

What is Restorative Justice?

"Restorative justice is a process concerned with healing victims' wounds, restoring offenders to law-abiding lives, and repairing harm done to interpersonal relationships and the community. It seeks to involve all stakeholders and provide opportunities for those most affected by the crime to be directly involved in the process of responding to the harm caused." [1]

"A central premise of restorative justice is that victims, offenders, and the affected communities are all key stakeholders in the restorative process. [2] The safety, support, and needs of victims are the starting points for any restorative justice process." [3]

Restorative Justice is not...

- "primarily about forgiveness or reconciliation
- mediation
- primarily designed to reduce recidivism or repeating offenses
- a particular program or blueprint
- a panacea nor necessarily a replacement for the legal system
- necessarily an alternative to prison
- necessarily the opposite of retribution." [4]

The Process

"Three distinct models dominate the practice of restorative justice:
victim offender conferences
family group conferences
peacemaking circles." [4]

"**Peacemaking circles** bring together the ancient wisdom of community and the contemporary value of respect for individual gifts, needs and differences in a process that:

- honors the presence and dignity of participants
- values the contribution of every participant
- emphasizes the connectedness of all things
- supports emotional and spiritual expression
- gives equal voice to all." [7]

The History of Restorative Justice

"Our criminal justice system, while offering some strengths, does have limitations and failures. Increasingly, victims, offenders and community members feel that their needs are not fully met. Since the 1970s a variety of programs and approaches have been tried in thousands of communities. In particular, "circles" emerged from First Nation communities in Canada." [4]

"Restorative justice began as an effort to deal with burglary and other property crimes. Eventually it was used in more serious personal crimes. Today, various approaches to restorative justice are being used beyond the criminal justice system including schools, the workplace, prisons, re-entry programs, child welfare cases and religious communities. Peacemaking circles and various types of conferences are some of the models in use today." [4,5]

Reflections

*Restorative justice is a compass
not a map. -Howard Zehr*

*Restorative justice prefers inclusive,
collaborative processes and
consensual outcomes. -Howard Zehr*

*Circles take harsh realities and
bring about beauty. -Kay Pranis*

*An eye for an eye makes the whole
world blind. -Mahatma Gandhi*

Courts and Circles - A Comparison

Courts

- "Relies on experts

- Adversarial

- Broken state laws

- Past conduct

- Individual
responsibility

- State legal require-
ments

- Banishment

- Punishment

- Coercion

- Fixed rules

- Winners and losers

Circles

Participation

- Relies on community

Decision-making

- Consensual

Issues

- Broken relationships

Focus

- All conduct

- Individual and
collective respons-
ibility

- Needs of all parties

Tools

- Reintegration

- Healing/support

- Trust/understanding

Procedure

- Flexible guidelines

Results

- Finding common ground
for all interests." [6]



Two Different Views of Justice

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| <u>Criminal Justice</u> | <u>Restorative Justice</u> |
| ■ "Crime is a violation of the law and the state | ■ Crime is a violation of people and relationships |
| ■ Violations create guilt | ■ Violations create obligations |
| ■ Justice requires the state to determine blame [<i>guilt</i>] and impose pain [<i>punishment</i>] | ■ Justice involves victims, offenders, and community members in an effort to make things right |
| ■ Central focus
Offenders are getting what they deserve. | ■ Central focus
Victims have needs and offenders have responsibilities for repairing the harm. |

Three Different Questions

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|--------------------------------|------------------------------------|
| <u>Criminal Justice</u> | <u>Restorative Justice</u> |
| - What laws have been broken? | - Who has been hurt? |
| - Who did it? | - What are their needs? |
| - What do they deserve? | - Whose obligations are these?"[4] |

References

1. Michelle Maiese, Restorative Justice, www.beyondintractability.org
2. Howard Zehr and H. Mika. 1998. "Fundamental Concepts of Restorative Justice." Contemporary Justice Review: Issues in Criminal Social and Restorative Justice. Vol 1, Issue 1, pp. 47-56
3. Tony F. Marshall. "Restorative Justice: An Overview," [on-line] Available from www.homeoffice.goc.uk/rds/pdfs/occ-resjus.pdf
4. Howard Zehr, The Little Book of Restorative Justice. Good Books, 2002, www.goodbooks.com
5. www.restorativejustice.org/university-classroom/02world/nothamcar
6. Kay Pranis, Barry Stuart and Mark Wedge, Peacemaking Circles-From Crime to Community. Living Justice Press.
7. Kay Pranis. The Little Book of Circle Processes. Good Books, 2005

Additional Resources

- A. Mark Umbreit and Marilyn Peterson-Armour. Restorative Justice Dialogue, Springer Publishing, 2011.
- B. www.conflictcenter.org/wordpress/?p=184
- C. Responsibility, Rehabilitation and Restoration. A Catholic Perspective on Crime and Criminal Justice. A Statement of the Catholic Bishops of the United States.
- D. www.catholicismobilizing.org/mission/restorative-justice/

How to Participate

- ❖ Learn more about Peacemaking Circles
- ❖ Join Ohioans to Stop Executions (OTSE)
- ❖ Learn more about (CIRGV) Community Initiative to Reduce Gun Violence
- ❖ Attend Homicide Prayer Vigils

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Restorative Justice: Healing the Harm



"Restorative justice focuses first on the victim and the community harmed by the crime, rather than on the dominant state-against-the-perpetrator model. This shift in focus affirms the hurt and loss of the victim, as well as the harm and fear of the community, and insists that offenders come to grips with the consequences of their actions."

*From
**Responsibility, Rehabilitation, and Restoration:
A Catholic Perspective on Crime and Criminal
Justice**
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