

Book Review Essay: Juvenile Restorative Justice In Perspective

Review of Juvenile Justice Reform and Restorative Justice: Building Theory and Policy from Practice

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Juvenile Justice Reform and Restorative Justice: Building Theory and Policy from Practice is the culmination of over a decade of research into American juvenile restorative justice programs. Gordon Bazemore, widely known among juvenile restorative justice practitioners, has directed the Balanced and Restorative Justice Project (BARJ) for the Office of Juvenile Justice and Delinquency Prevention since 1993. BARJ provides technical assistance to restorative programs nationwide. In this new monograph, Bazemore makes use of his multitudinous contacts to explore—along with his Florida Atlantic University colleague, Mara Schiff—the current state of juvenile restorative practices. Funded by both the National Institute of Justice and the Robert Wood Johnson Foundation, the researchers were able to conduct a national survey of programs and partake in site visits, permitting extensive individual and focus group interviews as well as observations of restorative conferences in action.

Although neither Bazemore nor Schiff are practitioners, *Juvenile Justice Reform and Restorative Justice* will be enormously useful to practitioners and policy-makers as they wrestle with the nuts and bolts of program implementation. Contained within its pages are hundreds of small controversies and debates that exist within the field. Should victims, for example, speak before offenders in a restorative conference? Should conferences focus upon healing dialogue or reparative agreement construction? Should facilitators train to use a fixed script? Is extensive pre-conference preparation necessary? Should local residents who are not directly related to either the offender or victim participate in conferences as community representatives? Should programs be housed within traditional criminal justice agencies in order to increase the number and type of case referrals? *Juvenile Justice Reform* illuminates such

programmatic debates and objectively reports the rationales that practitioners offer for their positions.

At the same time, this book is not a program manual, and its primary audience is the academic community seeking to understand the nature of restorative practice as it currently exists in the United States. How many programs are there and of what type are they? To what extent are these programs living up to the models advanced by theorists? How do they compare to programs underway in Canada and overseas? How well are they integrated within the larger juvenile justice system? In the authors' words, "Our objective in this exploratory, formative and descriptive research was to increase understanding of the prevalence, structure, practices, processes, goals, and philosophical/theoretical focus of restorative conferencing for youth across the United States" (p. 12). Their hope is to document the diversity of practices, evaluate their relation to theory—their "restorativeness"—and identify micro-level and midrange theories to explain why certain practices are more or less likely to be effective.

Juvenile Justice Reform coincides with the appearance of what I think of as the second phase of restorative justice research. Beginning in the 1990s, a first phase of major texts described the philosophy and practice of restorative justice, typically contrasting it to the dominant, punitive paradigm. Works that stand out include: Zehr's (1990) *Changing Lenses*; Umbreit's (1994) *Victim Meets Offender*; Braithwaite's (2002) *Restorative Justice and Responsive Regulation*; Van Ness and Strong's (1997) *Restoring Justice*; and Bazemore and Walgrave's (1999) *Restorative Juvenile Justice*.

The second phase includes books that offer critique and topical analysis. Topical analyses include: Heather Strang's (2002) *Repair or Revenge: Victims and Restorative Justice*; Umbreit's (2003) *Facing Violence*; Strang and Braithwaite's (2002) *Restorative Justice and Family Violence*; Pranis, Stuart, and Wedge's (2003) *Peacemaking Circles*; and Karp and Allena's (2004) *Restorative Justice on the College Campus*. Among the critical analyses are: Declan Roche's (2003) *Accountability in Restorative Justice*; Sullivan and Tiff's (2005) *Restorative Justice: Healing the Foundations of Our Everyday Lives*; and Zehr and Toew's (2004) *Critical Issues in Restorative Justice*. Bazemore and Schiff's monograph belongs with these because of its topical focus on juvenile justice and its critical eye on the development of restorative practice in the United States. If phase one is the trunk of restorative justice, then phase two illustrates how the field is branching out.

Knowing them personally, I believe Bazemore and Schiff to be proponents of restorative justice. The way they express their support, however, is through critical evaluation. It is always possible in a largely qualitative study like theirs for the researchers to see what they want to see and hear what they want to hear. Yet from the outset, the authors present a balanced portrait. Indeed, they open the volume with two case studies. The first one they view favorably, suggesting that restorative conferences can be "dramatic, emotionally charged, and potentially capable of producing significant transformation of individual participants, as well as collective conflicts" (p. 3). They see the other case study as representing conferences that, "appear to be ill-conceived and inappropriate responses to isolated, rather trivial incidents where culpability and due process concerns appear to be ignored" (p. 3).

Bazemore and Schiff make use of Van Ness and Strong's (1997) core principles of restorative justice to guide their evaluative research. The three central research chapters of the book examine these in turn. First is the principle of repairing harm; second is stakeholder involvement; and the third refers to "the principle of transformation in community and government roles and relationships" (p. 33), perhaps the most elusive goal to measure as well as to accomplish. One of the great strengths of this book is the authors' willingness to take this principle seriously and devote significant attention to it.

Bazemore and Schiff seek to develop an underlying theory of restorative justice based on their examination of practices on the ground and the theories of practitioners. In so doing, they question some of the received wisdom from which restorative justice theory is derived, specifically Braithwaite's (1989) theory of "reintegrative shaming." They identify multiple perspectives, among which Braithwaite's is central but not monolithic. Their strategy, unlike Braithwaite's in his seminal work *Crime, Shame, and Reintegration* (1989), is not to develop a general theory of crime but to identify mid-range explanatory theories that may or may not be mutually exclusive and explain various elements of restorative practice. In Chapter 2, 10 such theories are described, as detailed below.¹ Each of these alone—but especially in the aggregate—represents an important theoretical advance in the restorative literature. These theories are summarized below.

The authors use three theories to understand the principle of repairing harm. First is Bazemore's own theory of "earned redemption," an exchange theory presuming universal norms of reciprocity in relationships. Making amends for the harm caused by an offense is a straightforward strategy of correcting an imbalance in a relationship. A second dimension of repairing harm is relationship building, and here the authors rely on Francis Cullen's theory of "social support," which suggests that through positive interpersonal connections to others, both offenders and victims can cope with the aftermath of a crime—victims can heal and offenders can desist. The third dimension of repairing harm is "healing dialogue," which allows the specific relationship between offender and victim to heal. Here they draw primarily on the applied theorizing of Mark Umbreit based on his research on victim–offender mediation/dialogue.

The authors next use two theories to understand the principle of stakeholder involvement. First, they rely on John Braithwaite's theory of reintegrative shaming to suggest that offenders' behavioral change is partially predicated upon their experience of "respectful disapproval." Second, they construct a theory of "common ground," drawing on the ideas of Barry Stuart and also David Moore and John McDonald, arguing that through dialogue offenders and victims gain understanding of one another's perspectives, thus enabling offenders to experience empathy and allowing victims to come to terms with and make sense of the crime.

With regard to the third principle of social change from government to community authority, Bazemore and Schiff employ four theories. First, they draw on Lipsky's theory of "street level bureaucracy," which suggests that new initiatives, like restorative justice, will fail unless the incentive structure for line-level staff can change to support the new guidelines. Second, they refer to social disorganization and "social capital" theories to explain how conferencing reaffirms local normative standards. Third, referencing Christopher Uggen's research on civic reintegration, Bazemore and Schiff suggest that

“civic engagement” by offenders, primarily through community service, helps redefine their negative social label and reinforce a new prosocial self identity. Thus, social change takes place through the community–offender relationship rather than through formal social controls. Finally, the authors draw upon Robert Sampson’s recent work on “collective efficacy” to explain how conferencing creates informal social control.

Empirical Findings

Bazemore and Schiff’s national survey revealed 738 juvenile restorative programs in operation across the United States. However, a limited response rate causes the authors to remain cautious about the accuracy of this and other statistical findings. Nevertheless, they found programs in most states (94% of states) but also found that only 13.5 % of all counties nationwide have restorative justice programs. National leaders are Vermont, Alaska, Delaware, Massachusetts, and California. Some jurisdictions have highly integrated systems with institutionalized restorative justice, such as Washington County, MN, and Pinal County, AZ. The most common program type is victim–offender mediation/dialogue ($n = 393$; 51% of all programs). Accountability boards are the second most common ($n = 227$; 29% of all programs). Programs do not appear to cluster in geographic areas of the country or by political orientation of states. Also, “Programs in general are relatively small, non-profit entities that serve primarily minor, non-chronic and non-violent offenders and their victims” (p.330). Unfortunately, the authors do not provide a list of programs or contact information for them. However, I suspect such information can be obtained from the BARJ Project.

Previously, Bazemore has classified various restorative practices, primarily distinguishing victim–offender mediation/dialogue, family group conferencing, reparative or accountability boards, and peacemaking circles (Bazemore & Umbreit, 2001). The authors repeat this typology in this volume, but also observe growing convergence among practices, noticing a blending and borrowing of styles. Thus, they generally use the word “conferencing” to refer to all of the practices, and conclude: “[I]t is therefore futile, we believe, to try to describe fixed parameters of distinctive practice models” (p. 36).

While the authors found strong commitment by programs to the principles of repairing harm and stakeholder involvement, a vision of transforming the relationship between the juvenile justice system and the community was not as apparent. This may constrain the application of restorative justice, and the authors note that the U.S. lags behind other countries in the use of restorative justice for more serious cases. Despite this, or perhaps because of this, Bazemore and Schiff give extended attention to the principle of community building in restorative justice. They note, in particular, three ways in which this occurs:

- (1) Connecting community members (including victims and offenders) more closely in new relationships which are then connected to networks;
- (2) promoting a sense of ownership of the youth crime problem within these networks; and
- (3) skill-building within these networks. (p. 280)

Juvenile Justice Reform and Restorative Justice is not a quick read but it is an important one. Sometimes it is unnecessarily dense, and I often wished for more (though there are many) tables, bullets, and other devices to categorize and summarize key theoretical and empirical points. No editor should have let them get away with publishing an 85-page chapter (Chapter 7), but the book provides the best current account of juvenile restorative justice in the U.S.; it helps to clarify the direction for restorative research in the years to come. It also represents in its methodology a core restorative principle of inclusion. The findings are not based on armchair theorizing but emerge from countless hours in the field gathering both data and the insights of the people who deliver restorative justice programs on a daily basis.

Note

1. Chapter 2 provides extensive citations for the theories and theorists described here.

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