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"A Vital Christian Presence in Social Work"

**RESTORATIVE JUSTICE
REFRAMING JUSTICE THROUGH HOLISTIC RESTORATION**

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Restorative Justice

Reframing Justice through Holistic Restoration

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Restorative Justice

Presentation Topics

- ▣ Paradigms of justice
- ▣ Understanding restorative justice
- ▣ How victims, offenders, and communities are affected
- ▣ Christian worldview of restorative justice
- ▣ Stages of restoration
- ▣ Examples of restorative justice

Retributive Justice

- ▣ Perhaps, the more popular form of justice
- ▣ Both offenders and victims are more likely to be passive or absent during the justice system proceedings
- ▣ The focus is on the law rather than the harm

Paradigms of Justice

- ▣ “Kill them” – capital punishment
- ▣ “Lock them up and throw away the key” – life without parole
- ▣ “Lock them up until they’ve learned a lesson” – rehab and release

Paradigms of Justice

- ▣ “Scare them” – boot camp
- ▣ “Trial run and look for good behavior” – probation
- ▣ “Fine them” – economic equation
- ▣ “Ignore them” – lack of justice

Restorative Justice

- ▣ Focus is on repairing the harm
- ▣ Holds offenders more accountable for the behavior than the law that was broken
- ▣ Zehr (1990) suggests this is one of the major differences between restorative justice and retributive justice

Restorative Justice

- ▣ Van Ness (1997) proposed that the foundation of restorative justice can be built on three principles that flow from the common premise that “crime is more than lawbreaking; it also causes injuries to victims, communities and even to offenders.”

Principle #1

- ▣ Victims and victims' families are not the only ones that are impacted by a situation. Offenders, offenders' families and communities are also affected to some extent
- ▣ Restorative justice requires that we work to heal victims, offenders, and communities that have been injured by crime

Principle #2

- ▣ Victims, offenders, and communities should have the opportunity for active involvement in the justice process as early and as fully as possible
- ▣ If the appropriate people are involved in the healing process, it leads to greater accomplishments

Principle #3

- ▣ We must rethink the roles and responsibilities of the government and the community. In promoting justice, the government is responsible for preserving a just order and the community for establishing peace
- ▣ Social workers want to advocate for clients; however, limitations exist as to what the community and government allows them to do. Without community and government support social workers can only do so much

Restorative Justice

- ▣ Braithwaite (1989) suggests that restorative processes pay attention not only to the harm inflicted on the direct victims of crime, but also the ways the crime has harmed the offender and the community

- ▣ The focus of restorative justice is on:
 - Victim healing
 - Offender reintegration
 - Community restoration

Victims

- ▣ The focus is on:
 - Healing
 - ▣ Emotionally, physically, and spiritually
 - ▣ Well-being

 - Forgiveness
 - ▣ Self
 - ▣ Offender
 - ▣ System

Offenders

- ▣ The focus is on:
 - Providing offenders an opportunity to make amends
 - Helping offenders increase their awareness of the personal consequences of their actions
 - Helping offenders re-enter the community

- ▣ This has lead to a perception that restorative justice is offender focused

Community

- ▣ The focus is on:

- Strengthening relationships

- ▣ By increasing the nature and quality of problem solving
- ▣ By increasing the response to crime and conflict

(Bazemore & Walgrave 1999)

- Working to resolve tension in the community

Community

- ▣ In some sense, the ideal restorative outcome would be one in which the victim and the offender equally shed victim-offender labels and simply become members of the community in which harm has been repaired and the relationship restored
- ▣ From this perspective, the general health of a community and its crime rate is directly related to the extent to which citizens participate in the community

Christian Worldview

- ▣ Jesus teaches us to pray, “...your kingdom come...”

Matthew 6:16a, New International Version

- ▣ This prayer embraces the reality of God’s kingdom coming into the world

Christian Worldview

- ▣ It is the next phrase of this prayer that in part captures the relational reality for us:

“...your will be done on earth as it is in heaven.”

Matthew 6:16b. New International Version

Christian Worldview

▣ Parable of the unmerciful servant:

- Jesus begins, “...the kingdom of heaven is like...”
- Jesus says, “This is how my heavenly Father will treat each of you unless you forgive your brother from your heart.”

Matthew 18:23-35, New International Version

Christian Worldview

- ▣ To what degree is this necessary?
- ▣ The Apostle Peter asked that question and proposed as many as seven times. Jesus responded by saying, “...not seven times, but seventy-seven times.”

Matthew 18: 21-22, New International Version

Christian Worldview

- ▣ The will of God on earth is a matter of the heart that demands actions and reactions that mirror the will of God, as it is in heaven, here on earth
- ▣ Restorative justice captures the essence of this worldview

Stages of Restoration

1. Recognition
2. Release
3. Reconciliation
4. Restitution
5. Restoration
6. Redemption

Recognition

- ▣ Acknowledgment / Realization
 - Victim – “I was wronged”
 - Offender – “I wronged someone”

- ▣ Identification / Personalization
 - Victim & Offender – “I know who”
 - I see you as a person / human being

Release

▣ Victim:

- “Setting free” of only retributive thinking
- Forgiveness

▣ Offender:

- Ownership - not excuses or blame
- Willingness to seek forgiveness

Reconciliation

- ▣ Relationships
 - The victim and offender dialoguing
 - Goal of winsome feelings on both sides

- ▣ Both the victim and the offender are willing to work through the incident

Restitution

▣ Victim:

- Giving worth and dignity to the offender
- Willingness to allow the offender to make restitution (to the degree possible)

▣ Offender:

- Reparation (to the degree possible)

Restoration

- ▣ Construction of a positive relationship between the victim and the offender
- ▣ Rebuilding of healthy attitudes and emotions
- ▣ Exemplifying and strengthening a sense of community

Redemption

In the Christian Worldview

- ▣ Attitude and expression of God's principles at work in the hearts and lives of individuals
 - Forgiveness that honestly, completely, and realistically pardons someone
 - Forgiveness that authentically embraces an individual as a person of worth and deserving of dignity
 - Acceptance of responsibility and a sincere desire to repair the harm

Restorative Justice

- ▣ Pathway to holistic healing
 - Victim
 - Victim's family
 - Offender
 - Offender's family
 - Other involved individuals

- ▣ Pathway to community peacemaking

Restorative Justice

- ▣ It is not “magic”
- ▣ Holding the offender accountable while addressing the needs of both the victim and the offender
 - May include (for example):
 - ▣ Victim
 - Ongoing therapy / counseling
 - ▣ Offender
 - Rehabilitation / probation
- ▣ Strengthening community through holistic restoration

Examples of Restorative Justice

- ▣ University of Minnesota's School of Social Work - Center for Restorative Justice and Peacemaking
- ▣ Crime Prevention Institute – Austin, Texas
- ▣ Barron County, Wisconsin Restorative Justice Programs
- ▣ Pennsylvania Prison Society
- ▣ Children and Family Services – Buffalo, New York



Katy Hutchison
Ryan Aldridge

- ▣ When asked what happened Ryan didn't remember. He said, ' I was drunk, I kicked him.'
- ▣ Ryan wouldn't look at Katy. The interview was over. " The hardest part," says Katy, "was on the way out I could see him on the TV screen. He was by himself, sobbing. I wanted to make it okay for him...."

- ▣ Katy insists that this encounter helped to heal some of the wounds left by her husband's murder. " I accept what happened. I accept [Ryan] made a fatal error. But what does forgiveness mean? I expect him to make a difference in someone else's life."

