address the needs of victims, offenders, and communities compared to the current responses by the criminal legal system?
4. In the opening story, Alana and her parents were invited by a youth worker to have dialogue about the harm to their relationships. This resulted in Alana coming back to live at home with her parents and a great amount of healing for all. What restorative justice process (dialogue, conferencing, circle, etc.) would have been most appropriate for this matter, and why?

EXPERIENTIAL LEARNING ACTIVITIES

1.
 - a. Think about a time you made a mistake and the outcome was negative. Write a short paragraph describing what happened and what the outcome was. Then write five or six words that describe how you felt after the experience.
 - b. Think about a time you made a mistake and the outcome was positive. Write a short paragraph describing what happened and what the outcome was. Then write five or six words that describe how you felt after the experience.
 - c. Compare the two lists. Write a paragraph of your reflections and ask, what does this exercise have to do with what you learned about in this chapter?
2. Watch the video *Celebrate What's Right with the World* by Dewitt Jones (https://www.youtube.com/watch?v=gD_1Eh6rqf8&feature=emb_title) and then answer the following questions:
 - a. What influenced your vision and worldviews?
 - b. What most shaped who you are today?
 - c. What do you celebrate about your life?

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GLOSSARY

interconnectedness a relational perspective emphasizing that actions affecting one part of the system will inevitably affect others; a way of understanding the world in which all beings—human, non-human, and natural—are seen as deeply connected and interdependent

prescriptive restorative justice practices structured, formalized processes—such as victim–offender mediation, family group conferencing, or sentencing circles—that follow specific guidelines or models to address harm, accountability, and healing

principles the guiding frameworks that shape how restorative justice should be practised; they help turn values into action

responsive restorative justice practices flexible, relationship-centred approaches that adapt to the specific needs, context, and culture of the individuals and communities involved, rather than following a fixed model

restorative justice a set of values, principles, and practices to address harm and conflict that emphasizes repairing relationships and restoring the well-being of individuals, relationships, and communities

surrogate processes restorative justice processes that do not require the direct involvement of victims or offenders; a victim or an offender may choose to meet with someone who committed a similar crime or who was similarly victimized, instead of meeting with the specific offender or victim in their case

trauma-informed care an approach that recognizes the widespread impact of trauma and understands potential paths for recovery

values deeply held beliefs that individuals or communities consider important and desirable