

# Restorative justice and corrections



Restorative justice is criminal justice theory that emphasizes that crime should be considered an act against society and individuals rather than violations against the state's legislation (Hutchinson, 2006). In more contemporary settings, it has been used to refer to non-punitive measures between violators and victims that will establish the responsibility and impact of crime not only between them but to the community as a whole (Shapland et al, 2006).

The basic requirements are the participation of both offenders and victims in an interaction program designed as part of the offender's correction or rehabilitation regimen designed to reinforce the social impact of the crime. They are considered as victim-oriented, society-based and cost-effective alternative to incarceration and other forms of punitive measures (Kemshall & Maguire, 2001).

Marshall's (1999) definition is among the most accepted definitions, that " Restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future". There has been some debate regarding what types of offenders should participate in restorative justice programs.

Participation of offenders is determined by the offender's facility to take responsibility for his action as well as express and communicate remorse for his actions, its impact to victims and effect to society (Shapland et al, 2006).

Initial efforts in implementing restorative justice programs involved juvenile and first time offenders. Schroeder and his associates point out that success of programs have been closely associated with the degree of "

rehabilitativeness” of offenders (Schroeder et al, 2003). However, since its inception, its application has been extended to even repeat offenders and even violent offenders as long as the premise of responsibility and remorse are apparent and in the absence of mental or psychological conditions that may impair genuine participation (Brown, 2003).

Restorative justice programs are not new and in fact are considered as one of the oldest and fundamental justice systems in history tracing back its origins to ancient Sumer and Mesopotamia (Wilkinson, 1997). The philosophical perspective of the approach suggests that crimes should be considered directly against victims and society instead of the rules or statutes that govern people and society. This is because individuals are the ones who suffer directly from the crime.

Also, considering its potential to incite other criminal actions, particularly in the early civilizations like Sumer and Mesopotamia where blood feuds were real threats to social order, then there is a real social stake in communicating the gravity of crime. At the other end of the spectrum, more contemporary perspectives have also pointed out that the criminal behavior is a product of social conditions (Kemshall & Maguire, 2001).

Thus, society also has a responsibility to allow offenders the chance to remorse for their actions and become active in their correction, rehabilitation and delivering justice to victims (Schroeder et al, 2003). Shapland and her associates (2006) studied major restorative justice programs in England and Wales. One of the schemes involves juvenile offenders and their family and victims with their own families. The offenders involved had been convicted

and have volunteered their participation or were required by the conditions of the conviction.

Participation of offenders; families was not required in all instances but consent was required. On the part of the victims, their participation to the programs was voluntary and was oriented regarding the nature of the program and its objectives beforehand. The program seeks to develop a platform of interaction among offenders and victims to resolve issues of the crime. The victims express the impact of the crime to their lives and how they feel the offenders should pay for the crimes committed.

Offenders are expected to express responsibility of the crime they committed and express remorse for its impact to the victim. Proceedings are monitored to determine if interactions allow for communication effectiveness, there is genuine remorse and is outcome oriented. The success indicators are the rehabilitation of the offenders, reparation given to victims and the sense of healing and restoration the participants feel. These measured through assessment of facilitators with the parties involved and the level of continued participation in the program.

Considering the observations made by Shapland and her associates of the said program, the motivation for including juveniles in restorative justice programs supports the proposition of several researches that highlight the need for juvenile offenders (Tarolla et al, 2002; Zolotor & Runyan, 2006). This requires that juvenile offenders given full opportunity to be rehabilitated and realize the significance of their offense as a means of deterring repetition of their offense or committing other crimes.

However, many of the participants to restorative justice programs have expressed their reservations on the effectiveness of the program. One of the main issues raised regarding the interventions is the lack of standardized practices to establish frameworks of restorative justice programs (Shapland et al, 2006). There is also a deficiency in comprehensive research gauging the real effectiveness of the programs: there are no long-term and cross-sectional researches that have determined quantitatively the advantage of restorative justice programs over other criminal justice programs.

There is no denying that restorative justice programs can facilitate the communication of the social and personal impact of crime (Schroeder et al, 2003). Similarly, there is no denying that many restorative justice programs have shown that they are not only effective but also more relevant in criminal prevention efforts. Furthermore, restorative justice communicates the human dimension of crime and victimization. However, it is just undeniable that satisfaction derived from the interventions has not met the expectations of participants (Shapland et al, 2006).

One of the main difficulties in applying restorative justice programs is the lack of standards as well as monitoring systems. Added to the range of expectations, reactions and experience of the programs, there is a significant range of factors that can influence the effectiveness of the programs. In conclusion, restorative justice programs should be continued whenever possible particularly if there is sufficient experience to implement and monitor them. Otherwise, programs will not only fail in their objectives but may in fact contravene them.