

Restorative justice is a way to address limits in Western criminal justice systems, which typically fail to care for the needs of the victims. As Howard Zehr, an early practitioner writes in *The Little Book of Restorative Justice*: “... the legal definition of crime ... does not include victims. Crime is defined as against the state, so the state takes the place of the victims.” In contrast, restorative justice focuses on the harm done, on the victim’s needs, on the obligations created by the harm, and on justice that involves all those with a stake in repairing the harm:

### Criminal Justice Views

- Crime is a violation of the law and the state.
- Violations create guilt.
- State-administered justice decides on blame and imposes punishment.

### Criminal Justice Questions

- What laws were broken?
- Who broke the laws?
- What do they deserve?

### Restorative Justice Views

- Crime is a violation of people and relationships.
- Violations create obligations.
- Justice involves victims, offenders, and community members in efforts to make things right.

### Restorative Justice Questions

- Who has been hurt?
- What are their needs?
- Who has obligations to meet the needs?

We have become so accustomed to courtroom dramas that we may not realize how fully the attention, in a criminal case or a civil lawsuit, is on the abuser. Attorneys, judges and juries focus almost entirely on what the abuser did and the evidence proving that harm occurred. With sex abuse cases, the abused person, in a sense, is just “evidence.” The harm resulting from the abuse and the ways to repair that harm are not a part of the proceedings.

Restorative justice has a different focus. It looks also at the needs that follow the abuse: needs for information, for ways to tell the story of the abuse, for empowerment to replace feelings of lost control, for acknowledgment of the harm done, for some type of restitution. It can consider psychological and spiritual harm. It can address the harm left behind when the abuser has died and the abused cannot confront abuser. It can address harm caused by omissions such as failure to restrain or remove the abuser, failure to adequately investigate charges, or failure to act at all in response to a report.

The application of restorative justice to redress clergy sex abuse provides a pathway that could perhaps yield greater healing and a wider, more lasting reconciliation and healing. VOTF is assessing this option, using the Healing Circles model of restorative justice.