

## San Antonio Express News

### In restorative justice, victims and offenders have active roles

September 16, 2007

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Bridges to Life is an example of restorative justice, a philosophy that focuses on restitution over retribution and elevates the role of the victim over the state.

It may sound revolutionary, but victim-centered justice dates to ancient times, experts say.

You can find references to it in the Bible, the Torah and the Code of Hammurabi, according to a report from the Texas Public Policy Foundation. In ancient times, wrongs done to a person or property were regarded as private affairs, with justice meted out by consensus and tribal elders. Indigenous peoples in North America practiced restorative justice.

With the rise of monarchy in the West, things flipped and wrongdoing became an act against the state rather than an individual. Punishment replaced restitution and reconciliation.

But with the rise of the victims' rights movement in the 1970s, restorative justice reappeared, although it still is far from mainstream. The bedrock idea is that crime stems from a broken relationship between the victim, the offender and the community. The goal is to return the criminal to a contributing member to society.

"The underlying premise is that people are actually happier, more cooperative and more likely to change if those in authority do things with them rather than to them or for them," says Ted Wachtel, president of the International Institute for Restorative Practices, who brings restorative practices to group homes and schools.

In traditional criminal justice, victims and offenders become passive players in a system dominated by the courts, lawyers and judges. In restorative justice, they take center stage.

"In the process of focusing on the victim, you end up providing a way for the offender to make amends and be re-accepted back into society," says Mike Gilbert, associate professor at the University of Texas at San Antonio Downtown Campus who teaches a course on restorative justice.

Critics no doubt will say restorative justice is so much pie-in-the-sky bleeding heart liberalism, out of touch with the realities of criminal behavior, but Gilbert counters that traditional justice hasn't proven very effective.

"It really doesn't work very well," he says. "If it did, the nation that punishes the most people for the most crime should have the lowest crime rate. That's us, and we don't."

Coddling offenders, he says, "is letting them sit on their bunk all day and watch TV. It's not coddling when you have to sit face-to-face and talk to people you've harmed. That's tough accountability."

Gilbert and other experts say restorative justice shouldn't be seen as a wholesale replacement for traditional justice — some people should definitely be locked up, he says — but rather as an alternative and added layer when appropriate.

Restorative justice has been used to great effect with juvenile offenders and with lesser crimes such as vandalism and property crime, although some experts say it's fitting even for more serious crimes like rape and murder.

Gilbert's focus is on empowering neighborhoods to become grass-roots communities where bottom-up restorative justice can take root. Some countries like New Zealand have largely replaced traditional justice with restorative practices, he says.

Today there are more than 300 victim-offender reconciliation groups across the nation. In Texas, a victim-offender mediation/dialogue program has operated since 1994 through the Texas Department of Criminal Justice's Victim Services Division. In it, victims meet with their actual offenders after going through a lengthy preparation process.

John Sage, founder of Bridges to Life, says his program uses victim-surrogates because more inmates can be reached that way.

"It's more efficient," he says.