

## **DISCUSSION PAPER**

# **EXPLORING CRIMINAL JUSTICE AND THE ABORIGINAL HEALING PARADIGM**

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## A. INTRODUCTION

I remember a Cree grandmother from Saskatchewan passing some of her teachings to a group of aboriginal youngsters. At one point she startled everyone by slapping her thigh and exclaiming “You know, I think I finally figured out what it means to live a *good life*”.

“Maybe,” she told us, “You know you’re living a good life when you get to my age, and you look back maybe five years or so, and you find yourself saying ‘Boy, I sure didn’t know too much... way back then!’”.

I enjoy the picture she gave me that day, the sense that I will always be given deeper questions as I stumble through my allotted years. But her teaching suggested something else as well: if I acknowledge that every five years or so I’ll probably change my advice to **myself**, why would I try to give anyone else advice along the way?

Instead, all I can do is tell my stories as best I can. If others happen to find them useful in some way, within *their* unique experience of life, well, that’s a bonus.

And that’s the spirit in which I’ll try to write, as a co-explorer who is not quite sure where he’ll end up next!

I have been a criminal prosecutor for 19 years, working primarily in remote aboriginal communities in northwestern Ontario. Sadly, some communities experience such high levels of family violence and sexual abuse that, if we ever achieved full disclosure and full victim/witness cooperation in court, we’d be jailing well over 50% of the adult population. No one sees that result as constructive; in fact, many **victims** choose not to bring their problems into our adversarial and punitive system because they don’t want that result.

Instead, we hear an insistent call for something called “**healing justice**”. I was given a chance to explore that phrase during a three-year posting with the federal Department of Justice, travelling from the Atlantic to the Pacific.

At the very start of my exploration, a Mi’kmaw grandmother in Nova Scotia encouraged me not to just investigate specific healing programs but to spend equal time with the Elders, the teachers and the philosophers. She was concerned that I might never come to understand the programs I encountered unless I first gained some understanding of how aboriginal people understood Creation in general, and the proper place of mankind within it. I will be forever grateful for her guidance, for I have since learned that the aboriginal preference for healing is not just a preference at all, but a necessary manifestation of a world-view that is fundamentally at odds with the Cartesian, Newtonian and Darwinian world-view in which I grew up.

In the course of my travels, I came across many different programs in aboriginal communities. One community had already spent a decade putting

traditional understandings to work in an effective and sophisticated response to sexual abuse, using powerful, healing-centered interventions in the lives of offenders, victims, relatives, friends and the community at large. It is not my intention to provide details about that specific program, but to speak more generally about what I now think of as a different healing **paradigm** at work with many aboriginal people, whether on this continent or in other parts of the aboriginal globe, and whether the crime being addressed is sexual abuse, family violence - or children breaking windows.

Paradigms are hard to talk about, however, because you have to substantially escape your own to even **hear** what is being said about another. For that reason, I'm going to begin by describing the tiniest portion of the cross-cultural Magical Mystery Tour which, thanks to that Mi'kmaw grandmother, became my life for those three years.

## **B. GAINING THE RELATIONAL LENS**

My time immersed in aboriginal teachings has given me something I think of as a "relational lens". When I look through it, it changes how I see almost everything. I cannot take you through **all** the struggles involved in gaining it, but mentioning a few may give some sense of what I mean.

I remember, for instance, being told that western and aboriginal scientists might approach the study of a plant in very different ways. The western scientist might focus most of her attention on understanding and naming all the parts and properties of the plant, figuring out its root, stem and leaf patterns, how it takes in water, sunlight and nutrients, how it reproduces, its life expectancy, and so forth. The aboriginal scientist, by contrast, would likely focus most of her attention on understanding what role that plant plays in the meadow. She would examine how it holds soil when the rains come, what plants flourish close to it, what birds, animals and insects are attracted to it, how it is useful to them, what kinds of conditions it needs to remain healthy, that sort of thing. It's not that the two scientists pay **no** attention to the concerns of the other, just that their emphasis is different. They 'see' the plant in different ways.

I had no idea how a teaching like that might relate to justice, but I couldn't shake the Mi'kmaw grandmother's encouragement to keep my horizons wide and open. I built a special shelf in my memory, labeled it 'Indian Puzzles', and stuffed that plant-in-the-meadow story up there, hoping that one day I might figure out the connection.

Everywhere I went it was the same!

I was told that western and aboriginal cultures hold opposite views about the importance of human beings in Creation. The Bible puts us right at the top, set on earth to rule all the fishes in the sea, everything. Aboriginal teachings seem to present an opposite hierarchy. Mother Earth (with her life-blood, the waters) plays the most important role in Creation, for without the soil and water there would be no plant realm. Without the plants there would be no animal realm, and without soil, water, plants and animals, there would be no us. Within

this 'reverse hierarchy', human creatures are understood to be the least essential and the most dependant; no longer masters of Creation, we are its humble servants.

It was not how I was used to seeing myself!

After speaking of things like that, aboriginal teachers would often turn to me and ask "How can we accept your justice system when our world-view is so completely different?" And I would silently scream "Wait! I haven't the faintest idea why seeing Creation in a way that puts broccoli on a higher plane than your best buddies would lead to different visions of justice!". But I'd keep quiet, put that reverse-hierarchy on my Indian Puzzles Shelf, and carry on.

It got worse. I remember an Elder saying: "Your people seem to think that law comes from books. That's not the way my people understand it." He turned towards a window, pointed out to dense bush and announced "THAT'S where law comes from!". All I could think of was "Whoa! I know what kind of law is out there. Darwin told me: it's The Law of the Jungle! Where we live in dog-eat-dog anarchy, acting like ANIMALS towards each other! Isn't that exactly what man-made law is designed to control?". I didn't say that, of course, because I'd often heard him giving his teachings, and he always spoke of values like respect, love, caring, sharing and humility. How did he get those values from the bush? Which one of us was missing something? Why did I think it was me?

One more. At the opening of an aboriginal justice conference in the mountains of Alberta, a large shell was brought around, filled with smoldering sweetgrass. Each of us wafted that beautifully-scented smoke over our heads, eyes, ears, mouths, chests and thighs, asking for its assistance to think, see, hear, speak and feel only in healthy and respectful ways during our time together. The discussion leader, a Blackfoot lawyer and professor, then spoke about language differences, explaining that aboriginal languages were not as much noun-centered as they were verb-centered, trying to emphasize not the thing-aspect of Creation but the pattern, flow and function aspect. He held that shell in his hands and told us that in aboriginal languages it would be 'called' differently at different times. It could be a sacred vessel at one calling, a vessel bringing candy at another, or a vessel receiving cigarette butts at another; it depended on its relationship to the speaker and to the occasion. To call it, as European languages did, by one name for all occasions was seen as a 'poorer' way to speak of the world. Indian eyes, he told us, when they look upon Creation, see a much more fluid, transforming and interconnecting reality than Newton ever did, with his linear, billiard-ball chains of cause and effect.

While the discussion was fascinating, I still had to wonder: why I was being told these things at a **justice** conference?

Then, one beautiful August day, a very small event hit me in a very large way. I encountered an Ojibway grandmother hitch-hiking in northwestern Ontario and I gave her a lift. Knowing that a lot of the old people gather blueberries to raise a little cash, I asked her how the blueberry crop was that summer. She immediately replied "Oh, I was at the garbage dump last night, and there were SIXTEEN BEARS out there!". I had lived in the north long enough to understand her answer: bears thrive on blueberries, and a failed blueberry crop causes

hungry bears to converge on the nearest dumps in search of food. Conversely, a bumper crop means all the bears are back in the blueberry patches sporting huge purple grins!

But it was the automatic way she answered that got to me. I could feel all the teachings I had jammed onto my Indian Puzzles Shelf doing little two-steps around each other, like they were finally organizing around a theme. I had asked about one **thing**, but had received an answer that referred to a totally **separate thing** instead.

It started coming: things weren't separate to her at all, not the way they were to me. Instead, all things acted within complex webs of **relationships**. Whatever happened with one thing rippled out to touch and affect all other things. If you talked about one, you were talking about all. And any point of reference would do.

It moved a little further. To her, the real essence of Creation lay in what was going on **between** things. That's where her attention went, to all the relationships that bind things together so strongly that a question about blueberries gets an answer about bears!

As I chewed that over, connections with the teachings I'd been given started revealing themselves. The plant-in-the-meadow teaching, for instance, where the well-educated aboriginal eye sees not the plant in isolation but the vast web of relationships connecting it with all the other things that make up the meadow: if you look at it that way, the meadow is, *in its essence*, less a collection of things than a complex of ever-modifying relationships.

If, that is, the eye learns to focus between, rather than on.

Relationships. I started kicking myself: didn't every sweat lodge end with everyone exclaiming "All My Relations", where relations included the earth, the sky, everything? How long had I known that, but never seen how central it was?

I began to see where the 'reverse hierarchy' of Creation came from. If your way-of-knowing focuses on relationships, it will be 'natural' to see that the relationships between human, animal, plant and earth/water aspects of Creation are fundamentally relationships of **dependency**, with us at the bottom, as the most dependent. If, however, your way-of-knowing focuses instead on separate things and their properties, human creatures will 'naturally' stand out as near the top, given our unique powers of communication, movement, tool-making and the like. And from that lofty vantage point it would only be 'natural' to put the deaf, dumb, stupid and immobile plant world right down at the bottom of the heap.

Relationships. The naming of the shell showed the same emphasis: it was the relationship between it, the person using it and the occasion of its use which shaped the way it would be called at any point in time. Change any part of the dynamic and the naming changes with it.

Looking between, amongst and around, not at.

When the Elder had pointed out the window to the bush as the source of law, it was not **things** he directed me towards, but **relationships**. What he saw, what his teachings helped him see, was a totality defined primarily by healthy, sustaining, *symbiotic* relationships between all the things out there. While bears need fish need frogs need insects need algae need water needs sunlight and so

forth, they are not so much **linear** chains of dependency as they are interwoven mutualities of such complexity that no one can truly 'know' what will happen if one element changes its contribution to - its relationship with - the mix. All we can say is that they are all **necessary** to each other, to us, and to the relationships which sustain us. In the language of the Elders, they are all sacred.

And the fundamental law to be discerned from aboriginal observation of the symbiotic dynamism of the natural order is not Darwin's entity-centered law of violent competition, but the Law of Respect. Each entity makes essential and unique contributions to the maintenance of a healthy whole. And every contribution, whether positive or negative, touches all. Within this vision, matter is little more than the medium through which patterned **forces** manifest themselves, and it is those patterned forces, not the matter they push around, which are the true essence of Creation. Aboriginal teachings suggest we direct the bulk of our attention towards those patterning forces if we wish to maintain ourselves - and our universe - in health.

Over time, as the teachings on my Indian Puzzles began to reveal the coherence of their underlying vision, the 'relational lens' began to take on increasing force, causing me to wonder what the world would look like if I learned to use it every day. Little did I suspect how substantial the changes would be!

### C. RE-DEFINING 'THE CRIME'

I recall a case where a young offender went into the home of a middle-aged couple while they were away, slipping through an unlocked patio door to steal a bottle of rum. In the offender's eyes, all he did was steal a bottle. As the court saw it, while he had indeed invaded their privacy, it was 'only' for a quick moment, involved no physical confrontation, and only resulted in a \$20 loss.

In speaking with the victims, however, it became clear that it was not just a minor property crime to them. Every noise in the night now caused them to bolt upright in bed. Their home was no longer a place of comfort and security, but a vulnerable place, open to threat.

When I applied the relational lens, I found a different way to articulate what had taken place: that crime had significantly injured their **relationship with their home**. Being relational in nature, that injury remained long after the property-centered case was declared 'closed'.

Questions began to emerge. When victims complain that the court has never really 'heard' them, is it because neither the court nor the offender have ever defined the crime in the same way that victims **experience** it, as causing an enduring injury to central relationships in their lives? Are victims even **able** to articulate their injury in that way, or has our 'thing-centered' way of looking at the world kept us from recognizing that what is truly injured by crime is our capacity for maintaining or creating healthy relationships?

Another case. A woman was walking down the street in her town when an angry, muttering stranger suddenly veered towards her, grabbed her purse and ran. She was not hurt, but she no longer felt safe on the streets of her own

community. She worried that every man coming her way might turn out to be another attacker. Under the relational lens, the real crime was against her **relationship with the streets of her neighborhood**. Seen in that way, it was not just a ten-second, once-only event, but something which would continue to infect her way-of-relating to her community long into the future. It is likely that the offender believed he had 'only' stolen a purse, and the court characterized it as a 'momentary threat' and a 'minor' property loss. It may even be that the victim, at the conscious level, shared that characterization, wondering what was wrong with **her** that her life seemed so dramatically changed by such a 'small' event.

But it is was sexual assault cases which really showed me the validity of the relational lens. I recall two women describing how their rapes many years earlier had changed everything in their lives. One said she still felt so dirty that, whenever her grandchildren crawled up on her lap, she had to shoo them away. Those children had no idea why their grandmother 'didn't want them', and she couldn't tell them. The real crime was against her capacity to engage in warm and embracing **relationships with other human beings**, even her own grandchildren. The other woman said that, after 14 years, the sight of her own body still repels her so strongly that whenever she goes into someone's bathroom, she opens the medicine cabinet and turns the mirror to the wall so she can't see her own reflection. Her rape had twisted and poisoned her **relationship with her own body**. "Maybe", she wondered aloud, "that's why I stay so fat, take such poor care of my body, because I can't stand living in it."

I also remember the words of a man who had been sexually abused as a child many years earlier: "For me, it's finished 24 years now, and it still haunts me, every day. This morning when I woke up, my wife there kissed me and says 'You know, I love you.' I just turned around and said 'I don't know what love is', because I don't trust no one." His capacity for warm, reciprocal and trusting relationships had been extensively damaged, carrying the impact of that crime far into the future, affecting the lives of all who dealt with him, especially those who wanted to love him the most.

Those kinds of experiences have caused me to start **defining** crimes differently, as events which have immediate and enduring impacts on every victim's ability to maintain - or develop - healthy relationships, whether with their towns, their neighborhoods, their homes, their friends, their loved ones, their bodies, their sense-of-self, or any combination of those essential aspects of a healthy life.

An Inuit grandmother expressed this perspective very succinctly during a sentencing where the offender had sexually touched her granddaughter while he was a visitor in their small Nunavut community, once in the church while she was playing piano, and once in the school while she was working on a shop project. What she told the sentencing court in Kenora (via video link-up with Nunavut) was this:

“We have to help her try and rebuild the trust that he destroyed: the trust that she had in the church, the trust that she had in the school system, and the trust that she had with adults”

Interestingly, she also spoke about how sorry she now was for the offender. Her community had seen that he had been given a very special gift, the ability to relate well with children, and they had valued his help in counseling suicidal youngsters. However, he had “abused his gift” by what he had done, and now the court was going to forbid him from being able to use it in the future, because he would not be allowed to be alone with children. That, she told us, was what happens when you don’t respect the gifts you are given.

Once I began to wear the relational lens more frequently, and to think of crimes as primarily **relational** events, I found myself reviewing some of the fundamental tenets of the criminal justice system - and discovering that they weren't nearly as sophisticated as I had always thought!

#### D. 'JUSTICE' WITHIN THE RELATIONAL PARADIGM

For one thing, our system shows an almost fanatical determination to focus on acts alone. It is particular acts that must be carefully alleged, then proven in court 'beyond a reasonable doubt'. Those same acts then largely determine the court’s response, because we believe that 'the punishment must fit the crime'. I recall doing a full-day trial where there was no disagreement about who injured whom, why, and exactly what the injury was. The only issue was whether the injury was serious enough to convict him for 'assault causing bodily harm', or just for plain assault. The choice of label would then tell us what kind of sentence we'd impose - even though it added not a single piece of information!

In aboriginal approaches, the act is seen primarily as a signal of disharmonies within the offender's relational life, disharmonies which must be addressed if there is any hope of preventing further criminal behavior. Once the act is understood, the spotlight shines elsewhere.

The criminal justice system also seems to believe that it can deal effectively with offenders strictly as **individuals**, for they stand alone in the prisoner’s box, whether at trial or at sentencing. It also seems to believe that individuals can simply **choose** to alter their behavior. We threaten people with punishment in the belief that our threats will force them to make better choices. We regularly ship troubled youngsters off to treatment facilities, for instance, hoping that a few more skills will enable them to make better choices. When they go right back to making poor choices within days of returning home, we scratch our heads and wonder: did they just get *poor* treatment, or not *enough* treatment – or is this just a truly *bad* kid?

The relational analysis, by contrast, begins with the proposition that the tide of dysfunctional relations swirling around individuals is, in many cases, simply too powerful to resist, no matter how skilled and determined an individual

person (especially a youngster!) might be. If progress is to be made, then all of those relationships must be brought into the process so that everyone can see the need to make better choices, and be given help in making them **together**. To reach back to the Indian Puzzles Shelf, if a plant in the meadow is ill, then the eye must turn to all of the relationships which sustained it before and which are less than sustaining now.

It was a Cree grandmother from northern Quebec who really showed me the power of this relational lens. We were talking about family violence, and she was concerned about our insistence on taking abusive men out to jail. "We know you do this to protect the women and children," she told me, "but to protect us in your way, you would have to keep them there forever. Since you don't, we'd like to try our way instead." When I asked what her way was, she said something along the following lines: "In our understanding, anyone who can act in these ways towards others has somehow learned, perhaps while growing up, that relationships are things based on values like anger, power, fear, jealousy and so on." She then asked what values relationships were built on inside our jails; I took it as a rhetorical question. She then expressed her fear that going to jail might make it even harder for her community to teach those men, when they came back, how live in relationships built on values like trust, openness, respect and sharing instead.

I wish I could tell you how many times such simply-stated observations by aboriginal people (especially the grandmothers!) have shaken my professional convictions to the very core.

For the first time, I had an explanation for why so many people who were abused as children grow up to abuse children themselves; I could never understand how someone who knew first-hand the pain of being a helpless victim could grow up to inflict exactly the same pain on others. Under the relational lens, they were simply operating within the same kind of relationship they knew from their childhood, the **only** kind of relationship they knew of, a relationship based on manipulation, fear, lies and using others for self-gratification. The only difference was that they now held the position of **power** in that relationship.

It also helped me understand why so many of the offenders exposed to powerful healing programs were ultimately moved into a stage of explosive remorse: they had never forgotten the pain of their own victimization. In fact, it seems that a part of them recalled that childhood pain even as they victimized others, giving rise to intense guilt and self-loathing. Not knowing how to relate in any **other** ways, however, meant that they'd abuse again, and that their guilt and self-loathing would grow exponentially.

Finally, the relational lens has drawn me towards a strange sort of proposition: perhaps the thing we feel as 'justice' is not really about 'stuff' at all, whether it is the criminal act, the physical loss or injury, the work done or dollars paid in compensation, or even the years served in jail in an attempt to somehow atone for what was done. If our lives are made precious by the relationships which nourish us, and if crime is understood as a disruption of those

relationships, it may be that justice involves not only deterrence and community protection but also three **relational** goals:

- (1) having offenders come to understand, on an emotional level, the relational infections which their crimes have created in others;
- (2) examining the relational disharmonies in the offender's life which spawned the crime, and working towards different ways of relating so as to reduce the likelihood of its repetition; and
- (3) searching for ways to move both parties out of the relational disfigurement that has bound them together from the moment of the crime.

I will start with the third, a proposition I never considered until recently: **each and every crime establishes an immediate, intense and unique relationship between the victim and the offender , an imprisoning relationship which will seldom alter of its own accord.**

## E. THE VICTIM-OFFENDER RELATIONSHIP

I am just beginning to gain some sense of how unique the victim-offender relationship really is; I freely confess that I would have remained completely in the dark had I not been exposed to a number of different processes in which victims and offenders came face-to-face in non-court settings to explore all the issues between them.

First, it is a relationship which one party **imposes** on the other, against their will.

Second, its imposition is, most often, a complete surprise, coming in one shocking instant that was never anticipated. Even long-term grooming by sexual predators involves, at the moment of abuse, an instant change in the relationship the victim **believed** they had.

Third, crime-based relationships are **always** premised on violence or the threat of violence, and every dimension of them is colored by that threat.

Fourth, relationships established by crime are not organic, developing entities which modify over time. Instead, for the simple reason that victims and offenders rarely communicate except across a courtroom in silent, hostile stares, they are virtually frozen at the moment of violation. Unless significant, intentional effort is directed at changing that relationship, both offenders and victims will remain **locked** in it, with all of the violence, confusion, fear and mystery that it initially aroused.

Fifth, unlike other relationships, the parties who have become so powerfully linked to each other often have almost no idea who it is they are linked **to!** Even when victims have known the person who suddenly offends against them, the sudden emergence of violence prompts the conclusion that they didn't **really** know the person they thought was their friend. The question haunting most victims is: "Who **are** you, that you could do such a thing to me?". Unless they are given a chance to gain answers to that question, the likelihood of their achieving

a gradual return to open and trusting relationships with others seems greatly diminished.

One dramatic case illustrates most of those propositions. It involved a young woman working at an all-night gas bar who suddenly found herself confronted by a drunken man barging in, threatening her, demanding cigarettes. She managed to sound the alarm and he was caught as he fled. The whole episode lasted only a minute or so, but his angry, threatening face made an indelible impression of midnight menace. She could no longer work at night, because every man who came through the door represented, for the first instant, his return. In fact, being **anywhere** alone at night was now a threatening experience. Her mother now constantly demanded to know where she was going, who she'd be with, where she'd park and so forth; despite never having seen the man herself, her secondary terror was so great that it was becoming a major burden on both of them. One crime, with no physical injuries, lasting no more than a minute, had severely impaired not only the young woman's relationship with her workplace and her city at night, but also their mother-daughter relationship.

Fortunately for both of them, they were given the chance to ask the "Who are you?" question - and many others - during a lengthy sentencing circle. They learned that the offender, despite sporadic acts of random, drunken violence and theft (for which he'd been imprisoned many times) was also a man who, during lengthy sober periods, had held good jobs in journalism. By the end of the circle, their fear had been so dissipated that they agreed that he perform substantial community service work **with them**, at the very gas bar he robbed, after he finished the jail sentence his criminal record required. Several months later, the victim appeared on an R.C.M.P. videotape to describe how important it had been for her, her mother, and the relationship between them, that she had faced him in the circle. Only then could she start to let go of the nightmare vision created by her first encounter with him.

As a side-note, having the offender's friends and families in the circle often helps victims see that the offender too lives within human relationships. Family members often have powerful stories of their own struggles with the offender's deteriorating behavior, and feel significant remorse for the harm done. When they put that human face on the offender's life, they contribute a great deal to helping victims see that their assailant was a real (though troubled) human being, not a creature of nightmare.

When the victim has never **seen** the offender, the "Who are you?" question is even more central. The teenager dashing through the patio doors to steal the bottle of rum is a good illustration. The victims couldn't put either a face or a body to the image they had of an intruder violating the sanctity of their home. Naturally, they imagined the worst. While they seemed somewhat relieved to hear that he was not a serial rapist, but a high school student with no criminal record who had spotted the bottle on his way to a party and given in to the impulse to steal it, the fear of the unknown remained. Even when they came to court to see him, to hear his lawyer describe his life, the unease remained. What

they really needed was a chance to ask him the questions that I know were left unresolved, and to gauge, **for themselves**, the truth and sincerity of his answers: "Were you stoned? Angry? Was there some other reason you came in? How long were you inside? Did you look into other rooms? Into cabinets? Into drawers? Did you touch the knitting I'd left on the couch? Drink the water that was on the counter? What would you have done if we'd been in the living room? If we'd screamed? Or come after you?"

In every victim-offender encounter I've observed, there have been a host of "Who Are You?" questions that **only** the offender can answer. Many of them are not even consciously known to victims in advance, and don't emerge until the encounter is well under way. If they don't emerge, however, they never truly fade away.

I once heard Robert Yazzie, Chief Justice of the Navajo Tribal Court, say that the most important piece of paper in traditional Navajo Peacemaking was... the Kleenex! As he explained it: "Until I know how you feel, and you know how I feel, we'll never move *beyond* those feelings." The comparison with my own justice system is startling: as soon as a victim or a witness starts to cry, the court takes a recess to let everyone 'collect themselves' so we can then get 'back to business'. In relation-centered processes, hurt **is** the business.

I am happy to report that successful victim-offender encounters **can** significantly alter the victim's sense of relationship with the offender. The image of the remorseless criminal psychopath may be substantially replaced by the sight of a feeling human being, unbridled fear may be substantially replaced by realistic assessments of risk, and the power imbalance of the initial victimization may be substantially supplanted by a safe encounter between relative equals. Miracles are unlikely, and it may take many encounters over a lengthy period of time to achieve deep alteration if the crimes were deeply wounding, but the alternative - doing nothing whatever to alter the crime-inspired relationship - amounts to a virtual guarantee that victims will **remain** mired, often forever, in the relational disfigurements created by their victimization.

One particular case struck me very powerfully in this regard. It involved a young drug addict who supported his habit by breaking into houses and stealing things he could fence for cash. He was stoned on one of those break and enters, using a candle to light his way, and ended up setting fire to a house, killing a woman and one of her two daughters. The surviving daughter not only lost her mother and sister but was also robbed of her childhood and her opportunities for higher education, for she had to take over all the household duties. He was convicted and sentenced to 10 years in jail. In a process too lengthy to detail here, she participated in a series of letter exchanges with him, then videos, then face-to-face encounters. It changed her life to such a degree that she now joins him in making presentations to public groups about what those encounters have meant for both of them. She speaks about the hatred and fear she carried for so long, and the gradual release that came as they slowly moved into full exploration of the issues between them. They both needed those encounters because the crime was still ragingly alive between the two of them, imprisoning them in separate, but intimately intertwined, ways. It is her conviction that she

would never have been able to move into a 'normal' life had she not been given the chance to communicate with him as she did.

Those encounters also affected **him** deeply. Because she was willing to face him, speak to him and listen to him, he felt an immense obligation to prove her investment worthwhile. As hard as it is, he frequently accompanies her to those public presentations, stands in front of many strangers, acknowledges over and over the horrible crime he committed, and speaks about how powerful and painful - but ultimately freeing - it was to have to face her.

It took me many years to finally see it, but almost every victim has another question as well, one which **only** the offender can answer. I noticed it first in sexual assault cases, where victims frequently spoke about a lingering feeling of personal guilt, a deep-seated worry that perhaps, in some way they didn't understand, they might have **contributed** to their own victimization. It seems to exist whether it is a rape by a stranger or sexual abuse by a once-trusted adult. It continues long after the crime itself, and is expressed in many ways: "I wondered what was wrong with me, that he would pick me"; "I should have seen it coming"; "I can't believe I didn't do more to stop it". Most often, it simply comes out as a simple "Why me?"

And it's not just sexual assault cases which prompt such worries. Victims of all varieties of crime routinely ask "Why did you pick me? Was it something I did wrong? Was it something I didn't do right?" Those questions emerge even in property crimes: "Did you steal my gas can because of where I left it?"; "Did you break my windows because of something I did to you, or represented to you?" ; "Did you chose my house because that hedge I put in last summer gave you a place to hide?". I sense that it's more than a desire to know if there's something they might do to make sure it never happens again, that it springs from a deep-seated fear that there's something inside each of us that **deserves** to be treated in such a way.

Whatever the source, one thing does seem clear: most offenders are surprised to hear victims ask that question. Many seem startled that their victims would even **think** they were somehow responsible. When offenders show their surprise, and then answer that their selection had either been completely random ("I just picked the first woman walking alone who came around that corner") or based on criteria that had nothing to do with them as a person ("I dunno, you just had short hair, that's all "), the flood of relief is almost instantaneous. It is as though a thousand therapists could tell a victim "It was not your fault, you did nothing wrong" and it would not create a fraction of the release that comes from a single look of befuddlement on the face of their offender.

Another area of victim concern has to do with the **future** of their relationship with the offender: "Is there any chance he'll come after me again?" Victims gain very little comfort simply hearing the defense lawyer talk about the offender's remorse; they need the chance to gauge it for themselves. Some victims come right out and demand "Do I have any reason to fear you now?". Others come at it less directly, asking things like "When it was over, what did you

think then? What are you thinking now about what you did?" or "Now that you've heard how your crime has affected me, has it changed the way you think about what you did?"

Surprisingly, it's not even the **degree** of risk that seems central, but the fact that victims are given a meaningful opportunity to come to their **own** assessment. It is, after all, **their** relationship, not the court's. If they assess it to be small, the relief is immense. Even when they conclude that a risk does remain, however, it is at least a known risk, one they can respond to, rather than an unknown risk haunting the edges of every day.

Crimes which cause death create even more intimate - and confounding - relationships. Surviving friends and family of the victim most frequently have no idea whatever about the events that lead to the death, what kind of person would cause it, what risks they face themselves - or how they should picture the last hours of the person they lost.

I recall a case involving the kidnap, rape and murder of a teenage girl. The father, mother and surviving sister sat through the trial, but it only gave them evidence tying the two accused to the crime. They still had no real sense of the full sequence of events that night, because neither accused spoke. The offenders were convicted and jailed for life, but as time went by the surviving family members, especially the father, found that their questions grew. Who did what to her? In what order? What did she say or do? Did she suffer a long time, or was it over quickly? What was the role of each accused? Did either of them try to resist what the other was doing? Did either of them show any humanity towards their daughter at all, or did they just revel in their torture? The father set up a series of jailhouse meetings with one of her killers and began to ask those questions. When I asked him if he could explain why he felt such a need to know each horrible detail, he answered without hesitation: "No truth", he told me, "could be worse than my imagination". While he had some chance of psychologically dealing with a known reality, no matter how horrible it was, he could never deal with a black hole. His series of in-prison meetings ultimately gave him enough apparently reliable detail that he could begin to 'move on' psychologically.

I encountered a similar dynamic in a case where one drunken young man rolled his car and killed his passenger, a close friend. The parents of the youngster who was killed needed to know about their son's last hours, where he was, what he was thinking and feeling, how the accident unfolded, exactly what the injuries were and how the driver reacted. They couldn't get those answers out of the courtroom, because the accused chose not to talk. As a result, they were left with an accumulation of unanswered questions that significantly impaired their search for a way to 'store' their tragedy and begin returning to their lives.

I don't mean to suggest that every victim or survivor wants to know every detail. I have had victims who emphatically wanted **not** to know each detail, at least at the time of trial or sentencing. As I became more alert to the possibility that learning more about either the offender or the crime itself might be an important part of victim recovery, however, I have broached the subject more frequently with victims, and a substantial number acknowledge a wish to know.

Many seemed embarrassed to admit it, perhaps worried that we'd think of it as only morbid curiosity. Others found that their need to know didn't even show itself until long after the case was over, when they realized that they were not 'dealing with it' very successfully.

## F. THE VICTIM'S RELATIONAL DISFIGUREMENT

I earlier mentioned the apparent need of many victims to tell their offenders directly about the impact of the crime. No lawyers please, no careful words to sugar-coat the message, just "Here is how your act has changed the way I relate to everything around me! Now, how am I supposed to get out of this, because I HATE being this way!"

At first, I believed that victims said such things simply out of a desire to 'hurt back', to make their abuser squirm under their anger. In some cases that may be the full explanation, but for many others there's another need, the need to make the offender **understand** what they've done. It is a message which becomes doubly powerful if friends and family of the victims join the circle, telling the offender about their own observations of change: "She used to always play after school, but now she just goes to her room"; "He wakes up every morning at 4 a.m., and I find him sitting alone in the dark"; "She doesn't even feed her dog any more". I've often heard victims complain "There's no justice here" and then add as their explanation "He has no idea what he did to us." It's as if they need to say "You imposed this relationship on me, and you need to know what it feels like from this end."

The case of the teenager who had been kidnapped, raped and murdered illustrates the dynamic. The father needed to tell that man what it **felt** like, morning after morning, to come down to the breakfast table and see that his daughter was not there. His surviving daughter needed the same (though to a lesser degree), to tell him about the huge hole in her world, now and forever, caused by the loss of her sister. It took many visits, many challenges to the killer's evasions, denials and minimizations, but one day they got through to him far enough that a tear formed in the corner of his eye. As I listened to them explain the process, my sense of what justice meant to them began to change. It did not seem to come primarily from the life-sentence which the courts imposed, although that was no doubt important. It emerged only after they had swamped him with so many stories of loss and deprivation that his hard face cracked and they knew he finally 'understood' what he had done, on the emotional level, where it really counted.

There are clearly categories of offenders where such encounters would be entirely inappropriate or even dangerous. I think here of offenders who are psychopaths with no **capacity** for empathy, or sadists who would take **joy** in learning how deeply they have hurt. It must be recognized, however, that those categories of offenders are rarities in the criminal justice system.

There are also categories of **crime** where bringing offenders together with their victims may never be appropriate, or appropriate only after lengthy but **separate** healing processes have been attempted.

I am thinking here especially of sexual assault and sustained domestic violence, where imbalances of power and levels of fear are likely to be extreme. In both domestic violence and sexual crimes between people known to each other, the issue is not just the imposition of an unwanted relationship but the betrayal of an existing one. Betrayals prompt such profound feelings of personal loss and menace that many victims recoil in horror at the thought of even seeing their abuser again, much less engaging him or her in conversation. I am familiar with some programs dealing successfully with the sexual abuse of children by family members, and they know from the outset that it may **never** be safe to bring those parties face to face.

If the abuse has been regular, the relationship may well be **defined** by its imbalance of power, and any encounter hastily arranged will only be a further manifestation of that imbalance. Offenders will continue their manipulation through abject apology, and victims will do exactly what they are conditioned to do, by appearing to accept that apology. Victims will seldom feel safe enough to even ask questions, much less articulate their pain; after all, telling their abuser how he has inflicted pain in the past is tantamount to detailing how pain can be inflicted in the future. Besides, many victims have not even admitted their traumatization to themselves, so conditioned are they to just 'carrying on'. In those kinds of cases, a great deal of individual work must take place with each of the parties so that each can learn how to move confidently within relationships based on openness, courage, generosity, listening and trust rather than the anger, fear, subterfuge, jealousy, manipulation and violence they have known.

That does not, however, mean that nothing can be done to initiate offender learning where abuse has been longstanding. I have seen several instances where an offender was brought together with a group of recovering victims of the same **kind** of crime. In some ways, these encounters with 'surrogate victims' may be the most powerful way to begin. Surrogate victims are often able to provide excruciating detail about how their lives have been affected, perhaps because they are not facing their own assailant. At the same time, it seems easier for offenders to **listen** to such detail when it comes from strangers, to let it penetrate, perhaps because it is not their crime being discussed. When it does finally sink in that their crime must have caused almost identical damage, however, the impact is often significant - and the manifestation of an empathetic reaction is often sudden and extreme.

And there's my segue into the other aspect of the victim-offender relationship: the needs of the offender.

## **F. OFFENDERS AND JUSTICE IN THE RELATIONAL WORLD**

My experience with offenders strongly suggests that the vast majority have very little understanding of the true relational impact of what they have

done. The youngster who thinks he 'only' ran into a house and stole a bottle of rum seems genuinely shocked to discover how fearful the householders have become, how they wake up sweating with every strange sound in the night. The purse snatcher who 'only' pushed his victim to the side and ran away seems stunned to hear that she is now too frightened to go anywhere alone, that she now looks at every strange man approaching her as a possible attacker.

In fact, most offenders seem to start with the proposition that the victim is making a mountain out of a molehill. It is my present view that, until they are forcefully shown the relational damage they have done, they will continue to minimize their behavior and resist any demands for significant change. They need to hear **directly** from everyone who was touched by the crime, including their own family and friends, without time limits and without glossing over the pain. Unlike the court setting where the focus is on facts and events, such encounters aim the spotlight at the emotional, psychological and even spiritual damage suffered by everyone touched by the crime.

My 19 years as a prosecutor tells me that the vast majority of offenders, while they do not understand what they have done, do not lack the **capacity** for empathic connection to others. True psychopaths and sadists are numerically rare in the criminal justice system, but it is sadly common to find people who have learned to tightly control - or even wholly deny themselves - any openness to the pain of others. Perhaps they simply felt too much of their own at some time, and taught themselves to shut down.

I was told of a case where a 'hardened' young offender met with an elderly woman whose car he had stolen. She told him that her husband had just died, that he had always done all of the driving, that now she had to do it on her own and had bought a special red car with the almost all of the cash proceeds of his estate. None of that seemed to penetrate very far. Then she asked why his father wasn't at the conference, he answered that he hadn't been a big part of his life and, besides, he'd died a few weeks earlier. She looked at him and said "So, you **know** what loss is, don't you". That incorporation of **his** loss, paralleling hers, brought tears to his eyes, and in that instant an empathic connection was established between them. They went on to both do special things for each other during his custody and, at least in the context of his dealings with her, the 'tough guy' had melted away. You have to start somewhere!

One of the keys for both parties in victim-offender exploration thus seems to involve getting to the point where they recognize that they are capable of feeling the **same** things. Perhaps its paradoxical, but that seems to occur most frequently when victims provide the most heart-wrenching and fulsome portrayal of their pain. The Cree grandmother would probably think it terribly obvious, but it's a relatively new thought for me: most offenders probably have experiences of victimization in their lives that are remarkably similar, at least in the **emotional** dimension, to what they have just caused the victim to feel. When they are prompted to **recall** their own pain, humiliation or fear, when their 'tough guy' exterior cracks and breaks in ways we never see in the courtroom, they have taken the first critical step towards re-claiming the capacity for empathic connection. I have seen offenders **overwhelmed** by a flood of their own

suddenly-revealed confusions, sorrows and honest regrets. When that happens, it's as if a huge burden has been lifted: the burden of insisting to the world at large that they do not care, do not feel, do not need.

The sad reality is that most of the non-psychopath offenders I have encountered only adopted that stance, that fundamental lie, because they could no longer bear the pain of continuing to feel, need and care when their only rewards were abuse, neglect and denigration. I don't know how many times I've gotten reports on sexual offenders which described horrendous, daily violence between their parents as they were growing up: the image I was most frequently given was of little children huddling together in dark closets, hearing the thuds and screams and curses just beyond the door, each of them plugging their ears to keep those sounds of horror from getting any deeper inside. It is that image which explains to me how so many offenders may be somewhat empathic when it comes to laughter, **highly** empathic when it comes to fear, and apparently without any awareness at all of another's pain. They had lots of practice growing up. But it is nothing short of heartbreaking to witness an offender slowly brought to an uncontrolled sobbing which implicitly declares "I have felt precisely what I have caused you to feel, and I hate myself so deeply for doing this."

And, when victims see them showing that heartfelt understanding of what they've done, it often gives them a sudden and substantial release from their **own** pain; some have told me that they wished no further role in the court's sentencing, because they'd already gotten what they really needed.

Accountability within the relational paradigm, then, does not seem to come from the same place as accountability in the criminal justice system. It does not rely on the imposition of proportional penalties regardless of offender understanding or remorse. In the relational world, if accountability is attained, it is **emotional** accountability premised on deep and often life-changing remorse, itself marking the achievement of a healthy connection between victim and offender. Descartes proposed "I think, therefore I am", but neither crime nor healing seem to take place within our cognitive realm; for many people, victims and offenders alike, the better description of their reality may be "we hurt, therefore we pretend not to feel".

Offenders often report that facing their victims in such processes seemed to free them in some way, so that they too could move forward in their lives. Having met their own (or even surrogate) victims face-to-face, having listened to everything they wished to say, having had the chance to express and demonstrate regret - all of these were seen in retrospect as enabling in some important way. I think especially of the man who burned down the house causing two deaths, and his intense wish to 'do well' by the surviving young woman who had agreed to meet him and work with him as a man, not a monster.

And that takes us to the next step after accountability: healing. How does the relational lens shed new light on that challenge?

## **G. VICTIMS, OFFENDERS AND HEALING IN THE RELATIONAL WORLD**

The Cree grandmother, when she looked at domestic violence, saw not separated offenders and victims but the relationships which ensnared them. She didn't try to describe a particular man or woman, to put labels on anyone, to classify them as this-or-that *kind* of person. She looked instead for what it was in their way-of-relating that made them less than they otherwise might be. The question she asked was not "How can we change him or her?" but "How can we change the ways in which they **relate**".

Aboriginal people often speak about the need for 'non-blaming' justice processes. For the longest time, that seemed self-contradictory: wasn't that the central task of anyone's justice system, to allocate blame, to hold people responsible for their blameworthy acts? As I have come to understand it, while relational justice processes should aim at making offenders fully aware of the harm they have caused and fully committed to never repeating their crimes, they must avoid any temptation to blame the accused as a bad **person**. The duty is precisely the opposite: to convince offenders that they too have the capacity to engage in healthy relationships which bring only good to others. Most aboriginal healing programs intentionally refuse to use terms like 'the offender' or 'the victim', preferring instead to speak of 'people who have caused pain' and 'people who have been hurt', emphasizing that we are **more** than what we have done or what has been done to us.

There is a fundamental aboriginal perspective at work here which needs brief mention. The goal of healing is to achieve relationships **entirely** structured on values like respect, trust, sharing, caring, courage, humility and love. It is understood that no one ever achieves that perfection; instead, we are all on a journey **towards** that mythical state. Some of us start our journeys blessed with healthy experiences, skills, freedom from addictions and so on. Others are not so fortunate, starting their journey encumbered by fear, loneliness, anger and the like. We are all, however, on the **same** journey, and we can all learn and move and progress. Within that understanding, it is simply not accurate to say things like "I am well, you are ill"; the distinction between healer and patient loses its force, as do the boundaries between them. The sense that 'we are all on this journey together' seems to characterize most interactions - and gives offenders the critical message that they are not some lower order of humanity destined never to rise above their sins.

The healing question then becomes: what will help this person, whether victim or offender, move further towards health than they have been able to go thus far? At this stage in my exposure to aboriginal processes, I think I've seen a focus on four goals:

- (1) convincing people that they are **not alone** in all of the discouraging, negative things they presently feel;
- (2) giving people the **faith** that they too can ultimately move into relationships centered on positive values like trust, respect, openness and the like;
- (3) giving people the **experience** of operating within relationships centered upon those values; and

- (4) giving the **group within which the person lives** the experience of, and the skills needed for, turning the group relationships in healthier directions

Some illustrations are in order.

I remember, for instance, a victim's healing circle dealing with sexual abuse. Most of the healing team were themselves survivors of sexual abuse, each of them at different stages of their own healing. As in all such circles, everyone has an opportunity to speak to whatever particular issue is before the circle, in turn, as the feather is passed. They can speak as long as they wish, or not at all, for all are equals, with complete freedom to choose their own level of participation. The issue for that 'go-round' was how people felt about their own bodies after sexual abuse. That is when I heard those two women speak about still feeling so dirty that they turned the mirror to the wall or pushed their grandchildren off their knees.

As I listened to a full circle of women telling personal stories like that, I watched the victim. She began the circle curled into a huddled ball, her legs crossed and tucked, her fingers and wrists balled, her shoulders hunched, her head down. She looked to be barely breathing. As the others spoke, a very gradual transformation took place. It was as if she was exhaling for the first time in decades, breathing out, then in, stretching and straightening the smallest degree, taking the first tentative steps towards joining the others in the room instead of trying desperately to be as small and invisible as possible. She did not speak about her own abuse on that first occasion, but simply expressed her thanks for being included in the circle to hear the others speak.

As I later came to realize, a host of important healing steps were just beginning to occur with her. I suspect that most offenders, themselves products of the abuse they suffered at the hands of others, would experience similar reactions.

First, the stories which others told began the essential, but lengthy, process of helping her to believe that she was not a **freak** for feeling everything she felt. They too had once felt all those dirty, lonely, fearful things. She desperately needed to hear that, described in words and tones that resonated with all the secret screams and wails inside her. She needed to feel the 'normalcy' of her responses, as extreme and disturbing as they may have been. Obviously, it would take much more than one circle for that message to be fully believed, but it was a beginning.

Second, that circle, comprised of those women speaking so openly about their own days of abuse and fear, was a **safe** place, a place in which she could, when she was ready, say anything she wanted. The sad truth is that many victims and offenders alike have learned to deny, even to themselves, the full extent of their pain. To do otherwise, to reveal it to others, had too often resulted in those people turning against them, using their vulnerability as a weapon. In relational terms, they had learned to be closed, secretive and suspicious, for those were the lessons of their pain. In the circle, however, they are given the

**experience** of relationships founded on respect, openness, candor, trust and caring, for that is how the healers relate to each other.

In that connection, I remember once remarking, after an offender's circle had been completed and he'd gone on his way, about how 'full of good feeling' the circle seemed to be, even when the offence had been one of serious sexual abuse of a child. Everyone looked at me quizzically, then opened a discussion which I now see contained the following propositions: How can you bring about openness if you are closed yourself? How can you bring about respect if you show disrespect? Caring if you punish? Trust if you ambush? Faith if you condemn?". In their view, the values you hope to teach must be the values demonstrated in the process itself.

I shudder to think of the values I regularly demonstrate during the course of a criminal trial!

Third, the stories in the circle stood as a demonstration of the **potential** of the healing process, for every person there had begun where that victim now sat. Their behavior in the circle, the kinds of relationships they now manifested between themselves within the circle, demonstrated that they had been able to move, however slowly, into **new** ways of thinking, believing, feeling and relating. If they could do it, it was indeed possible. I suspect that many victims and offenders alike have come to the conclusion that, no matter how **other** people might live, their world will always be mean, selfish, violent and ... sad.

I also suspect that no one can simply tell them that it could be different; they have to feel it to believe it.

Fourth, every person's story made it clear that every individual had found their **own** way out of their pain, their **own** helpers, and their **own** pace. No one had the wisdom to tell another what they should and shouldn't do. Their stories were offered as encouragement and illustration, not instruction. What seemed critical about that message was its implicit statement that each of us, victim and offender alike, is **competent** to reconfigure our own life. It is a message that stands in stark contrast to the central message implicit in violence, whether physical, mental or emotional: that the victim is powerless, worthless and somehow **deserving** of the abuse. Again, I suspect that a therapist could insist on that competence a thousand times, and it would mean very little compared to hearing the same message from people who had been exactly where you were, and once believed, like you, that they'd be mired there forever.

Some of the healing circles I visited incorporated people who had themselves offended in the past but who had moved far enough in their healing journey to now render assistance. They are seen as especially valuable in the rehabilitation of other offenders, not just for the empathy they bring, but for two other attributes as well. First, they are often quicker than everyone else to see how offenders are minimizing their crimes, hiding from their impacts, offering hollow justifications or excuses, blaming others for the choices they had made. After all, they once used all those strategies themselves; they are thus able to insist, in ways that others cannot, that they be shed. Secondly, their experience of the pain involved in having those defensive strategies slowly stripped away during healing gives them extraordinary patience; while they insist that progress

always be made, they know how excruciating it is to finally acknowledge, especially to yourself, that there was no justification whatever for all the pain you'd brought to others, that the responsibility was solely yours.

At the same time, the fact that they once sat where the offender now sits, but have since earned a place as a respected and valued healer in the community, stands as a powerful motivator in itself, for it declares that it is indeed **possible** to put the crime behind you in the eyes of the community.

What seems essential, then, is that the circle be primarily comprised of people who have 'been there' in their own lives. They may be guided in the way they speak by a professional circle leader who organizes the themes and maintains process safety, but it is **their** stories which seem to be the magic ingredient. Those real, human, emotion-centered recitations are what convince people that they are not alone in how they presently feel, that they too can build a life of better feeling for themselves and everyone around them.

And it goes without saying that providing the experience of healthy group relations requires the presence of a healthy group. I often wonder about the kinds of relations operating within offender-dominated groups, and how difficult it must be to move them all at once out of the unhealthy ways-of-relating which have defined their lives thus far.

But the healing story doesn't end there. There is one more ingredient that is seen as essential in the most effective programs: bringing the family and friends of the victim or offender into the healing process so they can all create their own relational healing program together. Not surprisingly, this strategy is also a necessary manifestation of traditional teachings about the nature of Creation and our roles within it!

In my travels, I heard that many aboriginal cultures refer to Creation by a longer phrase which is often interpreted as The Great Mystery. While I liked the humility of that thought, I originally thought it a little over-drawn: even if we didn't yet have the entire universe studied, dissected, chronicled, mapped and named, I could imagine, especially with computerization, getting to that point some day. At least, that's what I thought when I saw the universe primarily as a collection of **things**.

Then I was given the plant-in-the-meadow teaching, and all the others that illuminated it, and I began to contemplate the meadow not as a collection of things but of ever-modifying relationships. At that point my expectation of ultimate 'knowability' began to break down. While the meadow might have only a thousand 'knowable' things in it, it had 1000 x 1000 relationships, all of which were in constant flux at any instant of the day, week, season, year and century. In what sense could that dimension of the universe be 'known' by mankind? Could it ever be known well enough to grant us accurate prediction? Or predictable intervention? Or would we always find there were dimensions we had never contemplated?

It is this base perspective that seems to prompt the determination to bring entire **groups** of people into certain stages of the healing process, whether friends and family of victims or friends and family of offenders. If there are

problems in the ways-of-relating within the group, then the group itself is the only body that can ultimately design its own **better** ways of relating. Western teachings, by contrast, suggest that solutions are best found by professional experts like judges, lawyers, probation officers, psychiatrists and so forth, all of whom should come as disinterested strangers to each case. Collectively, they are expected to create (and, in the case of the courts, actually *impose*) their solutions on others, whether they support them or not. My Alice-In-Justice-Land brain can't help but ask how forced reliance on professionals promotes either a sense of responsibility or the development of problem-solving skills, but that's what we seem to do!

In the relational vision, the role of the professional is paradigmatically different. It involves creating and regulating respectful processes in which all of the parties to the unhealthy relationships can come together in open but non-blaming ways. It involves helping them confront and discharge incapacitating emotions like alienation, grief, anger, guilt, shame, fear and the like. It involves guiding all of them into using their newfound knowledge of the relational problems – and potentials! - that surround them to propose workable changes in how they deal with each other. And it involves making sure that the processes employed give each of them the beginning **experience** of relating in trusting, generous, open, humble and respectful ways. The hope is that they will thus become the authors of their own recovery with respect to that particular problem, and establish relations that will help them avoid, minimize or respond effectively to any new problems that come along later.

Family groups bring something unique to rehabilitative processes: a joint exploration of the family dynamics which spawned the criminal behavior. Aboriginal healers look with wonder upon processes where the offender gets to present fundamentally unchallenged descriptions of what he did, what was done to him and how all the rest of the world feels about him. Don't we all know that, even in healthy families, siblings will remember common events in very different ways, having taken very different meanings from them? And isn't it part of the empathy-growing curve to learn to pay **attention** to how others are experiencing our times together, expecting those experiences to frequently be different?

Similarly, family groups of **victims** make powerful contributions. They bring not only their heartfelt sympathy and offers of assistance, but something equally important: their own observations about how the victim is sliding into less healthy ways of relating to the world around them. Victims often seem surprised to know how much their friends and family feel they've withdrawn into silence and separation, and family members need to speak of how powerless they feel to draw them out again. Every victim, and every victim's family and friends, will have evolved unique sets of relationships before the crime, multi-faceted relationships of such complexity that it seems unreasonable to expect that a professional outsider, no matter how expert and experienced, will be able to understand them, much less manipulate them with predictability. It is the group itself which must explore its own strengths and weaknesses, then volunteer its own multi-dimensional responses to the healing challenges that face it.

The professional, then, becomes not an author but a process-provider, not a creator but a promptor of creation, not a prescriber of choices but the provider of a context in which healthy choices can be made. It is the non-professional healers, however, the other men and women who have experiential knowledge of the challenges facing victim and offender alike, who seem to be the real 'guides' in the process. It is they who help everyone else learn about each other, then begin to experience each other in healthier ways, to learn from each other, take inspiration from each other, design together and develop latent capacities for empathic reaction with each other.

And that takes me to the final topic, the one that always sits behind the notion of 'together' in aboriginal healing processes.

## H. SPIRITUALITY AND CEREMONY IN ABORIGINAL HEALING

I don't for a moment pretend to understand the depths of aboriginal spirituality. It has to be experienced, and my experience will be unique to me. I do wish, however, to convey my sense of its origins within traditional world-views and its critical role in effective healing programs.

As the plant-in-the-meadow story illustrates, the world can be understood as primarily composed of ever-changing relationships of dependency, as all things are seen as essential to a healthy whole. That basic conviction drives a further conclusion: our relationships are fundamentally centered on dependencies, and human beings are not, as the western view seems to hold, fundamentally a collection of rights **against** others, but a bundle of responsibilities **towards** others, towards all aspects of Creation.

The sweat lodge ceremony teaches this view, dedicating each of its 'rounds' to prayers with various themes, whether caring for the young or the elderly or the health of the universe itself, or asking for guidance in carrying out our responsibilities to all of them. Each prayer sung in that dark, moist place is a reminder of the sanctity of those other beings, those other aspects of Creation, of the sacredness of our interconnections, and of our duty to act towards them with respect. Little meaningful distinction is drawn between creatures of the human, animal or plant realm, or with Mother Earth, for they are all our relations, and we owe each them a central duty of care.

Such ceremonial affirmations of connection seem to be especially important to people who have grown up in abuse, for they have often been terrified into postures of wholesale alienation from the rest of Creation. As I mentioned earlier, when their only involvement with others has come from being **used** by others, they often develop a deep-seated conviction that they are, in themselves, wholly without worth. To be told, especially within powerful ceremonies, of your intrinsic worth within Creation, and of the importance of your contribution to maintain its healthy equilibria, is to be given a precious gift indeed.

I saw this dynamic one day when I watched an Ojibway medicine man take his teachings into a remote aboriginal community wracked with alcoholism, family violence, sexual abuse and the criminal neglect of children. He spent the

day in the gymnasium passing traditional teachings to those children. He told the girls about their special relationship with water, teaching them that the moon is called 'Grandmother', she comes in 13 cycles a year, her cycles determine the tides, and each woman has her own 13 'moon-times' or menstrual cycles themselves, and that newborns arrive with the breaking of their mother's waters, announcing the beginnings of new life, bringing hope and health and cleanliness to all. As he talked about all those connections, he also talked about the responsibilities they created for women to **protect** the waters, so that all those life-giving, life-sustaining relationships would remain healthy.

I had anticipated that any mention of **responsibilities** to those unrestrained and unencumbered children would provoke groans of resistance, but I could not have been more wrong. They were, by contrast, almost desperately grateful for being told that they were important somewhere, that they had roles to play, that they were part of something larger than themselves - especially something as huge and magical as the universe itself!

I suspect that many offenders have a similar sense of isolation from the meaningful world, seeing no role for themselves except for being used at the whim of others. The western world refers to this as a lack of **self-esteem**; I suspect that the aboriginal phrasing would somehow describe a lack of belief that they had any healthy **'role within Creation'** instead. Being a part of healing circles seems aimed at producing that health-producing conviction: 'I am as trusted, as worthy, as valued and as needed as others, just I am as confused and fearful and timid as others. We are all making our own ways, but we are all together on the same journey, and we are ready to help each other as we go'.

Clearly, that is not what most offenders have learned to feel. I find myself wondering, however, whether there doesn't remain a deep-seated yearning for visceral connection, especially with other people, a yearning that may even intensify as the possibilities for connection seem to be stripped away. My conversations with people involved in the treatment of killers often paint pictures of men who describe some kind of emotional explosion or release which only killing gives them. Some have apparently described it as 'almost sexual' or 'almost spiritual'. This is not my field, but I can't help but wonder: Do we all maintain a fundamental need for connection with others? What if the only connections we know have been within relations defined by pain? What if our own painful connections growing up in violence have caused us to shut down our capacities for receiving the pain of others, so that only the most extreme pain can penetrate the walls which, though we constructed them ourselves, we can no longer move aside by force of will? Will the only connection to others that is left open to us be the connection of **astounding** pain?

Is the human need for connection stronger than the need for it to be reciprocally **healthy** connection?

Thankfully, my experiences of powerful connection have only been good ones. Quite apart from events like being present at the birth of my three children (and **trying** to assist!), many of them have come within aboriginal healing processes where I went as an observer and found myself quickly a participant.

My experiences with other people in healing circles, in sweat lodges and in other traditional ceremonies, gave me such a powerful, emotional certainty of intimate and healthy connection with other humans struggling through common human challenges that I can only describe them as experiences of spiritual connection. It was not just that we joined each other, but that we all felt joined to something much larger than our collective sum.

I know that the spiritual component of traditional processes goes much deeper than that, but I hope to have at least given some sense of the **direction** involved. The challenge seems to involve nourishing a conviction of healthy and meaningful connection in the hearts, minds and spirits of all of us, regardless of whether, in a particular instant of our lives, the world wants to describe us as a victim, an offender, a healer - or a supposedly disinterested stranger.

## I. CONCLUSION

In case you haven't guessed already, I don't really 'know' what I'm talking about. I have far more questions than answers, and I am regularly faced with propositions that seem obvious to me now but never occurred to me before. To close, however, I'll try to summarize some of the propositions that currently attract me:

- 1) neither offenders nor victims should ever be labeled as such, but should always be seen - and presented - as people first;
- 2) the physical aspects of the crime, while they must be acknowledged, are primarily important as:
  - (a) signals of the degree of dysfunction to be found in all of the relationships surrounding the offender; and
  - (b) the precipitate cause of dysfunctions now afflicting the victim in his or her relationships with community, neighborhood, home, loved ones, bodies, sense of self - or any combination of them.
- 3) it is critical that offenders be placed within processes that have the best chance of:
  - (a) bringing them to a heartfelt understanding of the true relational impact of their crime on others, including their own friends and families;
  - (b) prompting them towards an empathy-driven examination and revelation of the relational abuses that have been part of their own histories;
  - (c) helping them move past 'the worst their victims have to offer', by being given the chance to face them directly in a non-court setting premised on emotional exploration;
  - (d) giving them the faith that, over time, they too can achieve relationships based on positive values;

- (e) giving them the **experience** of relationships based on positive values like openness, trust, generosity, humility and the like;
  - (f) teaching them to self-monitor the relationships they establish with others so as to move constantly in healthier directions;
  - (g) nourishing within them a sense of worthy connection to, and welcome responsibility towards, a **healthier** interplay of the forces that surround and nourish them.
- 4) the processes that have the best chance of achieving those goals are those which:
- (a) require that they spend significant time with their own victims, or with 'surrogate victims' of similar crimes;
  - (b) require that all parties focus, in careful and respectful ways, on the emotional repercussions of their activities on others;
  - (c) require that they spend significant time with substantially healed **groups** of people
  - (d) bring in the other people involved in their web of daily relationships so that:
    - (a) their dysfunctional aspects can be examined by all and understood by all;
    - (b) the group itself can come to understand how powerful an effect it collectively has on each individual;
    - (c) the group itself can propose its own relational modifications, reflecting its own internal dynamics as well as the limits and potential of individual skills, strengths and capacities; and
    - (d) the group can start to develop the confidence that it is **capable** of making such changes.
- (4) the primary healing will be accomplished through non-professionals bringing their personal stories of loss and recovery into the process in order that offenders (and victims) learn, in a human and visceral way, that:
- (a) they are not alone in their fears, pain, guilt and so forth;
  - (b) they are indeed much 'more' than their criminal acts or their victimization;
  - (c) there is no magic solution which someone else will design for them or provide them;
  - (d) they must find their own ways forward, within their own contexts; and
  - (e) they **can** find their own way forward, and begin to live in very different kinds of relationships, if they work hard and develop patience.

Of course, being a creature now dedicated to the pursuit of 'a good life', I will more than likely present a very different list five years from now!