

RESTORATIVE JUSTICE: THE POLITICS AND PHILOSOPHY OF AN ALTERNATIVE APPROACH TO CRIMINAL JUSTICE

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With over two million Americans incarcerated, many politicians are searching for ways to reform the criminal justice system. This paper examines how restorative justice—a philosophy rooted in obligation and redemption—can serve as a solution. Derived from indigenous tradition, restorative justice relies on community members to come together and offer a resolution to a crime, moving away from the traditional courtroom setting. The advent of liberalism, though often praised for its emphasis on toleration and freedom, has served as a source of the cruelty that currently informs penal policy. By following this approach, we can reform the criminal justice system from a place which upholds power and retribution to one which upholds relationships and communities.

*“When I heard the shots, I just started running.
I didn’t feel scared or even sad—I just felt ‘free.’”*

A middle-school student at St. Sabina Academy, located in the Chicago South Side, shared this recollection during a morning “peace circle” (after talking about his favorite NFL receivers). At that moment, everyone in the classroom, including myself, paused. For the students, the scene depicted initially felt neither shocking nor surprising; many had lost a family member or friend to gun violence. As for myself, the idea of anyone having to experience that, nevermind a mere 20 miles away from my home, stunned me. Although I could never fully relate, I did the only thing that, at the time, felt appropriate: listen. Listen to the student recount his story and explain how grateful he felt to have his life. Listen to the other students offer their opinions. The entire class, together, felt a commitment to honor each other’s thoughts and appreciate their worth.

As an intern for the John Marshall Law School Restorative Justice Project, I facilitated some of these peace circles, where we discussed topics ranging from violence and racism to values and goal-setting. Through circle discussions—a seemingly simple yet powerful practice—we engaged in productive discourse, meaningfully listening to what each person offered and responding accordingly. Whether that meant a verbal response or even a simple nod, we found ways to connect and show that connection with one another, transcending age, race, and class divisions. Together, we grew closer and became the best versions of ourselves. The power of peace circles lies not only in their ability to promote emotional growth, but in their ability to promote a sense of obligation and responsibility amongst their participants. It is precisely this emphasis on responsibility which informs the current restorative justice movement.

Over the last decade, many Americans have grown to recognize the broken realities of the criminal justice system, particularly its unreasonable emphasis on punishment, absence of true responsibility, and overall lack of any sense of humanity. Focused heavily on retribution, our

criminal justice system operates under the assumption that imposing the maximum punishment on the offender will heal the victim, often ignoring how the crime—and the sentencing—has affected the community. The fact that 28 states still endorse death penalty laws, justified under their supposed “healing powers,” only furthers this point (Death Penalty Information Center). Restorative justice, however, poses a solution. Finding roots in the tribal practices of Native Americans, restorative justice aims to achieve a more meaningful form of accountability, building a harmonious society where people treat one another with respect. At its core, establishing interaction between offender and victim can help bring about the “greatest good” (Sapir 2007, 211). By reclaiming past traditions and using restorative techniques like sentencing circles, communities can reform our criminal justice system and current conception of “justice” from institutions that value guilt and punishment to ones that uphold redemption and obligation. In doing so, we can promote a common good and strengthen communities, moving away from the social apathy and retributive mindset that has marked American liberalism.

A Historical Examination of Restorative Justice

Restorative justice can trace its beginnings to the aboriginal groups in pre-modern societies. Navajo peacemaking, while not a duplicate process, displays similarities to the current restorative justice movement. After a dispute, the injured party meets with the perpetrator, demanding not just material compensation but “a readjustment of the relationship” between the two (Johnstone 2011, 37). Navajo tradition dictates that one cannot coerce another to accept a decision—an act considered “witchcraft”—so the two groups enlist the aid of a respected community leader (“naat’aannii”) to mediate, like a judge, the proceedings (Johnstone 2011, 37). However, instead of summoning a jury, the naat’aannii—the peacemaker—calls on the interested parties’ families and clan relations to help reach a conclusion. Rather than face judgment from strangers, both groups will be assessed by those who intimately know them, leading to a more productive and reflective meeting. From this point, the group constructs a reparative plan of action, which, in Navajo tradition, often involved compensation such as the delivering of cattle for sexual assault cases (Johnstone 2011, 38). When criticizing such a seemingly basic solution, outsiders fail to note the act’s symbolic significance. James Zion and Robert Yazzie (1996, 168), restorative justice proponents, explain how “the act of delivering cattle as compensation is visible in a rural community...It reinforces her [the victim’s] dignity and tells the community she was wronged.” For Zion and Yazzie, critics should not look to the punishment itself—cattle delivery—but rather the more meaningful impact it had on community mindset.

The Native justice system, by no means perfect, nonetheless demonstrates a significant difference from the current punitive system in place. According to the Sentencing Project (2019), an organization dedicated to reduced incarceration, researchers report that American prisons contain approximately 2.2 million people—a 500 percent increase over the last 40 years. Worse, these numbers disproportionately affect those of minority backgrounds. While recent trends prove alarming, they indicate a larger trend about the role of government in relation to punishment. As explained by United Kingdom law professor Gerry Johnstone (2011, 32), the centralization of government power brought about state-sponsored punishment: “In the hands

of ‘the state,’... punishment became restricted to the individual wrongdoer. And the severity of punishment came to be based on the wrongdoer’s guilt.” Johnstone’s theory supports the idea that pre-modern societies did not necessarily endorse a centralized criminal justice system but rather a system which placed the individual and community at the forefront. Under Navajo peacemaking, individuals sought restitution through each other and community leaders—a distinct departure from the current era, as outlined by Johnstone. It must be acknowledged that indigenous practices did, at times, resort to harsh physical punishment and banishment when mediating conflict (Johnstone 2011, 39). However, their fundamental beliefs illuminate the idea that justice once belonged to the community.

It is this essence—the transition to the community—that the restorative justice movement seeks to recapture. In 1974, Canadian probation officer Mark Yantzi, frustrated with the usual methods of punishment, sought an alternative approach for two young men who had pleaded guilty to vandalizing 22 properties (Johnstone 2011, 2). Instead of imposing a fine or mandated community service, Yantzi ordered the two individuals to meet their victims and write a report describing the harm they inflicted. The Victim Offender Reconciliation Program, inspired by this act, gained traction in the ‘70s and ‘80s, and in 1994, the American Bar Association endorsed and recommended the practice of victim-offender mediation in courts throughout the country (Sapir 2007, 211). While interaction between perpetrator and victim serves as the first step in the restorative process, proponents argue that we need to go further, inviting the community to partake in the procedure. Similar to Navajo peacemaking, participants sit in a circle facilitated by a mediator, where each person—as long as they hold the “talking piece”—may speak, ensuring that individual opinions will be listened to and respected (Sapir 2007, 219). At the conclusion, the offender must accept the circle’s final decision. By integrating community members, circles “build a sense of unity through a ‘shared responsibility in finding constructive resolutions’ which are in everyone’s best interest” (Sapir 2007, 221).

Rediscovering and Reinstating Obligation and Redemption

The notion of a “shared responsibility” has been diminished across American society, adding to our flawed conception of justice. In reflecting on current affairs, Mother Teresa explains, “if we have no peace, it is because we have forgotten that we belong to each other.” The criminal justice system reflects that sentiment, viewing crime as a “violation of the law and the state” instead of as a “violation of people and relationships” (Sapir 2007, 215). The American obsession with laws and rights epitomizes this dichotomy. Mary Ann Glendon, former United States Ambassador to the Holy See (Vatican City), argues that society, specifically American law and government, places too significant of an emphasis on individual rights instead of “civic responsibilities” (Glendon 1991, 76). As society became increasingly liberalized and focused on loosening restrictions, the public, in turn, lost a sense of obligation to one another. The stress on the preservation of rights reduced the role of the community. Using the no-duty-to-rescue rule—a law protecting a civilian from assisting an endangered person—to illustrate her point, Glendon believes “American law has failed to develop a more expansive conception of what citizens owe to another, individually and collectively” (Glendon 1991, 77). Such a trend has resulted in a conception of justice which omits obligation and redemption from its definition.

Restorative techniques, as discussed earlier, reinstate these two terms—obligation and redemption—back into the mainstream conversation about justice. Serving as the “gold

standard” for restorative justice, Chicago public defender Jeanne Bishop’s experiences embody this effort. On a 1990 Palm Sunday, Bishop learned that her younger sister Nancy, along with Nancy’s husband and their unborn child, had been brutally murdered (Bishop 2015, 10). In her final moments, Nancy crawled to her husband’s dead body, using her blood to draw a heart and the letter “u” on the basement floor. Inspired by this act of love, Bishop viewed the message as encouragement to confront and reconcile with her sister’s killer. Upon meeting him for the first time, she writes in her memoir:

He had loomed larger than life in my mind, and now, here he was in the flesh, startlingly human. This is not a monster, I thought. This is a man. How foolish, the way I had mythologized him! In the years since Nancy’s murder, I had turned him into this fiend, a savage too frightening to ever let out of prison. He was the person who, when my children were born, I feared would somehow come lurking in the night and try to hurt them. How had I ever given him such sway over my imagination? I saw in these surroundings how powerless he was. He was caught, as helpless as an animal in a trap (Bishop 2015, 115).

Bishop’s experience exemplifies what the restorative justice movement signifies, specifically the recognition that all humans have dignity and that society has a responsibility to uphold that dignity. By engaging with the offender, she expanded her capacity to empathize and ultimately feel a sense of closure toward the crime. The statistic that 2.2 million people reside in American prisons indicates the idea that certain individuals are unworthy of redemption—an idea that the restorative justice movement denounces. Bishop’s acknowledgement of her killer’s humanity and the duty she felt to reach that point represent the first steps in establishing a harmonious society.

Reforming the Current Criminal “Justice” System and its Philosophical Underpinnings

Enacted in 1953, the Ohio Penal Code, like so many other State laws, illustrates the misconceptions American society holds about crime and punishment. Title 29, focusing on criminal procedure, outlines the sentence a person may receive for committing a particular crime, such as an indefinite prison term for First and Second Degree Murder or a mandatory six years for using an automatic firearm during that offense (2929.14 Definite Prison Terms 1953). Illuminated in the Ohio Penal Code’s language is how society has come to view crime, specifically as a violation of the State rather than as a violation of people and relationships. Emphasizing law and order, the Code goes so far as to explain how imposing consecutive sentences, if appropriate, can serve as a tool to “punish the offender” (2929.14 Definite Prison Terms 1953). Despite aiming to protect the public, the rules fail to note the victim’s wishes and the broader impact the crime may have inflicted on the community, only paying attention to the offender’s punishment. The restorative justice movement, by maintaining obligation and redemption, seeks to reform this issue and ultimately return a sense of humanity to our prison system. Through restorative justice, society can counter the liberal philosophy which has given rise to the retribution that informs the current criminal justice system, specifically the death penalty. Understanding these historical and philosophical trends will allow us to recognize how restorative values possess healing powers and can overcome the apathy harbored toward criminals.

The Rise of Retribution

Although society lauds liberalism for its emphasis on fairness and tolerance, in reality, it has served as the source of cruelty that rules over the 2.2 million people who reside in American jails. Italian philosopher Cesare Beccaria intimated how liberalism could foster “cruelty” in his 1764 treatise *On Crimes and Punishments*. For Beccaria, he observed cruelty persisting within liberalism in two contexts: the juridical sphere and the economic sphere (Baruchello 2004, 306). Concerning the criminal justice system, Beccaria believed that the institution of punishment, used in society to instill order and fairness, could never be entirely separated from brutality. He writes, “is the punishment of death, really useful, or necessary for the safety or good order of society? Are tortures and torments consistent with justice?” (Beccaria 1872, 45). He does not necessarily view punishment as negative per se; however, to remain effective, it must be “grounded in the beneficial spirit of the laws, so its cruelty remains tolerable,” meaning corrective measures should focus, to some extent, on promoting a “greater good” (Baruchello 2004, 307). With regard to the economic sphere, Beccaria felt that the right to property established within liberalism also leads to cruelty. In his chapter on robbery, he argues how theft is derived from the “misery” and “despair” caused by the competitive free market (Beccaria 1872, 81). The emphasis on property in the liberal paradigm creates conditions that enhance pauperism, ultimately leading to theft and, in turn, punishment (Baruchello 2004, 308). It must be acknowledged that Beccaria himself supported liberalism—in fact, current world leaders invoke his treatise when promoting penal reform. However, despite favoring liberal principles, Beccaria himself recognized the ways cruelty could prosper within the liberalized State.

On the contrary, the idea that cruelty can exist within liberalism seems to contradict the very principles of liberalism itself. Specifically, the increasing rate of incarceration in the United States seems to conflict with the classical liberal ideals which emphasize the importance of individual rights in the face of state and federal power. Now, this idea does not endorse, or even suggest, that the government should not play a part in addressing the harms caused to other citizens. Nevertheless, the existence of mass incarceration and excessively punitive measures appear surprising, given the Constitution’s prohibition against “cruel and unusual punishment.” However, Keally McBride, an American political science professor, explains how a closer investigation of the social contract theory reveals a correlation between the current state of the criminal justice system and liberalism. Punishment, McBride argues, enforces the terms dictated by the liberal social contract, precisely in establishing its “comparative strengths: a veneration for individual rights and circumscribed state power” (McBride 2007, 104). As explained by John Locke, the social contract requires citizens to enter an agreement where they promise to abide by the rule of law. Social contract theory grounds itself in the idea that it is derived from natural rights, whereas McBride believes punishment allows individuals to fully enjoy the benefits granted by the social contract (McBride 2007, 104). Because no “physical” contract exists—the principles outlined in the agreement represent an “abstract existence”—the State, from the beginning, relies on (excessive) punishment to give rise to the accountability that serves as the foundation of the social contract and American penal practice, in general (McBride 2007, 105).

Inherent within the American criminal justice system is the liberal notion that humans are “unencumbered” selves, equipped with the capacity for personal choice and participation in the

market. Similar to Beccaria, McBride notes how the “right to property” contributes to the stringent sentencing procedures that we currently observe: “the decline of the welfare state and the growth in incarceration both emphasize individual choice and the private freedoms of the market” (McBride 2007, 123). For McBride, while a free market can certainly uphold individualism, this “freedom” also brings about economic disparities, causing “fiscal insecurity and instability” (McBride 2007, 123). These disparities, coupled with polarized income levels and loosened regulations, create a fear of crime and more importantly, an unequal society. When inequality and instability arise, McBride argues that society feels safer when the government enacts stricter enforcement regulations, explaining why the United States, a liberalized country, leads the world in incarceration numbers.

It is precisely this instability and insecurity—generated by liberalism—which has given rise to the retributivist vision that governs the criminal justice system. Nowhere is this more clearly articulated than the institution of capital punishment. Besides being racially biased and “cruel and unusual,” the death penalty, like the Ohio penal code, reflects what is missing from the criminal justice system: a lack of obligation and the belief that some humans are unworthy of redemption. Finding roots in the Old Testament’s “eye for an eye” principle, retribution advocates, concerning capital punishment, for “those who commit the most premeditated or heinous murders should be executed simply on the grounds that they deserve it” (Borg and Radelet 2000, 52). Such an impassioned philosophy, influenced by liberalism, holds no place in a system that prides itself on neutrality. Nonetheless, retributive aims continue to influence policy, as evidenced by mass incarceration and the fact that 28 states still endorse capital punishment.

Transitioning from Retribution to Restoration

Despite these trends, restorative justice can reduce the role retribution plays in the prison system. When arguing for a death sentence, capital punishment proponents often cite the need to consider the families of homicide victims, believing the offender’s death will alleviate the family’s anguish—an integral component of retributive thought. However, upon closer investigation, the death penalty offers less to families than previously imagined. Capital punishment verdicts undergo many appeals and stays before the execution date arrives, causing the victim’s family additional harm and trauma (Borg and Radelet 2000, 53). In 1976, the Murder Victims Families for Reconciliation (MVFR) was established to address how American penal laws fail to consider the many other parties—families, friends of families, and community members—impacted by a crime (Borg and Radelet 2000, 53). Addressing these additional groups represents the first steps in the restorative process, specifically allowing each party to share their grievances. Yvonne Baker, an undocumented Chicago resident, was jailed and subsequently deported to Jamaica after a drug trafficking conviction. However, what the courts failed to highlight during her sentencing were Baker’s battles against poverty—her struggles to support her infant child and husband afflicted with Alzheimer’s disease (Brook 2015, 107). Baker’s lawyer, Carol Brook, asks, “what if, instead of jailing Yvonne...the criminal justice system brought Yvonne together with members of the community where she was selling drugs and let

them all talk together?” (Brook 2015, 110). Such a policy would address the concerns the MVFR raises and ultimately reduce our retributivist way of thinking.

More importantly, practicing restorative justice can change the way society views criminals in the prison system and how the system treats them. In 1982, Sister Helen Prejean became the spiritual advisor to Patrick Sonnier, a man convicted of killing a teenage couple and sentenced to death in Louisiana’s Angola State Prison (Prejean 1993, 15). By writing to and visiting Sonnier, Prejean often felt she had betrayed his victims, taking his side over theirs. However, upon learning more about Sonnier and visiting him, she realized a critical idea about her beliefs on punishment:

If someone I love should be killed, I know I would feel rage, loss, grief, helplessness, Perhaps for the rest of life. It would be arrogant to think I can predict how I would respond to such a disaster. But Jesus Christ, whose life I try to follow, refused to meet hate with hate and violence with violence. I pray for the strength to be like him. I cannot believe in a God who metes out hurt for hurt, pain for pain, torture for torture (Prejean 1993, 21).

Prejean’s realization demonstrates the power restorative justice holds in combating the retributive criminal justice system informed by liberalism. By recognizing the cruelty abundant throughout the prison, Prejean understood the need to acknowledge Sonnier’s humanity and see how the current system robs inmates of that humanity.

Restorative Justice and the Role of the Community: Is the Current State of the Community Strong Enough for Restorative Techniques?

Founded as a movement to counter our criminal justice system’s retributivist mentality, restorative justice, as established, relies on community members to come together, offer a solution to a crime, and inject a sense of obligation and redemption into society—however, is the current state of the community strong enough for such a philosophy? While restorative justice proponents argue that victim-offender mediation and sentencing circles will strengthen communities, critics question whether community members would willingly participate in these activities. Specifically, they believe that our communal bonds are simply not as strong as they once were for such techniques to be effective (Johnstone 2011, 40). With increased suicides, divorce rates, and a general breakdown in the family unit, these concerns seem especially relevant (Pew Research Center 2015). After all, how can we expect to restore any sense of obligation when our communities appear fundamentally broken? Although the situation seems dire, restorative justice critics—as well as American government and law, in general—forget the significant interpersonal ties that shape and define the modern citizen’s life. Restorative techniques, on the other hand, recognize and uphold these relationships, and in doing so, they demonstrate that the current community is strong enough. That being said, proponents understand the importance of building communal interest in restorative justice, and to do this, leaders support enforcing a comprehensive education plan and fostering an open atmosphere to discuss the restorative process.

Comparing Our Modern Societies to Those of the Past: What Have We Lost and What Have We Retained?

Admittedly, our current communities do display critical differences from the pre-modern societies, specifically Native American and indigenous groups, that have given rise to restorative practices. Proponents of Navajo peacemaking believe, by using the “emotional bonds” that exist between a person and the community, offenders and victims would willingly enter into a productive conversation to resolve the issue at hand (Johnstone 2011, 41). As explained by Johnstone, coercion plays no role in the process because “Navajos apparently will, with a little help and persuasion, meet the obligations to the community because retaining close ties to the communities is for them equally important” (Johnstone 2011, 41). These techniques proved successful for Navajo individuals because they shared regional, cultural, and linguistic identities—a sentiment not seen in our modern, globalized nation. Unlike indigenous groups, modern cities and even rural areas do not exhibit the same attachment and reverence to communal ties, making, according to critics, restorative techniques challenging to execute. Now, this idea does not suggest that society has become entirely individualistic in terms of its goals and work ethic. Johnstone emphasizes that, similar to the Navajos, we are practically “just as interdependent,” relying on the goods and services provided by others (Johnstone 2011, 41). Nevertheless, the depth and strength of current communal relations seem to pale in comparison to those of our predecessors.

Part of the reason for this shift, restorative justice critics believe, is due to the rise of industrialization and urbanization, dating back to at least the 18th century. German sociologist Ferdinand Tönnies illustrates this in his 1887 essay *Community and Society* (*Gemeinschaft und Gesellschaft*). For Tönnies, community—or, as he writes, “*Gemeinschaft*”—refers to an “intimate, private, and exclusive living together,” grounded in the family unit or a neighborhood in a pre-modern society (Tönnies 1963, 33). *Gemeinschaft* characterizes itself as “organic,” exemplifying emotional bonds, shared history, and unity—qualities that Navajo peacemakers relied upon and qualities that are necessary for a productive community sentencing circle. However, society (“*Gesellschaft*”), according to Tönnies, represents the departure from these intimate living arrangements to a society marked by individualism and monetary exchanges (Tönnies 1963, 34). This transition, hastened by urbanism and industrialism, decimated the prevalence of communal values, rendering, as some may argue, restorative justice techniques implausible. A close analysis of American industrialization also seems to indicate a similar trend to the one outlined by Tönnies. In “Opportunity in the Promised Land,” American historian Christopher Lasch (1995, 59) explains how, after the American Revolution, the country viewed opportunity—the American Dream—as a “matter more of intellectual than of material achievement.” With industrialization, however, this definition of opportunity shifted to one focused on material gain and individualism, demonstrating similarities to Tönnies’ assessment of *Gesellschaft*. It is precisely the transition from *Gemeinschaft* to *Gesellschaft* and intellectual opportunity to economic opportunity which, according to restorative justice critics, indicates that the current community cannot effectively facilitate restorative techniques.

Despite this, evidence suggests that the current community does have the ability to foster such techniques. While critics believe we have lost a sense of community, upon further investigation, we can observe that society is much more communitarian than previously imagined (Johnstone 2011, 41). Restorative justice does not depend on the viability and strength of a geographic community to achieve mediation between a victim and an offender. Rather, it can use the personal communities of both the victim and offender to accomplish its mission: developing a redemptive and obligatory culture in the criminal justice system (Johnstone 2011, 41). This idea does not attempt to persuade that modern society parallels the societies of the pre-Industrial Revolution ages—the “homogeneous village community” has undeniably declined (Johnstone 2011, 42) However, Australian criminologist John Braithwaite (1993, 13) argues that, while smaller, the modern family is much more communitarian than its pre-industrialized counterparts. He writes:

The contemporary city-dweller may have a set of colleagues at work, in her trade union, among members of his golf club, among drinking associates he meets at the same pub, among members of a professional association, the parents’ and citizens’ committee for her daughter’s school...There are actually more interdependencies in the nineteenth-and twentieth century city; it’s just that they are not geographically segregated within a community.

Of course, Braithwaite recognizes how a geographical community, such as the ones seen in Navajo tribes, would remain ideal throughout the restorative process. Nonetheless, the modern person’s extensive network makes restorative techniques feasible and meaningful in our current age.

Given these interpersonal relationships, it may seem surprising that critics view the community as unable to sustain restorative justice practices. However, like restorative justice critics, American law and government also fail to recognize how these relationships shape and define personal growth. In “The Missing Dimension of Sociality,” Glendon (1991, 109) describes how the American “rights” obsession causes us to neglect the “human dimensions of personhood.” This “neglect” makes it difficult for the government to truly understand the impact communities, families, and religious associations hold. To illustrate her point, Glendon uses the Kauai Study, which found that children raised in poor homes utilized community resources like the YMCA to lift and empower them (Glendon 1991, 109). Interestingly enough, the study determined that neither social service agencies nor mental health professions had nearly as much of a positive impact as groups like the Boy and Girl Scouts of America. For Glendon, a government focus on these communal social structures can assist struggling families while reinvigorating communities (Glendon 1991, 132). Through this example, it becomes easier to understand why restorative justice—a philosophy that relies on community engagement—has struggled to gain widespread support. Because American society places little emphasis on these interpersonal connections, initiatives like the restorative justice movement can become easily dismissed.

How to Effectively Advertise Restorative Techniques

To build community support for restorative measures, proponents suggest instituting an education plan to inform the public about the subject and creating an open dialogue where community members can share their possible reservations toward the issue. Kay Pranis, the former Restorative Justice Planner for the Minnesota Department of Corrections, argues that these plans will illuminate the movement's goal of shifting our "social institutions from power-based structures and practices to relationship-based structures and practices" (Pranis 1995). For education, the challenge lies in encouraging civilians to think about crime from a restorative mindset instead of a retributive one. To accomplish this, Pranis recommends public speaking events, the distribution of written materials, and radio/television interviews to reach a broad audience (Pranis 1995). What remains crucial about these education pieces, however, is that they incorporate personal experience stories, giving victims and offenders the opportunity to share how the restorative process has impacted them. Equally as important as education is fostering an open line of communication. Pranis emphasizes the importance of "finding allies on both ends of the political spectrum" and especially listening to those who raise concerns about the movement's viability (1995). Because restorative justice prides itself on community involvement, allowing opponents to raise objections and more importantly, listening to those objections will represent the first step in constructing these communities.

Conclusion

More than just reconciliation, restorative justice, through victim-offender mediation and sentencing circles, offers the chance to create a progressive definition of justice, reform the criminal justice system, and revitalize communal affairs. Proponents must remember that restorative techniques are difficult; meeting with an offender requires strength and more importantly, suffering. However, moving away from retributive ideals and cruel punishment, while reinvigorating the community, will also prove difficult. Yet, as outlined, the modern person's community consists of many interpersonal relationships, exemplifying the ways restorative justice can work in an industrialized society and help us embrace, according to Pranis, a "relationship-based" system. Through observation of indigenous practices, including community members in sentencing procedures will not only develop social awareness but indicate a return of the much-needed values of obligation and redemption into the language of criminal justice reform.

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