

The Advocacy Foundation, Inc.

Preparing Individuals, Organizations and Communities to Achieve Their Full Potential



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Restorative Justice in America

Part II of III—Philosophy, Application, & Tribunal

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Jeremiah 33: 1-9

Promise of Restoration (NIV)

While Jeremiah was still confined in the courtyard of the guard, the word of the LORD came to him a second time: ²“This is what the LORD says, he who made the earth, the LORD who formed it and established it—the LORD is his name: ³‘Call to me and I will answer you and tell you great and unsearchable things you do not know.’ ⁴For this is what the LORD, the God of Israel, says about the houses in this city and the royal palaces of Judah that have been torn down to be used against the siege ramps and the sword ⁵in the fight with the Babylonians: ‘They will be filled with the dead bodies of the people I will slay in my anger and wrath. I will hide my face from this city because of all its wickedness.

⁶“Nevertheless, I will bring health and healing to it; I will heal my people and will let them enjoy abundant peace and security. ⁷I will bring Judah and Israel back from captivity and will rebuild them as they were before. ⁸I will cleanse them from all the sin they have committed against me and will forgive all their sins of rebellion against me. ⁹Then this city will bring me renown, joy, praise and honor before all nations on earth that hear of all the good things I do for it; and they will be in awe and will tremble at the abundant prosperity and peace I provide for it.’ (Emphasis added)

The Philosophy Behind Restorative Justice*

Restorative justice is very different from either the adversarial legal process or that of civil litigation:

“Court-annexed ADR (Alternative Dispute Resolution) and Restorative Justice could not be philosophically further apart”, because the former seeks to address only legally relevant issues and to protect both parties' rights, whereas Restorative Justice seeks "expanding the issues beyond those that are legally relevant, especially into underlying relationships." (J. Braithwaite)

Similarly, citing [Eric] Grief, [Marian] Liebmann wrote: “A way of looking at restorative justice is to think of it as a balance among a number of different tensions:

- a balance between the therapeutic and the retributive models of justice;
- a balance between the rights of offenders and the needs of victims;
- a balance between the need to rehabilitate offenders and the duty to protect the public.”

Traditional Criminal Justice seeks answers to three questions: What laws have been broken? Who did it? and What do the offender(s) deserve? **Restorative Justice**, [on the other hand], asks [questions like]: Who has been harmed? What are their needs? Whose obligations are these?

* Exerpts from www.wikipedia.com

Application & Practice*

Restorative Approaches to Crime and Delinquency date back thousands of years. More recent examples, however, of restorative justice include South Africa's Truth and Reconciliation Commission and the practicing of informal dispute resolution in the Gullah Islands of South Carolina.

In Criminal Cases: Victims can testify about the crime's impact upon their lives, receive answers to questions about the incident, and participate in holding the offender accountable. Offenders can tell *their* story of why the crime occurred and how it has affected their lives. They are given an opportunity to directly compensate the victim—to the degree possible. In criminal cases, this can include money, community service in general, and/or specific to the offense, education to prevent recidivism, and/or [an] expression of remorse.

In Social Justice (Deprivation) Cases: Impoverished victims, such as foster children, are given the opportunity to describe their future hopes and make concrete plans to transition out of state custody. In Social Justice (Deprivation) cases, restorative justice is used for [planning and] problem solving.

The Tribunal Setting*

Restorative justice can proceed in a courtroom or within a community or nonprofit organization.

A Courtroom Process might employ pretrial diversion, dismissing charges after restitution. In more serious cases, a prison sentence may precede other restitution.

In The Community, however, concerned individuals meet with all parties to assess the experience and impact of the offense. Offenders listen to victims' experiences, preferably until they are able to empathize with the experience. Then they speak to their own experience: how they decided to commit the offense. A plan is made for prevention of future occurrences, and for the offender to address the damage to the injured parties. All agree. Community members thereafter [may] hold the offender(s) accountable for adherence to the plan.

Always feel welcome to contact me directly with any questions, comments, or great ideas!

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*Helping Individuals, Organizations & Communities
Achieve Their Full Potential*

Our Mission

The Mission of The Advocacy Foundation
is Threefold:

To Rescue

Young persons from the prison pipeline
and help redirect and restore their lives;

To Teach

New and fledgling nonprofit organizations to become
fundable, to thrive, and to maintain compliance;

To Train

Qualified Juvenile Justice Professionals with a passion
for effective careers in the Juvenile Justice system.

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