Restorative Transformative Learning. A new way of thinking about restorative justice and intimate partner violence.

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“Tell me and I forget, teach me and I may remember, involve me and I learn.”

- Benjamin Franklin
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Chapter 1 - Violence against Women: A global problem

1.1 The numbers

Violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women’s lives, on their families, and on society as a whole. Most societies prohibit such violence – yet the reality is that too often, it is covered up or tacitly condoned. (U.N. Secretary-General Ban Ki-Moon, 8 March 2007)

In 2007, the United Nation’s Trust Fund to End Violence against Women reported that at least one out of every three women around the world will experience some form of abuse in her lifetime, often by an abuser known to her (United Nations, 2007a). The World Health Organization, in their 2005 study on violence against women, concluded that in nine out of ten (non-Western) countries that were surveyed more than 25% of women reported having experienced physical- or sexual assault (García-Moreno et al., 2005). Important to note, however, is that this epidemic problem is not exclusively taking place outside of the realms of what we often believe to be the ‘developed world’; a world in which we are emancipated, in which women have gained more rights over the last few decades and a world which we believe to represent equality. Notwithstanding the enormous progress that has been made pertaining to women’s rights and safety, violence against women is still very much alive in today’s Western society. The World Health Organization (2013) has reported that 27.2% of the women that were surveyed in the European region had experienced physical- and/or sexual violence by either an intimate partner or someone other than a partner. A very recent study by the European Union Agency for Fundamental Rights (2014) reveals that 33% of the women who were surveyed had experienced physical- and/or sexual violence, and 22% reported having experienced physical- and/or sexual violence by a partner.

The Netherlands

The recent study by the European Union Agency for Fundamental Rights (2014) reveals that the Netherlands score relatively high when it comes to violence against women compared to other European countries. For instance, 26% of the Dutch women that were surveyed indicated that they had been stalked, compared to an 18% EU-average (European Union Agency for Fundamental Rights, 2014). More than half of the Dutch women were fearful of

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physical- and/or sexual violence, and as a result have avoided certain places and situations (European Union Agency for Fundamental Rights, 2014). 45% of the Dutch women that were surveyed revealed that they had been a victim of physical- and/or sexual violence at least once, which is much higher than the EU average (33%) (European Union Agency for Fundamental Rights, 2014). In addition, 25% has fallen victim to violence by an intimate partner (European Union Agency for Fundamental Rights, 2014).

**Male victims & non-heterosexual relationships**

This is not to say that only women fall victim to these forms of violence; men can become victims of physical- and sexual violence as well, also by an intimate partner (see Tjaden & Thoennes, 2000). In addition, intimate partner violence is not exclusive to heterosexual relationships in which the male dominates the female. Available research indicates the existence of such violence in lesbian, gay, and bisexual relationships as well (see Heintz & Melendez, 2006; McKenry et al., 2006). As these examples show, intimate partner violence is a far more complex problem than it is often believed to be. Nevertheless, it is true that ample research is available when it comes to violence against women in general and male-to-female intimate partner violence in particular. Moreover, women report significantly more violence and more frequent and lasting consequences of their victimization than men (Tjaden & Thoennes, 2000). For these reasons, this thesis will focus primarily on male-to-female violence.

**1.2 Intimate Partner Violence**

The United Nations (1993) defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women … whether occurring in public or in private life” (United Nations, 1993, Art. 1). As Watts and Zimmerman (2002) note, “[o]ne of the most common forms of violence against women is that perpetrated by a husband or other intimate male partner” (p. 1233). Erez (2002) mentions that in cases of intimate partner violence (hereafter IPV), the male is commonly the aggressor and the female is the victim. The fact that this type of violence is committed by an (ex)partner is one of the factors that distinguishes IPV from other types of violence against women. IPV involves psychological-, physical- and/or sexual harm by a male abuser who is either a current- or former partner or spouse (Zolotor et al., 2009; see also Coker et al., 2000a; Coker et al., 2000b).
Women who are exposed to IPV endure kicks and punches, belittling behaviour, rape and even homicide (Watts & Zimmerman, 2002; see also Browne, 1993; Campbell & Lewandowski, 1997). The United Nations (2007b) has reported that, based on the outcomes of several surveys, half of the homicides against women around the world are committed by current- or former partners/spouses. According to Campbell and Lewandowski (1997)

[t]he trajectory of the most severe kinds of abuse is often an increase in severity and frequency over time that may culminate in a homicide if the woman does not leave or the man does not receive either treatment or incarceration for violence. (p. 354)

The violence that is committed by the victim’s (ex)partner is not limited to a single event. IPV is considered chronic violence, related to the number of abusive partners of a victim, the number of occurrences of IPV and the time period that the abuse encompassed (Thompson et al., 2006).

**Exposure to IPV**

Exposure to IPV has devastating physical- and psychological effects on the victim (Bonomi et al., 2006; Campbell & Lewandowski, 1997; Campbell & Soeken, 1999; Campbell et al., 2002; Coker et al., 2000a; Coker et al., 2000b; Coker et al., 2002; Golding, 1999; Pico-Alfonso et al., 2006; Zolotor et al., 2009). Bonomi et al. (2006), in a study comparing the overall health of women who were exposed to IPV and women who were not, discovered that “[w]omen exposed to IPV had significantly worse health outcomes compared to non-abused women” (p. 462; see also Zolotor et al., 2009). Moreover, “the longer women were exposed to IPV, the worse their health outcomes” (Bonomi et al., 2006, p. 462). In other words, chronicity has a considerable impact on the victim’s overall health. Leung et al. (2005) conclude from their study that the quality of life victims of IPV is significantly impaired.

To summarize the main conclusions from research dealing with the consequences of exposure to IPV, these consequences are divided into two categories: physical- and mental health effects. The next subsections will briefly deal with the most often mentioned health consequences for victims of IPV, to clarify the severe adverse health effects that exposure to IPV has on its victims.
A. Physical health effects

As mentioned, the most severe physical health consequence of exposure to IPV is homicide (Campbell & Lewandowski, 1997; Jordan, 2004; Watts & Zimmerman, 2002). Campbell and Lewandowski (1997) note that at the time of writing their paper the majority of adult women who were murdered in the United States were killed by their (ex)partners and that most of these women were victims of IPV before they were killed (see also Browne, 1993). Victims of IPV suffer from other acute effects as well (Zolotor et al., 2009). Zolotor et al. (2009) report that “[t]rauma to the face, orbital fractures, and dental injuries are especially common” (p. 849). Other physical health effects, such as gynaecologic health problems, are sexually transmitted diseases (Campbell & Lewandowski, 1997; Campbell & Soeken, 1999; Campbell et al., 2002; Coker et al., 2000b; Zolotor et al., 2009); vaginal tearing, bleeding, and infections (Campbell & Lewandowski, 1997; Campbell & Soeken, 1999; Campbell et al., 2002); urinary tract infections (Campbell & Lewandowski, 1997; Campbell et al., 2002); and pelvic pains (Campbell & Lewandowski, 1997; Campbell et al., 2002; Coker et al., 2000b). Other physical health effects that have been identified in several studies are (chronic) headaches (Campbell & Lewandowski, 1997; Campbell et al., 2002; Coker et al., 2000b; Zolotor et al., 2009) and digestive problems (Campbell & Lewandowski, 1997; Campbell et al., 2002; Coker et al., 2000b; Zolotor et al., 2009).

B. Mental health effects

Increased suicidality is mentioned as a mental health problem following IPV (Golding, 1999; Pico-Alfonso et al., 2006; Zolotor et al., 2009). Pico-Alfonso et al. (2006) report that suicidal thoughts and suicidal attempts are more predominant in women who have been exposed to IPV than in non-abused women. Depression is another mental health problem that is associated with IPV victims (Bonomi et al., 2006; Campbell & Lewandowski, 1997; Campbell & Soeken, 1999; Golding, 1999; Pico-Alfonso et al., 2006; Zolotor et al., 2009). Campbell and Lewandowski (1997) mention that “battered women consistently are found to have more depressive symptoms than other women” (p. 356). In a meta-analysis, Golding (1999) discovered that the mean prevalence rate of depression among female victims of IPV was 47.6% which was significantly higher than the prevalence rates of depression found among the general population of women. Other mental health effects among victims of IPV are PTSD (Campbell & Lewandowski, 1997; Campbell & Soeken, 1999; Golding, 1999;
Pico-Alfonso et al., 2006; Zolotor et al., 2009) and substance abuse (Golding, 1999; Zolotor et al., 2009).

1.3 IPV and the criminal justice system

As can be concluded from the foregoing sections, violence against women, and IPV more specifically, still plagues the world today. Exposure to such violence has significant and appalling consequences for the women who fall victim to this type of crime. IPV cases are very intricate and any measure to achieve justice for female victims of this type of violence will need to take into account the special and sensitive circumstances that the victims find themselves in. As Koss (2000) already argued over a decade ago: “Appropriate justice response to battering and rape is critical, because these crimes are most women’s only exposure to criminal victimization” (p. 1333). Any measure that fails to do this does not only fail to do justice, but also increases the risk for secondary victimization (see Orth, 2002).

Criminal justice assumptions

The current dominating response to crime in general is criminal justice. This approach to crime is, in many ways, effective in combatting various forms of violence. Criminal justice has specific (implicit) assumptions with regard to crime and justice. These assumptions influence its applicability to various crimes. Zehr (2005) argues that

> [t]he lens we look through determines how we frame both the problem and the “solution” … [T]he lens we use to examine crime and justice affects what we include as relevant variables, what we consider their relative importance to be, and what we consider proper outcomes. (p. 178)

Criminal justice, according to Zehr (2005) employs a retributive lens. This particular choice of lens affects how the system frames IPV and its solution (Zehr, 2005). The most important assumptions that Zehr (2005) mentions, for the present case, with regard to crime are the following: the state is the primary victim (see also Umbreit et al., 2005) (i.e. crime is committed against the state; the state has stolen people’s conflicts (Christie, 1977)); the state and the offender are the primary parties (i.e. the victim is more or less ignored); the victim and the offender in a conflict are strangers; and crime is a violation of abstract rules (see also Umbreit et al., 2005). With regard to justice the criminal justice system, according to Zehr (2005), holds the following assumptions: the focus is on the offender, not on the victim (i.e. focus on establishing guilt); it is a win-lose paradigm (i.e. if one party wins, the other party
loses); justice is sought through a conflict between adversaries (although this is more typical for American criminal justice systems); and, as a result, the justice process alienates (Zehr, 2005).

These assumptions, however, do not fit well with IPV. To name but a few examples: IPV is first and foremost a crime committed against a victim, not against the state; the primary focus on offenders leaves room for secondary victimization of the battered victim; intimate partners are, as the term suggests, not strangers; IPV is a violation of interpersonal relationships; criminal justice leaves no room for a win-win situation, in which both victim and offender may eventually benefit from the imposed justice measure (through rehabilitation/restoration/transformation of both parties); and finally, the adversarial nature of the system creates opponents whereas this may not be beneficial in cases involving IPV (especially when children are involved).

_Criticism_

Several scholars have also raised their own arguments against the use of criminal justice in IPV cases: violence by an intimate partner is significantly different from other violent crimes (see Hart, 1993; Hoyle & Sanders, 2000; Jordan, 2004); victims may have different interests than the criminal justice system (Hart, 1993); involvement in criminal justice processes generates fear among victims (e.g. fear of reprisal) (Hart, 1993; Jordan, 2004); and the involvement of the criminal justice system substantially increases the risk of secondary victimization\(^2\) (Hart, 1993; Jordan, 2004; Koss, 2000). These arguments against the applicability of criminal justice in cases of IPV refer back to the aforementioned assumptions. For example: the adversarial nature of criminal justice, in which justice is sought through a conflict between adversaries (Zehr, 2005), causes tension between the victim and offender in a case, especially where it involves intimate partners. As a result, victims are more fearful to participate in criminal proceedings because of the possibility of their partners’ retaliation.

For these reasons then, scholars and policymakers alike have, over the years, sought alternative justice measures to deal with the intricate nature of IPV. Offender rehabilitation is

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\(^2\) See Orth (2002) for more information on the risk of secondary victimization in criminal proceedings.
not sufficient (Babcock et al., 2004; see also Hart, 1993; Jordan, 2004; Koss, 2000). Another promising alternative approach to justice that is proposed is restorative justice³.

### 1.4 Thesis

**Problem statement**

As was made explicit in the foregoing sections of this chapter, violence against women in general, and IPV more specifically, continues to be a worldwide problem and its consequences for victims that face this type of violence should not be underestimated. As Coker et al. (2000a), argue: “Violence against women is a significant health problem that has both short- and long-term physical and mental health consequences for women and their families” (p. 553). Helping victims of IPV recover, while increasing their chances for justice and eliminating the prevalence of violence against women is at the heart of this thesis.

**Purpose statement & research question**

The purpose of this research is not to answer why or why not a restorative justice approach is suitable for cases involving intimate partner violence. Rather, the purpose is to offer an answer to the question of how restorative justice may work in intimate partner violence cases and, in turn, a new way of thinking about restorative justice such cases. It does so by applying transformative learning theory to the present case.

The following research question has been developed to achieve this purpose: *What is the added value of applying a transformative learning approach to the use of restorative justice in IPV cases?*

**Relevance**

The findings of this study will contribute to the existing body of knowledge on restorative justice and its applicability in cases of IPV. In addition, this thesis hopes to open up new pathways for thinking about justice in cases where intimate partners are involved and the complexities that are inherent to it. Applying a transformative learning perspective to the present case is one way of doing this. Such an approach is especially relevant in cases involving IPV because it is not mere restoration, as the term restorative justice suggests, that

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³ See chapter 2.
is sought; it is rather a transformation of both the offender and the victim. This facilitates a change in habitual ways of thinking and acting, hoping to improve both victims’ and offenders’ quality of life while combatting violence against women. Future research can build on the foundations of this thesis to expand and validate its relevance beyond the boundaries of theoretical analysis. Regarding this study’s practical relevance, it hopes to provide a practical framework for current restorative justice practitioners, especially in the field of IPV resolution, and new insights for policymakers who busy themselves with the application of restorative justice on a national scale in the Netherlands.

In conclusion then, this fresh take on the topic at hand and the information it will provide may be used in subsequent attempts by other academics and policymakers to help victims of violence caused by an intimate partner on their road to recovery and justice, taking into consideration a transformative perspective.

Outline

Chapter 2 of this thesis will offer background information on the main theoretical elements that will be referred to in subsequent chapters: restorative justice, transformative learning theory, and transformative justice. Chapter 3 will focus on the application of transformative learning theory in restorative justice and, more specifically, in IPV cases. It will discern three distinct phases and apply these to the issue of IPV. In addition, the possible problems and benefits of applying a transformative learning approach to restorative justice in cases of IPV are discussed. Chapter 4 will offer an example of what has been discussed in the previous chapter by presenting a short case study on a Dutch institution that seems to apply a transformative learning approach to IPV, namely the Oranje Huis in Alkmaar. Finally, chapter 5 will provide an answer to the central research question as aforementioned. The theoretical-, practical-, and research implications of applying a transformative learning approach to restorative justice will also be discussed. The chapter will conclude with some food for thought on restorative justice in general.

Methods

Google Scholar, ScienceDirect and Web of Science have been used as databases for the literature that is used throughout this thesis, as well as books that have either been borrowed or bought. For the description of the Oranje Huis-method, which is discussed in Chapter 4, the database of Movisie has been consulted, as well as that of the Verwey-Jonker Institute. The
key search terms that have been used are *intimate partner violence*, *domestic violence*, *victimization*, *criminal justice*, *restorative justice*, *transformative learning theory*, and *transformative justice*. The literature has been selected according to the abstracts and their appropriateness for the current topic.
Chapter 2 – Theoretical Framework

2.1 Restorative Justice

‘Vague’ definitions

Restorative justice (hereafter RJ) is an alternative approach to crime and justice. According to Zehr & Gohar (2003) RJ was traditionally used to deal with ‘petty’ property crimes. Nowadays RJ is even applied to some of the most severe forms of violence (such as murder, rape, assault, see Zehr & Gohar, 2003). RJ can be used as an alternative to- or an element of criminal justice, or as a complementary measure. What is important to keep in mind is that participation in every RJ process is on a voluntary basis, both for the victim and the offender (Zehr, 2005). Braithwaite (2003) argues that RJ aims to reduce injustice: “It aspires to offer practical guidance on how we can lead the good life as democratic citizens by struggling against injustice” (p. 1). Marshall (in Duff, 2003) argues that RJ is “a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (p. 44). According to Schiff (2003) RJ “bring[s] the affected parties together in a non-adversarial, face-to-face meeting to talk about what happened and what should be done about it” (p. 316). Van Ness (in Duff, 2003) mentions that the purpose of such a process is “the restoration into safe communities of victims and offenders who have resolved their conflicts” (p. 44). These definitions are rather vague (Duff, 2003), but they generally capture the RJ approach to crime and justice.

RJ assumptions: Crime

RJ holds a variety of (implicit) assumptions about crime and justice (Zehr, 2005) that stand in stark contrast to those of criminal justice. First and foremost, Zehr (2005) argues that RJ assumes people and relationships to be the victims of crime instead of the state (as in criminal justice). The harm that is inflicted by the offender is primarily harm inflicted upon an individual victim: “Crime then is at its core a violation of a person by another person” (Zehr, 2005, p. 182). Secondly, instead of the state and the offender, the victim and the offender are the primary parties to a case in a RJ process (Zehr, 2005). While the victim is more or less ignored in the criminal justice system, the victim and his/her needs are central in the RJ process (Zehr, 2005). The extended focus on victims in RJ gives them a voice, takes them seriously, and provides them with a sense of empowerment, more so than criminal justice does. Schiff (2003) argues that in a RJ process “the offender can make amends directly to the
person harmed, rather than to ‘the state’, an abstract, formal and impersonal entity that has little meaning for most offenders or victims” (p. 316). Thirdly, as a result of the first- and second assumption, interpersonal dimensions are believed to be highly important in RJ, whereas these are ignored in criminal justice processes (Zehr, 2005). This is of vital importance in IPV cases; the victim and the offender are not strangers, as the criminal justice system assumes, but have an intimate relationship that gives the process of resolution of a conflict an entirely different dimension. Not taking into account this interpersonal relationship may stand in the way of an effective resolution. Finally, instead of assuming that crime is a violation of abstract rules, RJ believes crime to be a violation of interpersonal relationships (Zehr, 2005). Instead of approaching crime as something that is abstract, beyond everyday reality (as is the case when the focus is primarily on a violation of abstract rules), crime is believed to be something that is part of people’s everyday reality, namely a part of their interpersonal relationships.

**RJ assumptions: Justice**

The solution to crime according to RJ, Zehr’s (2005) ‘justice’, focuses first on problem-solving, a requirement for reconciliation, whereas criminal justice focuses exclusively on establishing the offender’s guilt. In RJ, the victim’s needs are more central (Zehr, 2005). The role of the victim is important: “They must feel needed and listened to in the process … At minimum, this means they must be a key in determining what their needs are, how they should be met, and when they should be addressed” (Zehr, 2005, p. 194). Note however that the offender’s admission of guilt for the crime is a necessary component in every RJ process. Without such an admission, a problem-solving process cannot proceed. The difference lies in the fact that the establishment of guilt is not the focus in RJ; it is a prerequisite for the problem-solving process that follows. Secondly, opposed to the win-lose model of the criminal justice system, RJ makes a win-win situation possible (Zehr, 2005). In RJ the possibility for both parties to ‘win’ is present: both victim and offender can benefit from participating in a RJ process. For the victim, the chance to recover from the violation is of importance; for the offender, change should be encouraged which establishes a sense of hope for the future (Zehr, 2005). In such a case then, both parties may benefit from the participation in a RJ process: a win-win situation. Finally, instead of making victims and offenders opponents in an adversarial system, offering the chance for a normative dialogue is the key in RJ (Zehr, 2005). Making opponents out of the victim and the offender, especially where it involves IPV, creates fear of reprisal among victims (see Hart, 1992, Jordan, 2004). Paving
the way for a dialogue between victim and offender tries to counterbalance this adversarial nature that accompanies the justice process, which is of vital importance in cases where intimate partners (and children) are involved. The goal is to create a win-win situation in which the victim can heal and feels more empowered, while the offender is encouraged to change to create a better future (Zehr, 2005). When partners are transformed into opponents, such a situation is impossible. A normative dialogue then facilitates both the victim and the offender, and offers more possibilities for reconciliation and a win-win situation.

As Zehr (2005) mentions: “Retributive justice, restorative justice. The world looks quite different through these two lenses” (p. 214). Criminal justice and RJ differ quite dramatically in their approach towards crime and justice and therefore in their approach to IPV. Within RJ however, differences in RJ programmes exist as well (Schiff, 2003). The following two sections will briefly deal with two of the most prominent RJ approaches towards crime and justice that may be applied to IPV cases⁴: victim-offender mediation and family group conferencing.

**RJ approaches: Victim-offender mediation**

Schiff (2003) mentions that victim-offender mediation was already used in the United States, Canada and Europe thirty years ago. It can therefore be considered the earliest applied RJ intervention program (Schiff, 2003). According to Schiff (2003), victim-offender mediation “is designed to bring victims and offenders together face-to-face in a safe, structured, facilitated dialogue that typically occurs in a community-based setting” (p. 318). A trained mediator assists the mediation, and its purpose is to

- give victims the opportunity to express their feelings and discuss the material and non-material impact of the crime; allow offenders to hear the impact of their crime(s) and take responsibility for their behaviour; bring the parties together to determine an appropriate reparative plan to address the harm caused by the crime. (Schiff, 2003, p. 318)

Research overall shows high satisfaction rates for both victims and offenders who participate in a victim-offender mediation process (Menkel-Meadow, 2007; Schiff, 2003; Umbreit et al., 2005). Both victims and offenders who participate in mediation are more satisfied with the

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⁴ Although more approaches exist, for the purposes of this thesis, only two will be highlighted that seem most appropriate for cases involving IPV.
process and the outcome than victims and offenders that participate in a court process (Schiff, 2003). Moreover, as Umbreit et al. (2005) argue, the expression of satisfaction of both victims and offenders regarding their participation in mediation “is consistently high … across sites, cultures, and seriousness of offenses” (p. 273). When victim-offender mediation is coupled with criminal justice interventions, victims and offenders are more satisfied than groups participating solely in court prosecution (Umbreit et al., 2005). Victims and offenders also report high levels of perceived fairness (Umbreit et al., 2005). With regard to recidivism, the results are mixed (Schiff, 2003; Umbreit et al., 2005): some studies suggest lower recidivism rates among offenders who have participated in a victim-offender mediation, and for those who did reoffend, the crimes were less severe (Schiff, 2003; Umbreit et al., 2005). In fact, as Latimer et al. (2005) show in their meta-analysis, when compared to comparison groups or control groups, offenders who had participated in a RJ procedure were more successful in follow-up periods. Overall, Schiff (2003) argues, the outcomes of different studies are primarily positive, and when this was not the case, the outcomes are no worse than the outcomes of offenders who have participated in a court process only.

**RJ approaches: Family group conferencing**

Family group conferencing stems from ancient Maori practices (Schiff, 2003). Nowadays, both police based- as well as court-referred family group conferencing is practiced (Schiff, 2003). In this restorative strategy, the victim, the offender, their respective family members and any other supporters are brought together for mediation (Schiff, 2003). As is the case with victim-offender mediation, family group conferencing offers the respective parties the possibility to tell their stories, to identify the impact of the crime, and to collectively decide on the appropriate resolution (Schiff, 2003). The problem-solving process, which was mentioned as one of the core assumptions of the RJ lens (Zehr, 2005), is abetted by all the participants in a family group conferencing procedure (Schiff, 2003). Thus, in contrast to victim-offender mediation, the respective family members of the victim and the offender, as well as other supporters (e.g. friends) have a stake in the process and in its resolution.

Research indicates fairly high satisfaction rates for participants who have participated in a family group conferencing procedure (Schiff, 2003; Umbreit et al., 2005). Schiff (2003), argues that “participant satisfaction rates are generally higher for FGC participants than for court-processed youth and their victims” (p. 321). American research suggests high compliance rates with the agreements that are made following family group conferencing
Moreover, the majority of participants report significantly higher levels of experienced fairness when compared to participants whose cases are tried in court (Schiff, 2003; Umbreit et al., 2005). In fact, as Umbreit et al. (2005) argue, “the conference offenders were also more likely to feel that they would be caught if they re-offended” (p. 279). Research on recidivism rates amongst violent offenders who have participated in family group conferencing indicates that their re-offense rates decreased (Schiff, 2003). As Umbreit et al. (2005) argue “[p]reventing recidivism is often used as a long-term measure of the “effectiveness” of [justice] programs” (p. 284). The results overall indicate that family group conferencing can be an effective restorative method for victims, offenders, and their social support.

**RJ and IPV**

The use of RJ methods in IPV cases has been criticized extensively in academic literature. It is important to highlight this criticism for future reference and analysis. Daly and Stubbs (2006) have summarized the main problems that have been identified by a variety of scholars in their article, which will be briefly mentioned in this section. They argue that victim safety is one of the most important of these potential problems when applying RJ to IPV (Daly & Stubbs, 2006). They mention that the informal process of RJ “may put victims at risk of continued violence; it may permit power imbalances to go unchecked and reinforce abusive behaviour” (Daly & Stubbs, 2006, p. 17) because it privatizes the violence (Daly & Stubbs, 2006). The informal nature of the RJ process also increases the risk of manipulation by offenders; they may try to diminish their guilt or the violence, or they may even blame the victim for their violence (Daly & Stubbs, 2006). This may very well result in secondary victimization, which is also one of the critiques against the use of criminal justice in IPV cases. Additionally, the RJ process may put extensive pressure on the victim of IPV (Daly & Stubbs, 2006). Daly and Stubbs (2006) raise the argument that some victims may be unable to effectively speak on their own behalf, and this is especially a problem when a family group conferencing approach is used where the victim runs the risk of being overshadowed. This poses a problem; one of the core assumptions of RJ is the victim’s interest. When this is minimized or overshadowed, as Daly and Stubbs (2006) mention, the significant role that is awarded to victims in a RJ process is impaired. Moreover, because of the possible lack of

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5 See Daly & Stubbs (2006) for a more extensive elaboration and references to the articles that they have used to devise this list.
effectively speaking on her own behalf, the victim may feel forced in accepting an offender’s apology or an agreement (Daly & Stubbs, 2006). In family group conferencing it may be the case that the family members and friends, acting as the victim’s support group, have mixed loyalties, for instance in intra-familial cases (Daly & Stubbs, 2006). Another important problem that is argued to limit the applicability of RJ to IPV cases is the perceived limited impact on offenders (Daly & Stubbs, 2006). A RJ procedure may not have any impact on changing the offender’s behaviour in the future (Daly & Stubbs, 2006), thereby not helping to reduce recidivism rates among IPV offenders. Finally, applying RJ to cases involving IPV may do little for deterrence of future offenders (Daly & Stubbs, 2006). It is argued that (potential) offenders “may view RJ processes as too easy, reinforcing their belief that their behaviour is not wrong or can be justified. Penalties may be too lenient to respond to serious crimes” (Daly & Stubbs, 2006, p. 17).

Although the summary of arguments that has been provided by Daly and Stubbs (2006) is quite overwhelming and seems to discredit the appropriateness of RJ in cases involving IPV, they also mention that RJ may have potential benefits in these cases. For instance, victims are able to have their voices heard and may be empowered by the experience that RJ offers them (Daly & Stubbs, 2006). Moreover, the victims’ accounts may be validated which acknowledges them (Daly & Stubbs, 2006). Lastly, RJ may offer means of repairing the intimate relationship between the victim and the offender in IPV cases where this is warranted (Daly & Stubbs, 2006).

In this short overview of the main problems with regard to applying RJ in IPV cases and its potential benefits, the cons seem to outweigh the pros and therefore RJ may be deemed an inappropriate justice measure for female victims of IPV. This, however, does not have to be the case. Daly and Stubbs (2006) clearly mention that “we are not sure that RJ, as currently practised [italics added], is capable of responding effectively to these offences” (p. 17). Although the practice of RJ, at the time of their article, was not believed to be satisfactory enough for cases involving IPV, the possible application of RJ in cases of IPV is not entirely ruled out. A transformative approach to RJ may prove to be more suitable for IPV cases, compared to RJ’s traditional approach.
2.2 **Transformative Learning Theory**

*Making sense of our experiences*

Traditionally, transformative learning theory (hereafter TLT) has been applied to adult learning contexts such as universities. At a later stage however, Mezirow’s version of the theory was implemented and somewhat altered by others, such as in the field of health science and radicalization (see Wilner & Dubouloz, 2011). TLT offers a practical framework that facilitates the understanding of how individual people change their assumptions, beliefs, and behaviour (Wilner & Dubouloz, 2011). Mezirow, the leading pioneer behind TLT, has defined transformative learning as “the process of effecting change in a frame of reference” (Mezirow, 1997, p. 5). These frames of reference, Mezirow (1997) adds, “are the structures of assumptions through which we understand our experiences” (p. 5). Learning occurs when we make sense of, and in so doing interpret and give meaning to, our experiences in an attempt to understand them (Mezirow, 1990). Such a process of meaning making happens at two different stages that, taken together, make up our meaning structures: meaning schemes and meaning perspectives (Mezirow, 1990). Meaning schemes are specific “habitual, implicit rules for interpreting” (Mezirow, 1990, p. 2). In other words, our meaning schemes are our individual, particular ways for making sense of an experience. For instance, sticking to the current topic on IPV, when a woman is violently assaulted by her intimate partner, she may interpret this as being her own fault (because of a variety of reasons); she blames herself for her partner’s violence (which is not an uncommon thing when it comes to IPV) and therefore internalizes this behaviour. This is her ‘habitual, implicit rule’ for interpreting the experience. Secondly, meaning structures are comprised of meaning perspectives (Mezirow, 1990). These are more general, overarching “habits of expectation” (Mezirow, 1990, p. 1), or “habits of mind” (Mezirow, 2009, p. 1). These ‘habits of expectation’ are made up of “a set of assumptions that structure the way we interpret our experiences” (Mezirow, 1990, p. 1). Because of their generality, meaning perspectives may be defined as one’s overall worldview. Wilner and Dubouloz (2010) define meaning perspective as “[a] structure of assumptions, based on meaning schemes, that exists within the learner and filter perceptions and shape comprehension of new experiences” (p. 45). This means that the (implicit) assumptions of both criminal justice and RJ can be described as meaning perspectives: these assumptions

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6 For the purposes of this thesis the transformative learning theory as devised by leading expert Mezirow will be applied, although variations exist.
dictate how, in this case, crime and justice are understood. IPV, as a ‘new experience’ is understood according to these assumptions. Another example, in line with the current topic on IPV, is that the male perpetrator has been brought up in a patriarchal context in which men dominate over women (his meaning perspective), and he therefore sees no real harm in ‘occasionally’ using violence against his partner.

Transformative learning

TLT then, according to Mezirow (1990), describes

the process of becoming critically aware of how and why our presuppositions have come to constrain the way we perceive, understand, and feel about the world; of reformulating these assumptions to permit a more inclusive, discriminating, permeable, and integrative perspective; and of making decisions or otherwise acting upon these new understandings. (p. 14)

This process of transformation starts with an individual that is faced with a dilemma (Wilner & Dubouloz, 2011). Such dilemmas are described as distortions; these occur when an individual’s meaning perspective no longer fits one’s current reality (Mezirow, 1990; Wilner & Dubouloz, 2011). These distortions, in turn, are triggers that offset a transformative process of critical reflection, reformulating one’s assumption, and acting upon these new assumptions (Mezirow, 1990). Critical reflection is therefore an important step in the transformative process: when an individual critically reflects on his/her distortions, these can be corrected and a process of problem-solving is encouraged (Mezirow, 1990). Such reflection, Mezirow (1990) argues, “involves a critique of the presuppositions on which our beliefs have been built” (p. 1).

Transformative processes that are offset by a trigger event (a distortion) may be sudden or gradual (Mezirow, 1990; Mezirow, 2009; Wilner & Dubouloz, 2011). According to Mezirow (2009) sudden, epochal transformations are “major reorientations in habit of mind, often associated with significant life crises” (p. 94). A gradual, cumulative process of transformation, on the other hand, is “a progressive sequence of insights resulting in changes in point of view and leading to a transformation in habit of mind” (Mezirow, 2009, p. 94). Whether sudden or gradual, these types of transformations alter one’s meaning perspective.
Mezirow’s ten-step process

Mezirow (2009) has identified, in a study on women who returned to college (on which TLT is based), a ten-step process that transformations follow. The sequence of phases as Mezirow (2009) has formulated them, is as follows:

1. An individual experiences a disorienting dilemma
2. A process of self-examination takes place, with feelings of anger, guilt, fear, and/or shame
3. The individual critically assesses his/her assumptions;
4. And recognizes that his/her discontent and the process of transformation are shared
5. The individual explores options for new role(s), relationships, and action;
6. And plans a new course of action
7. The individual acquires skills and knowledge for implementing his/her plans;
8. And temporarily tries his/her new role(s)
9. The individual builds competence and self-confidence regarding his/her new role(s) and relationships;
10. And reintegrates on the basis of the conditions that the individual’s new perspective dictates

The process of transformative learning thus involves individuals who, according to Mezirow (2009), experience a dilemma that necessitates a change in belief, ideas, and behaviour, as TLT proposes, and which ends with the individual having acquired a new and improved meaning perspective with which he/she reintegrates into society.

Rationality versus emotion

Transformative learning is often thought to be a rational process, and one may accomplish a ‘perspective transformation’ (Taylor, 2008) individually. While this may be true in adult learning contexts, this seems more difficult in contexts that are emotionally-laden, such as in IPV cases. It is therefore that this thesis proposes to implement transformative learning into RJ practices: because of the emotional aspect of IPV, transformative learning cannot rely on the rationality of the individual involved. A RJ facilitator, as an objective and rational spectator, can assist during this process when emotions may hinder the individual’s transformation.
2.3 RJ & TLT: Transformative Justice?

Community transformation

A transformative approach to RJ and IPV has been described by Coker (2002), whose transformative justice ideal focuses primarily on community transformation. Coker (2002) argues that traditional RJ approaches in cases of IPV do not generally address … sources of women’s inequality nor do they address the subordinating systems that may operate in the life of the batterer … rather than restorative justice, battered women should have the option to choose processes that operate with a transformative justice ideal. (p. 143)

Coker (2002) mentions that transformative justice in cases of IPV should focus on the relationship between IPV and social inequality. The aim of Coker’s (2002) transformative justice is “the transformation and creation of communities that support women’s autonomy” (p. 144). In other words, it is the community in which the offender lives that holds the subordination- and, consequently, the battering of women intact. It is therefore the community that needs to be transformed. Moreover, it is not the reintegration of the male offender that is important, but the enhancement of victims’ autonomy that should be stressed (Coker, 2002).

As was mentioned earlier, one of the arguments against the use of RJ in IPV cases is the idea that it privatizes violence (see Daly & Stubbs, 2006). Transformative justice, according to Coker (2002) avoids this privatization, because it focuses on the transformation of an entire community. Because of the involvement of the community it is argued that transformative justice “capture[s] the benefit available in formal adjudication: that of a public repudiation of the batterer’s behaviour and a declaration of unilateral responsibility” (Coker, 2002, p. 148). Where Coker’s (2002) transformative justice ideal also differs from traditional RJ is the departure from the focus on the victim’s forgiveness and the offender’s apology. The former is not a necessary component of the offender’s reintegration into the community, Coker (2002) argues. Instead, it is important to enable the offender to “understand both his responsibility for his use of violence and controlling behaviour” (Coker, 2002, p. 148). Apologies, on the other hand, may often be quick and insincere, while change in behaviour is either slow or not even taking place (Coker, 2002). In contrast, a transformative justice

7 Transformative justice, in this sense then, employs a community conferencing strategy (see Schiff, 2003).
approach focuses on “extensive fact-finding, planning, and enforcement” (Coker, 2002, p. 148).

*Transformative justice versus TLT*

As mentioned, transformative justice focuses on the transformation of the entire community, thereby employing a community conferencing strategy. This thesis will however employ an individual-level focus, focusing primarily on the transformation of both the victim and the offender in IPV cases. This is not to say that community transformation is not important. However, when a community is unable or unwilling to transform, an individual-level approach to transformation may be more practicable.
Chapter 3 - Transformative Learning in Restorative Justice in Theory

3.1 RJ, TLT & IPV: Where do we go from here?

As has been mentioned in the previous chapter, transformative justice seems to incorporate RJ and TLT approaches. However, as was also mentioned, transformative justice focuses on community transformation, not the individual-level transformation that may follow from involvement with RJ practices that this thesis seeks to address. Transformative justice therefore, although it provides some insights that may be useful for an individual-level analysis, is not the answer to the issue at hand. What is sought after is not so much a community-focused transformative justice as it is an individual transformation that employs RJ practices in IPV cases.

The use of IPV for the current analysis rests on two premises: one being, as was mentioned in the introduction, the prevalence of IPV in Western countries, and the other being the particularity of IPV cases in RJ. Traditional RJ practices are suitable for a number of different crimes and are not highly criticized in these cases (although scepticism always subsists). It is the particularity of IPV that limits the applicability of RJ in such cases according to critics. However, it is also this particular particularity that makes room for more optimist accounts. Although it may be that, for a number of reasons, traditional RJ practices are not suitable for IPV cases, variations in RJ practices are recognized by proponents and opponents. This is also the reason why a clear definition of RJ is difficult to formulate and only ‘vague’ definitions exist today (see Braithwaite, 2003).

3.2 Restorative transformative learning

One such variation of RJ practices is suggested in this thesis: a transformative learning approach in RJ, hereafter called restorative transformative learning. Whereas traditional RJ practices may, as said, be suitable for a number of crimes, it is because of IPV’s particularity that this may not be the case. The two individuals in an IPV case are intimate partners: they have built a life with one another, may parent children and are therefore indefinitely connected to one another. A rather static approach to such a case (e.g. a formal mediation procedure) may very well limit RJ’s ability to confront the violence that has occurred in the relationship and to achieve justice on its end. Moreover, ‘restoration’, as is implied by RJ, suggests a process of restoring an individual to his or her state prior to the conflict. This, however, is not something to strive for when IPV is addressed.
This thesis therefore proposes that the emphasis on such a restoration in RJ needs to be replaced by an emphasis on transformative learning that ultimately leads to a more complete sense of restoration. What is sought after by such an approach is that individuals learn to transform their belief systems (i.e. their meaning structures) which dictate their use or toleration of violent behaviour. Furthermore, the restorative transformative learning approach to RJ is an attempt to relieve the strict victim/offender dichotomy that is inherent to the law’s perspective on violence. As argued earlier, IPV is much more complex than violence between strangers due to the interpersonal dimension of IPV and its chronicity. Although this thesis specifically focuses on IPV as an instance of violence against women, this is not to say that men are not victimized by such violence or that some women have no stake at all in the violence that occurs in their relationship. It is precisely because of the complexity that is inherent in IPV that the restorative transformative learning approach is proposed in this thesis: it tries to let go of the black-and-white victim/offender dichotomy that may, in some cases, be difficult to establish. It also tries to shy away from the (often) paternalistic emphasis of the formal law perspective on IPV; that the offender is a beast and the victim is a passive ‘victima’ (van Dijk, 2009), and instead tries to empower both individuals by treating them accordingly. This does not mean that there are no discernable victims and offenders in this approach. The idea is not to increase a woman’s responsibility for the violence where there is none (thereby adding to the ‘battered woman syndrome’); a difference has to be made between the partners regarding their responsibility for the violence. It may be that in one case a definite victim and a definite offender may be distinguished, and that in another this dichotomy is more difficult to establish because both individuals have had some stake in the escalation of the violence. This is, as argued, because of IPV’s complexity. Either way, the restorative transformative learning approach keeps in mind the dynamics that are typical in violent relationships. The aim of the restorative transformative learning approach is to fill the gap that exists in cases where the dichotomy is not absolute.

In this sense, the restorative transformative learning method that is proposed in this thesis seems to resemble a sense of therapeutic jurisprudence (see Wexler, 2000). According to Wexler (2000), therapeutic jurisprudence “focuses on the law’s impact on emotional life and on psychological well-being” (p. 125). In other words, the law is itself believed to be a therapeutic agent (Wexler, 2000). Where the restorative transformative learning approach

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8 Although it may very well be the case that one party has the upper hand regarding the violence.
diverges from therapeutic jurisprudence is in the idea that these therapeutic goals, which, according to Wexler (2000) should not necessarily trump other goals, should be stimulated by RJ. What this means is that although law in itself may elicit therapeutic experiences, justice interventions may benefit from explicitly focusing more on such goals while keeping in mind other goals that need to be reached. In this sense restorative transformative learning is more than just therapy, which does not have to involve justice interventions. The aim of the restorative transformative learning approach is to combine such therapeutic goals with other activities of justice interventions.

3.3 Mezirow’s TLT revisited: A model of restorative transformative learning

Chapter 2 mentioned Mezirow’s (2009) ten-step process of transformative learning for adults. For purposes of further exploration this thesis summarizes this ten-step TLT approach into three main phases of transformative learning:

1. The disorienting phase
2. The learning phase
3. The transformation phase

The disorienting phase relates to Mezirow’s (2009) first step, when an individual experiences a disorienting dilemma. The learning phase encompasses steps two to nine, in which the individual is confronted with the difficult task of critically reflecting on one’s own beliefs, assumptions, and subsequent actions, and in which the individual explores new ways of being and behaving (see Mezirow, 2009). The transformation phase refers to Mezirow’s (2009) tenth step, which is the outcome of the learning process, namely the individual’s internalization of his/her new meaning perspective (e.g. transformation) and subsequently the reintegration of the individual in his/her new way of life. See Figure 1 for an illustration of this model.
3.4 An example: Restorative transformative learning & IPV

The model as presented above can be applied to the current case, namely the application of RJ in IPV cases. As the model portrays, RJ (in this case victim-offender mediation and family group conferencing) is applied throughout the three phases of restorative transformative learning: the disorienting phase, the learning phase, and the transformation phase. The following will exemplify how the model may supposedly work in practice in an IPV case.

3.4.1 The disorienting phase

When the partners accept the involvement of RJ in their IPV case, both are confronted with the fact that the violence that has occurred, and may have been condoned for a long period of time, is undesirable behaviour. The fact that a RJ process is set in motion and both partners have agreed to partake in such a process signals that they are (at least to some degree) willing to change their behaviour, but unsuccessful in achieving this on their own. It is never easy to be confronted with one’s faults and flaws, as is the case when IPV is addressed. This may cause severe stress, as will the prospect of changing oneself. It is therefore important for the RJ facilitator to provide help and guidance in these first instances of self-examination, which may be marked by feelings of guilt, anger, shame, and uncomfortableness (Mezirow, 2009).

Although the model (see Fig. 1) displays the phases sequentially, this does not mean that the restorative transformative learning process is static and uniform. There may be instances in which (one of) the partner(s) does not experience a disorienting dilemma and holds sceptical attitudes towards the process. This does not necessarily necessitate the discontinuance of the

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9 This example will highlight the stages by assuming a case in which both partners have agreed to the RJ approach (although, as will be highlighted in section 3.5, this does not have to be the case).
transformative process. The second phase, during which the partners are engaged in different learning activities, may act as a trigger that offsets feelings of shame, anger, guilt, uncomfortableness, and so on. During this phase, the partners are faced with their behaviour and ways of thinking that have stimulated their toxic relationship, which may cause them to experience disorienting feelings. For this reason then, the model for the restorative transformative learning approach as proposed in this thesis leaves room for flexibility.

3.4.2 The learning phase

Critical reflection

The next phase requires active involvement, not only from the two partners, but also from the RJ facilitator. Both partners need to critically reflect on their own beliefs, ideas, assumptions, and behaviour; on their meaning perspectives. As Mezirow (2009) argues, meaning perspectives “involve how one categorizes experience, beliefs, people, events, and oneself. They may involve the structures, rules, criteria, codes, schemata, standards, values, personality traits, and dispositions upon which our thoughts, feelings and action are based” (p. 93). Critical reflection of these beliefs and associated behaviours, in this case the use and toleration of violence, may elicit different emotions, as Mezirow (2009) has also mentioned: feelings of fear, guilt, anger, and shame may occur in this process, for both partners. In the end, when this critical reflection has been successfully achieved, both partners should come to the realization that a change of their meaning perspectives, on which their (use/toleration of) violence rests, needs to take place.

Exploration

What follows is the exploration of new roles, relationships and action (Mezirow, 2009). For this process to be set in motion it is of the utmost importance that the critical reflection subphase has been completed. If the partners are not convinced of the errors of their ways, this may act as a barrier to their transformation. The RJ facilitator is again important during this part of the learning phase: he or she will need to assist the partners in their exploration while offering them options and guiding them towards an improved course of action. Both partners may require (some form of) guidance as to how to categorize their experiences, beliefs, themselves, and other people (see Mezirow, 2009) in a way that does not involve the use/toleration of violence. This is where the RJ facilitator also steps in: he/she will need to
help both partners, non-paternalistically, in discovering and exploring new roles and actions that are fit for them.

This part of the learning phase can also offer the possibility for the partners to explore the future of their relationship. When they wish to continue their intimate relationship, this will require specific guidance regarding a new plan of action to ensure the discontinuance of IPV in their relationship. When the partners wish to separate, this requires a different plan of action, depending on whether or not the couple has children. This part of the learning phase also introduces the opportunity to both partners to temporarily try their new role(s), which should be stimulated as well as monitored by the RJ facilitator.

3.4.3 The transformation phase

Internalization

The final phase in the three-step model of restorative transformative learning, as it is proposed in this thesis, is the transformation phase. For a transformation to truly take place, two different but interrelated steps have to be completed: the partners internalize what they have learned during the previous phase (i.e. acquiring an improved meaning perspective), and they reintegrate back into society acting on this new ‘habit of mind’ (see Mezirow, 2009). Firstly, the partners need to internalize that which they have learned. During the previous phase, assisted by the RJ facilitator, both partners have critically assessed their assumptions, beliefs, and actions, and have acknowledged that these need to be changed in order to improve both their own lives as well as that of their immediate family. The partners then explored and tried out new role(s) and actions. When the learning phase has been completed and appropriate new roles and improved actions that do not facilitate the use/toleration of violence in an intimate relationship have been deemed appropriate, the next step is to internalize this new way of being. It is one thing to learn new roles and behaviour; it is another to truly take on these new roles and behaviour and acting on it. The RJ facilitator is, again, important during this course, because internalizing a new meaning perspective, on which future behaviour is dependent, may be a tricky thing for people who have long lived according to a meaning perspective that caused them to condone violence. The internalization process is therefore important because a true transformation of beliefs and behaviour is impossible if the partners do not fully believe in- and abide to these new roles and behaviour. What should be kept in mind by all parties in the transformative process, however, is that such internalization takes time.
Reintegration

The final phase in the transformative phase is the reintegration process. The partners have (more or less) completed their transformation and feel restored, and reintegrate back into society with a new and improved meaning perspective that, in this case, does not condone violence. This, however, does not mean that the transformation process needs to be entirely completed before reintegrating back into society. The transformation process may be difficult and gradual, and it may therefore take some time before full internalization of a new meaning perspective and transformation of beliefs and behaviour has taken place. Instead, reintegration back into society marks the end of the learning- and restorative process of the approach.

3.5 Possible problems with the restorative transformative learning approach

Feigned transformations and unwilling learners

An obvious possible problem with a RJ approach focused on transformative learning is that people may feign their transformation. This may be especially true for people who are convinced that there is nothing wrong with their violent behaviour or their toleration thereof. Some may argue that violent men who participate in a RJ procedure that is focused on transformation might be especially likely to feign their transformation in order to ‘come off easy’. It may be the case that participating in a restorative transformative learning procedure may seem a viable and easy alternative to other forms of justice interventions, and that feigning one’s transformation will lessen the burden of such an intervention on the individual in question.

This problem is a difficult one to tackle and it is practically impossible to make absolutely sure that no individual participating in such a procedure will try to ‘take the easy way out’ and feign their transformation, going back to one’s old ways after reintegrating back into society. It is very much up to the RJ facilitator to screen out such individuals as effectively as possible before starting such a RJ procedure. When a restorative transformative learning procedure is already set in motion, RJ facilitators will need to take great care in trying to provide a true learning experience for the individuals participating in a transformative procedure and will need to step in when they feel that someone is not making an effort to change his/her ways. This requires extensive (psychological) training for RJ facilitators which may be deemed too consuming, both time- and money wise. Additionally this thesis does not argue for- or against the simultaneous use of criminal justice procedures in cases of IPV. In fact, there may be
great value in using such procedures together with this particular type of RJ in an attempt to
tackle the issue of feigned transformations, but this is something that merits further research if
it is to go beyond mere speculation.

Apart from the possibility that individuals might feign their transformations in order to come
of easy, it may be that a RJ facilitator that focuses on transformative learning is faced with an
unwilling learner. In such a case, the individual that has been referred to the RJ facilitator has
no interest in scrutinizing his/her beliefs and behaviour, and has therefore no desire to engage
in the learning activities that might change these. At the extreme end of this spectrum, an
unwilling learner may sabotage the learning process. The result of such sabotage is even
worse when the partner is involved in the process, causing a sense of re-victimization. It is
therefore important that such unwilling learners are motivated to actively involve themselves
in the process for their own- and their family’s benefit. This may, evidently, not be possible in
every case because there is no ‘one size fits all’ solution to such a complex issue as IPV.

**Time- and money consuming**

Participating in a restorative transformative learning procedure may be time consuming for
both the partner(s), as for the RJ facilitator. A true transformation of one’s deep-seated beliefs
and behaviour is not facilitated overnight; it may be a gradual and difficult process for some,
while more easy for others. Apart from personal factors, the complexity of the IPV case itself
may render some cases more time consuming than others. A case that encompasses severe
chronic violence will be more complex and will therefore require more invested time than a
case that is limited to a single violent episode. Compared to a ‘traditional’ victim-offender
mediation, where the interested parties meet and get to have their say, an approach that is
focused on transforming an individual’s impaired meaning perspective will prove to be more
time consuming, and an approach which requires more time also requires more expenses. RJ
procedures may be offered to both partners of an IPV case free of cost, but when the costs run
too high, as may be the case when it is a transformation-focused approach, it may be that the
participating individuals may have to share in the costs. These costs may turn out to be
barriers for people to enter into such a procedure, limiting the availability of the approach and
its possible benefits.

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10 This argument will be highlighted later in this section.
Barriers

The pillars of the transformative approach to RJ as proposed in this thesis are the phases in the process. As argued, Mezirow’s (2009) TLT and the ten steps that he has discerned in the process have been summarized and divided into three main phases: the disorienting phase, the learning phase, and the transformation phase. The model (see Fig. 1) displays the sequence of phases as according to TLT. It suggests that one phase needs to be completed in order to move to the next phase. This raises the question about what will happen when a phase is not completed, or when an individual does not even seem to enter the particular phase (such as the first, disorienting phase). If the individual needs to go through the phases sequentially, the entire transformative process will fail if one is unable (or unwilling) to complete or even enter a particular phase. Additionally, if the two partners in a relationship decide to go through the process together, problems may arise when one individual moves slower through one process than the other. If one individual has to wait for the other to complete the particular phase, this may possibly stand in the way of the former’s transformative process. These are then barriers to the phases of the restorative transformative learning approach to RJ, which may limit the attainability of the method.

However, as already discussed, the model is not static and uniform: it may be flexible, although there are restrictions to this flexibility. A true transformation of one’s behaviour and attitudes towards this behaviour seems impossible if the learning phase is not completed or even entered into. Thus, there are certainly barriers to the phases as they have been described. Nevertheless, the model also leaves room for flexibility.

No ‘one size fits all’

An important argument, and something to bear in mind regarding all justice interventions, is that there is not one mechanism that will be applicable to and work for all cases. In other words, there is no ‘one size fits all’. Even with regard to IPV cases, as has been argued earlier, its inherent complexity renders every case unique. This is not to say that there are no overlapping elements in IPV cases, such as chronicity and the type of violence that is used. Nevertheless, what works for some will not work for others. Violence may be used for a number of different reasons (e.g. to control a partner, or as an outlet for stress). The solution

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11 See chapter 1.
to the problem, then, may differ for these different types of cases. These differences also hold true for the reasons for tolerating the violence, as well as for the type of violence that is used in intimate relationships.

It is therefore that the approach that is described in this thesis, an approach that focuses on transformation as a prerequisite of restoration, does not argue to be applicable to all criminal cases in general, or to all IPV cases in particular. Some cases will be so severe that a transformation is, for one or for both individuals, impossible and other justice interventions may therefore be more appropriate. This evidently calls for a case-by-case approach: reviewing each case that is reported to discover whether or not it is appropriate for a restorative transformative learning approach. This, again, may be time- and money consuming, thereby limiting the possibility of such an approach.

3.6 Possible benefits of the restorative transformative learning approach

Liberalization of the victim/offender dichotomy

The criminal justice system, or for that matter every law-focused system, draws a clear distinction between victim and offender. The offender is ‘big and bad’, while the victim is weak, legitimate, and blameless; in other words, Christie’s (1986) ‘ideal victim’. This may especially be the belief when it comes to IPV: the man is the big and bad offender while the woman is weak, legitimate, and blameless for the offender’s use of violence (see Christie, 1986). However, this black-and-white dichotomy between victim and offender may not be that clear-cut in some cases, especially when IPV is discussed. It may be that, as earlier discussed, the line between victim and offender is more difficult to draw because both individuals have had some stake in the escalation of the violence. This is not to say that there are no cases where such a line is easier to draw (i.e. cases where a definite victim and a definite offender can be distinguished). The aim of this argument is also not to diminish the violence and its impact on women’s lives that is used in intimate relationships (seeing as the focus of this thesis is primarily on female victims of IPV). What this argument does try to make clear is that the inherent complexity of IPV and IPV cases and its dynamics render such an absolute victim/offender dichotomy problematic. The aim of the restorative transformative learning approach to RJ in IPV cases, as has been discussed, is to try and fill the gap in this dichotomy by not holding on so firmly to the opposition that is inherent in law-focused interventions, but to provide room for alternative roles. However, as argued earlier, there is no ‘one size fits all’ and this also holds true for the victim/offender dichotomy. In some cases,
this distinction is clear while in other circumstances it may be ambiguous. The strength of the restorative transformative learning approach, as proposed in this thesis, is that the dichotomy is not the focal point, which provides room for flexibility and non-paternalism and thereby increases the chances for a true transformation.

*Individual restoration*

Traditionally, RJ involves both the victim and the offender attempting to resolve their conflict. This means that the success of RJ stands and falls with the participation and cooperation of both parties. When one party refuses a RJ approach or decides to discontinue the mediation, RJ fails in this case. This may result in secondary victimization.

The current RJ proposal, however, protects the individual against this. The focus of this approach is first and foremost on the individual, which means that if one party refuses the RJ approach, it is still possible for the other party to continue the process. This means that the success or the failure of the process does not depend on the cooperation of the two parties to the case, but stands and falls with the individual. This is not to say that the two parties cannot work together in the transformative process, which is also presented in the model (see Fig. 1). It is possible for the two parties to cooperatively go through the transformative process (for example in a victim-offender mediation or in a family group conferencing process), but what it means is that this does not necessarily have to be the case. It may be that the two individuals in an IPV case do not want to continue their relationship and would rather work through the transformative process separately. When they do wish to continue their relationship, or when children are involved and co-parenting is an issue, it may be their wish to work together during the transformative phases. Either way, the restorative transformative learning model proposes that individual restoration is a possibility, which is usually not the case in traditional RJ approaches.

*Healthier future behaviour*

A true change of negative thoughts and behaviour regarding violence will improve the lives of both partners of an IPV case. Where traditional restoration, as the name suggests, aims to restore the individual to the state he or she was in before the conflict took place, the current thesis proposes that this is not warranted. In cases involving IPV we do not want the partners to be restored to their previous state; we wish to change their unwanted and negative habits, from which they will benefit in the future. In other words, what we want in cases involving
IPV is not so much the restoration of both partners, but a change of their ‘habits of the mind’ that have caused them to condone violence in their relationship(s) (see Mezirow, 1990). When negative meaning perspectives of both partners are replaced with more positive ones (perspectives that do not condone violence), both will benefit from this transformation in the future. Children who are involved in a violent relationship (e.g. as witnesses) also benefit from the transformation of their parent(s), thereby creating a safer and healthier environment for them to grow up in.

Reducing recidivism

The reduction of recidivism rates is something that every justice intervention strives towards. As the introduction and the previous chapter have highlighted, the results in recidivism rates for both a criminal justice approach towards crime as well as a RJ approach are varied. The reduction of recidivism amongst offenders of IPV is especially important in order to protect the safety of victims, and when children are involved to protect them from the exposure to such violence. Making definite claims regarding the proposed model’s capability of decreasing recidivism rates in cases of IPV is impossible. However, the focus of the model is on transformative learning. Individuals who participate in the restorative transformative learning process learn new ways of thinking and behaving and if they are able and willing to transform their meaning perspectives they may reap the fruits of their labour in the future. The victim, whose meaning perspective maintained the toleration of violence in her intimate relationship, learns new ways of thinking and behaving regarding such violence and will, as a true transformation has taken place, be less likely to condone this type of abuse in the future. Additionally, the offender whose meaning perspective maintained the use of violence in his intimate relationship also learns new ways of thinking and behaving in a way that does not involve the use of violence, and in turn may be less likely to use such violence in the future. The combination of non-toleration and non-use of violence may help to reduce recidivism amongst offenders of IPV.\textsuperscript{12}

Justice and restoration beyond ‘satisfaction and fairness’

When feelings of justice and the success of a RJ approach towards crime are measured, research usually refers to the level of satisfaction with- and the perceived fairness of the

\textsuperscript{12} This is, of course, all speculative and this therefore merits further research.
procedure\textsuperscript{13}. It is, however, questionable whether feelings of satisfaction with the procedure and people’s perceived fairness of the procedure really captures the feeling that ‘justice has been served’. This is not to deny that satisfaction and fairness are important, but these two concepts do not seem to fully encompass the sense of justice that is referred to here. Justice and fairness are often interchangeable, but when it comes to certain crimes, especially violent crimes such as IPV, the fairness of the procedure will not be able to provide the victims of this violence the justice that they are looking for. Victims of IPV need to feel safe and secure; they need the offender to truly come to terms with the physical- and emotional pain that his violence has caused; they need their behaviour to change; and they need to feel better about themselves and feel empowered. Equating justice solely with fairness will (most likely) not achieve these needs, but focusing on transformation might. As argued, a transformative learning approach to RJ aims to transform the negative meaning perspectives regarding violence of its participants; their ideas, thoughts, assumptions, and behaviour. Focusing on such a transformation may give victims of IPV a more complete sense of justice and restoration than satisfaction with and perceived fairness of the restorative procedure alone. Additionally, traditional restorative practices stand and fall with the cooperation of both partners of a case. In other words, if one partner refuses or discontinues the RJ procedure, the restorative process fails, together with feelings of justice and restoration. The restorative transformative learning procedure that is proposed in this thesis, however, ensures that even in the wake of one partner deciding against RJ, the other can still go through the transformative process, thereby not (entirely) failing to do justice and maintaining the opportunity for restoration of the self.

\textsuperscript{13} See chapter 2.
Chapter 4 - Restorative Transformative Learning in Practice? The ‘Oranje Huis’ methodology

4.1 The OH-methodology and restorative transformative learning: A comparative analysis

About the ‘Oranje Huis’

The ‘Oranje Huis’ is a facility for female victims of IPV, their children, and (when warranted and desired) their partners, located in the Dutch city of Alkmaar. It functions as a crisis shelter and offers accompanied housing for women and their children as well as a domestic violence support service. The name of the facility refers to the situation in which clients are in: they are individuals that find themselves in between safety (green) and mortal danger (red) (Kok, 2011). The Oranje Huis distinguishes itself from other forms of assistance for victims of IPV by bringing the facility out in the open (i.e. it is clearly visible from the outside) and offering help that is future-oriented. The Oranje Huis methodology (hereafter OH-methodology) that is applied in the Alkmaar facility can be used in other facilities that focus on assistance for victims of IPV as well. Blijf Groep Amsterdam has published both a manual and a workbook about the methodology, which can be consulted during such a trajectory (see Kok, 2011).

Enlisting at the Oranje Huis happens on a voluntary basis (Kok, 2011): victims have to contact the facility themselves or through a family member. The facility does not take in clients who are in a life-threatening situation; these women are referred to other, more appropriate, facilities (Kok, 2011). Besides functioning as a crisis shelter, the Oranje Huis also offers continued housing and ambulant assistance (Kok, 2011). In general, clients stay for a six-week period in the crisis shelter and may then choose to move on to continued housing, which may be at the same location or someplace else (Kok, 2011).

Ending the cycle of violence

The aim of the OH-methodology is to end the cycle of violence in the family, focusing on the partners in particular, and to prevent the violence from occurring again (Kok, 2011). The partners are provided help to continue their relationship in a healthier manner, or they are assisted in a safe termination of their relationship (Kok, 2011). This relates back to one of the

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14 The description of the methodology in this chapter has been adopted from two reports about the Oranje Huis methodology. For an extensive and more detailed description, see Kok (2011) and Lünnemann et al., 2010) (in Dutch).
possible benefits of the restorative transformative learning approach to IPV. When clients have really transformed their behaviour and their ways of thinking about violence in an intimate relationship, this will, in the long term, pay off in the sense of healthier behaviour (i.e. no toleration/use of violence in a relationship) and in turn, healthier relationships (with one another and/or with others).

Crisis as a chance

The OH-methodology is based, among other things, on the principle that a crisis can be used as a chance for change (Kok, 2011). As Kok (2011) argues, “a crisis situation can be used to bring about a constructive change” (p. 22, own translation). It therefore seems that the OH-methodology’s ultimate aim is to bring about a constructive change in clients (i.e. a transformation of their thoughts and behaviour) and the crisis that the clients experience is the starting point of such a transformation.

Disorienting feelings

There are, however, factors that may hinder this change during such a crisis (Kok, 2011). Not only will a client experience high pressure, during which assistance is warranted, clients may have a narrowed view about the problem and the solution, because they tend to hold on to certain points of view and ways of behaving (Kok, 2011). This seems to relate to the first phase of restorative transformative learning in RJ: the disorienting phase during which clients will feel uncomfortable in the wake of change and their self-examination. According to Kok (2011), broadening a client’s narrow vision “can be achieved by approaching the problem from different directions, together with the client” (p. 22, own translation) as well as involving more people from the client’s social network (Kok, 2011). Clients may also be fearful of change because it means losing control (Kok, 2011). Offering them structure, stability, and understanding, as well as setting realistic goals, may help to diminish this fear (Kok, 2011). The assistance of a facilitator/social worker was also identified as important with regard to the restorative transformative learning approach in order to diminish the fear of change and help them through this disorienting phase. In addition, clients are encouraged to take small steps instead of big leaps, which is also pointed towards by Mezirow (2009), who argues that a gradual and cumulative process of transformation follows a “progressive sequence of insights resulting in changes in point of view and leading to a transformation in habit of mind” (p. 94).
**IPV’s inherent complexity and dynamics**

In the attempt to improve assistance in cases of IPV, the OH-methodology pays due attention to the complexity and dynamics that are inherent in this type of violence by focusing on the entire family-system (Kok, 2011). According to Kok (2011) “violence is seen as part of the system and not as an individual problem” (p. 11, own translation). Such a focus draws attention to the interpersonal dimensions that are inherent in such a system. Moreover, the importance of interpersonal relationships is one of the basic assumptions of RJ. The dynamics of the family and the interaction between the partners and that between the partner(s) and the child(ren) are the focal points (Kok, 2011), but attention is also paid to the relationship dynamics in a wider family- and cultural context (Lünneemann et al., 2010). This means that the OH-methodology also leaves room for the clients’ social network beyond the direct family to be involved in the process (see Lünneemann et al., 2010).

As has been mentioned in the previous chapter, paying attention to the complexity that is inherent in IPV and the dynamics of the violence that occurs in intimate relationships is of great importance. This is also one of the pillars and possible benefits of a restorative transformative learning approach to IPV: it liberalizes the sharp victim/offender dichotomy when it comes to IPV and therefore leaves room for alternative roles. The OH-methodology also pays attention to this (see Kok, 2011). It is therefore that the Oranje Huis, besides offering shelter to female victims and their children, also offers help to offending partners (Kok, 2011). When involvement of the partner in the process is deemed safe and the partner agrees to participate, he will also become a client of the Oranje Huis on the precondition that his presence does not infringe upon the safety of the victim and on the facility’s other clients (Kok, 2011).

**Individual restoration**

This does not necessarily mean that the OH-methodology can only be applied when both partners agree to such an intervention. It may be that a woman enlists herself at the Oranje Huis but is unwilling to involve her (ex)partner (e.g. because of safety reasons), or her (ex)partner is unwilling to participate. This does not mean that the woman is unsuitable for the OH-methodology; she can still participate in the process individually. The possibility of an individual restoration was one of the benefits that were mentioned in chapter 3. Where regular RJ interventions fail when one party decides not to participate in the proceedings, the restorative transformative learning approach leaves room for individual restoration, which is
also a possibility in the OH-methodology. Moreover, the OH-methodology works around the ‘Krachtwerk’ principle that is routinely applied in women’s shelters (Kok, 2011). The ‘Krachtwerk’ approach is built around the idea that individual clients have the capacity to restore and to change, where the focus is on individual empowerment, and where the client has control over the process\(^\text{15}\), thereby providing the flexibility to achieve individual restoration (whether or not the partner is also involved in the trajectory).

*No ‘one size fits all’*

The OH recognizes that every IPV case is unique and should be treated as such. As Lünnemann et al. (2010) argue, there is a difference between ‘common couple violence’ and ‘intimate terrorism’, and any assistance-focused approach should pay attention to these differences in dynamics. The OH-methodology therefore takes on a case-by-case approach and offers the appropriate amount of assistance for each unique case (Kok, 2011). In the previous chapter, one of the possible problems with the restorative transformative learning approach to RJ that is mentioned is the idea that there is no ‘one size fits all’. The OH-methodology minimizes this problem by paying attention to the differences in violent dynamics in intimate relationships and takes a case-by-case approach, only treating cases that are suitable and referring more extreme cases to other institutions.

*Changing clients’ belief systems*

It is argued that the relationships that people have with others influence how they judge life’s events and how they judge themselves and reality (Kok, 2011). These are people’s belief systems, which give them support but which may also maintain problematic behaviour (Kok, 2011) such as IPV. This idea shares much in common with Mezirow’s (2009) focus on people’s meaning perspectives. As argued in chapter 2, an individual’s meaning perspective dictates how experiences and other people are interpreted, and it influences people’s subsequent behaviour. As with belief systems, these ‘habits of mind’ provide people support, but they also maintain certain unwanted behaviour.

\(^{15}\) See http://www.huiselijkgeweld.nl/interventies/hulpverlening/krachtwerk-basisboek-in-de-vrouwenopvang for more information on Krachtwerk.
Phase 1: Crisis-trajectory

The crisis-trajectory, during which the women and their children stay in the crisis shelter at Oranje Huis, generally lasts six weeks (Kok, 2011). This six-week period focuses primarily on examining the situation and not yet so much on actual change (Kok, 2011). In the crisis shelter, the women and their children have their own apartment which is separated from the place where they receive assistance to provide the opportunity for a physical time out from the assistance (Kok, 2011). The crisis-trajectory is composed of different parts, as identified by Kok (2011): “an introductory meeting and conversations around the themes of safety, parenthood and children, assistance to children, relationship, social network and health” (p. 11, own translation). The speed of the trajectory depends on the situation (e.g. in cases where there are no children, the conversations around this theme are discarded) (Kok, 2011).

Non-paternalism

The conversations with the social worker are question-based and focus on dialogue (Kok, 2011). Because of the focus on the family system as a whole, the social workers do not choose sides, but involve both partners in an open and non-judgemental manner (Kok, 2011). Such an approach deviates from the overall paternalistic method of the law, which upholds a sharp victim/offender dichotomy and treats individuals accordingly, therefore leaving room for flexibility and the chance for a true transformation. The principle of ‘Krachtwerk’ that is applied by the OH-methodology is also an example of a non-paternalistic approach to assisting victims of IPV.

Critical reflection

In order to change the violent interaction patterns between the clients, which are linked to their belief systems (i.e. meaning perspectives), the OH-methodology encourages the partners to enter into a dialogue with one another (Lünnemann et al., 2010). Such an approach will enable them to gain more insight into the escalation of violence in their intimate relationship and the possibilities to positively influence the direction of these conflicts. This, then, relates to one of the sub phases in the learning phase of restorative transformative learning, namely critical reflection of one’s own beliefs, ideas, assumptions, and behaviour. Together with the social worker the partners set up a ‘family taxation’, during which they analyse how the violence has come about, define the areas worthy of more attention, and the steps that need to be taken to break the cycle of violence (Kok, 2011).
The crisis-trajectory ends after six weeks of intensive assistance and a draft of a ‘family-action-plan’, in which the family indicates the areas where change is needed (Kok, 2011). The clients are offered two choices: they can move on to the continued-trajectory, or they can go home and receive assistance when and where needed.

*Children’s involvement*

Besides the interaction patterns between the partners, children are also given due attention in the Oranje Huis’ approach to IPV. They are treated as clients and receive basic help along with specialist assistance when needed (Kok, 2011). The consequences that the children’s exposure to IPV has is explicitly and extensively discussed (Kok, 2011). There are different activities that are organized for the children, they are still able to attend school, and they are allowed to have friends over (Kok, 2011). They are involved in the family-dialogue together with their parents, allowing them to communicate to their parents how they have experienced the situation at home, and involving them in the process of setting up a ‘safety plan’ (Kok, 2011).

*Phase 2: Continued-trajectory*

The clients that choose the continued housing trajectory of the Oranje Huis either receive help at the same location or move on to another facility that works according to the OH-methodology (Kok, 2011). This trajectory may encompass weeks, even months, and may therefore be highly intensive. The clients continue their conversations with (preferably) the same social worker that has assisted them during the previous trajectory.

*Exploring*

Instead of focusing on examining the situation, as during the crisis-trajectory, the focus of the continued-trajectory is on the goals that they have set in their family-action-plan and the implementation thereof (Kok, 2011). The clients are also awarded the time and space to try out the new ways of behaving they have set as a goal in their family-action-plan, with the guidance of their social worker (Kok, 2011). This trajectory is therefore similar to the explorative sub phase of the learning stage as well as the transformation phase (internalization) of the restorative transformative learning approach. The continued involvement of the facilitator/social worker is important during this trajectory because exploring new ways of being and internalizing these behaviours may be a tricky thing. In the
OH-methodology, therefore, the social worker assists the clients in implementing the family-action-plan and adjusts this, in consultation with the clients, every six weeks (Kok, 2011).

**Reintegration**

According to Kok (2011), the primary goals of the continued-trajectory are “strengthening the resilience of the family, bringing the domestic violence to an end and preventing repetition” (p. 13, own translation) and its focus is on a safe return back into society. When the clients have not yet made a decision about whether or not they wish to continue their intimate relationship, they will continue talking about this theme during joint conversations with the social worker (Kok, 2011). The end of the trajectory is marked by the clients’ reintegration into society, which is the final sub phase of the transformation stage of the restorative transformative learning approach.

**Costs**

Kok (2011) argues that, in the short term, starting up a facility that employs the OH-methodology requires more investments than a regular women’s shelter because of the type of housing and the intensive assistance that is offered throughout the OH-process. In contrast, she argues, separating assistance from housing, as well as employing fewer assistance-focused disciplines, works more efficiently (Kok, 2011). In the previous chapter, one of the possible problems with a restorative transformative learning approach was the idea that it may be too costly and too time consuming. The latter is certainly true: the continued-trajectory may take up weeks to several months which may be too time consuming for clients. As Kok (2011) also argues, the short term costs of the intervention are higher than that of a regular women’s shelter, but in the long term, this investment will pay itself off. Thus, although it is recognized that the OH-methodology is certainly time- and money consuming, Kok (2011) argues that in the long term such an intervention will be beneficial for all parties involved.

**Results**

To this day, no study has been carried out to investigate the effects of the OH-methodology (see Kok, 2011). International literature on the topic of interventions that focus on the entire family system does suggest, however, that such interventions are equally as effective as individual interventions (see Kok, 2011). Moreover, it is argued that there are five key elements to (seemingly) successful interventions. According to Kok (2011) these are the following: the main goal is to stop or reduce domestic violence; safety is a first priority; there
needs to be proper screening of absence of severe abuse and psychopathology and presence of the motivation and the nerve to share feelings with the partner (which in turn reduces the risk of unwilling learners and feigned transformations\textsuperscript{16}); the main goal is to end the cycle of violence instead of saving the relationship against all costs; and the emphasis is on the aggressor taking responsibility for the violence and learning the skills to prevent future escalation. According to Kok (2011) the OH-methodology includes all of these elements. Further research is however necessary to establish the effectiveness of the intervention. The results thus far are unable to support the claim that was made in the previous chapter that a justice intervention that is focused on transformative learning reduces recidivism rates.

On the other hand, the research that has been conducted (see Kok, 2011, Lünemann, 2010) indicates that clients are overall satisfied with the OH-methodology. This, however, does not support the possible benefit of a transformative learning approach to RJ in cases of IPV that was mentioned in chapter 3, namely that such an intervention provides justice beyond satisfaction and fairness.

\textbf{4.2 Concluding remarks}

In sum, the OH-methodology seems to have much in common with the restorative transformative learning approach that has been proposed in chapter 3. The most important features of the transformative learning approach to RJ are the phases; these seem to share many similarities with the phases of the OH-methodology. Crisis is seen as a chance for change (Kok, 2011), which acts as the starting point for a transformation of the self, and changing clients’ belief systems (i.e. meaning perspectives) is deemed necessary. Then, a process of critical reflection, exploration and internalization of new behaviour takes place, after which the clients will reintegrate back into society, which were the most important sub phases of the restorative transformative learning approach. Both approaches pay due attention to the complexity that is inherent in IPV and the violent dynamics, which in turn liberalizes the sharp victim/offender dichotomy that is so trivial to law-focused interventions. As the restorative transformative learning model, the OH-methodology leaves room for flexibility and allows for an individual restoration when the participation of the (ex)partner is unwarranted or the (ex)partner is unwilling to participate in the proceedings. This provides

\textsuperscript{16}This is one of the possible problems of the restorative transformative learning approach which has been discussed in chapter 3.
more opportunities for victims of IPV to achieve some sense of justice and, maybe more importantly, their individual restoration. By focusing on ending the cycle of violence, the OH-methodology abides to the benefit of providing their clients a healthier future by altering their use- or toleration of violent behaviour. What is important to note is that this process comes about non-paternalistically. The Oranje Huis also addresses the possible problem that there is no ‘one size fits all’ by recognizing that every case is unique and should be treated as such. A case-by-case approach is therefore applied to offer room for flexibility. Although the costs of the OH-methodology are, in the short term, higher than that of a regular women’s shelter, this investment is compensated for in the long run. Nevertheless, more empirical research is warranted in order to investigate the results of the intervention that goes beyond clients’ levels of satisfaction and sense of fairness of the intervention.
Chapter 5 - Conclusion

5.1 The added value of a transformative learning approach

The aim of this thesis has been to advance knowledge on the implementation of RJ in IPV cases by providing a new way of looking at such an intervention from a transformative learning perspective. The research question that was introduced in chapter 1 was: ‘What is the added value of applying a transformative learning approach to the use of restorative justice in IPV cases?’ The remaining chapters of this thesis have attempted to provide an answer to this question, thereby trying to legitimize the use and application of such an approach to RJ in IPV cases.

Practical framework & guidelines

The added value of a transformative learning approach applied to RJ and IPV is manifold. Mezirow’s TLT has been applied and deemed valuable in numerous settings: from adult learning contexts (which was TLT’s original focus) to health science contexts and even to the psychology behind radicalization (see Wilner & Dubouloz, 2011). As has been mentioned in chapter 2, the approach offers a practical framework in which to understand how individuals change their assumptions, beliefs, and behaviour when confronted with new information and insights (Wilner & Dubouloz, 2011).

In other words, a transformative learning approach not only provides us with the opportunity to understand how people change, but also the tools to try and achieve such a change by using Mezirow’s (2009) ten-step process of transformative learning. The approach therefore offers guidelines in how such a change is, and can be, achieved. Attempting to change behaviour is one of the main drivers behind any justice intervention. It is therefore clear that a practical framework that offers the tools to enact such a transformation is valuable. For the purposes of this thesis, Mezirow’s ten-step process was summarized into three main phases: the disorienting phase, the learning phase (critical reflection and exploration), and the transformation phase (internalization and reintegration). Discerning these distinct phases helps us to understand the road that individuals have to travel to achieve transformation of their beliefs and behaviour, what processes are important in each phase, and, as chapter 3 has highlighted, at which points in time assistance may be helpful.
**Restoration 2.0: A restorative transformation**

The restorative transformative learning approach goes beyond some of RJ’s traditional goals. Restoration in RJ usually means restoring an individual to his/her previous state prior to the conflict. However, such a restoration is not something to strive for when it comes to IPV. Instead, the focus of a RJ-based intervention in IPV cases should be on transforming individuals’ assumptions, beliefs, and behaviour which dictate either their toleration- or use of violence. It is therefore warranted that both individuals in a violent intimate relationship should receive an intervention that is based on transformative learning. Such an approach, as has been proposed in this thesis, can be called *restorative transformative learning*. Restoration in this sense does not refer to restoring an individual back to his/her previous state prior to the conflict; it rather refers to restoring an individual back to a state that does not involve the toleration- or the use of violence. Such a restoration goes beyond the individual’s previous state and tries to restore the individual’s damaged meaning perspective. In other words, instead of restoring the individual back to a previous state that involves harmful assumptions, beliefs, and behaviour, the restorative transformative learning approach restores the individual in a much more comprehensive sense by restoring people’s damaged meaning perspectives (see Fig. 2). Restoration is then achieved by virtue of a transformation of these harmful meaning perspectives.

![Diagram of restoration process](image)

**Fig. 2: Restorative transformation in an IPV case**
Possible benefits

Besides offering a practical framework and guidelines for achieving a transformation, as well as a more complete form of ‘restoration’, a transformative learning approach to RJ in IPV cases, or restorative transformative learning as proposed in this thesis, holds several more benefits that add to its value. For one, such an approach liberalizes the sharp victim/offender dichotomy in IPV. As argued, IPV’s complexity renders such a dichotomy incompatible with reality. The restorative transformative learning approach leaves room for different roles in IPV and fills the gap that exists in traditional law-focused interventions between victim and offender. Secondly, it leaves room for individual restoration by offering partners the opportunity to partake in a restorative transformative learning process; an approach that does not stand or fall with the cooperation of the other partner. The approach, by focusing on transformative learning, also promotes healthier future behaviour that does not involve the toleration- or the use of violence in a relationship. In turn, the transformative aspect of the approach leaves more room for the reduction of recidivism. Finally, a restorative transformative learning approach to IPV cases may deliver justice that goes beyond mere ‘satisfaction’ and ‘fairness’, providing individuals with the opportunity and the tools to transform themselves, leading them not only to understand themselves and their behaviour better, but also improving their overall quality of life in the future as a result of the transformative learning process.

This thesis has also recognized some of the possible problems with applying a transformative learning approach to RJ in IPV cases\textsuperscript{17}. Recognizing these possible limitations so that they can be addressed when the need arises adds to the value of applying a transformative learning approach. It may be that the RJ facilitator is faced with unwilling learners, or that transformations are feigned. Additionally, due to the type of intervention and the desired outcome (a transformation of deep-seated meaning perspectives), the costs of such an intervention will be relatively higher in terms of time and money compared to other types of interventions. The sequential nature of the phases that have been proposed in this thesis can also be problematic when an individual is unable or unwilling to complete a particular phase in order to move on to the next phase, or when one partner is ready to move to the next phase while the other partner may need more time. Finally, there is not one single type of

\textsuperscript{17} See section 3.4.
intervention that will work for all cases involving IPV. In other words, there is no one size fits all. This means that while a restorative transformative approach may work for some cases and some individuals, it proves to be inadequate in other cases for other individuals. This calls for a case-by-case approach which adds to the costs of the intervention.

*The Oranje Huis-methodology*

In chapter 4, as a practical example, the OH-methodology was compared to the theory behind the restorative transformative approach that was proposed in chapter 3. The methodology shares much in common with the foundations of the restorative transformative approach: the most important of these commonalities are the types- and sequence of phases, as well as the rationale behind these. However, what should be borne in mind is that registering at the Oranje Huis happens on a voluntary basis, and it is therefore solely an individual responsibility whether or not an individual receives help in the form of the OH-methodology. In other words, individuals are not officially redirected to the organization by a justice-institution, and the involvement of criminal justice institutions in the OH-methodology is thus (primarily) non-existent.

**5.2 Implications**

*Theoretical implications*

There is ample research available on the topic of RJ and IPV, mostly focusing on why it is either applicable or why it is not. This means that these types of research add to the debate on whether or not RJ is a suitable solution for cases that involve IPV by answering a *why* or *why not* question. This thesis, however, has tried to open up new ways of thinking about RJ in general, and about RJ’s application in IPV cases, which is a complex form of violence and therefore renders different methods of approaching. This thesis thus ultimately answers a *how* question: How should RJ be approached to render it suitable for IPV cases? This thesis therefore does not provide arguments why RJ is either suitable for IPV cases or not. What it does provide is one possible and innovative way of approaching RJ in IPV cases.

It has done so by applying and moderating Mezirow’s TLT; a theory that focuses on adult education. What this means is that we have to look beyond what we commonly understand as ‘restoration’ in RJ, namely restoring an individual back to his/her previous state before the conflict took place, and focus on educating clients (non-paternalistically, i.e. according to the OH-methodology) to understand their assumptions and beliefs about the world, themselves,
and others and their accompanying behaviour that manifests itself through the toleration- and use of violence, and in turn transform this behaviour. It therefore goes beyond, as argued earlier, restoration as we commonly understand it and tries to restore the client to a state in which he/she has no violent meaning perspective (see Fig. 2). Thus, although a theory that focuses on adult education may not seem applicable to the workings of RJ at first glance, switching the focus from restoration as is commonly understood to restorative transformative learning (e.g. a form of adult education) renders the connection between TLT and RJ less peculiar. Approaching RJ in this sense, as a form of adult education (i.e. restorative transformative learning), changes our entire conception of RJ in general and its applicability to IPV cases in particular, and draws our attention to one of the ultimate goals of any justice intervention: reducing recidivism (i.e. through transforming people’s meaning perspectives that contribute to recidivism). It is a restorative transformation we should focus on, not restoring a person back to his/her previous state prior to the conflict (see Fig. 2).

Taking a restorative transformative learning approach to RJ in IPV cases also challenges the law’s sharp victim/offender dichotomy, as argued earlier. The approach leaves room for alternative roles for the individuals involved in the case, recognizing that IPV is complex and its dynamics render a sharp dichotomy often unrealistic. This is not to say that there are no victims and offenders that can be recognized: in most cases, there will be an individual who is primarily responsible for inflicting the violence and an individual who is primarily subjected to such violence. Such an approach also does not try to diminish the violence in cases of ‘intimate terrorism’. Instead, what it tries to shed light on is, as argued, the complexity of IPV and offering alternative roles that bridge the gap between victim and offender in the law’s traditional understanding.

Research implications

New, alternative ways of reacting to IPV is believed to be necessary, and increasingly research has been focusing on the (possible) application of RJ to IPV cases. For example, the Verwey-Jonker Institute in the Netherlands has recently started a two year project to investigate the use of RJ in domestic violence cases. This thesis has been a first attempt to conceptualize the application of transformative learning in RJ, focusing on IPV cases. For this reason, further research is necessary whether or not a restorative transformative learning approach is feasible in practice, although the research results from the OH-methodology, which shares many features with restorative transformative learning, are promising.
The restorative transformative learning approach alters the way we think about RJ in general and its application to IPV cases in particular. As argued, the examination of the possible use of RJ in IPV cases circles around arguments about why it is or is not an appropriate justice intervention for such intricate cases. This thesis does not add such arguments to this infinite discussion, but instead focuses on how RJ might be constructed for it to be appropriate and, not unimportantly, effective for IPV cases. Future research profits from this new way of looking at RJ and can build upon the perceptions that are presented in this thesis. Thus, instead of focusing first and foremost on ‘restoration’ as we commonly understand it in RJ, future research can focus on transformative learning which restores the individual, not to his/her previous state, but beyond that, to a fully restored state (see Fig. 2).

All in all, the transformative learning approach to RJ that is proposed in this thesis provides the academic field that focuses on RJ a new way of thinking about RJ in general and its applicability to particular cases, and challenges one of its most important foundations: the idea of restoration.

The application of a transformative learning approach to RJ can also be investigated beyond the academic field studying IPV. Although such an approach, in its completeness, may be too costly for some minor offenses, it may prove to be valuable to cases similar to IPV. In other words, the appropriateness of the restorative transformative learning approach reaches further than the range of IPV cases. Future research can build on the ideas that are set forth in this thesis and apply and possibly alter it to fit their particular case.

Practical implications

As said, the main aim of this thesis has been to offer a new way of thinking about RJ in general, and RJ’s applicability in IPV cases more specifically. Looking at- and understanding RJ from a different point of view theoretically is one thing: applying these perspectives in practice is something different.

We are always looking for more and better ways of helping those most in need. Attention towards victims in the policymaking industry has increased rapidly in the last few years in the Netherlands. The introduction of the victim impact statement in the Netherlands is but one example of this increased attention. With regard to violence against women and its victims, and especially IPV, attention is shifting from a purely criminal justice-based intervention
(which is deemed unfit in responding to IPV\textsuperscript{18}) to other, alternative ways of reacting to such violence.

While it is acknowledged that other, non-purely criminal justice-based interventions may be feasible in reacting to IPV, too little has been done to provide for such interventions. The OH-methodology, as described in this thesis, is one alternative way of reacting to IPV. The problem with the Oranje Huis is that it is not institutionalized in the sense that its existence is well-known to the entire Dutch society. Moreover, as argued, registering at the Oranje Huis is on a voluntary basis and happens outside of the reach of criminal justice-focused institutions. The restorative transformative learning approach that has been proposed in this thesis, as a new way of approaching the use of RJ in IPV cases as well as other future research endeavours, offer a backdrop for policymakers to provide alternative interventions and forms of assistance to victims and offenders of IPV. Making alternative modes of assistance and justice, such as one focused on restorative transformative learning, available to all who deal with IPV in one way or another is vital if we wish to maintain our increasing focus on victims of crime.

5.3 Moving forward

Approaching IPV from a different angle

Violence against women remains a contemporary problem in most parts of the world\textsuperscript{19}; IPV is but one manifestation of this violence. This is not to argue that such violence is exclusive to the realm of women: men also suffer at the hands of an intimate partner. Moreover, as has been repeatedly argued throughout this thesis, IPV is a very complex manifestation of violence and its dynamics only add to this complexity. Because of the devastating consequences of IPV, ranging from mental health problems to murder\textsuperscript{20}, and the prevalence of such violence, it is not only delivering justice to victims of IPV that is important, but also preventing such violent behaviour in the future.

Whereas, for different reasons mentioned in the introduction of this thesis, primarily criminal justice-focused interventions are deemed unfit for IPV cases, RJ-based interventions may prove to be of great value. Nevertheless, this approach, according to some, also has its flaws

\textsuperscript{18} See introduction.
\textsuperscript{19} See introduction.
\textsuperscript{20} See introduction.
when it comes to IPV. As Daly and Stubbs (2006) mention: “[W]e are not sure that RJ, as currently practised, is capable of responding effectively to these offences” (p. 17). It is therefore that we need to approach RJ in cases of IPV differently to effectively respond to such violence. This thesis has been one such attempt.

The process of restoration, among other things, also means creating an individual story. Poletta (2009) argues that narratives about women’s battering, which traditionally focus on tragedy, should rather focus on a ‘rebirth’ story line. Such a story line emphasizes “a state of lifeless living, a kind of imprisonment occurring in a self-enclosed world, from which the protagonist is liberated in the story’s climax” (Poletta, 2009, p. 1501). Such a story line can also be applied to the situation of offenders of IPV: they may also feel lifeless and imprisoned by their violent meaning perspectives, and may not know how to escape the situation (Poletta, 2009). The focus of the ‘rebirth’ story line is consistent with the method to IPV that has been proposed in this thesis: the restorative transformative learning approach liberates the individual from his/her lifeless situation, while the he/she retains his/her agency. Restorative transformative learning, in this sense, is the driver behind this personal rebirth.

At issue? Public denunciation versus the right to privacy

This thesis has argued for a new way of looking at, and understanding, the application of RJ in cases of IPV. However, there is still no general agreement on whether or not RJ is a suitable approach to IPV. What seems to be underlying the debates about RJ’s suitability for IPV cases is the discrepancy between our desire to publicly denounce violence against women (of which IPV is but one manifestation) and our liberal right to privacy. The non-involvement of a public justice-institution in the treatment of an IPV case, such as the OH-methodology, seems to privatize the violence. As mentioned in chapter 2 of this thesis, this is one of the main arguments that has been raised against the use of RJ in IPV cases (see Daly & Stubbs, 2006). Instead of placing the violent act, the main offender, and the main victim in the spotlight, as a public denunciation of crime aims at, RJ in general, and the OH-methodology in particular, takes place outside of the public eye, putting victims at risk (see Daly & Stubbs, 2006). Moreover, as a society that denounces violence, especially against women, we feel that we have to bring IPV out of its private sphere and into the public sphere. In this way, society signals to other offenders that such violence is not accepted.

On the other hand, IPV is primarily a private affair: it involves both partners, their children (if they have any), and, at best, other family members and friends. Society, as a whole, has
nothing to do with what happens in the private domain of others because we enjoy a liberal right to privacy. Additionally, a public denunciation of such violence as IPV has negative effects for both partners in the form of social stigmatization. A more ‘private’ justice intervention such as RJ may therefore be a preferred method for some people, compared to the criminal justice system’s public denunciation.

It therefore seems that what is actually at stake here is the unease we experience because we a) want to publicly denounce all violence against women, but also because b) we want our privacy to be respected. Seeing as most instances of IPV take place in the private sphere, such cases fuel the discrepancy between these two desires. This raises the question whether we can harmonize the desire to publicly denounce violence and bring it out into the open, and our liberal right to privacy. This, however, is incredibly difficult if not impossible to achieve, which means that choices have to be made which may be beneficial to some, but may be harmful to others.

The restorative transformative learning approach that is proposed in this thesis does not necessarily require an exclusive focus on RJ for IPV cases. In fact, especially in cases of severe violence such as IPV, it may be more reasonable to employ RJ as an element of- or complementary to criminal justice. What this thesis does propose, however, is that applying a RJ approach that focuses on restorative transformative learning may be more beneficial for victims, offenders and the general public, than either an exclusive criminal justice-based approach or a traditional RJ approach to IPV.
Reference List


