

Individual and Collective Accountability in a Restorative Framework

Kay Pranis

Individual accountability

Accountability in restorative justice is defined as: taking responsibility and taking action to repair the harm and to prevent it from happening again.

This is in contrast to a definition of accountability in our systems as: taking your punishment.

Accountability as taking punishment is passive and shifts the person who caused harm to a perception of themselves as the victim because the power of the institution is operating to harm them.

Accountability as taking responsibility and taking action to repair harm and prevent it from happening again is active. The action comes from the person who caused harm. Action for repair is how we heal from the shame that arises naturally when we acknowledge causing harm.

From this definition of accountability we do not 'hold people accountable' – meaningful accountability comes from within. It is not externally imposed.

I see five elements in the process of **being** accountable:

1. Acknowledge that your actions caused harm
2. Acknowledge that you had agency in those actions
3. Understand the full impact of your actions on anyone who was impacted
4. Take steps to repair the harm and make amends
5. Identify patterns or habits that led to causing harm and take steps to change those habits

The first three goals of accountability are achieved in the restorative dialog process itself. The last two elements are the plan that comes out of a restorative process. Any set of obligations for a person who caused harm are focused on the questions: What needs to be done to repair harm? and What needs to change so it does not happen again?

The first element is, in general, the most painful. As a species we do not want to see ourselves as harming others – so we deny, minimize and rationalize our behavior. We all do this. I see it often in myself. It takes great courage to truly take responsibility. Because deep underneath at the cellular level is a fear that if we caused harm, we deserve disconnection and we also know that disconnection is a kind of death. So we have elaborate internal mechanisms for denial, minimizing and rationalizing. This is why it is so important than anyone who needs to acknowledge harm is never sitting alone when they need to take responsibility. They must have someone next to them who will love them no matter what they have done. With that kind of support we can sometimes summon up the courage to truly acknowledge that we caused harm.

It is important for us to explore accountability in our own lives before we expect others to be accountable. In a circle I sometimes invite participants to share an experience in their own lives where they caused harm and took responsibility and made amends. When we discuss how that feels, participants commonly describe a new awareness of how painful it is to take responsibility and how often they do not take responsibility. And participants describe what a relief it is to take responsibility and do some form of repair. That is how we heal when we have caused harm, but it is not easy.

When we examine our own experiences of taking responsibility and making amends we find certain conditions that helped us:

- dignity was honored
- awareness of the impact of behavior was communicated without being diminished as a human being
- support – from someone who will love us no matter what we have done

- validation that the harm we caused is not all of who we are
- space to breathe

These conditions are not present in mainstream justice processes so we rarely see meaningful accountability in those processes.

These elements and questions are typically focused on individual accountability. But restorative justice is also concerned with collective accountability. No one acts just from their own inner impulses separate from all other influences. Our behavior is shaped by our internal logic and choice and also shaped by the context of our lives.

Collective accountability

The collective needs to acknowledge its role in harm, look to its role in repairing harm and in making changes so it does not happen again.

With individual accountability we ask: What has to change in that person so it does not happen again? For collective accountability we ask: What has to change in the community so it does not happen again?

Or put another way we shift from: What is wrong with this person? To: What is not working among us? How do each of us need to change to take care of all of us?

What does this look like? We turn to children because they are better at this than adults.

This is illustrated by a story from The Little Book of Circle Processes.

Finding Understanding in the Classroom

A student in an elementary school threatened to burn down the school following recess. This incident occurred soon after the school shootings in Littleton, Colorado, and his anger sparked fear among his classmates.

The teacher requested a Circle of Understanding for the students and the next day the entire classroom participated in it. During the Circle, students expressed their feelings about how the threats had impacted them. Many of the students reported experiencing nightmares as a result of the student's threat. The students also reflected on how their own behavior had an effect on the student who made the threat and how they were responsible, to a degree, for his behavior.

At the conclusion of the Circle, the boy agreed to make changes in his own behavior by: 1) not swearing or threatening others, 2) thinking before speaking, and 3) walking away when he was mad to cool down and then talking it out later. He also agreed to write an apology letter to his classmates.

His classmates agreed to make changes in their behavior by: 1) being nicer to him, 2) not telling lies about him, 3) not teasing him, 4) playing with him so he would have more friends, 5) being his partner in class, 6) helping him make new friends, 7) sticking up for him in a good way, 8) forgiving him and giving him a second chance, and 9) playing basketball with him after school.

The Little Book of Circle Processes – A New/Old Approach to Peacemaking, pp 31-32

This is what collective accountability looks like: acknowledging the community role in the situation and seeking ways to make sure it does not happen again. These children really created the answer to the question: How do each of us need to change to take care of all of us? Even though I do not think the question was posed in that way. I have only learned to pose that questions so clearly after years of working in restorative justice. The children organically began to look at their own role and what they could do to change the context of the behavior of their classmate.

The fact that children do this more readily suggests to me that we are socialized out of this awareness and sense of responsibility by the habits and messages of our culture. As adults we need to be more intentional to engage our natural sense of collective accountability.

Complex relationship between community and crime

The community has a complex relationship with crime or harm. The community is a victim – every crime or harm weakens the community fabric. And the community is a responsible party – the community is responsible for the well-being of all of its members and most crime or harm has elements of community failure in its causes. So the community needs to express its pain

and fear as a victim. Amends need to be made to the community for the harm to the community. At the same time the community must understand its role in the commission of the crime or harm and take responsibility for community conditions that contributed to that harm happening.

And the community must seek reconciliation with all of its members. The victim may choose to not reconcile with the person who caused harm, but the community cannot choose to not reconcile with the person causing harm. The community must work to re-establish a healthy relationship with those who cause harm. If a community does not reconcile with the those who cause harm it is creating the conditions where that person is likely to create another victim. Even when a victim does not want a face-to-face process with the person who harmed them, the community may need to do a face-to-face process to re-establish a healthy relationship between the community and that person.

Community responsibilities in responding to harm

As both a victim and a responsible party the community has several responsibilities in the response to harm. The community must:

- Rally around the victim - support the victim, hear the victim's story, acknowledge that what happened to the victim was not right
- Express the hurt caused to the community in a respectful way to the person causing harm
- Participate in a process to determine what steps need to be taken to repair the harm of the incident to both the victim and the broader community
- Support the person who caused harm in making repairs
- Provide opportunities for the person who caused harm to make changes toward a better life style, e.g. education, treatment, counseling, jobs
- Establish and maintain effective community norms that support non-domination, inclusivity, respect and care

- Notice and address patterns of community conditions that contribute to harm happening

Because the community is both hurt by harm to its members and bears some of the responsibility for the harm happening, we need to pay attention to the impact of the institutional responses to harm – e.g. criminal justice system, child welfare system or discipline systems in schools and workplaces. These institutions have the responsibility to intervene when harm happens. What is the collective accountability of those systems? What role do the institutions or structures play in the harm and what needs to change in the institution so that the harm does not happen again? There are many dimensions to those questions and they are big questions. However, I think there is a starting point for institutional accountability that is within our capacity right now. We can start with one particular dimension of institutional accountability.

The ultimate measure of any intervention by the those systems could be: Does the intervention leave the community stronger than it was before the harm happened? When harm happens it breaks a thread of the community fabric, leaving it weaker. Removing the thread further weakens the community fabric. To strength the fabric we must tie the broken thread together. Does the intervention tie up some broken threads?

Assessing community strengthening of the intervention

There are numerous ways to evaluate whether an intervention leaves the community stronger than it was before the harm happened. How do we measure community building? Here are a few possibilities:

- Did the intervention create new healthy relationships or strengthen existing positive relationships?
- Did the intervention increase empathy and the ability to understand the impact of one's behavior on others?
- Did the intervention increase the skills for conflict resolution or problem solving by ordinary citizens?

- Did the intervention increase commitment to the common good of the community?
- Did the intervention increase the capacity to envision and work toward a positive future for individuals and the community?
- Did the intervention increase the community capacity to create respectful and reflective spaces for community dialog?

Those are the dimensions of a stronger community. It may seem a daunting task to create interventions that produce a YES to those questions, but indeed it is possible. The philosophy and practices of restorative justice achieve those things described above. Restorative practices can create new healthy relationships and strengthen existing relationships. Restorative practices can increase empathy. Restorative practices can increase conflict resolution and problem solving skills. Restorative practices can increase the commitment to the common good. Restorative practices can increase the capacity to envision and work toward a positive future. Restorative practices can increase the community capacity to create respectful and reflective spaces for community dialog. Restorative practices provide ways to respond to harm that leave the community stronger than it was before the harm happened. I think this gives us way to respond to individual events of harm in their immediate context, paying attention to community at a local level. But that is not enough.

Beyond that we all have accountability for engaging in dialog that raises awareness of and acknowledgement of the most serious structural injustices in our society – naming the harm, acknowledging the pain and hurt it has caused and listening deeply to the impact of that harm. I think we are at the beginning of that journey and that we will discover together what that looks like. What is our collective accountability at the macro level? How do we take responsibility and take action to repair harm and make change so it does not happen again? Thinking about that at the micro level helps me think about how to do that at the systemic level. Thinking about individual accountability helped me understand community responsibility and thinking about community responsibility helped me think about institutional responsibility. I am working at finding questions that help us think beyond our social conditioning. I think the answers will be

in the collective wisdom that can result from meaningful, respectful dialog about these questions.