

A Restorative Justice Approach

Melanie Schwartz and Anna Olijnyk

Restorative justice is a theory of justice, most often utilised in the criminal justice context, that emphasises repairing the harm caused by offending behaviour. It is characterised by cooperative forums and restorative processes that include all stakeholders, including the victim, offender and community at large.

Extract 1: Allison Morris and Warren Young, 'Reforming Criminal Justice: The Potential of Restorative Justice' in Heather Strang and John Braithwaite (eds), *Restorative Justice: Philosophy to Practice* (Ashgate, 2000) 13-14

Contrasting Values

In brief, the conventional criminal justice system emphasises the centrality of State authority and gives primacy to the abstract interests of the State. Thus offending is seen primarily (and often even exclusively) as a violation of the interests of the State – or perhaps more accurately of the interests of the collective community represented by the State. This State interest, however, is usually presented, or disguised, as 'the public interest.' Thus Ashworth (1992: 3 cited in Cavadino and Dignan, 1996: 237) sees the criminal law as setting out 'to penalise those forms of wrongdoing which ... touch public rather than *merely* private interests' (our emphasis).

Having assumed this authority, the State then demonstrates it through a process of detached and impersonal decision-making by professionals representing the State. Thus it subjects itself to, and gains its legitimacy from, strict adherence to the 'rule of law' and the trappings that accompany that. Conventional justice is also based on an ethic of individualism and individual culpability at both the conviction and sentencing stage; it places a priority on legal rights (thereby promoting equality before the law and

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