

What is Restorative Justice?

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When one hears or says the words "Restorative Justice", it would seem that there should be a very simple and straightforward definition of what the term means. The experience of the past several years has shown this not to be true. It is unfortunate that Restorative Justice has come to mean many things to many people. Some understandings are far from the roots of this term. To some the term has become suspect or even harmful.

There is, however, a consistent and historical broad understanding of this term. It should be acknowledged that a significant factor in the confusion of voices around Restorative Justice is the fact that Restorative Justice has evolved from grassroots, community origins. It is also true that many ancient cultures have practices that easily mesh with current Restorative Justice efforts. Over time current Restorative Justice advocates have had a growing understanding of, and a maturing ability to articulate, the implications of this very distinct response to crime.

There are several important and useful ways to approach an understanding of Restorative Justice. First is that Restorative Justice is not about specific programs or a specific process. It is a philosophy, a set of principles and values. If Restorative Justice is to have practical application these values need to become the foundation and guiding principles for how a community and its justice system understand every aspect of their response to crime.

A number of individuals have done an excellent job of articulating Restorative Justice values, and anyone interested in this work should take the time to read the work of Howard Zehr, Mark Umbriet, Gordon Bazemore and Susan Sharpe.

In brief, Restorative Justice holds that:

- Crime is about harm done to individuals and the community, and addressing crime meaningfully requires the response to be focused on that harm.
- Those who have been harmed by a crime need to have a primary, active role in determining what needs to be addressed, and they need to have a voice in how the resolution should happen.
- However the community chooses to respond to a crime, it should result in the needs of victims being significantly and meaningfully addressed.
- A focus on punishment is an inadequate response to addressing the harms done by crime. It doesn't touch on many important issues that need to be addressed. Holding an offender accountable for the harms they have caused, having the offender actively participate in how to make amends for the wrong they have done, is of far greater value than punishment. The offender has incurred an obligation to victims and the community that needs to be met.
- Active community participation is essential to creating safe and healthy communities.

The community as a whole, not the justice system in isolation, has the ability and resources to effectively respond to the harms of crime and to ultimately restore victims and integrate offenders into the community as healthy, whole contributing members of society.

A second approach to understanding Restorative Justice is to understand that Restorative Justice has a future focus, a focus on outcomes. If a harm has been caused in our community, what is it that we, as a community, want to see happen? What results or outcomes are we looking for? If we are clear on what we are trying to achieve we can more effectively determine what actions we want to take. We can also clearly evaluate whether the things we do achieve the outcomes we desire.

In simplest terms Restorative Justice is asking: **"What is it that we want to see happen when someone creates harm in our community?"**

Restorative Justice advocates answer that question in this way: When a harm has been committed in the community there are three key groups who must be meaningfully responded to: the direct victims, the wider, impacted community and the offender.

Outcomes for victims should focus on:

- being given the opportunity to be acknowledged and heard
- having input regarding resolution to the offense
- having the harms done to them meaningfully addressed
- meaningful support services for healing and closure

Outcomes for the community should focus on:

- creating safe and healthy communities
- active and extensive partnerships with the justice system that lead to the integration of victims and offenders into the community as positive, contributing members

Outcomes for offenders should focus on:

- being accountable for the harms done
- taking an active role in determining how to make amends to victims and the community
- integration into the community as positive and productive citizens

A third approach to understanding Restorative Justice should be clear from what has already been stated. Historically, the community has given the criminal justice system the mandate of focusing on offenders. Restorative Justice says that mandate must broaden if we are going to effectively respond to crime. The justice system must have a balanced approach. The community needs to give its justice system a mandate that includes, equally, the needs of victims, the community and the offender.

The outcomes outlined above reflect such a broadened focus. It is important to note that this broadened mandate is a huge challenge to the justice system. It requires a re-thinking of how the system does its work and what it values, and thus measures, to determine success. Most difficult of

all, it requires a re-thinking of how resources are allocated. Dennis Maloney, formerly of the Deschutes County (Oregon) Community Justice Department, is probably one of the most articulate spokesmen for this implication.

While each of the above approaches to understanding Restorative Justice is valuable, perhaps the simplest and most crucial thing to understand about Restorative Justice is this: **At its heart Restorative Justice is about encounter. If we are working restoratively in our communities, individuals are encountered and humanized.**

Such an “encounter” does not imply face to face contact. While it may be appropriate in some circumstances for an offender to physically encounter his or her victim, offenders always need to encounter the human impact of the harm they have caused to individual victims and to the broader community. Offenders need to encounter their personal obligation, their responsibility, to make amends for the wrong they have done. And offenders need to be encountered in their own humanity, in their own need to make amends and to become valued community members.

Victims should be encountered as real people who have suffered real harm. They should encounter, or experience, acknowledgement, validation, a sense of worth and dignity that comes to them from the community's response. And at its best, they deserve to encounter this acknowledgement from the offender. Victims should be encountered as people who are capable of speaking about their own experience and their own needs. They should be encountered as people capable of helping the community move toward resolution and healing.

When there is a restorative response communities encounter the real people who cause harms and the real people who are harmed. Restorative communities respond in ways that speak to the need to for accountability that can lead to earned redemption. The restorative community's response speaks of the obligation we all have to each other to move toward wholeness, toward restoration.