

Looking for an Alternative: Sken:nen A'onsonton

Part II: Restorative Practices

Last time, we looked at Restorative Justice as a way of dealing with matters outside the courtroom, and that crime and conflict results from the breakdown of relationships. With that in mind, let's take a look at the philosophy of Restorative Practices, how it applies, and most importantly, how this relates to Kahnawake.

In western justice, crime is seen as an act committed against the state, with focus on punishing the wrongdoer. The idea is that by punishing the offender, the victim and community achieve justice. For example, a man robs a store, and is caught on camera. He's arrested, charged, and sent to jail. Let's say he has a wife and two kids. In this situation, his family is also the victim of his actions, as he is away in jail. The storeowner has insurance to cover the robbery, but is left feeling very angry, and the store worker is fearful another robbery will happen. The man is punished and sent to jail, but nothing is done to deal with the larger impact the crime had on the community.

Restorative Justice isn't only focused on the relationships between individuals, it also refers to the breakdown of the relationship people have with their community. From a Restorative Practice point of view, *crime happens when people don't feel connected to other people*. As a result, they don't realize the impact their actions may have on others, making it easier to commit a crime. With Restorative Justice, the goal is an immediate and meaningful resolution to an offense, with preventative measures to help reduce the likelihood of a repeat offense, and to repair the harm that has been done to the community.

Getting people talking is key, but what would the process look like? In the same situation as above, let's say the storeowner and offender agree to the Restorative Process instead of going through court. A justice forum is held, and there is an agreement reached. The offender will return the money or merchandise stolen, and will also work 50 hours over 3 months doing maintenance work in the store. The offender gives an apology to both the storeowner and worker. Rather than simply going to jail, the offender meets with the victim(s), and they came up with a solution they are satisfied with. The man's family does not lose him to jail, and the work the offender does improves the store. The situation is win-win for all involved, and the offender is still held accountable. The offender sees firsthand the impact of his actions; a relationship is established, reducing the likelihood of a repeat offense.

Critics of Restorative Justice will often say it's the "soft approach", but does locking people up really work? Does it prevent people from re-offending? We've all heard that people only learn to be better criminals by going to jail. Restorative Practices aren't limited to crime; it's a philosophy that's also been successfully applied in school systems all over the world. If we are going to survive as a community, we need to have a justice system that benefits us as a community. Do we really want justice in Kahnawake to be a mirror image of the outside system? How about the education system? We're used to the system of punishment and it can be hard to see past that, but Restorative Practices share many similarities with our own culture, and is a philosophy rooted in our own values.

For more information about Restorative Practices, call the Court of Kahnawake at 450-638-5647 to speak to Dale Dione-Dell ext. 224, or Davis Montour ext. 231.