

JUSTICE THAT RESTORES, JUSTICE THAT HEALS

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Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance (Howard Zehr).

Restorative justice is a process of resolving conflicts in a manner that reduces recourse to the justified use of force (Wesley Cragg).

Restorative justice is one “in which the response to crime would be, not to add to the harm caused by imposing further harm on the offender but to do as much as possible to restore the situation. The community offers aid to the victim; the offender is held accountable and required to make reparation. Attention would be given not only to the outcome but also to evolving a process that respected the feeling and humanity of both the victim and the offender (Martin Wright).

Restorative justice as a subject has just come to the attention of the public in just very recent years. One of its small circle of advocates is Prison Fellowship International. The subject of restoration, on the other hand, has been with us since time immemorial. It may come to us in many different terms – healing, salvation, resolution, coming together again, coming back home, forgiving, etc. – but the message is all the same. Because of man’s brokenness, everybody needs to be made whole all over again. It is Humpty-Dumpty glued back all together again.

This is the summary of man’s story from the Garden of Eden to Calvary, from eating of the tree of the knowledge of good and evil to embracing the cross of Jesus Christ. If one is to glue all the chapters of the Bible sequentially, from Genesis to Revelation, and then cut and retain just the first two chapters of Genesis and the last two chapters of Revelation, he will find one simple reality! All the remaining chapters –from chapter 3 of Genesis to Revelation 20 – contain nothing but narrative after narrative of humanity’s record of resolved and unresolved conflicts. And of those resolved conflicts where God or God’s representatives are involved, we discover the mechanism – if we may be allowed to use the term – named today as restorative justice.

Chapters 1 and 2 of Genesis if glued to chapters 21 and 22 of Revelation would represent how life would have been, a life without conflicts. In such an environment, there would have been no need for restoration. This is that life that is going to be restored or brought to man after all the conflicts represented from chapter 3 of Genesis up to chapter 20 of Revelation have been dealt with. And when that happens, a justice that is

restorative will have been brought back to man.

What is restorative justice? It simply is another way of looking at how conflicts should come to a resolution, an end. The end goal being that of restoration, a reconciliation or bringing back together of contending parties. Or if the conflict is within oneself, the healing or bringing back to a state of “wholeness” in one’s being. But it is not as easy as it sounds.

Restoring, by way of restorative justice, is a process and a tedious one.

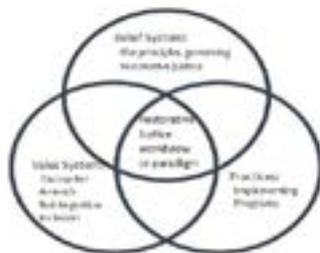
And if one is to reap the good harvest of this type of “justice,” he must commit himself to go through the process. For restorative justice is a way of life. And this is that way of life mentioned all throughout the Word of God.

Restorative justice is another way of looking at resolving conflicts and arriving at justice. It is a worldview, a paradigm, and a “lens” through which one may look at his world. According to Howard Zehr, acknowledged by many as one of the founders of the movement, restorative justice is more of a compass rather than a map. As a compass, restorative justice points to a certain direction defined by the principles governing it (Zehr, p. 10). He admitted that the movement was borne out of the concern of some about “the needs that were not being met in the usual justice process” (p. 13). By the usual justice process, he meant the process prevailing in the current criminal justice system that places primary emphasis upon the offender receiving an appropriate punishment for actions that have harmed others. Restorative justice, however, is aimed at addressing the needs of all parties involved in conflict resolution namely, the victims, offenders, the government and community. Thus, in restorative justice, we see a more comprehensive and holistic way of dealing with conflicts or crime.

In my journey as an advocate of the movement, I have had the privilege of teaching and training jail officers and personnel at the Bureau of Jail Management and Penology in the Philippines, and in Trinidad-Tobago, in the Caribbean, about restorative justice. I have also designed a graduate certificate program in restorative justice for one of the seminaries in Metro Manila,

Philippines. Currently, I am able to incorporate the principles and practice of restorative justice in my Understanding the Dynamics of Conflicts and Conflict Management classes, both in the masteral and doctoral levels of three seminaries. When I served as chairman of the board of National Prison Ministry Philippines (chartered by Prison Fellowship International - PFI) for seven years, I helped organize and run the Sycamore Tree Program of PFI which is grounded on the philosophy and principles of restorative justice.

In explaining what restorative justice is, I oftentimes make use of the illustration used in teaching worldview in anthropology. A worldview is “a set of assumptions held consciously or unconsciously in faith about the basic makeup of the world and how the world works” (Miller, p. 38). It is like a lens that defines what we see about the world. If our lens is red in color, then we see the world as red. And if our lens is yellow, everything to us about the world is yellow. Based on the illustration below, a worldview consists of beliefs, values, and behavior. In the outermost layer of our worldview, we see the behavior. Another way of putting it is, our behavior is determined by our worldview, defined by our beliefs and values. “Restorative” as a worldview and lens, likewise, in its inner layer is a belief system which corresponds to its defining principles. The next outer layer, the value system, corresponds similarly to the values of restorative justice. And finally, in the outermost layer, there is behavior which corresponds to whatever programs, practices or sometimes called “tools” to implement or the operative system.



Building upon our earlier definition of what restorative justice means, we here delineate some principles (or belief system) governing the restorative system:

1. Restore those who have been injured (or the victims)
2. Invite victims, the offender, and the community to become involved
3. Transform the relationship between government and community (as well as between the victims and the offenders)

The values governing restorative justice are the following:

1. Encounter
2. Amends
3. Reintegration
4. Inclusion



Briefly, the above values may be defined as follows:

Encounter requires the meeting of the victim and offender. If the proper resolution of conflicts is to take place, one of the first steps that needs to be taken is an encounter between the parties in conflict. Essential in this process is what is called narrative telling. In any conflict, both victims and offenders have “issues”. For instance, victims normally would want to know why the hurt has been done to him. On the other hand, offenders need to hear how much their actions have hurt or harmed their victims. An encounter or meeting between the offender and victim may be a difficult initial step to take, especially in conflicts that are considered “criminal” in nature such as homicide or murder. However, if a proper resolution of conflicts has to take place, this initial step has to be undertaken. Amends means certain steps have to be made by the offender to repair the harm done on the victim. Examples of amends are making an apology, making restitution, changed behavior or expressions of generosity or liberality towards the offended party. Reintegration requires that measures must be made to ensure that the offender is taken back into the community as a restored – rehabilitated – contributing and productive member. He has to be afforded respect by the community if real reintegration is to happen. On the other hand, the community should provide moral and spiritual direction to the offender to ensure that his restoration is a continuing experience or reality.

Inclusion implies that all parties involved in the conflict are afforded opportunities in the resolution of the conflict. In restorative justice, those included in this process are not just the victim and offender, but the community and government as well. It may be said that the values or restorative system is much more comprehensive, inclusive, and definitely holistic. No one involved or affected in what happened is denied participation. For if the whole community is to be restored, all parts of it who had been harmed or affected must, in one way or another, and be afforded an opportunity for healing and restoration.

What are some of the practices, programs or tools that are already engaged in the community of practice that restorative justice resorts to? A few of them copied or derived from indigenous cultures are: conferencing, circles, arbitration, mediation and other similar

activities.

And lastly, a community or even perhaps a nation that embraces the restorative justice paradigm may adopt the following as its vision or end goal:



Below is a guide chart for communities that may consider adopting a restorative justice paradigm, in whole or in part, in their approach to resolving conflicts:

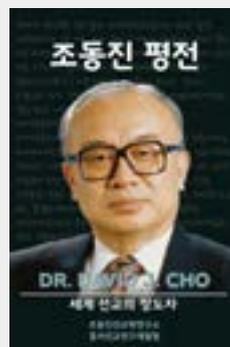
Adopting the Restorative Framework into a Culture



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