

## What is restorative justice?

*Restorative justice is a broad term, which encompasses a growing social movement to institutionalize peaceful approaches to harm, problem solving and violations of legal and human rights. These range from international peacemaking tribunals such as the Truth and Reconciliation Commission of South Africa to innovations within our criminal justice system, schools, social services and communities. Rather than privileging the law, professionals and the state, restorative resolutions engage those who are harmed, wrongdoers and their affected communities in search of solutions that promote repair, reconciliation and the rebuilding of relationships. Restorative justice seeks to build partnerships to reestablish mutual responsibility for constructive responses to wrongdoing within our communities.*

(Center for Restorative Justice Suffolk University <http://www.suffolk.edu/research/6953.html>)

Howard Zehr's definition: *Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs and obligations, in order to heal and put things right as possible.* The Little Book of Restorative Justice, 2002, p. 37.

### **History of Restorative Justice:**

Restorative justice was "the dominant model of criminal justice throughout most of human history for perhaps all the world's peoples," but was abandoned by the West almost a thousand years ago during the "Norman Conquest of much of Europe" (Braithwaite, 2002, p. 5). "Interest in restorative justice for individual wrongdoers rekindled in the West from the establishment of an experimental victim-offender reconciliation program in 1974 in Kitchener, Ontario" (Braithwaite, 2002, p. 8). Today, restorative justice practices are used throughout the world in many areas including criminal, child welfare, school discipline, employment, business, and for the general redress of social injustice.

### **Restorative Practices:**

Restorative practices are facilitated group processes that seek to meet the needs of people and the community affected by wrongdoing. When people meet face-to-face, it is only after the person who caused the harm has taken responsibility for wrongdoing. A third party facilitates the restorative process. The facilitator's role is minimal. The people affected by the harm discuss how it affected them and what is needed to repair their harm. The group comes to consensus on an agreement on how to repair the harm. When only an individual participates in a restorative practice s/he can develop a plan addressing how their needs for repair will be met. Food is normally shared at the conclusion of the process.

### **Indigenous People's Influence:**

Many restorative practices incorporate the ancient reconciliation practices of indigenous cultures, including Maori, Hawaiian, Native North American, and African people (Choudree, 1999; Some, 1999; TuTu, 1999; Shook, 1985; Maxwell & Morris, 1993; Walker 2001; Braithwaite, 2002).

### **Types of Restorative Practices:**

**Restorative Circles & Conferencing:** The restorative circle and conferencing processes include the people harmed, those who caused the harm and the affected community, e.g. family, friends, neighbors, school personnel, probation officers, etc. Child welfare agencies, schools, law enforcement, correction agencies, public housing communities, and courts use conferences and circles (Cameron & Thorsborne, 1999; Walker, 2000; McCold, 1998). Hawai'i has developed a unique *huikahi restorative circle reentry* program for people in prison and their loved ones (Walker, Sakai & Brady, 2006).

**Transition & Reentry Planning:** Foster youth transitioning out of state custody, homeless youth trying to find ways to meet their needs, and people confined in prisons or drug treatment facilities, have benefited from restorative interventions using solution-focused brief therapy (Walker & Hayashi, 2009; Walker & Greening, 2010).

**Restorative Dialogues:** Also called *victim offender mediation* involves only the person harmed and the person who caused the harm. The two parties address the wrongdoing and determine how best to repair the harm. Supporters usually do not participate in the dialogues or mediations, but may include them. If there are supporters for both parties, the process then becomes a circle or a conference (Walker, 2004).

**Restorative Sessions:** Individual restorative sessions address the needs of the people harmed and those who caused it when the other party is either unknown or either party is uninterested in a reconciliation meeting (Walker, 2004). The individuals may bring supporters to the restorative session.

**Restorative Practices Generate Learning & Promote *Desistance*:**

People learn best from real life experiences and not simply being told what is right and wrong (Bandura, 1969 & 1977). Restorative practices are experiential learning processes that can help people heal and teach empathy. Encouraging people to take responsibility deters repeat behavior while punishment commonly creates a self-defeating mentality. Retribution does not repair the harm (i.e. *an eye for an eye leaves two people blind*). Restorative justice promotes *desistance*, which focuses on how people stay crime free (Maruna, 2006).

**Restorative Justice is Solution-Focused:**

Restorative justice addresses problems in a solution-focused manner. It is a proactive approach that engages people in discussions about how to deal with suffering to create the positive futures they desire (De Jong & Berg, 2008).

**Restorative Practices for Social justice and Regulation:**

In many cases where social justice is an issue, e.g. child welfare, homelessness, & foster youth, restorative justice approaches can assist in improving people's lives (Walker, 2007). Restorative justice can also be used for the regulation of economic, business and other civil matters (Braithwaite, 2002).

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Lorenn Walker, J.D., M.P.H.  
ph: 808 637-2385 e: [lorenn@hawaii.edu](mailto:lorenn@hawaii.edu)  
[www.lorennwalker.com](http://www.lorennwalker.com)

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Lorenn Walker, J.D., M.P.H.  
ph: 808 637-2385 e: [lorenn@hawaii.edu](mailto:lorenn@hawaii.edu)  
[www.lorennwalker.com](http://www.lorennwalker.com)

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