

## The Person I Am Now

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Change does not roll in on the wheels of inevitability, but comes through continuous struggle.

– (Rev) Dr. Martin Luther King

There is widespread agreement among proponents of restorative justice (RJ) that the goal is to transform the way societies view and respond to crime, and related forms of troublesome behaviour (Achilles, 2004). However, there are a range of views as to the precise nature of the transformation sought. These are to some extent in tension with one another, suggesting that RJ is best understood as a deeply contested concept (Morris, 2000). The RJ movement is a global social movement with huge internal diversity. I set the scene by looking at what about me, one who promotes the principles of RJ, is actually trying to bring about – the internal and external change. This is my story.

A new life requires both forgiveness and confession. For me (the person responsible for my crimes) to be truly whole/intact, I confessed to my wrongdoings, admitted and took full responsibility for my crimes, and continue to garner valuable insight on the harm I have done to my victims (through the *RJ Model*). Only through this spectrum is it possible to repent, to turn one's life around, and begin in a new direction. From this statement derives the question in how the Neil N. Shah *now* is different from the Neil N. Shah of before. Reasoning, rationalizations, and elucidations can be divulged at no end – even filling the pages of a dissertation if need be – however, it is the following genuineness that will bestow the true character of *who I am now* – the person you see before you, and the person I will continue to be while on Parole, and for the remainder of my life. Suffice to say that it can be challenged to prove/present evidence – being that I was a Fraudster (for less of a better term) – yet, with the honesty and higher standards of ethics surrounding my life at this juncture of time, with the guidance/direction of my family, encouragement from members of the community, the unequivocal support/counsel of my Parole Officer, as well as the renewed sagacity of morality within me (to restore, repair, and undo the harm I created), I believe that change is taking place within me. C.S. Lewis understood it best when he stated: “Experience is a brutal teacher; do we ever learn... boy do we learn”.

## AN ENCOUNTER WITH RESTORATIVE JUSTICE

My first encounter with RJ came through my one-on-one counseling sessions with our Institutional Chaplain, Mrs. S. Gilger. Our bi-weekly discussions centred around my crimes, and how I can attend fully to my victims' needs – be it financially (from the funds I stole), emotionally (from the trust they lost), and socially (from the turmoil I created amongst their family and friends). I wanted to take active responsibility of my actions and learn about a balanced approach on how I can do just that.

This is where RJ came into play for me and its impact has been tremendous. It has allowed me to evaluate the process and its technical procedures. It has not been as straightforward as I initially thought during my counseling sessions. However, what in life is? RJ requires a multidisciplinary and interdisciplinary approach of empirical Criminology and Penology, Legal Studies, Ethics, Psychology, Sociology, etc. Nevertheless, it is an approach that works. It has allowed me to move forward in the right direction in life, giving me every opportunity to rectify my mistakes, and providing continuous strength to overcome any obstacle(s). This is my journey.

### **My Journey – What Restorative Justice Is To Me**

What does RJ mean? For some it is principally an encounter process, a method of dealing with crime and injustice that involves the stakeholders in the decision about what needs to be done (Pranis, 2004). For others it is an alternative conception of the state of affairs that constitutes justice, one that seeks to heal and repair the harm done by crime rather than to ignore that harm or try to impose some sort of equivalent harm on the wrongdoer. Still others would answer that it is a distinctive set of values that focus on cooperative and respectful resolution of conflict, a resolution that is reparative in nature. Others argue that it calls for the transformation of structures of society and of our very way of interacting with others and our environment (Roche, 2003; also see Wright, 2002). For many it is a vision that things can be made better, that it is possible to aspire to more than fair processes and proportionate punishment in the aftermath of crime (Van Ness, 2004), that out of tragedy can come hope and healing if we seek it. Let my story begin.

I have been raised in an environment to be honest (in all facets of my life), hard working, striving for higher education, and helping those in need (within my capabilities and with no form(s) of deception). Regaining these

principles during my 18 months in incarceration is all that encompasses my surroundings today. It takes drastic scenarios to fully understand how one can rightfully regain composure. I envision the perpetual struggle(s) of my victims, on a day-to-day basis, and the pending issues of re-payment that they are undertaking, and the cause of my greed which has bombarded their lives, marriages, families, finances, trust (within themselves and with others), and their respective stature within the community. The old Neil would not even take a second breath on this topic – because voracity and egoism were clouding my judgment.

My apologies and attempts of repaying my victims back are only a fraction of the mountain/hurdle in repairing the harm. I realize that, even though it may be impossible to pay the entire sum back – I am still bound to make reasonable efforts, and I will strive to do the best that I can in a transparent and honest manner (through the reparative conception spectrum of RJ).

### **My Victims – Through Who I Am Now**

Victims need to know that they are not responsible for the crime because they are not “smarter”, “better prepared”, “more cautious”, “more aware”, or some other attribute(s) theoretically within their control. In restorative processes, the victim has the opportunity to witness one taking responsibility for his or her actions and apologizing for his or her behaviour. Traditional processes tend to stigmatize both the act and the actor (Sullivan and Tofft, 2001). In the restorative process, the two are distinguished so that the person, having acknowledged responsibility and made reparation, can earn his or her way back to acceptance by the community. Empirical evidence suggests that viewing restitution as “earned redemption” appears to change attitudes amongst perpetrators (Grant, 2004; also see Zedner, 1994). It leads to increased completion of reparative orders and that has been associated with reductions in recidivism through increasing commitment to the common good.

I have learned that my crime is in essence a violation: A violation of the victims’ selves, a desecration of who they are, of what they believe in, and of their private space. It is devastating because it upsets two fundamental assumptions on which we base our lives on: the belief that the world is an orderly, meaningful place, and the belief in personal autonomy. Both assumptions are essential for wholeness. My selfishness and greed disconcerted this sense of order and meaning. I left my victims feeling

vulnerable, defenseless, out of control, and dehumanized. Restoring some clemency of wholeness is my most important goal (be it through *Retributive and Restorative Justice*). It may provide a sense of restoration on a symbolic level.

The Neil of the past would not care of the following questions (for my victims). I would simply take and take, while never looking back or having a sense of regret. Those days are now behind me and today I gain the principle(s) of what I was raised to be:

Why did this happen?

Why did it happen to them?

Why did I act as I did at that time?

What does this mean to them (their faith, their vision, their future)?

What was the real gain for me?

Why did I not think of the fallout of all this?

Why the narcissistic greed and rationale to continue the Fraud?

The Neil before you looks at every variable of these aforementioned questions – from good to bad, from right to wrong, from truth to lies, from reality to fantasy and so on. I try to put myself in their shoes. This is what I see today. My victims I know need to be empowered again. Their sense of personal autonomy has been stolen (by me) and they need to have this sense of personal power returned to them. This can include a sense of control over their respective environment (Van Voorhis, 1985). They need to feel that they have choices and that these choices are for real (in the truest form). As part of this experience (that I have put them through), my victims need to know that steps are being taken to rectify the wrong and eliminate the opportunities for it to recur. They may want restitution (and will obtain it in time – as I work diligently in returning it), not just for the material recovery involved, but for the moral statement implied in the recognition that the act was wrongful and full attempts are being made to finally and sincerely make things right.

What I fear the most now for my victims is closure. The old Neil would disregard closure and continue to find methods to deplete their financial resources. The Neil in front of you was raised differently. Regaining those values is critical for my reformation. It is my fear that this particular experience I have put them through still dominates their lives. They are denied power.

And the damage is not limited to the individual victims. It is also shared by friends and by others who hear about the tragedy (Zehr, 2001). These wounds I created results in increased suspicion, fear, anger, and feelings of vulnerability throughout the community. I feel for them. I must continue to listen to what they have suffered and what they need to restore some semblance of peace. I can only do my best to give them back some of what they have lost, both through monetary and symbolic reparations.

Healing is all part of the Neil you see before you today. Healing for my victims' does not imply that one can or should forget or minimize the violation. Rather, it implies a sense of recovery, a degree of closure. I want my victims to begin to feel that life makes some sense and they are safe and in full control (I cannot further devastate their financial future). It is for that reason (and reasons stated above) that I continue to encourage myself to stay on the path of change in order to receive personal freedom and begin life on the right foot. In addition to this thought, I, the Neil before you also realizes (and the old Neil would not have acknowledged because of greed), that to forgive and be forgiven is not easy, and cannot be suggested glibly. Nor should my victims who cannot find it in themselves to forgive me be encouraged to feel an extra burden of guilt. I realize that true and real forgiveness cannot simply be willed or forced, rather come in its own time, with God's help. My time in incarceration has made me understand that forgiveness is a gift and it should not in any form be made into a burden.

### **Restorative Justice and Hope**

My encounter with RJ (in a broad perspective), and my hopes for others who are criminalized is that they engage in the following: to repair the harm resulting from your criminal acts; experiencing and expressing repentance for your misdeeds; being fully reintegrated into community as a law-abiding citizen; all in hope that your victim(s) are being healed of the trauma resulting from this experience. It is crucial that we apply these principles and values of RJ in our everyday interactions – so that it becomes a way of life, a way of thinking, and a way of being distinguished citizens.

## **CONCLUDING THOUGHTS**

Values are the foundation of RJ (Zehr, and Toews, 2004), the touchstone to which we return in doubt about what to do or how to do it, the yardstick for

assessing action. Just as there is not a single accepted definition of RJ, so there is not a single list of its values. It is for this reason that values express our hopes and aspirations, not just our current reality. Articulating and intentionally working from a value-based philosophy matters (Zedner, 1994).

The Neil today understands without any shadow of a doubt that injustice causes harm – to the person who experiences the injustice and to the community. Justice, as a state of healthy balance, requires healing of all those parties. Healing needs are guided by the values of respect, maintaining individual human dignity, and non-domination (Pranis *et al.*, 2003). When all parties feel equal, respected, valued in their individual uniqueness, able to exercise constructive control in their lives, and able to take responsibility for their actions, only then will justice be achieved.

- Condemn the behaviour, and produce changes;
- Provide opportunities for reintegration;
- Focus on repair and harm (and promote healing, both at the practical and symbolic levels); and
- Provide opportunities for continuous learning.

In addition to these principles, this project allowed me to really comprehend the notion that crime creates an obligation to restore, repair and undo. Harsh realities, complex hurdles, the struggle for closure, are all relevant factors that will follow me for life (during Parole and upon its conclusion). Using the knowledge I have gained during my time in incarceration and being the true Neil you see in front of you today can and will only build better strengths for tomorrow – one building block at a time. It is not a static ingredient, however, as beliefs/ethics that grow over time.

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