

ARTICLE

## Listening deeply to public perceptions of Restorative Justice: what can researchers and practitioners learn?

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### Abstract

*This article explores public perceptions of restorative justice through the examination of media articles and negative online reader comments surrounding a high-profile incident in a Canadian university in which a restorative process was successfully engaged. Utilising relational discourse analysis, we identify how restorative justice is presented in the media and how that presentation is taken up by the public. Media representations of restorative justice create understandings among the public that are profoundly different from how many restorative justice advocates perceive it. The aim of this article is to examine media representations of restorative justice and how these are received by the public so that we can respond constructively.*

**Keywords:** Public perception, media, apophatic listening, online comments, understandings of restorative justice.

Restorative justice is an approach for addressing conflict and harm that views humanity as worthy and relational and harm as a violation of people and relationships (Zehr, 1990). That restorative justice is a 'growing social movement' is evident in the proliferation of its practice, research, conferences and media recognition (Fronius, Persson, Guckenburg, Hurley & Petrosino, 2016). *The International Journal of Restorative Justice* (IJRJ) was 're-launched' in 2018 to 'witness, evaluate and foster the developments of restorative justice, which are gaining momentum around the world' (Zinsstag, Aertsen, Walgrave, Fonseca Rosenblatt & Parmentier, 2018: 6). Further evidences of this growing momentum are international and regional bodies that are increasing support for restorative justice (Zinsstag et al., 2018), and among them are the United Nations, The Council of Europe and the European Union.

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As the restorative justice movement picks up speed and becomes known, it is vital to pause to consider what this growth means for present and future incarnations of restorative justice. As restorative justice advocates, researchers and practitioners, we felt that it was timely and necessary to reflect on the development of restorative justice from a different point of view, that of the public. Indeed, with our study, we wanted to listen carefully to how the general public perceives restorative justice so that we might see ourselves and the movement as others see us. What we expose is a picture of restorative justice in the public realm that looks profoundly different from what many restorative justice advocates might expect.

This article is a case study of the public perceptions of a restorative justice intervention. The focus of this article is a high-profile incident of sexual harassment in Dalhousie University's Faculty of Dentistry (DDS) in 2014. We examined three online media articles related to the use of restorative justice in this sexual harassment case, as well as hundreds of online comments responding to those articles. To create a picture of how restorative justice is presented by the media and perceived by the responding public, we use relational discourse analysis and then examine this picture so restorative justice proponents can be made aware of the landscape into which restorative justice is entering.

Two research questions are posed: (1) What does listening to media reports and online commentary teach us about public perceptions of restorative justice? (2) How can understanding public perceptions inform the ways we, as a restorative justice community, communicate? These questions are grounded in the restorative justice principles of listening with curiosity and listening for understanding (Brown, 2017; Dobson, 2014; Evans & Vaandering, 2016; Hopkins, 2011; Moore, 2018).

Our aim is to pause at this moment in the history of restorative justice, to listen deeply to what is being said and consider how we might respond constructively to contribute to further change.

## 1. Background

In December 2014, female students in Dalhousie University's Faculty of Dentistry [DDS] filed complaints under the University's Sexual Harassment Policy after they became aware some of their male colleagues had posted offensive material about them in a private Facebook group. The select materials from the Facebook group reflected misogynistic, sexist and homophobic attitudes. At the complainants' request, the University began a restorative justice process to investigate the matter, address the harms it caused and examine the climate and culture within the Faculty that may have influenced the offensive nature of the Facebook group's content. 29 students from the class of DDS2015 (out of 38 in the core four-year programme) participated in the restorative justice process. This included twelve of the thirteen men identified as members of the Facebook group when the offensive material was discovered. Fourteen women and three other

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men from the DDS2015 class also participated in the process (Llewellyn, MacIsaac & MacKay, 2015: 2).

This summary of the situation taken from the 72-page final report<sup>1</sup> sets the context for the carefully supervised comprehensive restorative process that Dalhousie University administrators promptly set into motion at the students' request. The decision to employ a restorative justice process generated an unusual amount of public attention. There was wide-scale media response within the province, nationally (3,600 national news stories) and then internationally. Different university groups, women's rights groups and violence prevention groups publicly denounced the university administrators, the application of the restorative justice process, as well as those directly involved.

Although there was some support, the students involved and the Dalhousie administrators recognised the compounded harm caused by misinformation through public and media responses and chose to create a public report on the situation and its outcome. Though reporting on discipline or sexual harassment cases is not required due to privacy protocol, this unusual document was provided 'in the hope that what was learned within the restorative process will contribute to broader understanding and change' (Llewellyn et al., 2015: 4).

Nova Scotia, where Dalhousie University is located, has implemented restorative justice across a variety of social contexts since 1997. In 1997, a provincial steering committee was established to develop the system-wide Nova Scotia Restorative Justice (NSRJ) programme for the province. The programme began by serving the needs of youth aged 12-17 involved in the criminal justice system and eventually grew to address the needs of adults as well. This initiative was, uniquely, a collaboration between government and communities and, from the early days onwards, received significant funding from the provincial government's Department of Justice. Further, national research funding support was received in 2005 to research the institutionalisation of restorative justice in Nova Scotia (Archibald & Llewellyn, 2006). This funding and research led to the establishment of what might be considered the most comprehensive implementation of restorative justice in Canada. In the twenty years that this collaboration has existed, the NSRJ's original goals have been met: as of November 2016, all youth and adults in conflict with the law, and those they have harmed, have access to restorative justice processes. In addition, restorative justice is enacted widely and holistically in institutions such as schools, the Nova Scotia Human Rights Commission and with Indigenous and Black communities harmed by racism.

Given the high quality of the comprehensive, carefully implemented approach in Nova Scotia, the Dalhousie restorative justice response did not occur in a vacuum. Despite this history, there was still widespread attention and critique of the use of restorative justice in this case. Thus, we felt compelled to listen to the voices of resistance in the public response to this incident in order to understand what is necessary to close the gap between those who advocate for and those who

1 The 72-page report details the process employed and responses from all those involved including Dalhousie University and Faculty of Dentistry administrators. See: <https://www.dal.ca/cultureofrespect/background/report-from-the-restorative-justice-process.html>.

oppose restorative justice. As such, this article extends the learning of the comprehensive restorative justice approach as studied and reported on in the 2018 Special Issue 1(3) of the IJRJ and elsewhere.

## 2. Conceptual framework/literature review

Our understanding of the world and who we are shapes our responses to and interactions with it. As this article examines our responses to the perceptions people have of restorative justice as articulated by their online comments, we acknowledge that our own conceptual framework shapes our perceptions of who they are and our interpretation of the comments made. Relational theory structures this framework and guides this study. Informed by Indigenous worldviews that honour the worth and interconnectedness of all people with and within their environments (Pranis, Stuart & Wedge, 2003; Ross, 1996), relational theory recognises that 'we are broken in relationship; we are also healed through relationship' (Nadjiwan, 2008). Further to this, Llewellyn and Llewellyn (2015: 17) in developing a comprehensive relational theory of justice articulate that 'relationships *are* and thus attention must be paid to the nature and implications of our connections' (emphasis in original). They clarify how key values of respect, dignity and mutual concern govern and guide a communal responsibility to relationship. This is in contrast to the more dominant Western understanding that society is made up of individuals who engage relationally with others as an individual endeavour. Thus, we understand that we, as researchers, must take responsibility as restorative justice advocates, for how we interpret the dissonant voices who are frustrated by restorative justice approaches. This follows from Llewellyn's view that 'human beings are inherently relational in that we are not merely interdependent with one another, but that we understand each other, through each other' (in Sharpe, 2013: 215). We challenge ourselves and our readers to consider what we understand about ourselves through the online comments we analyse.

Research regarding public perceptions of restorative justice is very limited, with none available to our knowledge studying online comments. Bliss (2013) summarises available international research up to 2013 indicating public concerns regarding leniency in sentencing but openness to alternatives to incarceration which result in restitution and reparation. These findings are confirmed in a recently released National Justice Survey (NJS) (Ekos, 2017). In 2007, quantitative studies exploring Canadian's perceptions of justice as documented by the Canadian Sentencing Commission indicated that approximately 75 per cent of Canadians felt sentencing practices were too lenient for adults and youth (Roberts, Crutcher & Verbrugge, quoted in Bliss, 2013: 42). Leniency remains a major concern for the general public (Ekos, 2017: iv). Where the NJS indicates a general public perception that incarceration rates could be reduced, it is with the caveat that incarceration occurs 'where appropriate'; community justice initiatives are accepted with scepticism and concern that they may not be adequate.

In terms of the general public's direct perceptions of restorative justice, 80 per cent feel it should be an option, but 39 per cent of these express concerns for

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its use, such as whether restorative justice will hold offenders accountable, what types of offenders will be able to access the processes, and if it will result in lenient sentencing (Ekos, 2017: 75-76).

Beyond Canada, the little research conducted on public perception and restorative justice affirms these findings, indicating that there is general support for, but limited knowledge of restorative justice. A survey in Great Britain, commissioned by the Restorative Justice Council (2013), found that while only 22 per cent of respondents had heard the term restorative justice previously, 75 per cent agreed that victims should have the right to meet offenders and explain the impact of crime. In Australia, the strong support for those involved in harm having opportunity to meet (87 per cent) is tempered by perspectives that restorative justice is not as effective in preventing crime and disorder (Moore, 2012). There tends to be general support for the principles but less for the process. The support that does exist wanes quickly with the severity of the offence especially when it involves sexual violence (Roberts & Stalans, in Bliss, 2013). Support also differs depending on who is surveyed. In a survey of university students in the US, Ahlin, Gibbs, Kavanaugh and Lee (2017) found that students most supportive of restorative justice tended to be either female or those with high levels of social capital. Also relevant to our study, Bliss's (2013) research and the NJS (Ekos, 2017) both indicate that communities and citizens see themselves as having a role to play in addressing harm.

Encouragingly, as the public becomes more informed of restorative justice, support tends to grow. Karp and Frank (2016: 66), in an extensive review of stories available to the US public through various media, conclude:

The public is slowly becoming aware of RJ, especially in the context of K-12 schools [kindergarten through grade 12], and supports it. The RJ movement needs a media strategy in order to raise more public awareness and gain widespread public and political support for RJ.

The NJS (Ekos, 2017: 90) similarly concludes:

Greater public education about the process, that provides more opportunities to take responsibility and repair harm, to change the pathway of offenders, while still imposing sentences seen as appropriate to the behaviour, would likely increase public support for [restorative justice]

For the purposes of this study, these findings, though limited, give an indication as to the reason for the public outcry against restorative justice in the Dalhousie dental students' case – it was a situation with explicit details referring to sexual violence; charges were not laid against the men (causing the public to infer that the consequences were far too lenient); the public felt excluded from being involved in the decisions made to use a restorative justice process; and a lack of public education may have created uncertainty and confusion.

It is also important to remember that public opinion polls and online comments differ. Online comments are often produced in the midst of an actual sit-

uation that one feels strongly about. Barter and Sun (2018) suggest that, at least initially, conflictual online comments might be ‘the truest, most authentic way for people to be expressing themselves’. Koteyko, Jaspal and Nerlich (2013: 74) call them ‘a unique window into spontaneous and creative non-expert conceptualisations’ of issues. Thus, what emerges from online comments could be considered an authentic public response – an immediate gut reaction – rather than an emotionally distant response to hypothetical cases presented through a survey. In either case, public sentiment is articulated and can provide insight for consideration.

### 3. Methodology

Joining with other restorative researchers (Umbreit & Armour, 2010; Zehr, 2005a, 2005b), our research approach is primarily shaped by the principles and practices of restorative justice. In particular, we were intentionally guided by Zehr’s (2005b) values of respect, humility and wonder.

Our research questions challenged us to listen with respect, humility and wonder to how the media was portraying restorative justice and how the public was perceiving restorative justice. There were over 3,600 media articles written about the sexual harassment case at Dalhousie University Faculty of Dentistry and the subsequent restorative justice process in the six months following the exposure of the Facebook page (Llewellyn, 2015). As our intention in this study was to find ways to listen to public perception and consider our response (as restorative justice advocates) to these perceptions, rather than thoroughly analyse the case, we chose only three articles to examine. By using a limited number of articles and their resulting online comments, we were able to reflect deeply on the themes that emerged and their potential impact – a key reason for selecting qualitative methodology and a small sample (Patton, 2002).

The chosen articles were written on the same day: 18 December 2014. This date is significant as it was early into the process – allegations were made public on 15 December and the intent to use restorative justice to address the harm was announced on 17 December. Thus, the articles on 18 December capture the public’s initial reaction to the use of restorative justice in the Dalhousie sexual harassment case; they allow us access to the ‘gut reaction’ to restorative justice that we sought, rather than the more measured response that would be found in surveys or in comments to articles later in the process. The first article was published in a local Halifax news magazine *The Coast* (#1: ‘What are they going to do ... kick every guy out of fourth year?: Dalhousie faculty members file formal complaint’); the other two articles were on a Canadian national news website *Canadian Broadcasting Corporation (CBC)* (#2: ‘Dalhousie dentistry student calls restorative justice plan “shocking”: Nova Scotia health minister could block licensing process.’; and #3: ‘Is Dalhousie dentistry Facebook scandal “ideal” for restorative justice? Critics say “secretive” approach doesn’t serve the affected women or general public’).

We decided to intentionally focus on the comments deemed to be critical of restorative justice. Although there were also positive comments (16 specifically

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referencing restorative justice across the three articles), the majority were negative ones (88 negative comments specifically referencing restorative justice across the three articles). This was also the perception that emerged in the Report of the Restorative Justice Process which named negative public reaction as one of the challenges facing the participants of the restorative justice process. In addition, we felt it crucial to listen intentionally to the dissenting voice since that is the one we hear the least when in our more insular communities of restorative practitioners, advocates and researchers. Rather than dismiss those who feel differently than ourselves about restorative justice, in our study we wanted to attend to their understandings and their concerns and attempt to discover what is at the root of any disconnection between public and advocate understandings of restorative justice.

In order to hold the values of respect, humility and wonder for restorative research as we inquired into public perception, we explored how listening might look and feel when analysing media reports and negative online comments.

Dobson (2014) identifies three modes of listening: compassionate, cataphatic and apophatic. Compassionate and cataphatic listening are two ends of a continuum where the listener has no intention of being impacted by what they hear. Compassionate, or active listening, can have a significant impact as the one speaking gains clarity for themselves and may sense that they are being cared for and valued. However, it requires no action on the part of the listener. Cataphatic or interruptive listening may give the appearance that one is listening, but in effect, is only looking at the other while arranging their own ideas for a time when they can share. In both instances, especially in times of negotiating disagreement or action, power is being used to the advantage of the dominant party. In compassionate listening, the listener simply provides 'a balm to soothe the anxieties of citizens without changing anything in the circumstances that generate the anxieties' (2014: 65); during cataphatic listening, the listener holds tight to power and seeks to reproduce and strengthen it. As such, Dobson exposes how listening can actually be a form of abusive power. The listener has the power not to listen, to twist and misunderstand what they hear or to hijack the communication process to favour self-interest.

In contrast, Dobson (2014), drawing on Waks (2010), suggests that apophatic listening can be a 'solvent of power' (80) as it allows for true dialogue and authentic meeting; those participating lay aside their own ideas and beliefs for a time while they allow for varying ideas to be exposed. This creates space for curiosity and understanding among those in dialogue so that the listener can identify how what is being said connects with or differs from one's own frame of understanding. Asking authentic open-ended questions for clarification can also occur before the listener finally responds with their own understanding (Evans & Vaandering, 2016: 76). In this way, listening becomes a form of creative, shared power that breaks the barrier of abusive, dominant power (Crouch, 2013). It also authentically embodies respect, dignity and mutual concern, the key values of relational theory that lead to understanding each other through each other.

In a similar vein, Leebaw in exploring the South African Truth and Reconciliation Commission proposes 'radical restorative justice and the practice of listen-

ing'. She indicates that the act of theorising without deep listening, only results in regurgitation of thought and self-congratulation for those in power as 'we may continue to hear only what we want to hear, only what we are relatively comfortable hearing, or only what is congenial to the goals we embrace for ourselves' (2017: 191). Theory, she indicates, can deepen only when we allow ourselves to hear the unexpected, challenging and unfamiliar. This deep listening occurs when the listener strives for a degree of detachment from what they are planning to say in response and is willing to remain open to being changed themselves before desiring to change the other (Moore, 2018).

To inquire into public perception, we sought to base our analysis on apophatic listening. We were not, however, listening to people's voices; we were listening to their written words. One technique for considering written text is discourse analysis. Gee (2011: 9) characterises critical discourse analysis (CDA) as wanting to 'speak to and, perhaps, intervene in, social or political issues, problems and controversies in the world.' Although this critical understanding of discourse analysis appealed to us epistemologically, the definition by Gee (2011) leaves little space for 'making room for the speaker's voice' (Dobson, 2014: 68).

To address this omission, we engaged in relational critical discourse analysis (RCDA). Building on relational theory (Llewellyn, 2011a; Pranis et al., 2003) to alter Gee's (2011) CDA, as relational critical discourse analysts, we wanted to *speak with* and, perhaps, *engage with*, social or political issues, problems and controversies in the world *and the people affected by them*. What this meant for us was engaging in a listening exercise that kept a critical view on the social, political and power issues present. This did not include a set way to intervene or respond. We recognise that as we were conducting textual analysis, a genuine apophatic *dialogue* was not possible – there was no way for the writers of the articles and online comments to engage in reciprocal dialogue. However, apophatic *listening* was possible, as we could challenge ourselves to listen with curiosity, for understanding and to be open to hearing the unexpected, uncomfortable and unfamiliar. In this way, we were strengthening our apophatic listening skills that opened us up to being changed (Barter & Sun, 2018).

To engage with this deep listening exercise, we, as two researchers, imagined that we were part of a physical dialogue circle that included the author of the article and those who had responded with online comments. In our imagining, we envisioned there being three rounds of questions: (1) What are the understandings of restorative justice expressed? (2) What emotions are expressed through these perceptions? (3) What is the potential impact of this understanding and these emotions?

Individually, we first immersed ourselves in the article, trying to identify the perceptions, emotions and impact of the writing. Then, we conducted the three circle rounds for each negative online comment, sitting with and considering the comment with curiosity and wonder. Barter and Sun (2018) recommend reading online comments several times to understand the words and to seek an understanding of the meaning and the human being behind the words. We recorded our findings for each comment in a chart, with one column for understandings, one for emotions and one for impact. Because we were imagining ourselves as a

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member of the circle process, we then asked three similar questions of ourselves with the reading of each comment: (1) What is my perception of the comment and the commenter? (2) What are my emotions in listening to the comment? and (3) What impact does this have on me? Our answers to these questions were also recorded in the chart. This process, we trusted, would make as much room for the writer's voice as possible and challenge us to identify how we might be categorising or dismissing their comments.

Although we began by individually coding and analysing each article and its comments, we then came together and compared our analysis and our experience, discussing discrepancies and identifying common themes. The results are reported below.

Before outlining the findings, we would like to make note of an ethical consideration. The voices of those harmed and causing harm were mostly excluded/silenced in the media articles: they were not asked whether the media could report on their harm or on their choice to engage in a restorative process; they were not asked whether their choices could be commented on by strangers in online forums; and they were not asked whether they desired their case to be discussed in this article aimed to further the restorative justice field. In the Dalhousie Final Report, the students directly involved articulate clearly the additional pain and harm they experienced as a result of media reporting and public commentary. Their courageous report identifies that the women who had carefully chosen the restorative justice approach were predominately ignored, misrepresented and shut down by those feeling a need to protect them; the men were vilified for engaging in an 'easy' process to evade consequences and maintain their power. In response, the students collectively held themselves to account by engaging in apophatic listening throughout the process. They then provided public statements and public reports not required, a gracious invitation for all to engage in apophatic listening. An international conference was held in 2016, as part of a commitment made by the parties involved in the process, offering insights into a restorative approach to changing institutional cultures and reflecting 'a deep and tangible commitment to the principles of a restorative approach' (Llewellyn & Morrison, 2018: 344). Our intention with this study is not to analyse the actions of the individuals involved or to cause further harm; our intention is to honour the significance of the process and the commitment of those involved by engaging in the conversation they have opened.

## 4. Findings

What are the public perceptions, emotions and impact of restorative justice as conveyed through three articles and online comments?

### 4.1 *Journalists and articles*

Beginning with the journalists, we acknowledge that their mandate is to report to the general public that restorative justice was being used to resolve the DDS incident and that this resulted in varying responses. To address what is happening,

each journalist conveys contrasting perspectives for and against this decision and emotions of confidence and hope juxtaposed with scepticism, doubt and fear. They conclude that those directly involved as well as the general public are being impacted by the decision to use restorative justice and it is important to question its validity. Please refer to the original articles to read the stories in their entirety. Although there were some specific differences between the approaches taken in the three articles, each conveyed a sense that all involved, including the general public, need to proceed with caution.

As researchers, our initial perspective included appreciation for the presentation of both positive and negative understandings of restorative justice. However, as we listened more critically, we were struck by several themes that at times led us to empathise, but ultimately left us frustrated and concerned. In terms of empathy, we acknowledged how difficult events like this with reports of the graphic particulars of the Facebook-page content, became triggers for those who experienced sexual violence. We also had empathy for the reporters, as our repeated readings revealed their confused understanding of restorative justice. However, our frustration and disappointment grew when we realised that attempts at balanced reporting whether, conscious, subconscious or unconscious, were actually agendas meant to give more credibility to negative, critical voices. This was done by giving more space and time to the critical voices of those with little experience with restorative justice, and less space and time to authoritative, informed voices who had the capacity to provide clear explanations of restorative justice protocol. In addition, the perspectives chosen were often gendered – those calling for a serious punitive response being women, while those supporting restorative justice tended to be males in administrative positions.

Restorative justice was never defined although its credibility was questioned in each article. This allowed restorative justice to be portrayed in a variety of ways – as idealistic, informal, lacking in structure, easily manipulated, ineffective, potentially harmful and overall not to be trusted. Of particular note was the lack of reference to restorative justice being initiated by, and the choice of most of those directly involved. Instead, there was a repeated emphasis that restorative justice was chosen as the preferred method by Dalhousie University administration.

In summary, we found the articles chipped away at the credibility of restorative justice and raised significant doubts about its applicability, appropriateness and potential. Without the voices of the people who caused harm and experienced harm, assumptions about them were accepted as fact without reference to their capacity to inform the issue. As researchers, we were left with an overall concern for the ability of media to objectively shape public perception and direct public opinion as many of the sentiments expressed in the articles were echoed in the online comments.

#### **4.2 Commenters and online comments**

In examining the comments opposing restorative justice, we found they readily fit into four overarching themes that are a direct contrast to the rationale advocates of restorative justice put forward as reasons for engaging with it.

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#### 4.2.1 *Restorative justice is a way for those in control to maintain and perpetuate power against those without or with limited power*

Comments repeatedly condemned and mocked the university administration for their choice of restorative justice as a way to maintain their power.

‘Restorative justice’ is just a way of convincing/deterring/bullying people to not seek \*real\* justice, and is all too often used in cases of racism or sexism to protect white/men. (3)<sup>2</sup>

And it [restorative justice] does not address fundamental imbalances of power ... this situation is completely wrong for this kind of dispute resolution. (3)

The [Dalhousie University] president when faced with a real opportunity to make a courageous stand for the woman students he is charged to protect, and expel those [male] students, has opted for the politically correct restorative justice sham. (3)

Using restorative justice was, in general, not seen as an assertive act, but as a weak choice made by weak leaders and as a way to subversively hang onto power. Restorative justice is interpreted as a scam, a cop-out, a soft option used by those in power who are not strong enough to be punitive. In addition to this, as the next section reveals, the women were seen as pawns who were to carry out their bidding.

#### 4.2.2 *Restorative justice is a way to abdicate responsibility while victims carry the burden*

Hand in hand with holding on to power was the charge that administrators were abdicating their responsibility and re-victimising women by expecting them to carry out the punitive measures that were necessary. Comments reveal an understanding that restorative justice requires or allows for the victim to punish the offender. Commenters express anger and disgust as they imagine the female students meting out punishment and the male students eventually retaliating against them personally. Commenters seem duty bound to protect those harmed.

Stop saying that this process benefits both parties. It benefits the perpetrators and the administration. Meanwhile it further victimises the young ladies, who now have to take time away from their studies, spend time in a room talking to the guys who did it, and determine the consequences for a bunch of guys that will blame them for those consequences in the future. (3)

I’m appalled that the burden of deciding punishment is put on the female victims here ... This is a cop-out by Dal. This is the Dalhousie University president’s responsibility, not the women’s. It is up to him to enforce the rules and apply the necessary penalties. Not lay that responsibility on the women

2 Number identifies the article from which the comment came as listed in the methodology section above.

... Shame on the Dalhousie president for putting these women in this situation, and not having the courage to carry out penalties himself. (3)

[This] is the ultimate abdication of responsibility of our so-called justice system. (2)

Though the civic duty to protect vulnerable people may be admirably expressed by the commenters, a close examination of the comments indicates stereotypes of women as victims being too weak to handle the opportunity to meet with those who harmed them. The image of women as weak, vulnerable and needing rescuing and support from strong male protectors is reinforced in phrases such as 'women ... under duress' and 'female victims'. In none of the comments is there evidence to suggest admiration for the fortitude and capacity of women to choose the best way to address harm they experience. Instead, being able to think clearly and rationally while under duress is seen as an impossibility.

Aligned with this and buried in these comments are accusations that male administrators have become too weak to protect the vulnerable from other male aggressors.

Time for [Dalhousie University president] to live up to his responsibility, and not push it off on these women whose only 'mistake' was being female, and choosing dentistry as a career. (2)

The admin doesn't have balls to discipline and have given the task to the victims. (2)

Such comments reinforce the expectation that men need to be strong protectors.

#### *4.2.3 Restorative justice will not result in changed behaviour or substantive culture change*

Stereotypes and misunderstandings are further exposed as comments weave together perceptions that criminal behaviour cannot be changed, that men involved in sexual misconduct have no capacity to change, and that restorative justice is an ideal not grounded in reality. Perpetrators are portrayed as being manipulative and having no conscience.

Restorative justice just means some crocodile tears on the part of the men involved. In a few years, they'll be married with kids, big houses and all the prestige of a medical practice. ... The lesson these privileged men will learn, and pass on to their sons: don't get caught 'having fun' when it involves women. And nothing will have changed. (2)

I have been on the victim side of restorative justice. It's a joke. The criminals sit there smirking while the victims shakingly (sic) explain the impact of their crime. Then we are assured they have been suitably chastened and everybody goes home – the victims, to set about repairing the damage, alone. (2)

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And the school wants to do restorative justice? This is beyond that, some of these men have criminal minds and hate women and they should never be allowed alone in a room with any female while nitrous is around! (1)

Throughout these comments, restorative justice is seen to be lacking in ability to hold accountable those who cause harm. This results in the burden of harm to be carried by those harmed. This portrayal of restorative justice reveals the fourth theme clearly.

#### 4.2.4 *The current system is strong, clear and necessary – restorative justice is weak*

Explicitly and implicitly, comments reveal trust in a punitive approach which the current judicial system provides and restorative justice undermines.

The people responsible for this Facebook page are going to get away with a slap on the wrist... if that. Terrible. Dalhousie has failed these women. (2)

To emphasise that this must be dealt with both fairly through due process and also expediently in order to protect the innocent is such a refreshing and reasonable position to take. (2)

The current justice system is seen to offer fair, expedient due process that protects the innocent; this system is juxtaposed with restorative justice. Specific comments that restorative justice will not protect the general public in the future and is at best a laughable option reinforce convictions that the traditional system provides necessary long-term protection.

This [restorative justice] will not deal with the future possible actions by the 13 Dentists. (3)

Restorative Justice gives no protection to the general public. (2)

Restorative justice is Kangaroo court. (2)

Finally, impartial third-party judgement and administration of penalties are seen as eliminating the possibility of retaliation. Perceptions that restorative justice will burden those harmed reinforces the understanding that punitive measures are required as a deterrent, yet the comments also expose perceptions that punitive measures do not result in change but in retaliation and retribution.

Restorative justice leaves the door open to retaliation and retribution from the abusers and their sympathisers ... The administration needs to step up and impose a credible penalty without asking the bullies' targets to be the judges too. (2)

[Restorative justice] forces the females who were the targets to hold the scales. What a guilt trip that will be if they choose sanctions! And frankly if I were any woman on the panel or collective that is involved in determining the correct measures, I would NOT feel safe physically, academically or professionally. There is far too much of a power differential for most people to feel

free to ask for punishment. The decision needed to be unequivocal and it needed to come from the administration. (3)

The exposure of both a trust in the 'scales of justice' as well as a fear for personal safety when justice is administered, reveals the complex and paradoxical emotions embedded in the comments.

The comments as a whole conveyed a range of emotions, among them: anger, fear, frustration, disappointment, insecurity and a longing for justice. Commenters clearly see that female dentists are affected; additionally, commenters identify concern for the safety of the general public. Deep fear for self and community leads to anger and suspicion, as commenters feel their hope for safety slip away.

## 5. Researcher perspectives, emotions, wondering

As we identified that commenters were feeling vulnerable, we both felt our own perspectives shift. While initially frustrated, angry and disappointed in a misinformed public, we began to hear sincere expressions of a desire to protect the vulnerable. We became more empathetic and then challenged ourselves to wonder about the source of these expressions and emotions. As we identified that some comments came from personal experience, while others were echoes of dominant social thought and ignorance, we acknowledged that our conclusion that commenters were defensive and misinformed triggered our own defensiveness and perhaps uninformed conclusions. Shifting from listening for assessment to listening with curiosity and wonder led us to consider where misperceptions of restorative justice come from. What responsibility do restorative justice advocates and practitioners carry for these perceptions? How can it be that the four themes identified in the comments are directly opposite to what restorative justice believes it is? Is it possible that the most commonly practiced forms for restorative justice facilitation actually produce unexpected results? Are restorative justice advocates primarily in positions of power and blind to the actual impact on the ground? What makes commenters contradict themselves and perpetuate stereotypes they are committed to dismantling? Do restorative justice advocates contradict themselves in theory, practice and reporting in media?

## 6. Discussion

Apophatic listeners attempt to attend fully to those speaking, seeking clarity rather than permission to respond (Dobson, 2014; Waks, 2007, 2010). Dobson (2014) emphasises, however, that this is a dialogue and not a monologue; although the listener suspends pre-conceptions about the speaker and content, the listener needs to make sense of what they are hearing in their own terms. Cusick (2012: 40) articulates it this way:

If we only listen to others' stories, and not also compare and contrast them with our own and with other facts and stories about the world, then we are

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not actually understanding others' stories, we are simply believing those others.

In this discussion, we seek to participate in dialogue as actively as possible, given that we are responding to text and not individuals. As such, we work to clarify what we read by comparing and contrasting this to our own understandings and those found more broadly in the restorative justice field. Table 1 summarises how the themes identified sounded strangely familiar in that each critique and weakness of restorative justice actually mirrors elements that the field of restorative justice regularly identifies as its strengths. We found this challenging as it revealed that ultimately those expressing (vehement) opposition cared about the very things restorative justice was designed to address. With these common concerns, how might a richer, more nuanced dialogue take place in the public sphere?

Paul (2015) in his comparison of restorative justice facilitators and public perceptions of justice similarly concludes that there is less that separates proponents and opponents of restorative justice than we might assume. He, along with Barter and Sun (2018) and Moore (2018), all indicate that the responsibility for enriching public dialogue remains with restorative justice advocates and that to have a deeper dialogue, our starting point needs to be less about the dualisms of retributive/restorative and adversarial/relational, and more about our common desires.

We framed our original inquiry around two questions: (i) What does listening to media reports and online commentary teach us about public perceptions of restorative justice? and (ii) How can understanding public perceptions inform the ways we, as a restorative justice community, communicate? As we listened, however, the focus of our inquiry shifted.

The first research question remained the same. Once we realised both the prevalence of negative perceptions and the potential lessons located within those negative comments, we added this question: How can we honour the dissenting voice in restorative justice? We also realised that the final question needed to be expanded from simply what we as a restorative justice community can do to communicate (potentially a one-way monologue) to how can we, within the restorative justice community, genuinely enter the public conversation for dialogue?

This section responds to these revised questions by intertwining the understandings we heard in the articles and online comments with our own, and others, understandings of restorative justice.

### ***6.1 What does listening to media reports and online commentary teach us about public perceptions of restorative justice?***

From listening to the authors of the articles and the authors of the comments, we learned that as restorative justice enters the public realm, we would be foolish to presume that we are all seeing similar promises in the movement. Restorative justice advocates and practitioners sometimes suggest that those who argue against restorative justice simply do not understand it and would understand if given the proper information. Although there are undisputable misconceptions for which more comprehensive explanations would help, the voices we heard in this study

**Table 1** Comparing critique and principles

Critique of restorative justice by commenters	Restorative justice principles	Source
<i>Restorative justice is a way for those in control to maintain and perpetuate power against those without or with limited power.</i>	Restorative justice empowers those harmed and gives up third-party control. Restorative justice creates space for voices of those harmed. Restorative justice is relationally focused. Restorative justice is inclusive and participatory and collaborative.	Christie, 1977; Llewellyn, 2011b; Umbreit & Armour, 2006.
<i>Restorative justice is a way to abdicate responsibility; victims carry the burden.</i>	Restorative justice provides autonomy and empowerment. It holds people accountable and expects people to take responsibility – shared responsibility. It is collaborative and engages community.	Braithwaite, 2002; Morrison, 2012; Zehr, 1990.
<i>Restorative justice will not result in changed behaviour or substantive culture change.</i>	Restorative justice results in changed behaviour and culture change. Restorative justice transforms patriarchy. Restorative justice is comprehensive, holistic and forward focused.	Goodmark, 2018; Llewellyn & Llewellyn, 2015; Umbreit, 2001; Zehr, 1990.
<i>Current system is strong, clear, and necessary – Restorative justice is weak.</i>	Current system is weak; it is biased, backlogged and harmful. Restorative justice is responsive and focused, resulting in prompt responses.	Karp & Frank, 2016; Sherman & Strang, 2007; Zehr, 1990.

speak to more than lack of information. We heard genuine fear and anger that restorative justice solutions are tools of the powerful, are ripe for coercion, are sufficient only as a public-relations strategy and serve to hijack ‘real’ justice. Additional information may diminish these feelings for some authors; but, we suspect, not for all or, perhaps, many. There is something else going on.

That ‘something else’ speaks, at least in part, to the disconnect between restorative justice and the dominant story of justice. Llewellyn, Demsey and Smith (2015: 49), in reflecting on the public response to Dalhousie university administrators’ use of restorative justice, write that the public

... clearly sought the arc of established justice narratives. The public demanded – in petitions, tweets, blogs, online posts and on talk radio – that the University play its traditional part in the justice story. They were to find the monsters and punish them.

Moss (2017: 1), drawing on Foucault, names such a dominant story, this *established justice narrative*, as a ‘regime of truth that seeks and expects to exercise power over our thoughts and actions, directing or governing what we see as the “truth” and how we construct the world.’

Immersed as we are in this regime of truth, prominent understandings of justice are constructed as punishment and separation. The established ‘truth’ of justice is that it needs to be blindly administered in a consistent manner in order to

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protect those who have been harmed, to punish the perpetrators and deter future perpetrators. Thus, restorative justice did not equate as justice for those in the public who feared that the women involved would be re-victimised by a restorative justice process, that the university was not taking this offence seriously, and that the culture of misogyny would remain unexamined.

The ideas expressed in the prominent justice narrative, are established and sanctioned in a variety of ways. The media, for example, cultivate particular narratives that then reverberate in public understandings, as well as in policies and practices (Baroutsis & Lingard, 2016; Gerrard, Savage & O'Connor, 2017). In our case, we noted that the way restorative justice was framed within each particular media article echoed directly within the online comments for that article. The media have substantial capacity, especially when appearing to be neutral or impartial, to construct meaning for readers, to make the regime, as Foucault (1980: 131) writes, 'function as true.' Other studies of online reader comments (Laslo, Baram-Tsabari & Lewenstein, 2011; Kotevko et al., 2013) have analysed online comments as spaces where 'top-down' media such as news articles can be both reproduced and resisted.

Of course, this is the same established justice narrative that restorative justice, in its infancy, sought to reveal as false, insufficient, or, at the very least, decidedly partial justice. Zehr, in his 1990 landmark book on restorative justice, *Changing Lenses*, carefully laid out the difference between what was termed the retributive justice paradigm and the restorative justice one. This is not a new conversation; yet listening to public voices taught us that clearly, this is a discussion that must continue. As restorative justice advocates, we sometimes assume that the groundwork has been done, that we can move beyond establishing how 'real' justice is often not served within the conventional system to talking about the nuances of our programmes and practices; we talk in shorthand. Perhaps we need to continue to find ways to speak to how restorative justice meets the genuine needs of individuals and communities; to speak in long-hand about the gaps and violence within the conventional approach. More recently Zehr (2015: 464) wrote, 'At its best, restorative justice is a call to explore values.' A deeper exploration of values – including listening to what the public values – rather than additional information, is needed if we are to understand and address the fears and anger that we heard in public voices.

## 6.2 *How can we honour the dissenting voice in restorative justice?*

We intentionally chose in our study to listen to negative comments about restorative justice, to honour the dissenting voice. Listening – as well as choosing not to listen – are, as Dobson (2014: 7) asserts, exercises of power: We exercised our power in this instance by listening to the dissenting voice, a voice that we welcome *within* restorative justice processes, but not often *about* restorative justice processes.

In our listening, it was fascinating to note the way that restorative justice was framed within the articles and comments – as a bureaucratic approach that favoured the powerful over the powerless, denied victims a voice and glossed over the roots of the issue. In listening to the voices, there was a sense that restorative

justice had become the dominant discourse, and the conventional criminal justice system was the radical alternative. The very same arguments that restorative justice advocates have long used against the conventional system were now part of the narrative in arguing against restorative justice (See Table 1). We learn at least two things from listening to the dissenting voice. First, restorative justice advocates and practitioners need to do a better job of explicitly naming and addressing the problems in the established justice narrative and explaining how restorative justice is radically different. Paul (2015), in his research of differences in understandings of justice between restorative justice facilitators and the public, found that both groups saw crime as a violation of people; yet the public saw the conventional punishment-based justice system as already being person-centred and delivering on community safety. He writes that restorative justice ‘may lose its distinctiveness because proponents and the public are using similar discourses with different meanings’ (290). What restorative justice advocates mean by such concepts as empowerment, autonomy, personalisation, collaboration and responsive, needs to be fleshed out by stories and examples revealing the complexity and promise of restorative justice.

Second, however, we must also discuss honestly what truth there might be in this framing – how might restorative justice ideas and practices favour the powerful, deny victims voices, and gloss over issues? See, for example, Lyubansky and Shpungin (2016) for a discussion of how restorative justice can inadvertently exacerbate existing power dynamics. As a community wishing to act with integrity, we must also think through how restorative justice might be experienced by some or by many as dangerous. Again, this is not a new conversation. As early as 1999, Levrant, Cullen, Fulton and Wozniak suggested that restorative justice might be doing ‘more harm than good’ (16). Yet, the conversation is particularly poignant as restorative justice becomes more accepted, with an audience (and sometimes practitioners) unaware of its impetus as an alternative paradigm, only seeing its present incarnation. We need to listen to the charges raised by these public voices, take them seriously, acknowledge where there might be truth in them and find ways to hold ourselves, as restorative justice practitioners and advocates, accountable. Listening and responding to dissenting voices assists us in being on guard as restorative justice moves into the public realm, ensuring that restorative justice aligns with what we claim it is and does.

### **6.3 *How can we, within the restorative justice community of researchers, practitioners and advocates, enter this public conversation?***

We can enter the conversation by first listening, acknowledging and seeking to understand the dissenting voice, the neutral voice and the affirming voice. We are not at liberty to dismiss any of the voices we hear as uninformed, unaware or unenlightened. Paul (2015: 290) recommends ‘pulling back from the urge to contrast [perceptions] and listen more to public understandings’.

Barter and Sun (2018) outline our responsibility to engage with online comments to prevent the creation of meaningless echo chambers where one only hears the repetition of personal opinions and no contrasting voice. Their call emerges from the realisation that social media has increased people’s capacity to

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express themselves without increasing their ability to listen; this is exacerbated by platforms that promote debate instead of dialogue where one's hunger for understanding is unmet and masked by counting 'likes' indicating agreement. Restorative justice advocates are not immune to the siren call of the echo chamber; we also need to, with intentionality, seek to listen for understanding to those with whom we disagree.

Barter and Sun (2018) also suggest adapting a face-to-face interpersonal strategy for listening to dissenting views to the online space: the CLARA method where, with each comment, the reader Centres, Listens, Affirms, Responds and Adds something new. Whether in face-to-face or online spaces, this technique requires the reader and listener to attempt to understand the person with whom they are engaging and to seek the human behind the words. This is one way for restorative justice advocates to enter into the public conversation.

Authentic dialogue, Moore (2018) insists, is 'rooted in the assumption that learning is inevitable for all parties' (482). In entering the conversation, we must listen not only in order to learn how to convince the public to support restorative justice; we must also listen to learn about ourselves and about restorative justice. Llewellyn et al. (2015: 55) in speaking about the way forward after the Dalhousie case – the way forward for society – write that 'the work of doing justice implicates all of us in learning and then acting together to build and maintain just relationships that structure culture and climate.' Entering the conversation, listening to the dissenting voice, seeking clarity, being open to change, are all part of the work of doing justice.

## 7. Next steps

We are aware that this study is but a modest attempt to listen to public voices regarding restorative justice. Our listening excluded the positive and more neutral voices as we intended to learn from the dissenting voices that are often dismissed by restorative justice advocates. Thus, what we conclude is influenced by negative public perception. We also acknowledge that meanings of the public are 'neither static nor unproblematic' (Gerrard et al., 2017: 506) and that there is a need to understand public concerns as complex, multiple and diverse (Burford, 2018; Fraser, 2013). Our listening to the negative comments of people who chose to respond to three articles is hardly reflective of the diverse public that exists in reality. But we do suggest that it is a starting point for a necessary conversation within our own restorative justice community.

For future research, we recommend that other, more dialogic, formats should be utilised to hear from the public on their impressions, concerns and hopes for restorative justice. If circles, dialogue cafés or other participatory experiences were offered, a different, more expansive, picture of evolving public perception might emerge. And we, as part of the restorative justice field, might learn and enter more directly into the public conversation.

Our study, which calls attention to the gap between perceptions of restorative justice of its proponents and opponents, is significant in that it provides

insight into how the practice of listening can uncover the development of resistance within public opinion. As such it embodies and deepens recent research calling for proponents to address this gap by engaging wider networks, engaging resisters with fairness, listening actively, attending to context and committing to innovation (Barter & Sun, 2018; Llewellyn & Morrison, 2018; Paul, 2015).

This study suggests how listening carefully to public perceptions with a focus on understanding, rather than dismissing, can be used as a method to comprehend and change dissenting opinion. What we learned when seeking understanding is that while many expressing opposition to restorative justice desire the same things as restorative justice advocates – accountability, victim empowerment, community safety, cultural change – they do not understand restorative justice to be able to provide these components. This commonality provides an entrance into the conversation: to listen further, to affirm the concerns and to talk in long-hand about restorative justice in all its complexity and promise.

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