

aka Asar Imhotep Amen

Restorative/Peace-building Justice

By: Troy T.—Lancaster *THOMAS*

In recent years, indigenous communities, followed by faith communities, have pioneered new concepts in 'restorative' or 'transformative justice', which shift the definition of crime from a breaking of legal codes to an act of harming another person or a community of people. The question becomes, 'How do we heal the harm?' 'not' How do we punish the criminal?'

Implementation of restorative justice practices would shift the goal of the justice system away from punishment and retribution (or revenge) and replace it with a healing approach that addresses the needs of survivors, offenders, and the community.

This restorative or healing justice is truly a new paradigm—an entirely new framework for handling violations that tear the social fabric. Such alternatives cannot be instituted on top of the existing punitive systems, but must replace sanctions with mutually agreed-upon solutions to specific cases. Neither can they be successful unless systemic issues, which may have contributed to the offense, are addressed. This requires the community to accept responsibility by committing itself to implement the changes in social structures that will genuinely prevent crime at its roots. Peace-building justice presupposes a functioning community capable of promoting institutional, and thus social, change.

Unlike other forms of alternative dispute resolution, peace-building justice recognizes participants as survivor and offender, not as co disputants. The process emphasizes truth, often described as 'speaking from the heart.' Emotional expression is encouraged and valued. In peace-building justice, survivors are clearly not considered responsible for the harm they suffered and are involved in developing active strategies given space to control their own healing, cile with the offender. The importance of building of community is the outcome.

Communities are expected to provide sary to stop violence and repair harm. It zation and support decrease violence. Con- or absent, criminal behavior and victimiza- survivor by acknowledging his or her harm The community can also make an impact disapproval. This concept should not be have already been subjected to a lifetime of value. When strong communities are in appropriate from a cultural, racial, or class tualized within a specific community (for nity standard.

The practice of peace-building justice is the healing process. Healing for the survi- environment that both encourages the tell- the survivor's experience. Offenders are though his or her actions may be con- she can be welcomed back into the community as someone who is capable of change, someone capable of reestablishing cove- nant with the community. Perhaps most importantly, practices that function as community builders, bringing desperate sides together, make community healing possible as well. Lastly, healing justice has the likelihood of increasing reports of previously hidden abuse because it offers a flexible spectrum of responses.

In advocating a new justice paradigm, it is easy to become discouraged, because punishment seems so entrenched and revenge is characterized as a natural human response. In other words, we respond to wrongdoing by meeting evil with evil— thinking that our job is to create a counterforce to the wrong we have been done. As long as we are committed to such a response, we will be among the creators of evil. Another possible response is forgiveness. One of the greatest human capacities is the power to forgive—not to forget, but to renounce resentment and begin the process of healing. It's the only way to triumph over evil. The most convincing examples of this approach can be found in nature.

Observe the way a formerly polluted river restores itself or the way a landscape that has been decimated by fire comes back to life. Rather than an idealistic dream, this concept, based on forgiveness, is a natural one toward which life forces flow. Healing justice is a purely extralegal practice when it is at its best. It does not deal with the question of legally defined wrongs, but rather with the impact of harmful behavior on people and communities. It focuses on questions of truth, rather than fact, personal experience rather than legal evidence, and reparation rather than punishment. It is only when healing justice is seen as its own system, not as an add-on to the existing criminal justice system, that actually works.



for changing their situation. Survivors are even when it involves the desire to recon- human relationships is central, and the

both the support and enforcement neces- has long been held that community organi- versely, when community is dysfunctional tion increase. The community supports the and by offering concrete help or resources. on the offenders' behavior through social confused with' shaming'. Most offenders shame, which has questionable healing place, their involvement can be more perspective. Social disapproval is contex- example a tribe) and conveys a commu-

not outcome-driven. It focuses instead on vor occurs as a result of storytelling in an ing of the story and validates the truth of supported in their efforts to change. Even demned, the offender is shown that he or