Abstract
This paper forms part of the work in progress of a doctoral thesis that focuses on the contribution of the voluntary sector within the field of youth justice in Northern Ireland. The paper, which begins by introducing the general principles of restorative justice, goes on to discuss the traditional aspects and international development of the concept and how the restorative model has developed into an alternative paradigm of juvenile justice. Attention is also given to the involvement of the family and the wider community in a restorative approach.

The focus then moves to the informal justice systems operated by Loyalist and Republican paramilitary groups in the Province. Details are given in relation to the reasons for the existence of such systems, the nature of their operation and the effects of such paramilitary ‘rough justice’ on the young people involved. This section is followed by an exploration of recent developments in the restorative justice debate in Northern Ireland. Tensions between statutory initiatives and some of the voluntary and community sector groups who have established restorative schemes in an effort to provide an alternative to the informal system are highlighted. A brief case study of a Loyalist community sector initiative is included.

The paper then outlines the recent recommendations of the Criminal Justice Review Group’s interim report on the Criminal Justice System in Northern Ireland that suggests a restorative justice approach when dealing with young offenders in the future. However, the recommended approach, if fully implemented, will pose problems for the voluntary and community sector initiatives already working in this field.

The paper concludes by exploring how the practice of restorative justice has the potential to build social capital by helping to develop social trust and to establish networks that enable communities to help solve common problems such as youth crime.
INTRODUCTION

Literature on restorative justice agrees on some general principles that characterise the subject along the lines that Van Ness describes –

- Crime is primarily a conflict between individuals resulting in injuries to victims, communities, offenders and their relationships. Only secondary is it lawbreaking.
- The overarching aim of the criminal justice process should be to reconcile parties while repairing the injuries caused by crime.
- The criminal justice process should facilitate active participation by victims, offenders and their communities. It should not be dominated by the government to the exclusion of others.

(Van Ness 1999: 23)

Restorative Justice is by no means a new concept. Private dispute settlement is an ancient institution in Western cultures and the non-judicial resolution of conflict has dominated for most of our history (Davis 1992: 1-2). Crime was viewed primarily in an interpersonal context. Conflicts were usually settled outside of courts and within the victim’s and offender’s kin and community (Zehr 1990: 99-100). Only within the last 200 years has the system changed into the one that exists today and which views crime as a violation of laws, which has to be punished by the state.

Such traditions have been re-activated during the last 25 years. Restorative justice finds its modern origin in a number of American and Canadian schemes of the 1970’s called Victim/ Offender Reconciliation Programmes (VORPs). These programmes, often initiated by the Mennonite Church, aimed to bring victims and offenders, who agreed to participate, together to meet with a mediator and talk with each other. Both sides had an opportunity to express their experience, thoughts and feelings. The parties were also given the chance to negotiate their own restitution contract rather than having settlement imposed (Zehr 1997: 4). Within a relatively short period VORP schemes sprang up all over North America and Europe.
The theoretical concept, which developed from such work, became known as Restorative Justice. While the traditional “retributive justice” views crime as a violation of the state and its focus is on punishment of the offender, restorative justice views crime as a breakdown in relationships between offender, victim and community (Zehr 1990, p.181). Restorative justice is also a distinctively different model from the “rehabilitative approach”, whose primary objective is the treatment of the offender, but which sees individuals not as social actors but as objects (Walgrave 1995: 230).

The success of VORPs was partly due to the appeal its concept had to the different approaches within the criminal justice system. Supporters of punishment were attracted by the idea of offenders paying for what they have done and the exponents of the rehabilitative principle saw in mediation the possibility of helping offenders to develop a deeper understanding of the effects of their actions (Reeves 1989: 44). Most VORP schemes are working with juveniles. Although efforts have been made to expand this kind of work to include offences committed by adults, such work remains the exception. Most existing projects focus on property offences such as theft, damage and burglary (Marshall and Merry 1990: 103-104).

**Involvement of the family and the wider community**

The early concepts of restorative justice envisaged the involvement of the community as a party in the process. Restorative justice as a concept calls for the empowerment of the community (McCold 1996: 90). It is communitarian ideals such as public problem solving and citizen participation that underpin this approach to restorative justice (Bazemore 1996: 44). An important theoretical contribution to this model has been the idea of re-integrative shaming. This concept views not the fear of state punishment as the most effective method of deterrence, but the anticipated experience of personal rebuke from those we care about; the experience of shame. Shame can either be stigmatic, when it locates the ‘cause’ in the offender, or re-integrative, that is when it maintains the offender as an essentially decent person (Masters 1997: 237).

This “quest for community” (Davis 1992: 18) found its vehicle in the so-called Family Group Conferences (FGCs). They have been introduced as the main method to deal with juvenile offending in New Zealand in 1989. The approach of the FGCs in
New Zealand is rooted in the traditional justice process of the indigenous Maori people who actively involve offenders, victims and communities in their response to crime (Jackson 1998: 35).

The key difference between FGCs and VORPs is that FGCs include the wider community through the inclusion of families and other supporters of victim and offender in the direct meeting (Masters 1997: 239 – 240). This results in a broad discussion of all participants, which will also include a police officer and possibly other professionals, about the appropriate reaction to the crime. Such meetings normally take place for all offences with the exception of murder and manslaughter. This is in stark contrast to VORPs, who tend to focus on relatively minor offences (Morris et al 1993: 305).

Another important difference between the two models is that many of the FGC schemes operate as a substitute for the formal criminal justice process, while in most VORP schemes the encounter between victim and offender is in addition to court appearances or police cautions (Smith 1995: 159).

Some authors are very cautious about the potential of the restorative justice approach. It has been claimed, that the enthusiasm for indigenous justice systems, such as the one which inspired FGCs in New Zealand, is a fashion and irrelevant for a different cultural context (Brogden 1998: 15). However, this argument overlooks the fact, the restorative justice is not only inspired by indigenous systems but it is at the same time re-activating Western legal traditions. This is not to glorify forms of community justice that have the threat of violence attached to them (Davis 1992: 19). Community justice is simply a justice system that is controlled by the local community and it does not have to be restorative in its approach. Restorative justice has to be careful to use traditions of community justice only if they reflect restorative and non-violent principles.

It has been questioned whether alternatives to a punitive approach are acceptable to public opinion. Research suggests that restorative work that seriously addresses the needs of victims finds widespread public support (Wright 1989: 539). Perhaps the most serious question for the development of restorative justice as an alternative to
the established criminal justice systems, is whether the social divisions in areas suffering from economic decline and high levels of crime allow for enough moral consensus to run a system that is based on a re-integrative approach (Smith 1995: 156). However, one could argue that restorative models are not made possible through social divisions, but that they have to adapt to local circumstances. If they are applied in a way that addresses the social context: the social and political causes of crime, they also offer an opportunity for people to work together for more social justice. Obviously, the established system cannot be replaced at once by the restorative model (Jackson 1998: 46) but in theory, restorative justice could replace, in the long term, most of the existing system with only a small number of high profile cases being dealt with a retributive system in order to retain a symbolic element of norm-clarification in the criminal justice system (Davis 1992: 218).

Implementation of restorative justice has to accept the core values of its concept and should not try to meet the objectives of retributive and rehabilitative juvenile justice (Bazemore 1996: 60). If such implementation were happening through juvenile justice agencies this would necessitate major changes in their operation and in the practice of professionals (ibid: 56–58). Distant from the social world of those processed by it, the formal system is unable to contribute to a shaming process (Marshall 1994: 246). There is therefore a strong case for the implementation of restorative justice schemes through community based voluntary organisations (Gronfers 1992: 421; Wright 1992: 536). This would safeguard in the best possible manner a solid theoretical foundation that allows the practice of restorative justice to contribute to a criminal justice system that is more than simply a reaction to crime. But how does this ongoing discussion about restorative justice fit into the Northern Irish context?

Since the early 1970s informal justice systems have existed in both Nationalist and Loyalist areas of Northern Ireland. An informal justice system can be described as an autonomous system that organises criminal justice independently of the state.

**The operation of the Republican system of informal justice**

The informal justice system evolved out of the “no go areas” of the early 1970s in Nationalist enclaves and they are run to a large extent by paramilitaries, but also by other activists of the Republican movement such as Sinn Fein members. This system
deals with a variety of different offences as well as with internal discipline, but the main target of this system are young males, who are accused of anti-social behaviour (Kennedy 1994: 74 – 74). This particular group of young males are often referred to by themselves and by the community as “hoods”. Hoods might be engaged in criminal activities such as joy-riding, vandalism or small scale drug dealing, but the term is applied generally to young people who decide to resist adult, police and paramilitary authority (McCorry and Morrissey 1989: 282).

Public interest partly influenced by a sensational and distorted media coverage (Matassa 1997: 24), has focused to a large extent on the brutal methods of punishment shootings and beatings. However, this aspect forms only one part of the informal system. This wider system of policing and control also use other sanctions, such as expulsions, abductions, direct and incorrect forms of intimidation and a variety of community type sentences (ibid: 24). The decision as to which sentence is chosen, takes a person’s age, family background and social circumstances into account (Munck 1988: 45). A young person will usually run through a whole set of non-violent measures, such as warnings and threats, before he or rarely she, are subjected to a violent punishment (Thompson and Mullholland 1994: 61). The offenders perceived previous record therefore determines the reaction of the informal justice system just as much as the seriousness of the offence.

**Reasons for the existence of the Republican System**

The condemnation of the violent side of the informal system all too often prevents an analysis of why such a system is in operation. The informal system is very much a result of the armed conflict in Northern Ireland and its military logic. An important aspect of it has been the attempt of the IRA to portray itself as a political movement, which questions the legitimacy of the state while the Northern Ireland Office (NIO), the Royal Ulster Constabulary (RUC), the Army and the Judiciary represents the actions of the IRA as criminal (McCorry and Morrisey 1989: 285). This “quest for legitimacy” is reflected in the operation of the informal justice system (Matassa 1997: 24). Assuming the official policing role of their area heightens the paramilitaries control and legitimacy (McWilliams 1994: 17).
It is also important to note that for great sections of these communities the formal system is unacceptable and discredited (Matassa 1997: 24). The RUC represents nearly exclusively one community: 92% of its members are Protestants and it has been estimated that 80% of its resources were concentrated on the political conflict (McWilliams 1994: 16). The police have been accused of serious human rights violations in this conflict. It is claimed, for example, that the RUC colluded with Loyalist paramilitaries in the assassination of political opponents and operated a “shoot to kill” policy (Amnesty International 1994).

Given this profile it is not surprising that the RUC is regarded as being uninterested in dealing with ordinary crime in the communities where people are widely sympathetic or supportive of the IRA. The police have been accused of allowing criminal activity to continue unhindered in these areas in an attempt to alienate the community from the IRA (McWilliams 1994:17) and of pressurising some of those, arrested for criminal offences, into becoming informers (Matassa 1997: 25). Republicans claim that in such a situation the IRA is the only body capable of exercising force (Munck 1998: 43). However those who run Nationalist schemes are hopeful of establishing working relationships with new police structures in the future, for example, if there is acceptable implementation of the Patten Report’s recommendations made in regard to policing in the Province. For Nationalist restorative justice practitioners, the building of relationships with an acceptable police service is important, as there is a natural role for such a service in restorative schemes.

In addition to such arguments it has been repeatedly argued that there is widespread support for the informal system. The IRA is seen as being under intense pressure from the community to stop anti-social behaviour (McWilliams 1994: 19). McCorry and Morrisey claim, that for example a ‘moral panic’ of the public over the activities of young people in the 1980s forced the IRA to adopt ‘law and order’ solutions, that mirrored in its directions the state’s get tough response to juvenile crime in the Thatcher era (McCorry and Morrisey 1989: 290). However there needs to be some caution not to accept this point as an excuse. Even a supporter of this informal justice system such as Munck acknowledges, that to shape such a system according to popular demands will most likely create a totalitarian system (Munck 1988: 50). Nevertheless, the phenomenon of the “informal justice system” can only be
appreciated if one acknowledges the considerable support base that allows the continuation of this system (Matassa 1997: 25).

**The operation of the Loyalist System of informal justice**

The lack of studies into the informal justice system on the Loyalist side is surprising as it is at times responsible for more punishment attacks than the Republican system. The RUC has collected data on the scale of recorded “punishment shootings” since the early 1970’s and recorded “punishment assaults” since the early 1980’s.

**Table 1: RUC recorded casualties as a result of paramilitary style shootings**

<table>
<thead>
<tr>
<th>Paramilitary Groups</th>
<th>1970’s</th>
<th>1980’s</th>
<th>1990’s</th>
<th>Total Shootings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republicans</td>
<td>399</td>
<td>440</td>
<td>335</td>
<td>1174</td>
</tr>
<tr>
<td>Loyalist</td>
<td>220</td>
<td>278</td>
<td>484</td>
<td>1082</td>
</tr>
<tr>
<td>Total</td>
<td>619</td>
<td>718</td>
<td>819</td>
<td>2156</td>
</tr>
</tbody>
</table>

(Source: The Royal Ulster Constabulary June 2000)

Table 1 shows the extent of the recorded paramilitary style shootings by attribution in Northern Ireland over the past three decades. During the 1970’s there were a total of 619 recorded casualties as a result of punishment shootings with the majority of these (n = 399) being perpetrated by Republican paramilitary groups. This trend continues until the 1990’s when the Loyalist carried out the majority of shootings (n = 484). There has been a total of 2156 recorded punishment shootings throughout the thirty years of the conflict.
Table 2: RUC recorded casualties as a result of paramilitary style assaults

<table>
<thead>
<tr>
<th>Paramilitary Groups</th>
<th>1980’s</th>
<th>1990’s</th>
<th>Total Shootings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republicans</td>
<td>201</td>
<td>676</td>
<td>877</td>
</tr>
<tr>
<td>Loyalist</td>
<td>92</td>
<td>645</td>
<td>737</td>
</tr>
<tr>
<td>Total</td>
<td>293</td>
<td>1321</td>
<td>1614</td>
</tr>
</tbody>
</table>

(Source: The Royal Ulster Constabulary June 2000)

Table 2 shows the extent of recorded paramilitary style assaults during the 1980’s and 1990’s in the Province. The total number of recorded casualties during the 1980’s was 293 with the Republican groups being the main perpetrators (n = 201). During the 1990’s the recorded level of assaults by both Republicans and Loyalist, was almost level with 676 and 645 assaults carried out respectively. It is interesting to note the increase in the level of Loyalist paramilitary activity during this period with the number of recorded assaults rising from 92 in the 1980’s to 645 during the 1990’s. The total number of recorded assaults during the last two decades is 1614. It is argued that these totals should be treated as minimum estimates (Kennedy, 1994: 71).

It is suggested that loyalist punishment attacks often represent cases of internal discipline within these organisations (Conway 1993; 8). Conway argues that Loyalist paramilitaries operate in a tradition of conscription and that young people who come to the attention of paramilitaries through anti-social behaviour are often expected to join the grouping. Subsequent misbehaviour is then sanctioned as an offence against internal discipline (ibid: 8). This, as any other interpretation is limited by the fact that the informal justice system on the Loyalist side is far less structured than the Republican one.

**Reasons for the existence of the Loyalist System**
This system cannot be explained through a conflict with the State; as pro-state paramilitaries, Loyalist groups are not an alternative to the State in their communities but are competing with it (ibid: 282). Although the Police are generally an acceptable force for dealing with ordinary crime there is an increasing level of alienation from the RUC in Loyalist working class areas (Hutchinson and Hall 1996:16). Smyth points out, that in situations of civil conflict, the breakdown or erosion of normal law enforcement is commonplace (Smyth 1998: 4).

**Effects of the Informal Justice System**

All such explanations for the existence of these systems should, however not replace an analysis of the effects of it. One has to conclude that in the long term it fails both the young people and the community. Shootings such as kneecappings are only part of the punishment activity repertoire of the informal justice system. There are also beatings or assaults, intimidatory notices, so-called curfews, public humiliations such as head shaving and tarring and feathering, house take-overs and of increasing significance in recent years, forcible expulsions from Northern Ireland. For some of these categories there are no reliable statistics, official or unofficial.

Though beatings or assaults may not sound as serious as a punishment shooting it is important to emphasis that depending on the ferocity of the assault, the injuries can be even more serious. The use of concrete blocks, iron bars, Hurley sticks, baseball bats and cudgels with nails protruding make up an arsenal of the punishment squads resulting in one group in West Belfast to be known colloquially as the “bone crunchers” (Kennedy 1994: 71).

Next to the enormous physical effects of the punishment shootings and beatings on the young people, such punishment has a profound impact on their mental health (Thompson and Mullholland 1994: 55 –56). It is debatable how effective the system of warnings and threats is at all in stopping individuals from participating in anti-social behaviour, but the system as a whole has mainly two effects on young people; the formation and confirmation of a negative identity and their marginalisation (ibid: 56).
Thompson and Mullholland describe a labelling process, in which young people are stigmatised by their punishment as “hoods”. They accept this label, forming a sub-culture that centres on doing things that are abhorred and feared by others and, thus, reinstating the attached label (ibid: 57). This process results in the marginalisation of young people in their communities. It means that their level of engagement in normal community activities is greatly reduced. This again results in a lack of opportunity to practice and develop social skills and to develop networks of support. The effect is a cycle of increasing negative identity and marginalisation (ibid: 58). One has also to consider the general lack of opportunities young people in these areas face in respect of employment and education to appreciate the full extent of the marginalisation (Lindsay 1998: 5). The destructive cycle has a profound effect on the community. “Hoods” are generally pushed to the edge of the community, not beyond; even after an exclusion order they will return to their community (Thompson and Mullholland 1994: 56 -58).

The informal system is exercising only superficial control over delinquent young people (Thompson and Mullholland 1994: 61). It creates a self-maintaining cycle of anti-social behaviour and punishment causing community fracture and instability (ibid: 60). The community, which is dependent on the paramilitary to keep juveniles in control, becomes increasingly disempowered (Auld et al 1997: 23).

**Developments in Restorative Justice in Northern Ireland**

The current ‘peace process’ in Northern Ireland has massive implications for the running of the criminal justice system and the informal justice system. The Good Friday Agreement of April 1998 stipulated a wide-ranging review of the existing criminal justice system (NIO 1998: 22 –23). On the other hand, with the prospect of an end to the armed conflict, which is the main reason for the existence of the informal system, it is unsurprising that there are efforts to find an alternative to this highly damaging practice. These developments are the background to “restorative justice” recently becoming a ‘buzz-word’ in Northern Ireland.

The international discussion on restorative justice over the last 25 years did not, until recently, trigger practical schemes in Northern Ireland as it did in most of Western Europe. However a number of efforts to propagate the model, such as the Ulster...
Quaker Service Committee 1996 did finally establish restorative justice as a way forward in the consciousness of professionals and community activists.

There are at present two distinctly different efforts to use the restorative model in Northern Ireland. The RUC with the approval of the NIO has implemented two pilot schemes, which employ a conferencing model of restorative justice. The schemes focus on low-level crime that would fall within the remit of the current adult and juvenile cautioning criteria. The caution is in effect replaced by the process of a restorative conference, including the victim, offender, and significant members of their family and also members of the community directly affected by the crime. This approach is similar to that adopted by a number of forces on mainland Britain including the Thames Valley Police.

The other development is work undertaken by a few community initiatives in Belfast and Londonderry in Loyalist and Nationalist communities. There are four schemes in operation in Nationalist communities: in the Brandywell in Londonderry and in the Upper Springfield, Twinbrook and New Lodge areas of Belfast. There is only one Loyalist scheme the “Greater Shankill Alternatives” in Belfast. These initiatives, while separate in nature, have the common theme of employing the restorative justice model at community level as an alternative to the existing informal justice system run by paramilitary groups. The community schemes are limiting the remit of their work to anti-social behaviour. This reflects the approach of many restorative justice projects internationally, that deal with minor crime (Marshall and Merry 1990: 103-104).

Particularly influential for the developments on the Nationalist side was a discussion paper published in late 1997, which suggests the introduction of a far-reaching system of “restorative community justice” (Auld et al, 1997). It proposes a community justice system that is non-violent and legally administered, but run independently from the formal system. The paper contains proposals about a broadly based management system, referrals, hearings, mediation services, but also proposals to employ as a last resort a community boycott against persistent offenders who are refusing to co-operate with the scheme (ibid: 29 –31).

Tensions between statutory initiatives and some of the community groups
The two developments on the statutory side and at community level view each other very critically and with great suspicion. The criticism against the community initiatives centres on those on the Nationalist side as the RUC is unacceptable to the community initiatives and therefore Auld et al propose a system that excludes the police force in its current shape, but which would liaise with other statutory bodies such as Social Services and the Probation Board (Auld et al 1997: 38-41). This approach has been heavily criticised by the NIO, which sees such a scheme as a tool for one particular community and stresses the need for all statutory agencies to be involved (Criminal Justice Review Group 1998: 42). Many officials seem to assume that a threat of violence will remain as part of the new system (ibid: 42). The NIO has made it clear “…. it will not support any scheme that sets itself up as an alternative to the legitimate criminal justice system however laudable its motives might be” (McGuickian 1999: 8).

Proponents of the restorative justice schemes at community level argue that their model contains strong elements of external supervision and evaluation through independent bodies to safeguard human rights (Auld et al 1997: 32). The voluntary body that facilitated many of the developments of restorative justice initiatives in the North, The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) emphasises that it exclusively supports work that is non-violent and inclusive. They stress, however, that developments on the ground have to accept the reality, that there is simply at this point no consensual police force (NIACRO 1999: 6).

On the other side, the community initiatives often regard the models from the statutory side as token gestures. The chairperson of the Loyalist restorative justice initiative argues that the restorative initiative of the NIO and the RUC is a waste of resources, motivated by a fear of losing control to communities and not by real commitment to restorative principles (Snodden 1999: 29).

Social capital, voluntary action and restorative justice practice
Social capital by its most narrow definition, and one that is associated with Robert D Putnam is a set of “horizontal associations” between people (World Bank, 2000). Social capital is likened to “the invisible glue of networks and connections that binds
society together, and the reciprocity that is produced” (The Guardian, 2000: pp. 4). To develop social capital communities require high levels of trust, a range of voluntary associations and opportunities to meet and discuss community concerns. Voluntary organisations and community groups provide linkages between people in the community and enable them to be more effective in building social cohesion and a civil society. Such organisations are receiving recognition as to their importance in creating interactive net-works within communities which are of value in establishing a balance between individual case intervention and community support (Robinson, 1997; 21). The following is a case study of a voluntary and community sector initiative that’s operation is based on restorative justice principles.

Case study - “Greater Shankill Alternatives”

“Alternatives” is a pilot restorative justice programme established in the Loyalist Greater Shankill area of Belfast. Situated on the Shankill Road, it has been operating since September 1998. The project came about as a result of a one-year action research project by a local ex-prisoner and community worker in 1996. This research explored the issue of punishment attacks and the operation of the informal justice system in the Shankill area. The research involved consultation with paramilitary groups, police, probation services and local youth groups. It indicated that there was willingness and a need to find new methods of dealing with justice issues in a non-violent manner.

The Alternatives project seeks to address four inter-related problems affecting the local community. The first is the perceived failure of the formal justice system. The second is the breakdown in the relationships between the community and statutory sector. Many of the local statutory organisations are perceived as failing to understand local community issues and not dealing with the problems created by the anti-social behaviour of young people. The scepticism felt by local people to statutory agencies is deeply felt and the project sees itself as an important bridge between the two.

The third problem is the anti-social behaviour that the project seeks to address. This involves theft, including car theft, breaking and entering that involves no violence against the person, damage to property, shoplifting, bullying and intimidation, noise, graffiti, vandalism and arson. The focus is very much at the lower end of the
offending scale; the types of crimes that people in the community feel the formal justice system takes too long to deal with or deals with ineffectively. The fourth problem that the project deals with is the issue of punishment beatings. This informal justice system though criticised by many observers has significant community legitimacy in areas such as the Shankill. Through local negotiations it is believed that the paramilitaries themselves would like to see effective alternatives in place.

“Alternatives” does not see restorative justice as a programme to be applied to the formal criminal justice system to help make it work, or as an alternative to the formal justice system. It views restorative justice as an approach to justice that compliments the formal justice system by focusing on the harms that have been done to the individual victim and to the wider community

Socially harmful activities are those activities, both criminal and non-criminal, that are harmful to people living in the community. They take place in a community against members of the community, and are usually carried out by disaffected members of the community. Such activities undermine good community relations; frustrate community and economic development and invariably leads to a downward trend in the quality of life for the people in the community.

Dealing with socially harmful activities is primarily a community matter that demands a strategic community response. For Alternatives, it is essential therefore that local communities have a key role in addressing the issue of socially harmful activities. To this end Alternatives intends to play a key role in the development of non-violent community-based responses to socially harmful activities. These responses include local mediation, mentoring, counselling, victim-offender mediation, support for voluntary restitution, and other non-coercive and non-violent approaches to prevention, reparation and healing.

Community restorative justice projects express a commitment to holistic approach in dealing with crime that tries to take social and personnel circumstances into account. This is seen as being in stark contrast to the established juvenile justice system, for example, in helping people deal with difficulties they have in their day to day lives be
those difficulties associated with poverty, substance abuse, unemployment or of not coping in particular situations.

The organisation acknowledges that, where socially harmful activity is also a crime, the initial response of the victim should be to notify the police. It is a policy of the organisation that staff and volunteers always insist that this procedure is followed. The organisation makes it clear that it is committed to working within the rule of the law and does not see itself as being an alternative to the statutory law enforcement authorities. In particular the organisation does not have an investigative role in determining legal guilt or innocence of alleged offenders.

The programme believes that strategic responses to socially harmful activities can only work effectively if they are developed on an inclusive basis with horizontal, rather than vertical, lines of communication between agencies and across sectors. To this end the organisation is committed to working in partnership with the formal justice system and with the statutory, voluntary and private sectors. The organisation believes that the police, probation and other statutory agencies should acknowledge and validate the work of those community initiatives, which are truly representative of the community, and which operate on the basis of best practice in terms of management, training and programme delivery.

Alternatives claims that its policies and programmes are compatible with best practice and international standards in terms of the rights, dignity and welfare of the young individuals involved. They believe in the worth of the individual, even the individual who engages in socially harmful activities. They believe that individuals do and can change and it is the task of restorative justice practitioners to help facilitate such change.

Individuals at risk are referred to the programme by several routes, from the victim, the paramilitaries, themselves or the wider community. The person is offered the programme as one of a range of choices available to them. There is widespread agreement that no individual will be coerced to join. However, there are occasions when the scheme negotiates the lifting of threats against individuals on a case-to-case basis. This situation, which initially means a degree of pressure on offenders to
participate in the project is acknowledged. However, project practitioners stress that offenders are informed about other possible alternatives such as referral to other agencies. They see the restorative scheme as simply responding to realities on the ground and trying to offer a constructive way forward. Nationalist schemes have a general agreement with the paramilitaries that they hand over certain areas to the projects and do not interfere thereafter with cases.

“Alternatives” primarily uses a VORP approach but there are occasions, depending on the circumstances, where the idea is widened to include family and friends thus becoming more of a FGC approach. Initial meetings with the programme co-ordinator, offender, their family and the victim clarify the nature of the offence and suitable action if any. The offender is assigned a support worker who assists them to draw up a contract. This contract details current issues in the person’s life and enables them to set goals for themselves taking account of these issues.

The support worker also helps the young person explore ‘victim awareness’ and how to make amends for the hurt caused. If the victim agrees, contact will be made young offender using a mediator to discuss the incident and ways of making amends. Time is also spent with the offender exploring their role within the community and with victims to explore their issues. Part of the process involves a community panel established to oversee the relationships bridging the gap between offender and the community. The panel discusses the contract with the individuals concerned and monitors the fulfilment of the goals set. Once the goals have been met, the panel formally acknowledges the individuals success in completing the programme.

This programme is not without difficulties. However as it is a new initiative the programme managers believe that certain risks have to be taken. There is an active management committee for the project that is representative of statutory agencies and the local community including the Probation Board Northern Ireland (PBNI), Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and seven community representatives including two young people.

Restorative justice practitioners believe a community problem like crime needs a community response. The creation of a bottom-up approach with wide involvement of
the community is seen as essential in order to create a sense of ownership in the community. The management feels that the collective of people involved enriches what is on offer and ensures that it is a legitimate and principled response to a highly sensitive societal issue. The management believes that new approaches are necessary in the current climate as Northern Ireland moves forward with a new political process. They believe that the community must be involved at grassroots level, as it is no longer acceptable for all decisions to remain with far-removed civil servants and politicians. They believe an obvious strength of the programme to be its innovation and willingness to tackle head on what is perceived to be a major social problem in our society.

The Alternatives programme is in its infancy and is attracting much publicity and interest. It is impossible to have all the answers until it is seen how things work out in practice. It is however of the utmost importance to its credibility that it is also underpinned by clear principles of equality, dignity, peace and democracy. It is being scrutinised by many critical observers both seeking positive and negative outcomes. To break the ever-increasing cycle of re-offending such a programme must make a real difference in the lives of people embarking on it. It is therefore important that it achieves credibility within the local community and also within the ranks of the paramilitaries. As Howard Zehr stated “Restorative justice is not a grand system imposed by experts but has profound roots in ordinary peoples experiences and needs” (Zehr 1990: 6).

**The recommendations of the Criminal Justice Review**

The Criminal Justice Review Group published their long-awaited interim report at the end of March (2000). The review is one of the recommendations of the Belfast Agreement and its report is very important, as it should set the blueprint for future criminal justice services in the Northern Ireland.

In regard to youth justice the Review Group has suggested the introduction of court ordered youth conferences, which will be undertaken following conviction, and prior to sentence. The conference will present a draft plan to the court, which if approved will form the basis of the disposal or sentence. A plan might include one or more of the following. A Reparation Order, where the offender, with the victim’s agreement,
may be ordered to carry out some sort of “reparative activity” such as an apology to the victim, financial compensation or carrying out some sort of practical activity that will benefit the victim or serve the community at large. Offenders could also be assigned to take part in programmes to deal with offending behaviour or related social problems, such as alcohol or drug abuse, gambling, employment related training and so on. In addition there are also the traditional sentences including probation, community service and custody.

The conference will involve the conference co-ordinator, the young person and the parents and guardian, the police or prosecutor and may also include the victim and his or her supporters, the defence solicitor and other relevant professionals as well as anyone else considered close to the young person who has offended. These recommendations are broadly consistent with a restorative justice model.

The Review Group believes the restorative justice approach has much to offer Northern Ireland and in particular in dealing with juvenile offenders. As a result the Review Group recommends that restorative justice should become a central part of the formal criminal justice process for juveniles. The Review recommends that such an approach should be “driven by the courts, based in law, and subject to the full range of human rights protection” (The Criminal Justice Review 2000: 15).

The Review Group has also considered the community restorative justice schemes in existence in the Province and has also considered concerns expressed by a ‘wide’ range of people, organisations and political parties. The Review’s stance is that, in Northern Ireland in particular, coercion or threat whether real or implied are ever-present dangers which cannot be ignored even with “well intentioned” schemes such as Greater Shankill Alternatives.

Although the Review Group’s report acknowledges that on the face of it these schemes include safeguards for the rights of the offenders and victims, they have concerns about “double jeopardy” if a juvenile finds him/herself involved in such a scheme but also face action from the formal criminal justice system. Concern is also expressed as to difficulties in ensuring that the alleged offender is able to receive professional advice about his or her rights. Nevertheless, the Group acknowledges the
“undoubted energy and commitment” of those in the community who wish to make a real contribution to dealing with crime in their respective communities. The Group feels the community restorative justice schemes can have a role to play in dealing with the types of low-level crime that most commonly concerns local communities but nevertheless, they recommend that community restorative justice schemes should only receive referrals from a statutory criminal justice agency, rather than from within the wider community, with the police being informed of all such referrals.

Such schemes should be accredited by, and subject to standards laid down by the Government in respect of how they deal with criminal activity covering such issues as training of staff, human rights protection, other due process and proportionality issues and complaints mechanisms for both victims and offenders. The schemes should be subject to regular inspection by the independent Criminal Justice Inspectorate and they should have no role in determining the guilt or innocence of alleged offenders, and deal only with those individuals referred by a criminal justice agency who have indicated that they do not wish to deny guilt and where there is prima facie evidence of guilt.

For Greater Shankill Alternatives and the other community initiatives, the recommendation of the Criminal Justice Review that all referrals must come from statutory criminal justice agencies is unrealistic. They see policy-makers, who are far removed from realities on the ground, yet again failing to understand local community issues. They view the Review Group’ proposals as a failure to recognise the communitarian ideals such as public problem solving and citizenship participation that underpins a truly restorative approach. At present the voluntary and community sector initiatives are preparing written submissions to the Criminal Justice Review outlining the problems that Group’s recommendations, if implemented fully, will pose for the operation of their schemes.

**Future of restorative justice as a means of building social capital in Northern Ireland**

“Social capital, comes about through changes in relations among persons that facilitate action” (Coleman 1988:100) According to Robert Putnam (1995), active relationships between individuals from different roles encourages the emergence of
social trust and for Putnam (1993) it is the stocks of social trust, norms and networks that people can draw upon to solve common problems that builds social capital. According to Putnam, a community with high social capital reflected in the quality of social relationships will be healthier, better educated and will have lower crime rates. He states “Society doesn’t work as well when there is an absence of social capital….If you’re worried about crime in your community and you have a choice of 10% more cops or 10% more neighbours who know each other’s name, the latter is the better strategy (The Guardian: 2000).

Mika points out that Northern Ireland currently has social structures with closely knit communities that offer very positive conditions for restorative justice work at community level (Mika 1999: 14). Indeed, when accounting for recent crime and justice data trends the NIO suggests that the low rates of ordinary crime in the Province may partly reflect the social structure of Northern Ireland as life is founded on closer knit communities which are better at offering social support. If one accepts this argument that community affiliation is strong in Northern Ireland, then the restorative justice approach, which in the main, is built upon the interest that communities and their members have in forging good relationships with one another stands a very good chance of succeeding where other juvenile justice initiatives have failed.

The prospects for introducing the restorative justice approach to the juvenile justice system has been boosted by the recommendations of the Criminal Justice Review Group and a change in the political climate following the Good Friday Agreement. As a result, criminal justice policy-makers are now much more receptive to the philosophy of restorative justice than at any time in the past, and also to the policy implications that might flow from practitioner-led voluntary sector developments.

Taken at face value, and even with the coercive nature of the suggested Reparation Orders, the philosophy behind these various measures recommended by the Criminal Justice Review Group appears to be broadly consistent with restorative justice principals and, if sensitively implemented, they could create a more supportive legislative framework within which the role of juvenile justice could be developed and strengthened in the years to come. However, there is a tendency, in all
jurisdictions for the state to ‘hijack’ restorative justice and to implement it as another technique in an otherwise unchanged system, thereby destroying the essence of the restorative approach. Davis (1992) describes how governments, through the use of dramatic language about change, innovations and milestones, often try to conceal the fact that their policy of social control stays much the same (Davis 1992: 39). However it remains to be seen whether the recommendations of the Review Group will be implemented into a truly restorative justice approach or whether they will degenerate into mere techniques of the more traditional retributive system. The restorative justice projects in the North of Ireland are offering an opportunity to avoid such a development.

**Conclusion**

The arrival of the restorative justice debate in Northern Ireland is a great opportunity to provide concepts within which the communities can deal with justice issues and problems in local areas. It also provides opportunity for communities to look at the causes as well as the symptoms of crime. Furthermore, the approach fits in well with what is hoped to be a renewed commitment to peace building in local communities.

Coleman states, “Social capital comes about through changes in relations among persons that facilitate action” (Coleman 1988: 100). Restorative justice can transform relationships. Experience has shown (Marshall and Merry 1990: 175) that in many cases it is the dialogue that accompanies meetings with victims and offenders – in other words the process of mediation rather than the reparative outcome that provides the transforming experience for all parties concerned. The approach views justice as co-operative problem-solving that brings together the estranged members and groups of the community to help restore trust among the elements by providing constructive responses, building community and strengthening social bonds.

A key aspect of restorative justice is that it includes mechanisms to give local communities a sense of ownership and responsibility over the process of justice. Communities should have a right and a responsibility to be involved in the mechanisms established to deal with crime in their area. The effect of the formal and informal justice systems in the Province is to put distance between the community and the outcome of what happens to alleged or convicted offenders. The process is left to
either the police, courts, prisons, probation etc or the paramilitaries. Community involvement in a process of restorative justice can empower local communities and encourage and develop a sense of community. The voluntary and community sector restorative justice schemes have seized the initiative in the field of youth justice and demand a central role in the future development of the community.
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