



MIND & LIFE

Mind & Life Podcast Transcript

sujatha baliga – Healing through Restorative Justice

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Opening Quote – sujatha baliga (00:00:03): *The current legal system asks these questions: What law was broken? Who broke it? And how should they be punished? And the paradigm shift of restorative justice asks a very different set of questions. Who was harmed? What do they need? And whose obligation is it to meet those needs? In restorative justice, the person who is centered is the person who's experienced harm. That's where it becomes a justice paradigm, that is when we start to pull in the person who's caused the harm. The work is around resourcing that person to meet this crime survivor's need. So how do we wrap around both of these people? And there is no "us and them" here—our healing is actually going to be collective.*

Intro – Wendy Hasenkamp (00:00:45): Welcome to Mind & Life. I'm Wendy Hasenkamp. Before we begin, just a quick heads-up for our listeners, this episode does contain discussions of childhood sexual abuse, so please take care and consider whether that's appropriate for your listening right now. My guest today is lawyer, activist and restorative justice expert, sujatha baliga. sujatha's work re-imagines our current legal and justice system in the United States, and embraces the full humanity of both those who experience harm and those who cause it. These topics have huge implications for our society. And whether or not you've spent time thinking about or engaging with the legal system, I think you're going to get a lot out of this.

(00:01:33) I got to speak with sujatha earlier this spring, and we start with her personal story and how the trauma and difficulties she faced in her childhood shaped her work trajectory and caused her serious suffering as a young person. sujatha also shares how an unexpected meeting with the Dalai Lama changed her. And we talked through the specific advice he gave her that was so transformative. We discuss her career in law and her decision to become a public defender, and then her shift into restorative justice. sujatha describes some of the problems with our current legal system in the US, and how the approach of restorative justice helps to remedy those problems. Along the way, we get into some fascinating territory like personal responsibility, forgiveness, justice, the power of language, understanding causes and conditions, the role of contemplative practice, and next steps for the restorative justice movement.

(00:02:36) I really appreciate sujatha's openness and vulnerability in sharing her story with us, and also the beautiful way that she's transformed her own experience of trauma into healing—for herself and many others. She also models the ability to hold two competing ideas simultaneously, and with care and compassion, and this is something I think we can all use more of.

(00:03:00) As always, there's lots more from sujatha in the show notes, so please do check those out. And this show actually marks the end of our sixth season, so we'll be off for a couple of months creating new episodes for you, and we'll be back in your feeds this fall. In the meantime, check out our archives to find any episodes you might have missed or revisit some of your favorites. There's actually more than 50 in there now, which is pretty exciting. And thank you, as always, for listening and sharing and supporting the show.

(00:03:33) Okay, I'm really happy to share this one with you to close out our season. This conversation left me so inspired about the capacity we have as humans to transform trauma into healing and love, and to put that love out into the world and catalyze more healing. I hope you feel the same. It's my great pleasure to share with you, sujatha baliga.

Wendy Hasenkamp (00:03:58): Well, I'm so happy to be joined today by sujatha baliga. sujatha, thank you so much for being here. Welcome.

sujatha baliga (00:04:05): Thank you so much for having me, Wendy.

Wendy Hasenkamp (00:04:08): I often like to begin hearing a little bit of the background from the guests and how they ended up doing the work that they're doing. So I know you've been quite open about your experiences as a child, and the harms that you experienced. So however you want to take that path, we would just love to hear some background.

sujatha baliga (00:04:25): Thank you so much, yeah. So I am open about the troubles and traumas that I experienced in my childhood. And just as a starter as we're engaging in this, listening to this particular story and trajectory—which leads to a really good place—is just a reminder to people who are listening to take good care of themselves because there's some heavy topics in here. I don't like "trigger warning" so much because everyone isn't necessarily triggered, or maybe trigger isn't always the exact experience. But just to hold the story with compassion towards yourself, is just maybe a starting place.

(00:05:02) And so the starting place for me starts primarily in rural Pennsylvania. When I was a child, I was growing up in the '70s and '80s in a small town in a rural part of Pennsylvania, where I was the only child of color in my school. And at home I was being sexually abused by my father. And so I was experiencing a lot of challenges, both outside—and challenges is not the best way to say it, I guess... real difficulties, real struggles—both outside my home and inside my home. And over the course of my childhood, I was just basically trying to survive. I always looked to spiritual things for answers, but they weren't always forthcoming. But then in my later teens, my father, who was sexually abusing me, passed away, and I really dove headlong into trying to make sure that this never happens to anyone else. And so that was a lot to bite off as a teenager and a young adult. I spent all of my time volunteering with or working with rape crisis hotlines, domestic violence shelters, things of that nature.

(00:06:10) And I thought that I could heal myself by turning my attention outward. And it was a good idea—outward towards other people's suffering. You think about what His Holiness says, "If you really want to be happy, there's this wise selfishness of attending to the well-being of others." And so I think there was some wisdom there, even in my youth. And I think I also was really looking for validation for my own experiences—looking outward to see, oh, hey, this is happening with lots of people. And so that was beneficial to some degree, but my workaholicism, or the desperation I felt for no one to live through what I lived through meant that there was zero attending to my own healing. So the balance wasn't there.

(00:06:51) So eventually, by my early twenties, was really in a very, very bad place. I was applying to law schools, thinking that I would go be a prosecutor who would specialize on working well with survivors around intimate partner and sexual violence. But I had constant blinding migraines, severe stomach problems. And by the time I was 23, 24, my personal relationships were pretty disastrous. And I was just an all-around really unhappy person. At that time I was living in Mumbai, I was trying to help a friend, my then boyfriend, with some work he was doing around trafficking. And I had a complete breakdown, and my whole world was falling apart.

(00:07:37) And I went on this solo journey to Dharamsala, where I had, through this course of a beautiful set of events, where this lovely Tibetan family who took an interest in me. And as we were talking about things, one of the things that I think they found curious about me was that I was this 24-year old Indian American running around India by herself, which they kind of found concerning. *[laughter]* But they also found me interesting because I was quite curious about their trauma rather than... They joked, they said, "Most people come here to ask us whether or not the Dalai Lama can levitate. Instead, you're talking to us, you didn't really even come here to see the Dalai Lama. You are here asking us, how are we living in exile? And how did you escape? How are you happy?"

(00:08:25) And so in the course of those conversations, I was transparent (maybe for one of the first times in my life with people who I'd say are adjacent culturally to my own cultural community) about the trauma that I had suffered in my childhood. And during a dinner with this one family, they suggested that, "Oh, we practice forgiveness, but we don't really know what to say about that, with regard to into familial sexual violence, a harm. Why don't you ask the Dalai Lama?" And I found this very amusing. I literally said, "Well, isn't he busy? What are you talking about? How do you ask the Dalai Lama?" *[laughter]*

(00:09:07) And so somebody there happened to be a protocol officer for the Tibetan government-in-exile. And it was a guest house that they were in the middle of building, it was a super humble family. And the idea that this guy I'd been hanging out with would know the answer to the question of, how do you ask the Dalai Lama a question? And so he suggested that I write a note and drop it off at this door, in the green building behind the temple. I was like, "What? The second door?" And he gave me all these specifics. And I was like, "What do you mean write a note?" And I had my journal with me there. He said, "Just write a note in here and tear a page out, and just drop it off." *[laughter]* I was like, "This seems very informal but okay." So I did.

(00:09:46) And at that point I was still too ashamed to tell the Dalai Lama's office what I really wanted to ask. I mentioned briefly the work that I'm doing, but I didn't name my personal connection to it. Instead I wrote, "Anger is killing me, but it motivates my work. How do you work on behalf of abused and oppressed people without anger as the motivating force?" So I dropped that off, and then they told me to come back in a week.

(00:10:12) And I came back in a week, and I thought that, you know, they were going to give me some little "thank you for your note." You know, it'd be nice to get a little memento from His Holiness's office. And instead they usher me into Tengey-la's—Tenzin Geyche Tethong's—desk, and I sit down with this man and he's like, "We were really moved by your letter." And through the course of the conversation, he was like, "Would you like to meet His Holiness next Wednesday?" I'm like, "What are you talking about?!" *[laughter]* Because I was like, "You see me, right? I am a mess. I am crying and cursing, and I am an unhinged young woman who is really struggling." And for some reason, Tengey-la thought that was exactly who needed to be given an hour of His Holiness's time.

(00:10:56) So I had this amazing opportunity to be with His Holiness, where he initially was very reticent to give me advice about forgiveness. He was actually quite generous about the need to be enraged about the things I was enraged about. And only after I really, really pressed him—and kind of got in an argument... of course he wasn't arguing, I was arguing—that he gave me some really specific advice about how I might forgive. And the first piece of which was, he said I had a very bright mind, but that it was completely out of my own control, and that my rage was a part of that. And so his first and most important advice to this day was to meditate, to learn that anger was just one manifestation, or this level of unchecked rage was just one manifestation.

Wendy Hasenkamp (00:11:42): Had you had any experience with meditation at that point?

sujatha baliga (00:11:45): Nothing really. Little bit, "making it up myself" kind of stuff. I was raised Hindu and my family, we really were sort of what we call jñana marg people, which is really studying the texts and debating, and being in deep dialogue about these micro permutations of things. And a little bit of bhakti, chanting and things of that nature, singing, dancing. But I had left Hinduism sometime before, and was floating about with deep religious and spiritual desires, but with no home to put them in. So that was, his advice to me to meditate was the first real time I'd thought about... I mean I'd thought about it a little bit. I realized that there was some benefit to it, and I had met someone earlier who had suggested it to me, and I had been trying to get into a Vipassana course before meeting him, but every course was full. In India, you know you're trying to get into Igatpuri, even back then, the courses were full months and months and months in advance. But yeah, that's what I ultimately ended up doing, was sitting a 10-day course.

Wendy Hasenkamp (00:12:48): There in India?

sujatha baliga (00:12:50): No, actually I came home because I was about to start law school. And so I had gotten into law school, I was terrified about my ability to actually do it. I was so unwell and unhappy. So I came home and I had a little bit of gap, a little time, and I was trying to decide whether or not to try to make some more money before starting law school and get a job, or this opportunity arose. I got off a waitlist for the Shelburne Falls Vipassana. So that is where I went and sat a 10-day course.

(00:13:20) And so I had a really amazing experience. It was terrible in the beginning. I wanted to leave on the first day, and the third day, and the fifth day. I actually kept meeting with the assistant teachers and be like, "You need to let me leave." And they were like, "You've always been free to leave, but the problems you're describing are a part of the journey. And we think that if you stay, you'll find your way through." And so... There was a line in a book that I held very close to me for many, many years called *The Courage to Heal*. It is a book for women survivors of child sexual abuse. And there's a line in there that says, "The only way out is through." And I think I relied on that a lot during that Vipassana course—the only way out is through. So don't try to run away, just try to stay. Stay with the breath, just stay, stay with your memories and return to the breath. The memory comes, return to the breath. The flashback is showing up, return to the breath.

(00:14:16) And so it was a very intense course. It was intense for me, but not so intense that I didn't go back like eight more times in my life. Particularly because on the last day they teach metta bhavana practice, loving-kindness. And it was actually during that metta bhavana practice that I was able to follow His Holiness's second piece of advice to me. So the first was to meditate. And the second piece of advice was, he said, "You might want to consider aligning yourself with your enemies." He said, "Don't excuse their behavior, but open your heart to their humanity. Consider their position and their needs."

(00:14:51) And so in the audience, when he suggested this—again, I was a pretty intense young woman back then—and I kind of lost my temper again on the Dalai Lama, and I was like, "I'm not aligning myself with anybody! I don't know what you're talking about. I'm going to law school to lock those people up." His Holiness got such a kick out of me. He leaned over and he's like, "Okay, okay then. You just meditate." [laughter] So every time I was like that, he would just so deftly switch the energy. And I was able to stay in this conversation, and with such a heartbroken and enraged state of mind. And His Holiness just handled me with so much tenderness and love and compassion. And transparency. I was 24, and he asked me how old I was, and then he was telling me about how when he was 24, he was escaping his nation. There was just this deep camaraderie and bonding that made it possible for me to be transparent. He was so transparent that it made it possible for me to be transparent.

Wendy Hasenkamp (00:15:55): So beautiful.

sujatha baliga (00:15:56): Yeah. By the time we were... the second part of the advice, which I was literally enraged by his advice, we could be joking about me being enraged by his advice, instead of me just being this fired up, angry young person trying to teach this person, who knows so much more—than all of us, but particularly me at that time. He was just bemused by me, without being insulting. He was bemused and I never felt offended, and I was so easily offended. Oh, it was a very precious, I mean beyond precious, most precious encounter of my entire life.

(00:16:31) So that second piece of advice—align yourself with your enemy, consider their humanity, their position and their needs. It started there with that metta bhavana practice where, in the experience of sending loving kindness out to others, I had an experience of my father—a visual actually, a flashback—of him abusing me. And I didn't exclude him from my loving-kindness. And in that moment, this feeling, this incredible feeling of peace, of loving-kindness, I was able to extend to him. And in that moment, he sort of dissolved into light. And when I think about him, to this day, I have nothing but fondness now. I have concern. I have questions about what might have happened to him, that he did that to me. I want to know about the young him—information that's lost now because that generation is primarily lost. But I don't carry any more anger towards him. And what's interesting is that after that experience, my migraines went away, my stomach problems went away, my relationship problems went away. It was a big turning point in my life.

(00:17:39) And then in getting to the work that I do today, what was interesting is that when I started law school, all of my motivation for being a prosecutor was gone. I realized that I was really operating out of a place of my own anger, and that I didn't really believe that the criminal legal system—as it operates in the United States, in most places in the world, if not everywhere—that a punitive model of justice is not going to actually get us to healing and to safety and meaningful accountability. And so I ended up actually becoming a criminal defense lawyer instead, literally on the other side. Which then I really got to double down on His Holiness's second piece of advice to align myself with my enemies, even ultimately representing people who had committed homicides, even people who had killed the people they said that they loved, representing people who had sexually abused children. To get all the way to representing the people that I had previously considered my enemies was really, in many ways, the best way to continue to follow His Holiness's advice.

(00:18:43) And then ultimately, all aspects of the criminal legal system, whether it was my victim advocacy prior to law school, or my defense work after law school, everything always felt insufficient because again, the system itself I think is not designed to produce healing and meaningful justice. That's how I found my way to the field of restorative justice, which is a bit of what I do today.

Wendy Hasenkamp (00:19:04): Yes. Well, before we move on, I just really want to thank you for sharing that and being so vulnerable. It's a tragic and beautiful and inspiring story. And yeah, I just want to acknowledge that.

sujatha baliga (00:19:18): Thank you, Wendy. Yeah, actually today it is my joy to share it. When I was younger, like I said, I couldn't even put the words in the letter to His Holiness. And today I feel that I've come so far on my healing journey that I have to remember that my story is really impactful to other people, and not just drop it in some way that is disrespectful of other people's experience of it. And so in that, I just want to thank the listeners for holding my story, and being with me where I am today with it.

(00:19:47) – *musical interlude* –

Wendy Hasenkamp (00:20:10): I appreciate that you drew that link with your decision to then become a public defender, and how that really weaves into His Holiness's suggestion to align with your enemies and the work that you had done already. I wanted to pick your brain about that experience of being a public defender, and representing these folks who have caused harm in many cases, and also with the Buddhist lens of causes and conditions. And I'm sure you must have heard a lot of stories from them that other people in the legal system wouldn't be aware of. And so I'm just wondering if you could reflect on that, and the whole issue of responsibility versus all the causes and conditions that lead people to act in harmful ways. It seems like it becomes a very muddy area, but really important to look at.

sujatha baliga (00:21:04): Oh, Wendy, what a beautiful question. Thank you so much. So I love this thing called vent diagrams, V-E-N-T diagrams, and I would suggest people follow them on Instagram. So what they are is, they are Venn diagrams and the things in the two circles that have that overlapping space in the middle, you put things in those two circles that are both true and seemingly completely contradictory.

Wendy Hasenkamp (00:21:36): Love it.

sujatha baliga (00:21:37): Yeah, right? So I think of them with regard to my father, for example. My father was deeply invested in my well-being and my happiness. That is a part of how I experienced him. And the other circle is that my father sexually abused me. And the truth of my relationship sits in the middle of that, the truth of my relationship with my father. So sometimes I literally do a visualization when I meditate of those kinds of vent diagrams—that Anu (my father, as I call him, Anu), Anu and I are sitting in that space in the middle of that Venn diagram... vent diagram. And so I think about the two questions that you asked—about causes and conditions and about individual responsibility—also being a vent diagram.

(00:22:26) I also think about this in terms of like... Okay, I'm trying not to go too far down a Buddhist rabbit hole. But when I think about when we say "form is emptiness and emptiness is form" and things of that nature, like form and emptiness being on the two sides of that diagram. And as we learn more and more, we start to bring the two sides of the diagram together so that they're literally just two circles that are totally on top of each other. So how do we hold two 100% true things that are opposite of each other, simultaneously true. So we're actually making the overlapping space bigger, bigger, bigger until it's totally overlapping.

(00:23:02) And that is what I think about individual accountability and causes and conditions. So the first time I represented anyone, I'm doing their social history, and I'm finding out that their childhood makes mine look like a cakewalk. And I don't say those words to in any way diminish what it is that I have lived through, but I also did not live with the layers and layers and layers of structural oppression, and nonstop terror for my survival, and gunshots, and hunger.... I mean it's just, the kinds of things that my clients have told me, I know that they are true, but there's a piece of you that wants to believe that the world cannot be this terrible. And there are places in the world that are this terrible, in the US and everywhere.

(00:23:48) And so when I think about those causes and conditions, I literally can't imagine how you wouldn't end up killing somebody if you were growing up there. Or if you think about having been sexually abused by so many people, and then sold into sexual slavery as a child, I can't imagine that you wouldn't end up sexually abusing a child. And at the same time, I believe that each of us has Buddha nature, and each of us has actually the capacity to not. And to take that away from people is actually really dehumanizing.

(00:24:23) In the beginning of my career, when I would talk to people who had caused harm, severe harm—taking lives, causing sexual violence, et cetera—and I would almost let them off the hook and be like, "Well, there was no way that you weren't going to do that." And I would have my own clients push back and be like, "Don't make me a monster like that, and don't make me a product entirely of my condition. I'm a person with autonomy." And so they taught me to give them their full humanity and their autonomy.

(00:24:55) And so it's not that it was going to be easy or even possible at a certain moment under certain circumstances, but the capacity to transform is there. And the changing of the causes and conditions can unearth the beautiful human that was always there. And so many people I know who have taken someone's life, so many people I know who are friends of mine who have caused sexual harm and used sexual violence, I 100,000% trust that they would not do that today, because they've both done their internal work, and their external circumstances have sufficiently changed such that I have no concerns that these problems would re-arise.

(00:25:34) And on a smaller level, we can think about this within ourselves, right? Like, you can think of a time, Wendy, and I can surely think of times, many times, too many times, that I have done something not okay in the past. And I see that I've done my internal work and my conditions are so different now that I have no question that I would not behave in the ways that I have in the past. So this is true of all of us.

Wendy Hasenkamp (00:25:59): Yeah, thank you. I really appreciate the way you described that. I wonder if maybe we could talk a little bit about traditional legal approaches and the system as it exists, and the problems there that I'm sure you saw well as a public defender when you were involved in that system. How is that system set up, and what are the issues there?

sujatha baliga (00:26:23): Yeah. Well, I'm really glad that Mind & Life has an international audience because I feel like I would love for all of you listing all over the world to know, please do not look to us for being the... for doing anything good over here, really. I had a group of judges and justices actually come from Nepal to the US to visit. And it was funny, we went to an American prison, we went to San Quentin, actually, which is one of the most well resourced prisons in the United States, more programming, the facility, et cetera. And I had intended for them to understand how bad it is. And instead, they were like, "Wow, this is better than anything we have." I was like, no, no, no, no. Well, why

are the structures functional? Why are there so many humans in there as guards, et cetera? Because we dump billions and billions and billions of dollars into the system. So let's start there. So it might look better than what you might see elsewhere in the world in terms of the running water or some things. Well, we're super overcrowded here too, but maybe less so than what appears in some of the countries of the people who might be listening.

[\(00:27:28\)](#) But please do not think that we have a model that you ought to export. And let me explain why. We have 2.2 million humans in prison and another eight million under correctional control in the United States, and that number is growing and growing and growing. And why is that? Well, in part, it's because the system itself does not meet its own stated goals. If we're talking about rehabilitation, we just need to look to the recidivism rate to see that it is actually the criminal legal system itself that increases our chances that we will commit future harm.

[\(00:28:04\)](#) So imagine you've produced a safety device, something is supposed to make you safer, and you install it in your home, and you've just made yourself less safe, like the thing backfires and it harms you somehow. That's what we're doing with our criminal legal system in the United States. And recidivism is just one piece of it, right? The racial and ethnic disparities are unimaginably severe. The number of Latine, African-American folks who are locked up, Indigenous people locked up at such a disproportionate rate to their population in the United States. And then if you start to look at other things like survivor history, things of that nature, what is it that ends up causing people to get locked up, it's brutal when we see what those disparities look like.

[\(00:28:51\)](#) And then in addition, the system fails us as a society. It's not keeping us safer. It's not meeting its own stated goals. Incapacitation is another stated goal. Like, we're going to send them away somewhere. Well, it's only "away" if you don't consider that there are other humans inside the facility. You're not taking people away from people, because there are other people. So when you think about the harms that happen inside prison, we're choosing to say that none of those people are people if we're saying we're sending them away. And then they actually come back, so they're not incapacitated for very long. Prison sentences are not all these super long things. So these are some of the stated goals of the system. And so it's failing in its own stated goals.

[\(00:29:34\)](#) Then I would say that when you think about who else it's trying to serve most directly—crime survivors. So when you look at data in the vast majority of places in this country, mostly people get away with what they did. So in some cities, 40% unsolved homicide rates, et cetera. So we are making a promise to crime survivors that they're going to get justice through this system, but they generally don't. Restitution might be ordered, but there's no way for the person to pay it. We're spending billions and billions of dollars attending to the system itself that is not actually producing positive outcomes for survivors. Orders of protection are constantly violated. All the things we're offering survivors in some ways make them less safe.

[\(00:30:23\)](#) So when you think about domestic violence survivors, specifically, intimate partner violence survivors, there are studies that show that only 50% of survivors contact the system, less than 50%. And of those who do, 20% say it made them less safe to do so. And so we have stats like this that show that people aren't even contacting the system for help anymore because they're worried it'll make things worse. So these are some of the things on the survivors side.

[\(00:30:52\)](#) And then on the side of the person who caused harm, I mean, from every formerly incarcerated person I have ever known, and I know quite a few, the system is devastating. It's devastating for them, it's devastating for their families. And in many ways, when I think about my own

childhood, it was all of these systems that were in theory, that were designed to protect me, that were what ensured my silence as a child. I didn't want my father locked up. I didn't want to be taken away from my family to be raised by somebody who didn't eat our food, practice our religion, speak our language. I was more afraid of "help" than I was of what was happening in my home.

[\(00:31:32\)](#) So in all these ways, we can see that the system is really, really failing—again, to the tune of billions and billions of dollars. And when I think about all the community-based healing and intervention, and particularly the preventative things we could do... What are the things we could do with those billions of dollars that would change the conditions, the conditions that would allow all of these people with their Buddha nature growing up everywhere to be nourished? And I think about this with His Holiness the Dalai Lama all the time. When you look at what happened with him—he is this perfect baby being raised in this wonderful family, and then he gets swooped up and he's nurtured by the best teachers, the best tutors. He's surrounded by gorgeous, most gorgeous human beings. What if we started to treat every child like His Holiness? I don't think we'd have a murder rate at all.

Wendy Hasenkamp [\(00:32:22\)](#): Yeah. Thank you. And I want to pivot then into a different approach—restorative justice, which is what you've done so much work on. And I've heard you talk about questions that the traditional system is focused on, versus restorative justice. So maybe you could share those as a way to transition.

sujatha baliga [\(00:32:39\)](#): Yeah. Thanks for doing your research, Wendy. *[laughter]* So these questions come from one of my first teachers in restorative justice. His name is Howard Zehr, Z-E-H-R. And Howard is known as the grandfather of restorative justice. And he's written many beautiful books on the topic—one of the seminal texts in the field was called *Changing Lenses*. And he's a Mennonite man who in his own deep faith started to explore what would it mean to have a covenant justice? And he did a lot of thinking about that. And he started to think about being reconciled with ourselves, and in his faith with the Lord, what does it mean to be reconciled? And so he came up with these ideas around restorative justice as it's understood in the Western context. And he sees it very much as a paradigm shift. So he's also a huge fan... His book actually opens with his love of the book, *Structures of Scientific Revolution*.

Wendy Hasenkamp [\(00:33:34\)](#): Oh, wow!

sujatha baliga [\(00:33:35\)](#): Yeah. So he's all about the paradigm shift. And the paradigm shift he calls us to is instead of... He said, the current system asks these questions: What law was broken? Who broke it? And how should they be punished? And the paradigm shift that he says restorative justice calls us to, asks a very different set of questions. It asks: Who was harmed? And what do they need? And whose obligation is it to meet those needs? So "What law was broken? Who broke it? And how should they be punished?" centers a person who has caused the harm. And the person asking the question is the state. In restorative justice, the person who is centered—who is harmed, and what do they need—is the person who's experienced the harm. And the people asking the question is the community.

[\(00:34:25\)](#) And then when we get to that third question—whose obligation is it to meet those needs—that's where it becomes a justice paradigm. That is when we start to pull in the person who's caused the harm. And then the work is around resourcing that person to meet this crime survivor's need. And it's also about resourcing the crime survivor for the needs that the person who's caused the harm can't meet. What else do they need? So how do we wrap around both of these people—all of us, right? There are no sides in the circle... that our healing is actually going to be collective. And there is no "us and them" here. We are all going to, as my other primary teacher in this work is the former chief justice of the Navajo Nation, Robert Yazzie, and he talks about this whole process is about moving forward in a

good way. We are all moving forward in a good way, together. And it really is based on these principle notions of bringing us back into harmony.

[\(00:35:23\)](#) So when people say restorative justice, what are you talking about restoring? It's restoring us to our own best selves, all of us, restoring us to a place of harmony, even if it wasn't preexisting, we can actually get to a more harmonious state, a good state, a way of being together in a good way. And that might actually mean at quite a distance. It doesn't mean everybody's best friends forever, but that we are in a place of balance and wholeness and goodness. And that everyone is healing—the person who caused harm, the person who experienced harm, all of us.

Wendy Hasenkamp [\(00:35:54\)](#): Beautiful. That feels, in the body, like such a healthier way to approach when harm is done.

sujatha baliga [\(00:36:01\)](#): Wow, it's interesting you say that. Just really quickly, I have to interject on that, is that as you said it, I was literally feeling my body in the circle, even when I'm holding space for people to talk to the person who murdered their child. And what does my body feel like when I come out of one of those processes versus what my body felt like when I was in court. Court was not healthy, and this feels healthy. So thank you. That was really illuminating. Yeah, I felt healthier when I left the practice of law.

[\(00:36:30\)](#) – musical interlude –

Wendy Hasenkamp [\(00:36:54\)](#): Maybe you could talk a little bit about the process itself and the circle, and the preparation that goes into it and how it unfolds.

sujatha baliga [\(00:37:03\)](#): Yeah, absolutely. So it depends. There are lots of different ways to do restorative justice. And there are lots of people who call all kinds of things restorative justice that I don't necessarily think are restorative justice. And so Howard Zehr, again, he talks about a continuum of restorative processes, from non-restorative or pseudo-restorative to fully restorative. And I myself, being a little bit of a perfectionist, am really invested in that fully restorative end. And so for me, for things to be fully restorative, it involves the opportunity for a face-to-face conversation with the person who harmed you, with family and community all there helping to come up with a plan to repair the harm, which is then supported to be completed. And that such a process can happen completely external to the criminal legal system. And let me explain why.

[\(00:37:55\)](#) The minute the state is involved, things feel coercive. And the minute the state gets to decide whether it happens or not, it's not just coercive for the person who caused the harm, it actually takes away agency and autonomy and empowerment from the survivor. So when I've been victimized, I want to feel power again. And when the state comes in and says, "You can't do that, you can do this, you can only do it in this way," I feel like a victim again. I feel disempowered again. Or even if I'm happily handing over my power—I don't want to make these decisions—I'm still not getting an opportunity to tap into my own power. And so that is why I want to do these processes entirely external to the state. That being said, I have in the past worked with a handful of really amazing elected district attorneys (DAs) from across the nation, who are very progressive and are very invested in the data that we have shown.

[\(00:38:50\)](#) So young people who go through this process—and by young people we're talking about into young adulthood now, we're starting to expand beyond this—have shown a 44% reduction in recidivism (whoa, 44% reduction!) and crime survivors show a 91% satisfaction rate. And so these are both comparative match samples and randomized control trials now have shown this kind of outcome. So

there are some really amazing DAs who are interested in it. So what we get them to do is divert the cases before they even charge the child. That being said, children who go through diversion processes still often end up in handcuffs, they're arrested, et cetera. And we like to not even do that stuff, because the minute the kid gets this label in their head that they're a "bad kid" or they've had that experience of the cuffs on the hands, that is something that is really hard to undo. That is another layer of trauma. That is reifying stereotypes about you and your community that's just really unhealthy. It really doesn't help us build trust and move forward in a good way.

[\(00:39:50\)](#) So what does it look like? First, it depends on which way the case comes to us. I also now work with adults (off the grid, I like to say, entirely, "gone rogue," in a good way). People who I know really well have reached out to me and said, "I want to talk about this abuse that happened in my family," or things of that nature. A young person in my community was raped by his boyfriend and he reached out to me, his family reached out to me, and we facilitate dialogues without contacting the system at all. And so we work extensively with both sides. With the person who has caused the harm to help them be fully accountable for what they did. To be able to admit what they did, to be able to communicate about that, to talk about it without a whole lot of shame, with neither defensiveness nor groveling, are some of the things we try to work towards, and prepare them to meet with the person that they harmed.

[\(00:40:45\)](#) And then with the person who's experienced the harm, really get them to inventory their needs, and what it is that they hope to get out of the conversation. And then we ultimately find the right supporters who are going to support moving towards peace and harmony and wellness and accountability (sometimes there's a little tough love in there) and saying, who's going to support the plan to repair the harm? And so this is what happens.

[\(00:41:09\)](#) And then we have maybe one, maybe sometimes two circles or conferences where we all share what's happened. People talk about the harm, people talk about the impact of the harm. People talk about what's needed moving forward. Somebody's scribbling it all down and coming up with a plan. Then the plan is created by consensus of everyone there. And then we check in with the person who's caused the harm. "Is this plan a set up for failure? Can you really do this? What needs do you have in terms of completing this plan? Let's get you resourced for that." And then when that plan is completed, if it's a diversion program, no charges are ever filed. We have circumvented the system entirely. And if it's happening in the community, hopefully peaceableness continues. And I have seen that in a handful of the cases that I've worked in at the community level as well.

Wendy Hasenkamp [\(00:41:55\)](#): This is amazing. I'm assuming that then the person who caused harm also has to agree to this solution and this plan?

sujatha baliga [\(00:42:02\)](#): Yeah, absolutely. Consensus. What's interesting is, especially with young folks, but sometimes with everybody, one of the things that the plan is about is, "What do you need in order to never do this again? What are some resources that you need?" And so you really need the young person weighing in, "I need this, I need that. I need to get picked up after school so I don't get in trouble with that thing again. I need new friends. I need a grownup to listen to me. I need a tutor." They talk about what they need. And it's really hard in the beginning, because often people are really defended because they've asked for what they needed a lot, and no one has ever listened or been able to offer it.

[\(00:42:42\)](#) But you find... this is not about a heavy-handed professional services model. This is like, you actually have that cousin or that uncle, or that somebody who has an auto body shop where you... "Oh, are you stealing and stripping cars, and you actually really love cars? Well, why don't you go work at the

auto body shop? And hey, let's bring your uncle into the circle and see if he'll hire you." And the uncle can be like, "No, there's this whole other beef going on in the family." And maybe we need to heal that. And then it gets even better. And now the kid's working at the auto body shop, and the underlying beef on that side has been healed. And sometimes circles lead to other circles and other circles, but it's really good. I'm in a circle right now where two other circles have erupted out of that circle, where it's like this ripple effect of the healing. It's really great. It's really wonderful.

Wendy Hasenkamp (00:43:33): Wow. I love the way that this process, as you say, it centers the person who experienced harm, and actually what they need for repair, but also completely values the person who caused the harm, and acknowledges the suffering that led to that harm, or led to that act—which I feel is so missing in our society. You know, we're so quick to label people as murderers or, just this whole concept of a "bad person," and that's all they are.

sujatha baliga (00:44:09): Yeah, I would even say that part of forensic psychology can be used as a weapon. Like, let's find out what happened to this person, and what's wrong with this person, to justify longer prison sentences. It's literally the opposite of what we should be doing with that information.

Wendy Hasenkamp (00:44:26): And the lens that this person can change and can heal, and actually allowing them to say what they need, which I feel is also not something often done in our society. I think many of us are conditioned not really to think about what we need. There's just so many pieces in here that I feel like are so transformational. It creates a system and a lens that, as it is more widespread, it can change the way all of us think about these acts. And society as a whole, as you say, how we're supporting people or not, and allowing the Buddha nature to come forth, or the goodness in people, and creating conditions where that can happen. So this is just all really inspiring.

(00:45:11) I wanted to ask, with your experience of meditation, and Buddhism informing your view on this, do you bring meditation or contemplative work at all into the practice that you do in the circle?

sujatha baliga (00:45:24): Yeah, absolutely. Well, as a practitioner and a facilitator, I personally could not do any of the work that I do without my Buddhist practice. And so that involves making sure that I have done a very long sit, and all my prayers and practices, before I would even think about holding space for others. And in the process itself, as a facilitator, my breath is my anchor. Sometimes I'm actually doing visualization. So if we're doing a process where people are speaking in turn slowly around the circle, I'm actually sometimes doing visualizations about certain beings or a being in the room, where they're sending light into everyone. That helps me hold the space. I don't try to do it alone. I actually always have a co-facilitator, but I additionally call in a whole lot of other beings to hold the space down with me. And that is always really beneficial.

(00:46:17) So that's on a very personal and very religious level. But the breathing isn't, right, that breathing is quite secular. But I do often open the circle with breathing, and asking people to get to know their breath, and use breath as an anchor. I often use that in preparatory sessions. So I'm encouraging people to learn to breathe. (Well, they knew how to breathe.) But learn how to know that they're breathing, and to become friends with the breath, and to get to know their breath. I always say your breath is your best friend—and better than your best friend, because when your best friend tells you, "You seem really pissed off right now," we get angry at our best friend. We don't get mad at the breath when the breath is being jagged or shallow or this or that. It's non-judgmental, the most non-judgmental relayer of information, the breath. And so I help people with that. Like, notice how you're breathing. And so everyone's done some breathing practice often, before we all come together.

(00:47:05) Other types of more contemplative things that we do in prep is that sometimes—my husband gave me this idea. He says, when he's in heated meetings or things are hard, he imagines His Holiness the Dalai Lama on his shoulder in the meetings. And how do you show up if the Dalai Lama is sitting on your shoulder? And so I encourage people to think about, who is the person that helps you be your best self, your most kind and honest communicator, forthright, compassionate? Who helps you be your best listener, your most curious and open-minded self? That person, let's think about that person. Okay, now, that person's sitting on your shoulder through this entire session. So sometimes we do that.

(00:47:50) And really, where I draw from my practices, in the lineage I practice in, we're big on visualization and really flushing out the visualization. So Geshe Konchog Tenzin, my teacher, he says, "See the Buddhas breathing." Like when you're visualizing the merit field. And so I tell people to do that. "This person is sitting on your shoulder. Okay, now, they just took a breath. Their chest just expanded. Bring them alive. Literally, what are they wearing?" All of that, bringing the person alive on your shoulder. And now, like right now, His Holiness is sitting here on my shoulder, breathing. He's giggling. He's joking with Archbishop Desmond Tutu right now. *[laughter]* He's being sweet. And now I'm smiling, because he's sitting there being goofy on my shoulder. Right? And so how do we bring that person into the circle, is a really important part of the process.

(00:48:39) And then other ways, I think that to my mind, there are practices that I don't bring in such a heavy-handed way. Like one of the practices that I really rely on in general is the "just like me" meditation I learned from Geshe Thupten Jinpa. But I use a modification of it, in just encouraging people, like you see this person as your enemy right now. What is a way in which they're not your enemy? What's one thing you have in common with this person?

(00:49:05) And sometimes it starts with, "Well, we hate each other." *[laughter]* Okay, well, you both feel anger. And then trying to get them to say, do you think that their anger feels the same way your anger feels? Can you even have a commonality around the way anger feels? You have a shared humanity of the feeling of anger. When Wendy's angry, when sujatha's angry—angry feels angry. And so at least that, we can try to find a way in, a little bit sometimes. So those are some of the things I bring from my contemplative and Buddhist practice into the process.

Wendy Hasenkamp (00:49:43): Yeah. I love that "just like me" meditation, and it just layers on, I think, from the whole frame of restorative justice, of viewing people in their full humanity, even though that have caused harm to us. So that's a beautiful practice.

sujatha baliga (00:49:57): Yeah. One other thing I would say that has come from, I know, my practice, is this notion of causes and conditions, and curiosity about causes and conditions in the other human. So while with survivors... Especially for folks who have experienced harm, we often tend to de-center ourselves and erase ourselves, particularly crimes like domestic violence, sexual violence. So we want to be careful with this one. But sometimes we have this over-reified sense of the "I" in relationship to a harm we've experienced. So for decades, I believed that I was a person who was doing something that caused me to be sexually harmed, not just by my father, but by many other people in my life. And polyvictimization is a thing. And I was like, "What's the common denominator here? It's me." And that really causes this intense reification of the sense of I.

(00:50:54) And so for me, understanding the causes and conditions that gave rise to another person causing harm really makes it not about us. Even when we were burglarized two years ago, my immediate thought is, what did I do wrong? You know, I don't believe in the surveillance state, but should I have had cameras? Or, we painted our house purple. Oh, did we draw attention to ourselves?

It's like, did my house wear a skirt that was too short? *[laughter]* But that's what we do. We immediately go, "Why did this happen to me?" And really why this happened is because of what was going on with that person. Always.

(00:51:33) And it's so amazing, particularly in the burglaries, robberies, muggings, that stuff, the person always thinks it's about them. But when you finally get in the dialogue with the person and they always want to ask, "Why'd you pick me?" And the person was like, "Because you were there." Right? And so for me, there's a way in which we can prime people gently for that deep learning, that we have over-reified the I (and there's nothing like being victimized to cause us to double down on that over-reified I), and to see that the causes and conditions actually existed outside of you for this one. So that is really interesting.

Wendy Hasenkamp (00:52:09): Yeah. I like how you're bringing in this over-reification of the I. And I hadn't ever considered that before, why we blame ourselves or find a reason inside of ourselves that something happened to us. And I don't know if that just sheds light on the way the mind works—if that's the information that we have in our minds, and we're always trying to find causes for our experience. And so those are the things that we can look at, and we don't really have access to the information from the other person. So that's another wonderful benefit from the restorative justice process. And I like the idea of slowly breaking down that reified I, maybe in some way too, in the Buddhist sense of moving outside of this reified self. So that's a really cool connection too.

sujatha baliga (00:52:56): It's also just such a natural response, right? Because deep down inside, we know the only thing we can control is ourselves. And so when terrible things happen to us, we think, "Oh, I should have been able to do something to make that not happen." And it's a way of trying to reestablish control too. So it's normal. And it's also like, you know, stuff's going to happen. We can't stop the things from happening. Some of them we can, but not all of them. And learning to work with our responses to it feels really important.

(00:53:22) – *musical interlude* –

Wendy Hasenkamp (00:53:47): Along the lines of reification, you've a couple of times made the point, which I so appreciate, about the need to shift our language around how we label the people involved in these encounters. So could you share a little bit about that, your thoughts on that?

sujatha baliga (00:54:02): Yeah. It's one of my favorite things to talk about, because when I first started learning about this, every part of my Buddhist sensibilities were like, yes! So a lot of the people I've learned from are Indigenous, in this broader world of peacemaking and conflict transformation. There's so, so much to learn from Indigenous people, many different places in the world. There are ways of arriving at a thing that feels like justice and accountability, that does not involve all of this punitiveness and all of these unnecessary resources.

(00:54:35) And so what's interesting about a lot of these languages is that verbs are the way that almost everything is described. So nouns are just like boxes that things have to live in forever, but verbs are in motion and are in flux and in flow. And this is something that actually, that [David] Bohm talks about. I think that I saw, in the movie about his work, that he was trying to come up with a language called the Rheomode, and that he was talking with Blackfoot Indians who use a verb-based language.

(00:55:08) So here's an example. In Dené, the Navajo language, there's no word "offender." Justice Yazzie said that the word is "acting as if you have no family." "Acting as if you have no relations," is what

he says. In a sense, acting out of consort with the notion of all my relations. And Robin Wall Kimmerer, who wrote the book, *Braiding Sweetgrass*, she said that in her language, there's no word for a bay, like the body of water—that the word is *wiikegama*, which means "to be a bay." And there's an understanding, in speaking entirely in verbs, that that bay will be other forms of water. It will be a stream and it'll be a river, and it'll be mist, and it'll be rain. And so that sense of flux and flow is really important.

(00:55:59) And if we were to think of ourselves that way... Eduardo Duran is another Indigenous man who talks about this. He wrote a book called *Buddha in Redface*, and he talks about, there's no word woman. Instead of saying woman, you would say "womaning is happening over there." You wouldn't say, there's a woman. You say, womaning is happening over there. And so what does that mean? It means that all of this up-tightness we have about the people saying they're transgender now... Well, in other languages, that might be a little easier, to get it.

(00:56:32) So that sort of thing feels really powerful to me. It really meets my sensibilities—that I am not a "victim" and my father is not a "perpetrator." I hate those words. You know, I use the word victim sparingly. And when people identify that way themselves, I want to honor that they are claiming that something not okay happened to them. But in general, I try to say things like "the person who experienced the harm" and I never use words like "perpetrator," "offender." Even as I'm saying them, in my mouth, they feel like the same poison that racial epithets have. And because there is a racialized nature to mass criminalization in the United States, those words are not in my mouth. They are disrespectful of the humans that they are put on, and they don't leave open the possibility of change, which is ever present. And so I try to avoid those words.

Wendy Hasenkamp (00:57:23): Such important reminders. And now that we're speaking of words, I'm thinking of two other words that I would like to get your perspective on. One is forgiveness, and the role of forgiveness in this process. And then the other is actually justice. And that's a word that our traditional legal system in the United States is theoretically built on. But I think, as you were explaining so well, it rarely occurs. And what does it even mean in that system? And what does it mean in a restorative justice system? So I'd love any reflections on that.

sujatha baliga (00:57:56): Yeah, I'll take them in the reverse order, if that's okay.

Wendy Hasenkamp (00:57:59): Yeah.

sujatha baliga (00:57:59): So for me, it's why I don't say the criminal justice system. I say the criminal legal system. And we don't call it the civil justice system. We call it civil law. So I think that it presupposes an outcome if we call it the justice system. It's like announcing itself correct all the time, that they've already won. And so I don't believe that. And also if we want to be more accurate, it's a criminal punishment system. And so, is punishment justice? Well, we have been told that it is.

(00:58:28) But I really love this thing that my friend, Danielle Sered, who runs an organization in New York called Common Justice, a restorative justice organization, she uses this analogy when people ask, what do victims really want? Well, victims say they want people locked up. Well, first of all, we've had a ton of studies now to show that isn't true. And it depends on who you're asking; which victims? And so there's something really important there to be said. But even if people are saying, "Well, yeah, this person hurt me, of course they should get locked up." Have we ever offered them anything else? So what we are giving people now, we're calling it justice—spending billions of dollars to lock up a human, and nothing happens for me, very little happens for me, if anything, is what we're calling justice. And

again, it feels very tautological. It's like you name the thing the thing, and then you're going to say you did it because you did it.

[\(00:59:18\)](#) So for me, justice is accountability. And so again, that word has gotten really messed up in English. "We're going to hold the offenders to account." And we say, "Justice will be served." What we mean is punishment. But what does it mean to be accountable? So if you hurt me, you should be accountable *to me*.

[\(00:59:38\)](#) There's a really brilliant article written in the 1970s by a man named Nils Christie, and it was real seminal work that influenced a lot of people, including Howard Zehr, which basically makes the argument that the state stole our harms. So talking about it in the European sense, there was never a division between civil and criminal law, it was always, the harm was against the individual who held the harm. That's why we still have wrongful death in civil cases, and we have murder in criminal cases. But the things you got the most money and return on were the worst things that happened. So if you murdered somebody in my family, I would get a lot of money. Well, right around then was when the king was like, "Wait, you're all my subjects, so when somebody gets murdered, I should get the money, not the family."

Wendy Hasenkamp [\(01:00:28\)](#): Interesting.

sujatha baliga [\(01:00:28\)](#): And so... *Conflicts As Property*, that's the name of the article. Our conflicts became the property of the state. So what happens to me, as a survivor? The state is a stand-in for me. And so whenever there is somebody clamoring, clamoring—and there are countless people like this—to not have the person who killed their loved one get executed. Particularly Catholics will be like, "Not in my name." And does the state listen? No. If the state has decided that they're going to execute someone, they're going to. It's rare, if ever... I can't really think of a circumstance under which the repeated pleas leading up to the execution date, of the family of the person whose life was lost, gets to stop the state from taking the life of the person who killed their loved one. So whose harm is it? And that, to me, is something that is tied very deeply to the notion of accountability.

[\(01:01:27\)](#) So justice, to my mind, looks like healing. And accountability is a part of the healing journey. And so wellness, and societal wellness and individual wellness, a promise that this will never happen again. These are the kinds of things that relate to the notion of justice. And I think about justice, I think about the word law. And so we have these legal rules that the state enforces. But I like to think about the word law from a Buddhist perspective—like Dharma is also understood as law. And what does that mean? Dhr̥ means "to hold." And so what does it mean to be held to our best selves, or holding society to what we ought to be? That this is what we mean by ethics. This is what we mean by the rules of engagement as a society. And that justice means that when you have gone astray of those rules, you make things right. You put things right, you make it as it ought to be. And that is your obligation.

[\(01:02:26\)](#) So Howard Zehr says that crime is a violation of people and interpersonal relationships. Those violations create obligations, and the central obligation is to do right by the folks you've harmed. So when we've done that, we've done justice. That is what I think of as justice.

[\(01:02:45\)](#) And with forgiveness. Forgiveness is a big word. When I met His Holiness, when I was begging him for advice about how to forgive my father at a certain point in the audience, he saw my mental state, he saw my raging and crying. At one point, I was like, "Just give me the formula! Stop telling me, like, the stuff." It felt, at that point, this incredible wisdom that was coming out of his mouth about

"consider the downsides of anger," and this and that, I was not in a mental place to be able to absorb these more nuanced things. I wanted a formula.

[\(01:03:18\)](#) So I think I interrupted him and I was like, "This isn't... Like, I need to know how, *how* did you do it? Show me how to do it." And instead of giving me an answer, he just sort of assessed me. And it was just, there was this look of kindness, and just total presence. And he said, "Do you feel you've been angry long enough?" And I think that that was the most generous question anyone has ever asked me. Because I knew, from his face, that there was no right or wrong answer to that question, that I was completely welcome to say, "Actually, no." But then I was able to do what he was asking, which was the cost-benefit analysis. What's the upside of anger? What's the downside of anger? And so for me, forgiveness simply means when you are truly done with the anger. Having been angry long enough.

[\(01:04:03\)](#) Okay, so when you think about this in relationship to the restorative justice process, on the road to having been angry long enough, one of the things that can really help you move there is somebody being accountable. One of the most powerful parts is just hearing, particularly the sexual violence cases, but in all of them, is somebody taking responsibility for what they did, is somebody saying, "What happened was my fault, not yours." And to have that heard in the presence of other people, in your families, in your community, it softens things. You just feel knots coming untied at that moment. It is so powerful.

[\(01:04:41\)](#) And so some of the causes and conditions for being done with your anger arise often in a restorative justice process. That being said, forgiveness is not a prerequisite for participation, nor an expected outcome of a restorative process. Forgiveness is an individual thing that will happen on its own time. But I can't imagine a better cauldron for cooking up some forgiveness than a restorative justice dialogue. And it's not required. My father had passed away six, eight years before I was able to forgive my father. He was gone. He was never going to give me what I needed. Never. He was gone.

[\(01:05:27\)](#) So yeah, from that side, I would say that we have to be really careful to not pressure folks into forgiveness. And I work really closely with the person who caused the harm, to have them not have unreasonable expectations that they'll be forgiven, that the person that they need to work on forgiving is themselves. And that is also a third rail, independent track of this entire process. So in some ways, the restorative justice process is running along the middle and people's forgiveness journeys of themselves and others run alongside it. But they might be getting fed by the thing happening in the middle.

Wendy Hasenkamp [\(01:05:58\)](#): Yeah. Well, I'd love to hear any closing thoughts or take homes from your work that you want to share with the audience. Or maybe next steps for the movement, where restorative justice is right now in the US.

sujatha baliga [\(01:06:11\)](#): Yeah. I think that one of the things that's most challenging with the criminal legal system as it currently operates, is that it is a machine, and it is cranking along doing what it does. And people are really wedded to it. And so I think a great danger exists, a great danger, when we come up with a solution (I mean, "came up with it," it predated, it was always there, particularly in Indigenous communities), but that systems tend to want to co-opt and to pull into, and make it their thing. So there are the DAs who are happy to divert, but then there are far more DAs who contact us saying, "We want to do the restorative justice. We will have the facilitators inside our office. Let's do it in prison instead." And you know, having circles inside in prison, all that stuff, I'm not trying to be disparaging about that stuff. We need the healing everywhere. And once it is within a system that actually operates across purposes with how it is that it should operate, it's sort of, to my mind, feels like colonization again, or continued colonization. And so that is a big problem.

(01:07:14) I think another big, big problem is if the state is going to get involved in this stuff, the bigger restorative justice process that needs to happen is truth and reconciliation. We can't even begin to grapple with how racial and ethnic disparities play themselves out in the criminal legal system until we own that the criminal legal system itself was developed out of the enslavement of African American people. The first police were slave patrols. The police were actually putting down labor organizing efforts. That this is what these things were created for, that they were the enforcement mechanism. We call it a paddy wagon because it was specifically targeting Irish people before Irish people were understood to be white in the United States.

(01:07:58) So we have deep, deep, deep history here that is infused in our processes, and America has not done the work that we need to do. We have not done a fraction of the work that needs to be done in order for the system to start to consider becoming a restorative justice... People say, "We're going to turn the legal system into a restorative system." I'm like, "That's not... A 'restorative system' is not a thing. That's not a thing." And even if it were, there are some major prerequisites. Brian Stevenson says, truth and reconciliation are sequential. And I believe that that is true. I think we have not even told the truth, but I also think there are a ton of steps related to accountability, systemic accountability that need to happen.

(01:08:40) Otherwise, restorative justice will just be co-opted, and turned into another temporary thing. And that will be disappointing. But you know, it's just like the Buddhadharm, it's the truth. How healing happens is just true. So it goes underground, and then it comes back again, and it goes underground, and it comes back again. So I think that the work right now is for those of us who've learned some things in this iteration is to leave some cave paintings for future generations who are going to pick it back up again. So that's a little bit of what I'd say about the movement.

Wendy Hasenkamp (01:09:09): Well, sujatha, this has been such a joy. And I feel like your healing journey is so beautiful, and the way that you manifest it and share it, and you just propagate that healing into those that you work with. It's just a beautiful expression. And I want to thank you for all your work, and for taking the time to chat with us today.

sujatha baliga (01:09:29): Oh, you bet. Thank you so much, Wendy. I appreciate you. I really appreciate this conversation.

Outro – Wendy Hasenkamp (01:09:37): *This episode was edited and produced by me and Phil Walker, and music on the show is from Blue Dot Sessions and Universal. Show notes and resources for this and other episodes can be found at podcast.mindandlife.org. If you enjoyed this episode, please rate and review us on Apple Podcasts, and share it with a friend. And if something in this conversation sparked insight for you, let us know. You can send an e-mail or voice memo to podcast@mindandlife.org.*

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