Restorative Justice Essay

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The idea of restorative justice is based on repairing the damage caused by crime. The community and victim can be restored the way they were present previously instead of giving punishment to the offender(Coker, 2006). However, today’s justice system is based on retributive justice rather than restorative justice in which lawbreakers are punished based on their crimes. They are treated in the same way as they harmed the victim. Restorative justice is observed as the transformed social practice which can end the cruel criminal punishments. But it is also argued by Ashworth that restorative justice is good for bringing back the desired changes in behavior(Wolff, 1994). It is also observed that restorative justice not only focuses on the community and victim but it also helps the offender to behave in a better way hence reducing the chances that the offender will commit the crime again. Although the current justice system is based on retributive concept which gives punishment to criminals (Zehr, 2015). People are more inclined towards the restorative approach as compared to the retributive approach. This approach shows several proven benefits in which the victim has the chance to meet with their offender (Coker, 2006).

# Anglo, Vertical Justice

The tribal courts depend on the legal model of Anglo-Americans. Such courts handle criminal, traffic, civil, juvenile, and domestic matters(Arsenault, 1999). For example, the disputes of land can be handled through various communities of Pueblo through community and family forums. It is believed by various Americans that justice must be administered while the law is something to be implemented(Arsenault, 1999). However, it is observed that the tribal courts obey the legal system of Anglo America and they are still stuck to their traditional values. It was required for tribes to participate in the legal system of Anglo Americans for the protection of people and lands (Wolff, 1994). This system was imposed on them by the federal governments for preventing their efforts in tribes’ conversion. The people who are culturally different are extremely sensitive towards discrimination as being different gives less positive experiences in the dominantly white or Anglo world (Coker, 2006).

The system of ‘vertical’ justice is the one that relies on power and hierarchies. In which Jude preside, jurors, lawyers, and all the participant of court proceeding. The system of justice utilizes rank as well as coercive powers which went with status or ranks for addressing the conflicts (Arsenault, 1999). The ‘solidarity’ term is crucial for both Navajo understanding i.e. justice and healing. It also rejects the process of personal conviction and also favors the methodologies that utilize solidarity for restoring good relations among people (Arsenault, 1999). It also helps in restoring good relations with oneself. The Navajo Court of Peacemaker is considered as the modern and legal institution which utilizes the dispute relations of the traditional community in the court that depends on the model of vertical justice.

# Navajo, Horizontal Justice

In the model of horizontal justice, no person is superior to the other person. Indians usually portray this graphically by circle, as it has no left or right and no end or start. Every person or point on the circle looks at the same center to focus. Through this circle, Navajo justice is symbolized (“Life Comes From It,” n.d.). The circle defines oneness and unity as it is unbroken and perfect. The law according to Navajo is absolute and fundamental as it is the source for a meaningful and healthy life. Suppose a system in which everyone has the authority to give their opinion during the dispute course and nobody has the authority to identify what is right. This the system which end goal is to provide restorative justice that gives equality and the right of full participation to the disputant while making the final decisions.

The Peacemaker Courts of Navajo are the reconciling means for vertical and horizontal justice through utilizing the legal values of traditional Navajo (Zehr, 2015). These courts help judges to stay away from discontent and adjudication which caused by referring local communities cases that can be resolved through discussions.

# Adversarial Justice

The essence of restorative justice is not based on reconciliation and forgiveness. There are some victims and their advocates who behave negatively towards this system (Kohen, 2009). As they believe that the major goal of this system is to encourage coerce and force reconciliation with the offender. In actual, this is not the primary goal of restorative justice although it is true that this system of justice provides a context in which this can happen (Kohen, 2009). As in some cases, reconciliation and forgiveness occur frequently as compared to the adversarial system of criminal justice. The system of criminal justice is based on the concerns related to the accountability of offenders although it ensures that the offender must experience the punishments they deserve (Kohen, 2009). This process encourages the offenders that they can understand the consequences of their actions and understand the feelings of the victim. On the other hand, in the adversarial games, it is required that the offender must change their behavior. As mostly offenders are repeatedly acknowledged about their deeds and they have given the least opportunity to behave responsibly in the concrete way (Zehr, 2015). This is the reason that the offender used to stay away from communities and from those people who hurt them. So, for a variety of reasons such a legal process discourages the offenders.

So, restorative justice provides awareness regarding the negative byproducts and limits of punishment. Although, punishment is not actual accountability as real one based on what the person has done which means that offenders should understand their behavior impact and the harm they did with the other person (Zehr, 2015). The offender also has other requirements such as responsibilities of community and victim. According to restorative justice, these means must be addressed so, that offender changes their behavior and becomes contributing members of the community (Zehr, 2015).

# Restorative Justice in institutions

For holding the student accountable for their actions about the committed crime as according to Zehr (2015) the restorative justice has about three principles which include repairing the harm, made the offender accountable and lastly restoration of community. The higher education always obeyed the approaches of traditional judicial with the students who commit a crime which is though necessary in some cases but it does more harm rather than good.

The police institution is the first respondent towards the community call services, this institution required to implement restorative justice techniques while responding to the individuals’ calls who are facing physical violence. Police must arrange family group conferences by integrating the techniques of restorative justice (Alarid & Montemayor, 2012). As this is the organization who can overcome issues.

It is observed that the domestic violence victims initially turn towards the system of criminal justice but are dissatisfies with the outcomes. They are now saying that they do not take help from police next time (“Crime Survivors Speak,” n.d.). According to the survey, it is observed that the crime affects people from all walks of life as it can be seen that from the previous 10 years 31% of Florida people are victimized (“Crime Survivors Speak,” n.d.). This victimization puts the heavy tool on the survivors because they experienced the traumatic situation which could be devastating for their mental health.

From the survey, it can be seen that every 8 in 10 victims felt stress because of incident while in 7 out of 10 survivor felt anxiety. It is reported that 55% felt fear while every 1 in 4 experience trouble in study and work (“Crime Survivors Speak,” n.d.).

**References**

Alarid, L., & Montemayor, C. D. (2012). Implementing restorative justice in police departments. *Police Practice and Research*, *13*, 450–463. https://doi.org/10.1080/15614263.2011.607654

Arsenault, L. A. (1999). The Great Excavation: Discovering Navajo Tribal Peacemaking within the Anglo-American Family System. *Ohio State Journal on Dispute Resolution*, *15*, 795.

Coker, D. (2006). Restorative justice, Navajo Peacemaking and domestic violence. *Theoretical Criminology*, *10*(1), 67–85. https://doi.org/10.1177/1362480606059983

Crime Survivors Speak. (n.d.). Retrieved December 5, 2019, from Alliance for Safety and Justice website: https://allianceforsafetyandjustice.org/crimesurvivorsspeak/

Kohen, A. (2009). The Personal and the Political: Forgiveness and Reconciliation in Restorative Justice. *Critical Review of International Social and Political Philosophy*, *12*, 399–423. https://doi.org/10.1080/13698230903127911

Life Comes From It: Navajo justice, by Chief Justice Robert Yazzie. (n.d.). Retrieved December 5, 2019, from http://www.dailygood.org/story/1327/life-comes-from-it-navajo-justice-chief-justice-robert-yazzie/

Wolff, M. J. (1994). Spirituality, Culture and Tradition: An Introduction to the Role of Tribal Courts and Councils in Reclaiming Native American Heritage and Sovereignty. *St. Thomas Law Review*, *7*, 761.

Zehr, H. (2015). *The Little Book of Restorative Justice: Revised and Updated*. Good Books.