RESTORATIVE JUSTICE: A NEW VISION?

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On the evening of January 16, 1997, I walked into the Huntsville Unit of the Texas Department of Criminal Justice to teach my first class of inmates there. As I heard the bars close behind me several different places, showed my ID several times, and finally walked across the yard toward the library, I began to ask myself, "What's a "nice girl" like you doing in a place like this?" A trite saying, perhaps, but most appropriate in this case! Especially since my heart was beating so loudly that I imagined anyone else could hear it as well as I did. It didn't stop for several more minutes, not until I walked up the long ramp, picked up my role sheet, and walked all the way across the library to where I was told Mr. White was supposed to hold class. I stood at the front of the group, looked out across the white uniforms and expectant faces, and said that I was Mr. White. They laughed, not uproariously of course, but they laughed — and my heart quit pounding, finally. I was a teacher, about to teach my favorite subject, Death and Dying, and these were my students. It was going to be okay.

How did I get there? By a very circuitous route, to be sure. Only ten years earlier, my 26-year-old daughter had been murdered, and that tragedy changed me and my life forever. Initially, my family and I went through the usual shock and disbelief that follows such an event. Gradually we came to grips with our loss, helped by friends and our extended family, and by attendance at one of the area victims' rights groups. One thing I noticed about myself, however, and my husband as well, was that we didn't cling tightly to our anger following the sentencing of the two young men that had killed our Cathy. To this day, I don't understand that facet of our grief, but I consider it a gift from a loving God. Was it that our case was solved so quickly? Maybe it was how kind the police officers were. Perhaps it was that we didn't have to go to trial
and look them in the face. Whatever it was, I am grateful for it, for it has allowed me to bring something good out of an evil act.

One of the first things I did after coming out of the shock of my daughter's death was to return to college. I had decided that I would study psychology and philosophy in order to become a death educator and grief counselor. I had felt so lost in the beginning due to the enormity of what I didn’t know: Should Cathy’s five-year-old daughter attend her funeral? Should we keep the truth from her? How should we talk to her about it? The questions were endless, and the professional advice we received was so helpful that I wanted to pass it on to others in my own way. One should not have to lose a child in order to learn certain things. In providing death education I would find some measure of meaning and renewal in my life, or so I hoped.

Eventually, in my search for some meaning in this tragic event — a common trait of bereaved parents — I read a wonderful piece on Restorative Justice by Rev. Virginia Mackey. I had been attracted to the book due by its subtitle, Toward Nonviolence. Violence had become an important topic to me, for a number of reasons. First of all, it had cost me my daughter, and, secondly, I had indeed become a teacher of Death and Dying (and violence is definitely a death and dying issue). The third reason has to do with a frightening experience I had in one of the psychology classes I taught in a community college one semester. It had been disclosed the night before that Susan Smith’s children were not abducted as she had reported, but had been killed by her. Some of the students in my class couldn’t wait to discuss it and tell me how they would punish her. The methods were varied and inventive, and all quite punitive — they almost seemed to be competing for how much they could make her suffer. One very kind young man, a good student I had really enjoyed, told us in very deliberate terms how he would tie her in a car and drive it
into the water and watch her die the same way in which she killed her own sons. The expression on his face spoke volumes. I stood there in horror as this proceeded, slowly shaking my head at the display of raw violence I was witnessing, and realizing that few, if any, of them would ever associate their behavior with violence. Since that day, violence and its alternatives have become the major focus of my work.

In my research as both a student and a teacher (and a human being), I have found many answers, and some new questions. I have read many books on violence and criminal justice issues, but none of them more meaningful to me than one about a Christian’s response to criminal justice. I recommend it to anyone interested in the issues surrounding crime in our country, but I especially challenge those in the faith community to read it and see for themselves, perhaps, as I did, how our professions of faith do not match very well with our ideas about crime or criminals. One statement of McHugh's regarding the church’s breach of faith hit me especially hard: "... Christianity was originally preached by its founder and his disciples as a religion for the social outcasts, for the weak, the poor, the hated, the forgotten – the prisoner. The unique power of Christianity was its concern for the unwanted as individual human beings, and its unconcern with social status and the preservation of the status quo." I might add that this is not only a Christian value, but is professed in other faiths (and ethical communities) as well.

Among McHugh’s suggestions for bearing Christian witness in the area of criminal justice was to volunteer in some capacity within the system – perhaps as a visitor, a mentor, or a teacher. Since I was at the time an adjunct instructor for Sam Houston State University, and knew that our department (Psychology and Philosophy) offered classes at three prison units, I volunteered to be one of the instructors there. Within a week of my offering, I was put on the schedule for the following semester – teaching my favorite subject, Death and Dying. I have
been there since that time, teaching one or two courses each semester (currently two) and learning far more about life, and even about myself, than I have taught my students. In a very real sense, it is a profoundly selfish endeavor.

Although my primary purpose is to teach them psychology or philosophy, my other intention is to bring them into contact with someone from the "free world" who sees them as human beings, no matter what they've done. Even though few of us have spent any time in prison, most of us have strongly held ideas about who, or rather what, prisoners are - and many of us do not see them as "like us" in any real capacity. They are entirely "other than us" – perhaps "animals", maybe "monsters", even simply "sick" – and of a number of terms designed to insulate ourselves from them. I can assure you, they are people and some of them are very much like someone in your family, or mine.

Another reason I teach in prison is that I believe in a concept called restorative justice, as opposed to the retributive model that currently guides our system. I've asked myself and others if our system does what it purports to do. Do we feel safer for having tripled the prison population during the last 15 or so years? (Did you know, incidentally, that we incarcerate at higher rates than any other nation in the world, having surpassed Russia and South Africa?) When offenders are released from prison, are we reasonably justified in believing that they are rehabilitated and ready to resume a rightful place in our society, probably not to offend again? Are victims and their pain being addressed as well as they might be? Do we think that we are really getting a good return on our investment of the billions of dollars spent on correctional systems in America? Few would find comfort in the answers to these questions. In most respects, the system does not address our needs today – not the victims' needs, not the offenders' needs, and certainly not the community's needs for peace and security.
An alternative to the current system is a totally different paradigm, a truly distinct vision, and one that is being used successfully in a number of places across the nation, as well as other countries — that of restorative justice (RJ). RJ seeks to restore, perhaps even heal, all affected parties as much as possible after a crime is committed. It asks different questions than retributive justice — not who did the crime, but who has been harmed? And what do the victim, the offender, and the community need to fully address the harm? RJ sees the harm done as personal — harm to people and relationships, and believes that only more personal solutions to crime will be of any real worth in establishing the peace or reestablishing relationships.

One of the real problems with our current way of addressing harm is that it is reactive only: a crime is committed; the authorities are called in; someone is arrested, perhaps; and the system takes over. Little thought is given concerning how that crime might have been prevented in the first place. Restorative justice principles include ways to draw the community together to control crime and maintain order. This, in fact, is the greatest strength of RJ, that the different groups making up the community have control over how the system responds to their specific needs, whatever the cultural makeup and background of that community.

Another of the shortcomings of our current system is that victims have felt left out of the process, as indeed, they are. The relatively recent efforts at giving victims their rights have helped in some respects, but have not truly addressed the root causes of their pain, or of crime itself. It is of little long-term benefit to either victims, or the community as a whole, to allow victims to vent their frustration and bitterness publicly without genuinely addressing their needs. Victims need to be at the center of the whole process, not on the sidelines, having their needs and feelings attended to with respect and compassion. In their initial anger at being violated, victims may believe their only need is for retribution, but they have larger needs for healing and closure.
These are not dealt with in a positive manner, for the most part, and many victims are left with wounds that never heal.

What of the offender in our current system? Most of us believe that being “tough on crime” is how to restore our communities to safety and sanity. In pursuit of this strongly held ideal we have become the most punitive nation in the world, and yet are still, in many respects, the most crime-ridden. Our murder rates are astonishingly many times larger than our nearest ‘competitor.’ All the probable causes for these figures are beyond the scope of this article, but many criminologists believe that our insistence on punitive responses to crime are part of the problem, not part of the solution. Walter Wink calls this the “myth of redemptive violence” (see related article this issue) – that we can teach offenders to obey the law through the violence-based system that currently holds. Instead of encouraging offenders to accept responsibility for their acts, our adversarial system encourages them not to tell the truth from the beginning of the process. And, in a way, they are as left out of the whole procedure as are the victims, while the representatives of the court and justice system decide their fate, from beginning to end. They are not encouraged to accept responsibility or make amends for their actions in a manner that would provide healing and closure for all parties concerned. Additionally, the penitentiary experience ill prepares the offender for release into society as a productive member – and the vast majority of them will return to our neighborhoods, make no mistake about that.

According to the Center for Restorative Justice and Mediation in Minnesota, RJ principles encourage offenders to take responsibility for the harm they have caused and insist that they take action to repair the harm as much as possible. Victims are included in the process, if they so desire, as are affected members of the community. Most importantly, all are supported by various groups and programs within the community to restore all parties wherever that
possibility exists. Victim offender mediation and family group conferencing services are available and conducted by trained facilitators. Educational support programs are available to help offenders understand the harm they’ve caused, to foster empathy (completely lacking in many offenders), and to increase the skills of the offenders – life skills, as well as job skills. The focus is at all times more on repairing the harm than on punishing the offender.⁵

We pay dearly for our insistence on punitive responses to crime. In a paper presented to the Academy of Criminal Justice Sciences, Paul McCold, a criminologist and critic of the system, spoke to our addiction to vengeance: “When we feel the pain and fear caused by crime, we demand ever greater punishment of offenders, as if this will bring relief....In spite of the lack of any credible empirical evidence that punishment of any kind or amount reduces crime, American political institutions continue to get tough on crime.” ⁶ Maybe it is time that we consider our response to crime with as much vigor as we demand more and more prisons and harsher and harsher punishments. Perhaps we need to look inward, not just outward at those who commit crimes. Do our responses to crime address the real issue – our desire for safety and security in our homes and on our streets? Or do they simply exacerbate the twin problems we face – the crime rates themselves and our sense of security and well being?

Restorative justice is, for many, the biblical vision, the vision of Shalom – peace, yes, but much more than peace – restoration, reconciliation, integrity, and wholeness. Not our continuing addiction to vengeance and the “myth of redemptive violence”, but wholeness and connectedness. And isn't this what we really want for our community? For our world?
SOURCES


