

Restorative Justice: A Brief Genealogy



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Brief genealogy

- Term 1st used in 1958 by psychologist Albert Eglash
 - Restitution leads to rehabilitation
- Community renewal movement (1960s on)
 - Neighbourhood justice
 - Community mediation
 - Community panels

Genealogy (cont)

- Alternatives to professionalized justice
 - Justice without lawyers
 - ADR
 - Informal justice

 - Peace Movement
 - Especially in faith communities

The Kitchener experiment

- Stories of Reconciliation

Surfacing of Restorative Justice

- 1986 – North America
 - Howard Zehr, 'Retributive justice, Restorative Justice'
- 1989 - New Zealand
 - Family Group Conferencing
- Early 1990s – Australia, Canada
 - Police-run conferencing (Wagga Wagga model)
 - Circle sentencing
- Mid 1990s – UK
 - TVP – experiments with Conferencing etc.
- 1998/9 UK
 - Government interest/legislative mention
- Early 2000s
 - Explosion of interest

 - Decline and revival

The Restorative Justice Movement

□ Broad Goals

- *revolutionize* the way contemporary societies view and respond to crime and related forms of troublesome behaviour.
- replace highly professionalized, punishment-of-offender oriented criminal justice practices (and their analogues) with practices in which there is meaningful lay participation and which are oriented towards repair of harm

Claims for RJ

- controls crime more effectively
- holds offenders genuinely accountable for their behaviour
- offers offenders a route to reintegration into law-abiding society
- Provide victims and communities with a meaningful experience of justice

What is restorative justice?

- What are people who advocate 'restorative justice' promoting?
- no single clear and established meaning
- 'restorative justice' means 'all things to all people' (Declan Roche).
- A contested concept
 - weird inter-faith squabbles

3 conceptions

- Process-of-healing
- Justice-as-repair
- Way-of-life

1. Process

- ❑ victim-offender mediation, conferencing, and circles
- ❑ V, O, and others affected by some crime meet face-to-face in a safe and supportive environment
- ❑ Facilitated discussion of what happened, feelings, and what is to be done about the matter.

rationale

- change O's perspective
- Deterrence through shame
- norm reinforcement
- Achieve other valuable goals
 - Useful restitution
 - Re-empowerment of Vs
 - Reduce fear of crime
- Transform relationship!

2. Justice-as-repair

- a distinctive approach to the problem of correcting the state of injustice and insecurity which is brought into being by criminal conduct
- From punishment to repair

Zehr

- Offenders have wronged the public
- They must be punished
- The state must take charge
- Offenders have harmed people and relationships
- They are liable to repair this harm
- A job for ordinary people and communities

3. Way-of-life

- the initial and ultimate goal of the restorative justice movement should be to transform the way in which we understand ourselves and relate to others in our everyday lives
 - Dennis Sullivan and Larry Tifft
 - Restorative Justice: Healing the Foundations of our everyday lives (2001)

rationale

- in the absence of deeper transformations, efforts to change response to crime unlikely to succeed
- even if such efforts do succeed, they can make only a marginal contribution to the achievement of justice

a lifestyle of restorative justice

- ❑ abolish the self
- ❑ Change the way we relate to other people and the environment
- ❑ Replace rights-based and desert-based justice with needs-based justice