



Restorative Justice: What is it?

By Candace Julyan

How do we respond to injustice and wrongdoing--as individuals, as a group, as a community or society? For many, the response is that there are punishments for breaking rules. That has become our norm in the courts, in schools, and often in families. For several decades now, there has been an increasing awareness of other approaches to wrongdoing based on the ideas of Indigenous Peoples around the globe. Instead of looking at the offense as a breaking of rules, this perspective sees the offense as a harm to relationships and instead of punishment, this way of thinking proposes that those who committed the offense need to find ways to repair the harm.

Howard Zehr, author of *Changing Lenses* and *The Little Book of Restorative Justice*, created two useful tables that examine the differences between these two perspectives--the Criminal Justice Perspective and the Restorative Justice Perspective. He proposes that fundamental to each are different questions and different views of the situation.

Three Different Questions

Criminal Justice	Restorative Justice
<ul style="list-style-type: none"> • What rules have been broken? • Who did it? • What is the consequence? 	<ul style="list-style-type: none"> • Who has been harmed? • What do they need? • Who is responsible?

Two Different Views

<u>Criminal Justice</u>	<u>Restorative Justice</u>
<ul style="list-style-type: none"> • Crime is a violation of rules or laws. • Violations require punishment. • Justice requires the state to determine guilt and impose punishment. • Central focus: <i>offenders getting what they deserve</i> 	<ul style="list-style-type: none"> • Crime is a violation of people and relationships. • Violations create obligations. • Justice involves victims, offenders, and community members making an effort to put things right. • Central focus: <i>victims getting what they need and offenders responsible for repairing the harm</i>

Restorative Justice requires a serious shift in our perspective on wrongdoing. Rather than focusing on punishing the offender, restorative justice seeks ways to repair the harm to the victim. For many, this is a significant paradigm shift--a different way of seeing and addressing crime.

How do these ideas work in the real world?

Restorative justice approaches and practices have emerged in thousands of communities around the world. The goal of this work is to heal those affected and right whatever wrong that has been done. There are some fundamental principles that are shared by all the various projects that use restorative justice ideas: 1) crimes are a violation of relationships, 2) victims are the first priority in addressing the harm, 3) offenders have a personal obligation to repair the harm, 4) all those affected by the harm should have a say in what would repair that harm.

In some instances, restorative justice programs can be found within or alongside the criminal justice system. In New Zealand, for example, the juvenile justice system revolves around restorative justice approaches. In Vermont, there are 20 Restorative Justice Centers, funded by the Vermont Department of Corrections, that are geared toward finding restorative responses to conflict and crime. In Massachusetts, over 20 police departments have chosen to consider a restorative justice alternative through Communities for Restorative Justice (C4RJ). This program, staffed largely by trained volunteers, works with police to provide an alternative to the court system that offers victims an opportunity to address the offender and find satisfying ways to repair the harms that were committed. In all of these programs, the first step is that the victim is willing to address the crime through restorative justice, rather than the criminal justice system. And second, the offender must take responsibility for the crime, and the harm.

In addition to the programs noted above, there are a variety of ways that these practices are used in communities:

- Reparative Boards
- Re-entry Programs
- Restorative Probation
- Community Accountability Board
- Victim-Offender Dialogue/Mediation/Reconciliation
- Peacemaking circles

Not surprisingly, these ideas have held great promise for schools as well. One of the key elements of restorative practices is that the offender learns from the process and usually does not repeat the crime. This makes these practices ideal for a school setting where adults

and young people can work together to find creative and supportive ways to deal with the normal, and sometimes difficult, aspects of being part of a community.

These practices address the inevitable conflicts that happen in any community and help both students and adults learn how to build meaningful relationships with one another. In her book, *Circle in the Square*, Nancy Riestenberg, a national expert on restorative practices in schools, explains it well.

“A restorative approach provides a way to build community while also intervening with problems in a way that can be transformative for all involved. Restorative approaches help to shift the dominant social norms of ‘power over’ to ‘power with,’ talking ‘with’ instead of talking ‘at.’ and ‘we’ centered instead of ‘I’ centered.” (p.xiii)

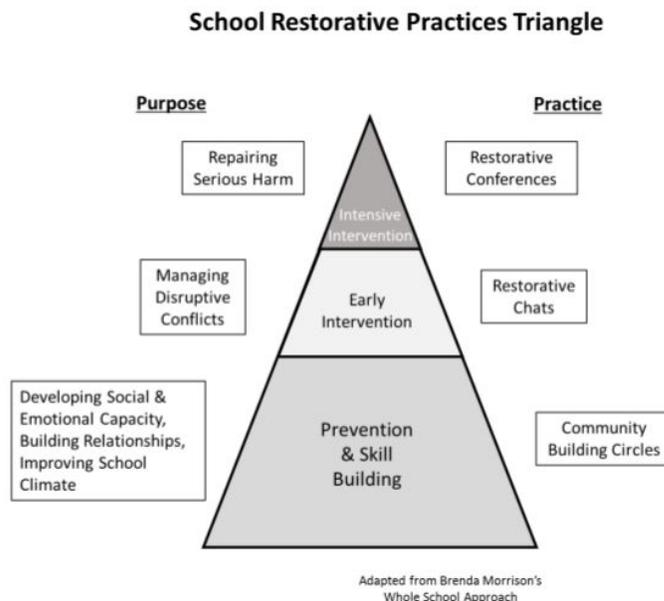
A key element of this work--both in restorative justice programs and in the use of restorative practices in schools--is that participants work together in a circle. The circle has significance both as a way for everyone to see one another and as an indication that all participants are “equal.” The purpose of using a circle is to indicate explicitly an intentional process for communication. This “circle practice” has some key elements:

- The talking piece--to make clear who has permission to speak
- The guidelines--created by the group to describe expectations for behavior
- The keeper--a facilitator for the process who is also a member of the group

In schools the restorative approach is used in two different situations.

- Practices related to community building
- Practices related to specific harm

These practices are represented in the School Restorative Triangle



As the triangle indicates, the primary work with the majority of students happens at the base of the triangle in the Community Building Circles. These circles can be used for relationship building, for classroom learning, for dialogues on specific topics, or for guidance/counseling groups. The next two tiers are practices related to harm. Restorative Chats are informal ways to address everyday conflicts through questions that encourage reflection rather than defensiveness. Restorative Conferences provide a forum for discussing and resolving more serious issues, either among students or between students and staff. These are often incidents that could lead to suspension.

Our Restorative Practices Guide (available for download from our website) offers a detailed description of all of these practices and suggestions for how to integrate them into schools. Additionally, Pathways to Restorative Communities is available for consultation about how to integrate these ideas into classrooms, schools, communities, organizations and work groups. Feel free to contact us with your questions and ideas.