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Gordon Shotwell*

Feeling Relational: The Use of Buddhist
Meditation in Restorative Practices

Some theorists have argued that restorative justice can be defined as a theory of justice based on the relationality of self—the idea that the self exists in and through its relationships with others. This account of self, while analytically compelling, conflicts with our intuitions of individuality. I argue that Buddhist metaphysics provides an explanation of this conflict, and that meditation practice can help restorative justice practitioners develop an intuitive understanding of the relationality of self.

Certains théoriciens ont avancé que la justice réparatrice peut être définie comme étant une théorie de la justice fondée sur la relationnalité du moi—l'idée que le moi existe par et dans ses rapports avec les autres. Même si elle est attirante sur le plan de l'analyse, cette idée du moi s'oppose à nos intuitions de l'individualité. L'auteur avance que la métaphysique bouddhiste donne une explication de ce conflit et que la pratique de la méditation peut aider les praticiens de la justice réparatrice à acquérir une compréhension intuitive de la relationnalité du moi.

* Articling Student at Lenczner Slaght Royce Smith Griffin. The author would like to thank Jennifer Llewellyn, Alexis Shotwell, and the NSRJ–CURA researchers, for their insightful comments on previous drafts of this paper.

Introduction

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Introduction

The inspiration for this paper comes from Rebecca Redwood French's *The Golden Yoke: The Legal Cosmology of Buddhist Tibet*.¹ In this remarkable work, French paints a picture of the legal culture of pre-annexation Tibet. This culture, as David Loy notes, bears many similarities to the approach taken in restorative justice.² For example, a legal dispute was not concluded until all parties agreed to the outcome and if, after the judgement, a party found that the dispute continued to linger, they could re-open the previous case.³ All disputes were evaluated in terms of their root or background cause, and an essential part of many legal remedies was to reintegrate the parties into their community.⁴ While it is interesting that Tibet, like many other cultures, had something like a restorative system of justice, the mere existence of that system is not especially helpful in understanding how to develop a restorative justice system in the west. Buddhist philosophy, however, has a sophisticated and, I think, accurate account of the self and its relationship with others. I argue that this account can enrich the description of relationality of self articulated by some proponents of restorative justice and that Buddhist practices can serve as useful tools to bring an experience of that self into one's daily life.

I. *The importance of an articulated account of selfhood*

Before launching into the argument, it is important to step back and examine why this is an important question in the first place. Why should restorative justice practitioners, or anyone for that matter, care about the metaphysics of the self? The reason is that almost every ethical claim we make is based on a particular view of what human beings are, and what

1. Rebecca Redwood French, *The Golden Yoke: The Legal Cosmology of Buddhist Tibet* (Ithaca, NY: Cornell University Press, 1995).

2. David R Loy, "Healing Justice: A Buddhist Perspective" in Michael L Hadley, ed, *The Spiritual Roots of Restorative Justice* (Albany, NY: SUNY Press, 2001) 81.

3. French, *supra* note 1 at 138-139.

4. *Ibid* at 143.

they ought to do in order to flourish. Even seemingly neutral theories like natural science or economics rely on unstated claims about what we are and what we should be. Underlying every claim about whether an institution is good or bad is a set of assumptions about what kind of being that institution is good or bad *for*. It is, therefore, important to articulate and examine what we mean by selfhood when making any sort of ethical or political argument.

The ethical justifications of the criminal justice system are based on a particular conception of self. Consider the Canadian prohibition against the death penalty. In *United States v Burns* the Supreme Court of Canada ruled that extraditing someone to a country in which they may be executed is unconstitutional.⁵ Implicit in this decision is that it is morally inexcusable to destroy a particular kind of self: the self that is represented by one's physical body. In the same way our prohibitions against torture or cruel and unusual punishment give a special kind of protection to the body.⁶ The government is generally not allowed to interfere with one's physical integrity because that integrity corresponds, more or less, to our intuitive notion of selfhood. The criminal sanction is, however, allowed to destroy all kinds of other things, which, under different understandings of selfhood, are just as important as physical autonomy. It is allowed, for instance, to destroy the social, emotional, and psychological self by excising a person from their community and holding them in prolonged solitary confinement.⁷ Underlying these latter decisions is the idea that the morally relevant self is bounded by one's body and does not include one's relationships to others.

Another example of the concept of self within criminal justice is the ethical basis for incarceration. Incarceration relies on at least two claims about the self. First, there is a presumption that the self stays the same over the course of an individual's life. An individual, at the age of forty-two, may still be serving time for a crime that was committed when they were eighteen. Implicit in this practice is the belief that the self at forty-two is the same as the self at eighteen, otherwise it would be a case of punishing one person (the forty-two-year-old self) for the activities of another (the eighteen-year-old self). The only way for the ethical calculus to make sense is if self-nature adheres over time. This is especially evident in the continued imprisonment of prisoners living with dementia. The fact that

5. *United States v Burns*, 2001 SCC 7, [2001] 1 SCR 283.

6. *Canadian Charter of Rights and Freedoms*, s 12, Part I of the *Constitution Act, 1982*, Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

7. Craig Haney, "Mental Health Issues in Long-Term Solitary and 'Supermax' Confinement" (2003) 49 *Crime & Delinquency* 124 at 130.

we think it moral to continue punishing someone for crimes committed by a self they no longer remember shows that we assume a self has some kind of unchanging nature over time which is independent of conscious memory.⁸

The criminal sanction also relies on the idea of a separate or at least severable self. In order to punish an individual for a crime, we must think that the responsibility and punishment are bounded by that individual. The blameworthiness must be attached to that individual and the punishment must only apply to that individual. For this to work the self needs to be metaphysically separate from others. For instance, if a father commits a crime and is imprisoned, we must be able to at least conceptually separate him from his daughter in order for the blameworthiness and punishment to apply to the same being. A notion of self which held that individuals are not metaphysically separate would say that a part of their child is imprisoned along with the father. Without the metaphysical separation between the self that committed the crime, and the selves that surround it, imprisonment becomes quite difficult to justify.

All of this is to say that in order to think about the ethics of criminal justice, or indeed the ethical basis of anything, we must understand the claims about selfhood which underlie those ethical claims.

II. *The relational self in restorative justice*

In addition to a new approach to the administration of justice, restorative justice presents a different understanding of self. For the purposes of this paper I am going to work primarily with the definition of restorative justice, offered by Jennifer Llewellyn, as “a wider lens, carved and illuminated by a relational conception of the self and its implications for how we are in the world.”⁹ This view understands restorative justice not as a mechanism of a liberal individualist criminal system, but as a whole new theory of justice based on relational theory. I focus almost exclusively on this theory throughout this paper because it explicitly attends to the metaphysics of selfhood within the restorative justice context.

What does a relational theory of justice think about the self? Jocelyn Downie and Jennifer Llewellyn put it this way:

The relational conception of the self with which we are concerned recognizes not only that we live in relationships with others but also

8. Pam Belluk, “Life, With Dementia,” *The New York Times* (25 February 2012), online: New York Times <<http://www.nytimes.com>>.

9. Jennifer J Llewellyn, “Thinking Relationally about Justice” in Jocelyn Downie & Jennifer J Llewellyn, eds, *Being Relational: Reflections on Relational Theory and Health Law* (Vancouver: University of British Columbia Press, 2011) 89 at 90.

that relationship and connection with others is essential to the existence of the self. The human self in this view is constituted *in and through* relationship with others.¹⁰

This account is composed of two claims: first, that human beings are constituted by their relationships, and second, that they have autonomy.

The first claim is that what it is to be a human being is to be in relationships with other beings. An individualist¹¹ might understand the importance of relationships by saying that they are necessary to promote particular individual rights, but they must maintain that there is something outside of those relationships that constitutes the self. While an individualist would understand language or networks of care as the *activities* of the self, a relational theorist would say that those things are a *part* of the self.¹² Once these characteristics are included in one's conception of the self it becomes impossible to draw a bright line between one particular self and the relationships in which it stands. For instance, if we think that language is a part of the self, and that language is impossible without a community of speakers, then we cannot conceptually separate the self from that community.¹³ Under a relational account, the self is constituted in and through relationships with others and we are in a sense "second persons...who come after and before other persons."¹⁴ This is not to say that the self is nothing more than the community, but that there is no way of drawing a bright line between self and other.

The second claim is that human beings are autonomous. While highlighting the interconnected character of the self, relational theorists also attempt to preserve individual existence by saying that "[a] relational conception of self seeks to recognize the inherently relational nature of the self without denying the significance of the individual and the agency of the self."¹⁵ Relational theorists seem to claim on the one hand that we are wholly relational, but also that we have some kind of individual existence.

At first glance this is a confusing metaphysical claim. For most people, the definition of individuality is the quality which stands outside

10. Jennifer J Llewellyn & Jocelyn Downie, "Introduction" in *ibid* at 4.

11. Individualism here is used to refer to the set of theories which hold that the individual self is metaphysically separate from others. It does not, in this paper, refer to relational individuality—the notion that what we think of as "individual" necessarily includes the relationships in which that individual stands.

12. Llewellyn & Downie, *supra* note 10.

13. See Christine M Koggel, *Perspectives on Equality: Constructing a Relational Theory* (Lanham, MD: Rowan and Littlefield, 1998).

14. Annette Baier, *Postures of Mind: Essays on Mind and Morals* (Minneapolis: University of Minnesota Press, 1985) at 84-85, in Llewellyn & Downie, *supra* note 10 at 5.

15. *Ibid* at 5.

of relationships. It is what makes “me” not “you.” The claim that human beings are simultaneously relational and individual is either contradictory, or relies on a different definition of individuality. Using this definition there is no way to perform a delicate balancing act between the individual self and the relational self—it has to either be one or the other.

One way of understanding the relational theorist’s claim is that the relational definition of individuality is something like “that which has autonomy.” Relational theory is sometimes thought of as a way past the extremes of liberalism, which does not acknowledge the importance of relationships, and thick communitarianism, which deprives the self of any kind of agency. The relational theorist argues that the autonomous qualities we ascribe to individuals actually take place within a dense network of relationships, and so that autonomy is preserved even when the self is wholly understood in terms of those relationships.¹⁶ If individuality is understood as the quality of autonomy, then the claim that human beings are both relational and individual is intelligible.

This account is appealing, but it is deeply counterintuitive. If the self is fully relational¹⁷ then when those relationships change the self must change along with them. Since there is no self apart from relationships, then there is also nothing to connect the current self to previous selves. The self becomes a river which we cannot step into twice. One could respond to this argument by saying that because *some* relationships remain relatively stable and constant over time, the self adheres even when some of its relationships change. This claim is difficult to understand without relying on an individualist understanding of self: the individualist self is the thing which stays constant over one’s lifetime. If there is no such self, then what exactly is it that remains the same while the various relationships change? Obviously we have a concept of selfhood which adheres over time, just as we have a concept of “river” which adheres even as the concrete qualities of that river change, but if relational theory begins to equate that concept with selfhood it collapses into an individualist account.¹⁸

16. For example, Jennifer Nedelsky argues that autonomous judgement is only possible when that judgment takes place in reference to a community of other judging individuals. Jennifer Nedelsky, “The Reciprocal Relation of Judgment and Autonomy” in Llewellyn & Downie, *supra* note 9 at 56.

17. By which I mean there is no quality of self outside of relationship.

18. It is possible that a relational theorist would not go this far. For instance, they could say that so long as certain relationships, or a certain proportion of those relationships, remain the same, the self will adhere over time. Such a theorist would, however, have difficulty articulating *why* the self adheres without relying upon some kind of individuated understanding of selfhood. In order to say that a relational self has remained relevantly unchanged even as its component relationships change, we must have a non-relational notion of that self for comparison. If not, then there is no way to articulate just which qualities of a relational self are essential and which can change without fundamentally altering the nature of the self.

The relational account of self challenges our intuition that we have a separate unchanging existence. Almost all of the ways we as human beings understand ourselves—linguistically, legally, and morally—rely on a separate self which adheres over time. Our intuitions about individuality are not just that we are autonomous, but that we are metaphysically separate. Even for those of us who take a relational view of the self, it is difficult to reconcile the relational view with our daily practice of separateness. There is a difficulty that arises when we consider our relationship to the world: while we cannot explain a separate self, we cannot imagine any other kind.

The Buddhist approach to this difficulty is that the question “what is the self” is something of a category mistake. Buddhists make a distinction between relative and absolute truth: relative truth is the truth of appearances and absolute truth is the truth of the underlying reality of the world. For example, the appearance of a computer program is of virtual windows and icons moving in a kind of space, while the reality is that a computer is an interaction of electrons and semi-conductors. Both the appearance of the computer program and the underlying reality have a kind of reality, but they do not have the same kind of reality, one is an appearance and one is the underlying existence.¹⁹ To answer the question “what is the self” it is necessary to be clear about whether the question refers to the appearance of the self, or to its truly existing nature.

From an absolute perspective there is no single, separate self which continues over time. French puts it well in *The Golden Yoke*:

At its most essential, everything is in constant movement, changing its composition continuously, never stable, combining and recombining into the various accumulations that we mistake for permanent objects and individuals. ... One consequence of this view is that no “self” exists in any deep sense in Buddhist philosophy, no ego or actor, no constant or permanent individuality.²⁰

This is a radically relational view of the self. Not only do relationships to other human beings form a constitutive part of the self, but one’s relationship to the physical world and to one’s previous selves are all irreducible parts of one’s nature. A relationship between a parent or child is a great example of how relationships constitute the self. It is not possible to exist as a human being without some relationship to a parent. If we had different parents, there is a sense that we would be different people. Buddhists would say that everything that stands in a causal relationship

19. This is not a transcendental view; it is possible from Buddhist perspective to directly experience absolute reality.

20. French, *supra* note 1 at 64.

has this same effect on the self. If you slip on the ice and sustain a severe concussion, that affects who you are every bit as much as the relationship to another human being. These relationships constitute the whole self. There is no soul or similar concept that ties the relationships together. This is what is meant when Buddhists refer to “emptiness of self”: there is no object or substance which has the qualities of separateness and permanence that we ascribe to the self.

The issue with this radically relational account of self is that it can lead to a kind of nihilism. If the self is composed entirely of causal relationships, then that might imply that all of its potential actions are pre-determined. The view that emptiness of self leads to complete helplessness or determinism is a misunderstanding that some Buddhist traditions²¹ call the “poison of emptiness.”²² Those traditions hold that absence of a solid self does not imply a lack of autonomy or vibrancy to human experience. Rather, in addition to their relational character, all beings have an innate quality of compassion and wisdom. This quality is referred to by different names depending upon the particular tradition. In Hinayana Buddhism it is called “Buddha Nature,”²³ in Mahayana traditions it is called “*bodhichitta*” or “awakened heart”; and in the Shambhala Buddhist tradition it is called “Basic Goodness.”²⁴ Underlying all of these terms is the idea that human beings are fundamentally worthy and kind, and that they have the capacity to affect the future. The process of spiritual accomplishment or enlightenment is not so much acquiring something outside of oneself as it is uncovering the inherent worthiness which is already there.

From an absolute perspective the Buddhist view is the same as the relational view of self. The self has the quality of irreducible connectedness or interdependence, as well as the quality of autonomy or Basic Goodness. The theoretical contribution that Buddhism offers is an explanation of how people can behave as though they are separate even though they understand conceptually that they are relational. On a Buddhist account, while we may be interdependent from an absolute perspective, our relative experience of self is separate.

From a relative perspective, we see the world as though we had a stable, independent, and permanent self. Experientially, there is definitely a difference between oneself and others. We draw bright lines between

21. This view is articulated by the Madyamaka Shentong school of Mahayana Buddhism.

22. Chögyam Trungpa, *Training the Mind and Cultivating Loving Kindness* (Boston: Shambhala Publications, 1993) at 29 [Trungpa, *Training the Mind*].

23. In Sanskrit: “*Tathatagarba*.”

24. Chögyam Trungpa, *Shambhala: The Sacred Path of the Warrior* (Boston: Shambhala Publications, 1984) at 30.

ourselves and other beings, between beings and objects, and between things we care about, and things we do not care about. Maintaining our own existence is our constant occupation and has been for most of our lives. We spend all day and night evaluating our position, planning how to improve it, and regretting our missed opportunities. The apparent existence of a separate, permanent self pervades human experience. Upon examination, however, it might be clear that this is not a tenable account of the self. We know that we were born and will die, and so we could ask when the self started and when it will end. Did it start at birth before we had a consciousness or memory? Does it end when our heart stops or at brain death? How can there be a permanent, continuous, and distinct self when it has such vague boundaries? The nonsensical quality of this notion of a continuous separate self arises, according to the Buddhist teachings, because it is an illusion, and illusions do not have to make sense.

The problem according to Buddhist philosophy is not that we have an illusory self, but that we mistake this illusion for reality. As Khenpo Tsutrim Gyamsto writes:

The question is not whether or not the person, personality or ego is a changing, composite train of events conditioned by many complex factors, the question is why then do we behave emotionally as if it were lasting, single and independent.²⁵

The main difficulty is not that we have a relative experience of our own separateness, but that we believe that illusion to be reality. Even if we understand that the bright lines we draw between ourselves and others are arbitrary, it is important to acknowledge that most people do not perceive the world that way. Addressing this gap between our basic relationality and our experience of separateness is the primary aim of the Buddhist teachings.

Buddhist epistemology differs slightly from that of the west. In the west we often regard necessary conceptual truth as the most reliable. The general form of knowing in western philosophy is to start at the most objective end of the spectrum of truth, and then move towards contingent forms of knowledge in areas where necessary truth is unavailable. For instance, we might try to understand the world mathematically, but then look to empirical science or social science in places where mathematical certainty is unavailable.

25. Tsutrim Gyamsto, *Progressive Stages of Meditation on Emptiness* (Auckland: Zhyisil Chokyi Ghatsal Publications, 2001) at 11.

Buddhists regard realization, or direct experience of reality, as the highest form of knowledge. While it is important to have a complete philosophical description of the self, that description is only valuable insofar as it leads to direct experience of that description. The traditional way in which this epistemology is expressed is in terms of the three types of knowing: listening, reflecting, and meditating.²⁶ Listening refers to investigating an area with an open and receptive mind. This could involve listening to a lecture, reading a book, or perhaps gathering data. Reflecting or contemplating involves thinking about and testing whatever it was that you listened to in order to ensure that it actually is true. This might involve applying logical techniques to the information, connecting it to other bits of knowledge, or testing that knowledge in the world around you. Meditating in this context means “to integrate the newly acquired knowledge or understanding into one’s being or character,”²⁷ or to put it into practice. For example, learning to dance might involve an explanation of the steps (hearing), trying out the individual steps (reflecting), and finally actually dancing (meditating). The key point is that the final stage of experienced knowledge is the most important.

III. *The gap between theory and practice in restorative justice*

Compulsory Compassion by Annalise Acorn is perhaps not a great theoretical work of restorative justice,²⁸ but it does provide an example of the difficulty of bringing the principles of restorative justice into one’s own experience. Acorn, a one-time proponent of restorative justice, found that there was a disconnect between her intellectual commitment to a restorative approach and her ability to bring that approach into her own life. “There was something troubling,” Acorn writes, “about my own hesitancy and about my lack of confidence in my own willingness and ability to apply the theory to myself.”²⁹ There is a big difference for Acorn between accepting her account of restorative justice and directly feeling the validity of that account in her life.

This difference is important for Acorn because she thinks that restorative justice requires a genuine feeling of connection and forgiveness. When discussing the teachableness of universal love, she writes that restorative justice is both “too spiritual and not spiritual enough” because it

26. Chögyam Trungpa, *The Profound Treasury of the Ocean of Dharma Vol 1*, (Boston: Shambhala Publications, 2013) at 491.

27. *Ibid.*

28. Annalise Acorn, *Compulsory Compassion: A Critique of Restorative Justice* (Vancouver: University of British Columbia Press, 2004) at 7; Bruce Archibald, “Why Restorative Justice is Not Compulsory Compassion: Annalise Acorn’s Labour of Love Lost” (2004) 42 *Alta L Rev* 941.

29. Acorn, *ibid* at 7.

requires that people operate at a level beyond their own individual desires for retribution without some kind of great scorekeeper in the sky who rewards selfless action. Restorative justice, for Acorn, asks participants to accomplish supererogatory feats of virtue. Her notion is that the average person is essentially interested in punishing people who harm them, so putting them in a restorative situation that depends on people reaching beyond themselves is asking too much.³⁰

Acorn's strongly stated worry is that forced compassion is false compassion. She writes that fabricated love does not count as love at all and that "love of the burglar who breaks into your house, the stranger assailant who rapes you...has to be of this deliberately and painstakingly fabricated kind."³¹ If restorative justice requires universal love, then the fact that this love is not genuinely felt is a major problem. When asked to undertake these supererogatory feats of forgiveness, compassion, and love, restorative justice participants revert to a thoughtless pretense of what is asked of them.

One response to Acorn's critique is to say that she misidentifies the requirements of restorative justice. In his review of the book, Bruce Archibald writes that "no responsible advocate of restorative justice requires forgiveness from the victim."³² This response, while valid, is perhaps too narrowly focused. Acorn builds an argument around a caricature of restorative justice,³³ and this argument can be refuted simply by identifying that restorative justice differs from that caricature, but the fact remains that any restorative approach does require *something* different from victims and offenders than the criminal justice system. There is some kind of connection, or activity of relationality, that is required for the restorative justice process to accomplish its goals. This is after all the chief virtue of the restorative justice articulated by Llewellyn. Restorative justice conceived as relational justice requires the activity of relationality—the experience of oneself as including relationships to others.

Acorn's argument could be rephrased in terms of relationality rather than compassion.³⁴ Just as we often do not feel compassion towards other beings, we often do not feel connected to them. A relational view of self holds that we are constituted in and through our relationships to others. This includes relationships to families and communities as well as to those who have wronged us. Asking a victim to consider the ways in which their

30. *Ibid* at 38.

31. *Ibid* at 40.

32. Archibald, *supra* note 28 at 944.

33. In particular, Acorn is not specific as to which kinds of restorative justice she is criticizing.

34. It could be argued that compassion is really just a kind of experience of relationship.

being is constituted in and through their relationship to their assailant is at least as radical and difficult as asking them to forgive. Without some articulation of the gap between theory and experience, and without some mechanism of closing that gap, even a relational justice faces the same kind of reaction that is expressed in *Compulsory Compassion*. If restorative justice asks participants to participate in something that they cannot locate in their experience, there is a risk that they will reject the project outright or engage in a dumb pretense.

The main value of *Compulsory Compassion* is that it expresses what can happen when there is a gap between the theory of restorative justice and one's experience of daily life. At its root, Acorn's rejection of restorative justice is not really the result of clean, dispassionate analysis, but simply because she honestly could not see the principles of restorative justice reflected in her existence. Acorn uses a number of literary examples to disprove the assumptions of restorative justice practices, but the only real argument is an assertion that these examples "ring truer" than the principle of restorative justice.³⁵ This is what makes the book both compelling and flawed: it is not really so much an argument as it is a statement of experience. Experience is, however, tremendously important. If restorative justice theory cannot be brought into experience, then it is very fragile.

In terms of Buddhist epistemology, Acorn's story expresses a problem with the third stage of knowing—putting the theory into practice. Acorn heard about restorative justice theory and she was able to reflect on that information, but she was not able to actually blend that knowledge into her experience, and so it ended up ringing false. Without that kind of knowing, from a Buddhist perspective, one's principles are nothing more than fragile fabrications.³⁶

The Buddhist view of this problem is that while we might be fundamentally compassionate, wise, and relational, we are deeply conditioned by habit. Even if our absolute nature is relationality, our whole lives have been lived in the apparent world of separateness, and so we have an extremely strong habit of thinking of ourselves as separate and permanent. It is naive to think that after a lifetime of training in separateness someone will suddenly fully understand themselves as irreducibly related to others. Almost every aspect of our society trains people to relate to

35. Acorn, *supra* note 28 at 24.

36. It might be that Acorn's view of restorative justice is flawed, but this amounts to the same issue. Either she did not bring the theory into experience, or it was not a theory that *could* be brought into experience. Either way, the problem was that it was not expressed in her life.

issues through the lens of our separateness. We discipline children for discrete acts of wrongdoing, our stories are told in terms of legal fault and causation, and most of our institutions are built around our metaphysical separateness. Throughout most of our lives we work on our separate selves and so it is profoundly unsurprising that it is difficult to experience the world any other way.

IV. *The contribution of meditation practice*

All Buddhist practices are meant to bring the teachings of the Buddha into one's experience. The main point of the tradition is to help people understand the nature of their experience, develop compassion, and ease suffering.³⁷ Therefore, all Buddhist practices are aimed at helping to develop an experience of what the philosophy describes. The previous sections have argued that restorative justice and Buddhist philosophy share a similar account of the self, and that a gap exists between the relational theory behind restorative justice and the experience of some practitioners. This section suggests that *shamatha* meditation could be a useful tool to help restorative justice practitioners to develop an intuitive understanding of relationality.

Shamatha means "peaceful abiding" in Sanskrit.³⁸ *Shama* means "peace," and *tha* means "to abide" or "to develop." So, in a sense, this practice is a way to cultivate peace by abiding in it. The meditator takes a good posture, places their attention on the breath, and when the mind wanders, gently and without recrimination, returns it to their breathing. This practice is substantially the same across many Buddhist and non-Buddhist traditions, and the world of empirical science is perhaps most familiar with it as the Mindfulness Based Stress Reduction mental health intervention.³⁹

One Tibetan word for meditation is *gom*, which means "to become familiar with." In this sense we are always meditating on something. If we spend a lot of time becoming familiar with anger or jealousy, anger and jealousy become easier and more automatic. Similarly if we spend a lot of time thinking about ourselves, then that becomes easier to do. Mental activity is exactly the same as any other activity: the more you do a thing the easier that thing becomes. *Shamatha* meditation is simply becoming familiar with the mind. The technique of posture, following the breathing, and bringing the attention back to the breath is only there to bring your

37. Trungpa, *Training the Mind*, *supra* note 22 at 128.

38. Mipham J Mukpo, *Turning the Mind into an Ally* (New York: Riverhead Books, 2003) at 5.

39. For more information on MBSR see online: University of Massachusetts Medical School <<http://www.umassmed.edu/cfm/stress/index.aspx>>.

attention clearly to what the mind is doing. When you observe your mind without judgement, you begin to see how thoughts and emotions arise out of the blue and completely captivate one's attention. These thoughts and emotions are the origin of the relative experience of self that I discussed earlier: the mind moves so quickly between distinct thoughts and emotions it appears to be a solid, separate thing. Formal meditation allows us to relax and slow down so that we can actually see what the mind is doing.⁴⁰

Through meditation we can "see how the mind creates our solid sense of self and begin to discover the mind's natural state of being."⁴¹ In terms of interdependence, this illustrates how looking clearly at the mind can begin to reveal the relative experience of separateness as an illusion. Through practice, the strong intuition of separateness is revealed to be built on nothing but ephemeral thoughts and emotions. As a result of seeing through some portion of the illusion of separateness, meditators experience glimpses of their basic nature, which is a direct feeling of one's irreducible relationship to others and one's basic worthiness as a human being.

The fact that our minds are constantly present in our life means that developing a familiarity with the mind leads to all kinds of beneficial effects. Meditation helps with physical and emotional pain management, immune response in cancer patients, and feelings of connectedness in romantic relationships. It is also helpful for depression, self-regulation of emotional response, and aggressive tendencies in teenagers. Each week there are new empirical findings that structured meditation practice leads to improvements in a variety of physical and mental health indications.⁴²

The practical skills that are developed through *shamatha* meditation are directly applicable to the restorative justice process. For instance, it has been argued that the restoration of the victim's emotional wellbeing is a major benefit of the restorative approach⁴³ and meditation is a promising intervention for treating emotional pain.⁴⁴ Meditation has also been used successfully to reduce hostility and mood disturbance and improve self-

40. Mukpo, *supra* note 38 at 34.

41. *Ibid* at 34.

42. For a detailed summary of clinical research related to mindfulness see Greg Flaxman & Lisa Flook, "Brief Summary of Mindfulness Research," online: Mindfulness and Awareness Research Center <<http://marc.ucla.edu>>.

43. Heather Strang, "Justice for victims of young offenders: The centrality of emotional harm and restoration" in Gerry Johnstone, ed, *A Restorative Justice Reader* (Devon: Willan Publishing, 2003) 286.

44. Vujanovic et al, "Mindfulness-based acceptance and posttraumatic stress symptoms among trauma-exposed adults without axis I psychopathology" (2009) 23 *J Anxiety Disorder* 297, online: NCBI <www.ncbi.nlm.nih.gov>.

esteem in prison populations,⁴⁵ which is directly in line with the restorative goal of rehabilitating offenders rather than punishing them.⁴⁶ Finally, mindfulness has been found to be positively associated with expressing oneself to others and empathetic engagement.⁴⁷ These qualities of empathy and communication between victims, offenders, and their communities are important aspects of the restorative process.⁴⁸

It is possible to understand *shamatha* using the language of restorative justice. Restorative justice is classically concerned with restoring right relations between individuals. Howard Zehr famously used the Hebrew word *shalom* to articulate the state of harmony that our justice system should be aiming to restore.⁴⁹ *Shalom* is translated as “peace” or “all rightness,” which is roughly the same meaning as the *shama* part of *shamatha*. Zehr uses this notion to argue that in cases of crime or social disruption, there is already some kind of pre-existing social fracture and the crime is just a symptom of that more basic disharmony. Restorative processes can relate to crime more fully than the criminal justice system because they can address this more basic disharmony.

From a Buddhist perspective, the original fractured relationship is the one that we have with ourselves. For whatever reason, human beings tend not to be able to rest in their interdependence, but instead attempt to manufacture a permanent, independent self. This striving to be otherwise means that we cannot develop a positive relationship with ourselves. Because we want to be permanent and independent, there is a constant feeling of disappointment and anxiety when we encounter the reality of impermanence and interdependence. Social problems, on this account, arise from this personal dysfunction, and achieving social peace relies on realizing some degree of personal peace.

The insight that social dysfunction and personal dysfunction are related is not new. James Gilligan’s *Violence: Reflections on a National Epidemic*, as just one example, is a stirring account of twenty-five years of encounters with some of the more extreme inmates in the Massachusetts

45. Marlene Samuelson et al, “Mindfulness-Based Stress Reduction in Massachusetts Correctional Facilities” (2007) 87 *The Prison Journal* 254, online: Sage Journals <<http://tpj.sagepub.com/content/87/2/254>>.

46. Llewellyn, *supra* note 9.

47. Dekeyser et al, “Mindfulness skills and interpersonal behaviour” (2008) 44 *Personality and Individual Differences* 1235, online: Science Direct <<http://www.sciencedirect.com>>.

48. Barry Stuart, “Guiding Principles for Peacemaking Circles” in Gordon Bazemore & Mara Schiff, eds, *Restorative Community Justice: Repairing Harm and Transforming Communities* (Cincinnati, OH: Anderson Publishing Co, 2001) at 282.

49. Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scotsdale: Herald Press, 1990) at 130.

prison system.⁵⁰ Gilligan's main point is that the extreme acts of violence these men committed were rooted in some form of deep personal shame and trauma. This is a tangible example of the interrelationship between social and individual trauma. Because these men were brutalized by their particular society, they developed some kind of psychological dysfunction, which in turn led them to brutalize the world in its turn. But of course we could say the same thing about the people who harmed them in the first place, and so the cycle of blame spirals beyond our comprehension. From both a relational and Buddhist perspective, there is no bright line between self and society, so there is no ultimate difference between social trauma and personal trauma. The harms individuals endure *are* social harms because the relationships between individuals constitute society.

It follows, then, that social and personal harmony depend upon one another. Meditation practice is the Buddhist approach to developing personal harmony. By simply sitting and paying attention to the breath, practitioners discover that their minds and hearts are fundamentally healthy and whole. This discovery allows people to relax their habits of self-hatred and emotional poverty and develop a more friendly relationship towards themselves. This friendliness and familiarity in turn allows them to turn outward and encounter the world with kindness. This could be categorized as a kind of restorative process, but what is being restored is the relationship with oneself.

Correspondingly we could understand the restorative circle as the social analog of individual meditation practice. Meditation is simply a structure and technique that causes people to notice the movement of their minds and allows their natural wisdom and compassion to come to the surface. The idea is that human beings have the capacity to solve their own problems, and so do not need an external force to process their neuroses and develop kindness. The meditation technique itself merely brings attention to the capacity that is already there.

Restorative practices play the same role at the level of community. Central to the restorative project is that communities have the capacity to understand and solve their own problems. Rather than needing a professional legal institution to dispassionately adjudicate a conflict, the community actually possesses the kindness and intelligence to see what needs to be done. Restorative processes serve as techniques for bringing this kindness and intelligence to the surface. Sitting in a circle, hearing the stories of the other parties and, having a facilitator guide the discussion, all bring the participant's mind back to their social connectedness, and

50. James Gilligan, *Violence: Reflections on a National Epidemic* (New York: Vintage Books, 1997).

to the worthiness of that community. Like individual meditation practice, the technique of restorative justice can bring attention to the communal capacity which is already there.

A common story of restorative encounters is that they create a kind of magical environment in which both offenders and victims do remarkable and unexpected things. Lifetime criminals suddenly come to terms with their past misdeeds and make genuine, permanent changes in their lives. Victims forgive their wrongdoers and find healing in doing so.⁵¹ The Buddhist explanation of this magic is that human beings are basically good. They have an innate capacity for compassion and wisdom, and when they are given environments and practices which allow that goodness to surface, they are capable of remarkable things. Many restorative processes are these kinds of environments. They provide a space for people to feel their connection to their world, and their own worthiness as human beings. The experience of that space is what is called “magic.”

This has two important implications for restorative justice practitioners. First, it provides further support for the idea that restorative processes should be used outside of situations of conflict. If the restorative process is indeed a technique which brings attention to relationality, then it is important to practice that technique outside of stressful situations. Most people first encounter a restorative practice in a time of conflict or personal trauma. This is like learning to meditate while having a nervous breakdown. Stressful periods are bad for learning anything new, let alone something that fundamentally challenges one’s sense of self. If restorative justice is understood as practice rather than a response, it is sensible to hold restorative processes regularly and in cases where there is no immediate conflict. The use of restorative processes in schools is just one example of how this change in approach has already taken root.⁵²

Secondly, it suggests that individual meditation practice would be helpful for restorative justice practitioners and participants. The limitation of the restorative circle as the primary way of working with one’s mind is that it is a difficult practice. Logistically, of course, people do not participate in very many restorative circles because circles usually occur in response to a particular event, and always involve other people’s schedules. More basically, however, working with others is more complicated and difficult than working with oneself alone. It is always possible when relating with

51. Jo Nodding, “The Meeting: Jo’s Story—Surviving Rape,” online: Restorative Justice Council <<http://www.restorativejustice.org/RJOB/josstory>>.

52. Mary Shafer & Laura Mirsky, “The Restorative Approach in Nova Scotia: A Partnership of Government, Communities and Schools” (2011), online: Restorative Practices E Forum <www.iirp.edu>.

others to blame them for all of the problems that arise in a process. In individual meditation practice there is less possibility of assigning credit or blame to some external thing because the practice does not really involve external things. Since the practice is just sitting and following the breath, it is clear that everything which comes up during that practice is one's own mind. There simply is not anything else going on. This provides a great deal of clarity as to your own mental life.

This is not to say that meditation or restorative processes are better or worse than each other at developing a felt-sense of relationality, just that they do so at different levels. Individual meditation practice is all about developing familiarity and friendliness towards oneself, and seeing how our strong intuitions of separateness are in fact complete illusions. Restorative justice takes that same kind of process and turn it outwards towards the social world. By understanding and working with both the social and individual practices, restorative justice practitioners can more effectively bring abstract notions of relationality into their daily experience.