

PERSPECTIVES

GUEST COMMENTARY

Rebalance with restorative justice

By Jennifer Larson Sawin and Christy Barbee

Much has been said about the tragic fate of Phoebe Prince. That it was senseless. That it is a reflection of our society and its skewed mores. That it was preventable. That adults let her down.

Since the sentencing of the five young people found guilty of harassing her until she took her own life, public discourse has fallen along two sides of an oversimplified line: On one, that the five are hateful, base monsters who should have been jailed to set an example. On the other, that they are children who knew not what they did, that they have already "paid" for their gross misbehavior and that probation gives society its due while underscoring the lessons for them and any who might emulate them.

Both of these responses seek the same thing: rebalancing. Yes, the harm done to Phoebe caused a power imbalance that left her without hope and her tormentors with the upper hand. The question becomes, do we seek a rebalancing of power through punishment and a pound of flesh, regardless of what a victim's family wants? Or

do we seek a rebalancing through restorative justice by asking a family what they need and by calling upon those who hurt the victim to step up and do the right thing?

For an offender, doing the right thing in our criminal justice system can be an uphill battle. With few exceptions, those facing charges are represented by attorneys who speak for them. Offenders say as little as possible so that the prosecution carries the burden of proof. Similarly, while victims are permitted to make a victim impact statement — as Phoebe's mother did so eloquently — they are rarely afforded the chance to ask questions directly of the offender and seek answers.

Restorative justice is one way to promote both accountability of the offender and to get answers for the victim. It's quietly practiced in many places throughout the United States, including in Chelsea, where Roca engages youth skating on the edge of crime, and holds them to account. Our organization, Communities for Restorative Justice, partners with police and offers restorative justice to victims, offenders and loved ones in nine communities of Greater Boston. Police

recognize restorative justice as a way to achieve offender accountability and higher victim satisfaction.

Restorative justice can be a powerful response to harassment because it addresses that awful power imbalance by validating for the victim that she has indeed been wronged and did not deserve the treatment. As bullying experts like Barbara Coloroso (who consulted with South Hadley High School) have said, restorative justice says to victims, "We hear you, we believe you."

It can also be a transformative process for offenders, especially young people with their still-developing frontal lobes, to do the hard work of making amends, examining their behavior, and building empathy. Through restorative justice, offenders answer victim questions directly and may write letters of apology or perform service to honor the victim's wishes. To breathe the same air as one's victim, to see pain etched on a face can lead to the rebalancing that is so needed in the wake of crime.

Restorative justice does not occur in the public eye; had Phoebe's tragedy been addressed through a

restorative process, the public might not have had the show it craved. But those directly involved might have gained a great deal.

In the year and a half since Phoebe died, blame for the age-old phenomenon of bullying has been placed on media that glorify one-upmanship, and on parents who create bullies, either by their own abuse or through example. Nearly every week in the commonwealth there is a conference or workshop about the causes of bullying and on what to do about it in the schools. A great many adults are determined to save children — bullies, targets, and the bystanders who observe them — from the words, deeds, reactions, and counter-reactions that dominate their worlds.

That's a daunting task. We urge lawmakers, schools, the courts, and law enforcement to learn more about how restorative justice can achieve balance in the wake of wrongdoing.

Jennifer Larson Sawin (jlarsonsawin@carj.com) is executive director of, and Christy Barbee (cbarbee@carj.com) is chief case coordinator of Communities for Restorative Justice (www.carj.com).