

# RESTORATIVE JUSTICE OVERVIEW

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Crime and interpersonal harm within communities and organizations constitute violations not only of rules and laws, but of people and relationships.

*Restorative justice is a response to a harmful incident that seeks the direct inclusion of all involved in efforts to meaningfully address the harm and foster renewed relationships.*

For many, the word *justice* evokes images of punishment and isolation. Restorative justice, however, holds a different focus. Author Howard Zehr contrasts the restorative justice paradigm with that of “retributive” (punishment-based) justice, by the fundamental questions posed by each:

## **Retributive Justice**

- What rule has been broken?
- Who did it?
- What do they deserve?

## **Restorative Justice**

- Who has been harmed?
- What are their needs?
- Whose obligations are these?
- Who has a stake in this situation?
- What process is needed to involve stakeholders in an effort to put things right?

The primary focus of restorative justice is to address the needs of those most directly affected by the harm. This stands in contrast with the more dominant paradigm of retributive justice, which focuses primarily on getting even with those who cause harm.

Since restorative justice is concerned with harm and needs, it must also emphasize the harms and unmet needs that may have given rise to offending behaviour. Central to restorative justice is the understanding that people are more likely to make harmful choices when they themselves have been past victims of harm. As Fr. Richard Rohr notes, “Pain that is not transformed is transferred.” Thus a secondary focus of restorative justice is to address the psychosocial roots of offending behaviour by building and fostering healthy individuals and communities.

Many institutional responses to harm have centred on the administration of shame to perpetrators. A restorative approach to justice suggests that, rather than seek to inflict shame, effective justice ultimately mitigates shame for all parties. This approach does not suggest that personal accountability for harm should be excused or minimized, but rather that harmful actions should be denounced while efforts towards repair should seek to foster healing and restored dignity for all those involved.

In practice, restorative justice often involves processes of direct or indirect communication among justice stakeholders. Processes vary according to the needs of participants. Many restorative justice processes involve the use of an impartial facilitator whose role is to guide the process according to the values and principles of restorative justice.

However, in its fullest sense restorative justice is not limited to, nor does it necessarily require, the use of stakeholder dialogue – and nor is such dialogue appropriate in all cases. Communities and organizations begin to make the shift toward restorative justice by integrating restorative *values* into their responses to harmful actions.