

## **Restorative Justice** *A Pathway to Peace*

Do we believe each person is sacred?

If we truly value every human person, we want healing for that person, we want restoration for broken people. In Changing Lenses: A New Focus for Crime and Justice Howard Zehr describes our current criminal justice system as punitive and retributive; he contrasts this with Biblical or Restorative Justice. Zehr writes:

“Retributive Justice: Crime is a violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state, directed by systematic rules.

“Restorative Justice: Crime is a violation of people and relationships. It creates obligations to make things right. Restorative Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance.”        Personal and communal peace!

Restorative Justice has its roots in the Bible. An essential theme in Scripture resides in the Word *Shalom*, a condition of “all rightness”, of the way things should be. God intends that people live in right relationships with one another and with God. Biblical Justice is not a blindfolded person balancing the scales; it is open-eyed with hands outstretched to those in need. **Victims have needs, offenders have needs, and the community has needs. What are those needs?**

### ***Victims***

Some feelings victims might experience are confusion, helplessness, fear, trauma, vulnerability, anger, humiliation, possibly guilt (“if only I ...”), suspicion, even depression and doubt in one’s own self. Reflecting on this, we consider their needs. Victims need compensation for losses, they need to have things right in a material way. They need answers to their questions such as “Why me, what does this mean for me and my future, what if it happens again?” They need to feel safe again. Also, victims need a sense of remorse from their offender. They need opportunities to express and validate their emotions and they need their sense of personal power to be returned to them. They need to be heard and affirmed, to know that steps are being taken to rectify the wrong and to reduce the opportunities for the crime to re-occur. They need to be informed, consulted, and involved in the process of justice. In Restorative Justice the victim is very much involved, consulted, and informed.

Not only victims but their families are affected by crime. Those who have lost a loved one through murder need to realize that closure doesn’t come; transcendence does. Anger and revenge destroy; forgiveness heals and leads to peace.

### ***Offenders***

In our present system the offender is almost a bystander whose focus is on his/her own situation and future. Professionals in our adversarial system help decide

whether or not the person is guilty. Often the result is a sentence to prison, a crowded place where the atmosphere nourishes some form of violence as the great problem solver. In our country, according to a recent report compiled by the Pew Center's Public Safety Performance Project (reported in The Baltimore Sun 2/29/08, more than 1 in every 100 American adults is in jail or prison. More than 2.3 million inmates today are in adult jails and state prisons! Another report stated that this includes 9,000 juveniles under the age of 18 in adult facilities. According to Danny Davis, a U.S. Congressman from Illinois who spoke at the First National Restorative Justice Conference held in June, 2008, in Texas, although more than 600,000 return home from prison every year, more than 50% will be re-imprisoned. The Sentencing Project states that our nation's incarceration rate tops the world! Author Marc Mauer delves deeply into the effects of mass incarceration, especially on the children, in his book Invisible Punishment.

What are the needs of offenders? If they are in prison and are not guilty of the crime, their needs are the same as victims. Real offenders need to be held accountable for their behavior; they need to see the real human costs of what they have done, that they have harmed human beings including their families. Many need to believe that they are people of worth...so many had been victims themselves, especially victims of mental, physical, and/or sexual abuse. They need to believe that they have the power and the responsibility to make good choices. Like all of us, they need to see a purpose in their life. They need opportunities to develop a Faith life. They need to learn respect for others and the property of others. If there is no value of self, how can there be a valuing of others? Offenders need to learn to cope peacefully with frustration and conflict, and they need anger management and alternatives to violent behavior. Since most crimes are committed by those addicted to drugs and alcohol, these offenders need substance abuse education and counseling.

### ***The Community***

The community, needs healing. Crime undermines its sense of wholeness. The community needs to experience true justice. It wants reassurance that what happened was wrong, that justice is served, and that steps are taken to prevent the recurrence of the crime. It needs understanding, compassionate patience, and plenty of resources. Currently society needs the challenge of moving from a failed system which engenders more crime to a system that heals and makes things right again. Einstein once defined insanity as doing something over and over again expecting a different result. The community needs to apply this to our present criminal justice system and put its resources into Restorative Justice practices.

Another noteworthy reality is that in the United States at least 90% of criminal cases do not go to trial; the prosecutor offers a "plea bargain" if an offender would plead guilty to a lesser charge. The focus is on the offender, not on the victim; there is no encouragement to take responsibility for any crime committed, a factor that is an important first step to healing and to peace!

We are learning more about justice systems in other countries such as Canada, Australia, and New Zealand. In 1977 Howard Zehr, now co-director of a graduate Conflict Transformation Program at the Eastern Mennonite University in Harrisonburg, Virginia, brought the *Victim Offender Reconciliation (VORP)* to the U.S. from Canada. In this model a trained facilitator meets privately with the victim and the offender; if and when both are ready, the facilitator brings them together. They talk and listen to each other. They can express their feelings, their account of what happened and why. When ready, they formulate an agreement that will help right the wrong that has been done. One site relatively nearby for facilitator training is LAVORP in Lancaster, PA.

Then in the 1990's *Conferencing* was brought to our country from Australia and New Zealand. Conferencing is offered when offenders admit guilt. Similar to VORP facilitators bring together victims and offenders, but also their supporters and other relevant parties. The discussion may lead the offender to experience the shame of the act and apologize to the victim. The key participants develop and sign a plan of action. In Maryland Dr. Lauren Abramson founded and directs the Conferencing Center which is involved in schools, in the community, and even in prisons. Twice a year they train new facilitators. In Pennsylvania facilitator training is given in Bethlehem at the IIRP (International Institute for Restorative Practices) Education Center.

A third model of Restorative Justice originated with the Native Americans, native Africans, and other indigenous people; this is called the *Circle Process*. Victims, offenders, their supporters, police, judges, prosecutors, defense counsels, and interested community members sit in a circle as equals. The Keeper passes a "talking piece" from person to person. Whoever holds the "talking piece" may speak, everyone else is obliged to listen. Participants discuss what happened and why, the impact of the action, and what is needed to repair the harm done and prevent it from happening again. By consensus, this circle, the *Sentencing Circle*, develops the sentence for the person who has committed the crime and may also stipulate the responsibilities of community members and justice officials in the agreement.

To prepare for this, a *healing circle for the victim* may be formed and is private, restricted to those whom the victim chooses; also, a *circle of understanding for the offender* may be formed in private for the offender with only those present whom the offender chooses.

The book [Critical Issues in Restorative Justice](#) edited by Howard Zehr and Barb Toews delves more deeply into Restorative Justice. In this book John Braithwaite describes Restorative Justice as "a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics. Its vision is of a holistic change in the way we do justice in the world." He also urges us not to allow the offending action to be seen as the offender's main characteristic.

In the same book Ann Warner lists the principles that guide Restorative Dialogue, basic to Restorative Justice:

- Repair of harm done as much as possible
- Direct involvement of the parties
- A problem-solving, collaborative approach
- Consensual decision making

She also lists the common values in Restorative Dialogue:

- Respect among all parties
- Flexibility of the process
- Empowerment of all parties.

She suggests that in cases where a victim might prefer an indirect Restorative Dialogue, there can be letters, audios, videos, e-mail, or a shuttle practice where the facilitator carries information back and forth.

Additionally, Wonsche states that our current justice system works within a hierarchy of *power*, a controlling power; whereas Restorative Justice operates within a hierarchy of *skill*, the skill of empowering the parties. A high standard for facilitator training is a must!

Finally, Guy Masters cautions us that legislation may lead to an overly professionalized practice that may water down Restorative Justice by inviting traditional agencies to adopt the language and add services in order to get funding.

Additional noteworthy facts are:

In New Zealand it is required by law that juveniles be adjudicated by Restorative Justice practices.

According to a rather recent survey, 50% of lawyers nationwide, including judges and legislators favor mediation, a form of Restorative Justice.

Colorado unanimously passed a bill to fund Restorative Justice throughout the state designating \$200 million for grants for starter programs.

Two speakers at the First National Restorative Justice Conference, Elaine Enns and Chad Myers have written a two volume book entitled Ambassadors of Reconciliation: Enns is from Saskatchewan and has been a teacher and practitioner of Restorative Justice for 20 years. Myers is an activist, theologian, and author who has worked in social change movements for 30 years. When urging us to be actively involved in preventing violence, they told of an incident in which they helped prevent violence between the whites and the Mexican youth in their neighborhood. They and neighbors got between the two groups, talked and listened to them as they slowly backed them away a few streets apart. Anger was de-escalated and peace returned. When the police came, they had no one to arrest since no harm had been done!

Another speaker at the Conference, Dr. Mark Umbreit is a Professor and founding Director of the Center for Restorative Justice and Peacemaking at the

University of Minnesota, School of Social Work. As a practitioner he works with family survivors of homicide as well as other victims of severe violence who choose to meet the offender through victim-offender dialogue. He mentioned that in England the Ministry of Justice Department is giving grants to begin Restorative Justice in their country.

In the year 2000 the United States bishops published a document *Responsibility, Rehabilitation, and Restoration* in which they state that “..victims should be able to confront the offender and ask for reparation for their losses.”

Another fact is that in July of 2002 the United Nations Economic and Social Council adopted a resolution submitted by the governments of Canada and Italy that encourages countries to use Restorative Justice programs in criminal matters in their countries.

Expanding the concept, the International Institute for Restorative Practices in Bethlehem, PA, offers two degrees: a *Master of Restorative Practices and Education* and a *Master of Restorative Practices and Youth Counseling*.

Some colleges such as Drexel University and Neumann College in Pennsylvania, the University of Texas at the San Antonio campus are among those which now teach a course on Restorative Justice. St. Joseph University in PA offers a major in Criminal Justice and a minor in Restorative Justice. Chestnut Hill College in Philadelphia, PA, has an Institute for Forgiveness and Reconciliation. In Columbia, MD, Howard County Community College’s Mediation and Conflict Resolution Center provides mediation and conflict resolution education and training. Howard also hosted the state Restorative Justice Conferences held in 2006 and 2008. Goucher College in MD offers a major in Peace Studies which includes a course on Conflict Resolution.

In some MD prisons a ten session course on Victim/Offender Impact Crime and Education Program (VOICES) is offered to inmates; a panel of victims is included in the course.

All is an effort to change the lens of our society from punitive and retributive to restorative, the HEALING of the victim, the HEALING of the offender, and the HEALING of society. When the lens through which we see people changes, legislation will reflect this.

The winds of change are upon us. Can we love people enough to make Restorative Justice a reality in our country, in our neighborhoods, in our families?  
*To work for Restorative Justice is to work for World Peace! Can we afford not to?*

## RESOURCES

**Changing Lenses: A New Focus for Crime and Justice** by Howard Zehr (Herald Press, Scottdale, PA: 1990)

**The Promise and Challenges of Restorative Justice for Victims** by Howard Zehr (\$18.95 – Good Books [www.goodbks.com](http://www.goodbks.com))

**Restorative Justice: Toward Nonviolence** by Rev. Virginia Mackey (Presbyterian Criminal Justice Program, Presbyterian Church, 100 Witherspoon St., Louisville, KY 40202-1396) FREE

**Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice** by United States Catholic Conference (Washington, DC: December, 2000; Publication No. 5-394)

*Restoring Justice* video Presbyterian Criminal Justice Program  
Newsletters from *Restorative Justice Institute*, P.O. Box 16301, Washington, DC 20041-6301 <http://www.restorativejustice.org>

**Statement on Restorative Justice** by Religious Society of Friends (1515 Cherry St., Philadelphia, PA 19102)

**Invisible Punishment: The Collateral Consequences of Mass Imprisonment** edited by Marc Mauer and Meda Chesney-Line (The New Press, 450 W. 41<sup>st</sup> St., 6<sup>th</sup> floor, New York, NY 1003: 2002)

**Race to Incarcerate** by Marc Mauer (The New Press)

**Conferencing Handbook: The New Real Justice Training Manual** by Terry O’Connell, et al (\$25 The Piper’s Press)

**Crime, Shame and Reintegration** by John Braithwaite (\$20 Cambridge Univ. Press)

**Little Book of Restorative Justice** by Howard Zehr (\$4.95 Good Books 1-800-762-7171 [www.goodbks.com](http://www.goodbks.com))

**Little Book of Circle Processes** by Kay Pranis (\$4.95 Good Books)

**Little Book of Conflict Transformation** by John Paul Lederach (\$4.95 Good Books)

**Little Book of Restorative Justice for People in Prison** by Barb Toews (\$4.95 “ ”)

**Little Book of Restorative Discipline for Schools** by Lorraine Amstutz and Judy Mullet (\$4.95 Good Books)

**Restoring Justice** by Daniel Van Ness and Karen Strong, Second Edition (Anderson Publishing Co.: 2002, 1-800-582-7295)

**Critical Issues in Restorative Justice** editors Howard Zehr and Barb Toews (Criminal Justice Press, Willow Tree Press)

*Visit:* Restorative Justice (has many links)

[www.restorativejusticenews.net](http://www.restorativejusticenews.net)

Voma. org for calendar of events, trainings, publications

<http://www.bcrjp.org> (Barron County, Wisconsin – Restorative Justice Programs)

<http://www.sfu.ca/cfrj> (Centre for Restorative Justice, Simon Fraser University)

<http://www.rjmn.net> (Restorative Justice Ministries Network)

**Community Conferencing Center, 2300 N. Charles St., Baltimore, MD 21218**  
[www.communityconferencing.org](http://www.communityconferencing.org) 410-889-7400

**Community Mediation Centers in Baltimore City and in 17 counties in MD**  
888-826-2262