

American justice system needs reform: Punitive justice too harsh, restorative justice allows for reconciliation, reform

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FULL TEXT

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The American justice system should switch to a restorative system, rather than a punitive one. I Pixabay Schools around the country are taking a new approach to discipline, and it seems to be working.

For decades, teachers and administrators responded to bad behavior with punitive justice. Fighting, bullying, and other misconduct would result in detentions, suspensions, or even expulsions..

Now, schools are using a new method called "restorative justice." Instead of earning punishments, students must solve the problems caused by their actions. This type of justice strikes at the heart of social problems in schools rather than dealing with them on a surface-level. These new methods have proven effective in improving student behavior.

Our criminal justice system can learn a lot from these innovations. Up to now, it has almost exclusively used punitive justice. Effectively, our legal framework works to put people in prison rather than reduce crime and rehabilitate citizens. Instead, it should incorporate restorative models to better address crime.

Last year, President Donald Trump signed a bipartisan bill, the First Step Act, which eased the standards by which prisons evaluate convicted criminals. As a result, more than 3,000 Americans were released and officials redirected \$75 million to programs focused on rehabilitating inmates. This is a small but important step in the right direction.

Punitive justice works to reduce crime by calculating costs and benefits. Its proponents, who shape the way Americans view justice, claim the best way to reduce criminal activity is through long sentences and large fines. It ignores the needs of victims and promises a one-size-fits-all solution. Its side effects include millions of citizens facing harsher-than-necessary sentences.

Restorative justice, the alternative, is a multi-faceted approach to the problem of crime. Instead of the dogmatic pursuit of punitive action, it emphasizes preventative, anti-poverty measures, community education, victim compensation, and rehabilitation of offenders.

Crime is often a response to social situations outside of an individual's control. In "Politics," Aristotle observed, "Poverty is the parent of revolution and crime." Restorative advocates think he was right.

The restorative approach understands crime in a social context that punitive systems do not.

Annually, states and the federal government spend \$81 billion on the prison and jail systems alone. A restorative approach would spend most of this money on preventative measures such as education, rehabilitation programs for newly-convicted individuals, and direct reparations for victims.

Punitive justice hurts victims as much if not more than criminals. At least two-thirds of victims report they're unsatisfied with prison sentences; a restorative framework addresses their needs through immediate service or financial help.

Imagine someone breaks into your store-front, destroying property and stealing expensive items. Under the current system, those items will be returned to you if they can be found. Though the property wreckage may be partially

addressed by insurance, the emotional trauma doesn't just go away.

A restorative response would place the responsibility on the criminal to rectify this. A convict would pay some sort of criminal alimony to compensate the victim while enrolling in aggressive probation and rehabilitation. Social workers would check in with convicts multiple times per week, working with them to rebuild a productive life.

An offender can also participate in the direct repair of the victim's property. The perpetrator could work with a construction team, supervised by a security guard, to fix damaged property. This is the most common-sense answer, and one often applied to children.

Psychological studies have found that school children involved in direct reparative activities, like cleaning up their own messes, understand the costs of their actions better than children who receive a punishment unrelated to their action, like timeouts or detention. These children are also less likely to commit further offenses.

The prison system's greatest flaw, however, is its socializing effect on criminals. By restricting first-time offenders of minor, non-violent crimes to a social life comprised almost entirely of other offenders, the current system breeds recidivism and criminal networks. Instead, a restorative process emphasizes reconnection with the local public.

Community service projects and direct rehabilitation surround potential recidivists with friends and family who are directly interested in their rehabilitation. Social workers help dignify offenders by finding them a full-time job through mutual cooperation.

Implementing a restorative system would have a lasting impact on America's diverse communities. The categorical prison-solves-everything mindset disregards other solutions that can offer real justice for all.

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