



FROM VISION TO ACTION

SOME PRINCIPLES OF RESTORATIVE JUSTICE

The religious community has a pivotal role to play in establishing mutual responsibility in the wider community.

Kay Pranis

Faith communities are essential to any approach to restorative justice. The vision of restorative justice a vision of responding to crime by focusing on repairing the injuries caused by crime and promoting healing for victims, offenders, and communities-probably cannot be sustained without the help of faith communities.

There is an enormous gap between what we teach in our churches, mosques, temples, and synagogs and what we practice in daily personal and political life about the possibilities of forgiveness and redemption and about the fundamental dignity of all human life. Faith communities have the moral responsibility and the resources to help American society as a whole grapple with our present responses to crime and violence that intensify the underlying conditions of disconnection and alienation, two conditions that breed crime.

The cycle is familiar: crime, fear, withdrawal, isolation, weakened community bonds, more crime. All of us-victims, offenders, and community members-are caught in a downward spiral in which more crime leads to greater fear and increased isolation and distrust among community members, leading to even more crime. Because community safety depends primarily upon individuals restraining themselves, people who feel more connected with others are less likely to give in to impulses that bring them disapproval. As fear and isolation weaken these bonds, the

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power of community disapproval is reduced and crime increases. The community fabric unravels.

Communities in this context are groups of people with some common interest and experience who are not acting as part of a government structure. Communities may, for example, form around a church, school, civic group, or neighborhood. They can vary in size depending on the issue at hand.

How does the present response to crime impact communities?

- The community is not generally recognized as a victim. The injury of crime to the community fabric remains unrepaired and, in fact, the response may further injure the community fabric.
- The community is not generally involved in crafting an appropriate resolution that promotes healing or community peace. The community must live with the consequences of the way the crime is handled, but it has little engagement in the process. If the process creates a more isolated victim and a more isolated offender, the community will suffer.
- The present system treats each crime individually and provides no systematic way to learn broader lessons from patterns of crime that reflect underlying social issues. Thus the long-term health of the community is not addressed by the current process.
- The system does not now recognize community strengthening as an important outcome of effective interventions and makes no attempt to measure the impact of the intervention on the community.

Today's criminal justice system response to crime often exacerbates the cycle of isolation and weakening of community bonds described here. Offenders are deliberately cut off from the community. Victims are inadvertently cut off from the community through neglect, revictimization by the system, and subtle messages of blame from community members.

The response of specifically religious communities has often not been much better. They have frequently failed victims by being unwilling to hear their pain and anger, often exhorting victims to forgive without validating their pain, anger, and anguish. Faith communities have stood by silently while the United States has inflicted more and more harm on those who have committed crime and has erected more and more barriers to the possibility of offenders earning their way back into the community. Faith communities have largely failed to use their moral authority to call upon the justice system to aim higher than "getting even," to aim for healing.

Restorative justice offers a path for the system and people of faith to respond to crime in a way that not only halts the unraveling of the community fabric, but actually begins to reweave the fabric and promote harmony.

Harmony among people provides greater safety than weapons, walls, or security

systems. The level of harmony in a neighborhood can be improved by conscious action of the members of the community. Harmony depends upon:

- clear communication of expectations people have of one another
- use of constructive conflict resolution methods when disagreements arise
- shared commitment to the well-being of everyone
- willingness to act on behalf of the whole community, not just self.

The Role of Informal Social Control

Until perhaps thirty years ago, in nearly all communities, all adults participated in the process of managing the behavior of children in the community. If any adult observed a child doing something inappropriate, that adult did not hesitate to reprimand the child. That process provided a way for the community to articulate its norms and expectations for behavior. It often stopped the behavior and at the same time clarified for all observers the community standards for behavior. To a degree this was also done with adults. Nearly every community member on a daily basis played a role in managing the behavior of other community members.

This process of informal social control was relatively effective. However, it had several serious drawbacks that prompted a widespread rejection of the process. As practiced in the 1950s and 1960s this process was frequently racist and sexist. When the power structure was challenged the old unspoken standards of behavior crumbled, because some of those standards were based on racist, sexist, and classist values.

The erosion of those standards has left some communities in a state of chaos where no one accepts responsibility for the behavior of others and everyone suffers as a result. To live in harmony with one another, we need to behave within certain boundaries, and we need to address behavior outside those boundaries in ways that do not increase hostility and anger in the community.

If a neighborhood wants to improve the quality of life related to behavior of individuals in the community, residents must begin to be active in articulating the standards of the community and expressing disapproval when those standards are violated. To be effective the standards must be based on consensus of the whole community. Standards imposed by a part of the community on the rest of the community will not work, since community standards are only effective if they have widespread community support.

To enhance the sense of security and quality of life, it is important for communities to have standards of behavior and to hold members to those standards. The way the community holds members accountable will also affect its quality of life as a whole.

The informal social control exercised in the 1950s was often humiliating in its interventions and used ostracism to effect its ends. Communities cannot regain health simply by throwing people away when they violate the standards. Individuals who

are outside the community and feel no connection or vested interest in the community are perhaps the greatest threat to a community. To increase safety, community members must hold one another accountable in ways that tighten the hold of the community on that member.

No institution in our community is better equipped to assist in this process than the faith community, whose values can help protect against the earlier failings of community that caused us to move toward more and more "objective" and "distanced" processes, processes that are ultimately ineffective at touching the human heart.

In the past twenty to thirty years there has been significant change in the relationship between the community and the criminal justice system. Over time we see less and less community involvement and more and more reliance upon the state, as represented by formal criminal justice processes-police, courts, corrections.

That relationship needs to be turned upside down. The community must become the first line of defense in maintaining community standards of behavior, with the criminal justice system used as a measure of last resort. Too often now the criminal justice system is the measure of first and last resort.

David Moore has written:

Certainly, the formal procedures of the justice system-in which criminal law is applied-provide important safeguards for rights. At the same time, however, these formal procedures deprive people of opportunities to practice skills of apology and forgiveness, of reconciliation, restitution, and reparation. In assuming responsibility for social regulation when a citizen breaches a law and thereby challenges the moral order, the modern state appears to have deprived civil society of opportunities to learn important political and social skills.

Where subtle methods of social regulation and control have been transformed or forgotten, the state is required to intervene with unsubtle methods of arrest and incarceration. Criminal justice systems may continue to promote collective norms, but the modern rational state ultimately lacks the emotional resources to maintain-let alone strengthen-the moral order.'

Communities, especially faith communities, do have the resources to do the moral work necessary to create restorative processes that support victims and hold offenders accountable in ways that do not increase anger and isolation.

There are several key responsibilities in the community's work in a restorative response to crime, best done in this sequence:

- Rally around the victim, including attending to his or her physical and other wounds.
- Provide the opportunity for offenders to make amends for the harm of the behavior.

- Establish norms that are shared by all parts of the community--and hold members accountable to these norms.
- Address underlying issues revealed by crimes-in other words, develop systemic prevention.

Restorative justice calls for a reversal of roles between the criminal justice system and the community, in which the community is the primary responder to crime and the system operates in support of the community. This new relationship is shaped by several key ideas, in which:

the community is:

- the source of moral authority or influence
- the center of decision making whenever possible
- the center of action.

formal government is:

- the source of legal authority (is contrasted with the moral authority of the community)
- in a position of broader oversight than the community
- the guardian of individual concerns (in contrast to community responsibility for collective concerns).

The purpose of the legal authority is to affirm the community's authority and provide a mechanism for responding to failure to comply. The community's moral authority is central and the state's legal authority is secondary and a backup. Legal authority that is not clearly grounded in the community's moral authority, as demonstrated by active community involvement, is hollow and ineffective.

In general, communities manage individual behavior more effectively than governments do. However, communities need government support and resources and the perspective of an oversight mechanism that is separate from the community.

Putting Principles into Practice

In a number of places communities and the justice system are working together to put restorative principles to work in daily practice. And what might the community role look like in practice?

Determining the "sentence" or terms of accountability

- Sentencing circles. Northern Canadian communities now have significant

experience in the use of sentencing circles to decide what the resolution to a criminal incident should be. Originally used in native communities, they have also been found to be successful in instances where all the participants were white. The circles are very inclusive: the victim perspective is very important, and the circles often include traditional "law and order" participants. The outcomes are nearly always community-based sanctions.

- Vermont's reparative probation uses community boards to develop an agreement with the offender regarding the terms of probation, based on four restorative goals: repair of harm to victim, repair of harm to community, understanding of how behavior harmed the community, and avoidance of offending behavior in the future.
- The Community Response to Crime Program in Bemidji, Minnesota, uses a community intervention team to meet with the offender to communicate how the behavior affects the community, community expectations for making amends, and support for the offender in carrying that out.
- Family group conferencing involves the community of people most affected by the crime-family and friends of the victim and family and friends of the offender-along with the victim and the offender in deciding the resolution to a criminal incident. This can occur in a diversionary process or in an adjudicated process.

These processes generally result in an agreement with the offender that specifies the offender's obligations for making amends. However, in each of these approaches the emphasis is not primarily on a technical process to decide the requirements placed on an offender. Each emphasizes a process of establishing a relationship of mutual responsibility-a process of human interaction-that is the critical nature of these efforts. The power is in the process rather than the agreement itself. The meeting of the offender with community members is one of the most meaningful forms of accountability and it is a powerful process for the community to affirm its norms.

These processes give real meaning to the idea of answering to the community for your behavior. And these processes deal both with the community's role as a victim and its role as a collective responsible for the welfare of its individual members. All of these approaches leave the community stronger after the criminal justice intervention than it was before the crime happened, which is the most important outcome measure. Most of these processes require some training or community education before implementation.

Implementing the terms of accountability

- community service: providing sites for community service that is supervising completion, providing affirmation to offenders for successful completion
- providing work opportunities so that offenders may earn money to pay restitution

- volunteer probation officers
- community mentors or sponsors
- volunteer mediators for victim/offender mediation
- community support for treatment programs
- community involvement in self-help or support groups for offenders
- provision of programs that build offender competencies.

Supporting victims

- neighbors who care
- volunteer victim advocates
- community involvement in self-help or support groups for victims
- volunteer mediators for victim/offender mediation
- police chaplaincy programs for victims.

Staying in relationship with offenders who are in custody

- prison and jail ministry programs
- one-to-one friendship programs
- volunteer consultants who offer special programs in prison such as cultural groups, job preparation, life skills, literacy
- inclusion of prisoner teams in a sports league
- community service opportunities for offenders while in custody.

Policy development

- advisory boards at every level: program advisory boards, county-level community corrections advisory boards, statewide advisory boards for particular initiatives
- input through public forums to get community perspective on existing and proposed approaches
- input through surveys of community.

In all of this the ultimate measurement for the system should be:

Is the community stronger after the criminal justice intervention than it was before the crime happened?

Only interventions that are grounded in the community and directed by the community are likely to strengthen the community.

A Challenge to Religious Group's

How can faith communities participate in making our response to crime more restorative? Several ways occur to me, and I offer them merely as beginning points.

Promote restorative values and principles through teachings

Teach that the first priority is attending to the wounds of those who are victimized and teach that accountability means making repair rather than punishment. Speak about the importance of redemption and the fundamental human dignity of every individual. Everyone needs opportunities to make amends for behavior and be accepted back into the community, but in practice we are systematically blocking the possibility of reconnection to the community for offenders. Teach about constructive interventions when people violate standards. Reach out to help people understand and abide by the norms of the community.

Insist on restorative measures when the faith community is a victim

If your faith community is victimized, push the system to allow the faith community to be involved and help shape a restorative response to the problem. Model the behavior you want the system to exhibit. Involve congregation members in the process. Tell the story to create images of how you want others to act.

Fulfill the faith community's role as a community member

- Support victims. Create a process to respond to members who have been victimized: listen and provide physical assistance. Offer support groups for victims who need ongoing support. Participate in chaplaincy programs for victims. Do not tell victims they should forgive, which discounts a victim's legitimate feelings of anger. Be there for victims without judgments about their feelings.
- Create opportunities for offenders to make amends. Provide paid work opportunities for offenders who owe restitution so that they are able to pay back victims. Provide meaningful community service work for offenders and conclude with ceremonies of closure that acknowledge that the offender has made amends. Start or support programs facilitating face-to-face meetings using community volunteers (as in victim/offender dialog and family group conferencing). Provide one-to-one mentors for offenders, to support their efforts to make amends.
- Establish and maintain community standards. Assist the community in dialog to identify shared values across economic, faith, ethnic, and racial differences. Encourage community members to uphold that behavior and expect it from others. Assist the community in developing skills and processes to deal with conflict in early stages, such as community mediation programs. Develop a

- conflict resolution process for disputes in your faith community. Model the process for the rest of the community. Speak out against harmful behavior, especially those behaviors where the community has sometimes been silent in the past, including abuse of children, spousal abuse.
- Address underlying causes of crime. Befriend a child. Reach out to anyone who is isolated or disconnected from community support. Renew the cycle of reciprocity-doing favors for one another-that is the basis of community by creating opportunities for anyone outside the cycle to become a part of that cycle. Provide education for the skills needed for living in harmony, such as parenting skills, conflict resolution, citizen responsibility.

Communities are responsible for their members-victims I and offenders alike. Even for offenders who must be separated from the community, the community is responsible for staying in relationship with that member. Faith communities play a critical role in maintaining the community relationship for offenders in institutions.

There are numerous examples of existing faith community activities that fit in the restorative framework, including Neighbors Who Care, a victim assistance program, victim/offender mediation programs operated by faith organizations, the Cleveland Reentry Program, prison ministry programs, a police chaplaincy program for victims in St. Paul, and more. These provide a foundation for building broader and deeper involvement of people of faith in a constructive response to crime.

Mutual responsibility is the loom on which the fabric of community is woven. Crime represents a failure of responsibility: clearly on the offender side, sometimes on the community side as well. Our response to crime must emphasize and reestablish mutual responsibility. A strong sense of connectedness is for most people related to spirituality. Faith communities have a responsibility to provide vision, hope, and leadership in building our sense of connection to one another as a human family.

- Note -

1. David B. Moore, "Illegal Action--Official Reaction: Affect Theory, Criminology, and the Criminal Justice System" (Unpublished paper, 1994).

- For Reflection, Discussion, and Action -

Throughout her article Kay Pranis emphasizes the role of faith groups in establishing justice that repairs rather than destroys community, and suggests that restorative justice "probably cannot be sustained without the help of faith communities" [page 321]. How do you react to that? and how do you respond?

If you are in your forties or older, what stories can you tell about "the role of informal social control"? If you are younger, what stories have you heard? In either event, what are your present experiences with shared community responsibility) or the absence of it? What if anything would you like to see changed in such relationships?

As you read about putting principles into practice [pages 37-40], what practices already exist where you are? What ones would you like to see introduced?

The author uses this measurement for the justice system: "Is the community stronger after the criminal justice intervention than it was before the crime happened?" [page 40]. Are you familiar with this concept, or does it startle you? How would you define a present measurement for the justice process where you are?

Pranis concludes with specific practices that religious groups can implement. If you are already following those suggestions, how are they working? And if not, what might you do?

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