



### Restorative Justice

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Restorative justice (RJ) is an opportunity for stakeholders to address harm caused by crime and reintegrate into the community with assistance. According to Centre for Justice and Reconciliation (2020), “[r]estorative justice views crime as more than breaking the law – it also causes harm to people, relationships, and the community (para. 1).” The harm, rather than the crime, is further exacerbated by the systemic racism which plagues our society and trickles down to our criminal justice system (Wood & Suzuki, 2016). “Black and brown people are 60 percent of US prisoners, yet only 20 percent of the general population” (Davis, 2019, p. 64). Because of this trickle-down effect, proponents of RJ are uniquely positioned to provide three key areas of solution. First, RJ seeks to address formative harm in a collaborative manner, advocating for an equal voice. Next, RJ encourages all relevant stakeholders to assess and acknowledge the complexity of the events which led to the current harms. Finally, RJ provides the space for an

encounter for victims, offenders and their supporting communities as all stakeholders attempt the difficult task of reintegration.

Firstly, RJ delicately equips communities faced with the burdensome task of addressing past harm, a safe cooperative space for fair process. As a justice mechanism, RJ addresses previous ills with an innovative approach to preventing the parties from returning to their “normal lives” without meaningful encounters (Van Ness & Strong, 2015). RJ is used as a process or journey to expand stakeholders’ understanding and comprehension of the harm, instead of a need to reach a certain outcome. One example of process exists when all stakeholders (those who cause harm, those who receive harm and the communities that support each) are present and situated in a circle. The peacemaking circle (derived from indigenous Black and Brown people) represents a sacred space which provides equal positioning and involvement resembling “the understanding of interconnectedness and the dignity of all parts of creation” (as cited in Davis, 2019, p. 20). This is most important to note as the United States was formed using inhumane labor savagery of Black and Brown people (Davis, 2019). Throughout history, these same peoples have been disenfranchised, disillusioned and disadvantaged. Thus, returning to the indigenous justice creates an environment of respect for Black and Brown people - healing past harms, while culturally appropriating and deferring to indigenous solutions.

Secondly, RJ motivates all relevant stakeholders to speak frankly about those painful events which form the basis of present harms. The present harms have their origins in laws, ordinances and statutes that served to protect those in power, while marginalizing Black and Brown people. This codification created deep-rooted tensions as the need to maintain the status quo was skillfully attached to inhumane and illegal treatment of these same persons, while the concept of prison was introduced as a punishment for those who refused to acquiesce. “Before

the [Civil] war, when enslaved persons endured torturous punishment by their owners, 99 percent of prisoners were white” (Davis, 2019, p. 59). After the Civil war, this practice was halted as the new focus became runaway slaves who were captured, tortured and detained to be used as cheap (almost free) labor (Davis, 2019). This abuse of power and missed opportunity for RJ continues today as police, prosecutorial, and judicial “discretionary” methods are used to arrest, convict and detain, while preventing reintegration directly of those who cause harm and indirectly of those who receive the harm (Blacks, 2019)

Thirdly, RJ favorably offers room for an encounter for stakeholders as they attempt the difficult task of reintegration. RJ is integral to stakeholders collaborating and building trust for reintegration. This process of reintegration is difficult as “it must begin to seriously grapple with the stratified realities of crime and criminal justice—where offending and victimization are more than the sum and effects of individual choices” (Wood & Suzuki, 2016, p. 162). This indicates that RJ’s effectiveness is integrally attached to the success of addressing the communal, institutional, systematic evils of our culture that prevents regarding all stakeholders as humans noted for a few isolated choices as opposed to being noted as stakeholders for their ties to and with the communities that they represent.

To this end, Wood & Suzuki posits that in order for the criminal justice system to progress, there are four important impediments which must be addressed (2016). One challenge connected to these impediments is the difficulty in fighting the status quo of the traditional punishment: such as sentencing in prison, probation, parole and restitution without any encounters among stakeholders. Recently, fifteen states approached the issue of imprisoning all who cause harm by closing their prisons; while twenty-six states have decreased the numbers in prison (cited in Davis, 2019). This challenge provides the

foundation for reintegration of those who have received harm as well as those who cause harm without the ineffectiveness of prisons and similar punishments. According to Van Ness & Strong (2015), the direct and indirect effect of including additional opportunities for encounters between the harm creator and the harm recipient sets in motion their ability to seek healing and attempt forgiveness (of one's self and whomever else is involved in this complex process). This effect is important as measurements of success present differently within RJ. Davis reminds RJ proponents that forgiveness and complete agreement is not the mark of success, but a clear pathway to reintegration delivers one component of success (2019).

On the other hand, some proponents of RJ may disagree that addressing systemic racism is a necessary step in the pathway to reintegration. This counterargument is supported by the void in some of the RJ literature. Authors, researchers, and practitioners advocate for fair process with equal voice in a succinct and digested academic manner lacking the depth of addressing the original harm (Wood & Suzuki, 2016). This provides a relatable and inviting approach to RJ for those who seek to convert traditional criminal justice advocates. However, this practice falls short of the necessary truth which is typically aligned with RJ to properly address the harm. In fact, RJ has the unique ability to acknowledge the root of harm of the criminal justice system and facilitate a pathway to repairing harm (reparations) providing equality in areas systemically impacted by harm. In "this" restorative justice, the state, the country, nor systemic racism would possess the ability to define harm, but those truly impacted by this harm will have their voices equally lifted as an equal creation, while destroying "social stratification and marginalization of racial and ethnic minorities" (Wood & Suzuki, 2016, p. 158).

Therefore, RJ is a social movement – “a loosely organized but sustained collective effort comprised of a range of individuals and groups seeking to transform social structures, institutions, and individuals” (Davis, 2019, p. 35). This enlightening tool provides those who create the harm, those who are harmed and their supporting communities to collaborate and prepare the community as a healing reintegration. Thus, true success for restorative justice practitioners lies at the intersection of creating transformative exercises “to identify and address historical and systemic harm, navigate racial differences, and facilitate restorative justice encounters involving racially diverse participants or involving racial conflict” (Davis, 2019, p. 35). Finally, this multifaceted, multilevel and multi-generational approach to justice responds to the realistic world that all stakeholders seek to reintegrate for their healing and the communities that they represent.

### References

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