

Collaborations

The Maryland Crime Victims' Resource Center, Inc.

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Food for Thought ... Restorative Justice by Roberta Roper

"Instead of defining justice as retribution, let us define justice as restoration. If crime is injury, then justice will repair and promote healing." (Howard Zehr) (1)

This first 2006 issue of **Collaborations** offers information and asks each of us to consider (or perhaps reconsider) the principles of *Restorative Justice* as we continue our programs of assistance and support to crime victims. While some would view it as a controversial issue, others would explain that restorative justice provides a different perspective that focuses on victim restoration. Many would argue that a fundamental reason for our tangled system of justice is the philosophy that crime is primarily an offense against the state ... not the individual who suffers crime's consequences. This illusion is seen as imprisoning offenders in the vain hope of rehabilitating them, while failing to hold them responsible for their actions, or attempting to restore their victims and communities. Restorative justice in some instances can instill offender awareness of the harmful consequences of their criminal choices and requires action to make amends to their victims and their communities. (2)

So why Restorative Justice ... What is it? Restorative Justice is defined as a theory that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders: victims, offenders, communities and the criminal justice system. (3)

Restorative Justice is not a new concept. It can be traced to the legal systems of ancient cultures, including the Celtic Brehon laws and the justice process in Maori and Pacific island communities before colonization. It is the predominate method for dealing with crime to be found in the Christian Bible, where the emphasis was usually on restitution and restoration. (continued on page 2)



"One person can make a difference—and every person should try." Stephanie Roper

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It was seen as a way of setting things right ... the biblical concept of *shalom*. Commonly translated as “peace,” *shalom* meant something more to the Hebrews. It meant the existence of harmony, right relationships, wholeness and completeness. Crime destroyed *shalom*. Offenders broke the harmony and destroyed relationships between them, their victims, their community and God. The biblical response to crime aimed to restore *shalom* between the affected parties, and restitution was essential to this process. (4)

Restorative Justice is concerned with repairing harm to victims and society through:

- Education and awareness of crime’s consequences
- Accountability
- Partnerships between government and society for restitution

Restorative Justice creates a new paradigm recognizing that:

- Crime is an offense against human relationships – an act against a person or a community versus a violation against the state
- Victims are central not peripheral to the criminal justice process – the first priority of justice is to assist victims
- The second priority is to restore the community to the degree possible
- Offender accountability is more than punishment – the offender has personal a responsibility to the victim and community in repairing harm
- Crime is an individual act requiring accountability; however, the responsibility for restorative justice is one to be shared through a partnership of actions
- Punishment alone is not effective in changing behavior

Restorative Justice is not:

- An alternative for incarceration for all offenders
- Something that can happen without victims

Restorative Justice involves many levels of accountability:

- Restitution
- Apology (*only* if victim desires)
- Community service (of victim’s choice, when possible)
- Victim impact panels
- Neighborhood/community impact statements
- Parental liability

The **framework** for restorative justice requires a continuum of surveillance and sanctions that provide a progression of consequences for non-compliance and incentives that reinforce the offenders’ competency development and accountability objectives. Restorative justice in **practice** requires victim input at sentencing; orders of protection; *may* include victim/offender mediation (only if the victim chooses); community policing and reparative boards. (5)

Clearly all offenders are not candidates for every level of the restorative justice model. Nevertheless, the vast majority of offenders, despite the nature of the crime or the sentence imposed, *will* earn release from incarceration. Likewise, not all victims would choose to be involved in restorative justice. Nevertheless, the restorative justice programs that require accountability, and include impact of crime on victims programs, court school, offender treatment, and mandatory compliance with requirements of sentence (including restitution, staying in school, community service, etc.) may present a way to restore a sense of *shalom* for many victims, offenders, communities and the criminal justice system.

1. <http://www.angelfire.com/ri/restorativejustice>
2. Convicted by Charles Colson & Daniel Van Ness, p 48-49
3. <http://www.restorativejustice.org/resources/theory>
4. Convicted by Charles Colson & Daniel Van Ness, p 48-49
5. Anne K. Seymour & Associates: annesey@atlantech.net

Additional Resources:

www.restorativejustice.org/resources -

www.fresno.edu/pacs/rjp

www.thejrp.org

<http://2ssw.che.umn.edu/rjp>

The Justice & Reconciliation Project: jrp@mindsync.com

Changing Lenses, A New Focus for Crime & Justice, by Howard Zehr (see: www.restorativejustice.org/resources/leading/zehr)

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