



Institute for Governance and Policy Studies

A research institute of the School of Government

IGPS lecture: 'Wild Dreams and Realistic Visions: what restorative justice could look like in the next decade'

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In an ideal world, restorative justice could be the "main system" for dealing with crime and the harm it causes, with traditional court systems operating "as backup", one of the world's leading scholars of restorative justice has argued.

In a lecture to the Institute for Governance and Policy Studies, Howard Zehr of the US's Eastern Mennonite University said restorative justice in its fullest form offered the chance to create "a new physics of how we live together".

He defined restorative justice as "a value-based, relational approach to problems, conflicts and harms that focuses on needs and responsibilities and puts a premium on dialogue among stakeholders".

It was already used in practices such as victim-offender dialogue and family group conferencing, which allowed different parties to come together to talk about the impact of crime, share stories, learn from the other people and discuss restitution.

The traditional justice system, Zehr said, asked questions such as: what rule has been broken, who did it, and what do they deserve? In contrast, restorative justice was based on key concepts such as harm, which created certain needs, especially for victims; this in turn led to obligations, which had to be resolved through engagement.

Setting out his "ideal" world, Zehr described a justice system "pyramid", with restorative justice making up the broad base of the system, deterrence a smaller second section and "incapacitation" (including prison) a very small apex.

In this ideal world, "everyone is asking restorative justice questions". Police would think of themselves not just as law enforcers but also preventers of crime, and make greater use of alternatives to charging people with offences.

Victims would be provided with support immediately, regardless of whether the offender had been caught. Independent victim services, trusted by both sides, would be able to link victims to both the defence and prosecution teams, and victims would have the right to meet with the person who had caused the harm.

Lawyers would "see themselves not as gladiators but rather as problem solvers and healers". Their job would not just be to lay out legal obligations to their client, but to help their clients take responsibility for the needs of victims and how to address them.

More broadly, the justice system would – contrary to current practice – assume that victims and offenders had a common interest in resolving harms.

Zehr said he would like to expand the role of juries "because it's a way of engaging the community in a larger democratic process" and getting a better balance of "lay and professional input" in the justice system.

Victim-offender and family conferences could be used to help determine the length of sentences, and the state could set up "community justice centres" staffed by non-adversarial lawyers who would help people resolve problems before they went to court.

Ultimately, Zehr said, the bulk of the justice system should operate along restorative lines, with punishment and the more "coercive" parts of the system operating "in the background".

New Zealand was much further along this path than the United States, but even here there were promising signs, he said. In one prison, inmates were trying to run via dormitory along restorative justice lines, while in another, inmates serving life sentences were developing their own restorative justice curriculum. "It's exciting stuff," Zehr said.

But perhaps the most rapid expansion of restorative justice was happening in American schools, "because they have realised that exclusion and zero tolerance are not working".

This broader use pointed to the power of restorative justice principles to be used across society, Zehr said. In particular, restorative justice's combined emphasis on responsibility and relational principles offered "the opportunity to combine liberty and freedom with fairness and justice", thus potentially resolving some of the major tensions of the 21st century.

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