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## Restorative justice looks to the past to help find fair solutions

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Terms like restorative justice, restorative conversation, peace circles, and healing circles have been getting popular in the last decade. These terms are usually heard in discussions regarding school discipline — expelling and suspending students from school. You also can hear the terms in the context of racial healing, and in fixing a dysfunctional criminal justice system.

If you do a Google search for the phrase “restorative justice,” you will find hundreds of websites that describe the concept or process and variety of answers what restorative justice means.

The roots of restorative justice are an indigenous tradition. Native American civilizations did not have a court as an institution, but they did have to solve problems and conflicts among their community members. Back then, the best way to solve a conflict was to sit in a circle and talk about the issue. The solution came from conversation. Indigenous justice systems are based on a holistic philosophy. Law is the way of life, and justice is a part of life.

The indigenous justice systems are guided by unwritten laws, traditions, myths, and practices learned by example or passed on through stories. The indigenous perspective on justice, which comes from the aboriginal inhabitants of North America, believes in a holistic philosophy that connects everyone involved in a conflict and focuses on repairing harm and resolving issues to attain peace.

The holistic justice philosophy is based on the idea that a peace circle can connect everyone involved in a conflict. The goal of the peace circle is to resolve the problem to bring back peace and harmony for the individuals and community, so everyone can heal and live in harmony with all beings and nature.

Restorative justice brings back indigenous, ancient traditions practiced in different cultures around the world, including Native American, Celtic, African, and Maori peoples. In the new context, it became popular in the 1970s as a form of reconciliation between victims and offenders. The definition of restorative justice is wide, and experts and practitioners highlight different aspects of it. According to Howard Zehr, known as "the grandfather of restorative justice," restorative justice is an approach to justice that emphasizes repairing the harm done to people and relationships rather than only punishing offenders.

Restorative justice is a philosophy that creates responses to conflicts and harm. It is characterized by four key values: encounter, accountability, inclusion, and reintegration.

The retributive justice model is based on the belief that offenders should be punished for their offenses, and the punishment should fit the crime. The restorative justice model focuses on restoration and repairing the damage caused by the offender's crime. For example, in traditional criminal justice, crime is a violation of the law and the state. Violations create guilt. In restorative justice, crime is a violation of people and relations. Violations create obligations. Restorative justice often and broadly uses the term "harm," which includes all kinds of harm: material, physical, psychological, relationships, and community.

The traditional criminal justice system focuses on three questions: what laws have been broken, who did it, and what does the offender deserve? Restorative justice seeks the answer the following questions:

- What happened?
- Who has been hurt?
- What can be done to heal and repair the harm?

Since the late 1990s, restorative practitioners and educators have adapted restorative justice for use in response to the inefficacy of traditional school discipline in Chicago Public Schools. Racial healing peace circles also are used in churches. Restorative conversation and restorative language are practiced in many organizations and institutions as a way to resolve conflicts or build inclusion.

In summer 2020, in the middle of the pandemic, two new Restorative Justice Community Courts (RJCC) in Chicago's Avondale and Englewood neighborhoods were opened by Cook County Circuit Court Chief Judge Timothy C. Evans, in addition to an existing court in North Lawndale. The Restorative Justice Community Courts are criminal courts in the neighborhoods. RJCC practices restorative justice, uses peace circles, and allows the community to create solutions to repair the harm caused by crime and conflict. For every case, the restorative process brings together the person charged, the person harmed, and community members in a peace circle, which is a confidential conversation guided by a trained Peace Circle Keeper. All members of the peace circle work together to write a Repair of Harm Agreement, which is a legal document containing the

requirements deemed necessary to repair the harm from the crime. If the person charged completes all of the requirements of the Repair of Harm Agreement, the case will be dismissed.

To be eligible for the program, a participant must be 18-26 years, have a nonviolent criminal history, have been charged with a nonviolent felony or misdemeanor, and live or worship in the neighborhood assigned to the court. A court participant must accept responsibility for the harm caused, actively participate in all RJCC processes including pre-circle work, appear at the court meetings, and complete all of the requirements of the Repair of Harm Agreement, which may include community service, job training, counseling, restitution, or paying for damages. While working on their Repair of Harm Agreement, court participants are encouraged to work on their resume, look for a full-time job, pay off traffic tickets, build and strengthen relations with family members, complete their GED or college, get a driver's license, and take care of their mental health and wellness.

Joe is an RJCC participant. He is a vendor on one of the Chicago's farmer's markets on the weekends. During the week, he is developing his vegan pastry business. Last year, Joe was arrested and faced up to two years in prison. His case was transferred to the Restorative Justice Community Court. After weeks in peace circles with community members and months in the program, he is now the first graduate of the Restorative Justice Community Court in Avondale and his case has been dismissed. For the last few months, Joe volunteered in the local food pantry, preparing and distributing dinners for community members in the local church, gave a guitar performance for residents of a nursing home, and reports to the court every second week. Now he is a successful entrepreneur who is sharing his experience with other people who are coming to the program.

Amazing things can happen when instead of punishing young people who commit nonviolent crime, there is a way to let them take the responsibility for wrongdoing and let them think about their future, what they want to do with their lives, and the best way to express themselves using their own talents and skills. Restorative justice offers this opportunity, creating both a sense of belonging to the community and a feeling of accountability for one's actions.

Using traditional values from the past, taken from indigenous cultures around the world, restorative justice carries a new sense of justice for the 21st century.

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