

Therapeutic Justice for Non-Recidivists: A Proposal for Reforming Community Court Admission Criteria

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Abstract

Community courts aim to change the behavior of recidivist offenders and break the cycle of crime. However, in many jurisdictions, these courts have faced criticism for imposing lengthy and coercive rehabilitation programs—even in cases where a conviction would not have led to imprisonment.

In Israel, a different model has emerged. Community courts there focus on repeat offenders who would likely receive a custodial sentence if convicted, and they have shown success in doing so. Yet, limiting these courts to recidivists overlooks both the harsh reality of incarceration and the potential for non-recidivist offenders to make amends through constructive engagement with the community. This paper advocates expanding eligibility for community courts to include non-recidivist offenders—for instance, those charged with causing death by negligent driving. Such individuals should have the opportunity to engage in a therapeutic process that fosters personal accountability and enables them to develop a plan for compensating victims and the broader community, such as by supporting victims of traffic accidents.

Keywords: Community Courts; Therapeutic Justice; Eligibility Criteria