

Community Forum on Economic Justice
Sept 13, 2018
“What Is Restorative Justice?”

Thank you for this invitation. I admire the Community Forum’s work, and appreciate this chance to talk with you tonight.

What is restorative justice? It’s a very simple concept: it’s a belief that, when harm has been done in our community—in any community we are part of, or a group we are responsible for—our top priority should be to repair the harm that was done: to individuals, to relationships, and to the fabric of community that connects us. It’s a belief that accountability should be for the purpose of that repair, not for the sake of punishment.

That’s it. Everything done in the name of restorative justice should be an expression of that simple priority. If that is not its aim, then it’s probably still punishment going by a newer name—perhaps a gentler, more productive kind of punishment, but still some version of that.

People often like the sound of restorative justice, not realizing how countercultural it is. In our culture, our default is to ask Who did it? and What punishment is called for? Asking instead What harm was done? is quite a radical approach.

Because it is so radical, people often have trouble hanging onto this idea. They fall into thinking that restorative justice is about treating offenders with more support, doing more to rehabilitate them. But that still misses the point.

So let me repeat it: restorative justice is an overarching belief that, when someone in our community has been harmed by someone else, our most important priority should be to repair the harm that was done—whether or not we ever catch the person responsible. And when we do know who is responsible, restorative justice says we should hold them accountable *for the harm caused*, not punish them for the sake of making a point.

Why take this approach? Two reasons:

First, because punishment for the sake of making a point is focused on making the point, on reinforcing a rule. It highlights that certain behavior is not tolerated, but it does not reinforce the sense of mutual responsibility that makes such behavior inappropriate. It draws the boundary line more brightly, but it does not strengthen the awareness, empathy, and self-regulation that would prevent such behavior in the first place.

Second, and more important, because a focus on punishment turns attention away from those who were harmed, leaving them on their own to recover as best they can.

Restorative justice is different, and more productive, because it offers three things we all need in order to recover from harm—whether that is the verbal harm inflicted by a bully or the physical harm inflicted by violence: When we've been harmed, we need to regain (or, sometimes, gain):

1. A sense of safety: a confidence that we are worthy of respect and the world is predictably safe—so we can relax and turn attention to other things. So we don't need to remain vigilant, apprehensive, ready to defend against another sudden attack.
2. A sense of autonomy, with healthy power: that we know how to take care of ourselves, that we can navigate whatever the world brings us, that we can do whatever it will take to survive
3. Affirmation that we belong, that others care, that what happened to us should not have happened. It's true that seeing someone punished affirms that the behavior was not to be tolerated, but that's different from knowing that it should not have happened *to us*—that others are responding because they care *about us*.

Restorative justice is also different because it offers these same three things to the people responsible for causing harm. Being rejected, sent away, for doing something wrong leaves us isolated, disconnected. It leaves us stewing in our shame, concluding that we are inherently bad, or building defenses that will separate us even further (or both). Restorative justice knows how important it is that instead we regain—or, sometimes, gain for the first time:

1. A sense of safety: a sense that the world is an orderly place where expectations are clear, reactions are fair, and we can count on ourselves and others for stability.
2. A healthy sense of autonomy and power: that we too are worthy of respect, even when we have failed others; that we share responsibility for the common good of the community; that we know how to act more responsibly the next time we are in a similar situation.
3. Affirmation that we belong, that we are respected and supported even after doing something harmful. Because, especially when we're in the wrong, knowing that we still belong is what makes it safe to face what we've done and learn from the damage it caused. We need to feel connected to the people who feel let down by our behavior. We need to know there is a way to regain our community's trust. It may be hard work to do that, maybe painfully so, but we need to know that it's possible.

So: restorative justice is about responding to harm in ways that help people meet these fundamental needs. It's responding in a way that helps people feel more connected, not less; more safe, not less; more responsible to each other and more capable of meeting that responsibility.

And these same things are important not only in response to incidents where one person harms another, but also in response to systemic harm where norms and policies harm whole groups of people over time. When “the way things are” creates community wide trauma that is transmitted across generations.

Now, because restorative justice is countercultural, it can't just be about how authority figures handle individual cases. It requires a lot of foundational work—raising awareness that there is a better way, and also teaching the skills and the processes involved, so that more of us are familiar with this other way and better prepared to participate well.

Fortunately, this foundational work is starting to happen here in South Bend:

- It's happening in some of our schools—where, as Kathe Streeter will explain, restorative justice is about building a stronger sense of community in classrooms and in whole schools—and then about applying this philosophy in school discipline too.
- It's happening in some of our neighborhoods—where, as Derrick Perry will explain, restorative justice is about gathering community members to practice sitting in Circle, using a talking piece, exploring how people have experienced something, what they want their community to stand for, what they should be able to expect from each other.
- And it's happening in response to violence in our community—where, as Isaac Hunt will explain, restorative justice is about coming alongside whoever has been harmed by another person's behavior and asking things like, What happened to you? What was hardest about that? What do you need in order to feel safe and strong again?

And, when someone has caused harm to someone else, restorative justice means coming alongside that person too and asking things like, What happened? What were you trying to do in that moment, and what have you thought about it since then? Who do you think was affected by what you did, and how could you make things right again? It means asking: What help do you need in order to make sure you can be more responsible next time?

That's restorative justice in a nutshell:

- helping people name what they need when they have been harmed (as all of us are sometimes),
- helping people take responsibility when they have caused harm (as all of us do sometimes), and
- responding to harm in ways that build a sense of connection and strengthen our sense of responsibility to each other.

Restorative justice is a way to make our community a place where safety and respect, and connection and responsibility, are stronger than ever—for all of us and all our children.

Thank you.