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Restorative Justice: Reflectionson Theory and Practice from within the Nova Scotia Community UniversityResearch Alliance

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**Restorative Justice:
Reflections on Theory and Practice from within the Nova Scotia
Community University Research Alliance**

Dear Readers,

This issue of the Dalhousie Law Journal features research from the Nova Scotia Restorative Justice Community University Research Alliance (NSRJ–CURA) a collaborative research alliance involving community, government and university partners. The Schulich School of Law at Dalhousie University has been the intellectual home for the NSRJ–CURA since 2006. The NSRJ–CURA has focused on research related to the conceptualization and institutionalization of a restorative approach to justice. The experience of Nova Scotia’s restorative justice program which is among the world leaders in the area has served as a focal point and learning laboratory for this research.

The NSRJ–CURA research is interdisciplinary, conceptual and empirical. Five interrelated themes have driven this research (i) translation of principles into practice; (ii) understanding the role of community; (iii) diversity and equity; (iv) gender; and (v) conceptualizing and measuring success. These themes intersected through a series of projects undertaken under the auspices of the NSRJ–CURA. The results and insights of some of these projects are contained within this special feature of the journal. The articles offer a glimpse of the breadth and depth of the work done within this collaborative research community that has developed through the NSRJ–CURA and continues to engage together to expand knowledge and understanding of a restorative approach and its implications for practice.

Within the pages of this feature you are invited to imagine what counts as success for restorative justice grounded in an understanding of restorative justice as a relational theory. The authors Llewellyn, Archibald, Clairmont and Crocker then consider the difference this starting point might make for what and how we measure success. Gordon Shotwell explores Buddhist ideas of the self and meditation in terms of how they might help one practice the relational approach of restorative justice. Audrey Barrett continues this theme of offering conceptual frames to help us reflect on restorative process and practice in her article, “The Structure of Dialogue: Exploring Habermas’ Discourse Theory to Explain the ‘Magic’ and Potential of Restorative Justice Processes.” These conceptual insights and reflections are helpful as Donald Clairmont and Ethan Kim share their research on the reception of restorative justice within Nova Scotia in their article, “Getting Past the Gatekeepers: The Reception of Restorative Justice in the Nova Scotian Criminal Justice System.” Diane Crocker’s article on “The Effects of Regulated Discretion on Police Referrals to Restorative Justice” offers further insight based on the Nova Scotian experience. Michelle Williams offers a critical analysis of

the challenge and possibilities of restorative justice theory and practice in her exploration of “African Nova Scotian Restorative Justice.” In a similar vein, important questions and challenges for the application of restorative justice are raised by Melanie Randall in her article “Justice and Gendered Violence? From Vaguely Hostile Skeptic to Cautious Convert: Why Feminists Should Critically Engage with Restorative Approaches to Law.” The final article in the feature by Melanie Randall and Lori Haskell reveals both the need and the possibility for restorative processes to be trauma informed.

The research reflected within the pages of this issue of the Dalhousie Law Journal represent only part of the research and work of the NSRJ–CURA. The results of other projects have been shared through other journal articles, edited collections, reports, policy forums, conferences and workshops. For example: the research report “Acadian and Francophone Communities & Nova Scotia Restorative Justice” by Bruce Archibald and Lynette Muise; the collection edited by Jocelyn Downie and Jennifer Llewellyn, *Being Relational: Reflections on Health Law and Policy* (UBC Press, 2012); the forthcoming collection by Jennifer Llewellyn and Daniel Philpott, *Restorative Justice, Reconciliation and Peacebuilding* (Oxford Press, 2014); the research finding report on the NRSJ–CURA survey of staff, volunteers and board members of restorative justice agencies in Nova Scotia prepared by Diane Crocker and; the play “Tough Case” by David Craig which was commissioned and work-shopped with the NSRJ–CURA and toured to schools within Nova Scotia and subsequently has toured elsewhere in Canada. Still other projects are ongoing and their knowledge will be shared and mobilized well into the future. For example, Bruce Archibald’s article “Restorative Justice and the Rule of Law: Rethinking Due Process through a Relational Theory of Rights” (intended for this current feature but ultimately too lengthy for this forum) can be found on the NSRJ–CURA website www.nsrj-cura.ca, along with the other reports and project information.

The NSRJ–CURA has not only benefited from the knowledge generated by the Nova Scotian experience but from the collaborative relationships between and among community, government and the academy that have been central to its work. The NSRJ–CURA has been a collaborative undertaking from the outset and has facilitated broader and deeper knowledge and ensured significant local, national and international impact. Its work has seeded the development of an international restorative approach learning network now in progress.

As the guest editors of this issue of the Dalhousie Law Journal we hope it will serve as an invitation for readers to engage with the rich and vibrant learning and practice community in Nova Scotia and with the important scholarly research that has emerged from within it.

Special thanks are owed to all of those partners and collaborators from the community, government and university sectors that have contributed to and supported the NSRJ–CURA research. We are grateful for the on-

going supportive home the Schulich School of Law has provided for this inter-sectoral, interdisciplinary research. We are also very grateful to the editorial board of the Dalhousie Law Journal and in particular the generous and tireless efforts of its Editor-in-Chief, Faye Woodman, for her encouragement and support of this special feature *Restorative Justice: Reflections on Theory and Practice from within the Nova Scotia Community University Research Alliance*.

Sincerely,
Jennifer Llewellyn & Bruce Archibald
Guest Editors

