

An Introduction to Restorative Justice

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Since our Death Penalty Issue Team recently added "restorative justice" to our focus, I wanted to have a clearer understanding of this concept and its practice. I picked up a copy of *The Little Book of Restorative Justice* by Howard Zehr, the "grandfather of restorative justice." The book, which was originally published in 2002, is now available in a revised and updated edition published in 2015.

As I began reading the book, my assumptions about "justice" and my misconceptions about what "restorative" means were quickly made clear. Here is a synopsis of what I discovered.

First, I learned what restorative justice (RJ) **is not**:

- RJ is not primarily about forgiveness or reconciliation;
- It does not necessarily imply a return to past circumstances;
- It is not mediation;
- It is not primarily designed to reduce recidivism or repeat offenses.
- RJ is not a particular program or a blueprint;
- It is not limited to "minor" offenses or first-time offenders.
- RJ is not a new or North American development;
- It is neither a panacea nor necessarily a replacement for the legal system.
- RJ is not necessarily an alternative to prison,
- Nor is it necessarily the opposite of retribution.

Restorative Justice is:

- concerned about needs and roles.
- It expands the circle of stakeholders beyond just the government and the offending party to:
 - 1) victims (those who have been harmed);
 - 2) offenders (those who have caused harm); and
 - 3) the community and its members. Community members have needs arising from crime and they have roles to play. All the stakeholders have "justice needs" that might be met through a justice process.

In the criminal justice system the needs of victims are too often neglected. Those who have experienced harm need real information, which usually requires direct or indirect access to the one who caused the harm and holds this information. An important element of healing or transcending the experience of crime is truth telling – telling the story of what happened and also having those victimized tell their stories to the ones who caused the harm if possible.

Victims also need to feel empowered – to be involved in their own cases as they go through the justice process - and to experience restitution or vindication.

Those who have caused harm need justice to provide: accountability, encouragement to experience personal transformation, support for integration into the community, and (for some) restraint.

Communities need justice to provide: attention to their concerns as victims, opportunities to build a sense of community and mutual responsibility, and encouragement to take on their obligations for the welfare of their members - including those who have been harmed and those who caused harm.

Zehr goes on to describe restorative principles and restorative practices, finally describing RJ as "a way of life." He summarizes . . .

"The argument presented here is quite simple. Justice will not be served if we maintain our exclusive focus on the questions that drive our current justice systems: What laws have been broken? Who did it? What do they deserve?

"True justice requires, instead, that we ask questions such as these:

- Who has been hurt?
- What do they need?
- Whose obligations and responsibilities are these?
- Who has a stake in this situation?
- What are the causes that have contributed to this?
- What is the process that can involve the stakeholders in finding a solution?

Restorative justice requires us to change not just our lenses but also our questions.

"Above all, restorative justice is an invitation to join in conversation so that we may support and learn from each other. It is a reminder that all of us are indeed embedded in a web of relationships."