

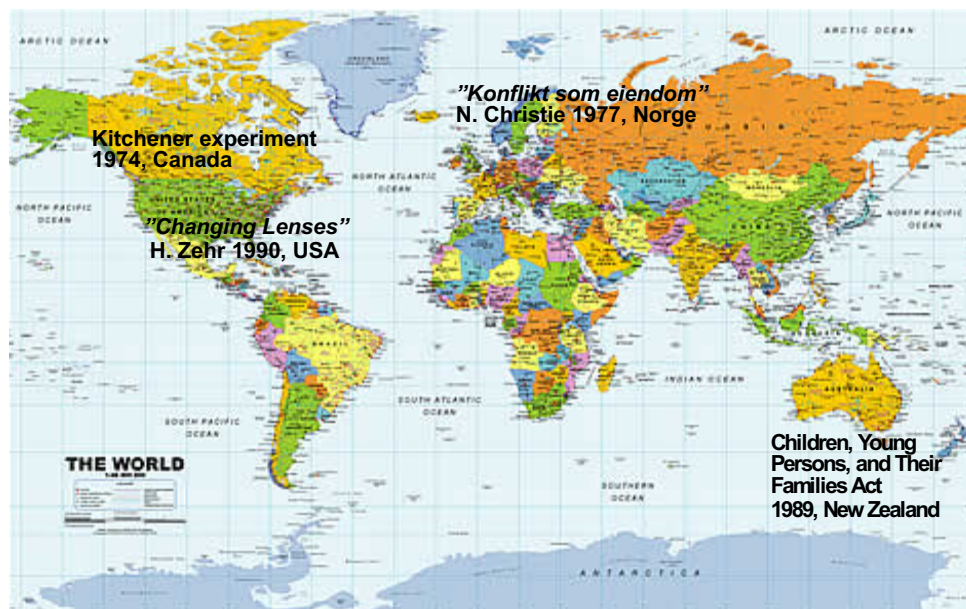


From Rule of Law to Rule of Love

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Different questions

Conventional proces

- What laws have been broken?
- Who did it?
- What do they deserve?

Restorative Justice

- Who has been hurt?
- What are their needs?
- Whose obligations are these?

Different process

Traditional proceedings

The state finds the guilty person and mete out a punishment

Restorative Justice

A process involving those who have a stake in the offense to collectively identify and adress harms, needs and obligations, in order to heal and put things as right as possible

Think back on a situation where you were
harmed

How did you feel?
What were your needs?

Needs of the victim

- Express anger towards the offender
- Ask the offender questions
- Tell the offender about the impact of the offence

Think back on a situation where you
harmed someone

How did you feel?
What were your needs?

Needs of the offender

- Explain to the victim (and others involved)
- Apologize to the victim (and others involved)
- Tell the victim that it will not happen again

Paul Leer-Salvesen

The relationship between offender and victim is not over when the assault has taken place.

Even if they live apart and may never see each other again, they will forever be related to each other. Especially if the assault has been severe.

Zehr:

"retribution seeks to balance by lowering the offender to the level to which that the victim has been reduced. It tries to defeat the wrongdoer, annulling his or her claim to superiority and confirming the victims sense of worth. Restitution, on the other hand, seeks to raise the victim to his or her previous level"

Mary Koss:

- "No victim should be forced to confront her perpetrator, but neither should she be denied the opportunity if she desires it"

Hundreds of RJ schemes and programmes are practised

- Research results indicate:

More satisfied victims

More satisfied offenders

Finansiel savings

Denmark

Victim-offender-mediation became an offer for all danish victims and offenders from the 1st of January 2010

- Substantial confession
- No limits concerning the coarseness of the crime
- Independently from criminal proceedings but organized by the police
- Can occur at all levels of of criminal proceedings: pre-court – after prison etc



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End of meeting with multiple victims, whose houses Ray has broken in to

Heather (victim): It is very commendable of Ray to participate in this

Stone (victim): This has been a positive experience. I hope you get your life together.

Harry (victim): I am hungry, I can't wait to get home.

Ray (offender): Thank you for letting me be who I am. I see this meeting as a sign of new times.

Joe (victim), sharply: All we need now is your apology, Ray

Ray (offender): I'm so very sorry.

Heather (victim): I hope we haven't been too harsh on you.

Joe (victim): Let's not make things too rosy.

Main positions

- The exemplary offender: regretting, repenting, showing concern for the victim and assuring the other participants of his plans for a lawful life
- The altruistic victim: showed charity and forgiveness by “downplaying” the crime and focusing on the rehabilitation of the offender

The Altruistic Victim

"I always have one employee in light job or flex job, and also one who is disabled, and I help to get them going. I think it is important, that those who have extra ressources, we use some for those, who do not have many ressources, so that is also why I think I should participate in a session like this" (Manager at a shop, 48 years old)

"I had just hoped that he'd been more humble toward us, because basically we haven't told him anything today that he doesn't already know ... he's the one who should be taking this to heart and, well, maybe I'd hoped he would have been a bit more humble and a bit more ... seemed a bit more sorry about what he'd done, I don't think he does, he's just sitting there and all Don Juan and no breakfast and ... can I borrow a smoke? And well, right?" (interview, victim, shop manager)

Offender interviewed about the benefits:

- Offender: “I’m at peace, there are so many stupid thoughts that I can let go, a relief of some kind, calm ... I mean, she has seen me with tears in my eyes now, and I think that’s also what’s brilliant about this”
- Offender: When I said yes to participating in VOM, I said yes to try to look myself in the eye, also to stop closing my eyes, but keep them open to get as much input as possible

Offenders in interviews after VOM:

- "A huge relief in my heart"
- "You can breathe more easily"
- "Like having had an elephant on top of you and then it's been, like, moved"

Patricia (Victim) after VOM

“I think it was good talking to him, right, and finding out how bad he felt about it and that it had really made him think right? That maybe he’ll take a different road, right?”

Edgar L. Doctorow:

- "When ideas go unexamined and unchallenged for a long enough time, certain things happen. They become mythological, and they become very, very powerful." (Dawes, 1994)

The Uncompromising Victim

- "I feel like he [the offender, red.] was almost worshipped, right ... we're usually decent people, right, so I thought we'd be the sort to sit around and say nothing, so I was very surprised that we were actually the only ones to ask anything critical, right, you know if I was Ray [the offender, red.] and I was a burglar, I wouldn't feel that I'd done anything wrong ... because nobody was upset or angry with him at all except us, right, I was really surprised at that" (interview, victim).

"I see it like this, I think I see it like there is at least one victim, who has some aggressions towards the burglar. The aggressions are attenuated during the meeting, because a common consensus rises that it is so good that the burglar takes responsibility (stå frem), it is so good, that the burglar will get on with his life, it is so good that we are ready to help this burglar on in his life, well in that consensus, there is a victim, who in my opinion has some difficulties with the situation, and during the VOM it is my impression, that the same person, maybe also another one, but at least him is suppressing his aggression to some extent, it is like something is hold back, that is how I experienced it" (journalist who participated as an observer)

Joe (victim) after VOM

"We're the aggrieved party, right, maybe we should have sat in a long row and he would have been made to sit up front with his caseworkers, like, this is us and that's him, well, now we know who he is, but actually, when you're sitting in a circle, who's who?"



Confessional ethos in Restorative Justice

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Short video presentation: <https://www.youtube.com/watch?v=Qazu7jyvTnA>

My key publications within this field:

<http://www.tandfonline.com/doi/pdf/10.1080/20504721.2015.1049870>

(journal, peer reviewed article: open access)

<https://www.bloomsbury.com/au/critical-restorative-justice-9781509906642/>

(chapter in book)

Other key publications within this field:

George Pavlich "Governing the Paradoxes of RJ"

Margarita Zernova "Restorative Justice"