



Exploring the genesis and praxis of restorative justice in Nova Scotia, Canada

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ABSTRACT

Nova Scotia has seen the most systematic growth of restorative justice (RJ) in Canada. Initially moving from a pilot RJ phase to province-wide implementation for young offenders, a similar model was used to implement RJ for adult offenders. Nova Scotia has received national and international attention for its innovations in RJ. Extensive articles and reports have been published about the RJ movement in Nova Scotia, focusing mainly on the impact of RJ practices. Few peer-reviewed journal articles document the factors that contributed to the actual growth of RJ in Nova Scotia. To address this research gap, this study employed 8 in-depth key informant interviews and a survey. Two distinct stages—Catalytic and Innovative—emerged as salient factors shaping the growth of RJ in Nova Scotia. This study also reveals contemporary discourses and issues prevalent among RJ visionaries and practitioners in Nova Scotia, such as relational theory of justice, the moratorium against the use of RJ for gender-based violence, and the role of government. This research offers a comprehensive debate on the concept of a moratorium against gender-based violence and the role of government. The paper concludes by addressing limitations and areas for future research.

Key Words RJ practices; community; restorative inquiry; relational theory; justice.

INTRODUCTION

A number of circumstances contributed to the growth and development of restorative justice (RJ) practices in Nova Scotia, including a pivotal 1997 airplane ride from a Vancouver RJ conference, the formation of the Nova Scotia Restorative Justice Community University Research Alliance (NSRJ-CURA), and the RJ process used to address a sexual harassment incident at Dalhousie University's Faculty of Dentistry.

This article discusses two types of findings—general and emergent. General findings include the “catalytic role” of former defence counsel Danny Graham. Collaboration and partnership between different justice stakeholders, such as corrections, police, and the Department of Justice, led to a pilot phase of RJ for young offenders in Nova Scotia in 1999. Subsequently, in 2001, RJ services became available for 12- to 17-year-old youth and their victims. The arrival of Professor Jennifer Llewellyn at Dalhousie University's Schulich School of Law marked the innovative phase of RJ in Nova Scotia. Restorative justice for the Dalhousie Dentistry Department and Restorative Inquiry for the Nova Scotia Home for Colored Children are some of the examples explored. Emergent findings in RJ include a) the examination of justice through a relational lens, and b) a moratorium on the use of RJ for

sexual assault. This article offers a comprehensive debate on the issues around the moratorium and ends with a brief discussion on limitations and areas for future research.

LITERATURE REVIEW

Early developments in RJ in Nova Scotia have been attributed to a seminal “airplane conversation” between two defence counsels from Nova Scotia (Archibald & Llewellyn, 2006, p. 301). Their conversation led to the formation of an ad hoc committee to organize numerous community meetings, consultations, and conferences with local criminal justice members and RJ experts. The committee, consisting of criminal justice professionals, community members, thought leaders, and academics, offered a highly coordinated and strategic partnership which resulted in the expansion of restorative justice (Archibald & Llewellyn, 2006).

Sustainable funding support from both the federal government and the provincial government contributed to the establishment and growth of the Nova Scotia Restorative Justice Program (NSRJP). The provincial government provided 1.5 million dollars in funding, which sustained the RJ programs. Additionally, funding from the federal government helped to complete both the internal and external assessments

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of the impact of RJ programs across Nova Scotia for a number of years (Archibald & Llewellyn, 2006). Training, travel, and special program development costs were all covered by government funding (Clairmont, 2005)

A five-year, million-dollar grant from the Social Sciences and Humanities Research Council of Canada (SSHRC) in 2006 had one of the most tangible impacts on the collaborative development and expansion. It supported the development of the NSRJP and contributed to the formation of the Community University Research Alliance (CURA). This alliance led to the “largest research and development” in the field of RJ practices in Canada (Funk, 2012, p. 2). Currently, nine community-based justice organizations throughout Nova Scotia provide a variety of services. Restorative justice practices customized to address the needs of Aboriginal youth and African Nova Scotians also exist in the province (Asadullah, 2020) (Llewellyn et al., 2013).

The NSRJP has been recognized as one of the most comprehensive RJ practices in Canada (Archibald & Llewellyn, 2006). Established in 1999, the NSRJP provides RJ conferences to 12- to 17-year-old, justice-involved youth. One of the key reasons for the success of the NSRJP is its partnership with community, courts, and law-enforcement agencies. The NSRJP receives approximately 1900 referrals per year, from police (pre-charge), the crown (post-charge), the courts (post-conviction and pre-sentence), or corrections (post-sentence) and community (Clairmont & Waters, 2015). Since 2007, the NSRJP has completed more than 8800 RJ meetings. The programme aims to: (1) reduce recidivism; (2) strengthen communities; (3) increase victim satisfaction; and (4) restore public confidence in the criminal justice system (Crocker, 2016).

A recent high-profile application of RJ in Canada emerged from a 2014 sexual harassment complaint at Dalhousie University’s Faculty of Dentistry, which drew attention from mainstream media nationally and locally. Several male students in the faculty had posted highly offensive comments on a private Facebook account about their female student-colleagues. The Facebook posts were considered misogynistic, sexist, and homophobic (Llewellyn et al., 2015, p. 2). In December 2014, a number of the female students filed formal charges under Dalhousie’s Sexual Harassment Policy, and the university responded by initiating an RJ process on December 16, 2014. As part of this RJ process, in which 12 of the 13 male members—the “harm-doers”—of a “Gentlemen’s Club” Facebook group participated voluntarily in RJ sessions, sharing what happened and taking responsibility for their actions. The successful resolution of this case has been nationally and internationally recognized (Llewellyn et al., 2015).

The province of Nova Scotia is also leading many other RJ initiatives particularly in the education, research, capacity building, and human rights spheres. Published articles and reports on the impact of RJ practices in Nova Scotia are extensive (Archibald & Llewellyn, 2006; Clairmont, 2005; Clairmont & Waters, 2015; Crocker, 2016; Llewellyn et al., 2015). There is a dearth, however, of peer-reviewed journal articles documenting perspectives of visionaries and practitioners of RJ, since most of the scholarship has focused exclusively on the voices of victims and offenders. As such, this study takes a more inclusive approach by exploring all the various factors that have contributed to the growth of RJ in Nova Scotia. The

primary research question that addresses these research gaps is “How has restorative justice praxis emerged and developed in Nova Scotia, Canada?”

METHODOLOGY

This research is qualitative in nature. The following section describes the research question, research participants, and research instruments employed in this study. Using both snowball and purposive sampling techniques, this research included two types of research participants—key informant interviewees and survey respondents.

Key Informant Interviewees

A total of eight key informant interviewees participated in this study. Table I shows their background. The researcher’s social capital in Nova Scotia contributed to the recruitment of four of the key informants. The others were recruited via snowball sampling. The interview participants are numbered (NS1 to NS8) for anonymity.

Survey Participants

A total of 33 participants completed the survey. Their background is indicated in Figure 1.

TABLE I Key informant interviewees’ backgrounds

Pseudonym	Category	Professional Background
NS 1	Visionary	Government agency
NS 2	Visionary and Academic	Academic institution
NS 3	Practitioner	Community-based organization
NS 4	Practitioner	Community-based organization
NS 5	Practitioner	Government agency
NS 6	Practitioner	Community-based organization
NS 7	Practitioner	Community-based organization and School District
NS 8	Visionary and Academic	Academic institution

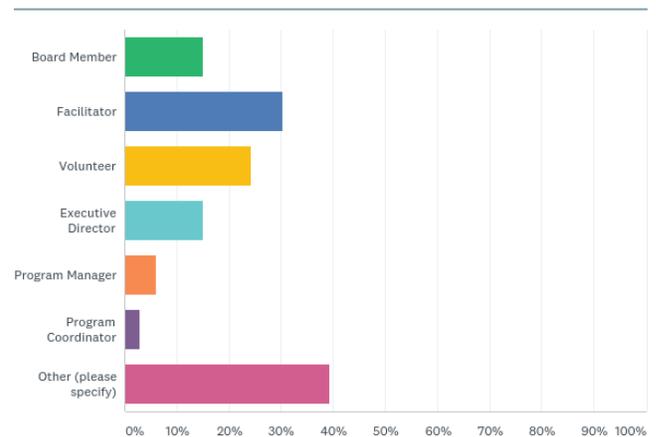


FIGURE 1 Survey participants’ backgrounds

Data Collection and Analysis

This study collected data from both in-depth qualitative interviews and surveys. The researcher used a categorical data analysis technique for survey analysis. Categorical data analysis in a survey contributes to “measuring attitudes and opinions” of the research participants (Agresti, 2012, p. 1). It can be presented in various forms, including tabular and graphical formats (Mcdowall & Murphy, 2018). Both tables and graphs are used for survey data analysis in this study.

FINDINGS

The findings are presented as general and emergent themes. General findings are the results of the answers to the research question “How has restorative justice praxis emerged and developed in Nova Scotia?”. Emergent findings are the additional themes identified in the in-depth qualitative key informant interviews and survey.

General Findings: Factors Contributing to the Growth

The general findings are divided into two pivotal stages—catalytic and innovative—in the growth and development of RJ in Nova Scotia. NS2 called these phases “stopping points” that mark different junctures of the growth and development of RJ in Nova Scotia.

In the early stage, in the 1980s, the presence of dispute resolution practices, the legal framework of the *Young Offenders Act* (YOA), and the dissatisfaction of justice stakeholders with the existing Criminal Justice System (CJS) set the foundation for the growth of RJ in Nova Scotia. In the catalytic stage in the 1990s, an elite connection given by the support, active engagement, and influence of key contributor Danny Graham, a former defense counsel, was instrumental in the development of RJ. During this stage, ripple effects spread RJ systematically from the pilot testing to the whole province. Buy-in from all justice partners—police, crown, court, corrections, and the community—was the highlight of this phase. Finally, the arrival of Professor Jennifer Llewellyn at Dalhousie University’s Schulich School of Law in 2001 marked the innovative stage for RJ in Nova Scotia. A number of innovative RJ practices are testaments of this phase, which included instituting RJ at Dalhousie Dentistry’s Sexual Scandal incident, learning communities, RJ in public schools, and RJ in Nova Scotia’s Human Rights Commission. As well, a restorative inquiry process was implemented in the Nova Scotian Home for Colored Children. The following section discusses the two pivotal phases of RJ development in detail.

Catalytic Stage: 1990s

Restorative justice was formally launched in Nova Scotia during this stage, which marked the beginning of systematic growth of RJ for youth. It started in four piloting regions and then expanded province wide. The momentum was created by a day-long workshop in Citadel Hill attended by all justice stakeholders. Another highlight of this phase was the establishment of NSRJ-CURA.

A number of participants noted that former defense counsel Danny Graham had played a catalytic role in the growth of RJ in Nova Scotia. NS4 regarded him as a person connected with “Nova Scotia’s elite community,” while NS8 called Danny Graham “well-connected politically, a good, well-known,

likeable fellow.” NS2 and NS3 also mentioned Danny Graham’s leadership in the growth of RJ in Nova Scotia. The following comments by NS8 are a testament to his contribution:

Danny Graham, at that time, was a practicing criminal lawyer; he then became a politician...was a fairly well-connected member of...Nova Scotia’s elite community. So, he had the ability to, through his professional and his personal position in life, open a dialogue with the Minister of Justice of the day.

The following section discusses a pivotal event that shaped the growth of RJ in Nova Scotia during the catalytic phase.

Citadel Hill meeting – 1997. A meeting that was critical in the development of RJ in Nova Scotia took place in September 1997. Attended by leaders in the criminal justice system, academics, and RJ practitioners, this meeting was held in historic Halifax at Citadel Hill. NS1, who was instrumental in convening this meeting, vividly remembers:

[W]e had an event in September of 1997 I believe it was, that was an important turning point as well. Gordon, the Deputy Minister of Justice, realized that there needs to be broad support amongst the leaders in the criminal justice system in order for this to become what it could become, so we put out an invitation for the Chief of Judges, the Chiefs of Police, the Director of Public Prosecutions, the Head of Corrections, the Head of Victim Services, and his top officials along with some community leaders and Mi’kmaq community, to come together for a conversation about the notion of...restorative justice?... And finally, soon-to-be-retired Chief Vince McDonald spoke, and he said...“I’ve been sitting on the assembly line of the criminal justice system and watching the conveyer belt doing the same things the same ways with very limited results, and every so often I’ve lifted my head and tried to imagine how can we do this better. And each time on the assembly line that I’ve done that, I’ve felt someone’s hand come to the back of my head, push it down and say keep doing what you’re doing on the assembly line, we’re not looking for change.” And he said “this feels like the first time that I’ve lifted my head up and nobody’s pushing it back down.”

Following the Citadel Hill day-long meeting, several committees were formed. The next section discusses the role of these committees in the expansion of RJ practices in NS.

Steering committee: Elite table. In 1997, after the Citadel Hill meeting, a steering committee chaired by Danny Graham—NS4 called it the “elite table”—was formed to take RJ to the next level. It consisted initially of four subcommittees, one each for judges, police, the Crown, and Corrections. According to NS1, the main objective of the steering committee and subcommittees were to explore, plan, and finalize the RJ action plan for pilot and province-wide implementation. Discussions on a number of themes, such as “how [sic] RJ program looks like in Nova Scotia’s context,” “what kind of offences RJ should address,” “what would be the role of different agencies,” and “who should fund RJ,” were held in the committee meetings (NS1). The subcommittees usually met

once a month and reported back to the steering committee. This “pre-implementation” phase continued for a year and a half (NS8).

As a result of regular meetings and discussions with the subcommittees, the steering committee started a pilot-testing phase of offering RJ practices for young offenders in November 1999. Four regional sites—Cape Breton, Truro, Halifax, and the Annapolis Valley—were chosen for pilot testing that continued for two years. In 2001, after the pilot phase, Nova Scotia implemented province-wide RJ for young offenders. The following section discusses the findings of the pilot and province-wide phase.

Pilot and subsequent province-wide RJ for young offenders. In 1999, the NSRJP for youth was formally launched as a pilot program in four regions. In 2001, the NSRJP was expanded across the province. It targeted 12- to-17-year-old youths and their victims.

NS1 had been involved in this systematic implementation of RJ:

We started with phase 1, which involved four of the seven community justice programs for pilot testing, along with a connection to the Mi’kmaq, who were also part of the steering committee. So the Mi’kmaq legal support network, they operated out of the community but served the entire province, with a model that wasn’t exactly the same as the model that we had; it was more reflective of Mi’kmaq values over time. The program eventually expanded to include all seven of those communities.

With the success of the pilot-testing phase in the four regional sites, RJ services were expanded to eight sites serving the entire province in 2001: Cape Breton, New Glasgow, Truro, Amherst, Halifax, Kentville, Yarmouth, and the Mi’kmaq Legal Support Network (MLSN). NS8, however, offered a cautious evaluation: “...[E]ven though it is province-wide and everything else, and so forth, restorative justice is still very modest in its impact on society and the impact on the criminal justice system.”

Nova Scotia Restorative Justice-Community University Research Alliance (NSRJ-CURA). The formation of NSRJ-CURA in 1999 was instrumental in the growth of RJ in Nova Scotia. A five-year, million-dollar grant from the SSHRC contributed to the establishment of NSRJ-CURA, which aimed to foster “collaboration and connection” between academics and community members (NS2). NSRJ-CURA was mandated to conduct research on the “institutionalization process of Nova Scotia’s RJ program” (NS7). NS2 shared her detailed reflection on NSRJ-CURA:

[T]he NSRJ-CURA was a real catalyst for sort of the next iteration of change, the growth, the sort of sustaining the successes...it created some energy and momentum around continuing to reflect and learn and improve. It created a collaborative space to identify issues that needed work and to work on them.

Forming the NSRJ-CURA not only contributed to the systematic development of RJ in Nova Scotia, it also fostered willingness and innovation. Along with the SSHRC funding that helped establish NSRJ-CURA, funding from the

Department of Justice to examine the impact of RJ in Nova Scotia also contributed to the growth.

In summary, leadership by Danny Graham, the Citadel Hill meeting attended by all justice stakeholders, the establishment of NSRJ-CURA, and coordinated support by the Steering Committee and subcommittees solidified the formal foundation of RJ in Nova Scotia. The catalytic phase further affirmed the role of justice stakeholders in the formal genesis of RJ in Nova Scotia. Furthermore, this study echoes Archibald and Llewellyn (2006, p. 303), who state that the “[c]riminal justice system actors, opinion leaders and administrators were at the forefront” in Nova Scotia.

The following section discusses findings from the next stage of RJ in Nova Scotia: Innovation.

The Innovation Stage: The 2000s

In 2001, Professor Jennifer Llewellyn joined Dalhousie University’s Schulich School of Law. This took RJ in Nova Scotia to another level. Nova Scotia experienced a number of innovative RJ practices during this stage. Restorative justice at Dalhousie’s Faculty of Dentistry, RJ in primary and secondary schools, and the Restorative Inquiry for the Nova Scotia Home for Colored Children all strengthened this innovative stage, which also saw the growth of RJ through adult piloting and then province-wide implementation in Nova Scotia.

A number of participants mentioned Professor Llewellyn’s contribution to the growth of RJ in Nova Scotia. NS5 considers her a “trailblazer,” who contributed to the growth of RJ through her “relational justice theory,” “hosting multiple conferences,” and “offering guidance to different agencies.” For NS4, Professor Llewellyn provided a “theoretical framework” for existing RJ practices in Nova Scotia.

Professor Llewellyn’s work contributed to RJ in different school districts, RJ at Dalhousie’s Faculty of Dentistry, and the Restorative Inquiry – Nova Scotia Home for Colored Children. The following section discusses RJ in schools.

The RJ process in the Dalhousie Dentistry Department. The RJ process used to address the 2014 sexual harassment incident at Dalhousie University’s Faculty of Dentistry received local and national media coverage. The 12 men who caused the harm and the 14 women harmed participated in a restorative process from December 2014 to May 2015, inclusive. According to NS8, the successful completion of the Dentistry Facebook scandal created a “lasting legacy,” not only at Dalhousie but in the rest of Nova Scotia and Canada as well. More importantly, its use of RJ pushed Dalhousie University towards the “institutionalization of RJ” in an academic setting (NS3).

The success of the Dalhousie Dentistry’s RJ process attracted both positive and negative publicity. It also influenced public opinion to consider RJ for sexual assault, which is particularly important in light of Nova Scotia’s moratorium against the use of RJ for such cases. According to NS5, Dalhousie’s Dentistry RJ process contributed to “softening public opinion” regarding the use of RJ for gender-based violence. NS5 noted that “Dr. Singer is working with a community committee to look at, eventually, using restorative approaches in low-end domestic violence cases and sexual violence cases. It’s not there yet, but it’s on everyone’s radar to look at it especially after the success of Dal’s Dentistry RJ process. People are more curious about it”.

The application of RJ in Dalhousie's Dentistry sexual assault scandal is significant for the praxis of restorative justice as the process was both created and implemented by practitioners, academics, and students. This diverse reflective community not only came together and created a restorative process, they also successfully implemented it.

Restorative Inquiry – Nova Scotia Home for Colored Children – 2015. One of the most recent innovative RJ practices in Nova Scotia is Restorative Inquiry. It was started in 2015 to examine the history and legacy of the Nova Scotia Home for Colored Children. The entire inquiry was led by African Nova Scotians and other relevant stakeholders and not controlled by lawyers or judges (NS2). According to NS5, restorative inquiry is “the first of its kind” in Canada. The traditional “Sankofa” bird has been used as a symbol for the inquiry (NS5) because it is about bringing and gathering people “where they are at,” reaching back to reclaim something needed to move forward, and it also recognizes that the past is as important as the future. NS2 articulated the purpose of restorative inquiry:

[G]enerally, a traditional public inquiry focuses on finding facts and putting blame [on] the perpetrators, whereas in restorative inquiry, our goal is to find what happened, why it happened. Everybody is included in the process. Our goal in this inquiry is to look into [the] past with a focus on the future.

In summary, RJ in Nova Scotia is grounded in Afrocentric tradition. Led by African Nova Scotians, RJ can be an example to address human rights violations and historical harms for other countries as well.

The final innovative practice this study identified in Nova Scotia is the local learning community.

Learning communities (LCs). The idea of local learning communities grew out of NSRJ-CURA. According to NS2, people involved with NSRJ-CURA wanted to stay connected, work together, and collaborate. The idea of LCs emerged. NS2 noted the existence of LCs in Hull, Leads, Vermont, and Halifax. A shared desire for connection, research, and knowledge mobilization in the area of RJ motivated RJ practitioners and academics to form LCs in different jurisdictions.

NS 2 mentioned some of the key areas being explored by these LCs:

[T]hese learning communities in multiple jurisdictions focus on, “how do we learn from each other?” How do we ask these questions together across our experience of trying to be restorative in broader ways, across systems, across structures? Whether we call that restorative communities or restorative provinces or...it's about thinking about: How does this way of approaching our lives together and how we secure just communities together, how is that working? How do we support changes in institutions and structures and systems, from thinking this way? What does that look like in terms of processes? What does that look like in policy? How do we share our learnings in real time?

In summary, the idea of an LC offered ways to cultivate mutual learning. It also offered insights into how to foster

innovation and creativity in RJ. Crucially, it provided a practical framework to address contemporary challenges. Questions such as, “what is working, what is not working, what can be done to address new challenges,” guided local learning communities. The following section discusses the growth of RJ for adults in Nova Scotia.

Pilot and province-wide RJ for adults in NS – 2011 to the present. The final element of the systematic growth in Nova Scotia was RJ for adult offenders. Nova Scotia's RJ-for-adults program began in 2011 with three pilot sites—Cape Breton, the MLSN, and Truro—and continued until 2015. After an evaluation and a long bureaucratic process, province-wide RJ for adult offenders officially began in November 2016. Nova Scotia is the first province in Canada to use RJ for both young and adult offenders.

Unlike the RJ in the young offender phase, RJ for adult initiatives encountered a number of challenges in Nova Scotia. One such challenge, according to NS8, was “bureaucratic” owing to the time it took the new Deputy Minister to grasp the complete picture across the provincial RJ landscape, which delayed the move from the pilot phase to province-wide implementation. Another challenge NS8 mentioned concerns the “organizational mode of delivery”—in particular whether the Crown, the police, and the court could offer adult referrals to non-profit organizations. According to NS8, this debate remains unresolved. NS4 believes in RJ's potential for serious offenders, noting that RJ in both youth diversion and adult diversion are “limiting” because they only involve minor offences.

To address such challenges, an additional committee to review the future of RJ was formed in 2017. This committee consists of the head of Corrections, head of Crown prosecutors, head of the Police, head of Legal Aid, and a few academics.

In summary, the highlights of this innovative stage include the arrival of Professor Jennifer Llewellyn, the success of RJ in Dalhousie's Faculty of Dentistry, the Restorative Inquiry – Nova Scotia Home for Colored Children, and local learning committees. Expansion of RJ in schools and for adults also occurred during this innovation stage in the growth of RJ practices in Nova Scotia.

With regard to genesis, it shows the consistency of systematic development of RJ. Similar to the early phase of the genesis, where RJ for youth went from a pilot phase to province-wide implementation, RJ for adults also went from pilot to province-wide. The concept of a “learning community” (NS2), in particular, contributed to a framework where all stakeholders could come together and explore creative community praxis. Additionally, RJ at Dalhousie's Faculty of Dentistry, and the Restorative Inquiry – Nova Scotia Home for Colored Children enriched community praxis.

Emergent Findings

This section discusses four emergent findings evoked in conversations with key informants and survey participants. These emergent findings include a relational theory of justice and a moratorium against the use of RJ for intimate partner violence and sexual assault.

Applying a Relational Lens to Justice

A number of participants in Nova Scotia applied a relational lens to RJ. According to NS7, relational worldviews of justice

not only resonated with their personal life, it also provided a “framework” for their work on RJ in schools and the community. For NS4 and NS5, a relational understanding of justice offered an interconnected and deeper sense of justice. In contrast, NS6 explained the relational notion of justice from a macro perspective, noting that applying a relational lens to justice provided a “grounded” guideline for their work on restorative inquiry, which aims to address large human rights violations of African Nova Scotians.

At the practical level, NS7 shared concrete examples of how the application of a relational lens to justice had contributed to an almost 95% literacy rate at their school.

When we started using relational practices...all of a sudden then kids were experiencing, regularly, conversation in their classroom, with their peers, with their teacher. And they were starting to shift their perspectives as well, which is a strand in most curriculums...Language arts, putting yourself in the shoes of the character and taking different perspectives. All of those things got better in the curriculum. So, we went from about a 65% success rate on the grade 2 literacy assessment to a 95% success rate in about 4 or 5 years. Just constant improvement.

Like the key informant interviewees, the survey participants also shared their views on the use of the relational lens of justice. The following represent some survey responses to the question “How do you define relational theory of justice?”

A number of survey participants explained relational theory of justice from conceptual perspectives. According to this perspective, crime has ripple effects on so many levels that restoring and repairing all types of relationships are imperative.

A relational theory of justice recognizes at its core that we are all humans, who are connected together. Crime and other offences impact relationships and create needs and obligations on those harmed, those causing harm and the broader community to heal those relationships. (NS Survey Participant 18)

Other survey participants described relational justice theory from a practical perspective, especially its implication in day-to-day work, which also emphasizes the impact of relational justice on processes and stakeholders.

In summary, both the key informant interviews and survey respondents shared theoretical and practical interpretations of the use of a relational lens on justice. The relational lens in theory explains the interconnectedness and ripple effects of harms on all levels. In practice, both key informant interviews and survey participants shared how having a relational lens had an impact not only in schools, but also in day-to-day interactions with clients and with each other.

Moratorium on RJ for Sexual Assault and Intimate Partner Violence

A number of women’s rights groups, particularly transition homes, the Elizabeth Fry Society, and other non-profits, were concerned with the application of RJ for cases of sexual assault and intimate partner violence. This led Nova Scotia to

impose, in 2000, a moratorium against the use of RJ for cases of sexual assault and intimate partner violence. Both NS4 and NS5 expressed opinions in favour of this moratorium. According to NS5, the moratorium is an “appropriate step” to protect victims of gender-based violence.

Key informant interviewees offered varied accounts of why and how the moratorium came about. According to NS8, it was instated due to resistance from women’s groups. During the early days of RJ, women’s groups had claimed they were not “properly consulted” and had “raised strong opinion against RJ.” However, NS5 argued that several murders—the Maxwell-George murder-suicide, in particular—had created “very punitive” community sentiment. According to NS5, “[the] moratorium reflects public opinion as well.” NS2 acknowledged that women’s groups “had a whole bunch of worries” regarding the use of RJ for gender-based violence. Nonetheless, NS2 believed the moratorium has been a process of learning and growth. They viewed the moratorium as implying “not yet” or “stop,” and as an opportunity to explore ways to move forward and see when it would be a suitable condition to start using RJ for sexual assault and intimate partner violence.

In the survey, many participants called for “holistic training on domestic violence,” “be[ing] very sensitive,” “police presence,” “strict confidentiality,” “total unequivocal acceptance by an offender of her/his responsibility,” “significant strengthening in victim supports,” and “trauma-informed, victim-centric training” to ensure the safe use of RJ in sexual assault cases. Below are some detailed responses from survey participants when asked “What would be the necessary safeguards for the use of RJ for sexual assaults?”

Some survey respondents do not think Nova Scotia is ready to address domestic violence cases with RJ:

We are currently far from equipped to deal with sexual offences. The primary boundaries are: Not having adequate training to support victims of these offences—Not having trauma-informed spaces—Not having trained counselors/psychologists as part of our team. (NS Survey Participant 19)

Other survey respondents think it is feasible to address domestic violence cases through a restorative justice lens with adequate training:

It would be necessary to have staff trained in sexual assault prevention initiatives and counselling skills as they pertain to sexual assault victims. (NS Survey Participant 3)

In summary, both the key informant interviews and survey responses captured the tension over the moratorium on the use of RJ for sexual assault and intimate partner violence. Some view the moratorium as an appropriate step, whereas others believe RJ has the potential to address gender-based violence. Most, however, argue that the moratorium is more of a pause than the idea that RJ is not appropriate for gender-based violence (NS2). The survey respondents, in particular, echoed this sentiment and expressed the belief that a restorative approach is feasible with appropriate training and supervision.

DISCUSSION AND ANALYSIS

This study captures key debates in the field of RJ and the application of RJ to sexual assault cases. Additionally, this study also distinctively highlights the role of Professor Llewellyn's relational theory of justice among RJ practitioners in Nova Scotia.

Moratorium Debate

Debates over the use of RJ in sexual assault and intimate partner violence are not new. Whilst some studies have reported success, especially in the case of young offenders, a number of scholars have advised caution in the use of RJ in sexual assault cases (Presser & Gaarder, 2000). This debate is also prevalent among RJ advocates and practitioners in Nova Scotia. The initial proposal of the 1998 Restorative Justice Outlines by the Department of Justice included both sex offences and spousal/partner assaults as eligible offences for RJ programs. Yet women's groups expressed serious concerns over the idea of using RJ for sexual offences and intimate partner violence. A major study funded by Status of Women Canada's Women's Program also supported the women's groups' concerns. As a result, a moratorium on the use of RJ for domestic and sexualized violence has been in effect since February 2000 (Clairmont & Waters, 2015; Rubin, 2003).

A number of key informant interviewees (NS2, NS4, NS5, and NS8) and survey participants mentioned the context, rationale, and future of the use of RJ for domestic violence and sexual assault. The debate on this issue is still ongoing. Representatives from 20 organizations, including Transition House Association of Nova Scotia (THANS), Women's Centres Connect, and Alice House, issued a position statement that they need more study and consultation before moving away from the moratorium (Peddle, 2019).

Impact of Relational Theory of Justice

Restorative justice as a relational theory of justice explains both what it means to be in a relationship with others and its impact on all levels, including individual, community, and institutional. It is grounded in relational theory, which assumes that "being in relationship is integral to self-understanding and to interactions with others at individual, collective, and even institutional levels" (Downie & Llewellyn, 2011, p. 4). The core assumption in this approach is that "justice is fundamentally concerned with just relationship" (Llewellyn, 2012, p. 295). A point to note is that this approach does not "glorify relationship" per se; rather, it views relationship as an "unavoidable fact" that can have both positive and negative aspects (Llewellyn, 2012, p. 294). Restorative justice's relational approach assumes that we are inherently related at all levels—self, institutions, and everything around us (Llewellyn, 2011).

Both general and emergent findings confirm a number of themes relevant to RJ as a relational theory of justice. Firstly, the quality of interpersonal relationships of former defence counsel, Danny Graham, with the major justice stakeholders played an instrumental role in the growth of RJ. Secondly, a number of participants shared how the relational approach to justice framework affected their thoughts and RJ praxis (NS4, NS7). NS7, for example, believed that the relational theory of justice provided them with a "language to help me make sense of what I was doing in school." Secondly, Nova

Scotia's RJ genesis stories show substantial interconnectedness and complementary relationships across the institutions. This study found similar relational interconnectedness and complementarity in Restorative Inquiry – Nova Scotia Home for Colored Children. Along with African Nova Scotians, academics and justice stakeholders got involved with and supported the entire process (NS2). Finally, this study finds that Nova Scotia's RJ growth is linked to respect, dignity, and concern. The majority of the key informant interviewees explicitly shared the impact of relational theory of justice in their work (NS2, NS4, NS5, NS6, NS7). A large number of survey respondents also shared their understanding of the relational theory of justice. Awareness and understanding, according to the findings of this study, of the relational theory of justice are higher among research participants in Nova Scotia than any other research sites.

CONCLUSION

In conclusion, this paper discusses the genesis of RJ in Nova Scotia. Responding to the research question "How has restorative justice praxis emerged and developed in Nova Scotia?" it discloses several milestones that led to the development of RJ in Nova Scotia. Conflict resolution practices under the *Young Offenders Act*, coupled with dissatisfaction with the criminal justice system, motivated local criminal justice leaders in the province to explore RJ. The vision and leadership of former defence counsel Danny Graham was considered crucial to this development. Subsequently, with coordinated partnership and collaboration of the provincial Department of Justice, police, courts, and corrections, RJ for youth began with a pilot phase that later expanded to the entire province in 2001. Another milestone that same year was the arrival of Professor Jennifer Llewellyn. This study finds a number of innovative practices during this phase, which include the application of a restorative process at the 2014 sexual harassment incident at Dalhousie University's Faculty of Dentistry and the Restorative Inquiry to examine the history and legacy of the Nova Scotia Home for Colored Children in 2015.

Along with the genesis, this paper also captures a number of emergent themes that are posited as the working edge of RJ praxis in Nova Scotia. These include the relational lens and the application of RJ for gender-based violence. It finds that both awareness and practice of a relational understanding of justice are prevalent in Nova Scotia. The degree of interconnectedness, coordination, and collaboration across individual, community, and institutional levels with regard to both brainstorming and implementation of RJ praxis are prevalent in Nova Scotia.

The study was limited in three ways. First, it did not explore the influence of Indigenous justice practices or traditional practices of African Nova Scotians on the development of RJ in Nova Scotia. Secondly, it only included eight in-depth key informant interviews. Inclusion of more key informants would have strengthened the depth of the findings. Thirdly, it did not include the voices of victims and offenders. This study specifically explored the viewpoints and experiences of RJ visionaries and practitioners.

A possible area for future research in Nova Scotia would be to explore what motivates people, including victims, offenders, volunteers, and practitioners, to get involved with RJ

practices. Is it their lived experience, a feel-good incentive, a sense of civic responsibility? Finally, for cases of domestic and sexualized violence, an international study exploring trauma-informed, trauma-responsive, and victim-centred frameworks that could be applied even in rural settings might pave the way for innovative RJ practices for these crimes in Nova Scotia.

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CONFLICT OF INTEREST DISCLOSURES

The author declares that there are no conflicts of interest.

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REFERENCES

- Agresti, A. (2012). *Categorical data analysis*. Retrieved from <https://ebookcentral-proquest-com.proxy.lib.sfu.ca>
- Archibald, B., & Llewellyn, J. (2006). The challenges of institutionalizing comprehensive restorative justice: Theory and practice in Nova Scotia. *Dalhousie Law Journal*, 29, 297–343.
- Asadullah, M. (2020). Community praxis: Exploring a community engagement framework for restorative justice in British Columbia, Nova Scotia, and Bangladesh. *Journal of Community Safety and Well-Being*, 5(3), 110-119. <https://doi.org/10.35502/jcswb.125>.
- Clairmont, D. (2005). *The Nova Scotia restorative justice initiative: Final evaluation Report*. Atlantic Institute of Criminology, Dalhousie University, NS, Canada.
- Clairmont, D., & Waters, K. (2015). *The Nova Scotia restorative justice program: Assessment of current status and future directions*. Dalhousie University, Nova Scotia. Retrieved April 5, 2017, from: <https://dalspace.library.dal.ca/bitstream/handle/10222/64610/Assessment%20of%20the%20NSRJ%20Program%202015.pdf?sequence=1>
- Crocker, D. (2016). Balancing justice goals: Restorative justice practitioners' views. *Contemporary Justice Review*, 19(4), 462-478.
- Downie, J., & Llewellyn, J. (2011). *Being relational: Reflections on relational theory and health law*. UBC Press.
- Funk, M. (2012). *Comparative justice reform: What are the lessons for British Columbia*. [Unpublished master's thesis, School of Criminology, Simon Fraser University].
- Llewellyn, J. (2011). Restorative justice: Thinking relationally about Justice. In J. Downie and J. Llewellyn (Eds.), *Being relational: Reflections on relational theory and health law* (pp. 89–108). UBC Press.
- Llewellyn, J. (2012). Integrating peace, justice and development in a relational approach to peacebuilding. *Ethics and Social Welfare*, 6(3), 290-302.
- Llewellyn, J., Archibald, B., Clairmont, D., & Crocker, D. (2013). Imagining success for a restorative approach to justice: Implications for measurement and evaluation. *Dalhousie Law Journal*, 36(2), 281-316.
- Llewellyn, J. J., MacIsaac, J., & MacKay, M. (2015). *Report from the restorative justice process at the Dalhousie University Faculty of Dentistry*. Dalhousie University.
- McDowall, P., & Murphy, E. (2018). SurveyMonkey (R). *Occupational Medicine-Oxford*, 68(2), 152–153.
- Peddle, S. (2019, March 13). Women's groups: More study needed on restorative justice for domestic, sexual violence. *The Chronicle Herald*. Retrieved from: <https://www.thechronicleherald.ca/news/local/restorative-justice-for-domestic-sexual-violence-needs-more-study-womens-group-291915/>
- Presser, L., & Gaarder, E. (2000). Can restorative justice reduce battering? Some preliminary considerations. *Social Justice: A Journal of Crime, Conflict and World Order*, 27(1), 175-195.
- Rubin, P. (2003). *Restorative justice in Nova Scotia: Women's experience and recommendations for positive policy development and implementation*. Halifax, NS: Status of Women Canada's Women's Program.