

THREE DIFFERENT QUESTIONS

Criminal Justice

Restorative Justice

**What laws have
been broken?**

Who has been hurt?

Who did it?

What are their needs?

**What do they
deserve?**

**Whose obligations are
these?**

TWO DIFFERENT VIEWS

Criminal Justice

Restorative Justice

**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 (guilt)
and impose pain(punishment)**

**Justice involves victims,
offenders, and community
members to put things right**

**Central focus: *offenders*
*getting what they deserve***

**Central focus: *victim needs and*
offender responsibility for
*repairing harm***

THREE PILLARS

**Restorative justice focuses on harm
Wrongs or harms result in obligations
Restorative justice promotes engagement or participation**

Howard Zehr, Little Book on Restorative Justice

RESTORATIVE JUSTICE IS

Not primarily about forgiveness or reconciliation

Creates environment to happen spontaneously

Not adversarial

Comes out of a peacemaking worldview that believes respect, accountability, story telling, validation, honesty, compassion, and preparation are cornerstones of the process

Combines mediation with other processes

Facilitated dialogue, circles, conferencing, surrogates, panels-involves preparation, no further harm, validation, acknowledgement

Not a particular program or a blueprint

RJ is not a map, but the principles

of RJ can be seen as a compass pointing a direction. It is voluntary and an invitation for dialogue and exploration.

Neither a panacea nor necessarily a replacement for the legal system

Crime has a societal dimension, as well as a more local and personal dimension. The legal system focuses on the public dimensions-society's interests and obligations. Court processes often downplays or ignores the personal and interpersonal aspects of crime.

Other side of retribution

Both acknowledge a basic moral intuition that a balance has been thrown off by a wrongdoing. Retributive justice believes that pain will vindicate, but in practice that is often counterproductive for both victim and offender. RJ argues that what truly vindicates is acknowledgment of victims' harms and needs, combined with an active effort to encourage offender or those with authority in the community to take responsibility, make right the wrongs, and address the causes of their behavior. RJ is about accountability. RJ has potential to heal the victim, offender, the community, and transform lives.

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