
Restorative Justice

JOHN BRAITHWAITE

Restorative justice is a major development in criminological thinking, notwithstanding its grounding in traditions of justice from the ancient Arab, Greek, and Roman civilizations that accepted a restorative approach even to homicide (Van Ness 1986, pp. 64–68); from ancient Indian Hindus, for whom “he who atones is forgiven” (Weitekamp 1989); from ancient Buddhist, Taoist, and Confucian traditions that one sees blended today in north Asia (Haley 1996). Taken seriously, restorative justice involves a very different way of thinking about traditional notions such as deterrence, rehabilitation, incapacitation, and crime prevention. It also means transformed foundations of criminal jurisprudence and of our notions of freedom, democracy, and community.

Restorative justice has been the dominant model of criminal justice throughout most of human history for all the world’s peoples. A decisive move away from it came with the Norman conquest of much of Europe at the end of the Dark Ages (Van Ness 1986, p. 66; Weitekamp 1989). Transforming crime into a matter of fealty to and felony against the king, instead of a wrong done to another person, was a central part of the monarch’s program of domination of his people. Interest in restorative justice was rekindled in the West from the establishment of an experimental victim-offender reconciliation program in 1974 in Kitchener, Ontario (Peachey 1989). Umbreit (1998) reports that there were at least 300 of these programs in North America in the mid-1990s and over 500 in Europe, plus many Southern Hemisphere programs. During the 1980s, there was also considerable restorative justice innovation in the regulation of corporate crime (Rees 1988; Braithwaite 1995).

The 1990s have seen the New Zealand idea of family group conferences spread to many countries, including Australia, Singapore, the United Kingdom, Ireland, South Africa, Palestine, the United States, and Canada, adding a new theoretical vitality to restorative justice thinking. Canadian native peoples’ notions of healing circles and sentencing circles (James 1993) also acquired considerable influence, as did the Navajo justice and healing ceremony (Yazzie and Zion 1996). By the 1990s, these various programs came to be conceptualized as restorative justice. Baze-

more and Washington (1995) and Van Ness (1993) credit Albert Eglash (1975) with first articulating restorative justice as a restitutive alternative to retributive and rehabilitative justice. As a result of the popularizing work of North American and British activists like Howard Zehr (1985, 1990, 1995), Mark Umbreit (1985, 1990, 1992, 1994a,b, 1998), Kay Pranis (1996), Daniel Van Ness (1986, 1993, 1998), Tony Marshall (1985, 1990, 1992a,b) and Martin Wright (1982, 1992) during the 1980s, and the huge new impetus after 1989 from New Zealanders (Brown 1994; Consedine 1997; Hakaiha 1994; Hassall 1996; Leibrich 1996; Maxwell 1993; Maxwell and Morris 1993, 1996; McElrea 1993; Robertson 1996; Stewart 1993) and Australians (Hyndman, Thorsborne, and Wood 1996; McDonald et al. 1995; Moore and Forsythe 1995; Moore and O'Connell 1994; Mugford and Mugford 1992; O'Connell 1992, 1995; Palk 1995), restorative justice was the emerging social movement for criminal justice reform of the 1990s. Since 1995, two organizations, Ted Watchel's Real Justice in the United States and John MacDonald's Transformative Justice in Australia have offered commercial training in conferencing to thousands of people worldwide. An evaluation research community also emerged in association with the social movement; this community has been much more dominated by Europeans (Blagg 1985; De Haan 1990; Dignan 1992; Marshall 1985, 1990; Marshall and Merry 1990; Messmer 1993; Messmer and Otto 1992a, 1992b; Sessar, Beuerskens, and Boers 1986; Smith, Blagg, and Derricourt 1985; Walgrave 1993, 1994, 1995; Weitekamp 1989) and Canadians (Burford and Pennell 1996; Clairmont 1994; Lajeunesse 1993; LaPrairie 1994, 1995; Ross 1996; Stuart 1996), though Burt Galaway and Joe Hudson (1975) in Minnesota were the early and persistent role models of this research community.

In a longer review essay (Braithwaite 1998), I seek to explain why restorative justice is beginning to take off as a model. Notwithstanding that these beginnings are still modest and marginal, an Immodest Theory is advanced there as to why restorative justice might work, as is a Pessimistic Theory of why it might fail in a number of important respects. The growing body of empirical evidence on the workings of restorative justice is organized around testing these propositions, which are listed in the following. Ironically, this still-limited evidence suggests that the propositions of both theories are plausible. Here I do no more than outline the key propositions that constitute the two theories.

Effects of Restorative Justice Practices	
The Immodest Theory	The Pessimistic Theory
<ul style="list-style-type: none">• restore and satisfy victims better than existing criminal justice practices	<ul style="list-style-type: none">• provide no benefits whatsoever to over 90 percent of victims

- restore and satisfy offenders better than existing criminal justice practices
- restore and satisfy communities better than existing criminal justice practices
- reduce crime more than existing practices because of the claims of reintegrative shaming theory
- reduce crime more than existing criminal justice practices because of the claims of procedural justice theory
- reduce crime more than existing criminal justice practices because of the claims of the theory of bypassed shame
- reduce crime more than existing criminal justice practices because of the claims of defiance theory
- reduce crime more than existing criminal justice practices because of the claims of self-categorization theory
- reduce crime more than existing criminal justice practices because of the claims of crime prevention theory
- deter crime better than practices grounded in deterrence theories
- incapacitate crime better than criminal justice practices grounded in the theory of selective incapacitation
- rehabilitate crime better than criminal justice practices grounded in the welfare model
- are more cost-effective than criminal justice practices grounded in the economic analysis of crime
- secure justice better than criminal justice practices grounded in "justice" or just-deserts theories
- enrich freedom and democracy
- have no significant impact on the crime rate
- can increase victims' fears of revictimization
- can make victims little more than props for attempts to rehabilitate offenders
- can be a "shaming machine" that worsens the stigmatization of offenders
- rely on a kind of community that is culturally inappropriate to industrialized societies
- can oppress offenders with a tyranny of the majority, even a tyranny of the lynch mob
- can widen nets of social control
- fail to redress structural problems inherent in liberalism, such as unemployment and poverty
- can disadvantage women, children, and oppressed racial minorities
- are prone to capture by the dominant group in the restorative process
- can extend unaccountable police power, and can even compromise the separation of powers among legislative, executive, and judicial branches of government
- can trample rights because of impoverished articulation of procedural safeguards

This chapter is limited to more foundational questions about the meaning of restorative justice in order to set up the preceding more detailed review of theory and data. It considers what it is that we should want to be restored by restorative justice and argues for the universality of some of these concerns. Then it explores the need to learn from culturally plural paths to securing these universals by saving and reviving the restorative justice practices that remain in all societies. In this process, what elements of the statist revolution in criminal justice should we also want to save? The conclusion addresses how to put indigenous community justice and liberal state justice in creative tension, with each checking the abuses of the other. Before starting on this journey, when I first delivered this paper as a Dorothy Killam Memorial Lecture at Dalhousie University, I sought to give more concrete meaning to how restorative justice can work with a story of two robbers.

Imagine Two Robbers

A teenager is arrested for a robbery. The police send him to court, where he is sentenced to six months incarceration. As a victim of child abuse, he is both angry with the world and alienated from it. During his period of confinement, he acquires a heroin habit and suffers more violence. He comes out more desperate and alienated than when he went in, sustains his drug habit for the next twenty years by stealing cars, burglarizes dozens of houses, and pushes drugs until he dies in a gutter, a death no one mourns. Probably someone rather like this young man was arrested in your city today, perhaps more than one.

Tomorrow another teenager, Sam, is arrested for a robbery. He is a composite of several Sams I have seen. The police officer refers Sam to a facilitator who convenes a restorative justice conference. When the facilitator asks about his parents, Sam says he is homeless. His parents abused him, and he hates them. Sam refuses to cooperate with a conference if they attend. After talking with the parents, the facilitator agrees that perhaps it is best not to involve them. What about grandparents? No, they are dead. Brothers and sisters? No, he hates his brothers too. Sam's older sister, who was always kind to him, has long since left home, and he has no contact with her. Aunts and uncles? Not keen on them either, because they would always put him down as the black sheep of the family and stand by his parents. Uncle George was the only one he ever had any time for, but he has not seen him for years. Teachers from school? Hates them all. Sam has dropped out. They always treated him like dirt. The facilitator does not give up: "No one ever treated you okay at school?" Well, the hockey coach is the only one Sam can think of ever being fair to him. So the hockey coach, Uncle George, and Sam's older sister are tracked down by the facilitator and invited to the conference, along with the robbery victim and her daughter, who comes along to support the victim through the ordeal.

These six participants sit on chairs in a circle. The facilitator starts by introducing everyone and reminding Sam that although he has admitted to the robbery, he can change his plea at any time during the conference and have the matter heard by a court. Sam is asked to explain what happened in his own words. He mumbles that he needed money to survive, saw the lady, knocked her over, and ran off with her purse. Uncle George is asked what he thinks of this. He says that Sam used to be a good kid, but Sam had gone off the rails. He had let his parents down so badly that they would not even come today. "And now you have done this to this poor lady. I never thought you would stoop to violence," continues Uncle George, building into an angry tirade against the boy. The hockey coach also says he is surprised that Sam could do something as terrible as this. Sam was always a troublemaker at school, but the coach could see a kindly side in Sam that left him shocked about the violence. Sam's sister is invited to comment, but when she seems too emotional to speak, the facilitator moves on to the victim.

The victim explains how much trouble she had to go through to cancel the credit cards in the purse, how she had had no money for the shopping she needed to do the day of the robbery. Her daughter explains that the most important consequence of the crime was that her mother was now afraid to go out on her own. In particular, she is afraid that Sam is stalking her, waiting to rob her again. Sam sneers at this and seems callous throughout. His sister starts to sob. Concerned about how distressed she is, the facilitator calls a brief adjournment so she can comfort her, with help from Uncle George. During the break, the sister reveals that she understands what Sam has been through. She says she was abused by their parents as well. Uncle George has never heard of this, seems shocked, and is not sure that he believes it.

When the conference reconvenes, Sam's sister speaks to him with love and strength. Looking straight into his eyes, the first gaze he could not avoid in the conference, she says that she knows exactly what he has been through with their parents. No details are spoken. But the victim seems to understand what is spoken of by the knowing communication between sister and brother. Tears rush down the old woman's cheeks and over her trembling mouth.

It is his sister's love that penetrates Sam's callous exterior. From then on, he is emotionally engaged with the conference. He says he is sorry about what the victim has lost. He would like to pay it back but has no money or job. He assures the victim he is not stalking her. She readily accepts this now, and when questioned by the facilitator says she thinks she will now feel safe walking out alone. She wants her money back but says it will help her if they can talk about what to do to help Sam find a home and a job. Sam's sister says he can live in her house for a while. The hockey coach says he has some casual work that needs to be done, enough to pay Sam's debt to the victim and a bit more. If Sam does a good job, he will write him a reference for applications for permanent

jobs. When the conference breaks up, the victim hugs Sam and tearfully wishes him good luck. He apologizes again. Uncle George quietly slips a hundred dollars to Sam's sister to defray the extra cost of having Sam in the house, and says he will be there for both of them if they need him.

After this incident, Sam has a rocky life punctuated by several periods of unemployment. A year later he has to go through another conference after he steals a bicycle. But he finds work when he can, mostly stays out of trouble, and lives to mourn at the funerals of Uncle George and his sister. The victim gets her money back and enjoys taking long walks alone. Both she and her daughter say that they feel enriched as a result of the conference, that they have a little more grace in their lives.

66c998f356a9cd6feb5aad3f20c13b0f
ebruary

What Does Restorative Justice Restore?

Sam's conference is an example of restorative justice. Restorative justice means restoring victims, a more victim-centered criminal justice system, as well as restoring offenders and restoring community. First, what does restoring victims mean? It means restoring the property lost or the personal injury, repairing the broken window or the broken teeth (see Table 12.1). It means restoring a sense of security. Even victims of property crimes such as burglary often suffer a loss of security when the private space of their home is violated. When the criminal justice system fails to leave women secure about walking alone at night, half the population is left unfree in a fundamental sense.

Victims suffer when someone violates their bodies or shows them the disrespect of taking things that are precious to them. Sometimes this disrespectful treatment engenders victim shame: "He abused me rather than some other woman because I am trash" or "She stole my dad's car because I was irresponsible and parked it in a risky place." Victim shame often triggers a shame-rage spiral wherein victims reciprocate indignity with indignity through vengeance or by their own criminal acts.

Disempowerment is part of the indignity of being a victim of crime. According to Pettit and Braithwaite's (1990) republican theory of criminal justice, a wrong should not be defined as a crime unless it involves some

66c998f356a9cd6feb5aad3f20c13b0f
ebruary

Table 12.1 What Does Restoring Victims Mean?

Restore property loss
Restore injury
Restore sense of security
Restore dignity
Restore sense of empowerment
Restore deliberative democracy
Restore harmony based on a feeling that justice has been done
Restore social support

66c998f356a9cd6feb5aad3f20c13b0f
ebruary

domination of us that reduces our freedom to enjoy life as we choose. It follows that it is important to restore any lost sense of empowerment as a result of crime. This is particularly important where the victim suffers structurally systematic domination. For example, some of the most important restorative justice initiatives in Australia have involved some thousands of Aboriginal victims of consumer fraud by major insurance companies (Fisse and Braithwaite 1993, pp. 218–23). In these cases, victims from remote Aboriginal communities relished the power of being able to demand restoration and corporate reform from “white men in white shirts.”

The way that Western legal systems handle crime compounds the disempowerment that victims feel, first at the hands of offenders and then at the hands of a professional, remote justice system that eschews their participation. The lawyers, in the words of Nils Christie (1978) “steal our conflict.” The Western criminal justice system has, on balance, been corrosive of deliberative democracy, though the jury is one institution that has preserved a modicum of it. Restorative justice is deliberative justice; it is about people deliberating over the consequences of crimes, and how to deal with them and prevent their recurrence. This contrasts with the professional justice of lawyers deciding which rules apply to a case and then constraining their deliberation within a technical discourse about that rule application. Thus restorative justice restores the deliberative control of justice by citizens.

Restorative justice aims to restore harmony based on a feeling that justice has been done. Restoring harmony alone, while leaving an underlying injustice to fester unaddressed, is not enough. “Restoring balance” is acceptable as a restorative justice ideal only if the “balance” between offender and victim that prevailed before the crime was a morally decent balance. There is no virtue in restoring the balance by having a woman pay for a loaf of bread she has stolen from a rich man to feed her children. Restoring harmony between victim and offender is likely to be possible in such a context only on the basis of a discussion of why the children are hungry and what should be done about the underlying injustice of their hunger.

Restorative justice cannot resolve the deep structural injustices that cause problems like hunger. But we must demand two things of restorative justice. First, it must not make structural injustice worse (in the way, for example, that the Australian criminal justice system does by being an important cause of the unemployment and oppression of Aboriginal people). Indeed, we should hope that restorative justice will provide micro measures that ameliorate macro injustice where this is possible. Second, restorative justice should restore harmony with a remedy grounded in dialogue that takes account of underlying injustices. Restorative justice does not resolve the age-old questions of what should count as unjust outcomes. It is a more modest philosophy than that. It settles for the procedural requirement that the parties talk until they feel that harmony has

been restored on the basis of a discussion of all the injustices they see as relevant to the case.

Finally, restorative justice aims to restore social support. Victims of crime need support from their loved ones during the process of requesting restoration. They sometimes need encouragement and support to engage with deliberation toward restoring harmony. Friends sometimes do blame the victim, or more commonly are frightened off by a victim going through an emotional trauma. Restorative justice aims to institutionalize the gathering around of friends during a time of crisis.

Restoring Offenders, Restoring Community

In most cases, a more limited range of types of restoration is relevant to offenders. Offenders have generally not suffered property loss or injury as a result of their own crime, though sometimes loss or injury is a cause of the crime. Dignity, however, is generally in need of repair after the shame associated with arrest. When there is a victim who has been hurt, there is no dignity in denying that there is something to be ashamed about. Dignity is generally best restored by confronting the shame, accepting responsibility for the bad consequences suffered by the victim, and apologizing with sincerity. A task of restorative justice is to institutionalize such restoration of dignity for offenders.

The sense of insecurity and disempowerment of offenders is often an issue in their offending and in discussions about how to prevent further offending. Violence by young men from racial minorities is sometimes connected to their feelings of being victims of racism. For offenders, restoring a sense of security and empowerment is often bound up with employment, the feeling of having a future, or achieving some educational success or sporting success—indeed, any kind of success.

Many patches are needed to sew the quilt of deliberative democracy. Criminal justice deliberation is not as important a patch as deliberation in the parliament, in trade unions, even in universities. But to the extent that restorative justice deliberation does lead ordinary citizens into serious democratic discussion about racism, unemployment, masculinist cultures in local schools, and police accountability, it is not an unimportant element of a deliberatively rich democracy.

The mediation literature shows that satisfaction of complainants with the justice of the mediation is less important than the satisfaction of those who are complained against in achieving mutually beneficial outcomes (Pruitt 1995). Criminal subcultures are memory files that collect injustices (Matza 1964, p. 102). Crime problems will continue to become deeply culturally embedded in Western societies until we reinvent criminal justice as a process that restores a sense of procedural justice to offenders (Tyler 1990).

Finally, Francis Cullen (1994) has suggested that there could be no better organizing concept for criminology than social support, given the

large volume of evidence about the importance of social support for preventing crime. The New Zealand Maori people see our justice system as barbaric because of the way it requires the defendant to stand alone in the dock without social support. In Maori thinking, civilized justice requires the offender's loved ones to stand beside him during justice rituals, sharing the shame for what has happened. Hence the shame the offender feels is more the shame of letting his loved ones down than a Western sense of individual guilt that can eat away at a person. The shame of letting loved ones down can be readily transcended by simple acts of forgiveness from those loved ones.

Restoring community is advanced by a proliferation of restorative justice rituals in which social support around specific victims and offenders is restored. At this micro level, restorative justice is an utterly bottom-up approach to restoring community. At a middle level, important elements of a restorative justice package are initiatives to foster community organization in schools, neighborhoods, ethnic communities, and churches, and through professions and other nongovernmental organizations that can deploy restorative justice in their self-regulatory practices. At a macro level, we must design institutions of deliberative democracy so that concern about issues like unemployment and the effectiveness of labor market programs have a channel through which they can flow from discussions about local injustices up into national economic policy-making debate.

The Universality of Restorative Traditions

I have yet to discover a culture that does not have some deep-seated restorative traditions. Nor is there a culture without retributive traditions. Retributive traditions once had survival value. Cultures that were timid in fighting back were often wiped out by more determinedly violent cultures. In the contemporary world, as opposed to the world of our biological creation, retributive emotions have less survival value. Because risk management is institutionalized in the modern world, retributive emotions are more likely to get us into trouble than out of it, as individuals, groups, and nations.

The message we might communicate to all cultures is that in the world of the twenty-first century, restorative traditions will be a more valuable resource than retributive traditions. Yet, sadly, the dominant cultural forces in the contemporary world communicate just the opposite message. Hollywood films hammer the message that the way to deal with bad guys is through violence. Political leaders frequently emphasize the same message. Yet many of our spiritual leaders are helping us to retrieve our restorative traditions—the Dalai Lama, for example. Archbishop Desmond Tutu, in a foreword to Jim Consedine's forthcoming new edition of *Restorative Justice*, correctly sees a "very ancient yet desperately needed truth" as underlying restorative justice processes, "rooted as they are in all

indigenous cultures, including those of Africa." He sees his Truth and Reconciliation Commission as an example of restorative justice.

All of the restorative values in Table 12.1 are cultural universals. All cultures value in some way repair of damage to our persons and property, security, dignity, empowerment, deliberative democracy, and harmony based on a sense of justice and social support. These are universals because they are all vital to our emotional survival as human beings and vital to the possibility of surviving without constant fear of violence. The world's great religions recognize that the desire to pursue these restorative justice values is universal, which is why some of our spiritual leaders offer hope against those political leaders who wish to rule through fear and by crushing deliberative democracy. Ultimately, those political leaders will find that they will have to reach an accommodation with the growing social movement for restorative justice, just as they must with the great religious movements they confront. Why? Because the evidence is now strong that ordinary citizens like restorative justice (Morris and Maxwell 1993; Hyndman, Thorsborne, and Wood 1996; Goodes 1995; Moore and Forsythe 1995; Clairmont 1994; Sherman and Barnes 1997).

It is true that the virtues restorative justice restores are viewed differently in different cultures and that opinion about culturally appropriate ways of realizing them differ greatly as well. Hence, restorative justice must be a culturally diverse social movement that accommodates a rich plurality of strategies in pursuit of the truths it holds to be universal. It is about different cultures joining hands as they discover the profound commonalities of their experience of the human condition; it is about cultures learning from each other on the basis of that shared experience; it is about realizing the value of diversity, of preserving restorative traditions that work because they are embedded in a cultural past. Scientific criminology will never discover any universally best way of doing restorative justice. The best path is the path of cultural plurality in pursuit of the culturally shared restorative values in Table 12.1.

A Path to Culturally Plural Justice

A restorative justice research agenda to pursue this path has two elements:

1. Culturally specific investigation of how to save and revive the restorative justice practices that remain in all societies.
2. Culturally specific investigation of how to transform state criminal justice both by making it more restorative and by rendering its abuses of power more vulnerable to restorative justice.

On the first point, I doubt that urban neighborhoods are replete with restorative justice practices that can be retrieved, though there are some. Yet in the more micro context of the nuclear family, the evidence is overwhelming from the metropolitan United States that restorative jus-

tice is alive and well, and that families who are more restorative are likely to have less delinquent children than families who are punitive and stigmatizing.

Because families so often slip into stigmatization and brutalization of their difficult members, we need restorative justice institutionalized in a wider context that can engage and restore such families. In most societies, the wider contexts where the ethos and rituals of restorative justice are alive and ready to be piped into the wider streams of the society are schools, churches, and remote indigenous communities. If it is hard to find restorative justice in the disputing practices of our urban neighborhoods, the experience of recent years has been that they are relatively easy to locate in urban schools. This is because of the ethos of care and integration that is part of the Western educational ideal (which, at its best, involves a total rejection of stigmatization) and because the interaction among the members of a school community tends to be more intense than the interaction among urban neighbors. Schools, like families, have actually become more restorative and less retributive than the brutal institutions of the nineteenth century. This is why we have seen very successful restorative conferencing programs in contemporary schools (Hyndman, Thorsborne, and Wood 1996). We have also seen antibullying programs with what I would call a restorative ethos, which have managed in some cases to halve bullying in schools (Olweus 1994; Farrington 1993; Pitts and Smith 1995; Pepler et al. 1993).

More of the momentum for the restorative justice movement has come from the world's churches than from any other quarter. Even in a nation like Indonesia, where the state has such tyrannical power, the political imperative to allow some separation of church and state has left churches as enclaves where restorative traditions could survive. Religions like Islam and Christianity have strong retributive traditions as well, of course, though they have mostly been happy to leave it to the state to do the "dirty work" of temporal retribution.

The second point of the agenda is to explore how to transform state criminal justice. I have said that, in our multicultural cities, we cannot rely on spontaneous ordering of justice in our neighborhoods. There we must be more reliant on state reformers as catalysts of a new urban restorative justice. In our cities, where neighborhood social support is lowest, where the loss from the statist takeover of disputing is most damaging, the gains that can be secured from restorative justice reform are greatest. When a police officer from a tightly knit rural community and with a restorative justice ethos arrests a youth who lives in a loving family, who enjoys social support from a caring school and church, that officer is not likely to do much better or worse by the child than an officer who does not have a restorative justice ethos. Whatever the police do, the child's support network will probably sort the problem out so that serious reoffending does not occur. But when a metropolitan police officer with a restorative justice ethos arrests a homeless child like Sam, who

hates the parents who abused him, who has dropped out of school, and is seemingly alone in the world, the restorative police officer can make a difference that will render him more effective in preventing crime than the retributive police officer. At least that is my hypothesis, one we can test empirically.

In the alienated urban context where community is not spontaneously emergent in a satisfactory way, a criminal justice system aimed at restoration can construct a community of care around a specific offender or a specific victim who is in trouble. That is what the story of Sam is about. With the restorative justice conferences being convened in multicultural metropolises like Auckland, Adelaide, Sydney, and Singapore, the selection principle that determines who is invited to the conference is the opposite to that with a criminal trial. We invite to a criminal trial those who can inflict the most damage on the other side. With a conference we invite those who might offer most support to their own side—Sam's sister, uncle, and hockey coach, the victim's daughter.

In terms of the theory of reintegrative shaming, the rationale for who is invited to the conference is that the presence of those on the victim's side builds shame into the conference, while the presence of supporters on the offender's side builds reintegration into the ritual. Conferences can be run in many different ways. Maori people in New Zealand tend to want to open and close their conferences with a prayer. The institutions of restorative justice we build in the city must be culturally plural, quite different from one community to another depending on the culture of the people involved. It is the empowerment principle of restorative justice that makes this possible—empowerment with process control.

From a restorative perspective, the important point is that we have institutions in civil society that confront serious problems like violence rather than sweep them under the carpet, yet do so in a way that is neither retributive nor stigmatizing. Violence will not be effectively controlled by communities unless the shamefulness of violence is communicated. This does not mean that we need criminal justice institutions that set out to maximize shame. On the contrary, if we set out to do that, we risk creating stigmatizing institutions (Retzinger and Scheff 1996). All we need do is nurture micro institutions of deliberative democracy that allow citizens to discuss the consequences of criminal acts, and who is responsible, and who should put them right, and how. Such deliberative processes naturally enable those responsible to confront and deal with the shame arising from what has happened. And if we invite people who enjoy maximum respect and trust on both the offender's and victim's side, we maximize the chances that shame will be dealt with in a reintegrative way.

Decline and Revival in Restorative Traditions

The traditions of restorative justice that can be found in all the world's great cultures have been under attack during the past two centuries.

Everywhere in the world, restorative ideals have suffered serious setbacks because of the globalization of the idea of a centralized state that takes central control of justice and rationalizes it into a punitive regime. Control of punishment strengthened the power and legitimacy of rulers (Foucault 1977). So did control of mercy, the power of royal or presidential pardon. What rulers really wanted was the political power of controlling the police, the prisons, and the courts. Yet at times abuse of that power proved such a threat to their legitimacy that they were forced by political opponents to institutionalize certain principles of fairness and consistency into the state system.

Of course, the new democratic rulers were no more enthusiastic about returning justice to the people than were the tyrants they succeeded; the secret police continued to be important to combating organized threats to the state monopoly of violence, the regular police to disorganized threats. The pretense that the state punished crime in a consistent, politically evenhanded way was part of the legitimation for democratically centralized justice. Citizens continue to see this as a pretense. They realize that whatever the law says, the reality is one law for the rich, another for the poor; one set of rules for the politically connected, another for the powerless. Philip Pettit and I have sought to show that proportionality in practice is proportional punishment for the poor and impunity for the white-collar criminals (Pettit and Braithwaite 1990, chap. 9). Restorative justice, we contend, has a better chance than just deserts of being made equitably available to both rich and poor.

While it is a myth that centralized state law enabled greater consistency and lesser partiality than community-based restorative justice, it is true that abuse of power always was and still is common in community justice, as Carol LaPrairie's work shows for Canada (LaPrairie 1994, 1995). And it is true that state oversight of restorative justice in the community can be a check on abuse of rights in local programs, local political dominations, and those types of unequal treatment in local programs that are flagrantly unacceptable in the wider society. It is equally true that restorative justice can be a check on abuse of rights by the central state. If so, we should expect to find in Canberra that citizens who go through a conference are more likely than citizens who go to court to believe that their rights were respected by the police and the criminal justice system. This is what my colleagues' preliminary results suggest (Sherman and Barnes 1997; Strang and Sherman 1997). We see it in restorative justice conferences in Canberra when a mother asks during the conference that something be done about the police officers who continue to use excessive force in their dealings with her son and who continue to victimize her son for things done by others.

The restorative justice ideal could not and should not be the romantic notion of shifting back to a world where state justice is replaced by local justice. Rather, it might aim to use the existence of state traditions of rights, proportionality, and the rule of law as resources to check abuse of

power in local justice and to use the revival of restorative traditions to check abuse of state power. In other words, restorative justice constitutionalized by the state can be the stuff of a republic with a richer separation of powers (Braithwaite 1997), with less abuse of power, than could be obtained under either dispute resolution totally controlled by local politics or disputing totally dominated by the state.

Several key elements of North Atlantic criminal justice have been almost totally globalized during the past two centuries: central state control of criminal justice, the idea of crime itself and that criminal law should be codified, the idea that crimes are committed against the state (rather than the older ideas that they were committed against victims or God), the idea of a professionalized police who are granted a monopoly over the use of force in domestic conflicts, the idea of moving away from compensation as the dominant way of dealing with crime by building a state prison system to segregate the good from the bad, and the idea that fundamental human rights should be protected during the criminal process.

Like penal abolitionists (Bianchi and van Swaaningen 1986; Christie 1982), restorative justice theorists see most of these elements of the central state takeover of criminal justice as retrograde. However, unlike the most radical versions of abolitionism, restorative justice sees promise in preserving a state role as a watchdog of rights and concedes that for a tiny fraction of the people in our prisons, it may actually be necessary to protect the community from them by incarceration. While restorative justice means treating many things we now treat as crime simply as problems of living, restorative justice does not mean abolishing the concept of crime. In restorative justice rituals, calling a wrongdoing a crime can be a powerful resource in persuading citizens to take responsibility, to pay compensation, or to apologize, especially with corporate criminals who are not used to thinking of their exploitative conduct in that way (Braithwaite 1995). Restorative justice does not mean abolishing the key elements of the state criminal justice systems that have been globalized this century; it means shifting power from them to civil society, keeping key elements of the statist revolution but shifting power away from central institutions and checking the power that remains by the deliberative democracy from below that restorative justice enables.

Thus I offer an analysis that is unfashionably universal. I believe that restorative justice will come to be a profoundly influential social movement throughout the world during the next century because it appeals to universally shared values and because it responds to the defects of a centralized state criminal justice model that has been totally globalized and has utterly failed in every country where it gained ascendancy. Wherever it has failed, there are criminologists or lawyers within the state itself who are convinced of that failure. And given the global imperatives for states to be competitive by being fiscally frugal, large state expenditures that do not deliver on their objectives are vulnerable to social movements

that claim to have an approach that will be cheaper, work better, and be more popular with the people in the long run. Hence we should not be surprised at the irony that some of the most savvy conservative governments in the world, which are most imbued with the imperatives for fiscal frugality, like New Zealand (Maxwell and Morris 1992; Morris and Maxwell 1993) and Singapore (Hsien 1996; Chan 1996), are early movers in embracing the restorative justice movement against the grain of their traditional commitment to state punitiveness. Even here, a United States assistant attorney general has been heard espousing a need to reinvent justice as restorative justice (Robinson 1996).

While I am cautiously optimistic that the empirical evidence will continue to be encouraging about the efficacy and decency of restorative justice compared with retributive justice, there is also evidence that restorative justice often fails. Victims sometimes resent the time involved in deliberation; sometimes they experience heightened fear from meeting offenders; sometimes they are extremely vengeful, though more often I am moved by how forgiving they are when genuinely empowered with process control. In preliminary data from a Canberra study, Strang and Sherman (1997) show that conferences may systematically increase victims' forgiveness and reduce their fear. We need more high-quality research on when and why restorative justice fails, and how to cover the weaknesses of restorative justice with complementary strengths of deterrence and incapacitation (Braithwaite 1993).

Beyond Communitarianism Versus Individualism

Some criminologists in the West are critical of countries like Singapore, Indonesia, and Japan, where crime in the streets is not a major problem, because they think individualism in these societies is crushed by communitarianism or collective obligation. Their prescription is that Asian societies need to shift the balance away from communitarianism and allow greater individualism. I don't find this a very attractive analysis.

Some Asian criminologists are critical of countries like the United States and Australia because they think these societies are excessively individualistic, suffering much crime and incivility as a result. According to this analysis, the West needs to shift the balance away from individualism in favor of communitarianism—away from rights and toward collective responsibilities. I don't find this a very attractive analysis either.

Both sides of this debate can do a better job of learning from each other. We can aspire to a society that is strong on both rights and responsibilities, that nurtures strong communities and strong individuals. Indeed, in the good society, strong communities constitute strong individuals and vice versa. Our objective can be to keep the benefits of the statist revolution at the same time as we rediscover community-based justice. Community justice is often oppressive of rights, often subjects the vulnerable to the domination of local elites, subordinates women,

can be procedurally unfair, and tends to neglect structural solutions. Mindful of this, we might rephrase the two challenges posed earlier in the chapter:

1. Helping indigenous community justice learn from the virtues of liberal statism—procedural fairness, rights, and protecting the vulnerable from domination.
2. Helping liberal state justice learn from indigenous community justice—learning restorative community alternatives to individualism.

Together these two challenges ask, How can we save and revive traditional restorative justice practices in a way that helps them become procedurally fairer, that respects fundamental human rights, and that secures protection against domination? The liberal state can be a check on oppressive collectivism, just as bottom-up communitarianism can be a check on oppressive individualism. A healing circle can be a corrective to a justice system that can leave offenders and victims suicidally alone; a Bill of Rights can be a check on a tribal elder who imposes a violent tyranny on young people. The bringing together of these ideals is an old prescription—not just liberty, not just community, but *liberté, égalité, fraternité*. Competitive individualism has badly fractured this republican amalgam. The social movement for restorative justice does practical work to weld an amalgam that is relevant to the creation of contemporary urban multicultural republics. Day to day, the movement is not sustained by romantic ideals in which I happen to believe, like deliberative democracy. Proponents want to do it for Sam and for the old woman Sam pushed over one day. That is what enlists them in the social movement for restorative justice; in the process they are, I submit, enlisted in something of wider political significance.

66c998f356a9cd6feb5aad3f20c13b0f ebrary References

- Bazemore, G., and C. Washington. 1995. "Charting the Future of the Juvenile Justice System: Reinventing Mission and Management." *Spectrum: The Journal of State Government* 68:51–66.
- Bianchi, H., and R. van Swaaningen, eds. 1986. *Abolitionism: Towards a Non-Repressive Approach to Crime*. Amsterdam: Free University Press.
- Blagg, H. 1985. "Reparation and Justice for Juveniles: The Corby Experience." *British Journal of Criminology* 25:267–79.
- Braithwaite, John. 1993. "Beyond Positivism: Learning from Contextual Integrated Strategies." *Journal of Research in Crime and Delinquency* 30: 383–99.
- . 1995. "Corporate Crime and Republican Criminological Praxis." In *Corporate Crime: Ethics, Law and State*, edited by F. Pearce and L. Snider. Toronto: University of Toronto Press.
- . 1998. "Restorative Justice: Assessing an Immodest Theory and a Pessimistic Theory." In *Crime and Justice: A Review of Research*, vol. 23, edited by Michael Tonry. Chicago: University of Chicago Press.
- . 1997. "On Speaking Softly and Carrying Sticks: Neglected Dimen-

66c998f356a9cd6feb5aad3f20c13b0f
ebrary

- sions of a Republican Separation of Powers." *University of Toronto Law Journal* 47:305–61.
- Brown, M. J. A. 1994. "Empowering the Victim in the New Zealand Youth Justice Process: A Strategy for Healing." Plenary Address to the Eighth International Symposium on Victimology, Adelaide, Australia.
- Burford, G., and J. Pennell. 1996. *Family Group Decision Making: New Roles for "Old" Partners in Resolving Family Violence*. Implementation report summary. Newfoundland: Family Group Decision Making Project.
- Chan, Wai Yin. 1996. "Family Conferences in the Juvenile Justice Process: Survey on the Impact of Family Conferencing on Juvenile Offenders and Their Families." *Subordinate Courts Statistics and Planning Unit Research Bulletin*, February.
- Christie, Nils. 1978. "Conflicts as Property." *British Journal of Criminology* 17:1–15.
- . 1982. *Limits to Pain*. Oxford: Martin Robertson.
- Clairmont, Donald. 1994. "Alternative Justice Issues for Aboriginal Justice." Paper prepared for the Aboriginal Justice Directorate. Ottawa: Department of Justice.
- Consedine, Jim. 1997. *Restorative Justice: Healing the Effects of Crime*. Christchurch: Ploughshares Publications.
- Cullen, Francis T. 1994. "Social Support as an Organizing Concept for Criminology: Presidential Address to the Academy of Criminal Justice Sciences." *Justice Quarterly* 11:527–59.
- De Haan, W. 1990. *The Politics of Redress: Crime, Punishment and Penal Abolition*. London: Unwin Hyman.
- Dignan, J. 1992. "Repairing the Damage: Can Reparation Work in the Service of Diversion?" *British Journal of Criminology* 32:453–72.
- Egash, Albert. 1975. "Beyond Restitution: Creative Restitution." In *Restitution in Criminal Justice*, edited by Joe Hudson and Burt Galaway. Lexington, Mass.: Lexington.
- Farrington, David P. 1993. "Understanding and Preventing Bullying." In *Crime and Justice: A Review of Research*, vol. 17, edited by Michael Tonry. Chicago: University of Chicago Press.
- Fisse, Brent, and John Braithwaite. 1993. *Corporations, Crime and Accountability*. Cambridge: Cambridge University Press.
- Foucault, Michael. 1977. *Discipline and Punish: The Birth of the Prison*. London: Allen Lane.
- Galaway, Burt, and Joe Hudson, eds. 1975. *Considering the Victim*. Springfield, Ill.: Charles C. Thomas.
- Goodes, Tim. 1995. "Victims and Family Conferences: Juvenile Justice in South Australia." Unpublished manuscript. Canberra: Australian National University, Research School of Social Sciences, Reintegrative Shaming Experiment (RISE) Library.
- Hakaiha, M. 1994. "Youth Justice Teams and the Family Meeting in Western Australia: A Trans-Tasman Analysis." In *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* edited by C. Alder and J. Wunderlitz. Canberra: Australian Institute of Criminology.
- Haley, John. 1996. "Crime Prevention Through Restorative Justice: Lessons from Japan." In *Restorative Justice: International Perspectives*, edited by Burt Galaway and Joe Hudson. Monsey, N.Y.: Criminal Justice Press.

- Hassall, Ian. 1996. "Origin and Development of Family Group Conferences." In *Family Group Conferences: Perspectives on Policy and Practice*, edited by Joe Hudson, Allison Morris, Gabrielle Maxwell, and Burt Galaway. Sydney: Federation Press and Criminal Justice Press.
- Hsien, Lim Li. 1996. "Family Conferencing Good for Young Delinquents: Report." *The Straits Times* (Singapore), March 6. (From IMAGE database.)
- Hyndman, Mary, Margaret Thorsborne, and Shirley Wood. 1996. "Community Accountability Conferencing: Trial Report." Queensland: University of Queensland, Department of Education.
- James, T. M. 1993. "Circle Sentencing." Yellowknife: Supreme Court of the Northwest Territories.
- Lajeunesse, T. 1993. *Community Holistic Circle Healing: Hollow Water First Nation*. Aboriginal Peoples Collection. Ottawa: Supply and Services.
- LaPrairie, C. 1994. *Seen But Not Heard: Native People in the Inner City*. Report no. 3: Victimisation and Domestic Violence. Ottawa: Department of Justice.
- . 1995. "Altering Course: New Directions in Criminal Justice and Corrections: Sentencing Circles and Family Group Conferences." *Australian and New Zealand Journal of Criminology* 28:78–99.
- Leibrich, J. 1996. "The Role of Shame in Going Straight: A Study of Former Offenders." In *Restorative Justice: International Perspectives*, edited by Burt Galaway and Joe Hudson. Monsey, N.Y.: Criminal Justice Press.
- Marshall, T. F. 1985. *Alternatives to Criminal Courts*. Aldershot, England: Gower.
- . 1990. "Results from British Experiments in Restorative Justice." In *Criminal Justice, Restitution and Reconciliation*, edited by Burt Galaway and Joe Hudson. New York: Willow Tree Press.
- . 1992a. "Grassroots Initiatives Towards Restorative Justice: The New Paradigm." Paper presented at the Fulbright Colloquium on Penal Theory and Penal Practice, University of Stirling, Scotland, September.
- . 1992b. "Restorative Justice on Trial in Britain." In *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation—International Research Perspectives*, edited by H. Messmer and H. U. Otto. Dordrecht: Kluwer.
- Marshall, T. F., and S. Merry. 1990. *Crime and Accountability: Victim Offender Mediation in Practice*. London: Home Office.
- Matza, David. 1964. *Delinquency and Drift*. New York: Wiley.
- Maxwell, Gabrielle M. 1993. "Arrangements for Children After Separation? Problems and Possibilities." In *Women's Law Conference Papers: 1993 New Zealand Suffrage Centennial*. Wellington: Victoria University of Wellington.
- Maxwell, Gabrielle M., and Allison Morris. 1992. *Family Participation, Cultural Diversity and Victim Involvement in Youth Justice: A New Zealand Experiment*. Wellington: Victoria University of Wellington, Institute of Criminology.
- . 1993. *Family, Victims and Culture: Youth Justice in New Zealand*. Wellington: Victoria University of Wellington, Social Policy Agency and Institute of Criminology.
- . 1996. "Research on Family Group Conferences with Young Offenders in New Zealand." In *Family Group Conferences: Perspectives on*

- Policy and Practice*, edited by Joe Hudson, Allison Morris, Gabrielle Maxwell, and Burt Galaway. Sydney: Federation Press and Criminal Justice Press.
- McDonald, J., D. Moore, T. O'Connell, and M. Thorsborne. 1995. *Real Justice Training Manual: Coordinating Family Group Conferences*. Pipersville, Penn.: Pipers Press.
- McElrea, F. W. M. 1993. "The Youth Court in New Zealand: Is This a New Model of Justice?" Paper presented at the University of Cambridge, Institute of Criminology, October 20.
- Messmer, H. 1993. "Victim-Offender Mediation in Germany After the Reunification." Paper presented at the Eleventh International Congress on Criminology, Budapest, August 23–27.
- Messmer, H., and H. U. Otto, eds. 1992a. *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation—International Research Perspectives*. Dordrecht: Kluwer.
- . 1992b. "Restorative Justice: Steps on the Way Toward a Good Idea." In *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation—International Research Perspectives*, edited by H. Messmer and H. U. Otto. Dordrecht: Kluwer.
- Moore, David B., and L. Forsythe. 1995. *A New Approach to Juvenile Justice: An Evaluation of Family Conferencing in Wagga Wagga*. Wagga Wagga, Australia: Charles Sturt University.
- Moore, David B., and Terry O'Connell. 1994. "Family Conferencing in Wagga Wagga: A Communitarian Model of Justice." In *Family Conferencing and Juvenile Justice*, edited by Christine Alder and Joy Wundersitz. Canberra: Australian Institute of Criminology.
- Morris, Allison, and Gabrielle M. Maxwell. 1993. "Juvenile Justice in New Zealand: A New Paradigm." *Australian and New Zealand Journal of Criminology* 26:72–90.
- Mugford, J., and S. Mugford. 1992. "Policing Domestic Violence." In *Policing Australia: Old Issues, New Perspectives*, edited by P. Moir and H. Eijckman. Melbourne: Macmillan.
- O'Connell, T. 1992. "Looking at New Initiatives." Paper presented at the Juvenile Justice Seminar, Shellharbour, New South Wales, March 31.
- . 1995. "Integrating Australian Police Conferencing into the Canadian Justice System." Discussion paper prepared for Judge David Arnot, Director General, Aboriginal Justice Directorate, Ottawa, Canada.
- Olweus, Dan. 1994. "Annotation: Bullying at School: Basic Facts and Effects of a School-Based Intervention Program." *Journal of Child Psychology and Psychiatry* 35:1171–90.
- Palk, G. 1995. "Community Corrections: A Restorative Response to Crime?" Paper presented at the "Conference on Community Corrections in the 21st Century: Challenge, Choice and Change," Griffith University, Centre for Crime Policy and Public Safety, Brisbane, July 3–4.
- Peachey, D. E. 1989. "The Kitchener Experiment." In *Mediation and Criminal Justice: Victims, Offenders and Community*, edited by M. Wright and B. Galaway. London: Sage.
- Pepler, Debra J., Wendy Craig, Suzanne Ziegler, and Alice Charach. 1993. "A School-Based Antibullying Intervention." In *Understanding and Managing Bullying*, edited by Delwin Tattum. London: Heinemann.

- Pettit, Philip, and John Braithwaite. 1990. *Not Just Deserts: A Republican Theory of Criminal Justice*. Oxford: Oxford University Press.
- Pitts, John, and Philip Smith. 1995. *Preventing School Bullying*. Police Research Group: Crime Detection and Prevention Series Paper no. 63. London: Home Office.
- Pranis, K. 1996. "A State Initiative Toward Restorative Justice: The Minnesota Experience." In *Restorative Justice: International Perspectives*, edited by Burt Galaway and Joe Hudson. Monsey, N.Y.: Criminal Justice Press.
- Pruitt, Dean G. 1995. "Research Report: Process and Outcome in Community Mediation." *Negotiation Journal* 77:365-77.
- Rees, Joseph V. 1988. *Reforming the Workplace*. Philadelphia: University of Pennsylvania Press.
- Retzinger, Suzanne, and Tom Scheff. 1996. "Strategy for Community Conferences: Emotions and Social Bonds." In *Restorative Justice: International Perspectives*, edited by Burt Galaway and Joe Hudson. Monsey, N.Y.: Criminal Justice Press.
- Robertson, Jeremy. 1996. "Research on Family Group Conferences in Child Welfare in New Zealand." In *Family Group Conferences: Perspectives on Policy and Practice*, edited by Joe Hudson, Allison Morris, Gabrielle Maxwell, and Burt Galaway. Sydney: Federation Press and Criminal Justice Press.
- Robinson, Laurie. 1996. "Linking Community-Based Initiatives and Community Justice: The Office of Justice Programs." *National Institute of Justice Journal*, no. 231 (August):4-7.
- Ross, Rupert. 1996. *Returning to the Teachings: Exploring Aboriginal Justice*. London: Penguin Books.
- Sessar, K., A. Beuerskens, and K. Boers. 1986. "Wiedergutmachung als Konfliktregelungsparadigma?" *Kriminologisches Journal* 18:86-105.
- Sherman, L. W., and G. Barnes. 1997. "Restorative Justice and Offenders' Respect for the Law." Reintegrative Shaming Experiment (RISE) Working Paper no. 3. Canberra: Australian National University, Research School of Social Sciences.
- Smith, D., H. Blagg, and N. Derricourt. 1985. "Victim-Offender Mediation Project." Report to the Chief Officers' Group, South Yorkshire Probation Service. Cited in *Crime and Accountability: Victim-Offender Mediation in Practice*, edited by T. Marshall and S. Merry. 1990. London: Home Office.
- Stewart, Trish. 1993. "The Youth Justice Co-Ordinator's Role: A Personal Perspective of the New Legislation in Action." In *The Youth Court in New Zealand: A New Model of Justice*, edited by B. J. Brown and F. W. M. McElrea. Auckland: Legal Research Foundation.
- Strang, H., and L. W. Sherman. 1997. "The Victim's Perspective." Reintegrative Shaming Experiment (RISE) Working Paper no. 2. Canberra: Australian National University, Research School of Social Sciences.
- Stuart, Barry. 1996. "Circle Sentencing: Turning Swords into Ploughshares." In *Restorative Justice: International Perspectives*, edited by Burt Galaway and Joe Hudson. Monsey, N.Y.: Criminal Justice Press.
- Tyler, Tom. 1990. *Why People Obey the Law*. New Haven, Conn.: Yale University Press.

- Umbreit, Mark. 1985. *Crime and Reconciliation: Creative Options for Victims and Offenders*. Nashville, Tenn.: Abingdon Press.
- . 1990. "The Meaning of Fairness to Burglary Victims." In *Criminal Justice, Restitution and Reconciliation*, edited by Burt Galaway and Joe Hudson. Monsey, N.Y.: Willow Tree Press.
- . 1992. "Mediating Victim-Offender Conflict: From Single-Site to Multi-Site Analysis in the U.S." In *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation—International Research Perspectives*, edited by H. Messmer and H. U. Otto. Dordrecht: Kluwer.
- . 1994a. "Mediating Homicide Cases: A Journey of the Heart Through Dialogue and Mutual Aid." *Victim-Offender Mediation* 5:1–3.
- . 1994b. *Victim Meets Offender: The Impact of Restorative Justice and Mediation*. Monsey, N.Y.: Criminal Justice Press.
- . 1998. "Restorative Justice Through Juvenile Victim-Offender Mediation." In *Restoring Juvenile Justice*, edited by Lode Walgrave and Gordon Bazemore. Monsey, N.Y.: Criminal Justice Press.
- Van Ness, Daniel. 1986. *Crime and Its Victims: What We Can Do*. Downers Grove, Ill.: Intervarsity Press.
- . 1993. "New Wine and Old Wineskins: Four Challenges of Restorative Justice." *Criminal Law Forum* 4:251–76.
- . 1998. "Legal Principles and Process." In *Restoring Juvenile Justice*, edited by Lode Walgrave and Gordon Bazemore. Monsey, N.Y.: Criminal Justice Press.
- Walgrave, Lode. 1993. "In Search of Limits to the Restorative Justice for Juveniles." Paper presented at the Eleventh International Congress on Criminology, Budapest, August 23–27.
- . 1994. "Beyond Rehabilitation: In Search of a Constructive Alternative in the Judicial Response to Juvenile Crime." *European Journal on Criminal Policy and Research* 2:57–75.
- . 1995. "Restorative Justice for Juveniles: Just a Technique or a Fully Fledged Alternative?" *Howard Journal* 34:228–49.
- Weitekamp, E. 1989. "Restitution: A New Paradigm of Criminal Justice or a New Way to Widen the System of Social Control?" Ph.D. diss., University of Pennsylvania.
- . 1998. "The History of Restorative Justice." In *Restoring Juvenile Justice*, edited by Lode Walgrave and Gordon Bazemore. Monsey, N.Y.: Criminal Justice Press.
- Wright, M. 1982. *Making Good: Prisons, Punishment and Beyond*. London: Hutchinson.
- . 1992. "Victim-Offender Mediation as a Step Towards a Restorative System of Justice." In *Restorative Justice on Trial: Pitfalls and Potentials of Victim-Offender Mediation—International Research Perspectives*, edited by H. Messmer and H. U. Otto. Dordrecht: Kluwer.
- Yazzie, Robert, and James W. Zion. 1996. "Navajo Restorative Justice: The Law of Equality and Justice." In *Restorative Justice: International Perspectives*, edited by Burt Galaway and Joe Hudson. Monsey, N.Y.: Criminal Justice Press.
- Zehr, Howard. 1985. *Retributive Justice, Restorative Justice*. Kitchener, Ont.: Canada Victim Offender Ministries Program.

- . 1990. *Changing Lenses: A New Focus for Criminal Justice*. Scottsdale, Pa.: Herald Press.
- . 1995. "Rethinking Criminal Justice: Restorative Justice." Unpublished manuscript. Canberra: Australian National University, Research School of Social Sciences, Reintegrative Shaming Experiment (RISE) Library.

66c998f356a9cd6feb5aad3f20c13b0f
ebrary

66c998f356a9cd6feb5aad3f20c13b0f
ebrary

66c998f356a9cd6feb5aad3f20c13b0f
ebrary