

Restorative Justice  
By Grace Lee Boggs  
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I am honored and humbled by the invitation to be part of the panel keynoting this gathering. I feel a spirit of love and hope in this room that holds great promise of the visionary ideas and day-to-day practical organizing that are necessary to build a movement for fundamental social change.

I have been asked to discuss Restorative Justice. I should make clear at the outset that what I have to say is very general and relatively brief because I don't have any practical experience organizing in this arena. However, ever since I read about Restorative Justice in *The Witness*<sup>1</sup> a few months ago, I have been referring to it everywhere I speak because it strikes me as so pivotal to rebuilding our communities - which, in my opinion, is our main challenge as we approach the millennium. Charlene Snow heard me talking about it at a Detroit Women's Forum in February. That is why I am here this morning.

Restorative Justice is based on a concept of Justice which is rooted in village or pre-modern cultures. Unlike the modern concept of Retributive Justice, which views crime as a violation of the law and an offense against the state and therefore gives the state the right and responsibility to punish offenders, Restorative Justice views crime as a violation of people and community relationships. Therefore it gives the community the right and responsibility to enter into dialogue with offenders with the aim of arriving at agreement on restitution and restoring them as productive members to the community.

The modern prison system, which is based on the concept of Retributive Justice, is a relatively recent institution which came into existence after the French Revolution. According to Foucault,<sup>2</sup> it was created as an improvement or advance beyond the pre-revolutionary system of punishment by public torture or beheading by the monarchical state. Incarcerating the criminal, providing him with a strict regimen which included Work, and isolating him in a cell where he can reflect on his misdeeds seemed like a good way to reform criminals. Historical experience has demonstrated, however, that the prison system produces and reproduces what we call "recidivists" (Foucault calls them "delinquents"), at the same time creating a huge criminal justice system which puts the whole community under police surveillance and provides informers for the police.

Village cultures practiced Restorative Justice because maintaining right relationships between members was crucial to their survival and also because they couldn't afford the luxury of locking someone up and supporting them and their families. Until recently, we

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<sup>1</sup>Restorative Justice by Duane Ruth-Hefferbower. *The Witness*, November 1998. 7000 Michigan Ave., Detroit 48210.

<sup>2</sup> Michel Foucault: *Discipline and Punish: The Birth of the Prison*, Vintage Books, 1979.

have ignored the economic cost because it has been hidden in the huge national economic structure and because of the relatively small number of prisoners. But now that prisons clearly serve as warehouses for the millions whom capitalism has made expendable, now that our families and communities are being devastated by the incarceration of millions of brothers, sisters, mothers and fathers, our survival depends upon our making a paradigm shift in our whole approach to Justice. Instead of seeing crime in the Western way, like a disease which is external to the system and therefore to be isolated, we have to see it as something that modern capitalism naturally and normally creates, and therefore take it upon ourselves as members of the community to practice a concept of Justice which will empower offenders and the community to work together to build a healthy community.

The practice of Restorative Justice in traditional cultures was a powerful three-step process. First, it enabled victims to describe the pain and suffering which the offense had caused them. Secondly, it gave offenders an opportunity not only to acknowledge their guilt but to explain themselves. And, third, it encouraged other members of the community to examine how they may have contributed to the offense or may have been affected by the offense. Through this process of criticism and self-criticism the offense became a way not only for the offender but also for the community to examine their responsibility, to project ways to prevent recurrence of the offense, and thus to arrive at unity and community on a higher level.

Once we have made the paradigm shift to Restorative Justice, it should be relatively easy for communities to begin organizing around the concept, taking advantage of experiences that have already been made. For example, according to a front page article in the May 13 *Los Angeles Times*, some groups in Minnesota, western Massachusetts and Austin, Texas, are beginning to experiment with community circles in which offenders who acknowledge their guilt dialogue with community representatives and agree on sentences which usually involve community service. The Minnesota legal system sponsors at least a half-dozen of these community circles and at the University of Minnesota there is a Center for Restorative Justice.

Inmates at the men's prison in Vacaville, California, who have committed serious crimes and are unlikely to meet their victims, have set up a Victim/Offender Reconciliation Group to help inmates become aware of the personal damage they have done to their victims and to perform symbolic restitution through community service. The idea is to help the men rebuild the feelings of empathy which they had to deny to commit their crimes and which prison tends to drive out as well.

The November 1998 article *The Witness* gives websites where you can obtain more information.

A front-page article in the June 10 *New York Times* reports that judges and prosecutors are increasingly willing to release drug offenders to treatment programs because prison has been demonstrated to be an ineffective way to reduce drug offenses.<sup>3</sup>

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<sup>3</sup> For a deeper understanding of Restorative Justice, we can study its practice in pre-colonial cultures. In Hawaii, for example, the indigenous people called it Ho'oponopono. A book with this title by E. Victoria

Restorative Justice, it seems to me, is an idea whose time has come. Organizing around it offers enormous possibilities for “Breaking Down Walls and Creating Communities” which is the very important theme of this very important gathering.

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Shook describes how Ho’oponopono is practiced today in Hawaii as a method of conflict resolution and restoring mental health.