



Doing Justice, Healing Trauma: The Role of Restorative Justice in Peacebuilding

Howard Zehr

Abstract

Tracing the origins and evolution of the restorative justice movement, this paper explores its relationship with the related frameworks of conflict transformation and trauma healing, within the broader field of peacebuilding.

Over the last three decades, the conceptual framework and practices of restorative justice have received wide currency internationally. For example, restorative justice was used to help provide a conceptual framework for the mission of the Truth and Reconciliation Commission in South Africa as well as for the Gacaca Tribunals in postwar Rwanda. Exploring some of the learnings from the implementation of this framework, the paper draws attention to a much-needed conversation between the diverse yet related fields of conflict transformation, trauma healing and restorative justice. Such a dialogue will not only facilitate a cross-fertilization of ideas, it will also strengthen peacebuilding practice. In this context, the paper explores some of the critical issues that lie ahead at this intersection as well as the areas of confluence and divergence between the three fields.

Author Profile

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The spring of 2004 marked the 30th anniversary of the first case of what was then called the Victim Offender Reconciliation Program (VORP), the case that is widely credited with initiating the contemporary international restorative justice movement. Although there are parallels with the conflict resolution field, this first case, in Elmira, Ontario, did not grow directly out of that. In fact, Dave Worth, one of the two men who facilitated that first case (it involved twenty-two property offenses), once told me that as they took the two young offenders to meet their victims, their role as facilitators was to say, "You knock on the door and say you are the offenders. We'll be right behind you." In spite of the crude approach, this first case was so successful that the movement was born – serving, perhaps, as a testimony to the power of encounter in itself. Shortly after this, the other facilitator, Mark Yantzi, wrote a Master's thesis on the role of the third-party in victim-offender conflicts, and the fields of conflict resolution and victim-offender reconciliation began to connect. From early on, then, the fields of conflict resolution and restorative justice have intersected.

In the United States and Europe, the best known form of restorative justice is what is often called victim offender mediation (VOM). Led by a trained mediator or facilitator, victims and offenders come together in an encounter that allows questions to be asked, stories and feelings to be shared and, in some cases, restitution contracts to be negotiated. Though such encounters were originally used primarily for "less serious" crimes, many jurisdictions today are offering possibilities for the same in the most serious cases of violence. Thousands of such programs are operating in North America, Europe and elsewhere.

This paper seeks to:

- Situate VOM within the larger field of restorative justice,
- Explore some of the intersections between restorative justice, conflict resolution or transformation,¹ and trauma healing, and
- Suggest some of the critical issues ahead for these interrelated fields.

It is important to note that VOM is only one of a number of victim-offender encounter models that are being utilized in the restorative justice field today. Family Group Conferences (FGCs) originated in New Zealand in 1989, responding in part to the

¹ For a discussion of the distinction between conflict resolution and transformation, see John Paul Lederach, *The Little Book of Conflict Transformation* (Intercourse, PA: Good Books, 2003).

concerns and values of the indigenous Maori tradition. Like VOM, these are facilitated encounters but with a significantly larger circle of participants including not only victims and offenders but family members, the police and others. In New Zealand, FGCs form the hub of the entire juvenile justice system, with courts serving as a backup instead of the norm.² Various forms of FGCs have been implemented in many communities in North America, England, South Africa, Australia and elsewhere.

An even larger circle of participants is included in Peacemaking Circles; of the various encounter models, circles most consciously include community members. Circles are usually facilitated by a "circle keeper" who uses a talking piece and a circular process to guide the interchange. Unlike most mediation processes, circles often explicitly name and draw upon the core values of the participants. Initially entering the restorative justice field from Canadian First Nation indigenous roots, circles have been widely adapted not only in cases involving crime but also within schools, religious institutions and the workplace, and to facilitate community dialogues or problem-solving.³

While programs are often designed around one of these approaches, increasingly these models are being blended, blurring the lines between them. Also, programs often see these models as options to be employed depending on the nature of the specific case. In addition, there is considerable discomfort with the term "mediation" in the justice arena. Unlike civil mediations, in criminal cases there is often a clear case of wrongdoing, and victims are often uncomfortable with the moral neutrality implied by "mediation." Some use the term "victim-offender conferencing," further blurring the distinction between models.

Whatever its form, victim offender conferencing is today situated within a larger framework called restorative justice. As a conceptual framework, restorative justice seeks to reframe the way we conventionally think about wrongdoing and justice: away from our preoccupation with lawbreaking, guilt and punishment, toward a focus on harms, needs and obligations. Restorative justice especially emphasizes the importance of the engagement and empowerment of those most affected by wrongdoing, and uses a problem-solving approach. Some have termed it a needs-based understanding of justice, in contrast to the desserts-based approach of the western legal model.⁴

Although a notable consensus is evident on the basic elements or outlines of restorative justice, there is no clear agreement on a specific definition or list of principles. However, the general idea is suggested by the following definition: "Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific

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² Allan MacRae and Howard Zehr, The Little Book of Family Group Conferences: New Zealand Style (Intercourse, PA: Good Books, 2004).

³ Kay Pranis, Barry Stuart and Mark Wedge, *Peacemaking Circles: From Crime to Community* (St Paul, MN: Living Justice Press, 2003).

⁴ Dennis Sullivan and Larry Tift, *Restorative Justice: Healing the Foundations of Our Everyday Lives* (Monsey, NY:

Willow Tree Press, 2001).

offense, and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible."⁵ I have argued that restorative justice reflects three basic assumptions:⁶

- Crime is a violation of people and relationships,
- Violations create obligations, and
- The central obligation is to put right the wrongs.

Translated into a set of principles, restorative justice calls one to:

- focus on the harms and consequent needs of the victims, as well as the communities' and the offenders';
- address the obligations that result from those harms (the obligations of offenders as well as the communities' and society's');
- use inclusive, collaborative processes to the extent possible;
- involve those with a legitimate stake in the situation, including victims, offenders, community members and society;
- seek to put right the wrongs.

In the past three decades, the conceptual framework and practices of restorative justice have received wide currency internationally. Restorative justice was used to help provide a conceptual framework for the mission of the Truth and Reconciliation Commission in South Africa, for example, and since then has been used to address justice issues in other post-conflict situations.

Restorative justice programs are being advocated or implemented in many countries, in a variety of arenas. The European Economic Community called upon its members to begin implementing restorative measures by the year 2006, and governments in the U.K., Canada and elsewhere are actively promoting restorative measures. A survey published in 2000 found that twenty-three U.S. states had implemented restorative justice programs and that the majority of states have used restorative justice language in law or policy documents.⁷

With its focus on interpersonal relationships, on human need and on collaborative, problem-solving processes, restorative justice might be viewed as a peacemaking or conflict-resolution approach to justice. Indeed, after working in the restorative justice field for many years, I now teach in an international graduate-level Conflict Transformation Program in which most of my colleagues have come from the conflict resolution field. This has encouraged all of us to explore the links and overlaps between our fields. In addition, our work in the aftermath of the Murrah federal building in Oklahoma City in 1995, the Nairobi embassy bombing a few years later, and the

⁵ Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).

^o Ibid.

⁷ S.P. O'Brien, *Restorative Justice in the States: A National Assessment of Policy Development and Implementation* (Ft. Lauderdale, FL: Florida Atlantic University, 2000).

aftermath of the bombing of the World Trade Center in New York in 2001, has increasingly drawn us into trauma work.8 This has been a fruitful interaction and we have found that the three fields - conflict transformation, trauma healing and restorative justice - are highly interrelated and have much to learn from one another. While space does not allow the full exploration of these intersections, the following suggest some of the lessons that we have learned:

- An experience of victimization, and even trauma, is involved in most situations of conflict and wrongdoing. Both restorative justice and conflict transformation must acknowledge and address this sense of victimization and the resulting needs - often for everyone involved, including those who have offended. (Indeed, it can be argued that much offending - perhaps most or all violence - grows out of a sense of victimization and/or an experience of trauma.)
- Most, if not all, situations of conflicts and harm involve questions of justice and injustice, and situations of injustice frequently involve trauma. James Gilligan has argued that "All violence is an effort to do justice, or undo injustice." Both conflict and justice processes, therefore, must find ways to address these issues of justice and injustice. The conflict resolution/transformation field has not often acknowledged or provided a language to do this, but restorative justice does provide such a framework that is consistent with the values and principles of conflict transformation. Indeed, restorative justice might be viewed as a peacebuilding or conflict transformation approach to justice.
- Processes to resolve harm or conflict often must find ways to explicitly address both needs and responsibilities. Too often, resolution processes focus on the former and downplay the latter.
- Personal and communal narratives story and "re-storying" play critical roles in conflict resolution, trauma recovery and restorative justice, and opportunities for storytelling must be incorporated into our processes.
- Successful resolution and transformation often turns on the creation of empathy for one another by the participants. The dynamics that impede or encourage empathy need conscious attention by practitioners. They also merit further research.
- Humiliation and shame play a role in most conflicts, traumas and harms. Conflict resolution and justice processes need to acknowledge and address this dynamic in

⁸ In the months leading up to the trial of Timothy McVeigh, accused of the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, USA, then student Tammy Krause and I helped defense attorneys work with survivors of the bombing. When the bombing of the US embassy in Nairobi, Kenya occurred, our program linked survivors from the two bombings for mutual support and assistance.

James Gilligan, Violence: Reflections on a National Epidemic (New York: Random House, 1996).

some way. At minimum, these processes require sensitivity to the way shame and humiliation affect participants. To be successful, they often require proactive steps to remove or transform shame.

- Both restorative justice and conflict transformation reflect a common set of underlying values, and both need to make these more explicit. If these are not made explicit, practices are highly susceptible to misuse. These values include respect, humility, empowerment and engagement. These values can be seen as reflecting an underlying worldview based on a sense of interconnectedness.
- Structural injustices and problems play a role in many crimes, conflicts and traumas. Both fields are in danger of overlooking or even perpetuating such injustices by individualizing conflicts and harms.
- Both fields are susceptible to unconscious biases of gender, culture, etc. Both need
 to more consciously incorporate the voices of women, people of color and
 indigenous people.
- Like all social interventions, both conflict transformation and restorative justice have unintended consequences of which we must be aware. Both fields are susceptible to forces of co-optation and diversion that can sidetrack them from their intent. Indeed, these processes are inevitable and require constant vigilance on the part of practitioners and advocates.

Figure 1
Conflict Transformation & Restorative Justice: A Comparison of Two Fields

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	Conflict Transformation	Restorative Justice
Where did	-Gained momentum as a field of	-Began as a field of practice in
these fields	study and practice in the early 1980s,	the 1970s and as a theory in the
come from?	building on the previous work of	1980s. Initially built upon the
	indigenous peace processes,	fields of conflict resolution,
	religious teachings about conflict	offender restitution,
	and violence, peace movements,	alternatives to prison, victim
	peace researchers, and community	services and Christian
	activists starting mediation centers.	theology. However, it has
	-Built upon but expanded the	much deeper roots in
	conflict resolution field, a "mid-	indigenous practices, various
	range theory," by placing conflict in	religious traditions, feminist
	a larger context, chronologically and	theory, etc.
	socially, economically, politically.	-Originated in criminal justice

		but was quickly applied to other arenas such as schools, churches and the workplaceDeveloped as a "mid-range theory" although various critical perspectives (e.g. "transformative justice") are pushing it to expand its framework of application and analysis.
What are the	-People engage in conflict when they	-All people seek and deserve
assumptions about human	perceive that their material, social	respect.
nature made	and cultural human needs are threatened or violated.	-Most people are capable of
by many in	-Humans can switch from a	and respond to empathyWhen properly guided,
this field?	paradigm where "I meet my needs	supported and safeguarded,
	at the expense of others" to a	people and communities are
	framework that links each person's	capable of finding solutions to
	human needs to the needs of others.	their problems.
		-Shame is a basic emotion that
		can be used for good or ill but
		cannot be ignored.
		-An offense is often a symptom
		of a larger problem and
7.17		dysfunction.
What are the	-Belief in the interconnectedness of	-Belief in the
basic values	all.	interconnectedness of all, but
that are	-Empowerment of self and other.	also the uniqueness of each.
shared by many in this	-Recognition and respect for the	-Empowerment of self and other.
field?	needs of the "other." -Creating processes to ensure	-Importance of respect and a
	everyone's basic human needs are	care-response.
	met (e.g. structural justice).	-Centrality of needs and
	met (e.g. structurur justice).	responsibilities.
What does	-All stakeholders in a conflict engage	-Core processes often include
their practice	in a process that includes gathering	an encounter between victims,
look like?	information and sharing experiences	offenders and community
	about the issue in conflict, and	members to understand the
	developing creative options for	harm and accompanying
	addressing the problem.	obligations, and together
	-Processes include facilitated	fashion a response.
	meetings, dialogues, mediation,	-A variety of partially
	negotiation, or conciliation.	restorative practices attempt to

	. 11.1 1	
What are the fundamental assumptions or principles?	-Processes occur at all levels: between individuals, in organizations, communities, regions, nations or internationallyProcesses are sometimes based within the structure of the state (court-based mediation and international diplomacy) and other times outside the state structure (community mediation centers, grassroots dialogues, etc.) -No offenders and victims are identified. Groups work collaboratively toward constructive ways of addressing the conflict under the unstated pretext that there is "shared blame" for the conflictConflict can be a constructive experience of mutual needs satisfaction by increasing the capacity of individuals, groups, and nations to meet the needs of self and otherCreative win-win solutions to the problem of meeting the human needs of all stakeholders is best done in participatory processes where all parties contribute to information gathering and sharing and join in brainstorming for possible solutionsConflict has material, social, and symbolic dimensions. Each dimension needs to be addressed in	address components, e.g. victims' judicial needs, offender accountability, or healingOften, but not always, associated in some way with a formal justice process or system. -Offenses involve harmsHarms imply obligationsA justice process should seek to "put right" by addressing harms and causesThis is best done through a participatory, inclusive, collaborative process involving victims, offenders and relevant community members.
	the process.	
What types	-All types of conflicts: interpersonal,	-Originated to address
of situations	group, community, international.	situations where wrongs had
do they	-Conflicts where there is no clear	been identified, often by a
address?	separation between "victims" and	justice process, and offenders
	"offenders" because more than one	admitted some responsibility;
	individual or group in the conflict	however, also has application
	perceives themselves as a victim,	where the above are only
	and more than one individual or	partially present.

	group has taken part in offensive	-Increasingly, restorative
	behavior.	conferences and circles are
	-Conflicts where there is no clear	being used to address
	outside authority to apply legal	problems where there is no
	frameworks to determine the	individual harm or offender.
	identities of victims and offenders,	-If it is true that all conflicts
	particularly in developing countries	involve perceptions of
	without sufficient infrastructure or	injustice, the "guiding
	internationally, where the U.N. is	questions" of restorative justice
	not often able to apply international	may have application to many
	law effectively.	conflicts. ¹⁰
What	- Disputants, stakeholders, parties in	- Victims, offenders; i.e.
terminology	conflict, etc.; i.e. neutral terms	"labels" often needed initially
do they use?	needed to encourage shared	to make moral statements,
	responsibility.	create safety for victims, and
		reflect the terminology of
		referring justice structures.
What	-The concept of "shared blame" or	-An appreciation of the
contributions	mutual responsibility.	fundamental role of
do they make	-A focus on the	justice/injustice in conflict.
to the other	social/economic/political roots and	-A specific concept of justice
field?	context of harms and conflicts.	compatible with a
	-A deep analysis of the causes of	peacemaking framework.
	conflict as well as the role of time,	-An understanding of the
	both past and future.	meaning and importance of
	-An expanded range of intervention	accountability.
	options.	-An understanding of the
		dynamics of shame in conflict
		and justice.

Trauma, Conflict and Justice

As noted earlier, the role of trauma in peacebuilding has emerged as an especially important focus of our work at Eastern Mennonite University. After September 11, our program was funded by Church World Service to conduct an ongoing series of seminars for religious leaders and care-givers from around the world. Termed STAR (Strategies for Trauma Awareness and Resilience), these seminars explore the intersection of trauma, conflict and justice and brought those of us working in various

¹⁰ Guiding questions of restorative justice: Who has been hurt? What are their needs? Whose obligations are they? Who has a stake in this situation or event? What is the appropriate process to involve these "stakeholders" in fashioning a "solution" – i.e. in putting things as right as possible (by addressing harms/needs and causes)?

related fields into the same teaching and practice arenas. This has helped us to understand that trauma is pervasive and multidimensional. It affects individuals, not only emotionally but spiritually and physically as well; indeed, the cognitive processing of the brain is often altered. 11 However, trauma also profoundly impacts communities and societies. Trauma shapes overall behavior including patterns of wrongdoing and conflict as well as processes of recovery, resolution or transformation. The social as well as the individual dimensions of trauma must be addressed as part of peacebuilding and restorative justice processes.

Through STAR, our faculty and staff have begun to explore how trauma impacts both victim and offender, and especially the ways that victimization and trauma, if not adequately addressed, can cause people to get stuck in a victim identity and can lead to offending behavior. More recently has come an awareness of "perpetrator-induced trauma" and its role in perpetuating the cycle of victimization and offending; severe offending can itself cause trauma in offenders.¹² This is an arena that deserves much more research: how trauma arises, how it affects social as well as individual well-being, how it plays into victimization and into offending behavior, what approaches and strategies can be used to address trauma not just on the individual level but with communities and even larger societies. Within that larger research agenda are important questions about the role of shame and humiliation in trauma, in victimization and offending behavior and in processes of recovery or transformation.¹³

The following two diagrams, which are part of a larger analysis used in the STAR seminars, suggest some of the ways trauma plays itself out in victim and offender experiences and thus impacts the search for peace and justice.¹⁴

¹¹ Peter Levine and Ann Frederick, Waking the Tiger: Healing Trauma - The Innate Capacity to Transform Overwhelming Experiences (Berkeley, CA: North Atlantic Books, 1997).

12 Robert MacNair, Perpetration-Induced Traumatic Stress: The Psychological Consequences of Killing (Westport,

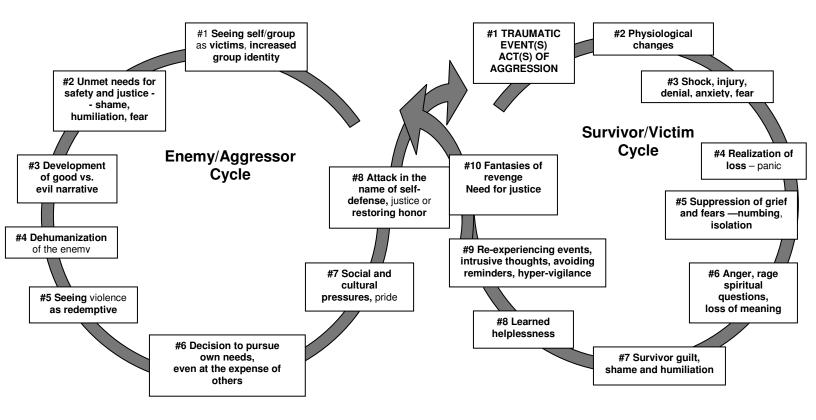
CN: Praeger 2002).

13 For more on this topic, see the work of Evelin Linder and her colleagues at www.humiliationstudies.org. For a discussion of the role of shame in victim and offender experiences, see Howard Zehr, "Journey to Belonging," in Elmar Weitekamp and Hans-Jurgen Kerner (Eds.), Restorative Justice: International Foundations (UK: Willan

¹⁴ These diagrams were developed by Carolyn Yoder, Nancy Good Sider, Barry Hart, Lisa Schirch and Jayne Docherty. The victim cycle is adapted from Olga Botcharova, ""Implementation of Track Two Diplomacy: Developing a Model of Forgiveness" in Raymond G. Helmick and Rodney L. Petersen (Eds.), Forgiveness and Reconciliation (Philadelphia, PA: Templeton Foundation Press, 2001).

Figure 2: Cycles of Violence

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Questions 8, 9 and 10 above suggest an area of special importance for further research. Where are these fields going wrong? What are the dangers, and how can we address them? In the field of restorative justice, this suggests questions such as these:¹⁵

- Will restorative justice truly be as victim-oriented as it claims given the offender-centered nature of western justice systems?
- Can we move beyond the focus on offender accountability and address their needs more holistically? Can we better understand and incorporate the dynamics of transformation, including the role of honor and humiliation, of empathy, and of "restorying" in offenders' journeys? When we talk about shame in these processes, can we avoid the wrong lesson being learned? Already, there are examples of practitioners seeking to impose shame rather than emphasizing the removal or transformation of shame.
- Can restorative justice become a way to truly empower communities, encouraging not only involvement but also responsibility? Can we do this without side-tracking victims and while forging new partnerships between government and community?
- Can we learn to genuinely listen to and incorporate the perspectives of indigenous communities and people of color without expropriating their traditions or recolonizing them?
- Can we move beyond the individualization of wrongdoing to address social causes?
- Can we learn from our mistakes and avoid "butterfly collecting?" that is, can we truly open ourselves to self-reflection and evaluation and openly share the bad as well as the good?

One significant difference between restorative justice and conflict transformation is that restorative justice is usually applied in situations where there is a legitimate structure such as a legal or disciplinary system to name wrongdoing. Thus, even where there may be some shared blame, restorative processes often begin with a clearly-identified wrong and "offender." This is one reason for discomfort with the term "mediation" in the restorative justice field. Yet, as I argued above, most conflicts involve a sense of both wrongdoing and harm, perhaps on the part of all parties, and these often must be explicitly addressed in any resolution process. Conflict resolution processes often have not done this well.

However, if restorative justice is thought of as a set of "guiding questions," it may help to address such issues in conflict transformation processes. What if we found ways to address the following questions not only in restorative processes but conflict transformation processes as well?

• Who has been hurt in this situation and what are their needs?

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¹⁵ For a fuller discussion of such issues, see Howard Zehr and Barb Toews (Eds.), *Critical Issues in Restorative Justice* (2004).

- What obligations result from these hurts and needs, and whose obligations are they?
- What are the causes of these hurts and needs, and what can be done to address them?
- Who has a "stake" in this situation?
- What is the appropriate process to involve these stakeholders in an effort to put things right and resolve the conflicts?

Several years ago, I watched a role play in the United Kingdom by high school students and their principal. In the first role play they showed how a fight between two girls had been handled in the past: the principal behind his desk, interrogating participants and meting out judgment. In the second, they illustrated a conference or circle process in which the principal took part as one of the participants, without dominating the process, led by a facilitator. Each party told their story and expressed their sense of harm and wrongdoing, then began to acknowledge their responsibilities. A consensus was achieved that acknowledged some mutual harm as well as shared blame and allowed the disputants to leave as friends.

"Why," I asked myself, "is this called restorative justice rather than mediation? Why did it specifically emerge from the restorative justice field rather than the mediation field?" After all, the process itself looked much like a form of mediation. Perhaps the reason it emerged from the restorative justice field is that restorative justice, unlike mediation, provided a context and language for specifically naming and dealing with wrongdoing and injustice. It specifically allowed space for concepts of right and wrong, of justice and injustice, to be named and explored, and provided a conflict-resolving concept of justice to facilitate that process. Restorative justice, then, provides a conflict transformation approach that allows wrongdoing to be named and addressed, and provides a concept of justice appropriate for this interaction.

My colleague Lisa Schirch has argued that there is a larger umbrella field that she calls "strategic peacebuilding." At a recent conference, I heard theologian Ched Myers call it "full-spectrum peacemaking." Many fields that we often see as somewhat separate or even competing – justice work, conflict resolution, human rights advocacy, trauma healing and so on – might actually be conceived as part of, and contributing to, the overall work of building a peaceful and just world. That, perhaps, is the most important agenda ahead for those of us in the conflict transformation and restorative justice fields. In this context, I might add, restorative justice provides a way to address justice issues that is less polarizing and more healing than the punishment-oriented model of most courts and tribunals.

To pursue that agenda, we will have to surmount some substantial personal, institutional and cultural barriers. A major obstacle is the tendency to divide the world

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¹⁶ Lisa Schirch, *The Little Book of Strategic Peacebuilding* (Intercourse, PA: Good Books, 2004).

into separate fields of study and practice, each with its own traditions, definitions of professionalism and language. The latter is especially significant: the interrelated fields of conflict "resolution" and conflict "transformation" themselves use somewhat different terminology and frameworks, and the differences are even more significant between them and the fields of restorative justice or trauma healing. To learn from each other, we will have to develop a common language or at least find ways to understand one another's.

The competitive nature of our disciplines and indeed our culture, provide another challenge. To learn from each other, we will have to begin to ask first of all, "What can I learn from the other?" rather than "How can I critique the other?" Competition for resources and attention is also an issue. For example, as the "new kid on the block," restorative justice is sometimes seen as threatening the hard-won gains of other fields such as victim services.

To overcome these obstacles, then, we will need to see each other as co-workers instead of rivals. We will need to come together to learn from each other and to develop joint, coordinated strategies for study and practice. Most important, perhaps, we must together explore our common values and understandings. "Building a just and sustainable peace requires coordination of action and a coherent overall framework," Schirch argues, and calls for us to develop a common vision of "justpeace." ¹⁷

¹⁷ Ibid.

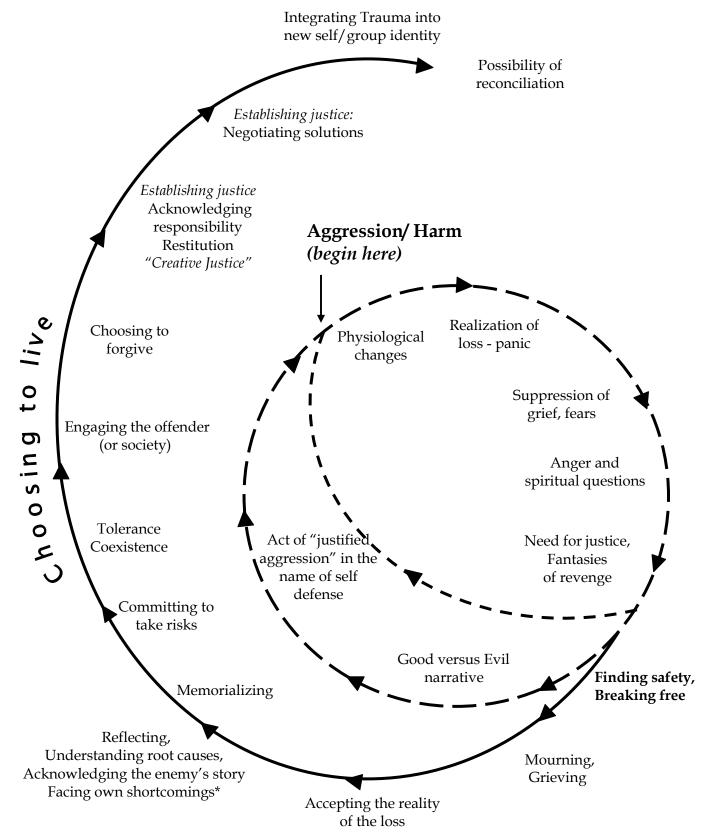


Figure 3: Trauma Healing Journey - Breaking the Cycles
Copyright © 2004 Eastern Mennonite University, Adapted from model by Olga Botcharova
*This does not apply in all cases, for example, child sexual abuse

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