Restorative Community Justice

Repairing Harm and Transforming Communities

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Part I

Introduction

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What's Going On?

- In New Zealand, government officials, representatives of community groups, and researchers meet to "take stock" following 10 years of a national experiment in applying restorative justice principles to the country's youth court. This reform moved juvenile offender dispositions out of the adversarial setting of the court and into the informal context of a "family group conference." These conferences, in which offenders, crime victims, and their families work with juvenile justice professionals to craft sanctions focused on holding offenders accountable and repairing harms their crimes have caused, represents the largest-scale implementation of restorative justice decisionaking in the world to date.

- In Deschutes County, Oregon, "community justice officers" (formerly called probation officers) meet with a citizen advisory board to discuss their progress in moving toward neighborhood duty assignments rather than individual offender caseloads. In the meeting, they and community corrections administrators also hear recommendations from the advisory board about how surplus funds formerly allocated to juvenile offender residential beds in a state facility will be committed to local prevention activities and victim services.

- In a predominantly African-American neighborhood in Minneapolis, a mixed-race group of community members share refreshments after completing a highly emotional community reentry circle in which a black teenager who had been incarcerated for pointing a pistol at a white neighbor in an attempted robbery was

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being welcomed back into the neighborhood. The victim and his wife, who had considered moving out of the neighborhood following this incident, embraced the young man and his parents at the conclusion of the circle and congratulated him on his progress while away from the community and his willingness to accept responsibility and make amends for what he had done.

- In several European countries, an estimated 750 victim-offender mediation programs facilitate dialogue between victims and offenders and negotiate reparative plans that are aimed at giving victims input and information about the crime and the opportunity to meet face-to-face with offenders. In these and some 500 programs in the United States and Canada, practitioners are beginning to include a broader range of more chronic and serious offenders in a nonadversarial alternative to court sentencing, as well as traditional diversion, now also employed at other stages of the criminal justice process.

- In Pittsburgh, Pennsylvania, young offenders assigned to a day-treatment facility in an inner-city neighborhood as an alternative to incarceration work side-by-side with neighbors on housing restoration, community clean-up, voter registration, odd-jobs for the elderly, community gardens, and other community service projects as a core component of their supervision plan. Some offenders also learns mediation and conflict-resolution skills and act as mentors to younger offenders and those new to the program.

- In Canberra, Australia, police officers direct family group conferences in which offenders, crime victims, and their families or supporters meet to develop restorative justice solutions to crimes ranging from shoplifting to felony assault to drunk driving. Similar programs in the United States and Canada utilize police-facilitated family group conferences generally in response to misdemeanor crime by juveniles as a diversion option.

- In Denver, Colorado, members of a local neighborhood accountability board sponsored by the district attorney's office listen to citizen concerns about juveniles drinking after hours in local parks. One result of this meeting is a series of problem-solving measures that include expanded treatment and educational opportunities for young people with substance abuse problems, discussion with young people in the neighborhood about alternative recreational opportunities, and restrictions on use of parks after hours.

- In Dakota and Washington Counties in Minnesota, community corrections managers and staff complete qualitative agency audits designed to gauge changes in staff attitudes and transformation in organizational culture consistent with an ongoing three-year

restorative justice initiative. In one of the state's prisons, a guard embraces a young inmate facing release in a few weeks who he had on several occasions told that his chances of not coming back were 20 to 1. The two had just completed a "reentry circle" in which the guard expressed the view that sitting in on circle discussions with inmates and staff had changed his entire outlook on offenders.

- In Austin, Texas, the District Attorney's office sponsors meetings in which local African-American ministers and other community leaders and interested citizens meet with jailed drug traffickers in circle sentencing sessions in which the offenders discuss the harms their crimes have caused to neighborhoods, and citizens consider alternative sanctions that may be recommended as an alternative to the traditional plea-bargaining process.

- In shopping centers and malls in the United States and parts of the United Kingdom, police facilitate meetings between owners or representatives of retail establishments and young shoplifters to develop informal sanctions that may require apologies, restitution, community service, or other measures as an alternative to formal court processing.

- In New York, New York, the Midtown Community Court offers social services, community service referrals, tutoring, and childcare as a supplement to traditional court services at the neighborhood level. In other community courts and "community justice centers" around the country, citizens are invited to discuss local concerns about crime and disorder and to develop new initiatives designed to "build the capacity" of neighborhood organizations to prevent and control crime.

- In South St. Paul, Minnesota, two students recently involved in a fist fight in the gymnasium sit in a circle with teachers, other students, school resource officers, parents, and a restorative conferencing facilitator, to discuss the harm this incident had caused to the school environment and the student themselves. This and similar meetings in this middle-school are held to consider alternatives to suspension that increase staff and student skill in problem-solving and conflict resolution.

- In several U.S. states, community-based victim support groups assist those injured by violent crimes in a healing journey that may involve talking about the impact of crime on their lives with groups of offenders, meeting with their own offender, supporting other victims of crime, or working with delinquency prevention programs.

- Throughout the state of Vermont, and increasingly in other juris-
  dictions in the United States, volunteers meet with offenders and
  victims in reparative boards, accountability panels, and neigh-
  borhoods boards to develop plans for offenders to redress the
  harm they have caused to victims and their communities.

- In Edmonton, Alberta (Canada), local police officers meet regular-
  ly with local citizen groups who have taken responsibility for con-
  ducting community restorative conferences with offenders involved
  in a wide range of crimes. While police officers themselves initially
  facilitated most restorative conferences and employ a variety of
  problem-solving conferencing approaches "on the street," they now
  refer more serious cases to these neighborhood restorative confer-
  encing groups and act primarily in a sponsorship and support role.

- In Tallahassee, Florida, African-American ministers, local police
  officers, and staff of the Neighborhood Justice Center conclude a
  meeting on improving race relations in police encounters with
  black citizens. After adjournment, several participants in this
  meeting move to another room for a box supper prior to an early
  evening community conference in which some of the group will
  facilitate a neighborhood accountability conference with juveniles
  referred by the state's attorney's office.

In much of the world today, citizens and criminal justice profes-
sionals are engaged in new and distinctive conversations about how to
respond to crime. Though traditional concerns with crime control,
punishment, and offender surveillance and treatment continue to dom-
inate the mainstream criminal justice agenda, this new discourse goes
well beyond the legal issues associated with lawbreaking and is con-
cerned with something more complex than the problems presented by
individual lawbreakers. As indicated by the examples above, those
involved in these new conversations seem to be looking at crime and dis-
order in a different way—through a "new lens" (Zehr, 1990). This lens
focuses our attention on the harm crime causes to individuals, com-
munities, and relationships and on problems that, if not resolved, will
result in future crime and a weakening of community life. The new lens
also seems to bring into focus the strengths and assets in individuals and
communities that may become resources in resolving these problems.

It is certainly possible that some of the rhetoric associated with what
appears to be an emerging new justice movement is simply an attempt
to "repackage" traditional criminal justice programs, policies, and
philosophies. Indeed, some of the practices and agency policies now
being called "restorative justice" will be difficult to distinguish from
long-standing offender diversion programs or alternative dispute res-
olution processes. And some of what is being labeled "community jus-

tice" may look scarcely different from the community corrections or team policing experiments of the 1970s. Yet, those who listen closely to the new conversations—and observe some of the best practices—will soon notice that a distinctive shared vision may be guiding advocates of a new way of responding both to individual offenses and to the conditions believed to cause them.

This value-based vision is less about creating larger, tougher, or even more efficient criminal justice agencies and systems, and more about building local citizen and neighborhood efficacy to respond to crime and these conditions in ways that create safer, more peaceful, and more just community environments. It is less about punishing offenders on behalf of the state in ways that are more threatening, and more about holding lawbreakers accountable for the harm caused to their victims and communities in ways that "make things right" by repairing this harm. It is less about building more treatment programs for young offenders, and more about building new relationships between offenders and their communities. It is less about simply following the letter of the law in victims' rights statutes—that at times seem more focused on hurting offenders than helping victims—and more about attending to victim needs and involving crime victims and their supporters as active participants in justice decisionmaking. Finally, it is less about increasing the uniformity of punishment and promulgating more legislation to protect the rights of offenders in an adversarial process, and more about developing community-focused responses to crime and conflict that seek to rebuild the capacity of citizens and community groups to mobilize informal social control and socialization processes.

For skeptics, much of the apparent consensus among the diverse groups and individuals actively engaged in the new dialogue is viewed as being based on a shared opposition to the status quo. However, even among critical observers, there is growing acknowledgement of a significant alignment around general core themes, such as the return to community as the locus of problem-solving and a questioning of the capacity of formal criminal justice agents to prevent crime or respond effectively to it in isolation from citizens and neighborhood groups. In these as well as more specific themes of community-building, addressing the needs of crime victims, strengthening relationships, and prioritizing new forms of accountability and new strategies for achieving public safety and offender reintegration, there is an important break with the treatment-versus-punishment and crime control-versus-rights debates that have frequently been associated with criminal justice in the past half-century. Yet, beyond this common ground lies a vast area of unsettled territory.

The diversity of policy and practice examples, as represented in the limited set listed at the beginning of this introduction, makes more complex any attempt to describe a movement in which even the choice of

terminology used to identify it is contested ground. The wide array of names being used to describe what some have referred to as a "new paradigm" include, for example, "restorative justice," "community justice," "restorative community justice," "indigenous justice," "responsible justice," "transformative justice," and "balanced and restorative justice"—to mention a few.

Ultimately, we maintain that serious dialogue about values and principles is currently more important to identifying the common ground in this movement—and to its ultimate success—than are labels or packaging. In this volume, we will use the term "restorative community justice" (see also Bazemore and Schiff, 1996; Young, 1995) to describe what is by any assessment a diverse and evolving array of policies, practices, and ideological tendencies. Provisionally, we believe this term captures the essence of what is both distinctive and important about what appears to be an emerging new justice vision. It also allows practitioners and scholars to build continuously on the diversity that is vital to creativity in both discourse and practice. Especially at the practice level, we view this diversity as a strength that can unite a broad group of constituencies who share a sense of need to minimize the trend toward bigger and more complex justice systems that seem to produce less satisfying results.

In doing so, it may be helpful to view the movement around restorative and community justice as a large "tent." The occupants of this tent are threatened, on the one hand, by the possible limitations on growth and creativity that would result from overly restrictive admission criteria. On the other hand, there is equal danger in an open-entrance policy that allows so many into the tent that it leaks and/or produces unmanageable conflict between occupants. In order to open admission to new and emerging practices that reflect the values inherent in the new discourse, while excluding those simply attempting to repackage old interventions and concepts, we suggest that principles, rather than programs, must ultimately be the gatekeeper. Although a principle-based definition would allow one to rank various practices along multiple dimensions based on their potential to meet a variety of restorative community justice objectives, such a definition (unlike black and white distinctions) would not imply the existence of any pure program models. No practice or policy is inherently "restorative" or representative of "community justice," and some practices and policies not currently thought to be part of the restorative- or community-justice framework may become so by incorporating certain principles.

Although we argue that there is now enough convergence in the ideas and practice of restorative justice and community justice to justify an attempt to explore a common vision (see Chapter 1), it is important not to gloss over the considerable differences that may remain between these two frameworks that have emerged somewhat

independently. Although Chapter 1 provides a detailed discussion of similarities and differences between these two terms, we offer the following as general definitions and brief descriptions of the concerns of each perspective.

The term "community justice" has been used generally to describe a preference for neighborhood-based, more accessible, and less formal justice services that, to the greatest extent possible, shift the locus of justice intervention to those most affected by crime (Barajas, 1995; Clear and Karp, 1999). According to one definition, community justice includes:

> . . . all variants of crime prevention and justice activities that explicitly include the community in their processes. Community justice is rooted in the actions that citizens, community organizations, and the criminal justice system can take to control crime and social disorder. Its central focus is community-level outcomes, shifting the emphasis from individual incidents to systemic patterns, from individual conscience to social mores, and from individual goods to the common good. (Clear and Karp, 1999:25)

Practices most often associated with community justice include: community policing, community prosecution, community courts, community corrections, and a variety of related initiatives (National Institute of Justice, 1996). Community justice programs and initiatives seek to be explicitly preventive and attempt to employ a problem-solving focus to intervention (Goldstein, 1990).[1] A community-justice mission for criminal justice agencies and systems is grounded in a commitment to the community as primary client or "customer" of the justice system. Regarding overall normative orientation, proponents of community justice have argued, for example, that it is critical to pay serious attention to neighborhood concerns for disorder, fear of crime, and quality-of-life issues that may seem unrelated or only vaguely related to the crime rate or to formal criminal justice functions (Boland, 1998; Kelling and Coles, 1996; Wilson and Kelling, 1982).

Restorative justice is a new way of thinking about crime that emphasizes one fundamental fact: crime is a violation of individuals, communities, and relationships. If crime is important because of the harm it causes, "justice" must amount to more than punishing or treating those found guilty of lawbreaking. Crime "creates obligations to make things right" (Zehr, 1990:181), and restorative justice therefore includes all responses to crime aimed at doing justice by repairing the harm, or "healing the wounds," that crime causes (Van Ness and Strong, 1997). Restorative justice practices focus on informal decisionmaking in the response to crime, such as victim-offender mediation or dialogue, family group conferencing, and a range of

other processes designed to include victim, offender, and community in developing a plan for repairing this harm. The restorative justice framework also encompasses the reparative sanctions or obligations such as restitution and community service that may result from these processes or from court (or other formal) sentencing procedures, such as restitution and community services, as well as a variety of policy strategies that flow out of a commitment to victim, offender, and community as primary "stakeholders" in the justice process.

Purpose and Goals of this Volume

This volume presents a snapshot of an early but important stage of the restorative community justice movement. Our goal is to capture some of the essence of this evolving creative change in the response to crime. Hence, rather than to seek to define and categorize practices and initiatives, we consider what are for the most part ongoing and unresolved debates over practice, theory, and implementation in the context of core principles of restorative community justice. Therefore, we cannot claim that this book provides the reader with a complete, definitive picture of the restorative and community justice movements.[2] Rather, chapters consider critical and unresolved issues and attempt to break new ground in what is clearly an evolving set of practices and philosophies.

Students and scholars new to restorative and community justice will learn much about the theory and practice associated with these frameworks. However, the volume should not be viewed as introductory. While the book should not be considered a how-to guide or even a general blueprint for implementation, criminal justice professionals will benefit from the critical examination of the movement, its practice, and its philosophy. In addition, several chapters present straightforward descriptions of some of the leading restorative and community justice practices, and also provide a strong grounding in the value framework and normative theories that inform ongoing reform efforts. We believe these descriptions and conceptual overviews will be of interest to both scholars and criminal justice professionals, as well as more general policy audiences.[3] Although the book clearly has a Western focus, indigenous experiences with community and restorative justice practices are briefly considered by several authors. The collection of essays is therefore international in scope but is by no means representative of the range of societies and cultures experimenting with restorative community justice. Our somewhat limited sampling of countries— which includes the United States, Canada, Australia, New Zealand, the United Kingdom, and several European countries—was driven by an effort to address critical themes and issues, offer case studies that

raise theoretical and implementation concerns, and ensure that we selected the most capable authors to accomplish these objectives.

By far, the greatest attraction of this book is the range of authors we have assembled as contributors. A unique feature in this regard is the inclusion of several outstanding practitioners of restorative justice as well as leading researchers and theorists. Notably, several chapters were assigned specifically as collaborations between a leading criminal justice professional working in community restorative justice and a researcher/scholar noted for his or her work in this area. Interestingly, several of the practitioners writers are also noted for their critical scholarship on restorative community justice, and several of those primarily known for their research and theoretical contributions to this emerging field have also been on the front line of policy and program development and implementation.

By inviting contributions from authors who represent a wide range of perspectives, including essentially critical ones, we run the risk that the reader who is looking for a fully developed, coherent new philosophy of justice will be confused, if not disappointed.[4] This book is clearly not a marketing tool for advocates of restorative community justice. Although we include authors who make strong value statements about the potential for certain practices, or the restorative community justice philosophy generally, readers will not find irrefutable rationales for supporting these new approaches, or for persuading others to do so. Some may view this critical perspective as unfair or unkind to those who are taking risks in experimenting with promising new approaches. Our perspective, however, is that it is through such critical examination that reformers ultimately refine practice. Moreover, the most effective critical examination is one that ultimately leads toward solutions to persistent problems. Because some of these solutions, we believe, can be found within the principles of restorative community justice, this critical perspective should be viewed as a strength of this book, with the potential to improve emerging policy and practice. To put these criticisms in context, these authors are at least equally critical of "business as usual" in criminal justice. While it is important to avoid caricatures of the current system, we remind readers that attacks on restorative and community justice must be seen in the context of problems and dysfunctional features of current criminal justice practice rather than against some ideal standard.

In addition to providing a critical perspective, several essays were prepared to consider themes outside the normal range of issues discussed by restorative and community justice advocates. These include the connection to social justice, the linkage to other theories in criminology and other social sciences, the connection to the political and economic context, and implications for offender reintegration. As we will discuss in more detail in Chapter 1, the challenge of any effort to

integrate restorative and community justice is to merge practice and
theory between macro and micro, informal and formal, and prevention
and intervention. We believe several chapters effectively bridge these
domains. One important, though implicit, theme in several of the
chapters is the need for greater collaboration and dialogue between
practitioner and researcher. Until very recently, restorative communi-
ty justice had not gained the interest of criminologists and other social
scientists. Practice, with the notable exception of the now widely
studied victim-offender mediation model (Umbreit, 1999), has gener-
ally proceeded without benefit of much research evidence. Precisely
because restorative justice and community justice are so different
than what has come before, researchers need to become more immersed
in the nuances of practice before attempting to impose evaluation
models on interventions in which participants are likely to be seeking
very different outcomes than those prioritized in traditional criminal
justice interventions (Bazemore, 2000; Clear and Karp, 1999).

We believe each contribution in this volume invites scholars to look
critically and with an open mind at the restorative community justice
agenda. Although several chapters offer important theoretical break-
throughs in a movement that has been accused of having little theory,
there is ample opportunity for critique and expansion of existing or
emerging theoretical models. For administrators and practitioners,
these contributions provide an opportunity for an introspective exam-
ination of what it is they are trying to accomplish in restorative com-
munity justice interventions and how their practice is actually related
to these desired outcomes. The mix of chapters primarily authored by
practitioners (e.g., judges, probation administrators, community work-
ers) and by academics/researchers should provide an excellent context
for this cross-fertilization of theory and practice. Given the dynamic
nature of the restorative community justice movement at this time, we
have sought as editors to avoid adherence to a strictly defined script
for this volume that might place restrictions on the creativity of these
authors. Generally, we selected each contributor because of his or
her expertise in a specific arena of restorative and community justice,
assigned each a topic within a general thematic area, and then allowed
substantial leeway in the development of each contribution.

Primary themes of the emerging restorative and community justice
discourse have guided our efforts to organize this book around what
we view as key components of the new movement. These themes
include the general turn away from an individualized, offender-oriented
focus for criminal justice intervention that is concerned primarily
with treatment and punishment and toward a more holistic approach
focused on repair and community building. A second theme, regard-
ing victim, offender, and community involvement in these efforts to
repair and strengthen communities and relationships, is a primary

consideration informing the development of new strategies and process-
es for involving these stakeholders. A third, overarching theme for
those implementing and evaluating restorative community justice is the
new emerging role for justice systems and justice professionals that is
needed to support such stakeholder involvement and the new relation-
ship between government and community that is suggested by these.

These themes mirror the three core principles of restorative justice
defined by Van Ness and Strong (1997). This suggests that if crime is
to be viewed as more than lawbreaking, the justice response must
focus on repair and involve in decisionmaking those harmed by the
crime. To accomplish both, the response must develop new configu-
rations of roles and responsibilities for justice systems and the com-
munity. The themes also parallel principles of community justice,
although proponents of the latter tend to argue that community jus-
tice is focused on community building for preventive purposes rather
than simply repair (Clear and Karp, 1999; for other differences and sim-
ilarities in these frameworks, see Chapter 1).

Structure of the Book

Based on consideration of these three themes, the contributions in
Part One, which we label the *foundation,* consider core principles
and theoretical underpinnings of restorative and community justice.
Specifically, the essays in this section address specific meanings of
concepts of repairing harm or making things better for communities.
The section begins with a general consideration of differences and sim-
ilarities between the restorative and community justice frameworks. In
this introductory chapter, the editors also discuss the origins and
scope of the modern restorative community justice movements, con-
sider these new practices and ideas in the context of other related social
movements, and briefly address the question "why now?" in light of
the more dominant trends in criminal justice toward system expansion
and punitiveness. Next, in Chapter 2, restorative justice pioneer Daniel
Van Ness and researcher Mara Schiff consider the utility of stakeholder
satisfaction as a primary indicator of the extent to which restoration
has occurred. Their premise is that clarifying the concept of satisfac-
tion may go a long way toward helping practitioners and researchers
develop and refine standards for gauging success in restorative inter-
ventions. Finally, in Chapter 3, Australian criminologists John Braith-
waite and Declan Roche elaborate on the accountability or responsi-
bility component of repair and restoration. Their distinction between
active and passive responsibility for crime invites us to consider that
a major benefit of repairing harm and relationships as an objective of
justice intervention is that it encourages offenders to *actively* seek to

meet their obligations to others. The state-versus-community role in the response to crime is also further clarified in Braithwaite and Roche's discussion.

In Part Two, the authors address what we view as the new *context* for restorative community justice. This new context is a function of the active involvement in justice decisionmaking of three new stakeholders: victim, offender, and community. Authors in this section generally consider the meaning and implications of repair for meeting the specific needs of these three stakeholders and then explore, to a somewhat lesser extent, the challenges involved in engaging them in the justice process. Although crime victims must be primary stakeholders in a restorative community justice agenda, years of victim exclusion and insensitive treatment by criminal justice systems mean that restorative justice proponents have to work harder to win the support of victims and their advocates than of other constituencies. In the first chapter of this section, United States victim advocate Mary Achilles and groundbreaking restorative justice philosopher and practitioner Howard Zehr make it clear that victims are often traumatized not only by offenders but by their treatment in the justice process itself. In doing so, they provide a practical but rarely discussed assessment of the needs of crime victims in the aftermath of crime. On the positive side, these authors suggest that the promise of restorative community justice is one that has already won initial support among a number of victim advocates, and many of the latter are indeed becoming leaders in restorative justice reform efforts. Yet, past mistakes in seeking to involve crime victims in new programs and processes, coupled with the legacy of negative experiences in the traditional system, indicate that restorative community justice practitioners must continue to reexamine their values and intervention protocols if they hope to strengthen this often fragile alliance.

Next, in Chapter 5, researcher Gordon Bazemore and corrections practitioner Michael Dooley consider the role of the offender as a stakeholder and outline a restorative community justice perspective on rehabilitation and reintegration. Beginning with the assertion that restorative justice proponents have often been unspecific about their view of rehabilitation and of the offender as well as a critical examination of the practical and conceptual limits of existing rehabilitation models, these authors explore what the concept of repair could mean for a more holistic model of reintegration and rehabilitation based on the idea of building and/or strengthening social relationships.

In Chapter 6, United Kingdom researcher Adam Crawford and United States corrections and community justice scholar Todd Clear consider the community as a stakeholder in restorative community justice. The community's role has probably been least well defined, and these authors provide an insightful critique that raises questions about the

capacity of restorative and community justice practice to actually define and engage "community" and meet its needs. In doing so, these authors consider the limitations placed on restorative justice by structural injustice and question the motives of some government agencies in efforts to devolve justice to communities in which these injustices have not been addressed. Finally, in Chapter 7, corrections administrator Mark Carey examines the criminal justice agency as a different kind of "stakeholder" whose role and mandate will necessarily change if victims, offenders, and community members and groups are to become involved in justice decisionmaking. Carey views the practical problem of organizational culture as a barrier to reform that may hinder restorative community justice efforts and suggests general strategies for cultural change consistent with the new agenda.

In Part Three of the book, authors address the *content* (or practice) of intervention in restorative community justice. More specifically, they discuss three types of restorative decision-making processes aimed at engaging stakeholders in decisions about how to repair the harm. [5] In Chapter 8, New Zealand criminologists Gabrielle Maxwell and Allison Morris consider family group conferencing as a case study in the implementation of an increasingly popular restorative justice process. Drawing upon their extensive body of research on the New Zealand experience with family conferencing as the primary dispositional strategy in juvenile court, these researchers contrast theoretical and practical assumptions of this model with other conferencing approaches and realistically assess the ability of conferencing to accomplish some of the objectives advocates have set for this process.

In Chapter 9, researcher and community justice theorist David Karp and corrections practitioner Lynn Walther describe Vermont's reparative boards as a somewhat more structured, though still informal, restorative community justice decisionmaking technique. In neighborhoods throughout Vermont, volunteer citizen board members meet regularly to determine sanctions for nonviolent felony offenders that aim to repair harm to victims and communities as an alternative to court sentencing. Although they have been somewhat controversial among advocates of more "traditional" and more consensus-based restorative processes, such as victim-offender mediation, Vermont's reparative boards represent the most institutionalized form of restorative community justice decisionmaking in North America, and have been adapted widely as diversion-level "accountability boards" and "neighborhood youth panels" in several jurisdictions in the United States. While they list several shortcomings of boards, including difficulties thus far in involving crime victims regularly in board hearings, Karp and Walther suggest that boards seek to operationalize community justice principles, and attempt to "build community" by encouraging citizen norm affirmation and practical support for offenders and other stakeholders in the crime.

   In Chapter 10, Canadian Judge Barry Stuart, who has worked
with aboriginal communities for a number of years to expand and
improve the use of circle sentencing (and more generally, the circle
model of decisionmaking), presents core principles in a four-step
process for conducting "peacemaking circles." Stuart suggests that cir-
cles are designed to balance condemnation of the criminal incident with
the need to acknowledge the value of the offender as a community mem-
ber, to attend to the needs of victims, and to build community capac-
ity to respond to crime in the future. Building on Christie's idea of crime
and conflict as an opportunity for transformative change (Christie,
1978), the author considers difficulties in following a consensus
process that is truly inclusive, while also insisting that such a process
is essential for viable and sustainable resolutions to crime and conflict.
Because, in Stuart's view, it is the process itself that is transformative,
community and restorative justice advocates are urged to be flexible
in adapting techniques and structural program designs to a process that
fits the needs of stakeholders rather than the reverse.

   In Part Four of this book, contributors consider the *future* of
restorative community justice in the context of both limitations and the
potential to bring about broader transformation. Here, authors pre-
sent explicitly critical discussions of what seems to be wrong or miss-
ing in some current efforts to implement restorative community justice
and include responses to criticisms from the vantage point of a broad-
er vision. In this section, authors consider challenges to implementa-
tion and explore possibilities for expanding the restorative community
justice vision. In Chapter 11, researchers Evelyn Zellerer and Chris Cun-
neen draw on their extensive experience in Canada and Australia,
respectively, with restorative community justice efforts involving
indigenous populations and the application of these approaches to
women as both victims and offenders. Although many restorative
processes draw heavily on the insights of indigenous decisionmaking
(e.g., Stuart, 1996; this volume), implementation efforts have, accord-
ing to these authors, often involved heavy-handed and insensitive
attempts to impose a restorative process on aboriginal communities that
is inconsistent with their own settlement traditions, and have often
ignored the special needs of women and girls in the process. Although
many of the abuses described by Zellerer and Cunneen were perpetrated
primarily by traditional criminal justice agencies in their respective
countries rather than by restorative justice reformers, these examples
of less-than-thoughtful restorative implementation efforts should
serve as a caution for proponents of community justice who seek to
engage indigenous communities in ways that are also sensitive to the
special needs of females in these contexts.

   From a very different perspective, Australian criminologist Kenneth
Polk argues in Chapter 12 that the restorative agenda is incomplete in

its limited focus on the criminal justice process. He notes the framework's failure to address the practices of formal socializing institutions and, especially, the problems at the level of the political economy that have resulted in a "crisis of abandoned youth." Beginning with a vital historical perspective on how, until recent decades, most Western societies managed to absorb most young people into the political economy and a conventional lifestyle, Polk argues that the restorative community justice focus on *reintegrating* young offenders must begin by confronting the current reality that large numbers of young people have simply never been *integrated*. Though restorative and community justice theorists are increasingly engaging more macro issues of structural discrimination and inequality at the community level (e.g., Braithwaite, 1998; Clear and Karp, 1999), Polk reminds us that few have addressed the arenas of school and work as targets for either prevention or intervention.

Yet, restorative and community justice principles certainly *could* be adapted to such arenas. As Kay Pranis notes in Chapter 13, restorative justice interventions have an important role in more general efforts to promote social justice. Pranis is a Minnesota corrections practitioner whose experience has been focused primarily at the neighborhood level, working with citizens and community groups seeking to develop alternative responses to crime. For her, the key in engaging social justice issues is the democratization of criminal justice through participatory decisionmaking. In a reflective, highly personal account of her experiences at the "cutting edge" (or "healing edge") of restorative community building in Minnesota and elsewhere, she acknowledges that community restorative justice alone cannot resolve political and economic dilemmas of social justice. However, it can result in an important kind of power-sharing that opens doors to engaging broader community problems through a consensus process based more on personal connections than confrontation. While the process of engaging citizens is focused on rather micro, yet concrete problems in the lives of citizens, when viewed through the restorative community justice lens, these problems can be seen as connected to community-level social justice issues rather than as isolated incidents.

In Chapter 15, the editors consider possible futures for restorative community justice. In doing so, we look back on the various contributions of our collaborators in this volume for signs of optimistic visions for restorative community justice in the next century, while taking account of the dangers raised about emerging practices in the new framework as well as the path of expansion that appears likely for the current criminal justice enterprise.
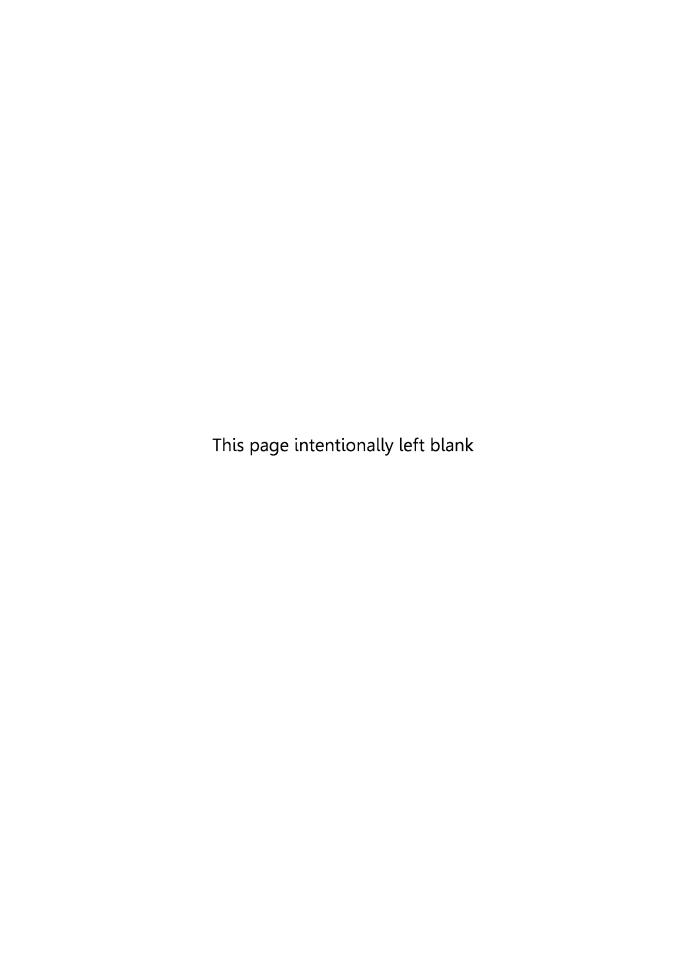
Endnotes

[1]   Though the term is most widely associated with these practices in the United States, in Canada, "community justice" seems to have been more associated with efforts to devolve justice functions to local communities (especially aboriginal communities) and is also used by some to describe a variety of decision-making processes, such as circle sentencing, that are often associated with restorative justice (Bazemore and Griffiths; 1998; Shaw and Jane, 1998, Stuart, 1996).

[2]   We use the term "movement" very loosely here and throughout this volume to refer to a generally unorganized coalition of groups who share an interest in promoting further development of restorative and community justice practice, theory, philosophy, and policy. In this sense, organization in the sense of oppositional movements in other sectors (e.g., the environment, civil rights) is virtually nonexistent, and organization in the sense of professional associations is fragmented into groups having a special interest in one aspect of restorative practice or in theory and research. Examples of the former include the Victim Offender Mediation Association (VOMA) and the International Network for Research on Restorative Justice for Juveniles.

[3]   One of the interesting features of the restorative community justice movement thus far, as Kay Pranis suggests in her chapter, is that researchers and scholars lag far behind community members and professionals in the most advanced practices. Though influenced by scholarly writings and by research and theory, the field seems to be several steps ahead of those who seek to document and synthesize these practices. The good news at this stage of the restorative community justice movement is that it has been practitioners who are demanding rigorous research, and researchers who are asking for more explicit statements of practice and implementation protocols.

[4]   For a more complete and less equivocal statement of restorative and community justice, see Van Ness and Strong, 1997.

[5]   Decision-making alternatives such as restorative justice conferencing are only one of several categories of practice in restorative community justice. At a minimum, these categories also include offender sanctions or obligations, community building, initiating victim support and service interventions, and offender reintegration approaches (Bazemore and Walgrave, 1999; Clear and Karp, 1999). Changes in the decision-making process are, however, one of the most significant innovators in the new model, and they are currently receiving most of the attention, especially in restorative justice circles.

References

Barajas, E., Jr. (1995). "Moving Toward Community Justice." In *Topics in Community Corrections*. Washington, DC: National Institute of Corrections.

Bazemore, G. (2000). "Community Justice and a Vision of Collective Efficacy: The Case of Restorative Conferencing." In *Criminal Justice 2000*, edited by The National Institute of Justice. Washington, DC: National Institute of Justice.

Bazemore, G., and M. Schiff (1996). "Community Justice/Restorative Justice: Prospects for a New Social Ecology for Community Corrections." *International Journal of Comparative and Applied Criminal Justice* 20:311-334.

Boland, B. (1998). "Community Prosecution: Portland's Experience." In *Community Justice: An Emerging Field*, edited by D. Karp, 253-278. Lanham, MD: Rowman and Littlefield.

Braithwaite, J. (1998). "Restorative Justice." In *The Handbook of Crime and Punishment*, edited by M. Tonry, 343-344. New York: Oxford University Press.

Christie, N. (1978). "Conflicts as Property." *British Journal of Criminology* 17:1-15.

Clear, T., and D. Karp (1999). *The Community Justice Ideal: Preventing Crime and Achieving Justice*. Boulder, CO: Westview Press.

Goldstein, H. (1990). *Problem-Oriented Policing*. New York: McGraw-Hill.

Kelling, G., and C. Coles (1996). *Fixing Broken Windows*. New York: Free Press.

National Institute of Justice. (1996). *Communities: Mobilizing Against Crime: Making Partnerships Work*. Washington, DC: National Institute of Justice.

Pranis, K, and D. Bussler (1998). "Achieving Social Control: Beyond Paying!" Minneapolis: Minnesota Department of Corrections.

Stuart, B. (1996). "Circle Sentencing: Turning Swords into Ploughshares." In *Restorative Justice: International Perspectives*, edited by B. Galaway and J. Hudson, 193-206. Monsey, NY: Criminal Justice Press.

Umbreit, M. (1999). "Avoiding the Marginalization and McDonaldization of Victim Offender Mediation: A Case Study in Moving Toward the Mainstream." In *Restoring Juvenile Justice: Repairing the Harm of Youth Crime*, edited by G. Bazemore and L. Walgrave. Monsey, NY: Criminal Justice Press.

Van Ness, D., and K. Strong (1997). "Restorative Justice Practice." Monograph. Washington, DC: Justice Fellowship.

Wilson, J., and G. Kelling (1982). "Broken Windows: The Police and Neighborhood Safety." *The Atlantic Monthly* 249(3):29-38.

Young, M. (1995). *Restorative Community Justice: A Call to Action*. Washington, DC: National Organization for Victim Assistance.

Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Scottdale, PA: Herald Press.

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Part II
Foundations of Restorative Community Justice

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1

Understanding Restorative Community Justice: What and Why Now?

GORDON BAZEMORE
MARA SCHIFF

Definitions and illustrative practices associated with community justice and restorative justice such as those presented in the introduction to this book suggest very different sets of focal concerns in what may appear to be distinct frameworks. Indeed, initial statements of both community and restorative justice, as well as some of the best known practices associated with each, suggest three apparent differences. First, as Crawford and Clear (this volume) observe, until recently most restorative justice practice has been at the more micro level of primarily informal responses to individual incidents of crime, while community justice has been more concerned with larger units of intervention and collective outcomes. Second, the restorative justice emphasis on repairing harm has generally been perceived as a way of intervening in *reaction* to observed crimes (Bazemore and Walgrave, 1999), while community justice has been explicitly focused also on the prevention of crime (Barajas, 1995; National Institute of Justice, 1995). Third, restorative justice since its earliest origins in community mediation (Bianchi, 1994) has had an informal, community-based focus, generally operating outside the formal system and at times distrusting of its motives. Community justice, by contrast, was largely a creation of the formal criminal justice system in the United States. It appears to have grown directly out of the community policing movement in the 1980s as an attempt by its academic supporters and U.S. Department of Justice advocates to design a more comprehensive policy framework

to support a system-wide movement to adapt core principles of community policing to courts, corrections, prosecution, and so on (National Institute of Justice, 1996; Robinson, 1996).

In this chapter we consider the importance of these differences and examine common themes that suggest that recent trends are moving these frameworks more toward convergence. To do so, we first briefly examine common and unique origins of community and restorative justice. We then contrast the two perspectives and consider indicators of this convergence in theory and practice. Finally, we briefly address the question "why now?" in the context of social and cultural movements as well as current dominant trends in criminal justice.

Origins of Restorative and Community Justice: A North American Historical Overview

Practices and settlement processes that are now referred to as "restorative justice" have roots in virtually all ancient human societies. Ancephelous societies generally preferred reparative and often ritualistic responses to crime that sought to restore community peace and harmony as an alternative to blood feuds, which generally had devastating consequences for community life (Weitekamp, 1999). The emphasis on vengeance later became more formalized, more predominant, and also somewhat moderated in the late middle-ages, as feudal lords and kings consolidated the response to crime and social control through the power of the state, in essence "inventing" retributive punishment (Speirenberg, 1985). Van Ness et al. (1989) argue that the Norman invasion of Britain marked the beginning of a paradigm shift, a turning away from the understanding of crime as a victim-offender conflict within the context of community toward the concept of crime as an offense against the state. William the Conqueror (1066) and his descendants saw the legal process as one effective tool for centralizing their own political authority. Eventually, anything that violated the "king's peace" was interpreted as an offense against the king and offenders were thus subject to royal authority. Under this new approach, the king—and, gradually, "the state"—became the paramount victim, while the actual victim was denied any meaningful place in the justice process. As this occurred, the emphasis on reparation to crime victims was gradually replaced with the emphasis on punishment of the wrongdoer by the state, what is now referred to as "retributive justice" (e.g., Zehr 1990).

Moving ahead to seventeenth- and eighteenth-century England and the American colonies, we may find the roots of what is now being called "community justice" in the use of unpaid constables—and, later, part-time sheriffs—in small towns and neighborhoods, which

employed informal mechanisms of social control, order maintenance, and peacemaking (Critchley, 1978). The debate about whether policing should become a state function with full-time law enforcement officers was hotly contested in early nineteenth-century England (Emsley, 1983), at a time when virtually all social control was local and predominantly citizen-based. The prominent role of the citizen, rather than paid professional, as primary keeper of both peace and order was perhaps most clearly illustrated by the individual most credited with making policing a state function, Sir Robert Peel. Peel saw the prevention of crime as the primary goal of policing and suggested that the police officer's role should be viewed as an extension of the role every citizen must play in keeping communities safe (Emsley, 1983).

Modern Origins of Community Justice

The rise of community justice in the 1990s can be attributed primarily to efforts to extend the concepts and practice of community policing to other components of the criminal justice system. Essentially, a nostalgic image of the small-town sheriff and the neighborhood beat cop became the symbolic role model for the community police officer (Skolnick and Bayley, 1986; Wilson and Kelling, 1982). In addition, the approach developed as a direct response to the critique of the professional model of policing in which the detached officer in a squad car responded to 911 calls (Sparrow, Moore, and Kennedy, 1990).

Community justice advocates in the 1990s proposed an alternative to the isolated criminal justice "expert" who was seemingly more concerned with case processing than serving citizens and communities. Community corrections and prosecution strategies offered distinct alternatives to approaches in which tasks are managed and processed in centralized offices that are out of touch with community needs (Boland, 1998; Clear and Corbett, 1998). In any case, we suggest that the modern history of community justice—at least in its most prominent form in the United States—can be traced most directly to the 1980s experimentation with community policing.[1] Specifically, research assessments of what did not work about the professional model of policing (Goldstein, 1990; Wilson and Kelling, 1982), and new conceptualizations of a holistic vision of what a new community policing could become (Skolnick and Bayley, 1986; Sparrow, Moore, and Kennedy, 1990) created a framework that translated with relative ease to community corrections, courts, prosecution, and defense (National Institute of Justice, 1996).

Although the details of how community *policing* grew into community *justice* are sketchy at best, there appear to be three probable tracks of influence in the United States, and possibly the United Kingdom and Canada. First, at the practice level, there has been a genuine

cross-fertilization of strategic emphases. "Beat probation," for example, appears to be an almost direct application of neighborhood policing to the community corrections context. Police/probation partnerships illustrate both the collaborative theme in community policing and a growing range of shared professional values (Corbett et al., 1996). The notion of prosecutors adopting a neighborhood rather than a caseload (Boland, 1998) is similarly an application of community policing ideas to the prosecution function, while the problem-solving and accessibility emphases of community courts are analogous to the pragmatic problem-oriented and service-provision emphases of many community policing advocates (Goldstein, 1990; Skolnick and Bayley, 1986).

Second, academic interpretations of community justice seem to borrow heavily from "deeper" conceptualizations of community policing as a potentially comprehensive reform (Moore and Stephens, 1991). The implications for organizational reform in corrections and courts (Bazemore, 1998; Clear and Karp, 1998), for example, seem to have borrowed heavily from those who challenged the mandate and organizational hierarchies of policing. Such bureaucratic restructuring, as well as efforts to redesign police officer roles, was a prelude to engaging communities as partners in community policing reform (Moore and Stephens, 1991; Rosenbaum, 1994).

Third, in the United States, and in the United Kingdom and Canada (Crawford, 1997; Shaw and Jane, 1998), federal justice department administrators learned much from community policing experiments about how to make the "community" a target and partner in various criminal justice interventions. These bureaucrats and politicians began to understand the power and political resiliency of rhetoric involving appeals to the community (Crawford, 1997). They also learned (and continue to learn) about successful and unsuccessful efforts of community policing initiatives to overcome resistance to organizational restructuring, and especially to engage and sustain community involvement successfully (Rosenbaum, 1994; Skogan, 1998).

Today, community policing is a widespread phenomenon that has influenced most of the Western world (Crawford, 1997; National Institute of Justice, 1996). Community courts, prosecution, defense, revitalized community corrections, and neighborhood justice centers are becoming increasingly common in the United States (Clear and Karp, 1998; Karp, 1997).[2] "Community justice" is not a widely used term outside of North America (Crawford and Clear, this volume). Yet, in the United States and some Canadian provinces, a great deal of funding has been made available to breathe life into the community justice agenda. It remains to be seen whether community prosecution and other practices associated with community justice will take hold internationally in the way that community policing has.

Modern Origins of Restorative Justice

Although reparation in the form of restitution and community service had been used occasionally by United States courts in this century (Schafer, 1970), these sanctions did not become widely popular as sentencing options until the 1970s. Restitution and community service—and to a lesser extent, victim-offender mediation—have been used since the 1970s with increasing regularity in criminal and juvenile courts and are often administered by probation and community diversion programs (Hudson and Galaway, 1977; Umbreit, 1994).

The 1980s saw great expansion in victim-offender mediation programs (Umbreit, 1999), in part as a result of a great interest in restitution and community service programs as a means of institutionalizing reparative sanctions in juvenile courts. This period brought an emphasis on programmatic alternatives to both disposition and diversion and a proliferation of local alternative diversion projects that included mediation and/or reparative sanctions (Schneider, 1985; 1986).

In the 1990s, these and other reparative sanctions and processes are again generating considerable interest as part of a broader international movement (Bazemore and Umbreit, 1995; Hudson et al., 1996; Zehr, 1990). This broader movement has given greater emphasis to restorative decision-making processes such as victim-offender mediation or dialogue, family group conferencing, and circle sentencing, in addition to reparative sanctions such as restitution, community service, and victim service, while also seeking to frame the latter within a restorative framework (Bazemore and Maloney, 1994).[3]

Although much that is interesting and exciting about restorative justice today seems to be "in the air" in creative community planning and "visioning" sessions, restorative justice policies and practices are clearly "on the ground" in local communities, states, provinces, and even entire countries. In some cases, such as New Zealand, disposition of all delinquency cases (with the exception of murder and rape) are handled in community family group conferences. Additionally, in the state of Vermont, where most nonviolent felons and misdemeanors are sentenced by community boards to make reparation to the victims, restorative justice plays a dominant role in criminal justice policy (Belgrave, 1995; Dooley, 1995). Significant state and local impact can also be seen, for example, in Minnesota, Ohio, Colorado, and Maine, and other states that have adopted restorative justice as the mission for their corrections departments. State juvenile justice systems in 35 states (including Pennsylvania, Colorado, Illinois, California, Idaho, and Montana, among others) have adopted restorative justice principles in policy or statute (O'Brien, 1999). In Minnesota, restora-

tive principles are becoming a common feature of policy discussion in virtually all criminal justice sectors, and restorative practices can be observed in schools and the workplace in some communities.

Attention to victim interests, which increased in North America as the victims' movement gained influence in the 1990s (Seymour, 1977; Young, 1996), along with changes in the practice of victim-offender mediation designed to better accommodate victim needs for information, input, reparation, and healing, all contributed to the emphasis on the individual stakeholder in restorative justice. The focus on repair and "healing" as a primary outcome of intervention—also influenced by faith community and feminist supporters who have viewed restorative justice as an alternative to punishment and a means of restoring balance between offender and victim (Bazemore and Umbreit, 1995; Zehr, 1990)—has directed restorative justice to concentrate on the aftermath of crime. Until recently, this has distanced restorative practices and philosophy from the arena of crime prevention. Ties to the faith community (Shaw and Jane, 1998) and the alternative dispute resolution movement—as well as the influence of the women's movement and the feminist critique of patriarchal, depersonalized justice (Bowman, 1994; Harris, 1990)—have also helped to keep restorative justice informal, inclusive, and interpersonal, focusing on resolution and dialogue between victims and offenders.

The level of interest and activity at a systems level in what have traditionally been viewed as marginal, informal diversion programs would not have been predicted even five years ago. Most restorative justice initiatives today remain limited to relatively small experiments and are often lacking in a vision of systemic reform (e.g., Bazemore and Walgrave, 1999; Van Ness and Strong, 1997). Although victim-offender mediation programs (and, to a lesser extent, other forms of restorative conferencing experiments) appear to be flourishing in Europe as well as other parts of the world, they seem to remain as ancillary components of justice systems dominated by more mainstream policies.

Although community justice and restorative justice have common ancient roots, their more modern origins seem somewhat different. There is much overlap, and the above account is in no way meant to diminish the complexity of the modern evolution of the components of community justice or various tendencies within the restorative justice movement. Moreover, in part because of the predominantly North American use of the term "community justice," our account here by no means captures the complexity of similar practices and philosophies in the rest of the world.

Community Justice and Restorative Justice:
Differences and Convergence

Restorative justice's focus on *repairing harm* to individual victims, with a concern for respectful treatment of the offender, is a response to the perceived failure of criminal justice systems and agencies to pay adequate attention to these needs (Zehr, 1990). Victim-offender mediation, which is by almost any measure the most widely implemented restorative justice technique in the world (Umbreit, 1999), until very recently has been a process primarily focused on dialogue between the individual victim and the offender, mediated by a third party and aimed particularly at meeting victims' needs for information, input, reparation, and healing. In some restorative justice circles, especially among some advocates of community mediation and victim-offender dialogue, admonitions to work within, or to attempt to reform, the formal system were historically received with responses ranging from outright opposition to skepticism. Community justice, in contrast, seems to have inherited the neighborhood (macro) focus from the community and problem-oriented policing movements. This was in many ways a direct response to dissatisfaction with the "incident-driven" arrest emphasis that is associated with the professional model of policing (Wilson and Kelling, 1982).

In a similar way, the preventive agenda of community policing was posed as an alternative to the "reactive" focus of "911 policing" (Sparrow, Moore, and Kennedy, 1990), and it included a promise to "solve problems rather than simply process cases." It was not long before community corrections, courts, and prosecutors began to embrace neighborhoods as clients and targets of intervention and also began to adopt a "problem-solving" model of prevention in their respective domains (Bazemore and Schiff, 1996; Boland, 1998; Chavis, 1998; Corbett, 1996; Kelling and Coles, 1998). Whereas restorative justice advocates have continued to emphasize informal programs and processes, the implementation agenda of community and problem-oriented policing (Goldstein, 1990; Trojanowicz and Carter, 1988), and now community justice itself, has been *system-focused*—giving priority to relocating court, prosecution, police, and defense agencies closer to neighborhoods and making them generally more accessible (National Institute of Justice, 1996). The newest part of this discussion on system change has been focused on actual change in the roles of justice professionals to facilitate community participation in justice processes (Corbett, 1996; Dooley, 1998; Maloney, 1998).

Despite these apparent differences in focus, a practical convergence—with theoretical implications—is already at work between community and restorative justice. Notably, key distinctions based on case versus community, prevention versus intervention, and formalism versus informalism now appear to be breaking down.

Case versus Community

With regard to the case/community distinction, some observers suggest that restorative justice in the 1990s clearly entered a "community phase" (Shaw and Jane, 1998). The almost singular emphasis on a dyadic mediation process of the previous two decades was supplemented by a broader concern with citizens and communities as entities suffering harm and thereby also requiring healing and repair.[4] Citizens and neighborhood groups are now seen as resources in facilitating restorative processes *and* as targets of intervention in capacity-building efforts. The latter emphasis can be seen most clearly in Vermont's involvement of citizens in neighborhood reparative boards (Karp, this volume), in the rise of family group conferencing in Australia, and circle sentencing and various revitalizations of indigenous justice in Canada and the United States (Melton, 1995; Stuart, 1996). All have provided a practical grounding to the movement away from the dyadic, more individualized focus of restorative justice.[5]

This expansion of new and important roles for citizen volunteers and neighborhood organizations in restorative justice (Braithwaite, 1998; McCold, 1996) has brought what some see as a needed, if challenging, corrective in restorative policy and practice (Achilles and Zehr, this volume; Bazemore and Griffiths, 1997). In addition, the linkage between restorative justice and broader theories of social control (Braithwaite, 1989; 1998), and the sometimes tenuous connection between restorative justice and the communitarian movement (Bazemore, 1999b; Etzioni, 1998), helped to move the normative theory of restorative justice further away from speculation about the impact of victim and offender on each other, toward more broadly framed etiological theories (e.g., Braithwaite, 1998) that are more consistent with holistic statements of the restorative vision (Van Ness and Strong, 1997; Van Ness et al., 1989).

On the community justice side, the community building and general quality-of-life emphasis of community-oriented policing was not a framework that easily incorporated the needs and involvement of individual crime victims and offenders. Based in part on the aggressive critique of some victims' advocates (Herman, 1998) and on a more thoughtful analysis of who should be viewed as the clients of criminal justice agencies, many community justice advocates are now embracing the individual victim as a primary customer of service (Barajas, 1995; Clear and Karp, 1998; Maloney, 1998). It seemed more difficult to incorporate the offender into community justice except in broad statements about personal accountability (Barajas, 1995; Klein, 1997). However, the suggested inclusion of asset building or competency development into the community justice agenda (Bazemore and Schiff, 1996; Bazemore and Terry, 1997; Clear and Karp, 1998; Maloney,

1998) combined with an emerging critique of harm to community life and efficacy caused by current offender intervention approaches (Bazemore, 1999a; Rose and Clear, 1998) points the way toward a community justice for the offender that is different from the punitive and traditional rehabilitative perspectives. In general, much emerging community justice practice and literature seems to be moving toward a more micro emphasis for individual victims and offenders, in conjunction with the more macro focus on community building (see especially Dunlap, 1988; Barajas, 1995; Clear and Karp, 1998; Maloney, 1999).

Formal versus Informal

As a system-based reform, community justice was primarily concerned with modifying formal organizational structures and intervention protocols. For example, much discussion in community policing focused on changing the organizational mission and the role of line officers to allow them to do a better job of engaging the community (Moore and Trojanowicz, 1988). The limited hypothesis that community justice could simply result in an expansion of the current system by changing the *location* and *user-friendliness* of criminal justice services (Bazemore and Griffiths, 1997; Clear, 1996) has led to an emphasis on the need to bring citizens to the forefront in some community justice circles.

Although it has always been implicit in community policing efforts to engage citizens in various partnership activities (e.g., Moore and Stephens, 1991; Moore and Trojanowicz, 1988; Skolnick and Bailey, 1986), the citizen role in the response to crime was seldom explicitly defined (Rosenbaum, 1994) beyond one-on-one contacts focused on providing information to police officers and participating in community meetings and marches.

Today, however, community police officers in some jurisdictions facilitate restorative conferences as a way of institutionalizing informal problem-solving. Such problem-solving can also empower individual citizens and primary stakeholders in a "front-end" response to crime and local conflict. Moreover, some community prosecutors and judges involved in "community courts" are embracing informal decisionmaking by initiating and sponsoring restorative community boards, community conferences, and even circle sentencing. As part of a community justice strategy, such processes explicitly take decisionmaking out of the adversarial context and share discretion over sanctioning with community members (Earle, 1996; Gerard et al., 1999; Denver District Attorney's Office, 1999).

Although restorative justice advocates will almost always prefer an informal process to a system-driven formal one, systemic and organizational agendas in restorative justice are explicit in Van Ness and

Strong's third core restorative justice principle, which addresses the need to transform the roles of government and community, and the relationship between the two in the response to crime. Their contention is that government is responsible for preserving order but the community is responsible for establishing peace (Van Ness and Strong, 1997; Van Ness et al., 1986)

The formal system is often a target of change in restorative justice initiatives (Bazemore and Walgrave, 1999). Conceptually, some have posited the need for value-driven change in justice systems to allow for the new focus on repairing harm and stakeholder participation in a different type of justice decision-making process (Bazemore, 1999a; Carey, this volume). More practically, concrete change in roles and resource allocation—as well as intraorganizational cultural transformation to improve the fit between justice agencies and the restorative focus—is clearly on the agenda of restorative justice practitioners. Some of these professionals are now in positions of power with various justice system agencies rather than being simply outsiders (Dooley, 1998; Perry and Gorcyzyk, 1997; Maloney, 1998).

Prevention versus Reaction

Prevention has been an explicit primary focus of community justice. While some would argue that the emphasis on repair necessarily makes restorative justice a reactive model (Bazemore and Walgrave, 1999; Van Ness and Strong, 1997), many restorative justice practitioners also seek to pursue preventive goals (Pranis, this volume; Stuart, 1996). As Hudson et al. observe in their assessment of the community-building potential of restorative conferencing processes:

> (Restorative) Conferences help to illustrate the responsibility of citizens to participate in community affairs. The reciprocity evident in the family group conference process helps emphasize the point that people can benefit from the challenge and opportunities of helping others. Receiving help can actually weaken one's self-esteem but giving help as well as receiving it empowers people and strengthens their sense of self-worth. (Hudson et al., 1996:3)

The line between prevention and intervention is difficult to draw when practical examples of restorative and community justice intervention are considered at face value. For example, would minor offenses dealt with in a school-based restorative conflict resolution process such as family group conferencing be viewed as prevention or intervention? Is not the community-building emphasis of reparative boards (Karp, this volume) both an outcome of the effort to repair harm and

a necessary requirement if citizen board members are to sustain their reparative activity. On the community justice side, is not community-building activity aimed explicitly at prevention in its essence but also about repairing and/or strengthening relationships between individuals and parochial groups damaged or weakened by crime? Are police diversion practices, in which officers choose to work with minor offenders in their neighborhoods by intervening with their families and schools, reactive or preventive in nature?

Consistent with many of the practical examples presented in the introduction of this book, the most persuasive theoretical statements on "community justice" now clearly incorporate restorative justice in a way that makes it difficult to determine where one begins and the other ends (Clear and Karp, 1999; Earle, 1996; Perry and Gorcyzck, 1998; Denver District Attorney's Office, 1999). Similarly, restorative justice advocates are emphasizing community building, prevention, and system-change themes that are more consistent with community justice, or perhaps simply more consistent with some of the more holistic statements of restorative justice (Van Ness and Strong, 1997). Although it is possible that advocates of a more micro and informal restorative justice will distance themselves from community justice advocates who wish to pursue a more macro and system-change focus, we think it unlikely that community justice advocates will want to pay less attention to the needs and involvement of victims, communities, and offenders as primary stakeholders or deny the need for informal, interpersonal problem solving processes that have been the hallmark of restorative justice. Similarly, we believe that few restorative justice advocates will deny the desirability of making neighborhood and community-level impacts. Many are already working toward justice system reform in one way or another. While "product differentiation" may lead some to align with one term or another, it appears that most of the often-confusing diversity at this level is occurring at the *program* level rather than at the level of agency administration or conceptualization.[6] At this level, there is (ironically) probably as much dispute over best practice within the restorative justice movement as between restorative and community justice proponents.[7]

Finding Common Ground

Most likely, the adoption of one term or another by criminal justice systems and community-based programs will be based on political or marketing considerations. In the United States, for example, the term "restorative" has met with opposition among groups as diverse as victims' advocates (who resent the implication that crime victims can be "restored" by some justice system intervention) to crime prevention

specialists (who view the term as reactive rather than proactive by its very nature) to government officials (who believe it may send a "soft on crime" message to communities). For their part, restorative justice advocates may fear that use of the term "community justice" may diminish the priority given to the very informal processes they have worked so hard to develop—in part because these approaches do not come naturally to most system professionals—and, more significantly, because they fear an erosion of the normative theory and principles that now inform the best restorative practices. Our view, however, is that if current trends continue, there will be so much cross-fertilization in both the practice and the theory of community and restorative justice that it will be impossible to distinguish between these approaches—despite the fact that practitioners and administrators will continue to choose different labels to describe their intervention agendas. Ultimately, if principles indeed are most important, it is encouraging that both restorative justice and community justice scholars, working closely with practitioners, who for pragmatic reasons have chosen one term or another to describe their new agenda, are now developing rather parallel sets of normative statements that may eventually result in a more completed alternative justice model (e.g., Clear and Karp, 1999; Van Ness and Strong, 1997; Zehr and Mika, 1998).

Essentially, the common ground between restorative and community justice can be found in concerns that require a rethinking of performance outcomes, priorities for practice, justice processes, and appropriate roles for both justice professionals and community members. Intervention objectives, for example, shift from a sole concern with conviction, incapacitation, and reduced recidivism to a focus on such outcomes as enhancing community capacity to prevent crime (Chavis, 1998), fear reduction (Kelling and Coles, 1998), victim satisfaction, conflict resolution, and restoration of loss and "healing" (Van Ness and Strong, 1997). Because these objectives demand more than change in offender behavior, the "target" of intervention is also broadened to include communities, crime victims, other citizens, and interpersonal relationships (Bazemore, 1998b; Buerger, 1994; Byrne, 1989). Intermediate objectives tend to be focused on meeting the needs of individual victims, offenders, and citizens affected by crime in a way that finds common ground between apparently conflicting interests but moves toward the larger goal of strengthening community and rebuilding relationships. Practices to accomplish these goals vary widely from what have now become mainstream (such as community policing) to processes such as circle sentencing and new community conflict resolution approaches. Intervention strategies move beyond arrest, treatment, punishment, surveillance, and risk management to include such approaches as problem-solving, restitution, community service, mediation, and reform in school disciplinary procedures. Decisionmaking about the

response to crimes and offenders changes from an emphasis on formal procedures (such as court sentencing hearings directed by justice professionals) to community courts and nonadversarial processes (such as mediation and conferencing) that allow for maximum involvement of victims, offenders, and community members in setting the terms of accountability for sanctioning. Finally, although the implications for justice professionals remain the least discussed aspect of the restorative and community justice vision, the aforementioned changes in practice and process would seem to require a transition away from the "expert" role to a role of facilitator and supporter of community-driven justice responses (Bazemore, 1998; Boland, 1996; Pranis, 1996). Together, the emerging common vision is one that suggests that the outcome of justice intervention—whether formal or informal—should be a solution that aims toward repairing what is harmed by crime and, in doing so, strengthens the ability of participants in the justice process.

Given this convergence, why then should we not simply settle on one term: "restorative justice" or "community justice"? While we might agree with proponents of community justice that the concerns of restorative justice can be incorporated into a complete community justice model, at present "community justice" does not appear to have as much international currency as "restorative justice" (Braithwaite, 1998; Braithwaite and Roche, this volume; Crawford, personal communication). In Europe, for example, the term may simply not resonate, perhaps because the concept of "community" is viewed in a different way than in North America and other more recently settled countries, and because their justice systems have tended to be viewed as more representative of the community than in the North America (Bazemore and Walgrave, 1999; Weitekampe, 1998).

In the United States, some restorative justice advocates are concerned with the lack of a value framework in early statements of community justice (Pranis, 1997). Such a framework is needed precisely to check the expansion and further encroachment of the criminal justice system (albeit in more benign forms) on community collective efficacy (Bazemore, 1999b; Rose and Clear, 1998) as well as to divert primary attention from the much needed focus on the interests of individual crime victims (Achilles and Zehr, this volume; Herman, 1998). We may agree with restorative justice advocates that more complete statements specifically addressing the new role and relationship between the community and the criminal justice system (Van Ness and Strong, 1997) could incorporate all the concerns of community justice. However, we must also acknowledge that despite these statements, many continue to view restorative justice (primarily, if not exclusively) as a programmatic response focused on individual victims via the