

AN OVERVIEW OF REFLECTIONS ON RESTORATIVE JUSTICE *THE MESSY MAGIC*

A report by
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“Reflections on Restorative Justice” is a qualitative, auto-ethnographic report offering seven reflections about what restorative justice is, the unique complexities of applying this process in Jewish institutions, and the limitations and misunderstandings about institutional RJ.

The Seven Reflection Questions

1) What is restorative justice (RJ) and how does it differ when it involves institutions?

RJ is a human-centered approach to repairing and preventing harm that involves those who have a direct stake in the process and its outcomes. In institutions, there can be cases of secondary victimization due to poor and harmful responses to disclosures of harm and to environments that are conducive to harm. The institutional RJ process we follow involves five-phases: (1) initial contact/institutional readiness, (2) request for listening sessions/survivor readiness assessment, (3) pre-conference work, (4) restorative process(es), (5) debrief.

2) What is “Living Room Syndrome” and how does it impact harm & repair?

Living Room Syndrome is a phenomenon across Jewish workplaces and communal spaces where colleagues interact like a (dys)functional family. This leads to a lack of boundaries and accountability. Harm-doers take advantage of this type of environment and victims or witnesses may stay silent due to the family dynamic within.

3) What patterns and gaps have we observed in institutional RJ processes in Jewish spaces that impact the steps of RJ and *teshuva*?

RJ processes and the steps of *teshuva* are interactive and similar, with some key differences. *Teshuva* is a more personal, internal process of feeling, regretting, and acting that requires awareness and remorse. RJ may be used to jumpstart the *teshuvah* process and RJ involves the communities to which survivors and harm-doers belong.

4) What have we learned about where institutions and survivors want to begin accountability and repair work versus where they should begin?

RJ is about truth-telling through storytelling, and the process is often engaged after a formal investigation has been conducted, harm-doers have admitted causing harm, and/or survivors have asked for the process. The repair work begins with a clear understanding of the roles that the people and institutions play. All parties must be acting in good faith. Before engaging in RJ, educating both survivors and institutional leaders about its principles is crucial, especially in helping leaders understand the long-lasting impacts of harm. Institutions must take responsibility for the harm they've caused, offer meaningful apologies, and take concrete actions to address survivors' needs to restore trust and to hold themselves accountable.

5) What are the misunderstandings about and limitations of institutional RJ?

RJ is not appropriate for every circumstance. Even when it is possible there are several limitations that must be considered. These include time, readiness, and transparency from all parties involved. Additionally, meeting the evolving needs of survivors and navigating the power dynamics between survivors and institutions can be complex. RJ may not satisfy all participants and cannot erase past trauma.

6) What does 'the magic of restorative justice' look like in practice?

The magic of RJ is about reconnecting with the humanity of others in seemingly impossible circumstances. In practice, this may look like:

- Survivors and harm-doers engaging in powerful dialogue with one another during a safe encounter created by RJ ritual, such as a circle process.
- Public or private apologies that institutional leaders make to survivors when harm occurred on their watch.
- The parties involved in the RJ process seeing beyond their preconceived ideas about the other and changing how they communicate with and understand each other.

7) What seems unique regarding RJ in Jewish spaces, especially compared to other faith groups' repair efforts?

In comparison to Ampersands' RJ work in Christian communities grappling with abuse, in Jewish communities:

- The more severe, criminal types of sexual abuse have yet to be acknowledged and addressed, leading to less involvement of law enforcement.
- Religious values and texts related to abuse and harm are not often applied.
- Jewish groups may fail to fully understand and listen to survivor experiences, and are not as publicly transparent about their accountability and repair efforts because of a desire to protect themselves from outside scrutiny.

Understanding Key Terms

Restorative Justice

Restorative justice (RJ) is a human-centered approach to repairing and preventing harm caused by individuals and/or institutions. It allows those who have experienced harm to share their stories and ask harm-doers to meet their needs, and enables harm-doers to take responsibility for the damage they caused. It also brings together community members who enabled the harm or were harmed secondarily, involving them in the process.

Living Room Syndrome

Due to the informal nature of interaction in many Jewish community organizations, perhaps because of the basic cultural familiarity colleagues may have with each other, coworkers may behave as if they were in their living room rather than within the framework workplace norms. It can lead to a lack of boundaries, accountability, and safety. This term was coined by Maxyne Finkelstein, President of the Morris and Rosalind Goodman Family Foundation.

Teshuva

Teshuva is a Hebrew word meaning "repentance" or "return" and most often refers to the process of returning to a path of righteousness. It is a personal and internal process that requires awareness and remorse. It involves admitting mistakes, taking steps to change behavior, and seeking forgiveness from the one you harmed. It does not guarantee forgiveness or reconciliation.

"Faith is not certainty; it is the courage to live with uncertainty. Faith does not mean seeing the world as you would like it to be; it means seeing the world exactly as it is, yet never giving up the hope that we can make it better by the way we live..." – Lord Rabbi Jonathan Sacks z"l,
Letters to the Next Generation: Reflections for Yom Kippur



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