

Restorative Justice Vs Retributive Justice

The criminal justice system is retributive and focuses on establishing guilt and punishing the person who broke the law.

Retributive justice is based on three questions:

1. What law was broken?
2. Who broke the law?
3. What is the punishment?

On the other hand, restorative justice is a dialogue-driven approach that restores victims, offenders and community members who have been harmed by crime. Ideally, each stakeholder should be actively involved in the justice process.

Restorative justice is based on a different set of questions:

1. What is the harm?
2. How do we repair the harm?
3. Who is responsible for repairing the harm

Restorative Justice

Crime is a violation of people and relationships

Violations create obligations

Justice requires victims, offenders and community members in an effort to make things right

Central focus: meet needs of person harmed, primarily by the person who caused the harm

Retributive Justice

Crime is a violation of the law and state

Violations create guilt and require someone to blame

Justice requires the state to determine guilt and impose punishment

Central focus: offenders get what they deserve