

# RESTORATIVE JUSTICE? WHAT'S THAT?

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Do a Google search for the phrase “restorative justice” and you will get over a million “hits” – and this for a term that was virtually nonexistent 25 years ago. Ask what it means and you may get a variety of answers.

For many, it implies a meeting between victims of crime and those who have committed those crimes. A family meets with the teenagers who burglarized their home, expressing their feelings and negotiating a plan for repayment. Parents meet with the man who murdered their daughter to tell him the impact and get answers to their questions. A school principal and his family meet with the boys who exploded a pipe bomb in their front yard, narrowly missing the principal and his infant child. The family’s and the neighbors’ fears of a recurrence are put to rest and the boys for the first time understand the enormity of what they have done.

Restorative justice does include encounter programs for victims and offenders; today there are thousands of such programs all over the world. But restorative justice is more than an encounter, and its scope reaches far beyond the criminal justice system. Increasingly schools are implementing restorative disciplinary processes, religious



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bodies are using restorative approaches to deal with wrongdoing — including clergy sexual abuse — and whole societies are considering restorative approaches to address wrongs done on a mass scale. Of growing popularity are restorative conferences or circle processes that bring groups of people together to share perspectives and concerns and collaboratively find solutions to the problems facing their families and communities.

Restorative justice emerged in the 1970s as an effort to correct some of the weaknesses of the western legal system while building on its strengths. An area of special concern has been the neglect of victims and their needs; legal justice is largely about what to do with offenders. It has also been driven by a desire to hold offenders truly accountable. Recognizing that punishment is often ineffective, restorative justice aims at helping offenders to recognize the harm they have caused and encouraging them to repair the harm, to the extent it is possible. Rather than obsessing about whether offenders get what they deserve, restorative justice focuses on repairing the harm of crime and engaging individuals and community members in the process.

It is basically common sense — the kind of lessons our parents and foreparents taught — and that has led some to call it a way of life. When a wrong has been done, it needs to be named and acknowledged. Those who have been harmed need to be able to grieve their losses, to be able to tell their stories, to have their questions answered — that is, to have the harms and needs caused by the offense addressed. They — and we — need to have those who have done wrong accept their responsibility and take steps to repair the harm to the extent it is possible.

As you might imagine with so many Google references, the usage of the term varies widely. Sometimes it is used in ways that are rather far removed from what those in the field have intended. So when you see the term, you might ask yourself these questions: Are the wrongs being acknowledged? Are the needs of those who were harmed being addressed? Is the one who committed the harm being encouraged to understand the damage and accept his or her obligation to make right the wrong? Are those involved in or affected by this being invited to be part of the “solution”? Is concern being shown for everyone involved? If the answers to these questions are “no,” then even though it may have restorative elements, it isn’t restorative justice.

For more information on restorative justice, see Howard Zehr, *The Little Book of Restorative Justice* (Good Books) or [www.restorativejustice.org](http://www.restorativejustice.org).

## Restorative Justice in Threes

3 *assumptions* underlie restorative justice:

- When people and relationships are harmed, needs are created.
- The needs created by harms lead to obligations.
- The obligation is to heal and “put right” the harms; this is a just response.

3 *principles* of restorative justice reflect these assumptions:

A just response ...

- repairs the harm caused by, and revealed by, wrongdoing (restoration);
- encourages appropriate responsibility for addressing needs and repairing the harm (accountability);
- involves those impacted, including the community, in the resolution (engagement).

3 underlying *values* provide the foundation:

- Respect
- Responsibility
- Relationship

3 *questions* are central to restorative justice:

- Who has been hurt?
- What are their needs?
- Who has the obligation to address the needs, to put right the harms, to restore relationships?

(As opposed to: What rules were broken? Who did it?  
What do they deserve?)

3 *stakeholder* groups should be considered and/or involved:

- Those who have been harmed, and their families
- Those who have caused harm, and their families
- Community

3 *aspirations* guide restorative justice:

The desire to live in right relationship...

- with one another;
- with the creation;
- with the Creator.