



RESTORATIVE JUSTICE





RESTORATIVE JUSTICE

Aimed at **healing harms** caused by crime and conflict

Sees **crime** not as offense to state, but **violation** of **relationships** and disruption of peace in **community**

RESTORATIVE JUSTICE

Focuses on interrelationships b/w **three constituents** in crime

- Victim
 - Offender
 - Community (neighborhood, society, etc.)
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- Conventional justice just focused on offender in a retributive system



RESTORATIVE JUSTICE

Flexible system of response to crime in sentencing, restitution, **rehabilitation** and **conflict resolution**

- Conventional justice focuses on guilt/innocence, and determination of punishment and pain

RESTORATIVE JUSTICE

Collaborative, inclusive

- Engages all stakeholders in achieving accountability, understanding, and harmony

Aimed at **restoring peace and harmony** crime has broken

- Restoring **social balance subverted** by violation of human relationships b/c of crime



RESTORATIVE JUSTICE

What harms occurred?

Who was harmed?

What can be done to make it right?

RESTORATIVE JUSTICE

Makes distinction between **offense** and **offender**

- Considers no one a “throw-away” person

Prisons and jails seen as means of **temporary restraint**

- Not meant to restore relationships in community
- However, for dangerous offenders, long-term incarceration may be necessary



RESTORATIVE JUSTICE

Wants to repair broken relationships

Wants to re-integrate traumatized victims into their community

Wants to restore social balance



RESTORATIVE JUSTICE

But what if there's no social balance to begin with?

TRANSFORMATIVE JUSTICE

Response to "restorative" bent

Restoring is inadequate

- Nothing can make a crime "unhappen" thus relationships unlikely the same after crime

TRANSFORMATIVE JUSTICE

Often, crime occurs in communities where there was no preexisting social balance

- So what are we “restoring” to?
- Inequality? Racism? Sexism?

TRANSFORMATIVE JUSTICE

Argues

- Crime has roots in prior acts of violation
- Oftentimes related to injustice
- **Crime**, therefore, not a disruptive event that upends preexisting social equilibrium, but **symptom of social disorder**
- **Restorative** scholars **overlook structural injustices** between mainstream society and marginalized

CORE PRINCIPLES

Repentance

- Remorse and radical change of values

Forgiveness

- Renouncing moral right to anger

Reconciliation

- Valuing the active principles of the community