Using Restorative Justice Conferencing as a ‘circuit breaker’ to facilitate Couples Therapy

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Abstract

• **Issue:** Infidelity often signals problems in a relationship. Often, when couples do not communicate or are not prepared to listen to each other, they can grow apart. This makes both of them vulnerable. Sometimes unresolved childhood trauma, as was the case with both the individuals in this case, can lead to confusion, strong negative core beliefs about oneself and, again, vulnerability that can make individuals susceptible to temptation.

• **Approach:** Getting the warring couple into couples therapy may not lead to positive results, as the couple may not be ready to resolve their differences amicably. However, inviting them to accept Restorative Justice Conferencing (RJC) as a ‘Circuit Breaker’ can bring some closure to the infidelity and provide a positive climate within which to pursue couples therapy.

• Restorative justice is an approach to justice that focuses on the needs of victims and wrong doers, instead of the need to satisfy the abstract principles of law or the need of the community to exact punishment (Braithwaite, 2002).

• Restorative Justice can involve a fostering of dialogue between the wrong doer and the victim, show the highest rates of victim satisfaction, true accountability by the wrong doer, and reduced recidivism (Liebmann, 2007).
ABSTRACT (Continued)

- **The Four Assumptions of RJC are:** i) There is a victim, wrong doer, and facilitator, ii) The wrong doer must accept responsibility for his/her offences, iii) Both parties must agree to attend the RJC, and iv) There is a negotiated, written and signed agreement at the end of the RJC (O’Connell, Wachtel, & Wachtell, 1999)

- **Key findings:** The RJC helped bring some closure to past differences with the result that the couple can now move forward and engage in couples therapy in a more positive way. The victim was satisfied that her partner’s expression of remorse was genuine. The perpetrator felt a great sense of relief that his partner was able to forgive his indiscretion and give their relationship another chance. The RJC has thus created a positive environment for possible change.

- **Implications:** There is a case to recognise Restorative Practices as a mainstream evidence-based intervention that has its place in family/couples therapy.

- **Conclusion:** RJC may not be a part of couples therapy. However, it can be a useful precursor that facilitates couples therapy, giving it a better chance of success.
Rationale for using RJC

• To improve the effectiveness of therapy, interventions may need to be modified to address the underlying cause that is maintaining the client’s depression (Reinecke & Clark, 2003).

• **Dilemma:** What was best for the client? Tillett (1999) talks about the importance of choosing an appropriate treatment that will address the client’s presenting issues.

• Risk assessment was undertaken due to absence of a precedence:
  - Working within one’s expertise (Australian Psychological Society, 2007).
A BRIEF CASE HISTORY

Igor had an affair with a divorcee while his wife (R) and daughter (10) had been away on holiday in Europe. I's wife discovered the affair while going through I's mobile phone history. The phone entries revealed that I had been in touch with this woman a few months before his wife was due to go on the holiday.

I and R had been married for 11 years. They originally lived in an East European country, but managed to migrate to Australia due to I's hard work and foresight, as they were not making much progress in their native country.

After being caught out, R refused to have anything to do with I. She sought therapy for herself and possibly for her husband too. However, her therapist advised her to leave her husband, as “he would do it again.” He refused to see Igor.

When Igor came to me for therapy, he stated that he wanted to save his marriage and he would do anything to make up for the “error in judgement” he had made. I explained that we could do a RJC provided his wife was willing. Both agreed, but did not want their daughter to be part of the RJC.
Goals for Therapy

Igor identified the following goals for therapy:

• To save his marriage
• To improve himself as father and husband
• To understand reasons why he strayed
• To become a much better person
What happened?
I have been resentful of my wife’s constant nagging at me about my parents and my past. We have been constantly arguing about how badly my parents brought me up. My wife has been withholding intimacy for a while, making me feel totally worthless. When she went on holiday this other woman invited me to Sydney. I was naïve enough to go. Before I knew it, we got into an intimate relationship. However, I returned to Canberra after two days.

What were you thinking about at the time?
I have been confused and unhappy for many years, looking to escape the constant nagging from my wife. I wasn’t thinking straight about the effect my actions might have on my wife and Daughter.

What have you thought about since the incident?
I have felt terribly ashamed and am extremely regretful for what I have done. I wish I can turn back time so I can re-think how I should have reacted.
Who do you think has been hurt?

*My wife, daughter, the other woman and I.*

How do you think each of these people have been hurt?

*My wife* because my infidelity has made her feel inadequate. It may have destroyed the little trust she still had in me, and shattered all her hopes that we could make a happy married life together.

*My daughter,* because she would feel betrayed and, like her mother, lose faith in me.

*The other woman,* because I might have given her false hope that we could make a new life together.

*Myself,* because I may have hurt my long-term interests for some brief moments of pleasure.
What was your reaction at the time of the incident?
Shock, dis-belief, and fear. I ignored my husband for a while because I was extremely angry with him.

How do you feel about what happened?
Betrayed and terribly let down. I do not know if I can trust him ever again.

What has been the hardest thing for you?
Wondering how this is going to affect our daughter.

How did your family and friends react when they heard about the incident?
I have no family here and I do not have a relationship with my parents who live back home. I have not shared this news with any of my friends, as I feel very embarrassed that my husband could do this to me. My therapist has advised me to leave my husband as, according to him, he will do it again.
Pre-Agreement events

Facilitator to Igor: Have you got anything to say?

Firstly, I want to say how very sorry I am for my stupid actions. I’m afraid I have hurt my wife and daughter irreparably (here Igor breaks down).

If I am given the chance, I will do whatever my wife and daughter ask of me so I can start to prove that I do really love them. I am ashamed of my childhood and the abuse I experienced at the hands of an older cousin. My father refused to believe me. He always called me a “Sissy” and often ridiculed me as a weakling in the presence of our relatives. I believe it is time for me to seek professional help to put my past behind me.

Facilitator to R: Have you got anything to say?

I am willing to give Igor another chance, but I need him to come with me to couple’s therapy.

Facilitator to Igor & R:

That brings us to the Conference Agreement where R can ask Igor to do a few things to repair the harm he has caused them. It is a negotiated agreement and one that all of us sign.
R J CONFERENCE Agreement

- R requested that Igor never ever flirt with another woman again
- Igor agreed to allow R access to his phone and computer
- R wanted to be informed of Igor’s whereabouts when there were changes to his work routine
- R requested Igor to share some of the chores on a daily basis
- R requested Igor not to yell at her or their daughter
- R wanted Igor to work on strategies for managing his anger and to never remind her again about her childhood sexual abuse
- Both agreed to attend Couples Therapy and renew their marital vows at some point
What did you get out of the R J Conference?

Igor:

1. Relief that R has forgiven me and I have another chance to prove that I can be a loving husband and father

2. Relief that we can agree on a way forward

3. Confidence that we are really working towards fixing our relationship
What did you get out of the R J Conference?

R:

1. I feel the agreement we have come to has lifted a huge weight off my shoulders, my mind & my heart

2. I need to stop reminding Igor about his painful past and stop nagging him over little things that don’t matter

3. I feel that there is now a little more hope that we will enjoy each other again

4. It felt good to get it all out in the open in a relaxed environment & have an agreement written up to that effect

5. Its fantastic to know that from today things can only get better

6. And I know in my heart if the agreement is broken, it would mean we are not meant to be together
What the facilitator thought

• The Restorative Justice Conference helped bring some closure to past differences with the result that the couple can now move forward and engage in couples therapy in a more positive way.
• As we saw from the views expressed by R and I, both believed that the RJC helped them gain a better understanding of the other partner’s point of view.
• R, particularly, was satisfied that Igor’s expression of remorse was genuine.
• Igor felt a great sense of relief that R was able to forgive his indiscretion and give their relationship another chance.
• Both felt happy that, finally, they were able to see a way forward.
• The RJC has created a positive environment for possible change.
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REFERENCES


