

A NEW VISION OF JUSTICE

Restorative Justice is more effective than the Death Penalty

Sujal Parikh

As one whose husband and mother-in-law have died the victims of murder assassination, I stand firmly and unequivocally opposed to the death penalty for those convicted of capital offenses. An evil deed is not redeemed by an evil deed of retaliation. Justice is never advanced in the taking of a human life. Morality is never upheld by a legalized murder.

—Coretta Scott King

Last December Senegal became the latest country to stop capital punishment, joining 119 other countries and twelve states that have become abolitionist in law or practice. In March the United States took a step in the same direction when the Supreme Court ruled that individuals can not be executed for crimes committed when they are under the age of eighteen. Until then, America stood as one of the only nations that still openly executed minors. Despite this progressive step, the United States remains among the top four countries in terms of annual executions, alongside China, Iran, and Viet Nam.

The death penalty is an outdated and ineffective attempt at justice. While costing tens of millions of dollars more than other methods of justice in California alone, it fails to reduce crime or provide protection to the populace. Decades of analysis by criminologists have shown that the death penalty is not a greater deterrent than other methods of justice, and some studies indicate that it may increase murder rates. For example, after Robert Harris was executed at San Quentin in 1992, the homicide rate in Los Angeles was higher for eight months. Taking only efficacy of the criminal justice system into account, the death penalty is a gross misuse of

resources; it wastes hundreds of millions of dollars nationally that could otherwise be used on more constructive programs such as offender rehabilitation and victim compensation.

Beyond a simple cost-benefit analysis, executions demonstrate an utter lack of regard for life. Capital punishment, which is simply state-sanctioned retributive murder, reinforces the same disrespect for life as homicide. Michael Nagler points out in *The Search for a Nonviolent Future* that the death penalty sends a message “about the expendability of human life – and the impossibility of bringing a violent person back into the community.” Every time we execute a member of our local, state-wide, or

national community we reinforce the notion that taking a human life is justified to achieve the ends we seek. Moreover, we attempt to rectify the injustice of one crime by committing another; we try to soothe one family’s anguish by killing someone else’s child. Far from solving anything, this only adds to the pain caused by the initial crime. While failing to deter crime, capital punishment does succeed in deterring respect for human life.

An alternative to our current – and mostly ineffective – methods of retribution can be found in the field of restorative justice, described by Prison Fellowship International as “a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.” More specifically, it seeks to address the effects of crime on the criminals, their victims, and the community as a whole. Restorative justice gives offended individuals a voice in the resolution process, rather than simply focusing on the legal and prison systems. In doing so, it uses prevention of crime and reparation of harm as a measure of efficacy, rather

While failing to deter crime, capital punishment does succeed in deterring respect for human life.



Painting of Malcolm X by Kevin Cooper. Many death row inmates look up to Malcolm X, who said, “I believe in human rights for everyone, and none of us is qualified to judge each other and that none of us should therefore have that authority.”



Monica Hahn and Michelle Simon hold paintings done by Kevin Cooper, who was scheduled to be executed in February 2004 in California despite evidence of his innocence and of racial bias during his trial. Activists, community members, and politicians in California and around the world mobilized to save Kevin. The State of California has continued pursuing executions, the most recent being Donald Beardslee in January, 2005.

than the harshness of a penalty imposed on an offender. An example of a restorative justice program is victim-offender mediation, which brings people on both sides of a crime together with the help of a mediator so the offender can take responsibility for the crime. Together, all parties involved can develop a way to address the effects of the transgression. The ultimate goal of restorative justice is to reintroduce the transgressor back into society in a manner that is safe for everyone. Instead of dehumanizing offenders by characterizing them as permanent monsters that should be segregated from others, restorative justice emphasizes each person's ability to change for the better. It gives us the possibility of "bringing a violent person back into the community."

Though temporary imprisonment may be appropriate for certain crimes and certain offenders, it should be used in conjunction with other methods of rehabilitation. By constructively addressing less egregious crimes, we can reduce the numbers of offenders that go on to commit more serious transgressions. Rather than wasting our resources on ineffective methods that do nothing to address the needs of people affected by a crime, we should develop ways to reduce recidivism and help victims and the community recover from a crime's effects. The

most wasteful of our current methods is capital punishment, which undermines other aspects of the criminal justice system, and more importantly, inculcates the idea that life is expendable.

Gandhi quipped that an eye for an eye will leave the world blind. The first step in a new vision of justice is abolition of the death penalty.

Resources

Campaign to End the Death Penalty
<http://www.nodeathpenalty.org>

Amnesty International, USA
<http://www.amnestyusa.org/abolish>

Prison Fellowship International

Centre for Justice and Reconciliation
<http://www.restorativejustice.org>

The Search for a Nonviolent Future
 by Michael Nagler