

The Case for Restorative Justice: A Crucial Adjunct to the Social Work Curriculum

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ABSTRACT. This paper discusses the significance of restorative justice practices and orientations for social work education. It describes the four basic forms of restorative justice-victim-offender conferencing, community reparative boards, family group conferencing, and healing circles, with special relevance to social work. Learning about principles and practice of restorative justice is important, if social work is to provide leadership in policy innovation and program development. Following the overview, this paper provides suggestions for integrating restorative content on this timely topic throughout the social work curriculum. doi:10.1300/J067v26n03_04 [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <<http://www.HaworthPress.com>> © 2006 by The Haworth Press, Inc. All rights reserved.]

KEYWORDS. Restorative justice, criminal justice, strengths approach, victim-offender conferencing, family group conferencing, corrections

At the CSWE (Council on Social Work Education) conference in Nashville in 2002, more than 350 papers and workshops were presented.

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A study of the final program reveals a total of eighteen presentations on criminal justice, social justice, and legal issues and one, which was classified under the Asian American/Pacific Islanders category on the topic of family group conferencing. Family group conferencing is the form of restorative justice most closely associated with indigenous populations. The paper, "Learning from Indigenous Practice and Creating New Harmonies: Opportunity and Challenge" was presented by Paul Adams (2000) before a small but very animated audience. In his description of the New Zealand child welfare process, a process adapted from the Maori people and now institutionalized throughout the country, Adams informed us of the active role social workers played in the family group conferencing process. They began by preparing members of an extended family for their role in finding a creative solution to their problem, for example, a child that was being abused. After presenting the facts to the community of family members who are gathered, ritualistically, in a circle, the professionals leave the room, returning only when a decision is reached concerning the care of the child. The social worker then oversees the progress that is made in ensuring the child's safety according to the plan that the family members have agreed upon.

In the following two years, 2003 and 2004, there was no presentation on the topic of restorative justice. My submission in 2003 was rejected as "not relevant to social work education." Nevertheless, I begin with this example from the 2002 conference to illustrate just one of many possibilities that fit under the rubric, restorative justice. Indeed so much is happening out there—in New Zealand, Europe, Canada, and in the United States. It is happening on the reservation, behind prison bars, and in the school room and all in the name of restorative justice. That social workers have a great deal more to learn about this process is the basic premise of this paper. Only one presentation out of 350 on this subject is a start but it isn't much. In the following two years, 2003 and 2004, there was no presentation on the topic of restorative justice. I predict that in the forthcoming years, more attention will be paid to restorative justice processes. This prediction is made in light of: restorative justice's reported success in meeting the needs of victims and offenders and the community, its relevance to traditional social work values, the extensive media coverage given to various restorative practices, and the social work profession's ongoing search for innovative remedies for social problems.

This paper will define the term, restorative justice, review the social work literature on the topic, and then, in a dichotomized table contrast retributive with restorative forms of justice. The central and final portions

of the paper will discuss restorative justice in terms of its roots, alternative paradigms, selected formulations, and relevance to social work education.

WHAT IS RESTORATIVE JUSTICE?

Restorative justice is an umbrella term for a method of handling disputes with its roots in the rituals of indigenous populations and traditional religious practices. A three-pronged system of justice, restorative justice is a non-adversarial approach usually monitored by a neutral professional who seeks to offer justice to the individual victim (the emphasis is primarily on the victim), the offender, and the community, all of whom have been harmed by a crime or other form of wrongdoing. Accountability is stressed as the offender typically offers to make amends for his or her misdeed.

Restorative justice not only refers to a number of strategies for resolving conflicts peacefully, but also to a political campaign of sorts to advocate for the rights of victims and for compassionate treatment of offenders. Instead of incarceration, for example, the option of community service coupled with substance abuse treatment might be favored. Instead of the death penalty in homicide cases, a long prison term might be seen as more humane and reflective of the values of a just society.

Restorative programs are proliferating around the world; the United Nations is in the process of drawing up formal standards for countries to use in restorative justice programming (Van Ness, 2001). Worldwide restorative justice has come a long way since two probation officers first pushed two tentative offenders toward their victim's homes in 1974 in Ontario (Zehr, 1995). Restorative justice has variously been called "a new model for a new century" (van Wormer, 2001), "a paradigm shift" (Zehr, 1995), and "a revolution" (Barajas, 1995, National Institute of Corrections).

The peacemaking powers of the restorative process are legend. The instituting of such programs entails a new way of thinking about justice and change of heart as well as a change of mind. The best known restorative justice programs offer victims a carefully facilitated encounter with either their personal offender or offenders of other victims (Zehr, 2001). This vision of justice comes in many forms and shapes as a visit to www.restorative.org will confirm. Restorative principles are seen in the settlement of school disputes such as bullying on the playground as well as in the formalized meeting of a murderer and the family victims

years after the crime, for the purpose of enhancing healing. Sometimes forgiveness even occurs, most often not. But research generally shows that the participants report a high level of satisfaction following encounters in which crime victims confront their offenders in victim-offender mediation (Umbreit, 2001).

Much of the fascination of restorative justice processes is tied to its very complexity and infinite variations of cruel circumstances. That a wealth of moving and sometimes astonishing stories are emerging from this field is hardly surprising as we move from a closed retributive model with a focus on revenge to an expansive restorative model that seeks healing through creative solutions.

SOCIAL WORK LITERATURE REVIEW

Despite the aforementioned sparseness of articles on restorative justice in the mainstream social work literature, there is a large volume of evaluative research produced by schools of social work in the United States and Canada. Additionally there are numerous books authored or edited by social work educators. Here I will discuss contributions with the most relevance for social work education.

Under the heading, "restorative justice," *Social Work Abstracts* lists five articles from 1977 to 2004. (In contrast, *Criminal Justice Abstracts* lists 258 and *Sociology Abstracts* lists 119 during the same time period.) Those listed in social work are: "Restorative Justice: A Model for Social Work Practice with Families" by van Wormer (2003) in *Families in Society*, "Probation and Social Justice" by Smith and Vanstone (2002), "Nurturing the seeds of restorative justice" by Holtquist (1999) in *The Journal of Community Practice*; "The Class Politics of Domestic Violence" by McKendy (1997) in *The Journal of Sociology and Social Welfare* and "Crime Victims Confront their Offenders: The Impact of a Minneapolis Mediation Program" by Umbreit (1994) in *Research on Social Work Practice*. Of these, only the van Wormer and Holtquist articles spell out implications for social work, both noting that the values and goals of a restorative justice paradigm are remarkably congruent with those of the social work profession. The focus of the Holtquist article, however, is on a community survey rather than the theoretical perspective that may indeed portend a paradigm shift in criminal justice. While Umbreit's contribution is not about social work specifically, his research findings which document the effectiveness of victim-offender mediation, are extremely useful for social work's role in policy advocacy.

Turning to relevant sources not listed in *Social Work Abstracts*, the starting point is the work of Mark Umbreit, the Director of the Center for Restorative Justice and Mediation and Professor of Social Work at the University of Minnesota, who clearly is the most prolific and widely cited of all the writers in this field. Although his books (e.g., *The Handbook of Victim Offender Mediation*, 2001) do not take any special note of the social work profession, two of his articles do so. His groundbreaking article on victim-offender mediation details the role played by two co-mediators, both trained social workers, in mediation between an offender and his victims whom he had burglarized (Umbreit, 1993, *Social Work*). Umbreit (1999) again acknowledges the vital role that social workers play in victim-offender mediation as community organizers, program developers, trainers, and mediators; in his analysis of data from several Canadian community programs.

Also from a Canadian perspective, Barsky (2001) makes a strong case for the social work curriculum to include the theory and principles of family mediation. Skills of mediation can be applied to dealing with concerns between the child welfare agency and family and parent-child conflict, for example. In interdisciplinary teams, social workers can advocate for culturally appropriate models and raise awareness of gender-based power imbalances in relationships and of the possibility of wife abuse. Two Canadian social work educators, Burt Galaway and Joe Hudson's (1996) volume, *Restorative Justice: International Perspectives* is especially useful in providing detailed descriptions of Canadian indigenously based practices such as circle sentencing. As social work educators who got their training in Canada, both Galaway and Hudson (2000) have also edited the definitive study on family group conferencing. Their text, *Family Group Conferencing: New Directions in Community-Centered Child and Family Practice*, describes a model of which all social workers interested in child welfare innovation and juvenile justice should be aware.

Van Wormer (2004) presents restorative justice as an antidote to oppressive judicial practices in *Confronting Oppression, Restoring Justice*. This same author, similarly, combined restorative justice principles with social work's strengths perspective in *Counseling Female Offenders and Victims: A Strengths-Restorative Approach* (van Wormer, 2001). Unique to this latter work is attention to female victimization issues including male and female sexual offending within a combined strengths-based and restorative justice context. Drawing from the formulation presented in that book, I have constructed a table, Paradigms of Justice, which compares the assumptions of the standard retribution

model with those of an approach that seeks to restore peace by building on people's strengths. (Table 1) The table is divided into three sections to correspond to each of the three components of restorative justice—victim, offender, and community—that are most strongly affected by crime or some other act that has generated harm.

Unique to the paradigm of restorative justice as combined with social work's strengths approach is the elimination of the concept of shame as an element emphasized in the Australian model; this entails shaming of the offender and gradual reintegration. Regarding the crime against the individual as also a crime against the state, also sets this paradigm apart from the classical view of restorative justice which sees crime as an offense solely as against the individual (Zehr, 1995). The inclusion of the state has several benefits: protection of the victim, especially important in cases of severe violence such as rape, the opportunity to involve prison inmates in the proceedings with the cooperation of prison authorities, and the availability of a neutral setting provided by the state where the conferencing can take place.

VARIETIES OF RESTORATIVE JUSTICE

Students of social work, especially students in graduate programs, have often observed the intricacies of the criminal justice system vicariously. Through their clients they have experienced the pain of victims whose needs were ignored by the system and the horrors of offenders facing loss of family and freedom. Less often our students will have experienced the traditional system directly when subpoenaed to provide evidence. As described by Zehr (2001):

The adversarial setting of the court is a hostile environment, an organized battlefield in which the strategies of aggressive argument and psychological attack replace the physical force of the medieval duel. (p. 192)

I have found that social work students, when they learn of it, find the principles of restorative justice very much to their liking. Their enthusiasm is infectious. Of most relevance to social work practice are the following forms of restorative procedures.

Victim-offender conferencing. In its most familiar variation, victim-offender conferencing operates through the criminal justice system. In a court-referred process, victims and offenders meet in a circle to

TABLE 1. Paradigms of Justice

Assumptions of Retribution Model	Assumptions of Strengths–Restorative Model
Victim	
Often blamed and stigmatized because of connection with crime	Treated with utmost respect, victim blaming avoided, acknowledgment of harm done by all concerned
Will get satisfaction through vengeance	Achieves satisfaction through direct involvement in the whole process
Inadequate counseling provisions	Document emotional impact of crime, build on strengths in counseling
After the trial, victim is ignored	Victim is referred to support and advocacy groups to further promote healing, protect against further violation
Resources spent on trial and incarceration of offender	Resources placed in women's shelters, long-term counseling to offset trauma
Victim's family not involved	Victim's family can be involved in entire process if victim so wishes
Offender	
Crime as an act against the state	Crime as an act against the state, the victim, and community
Crime is deterred by harsh punishment	Stress on prevention such as substance abuse treatment and gun control
Goal of criminal justice is to punish the criminal to deter crime	Goal of criminal justice to restore harmony in society
One size fits all, mandated standardized sentencing	Highly individualized and flexible sentencing
Offender as bad person judged by bad behavior and deficits	Offender seen as whole person, often redeemable and able to change, look for strengths
Juvenile tried as adults for serious crimes	Focus on treatment, help, and community service for juveniles
Deliberation solely through adversarial system, enemy against enemy, male model of justice	Emphasis on dialogue, truth-telling, and open communication after guilt is determined, reach consensus for all parties, a more feminine, nurturing model of justice
Focus on <i>short-term</i> solutions and the offender's act for which he or she was caught	Focus on total <i>long-term</i> solutions to restore and strengthen community bonds and to break cycle of abuse
Goal of offender to escape accountability	Restitution and making amends are included in sanctions, offender accountability to victim and community is stressed
With imprisonment, total isolation from empathy society	Reintegration to society and work, victim/offender programs and making amends may take place in prison
Tremendous financial investment in high security prisons and death penalty cases	Money placed in treatment, counseling, half-way houses

TABLE 1 (continued)

Assumptions of Retribution Model	Assumptions of Strengths-Restorative Model
Community	
Community not key players, involved in process through media only	Community is a true partner in process of justice, assists victims and supports offenders in completing obligations
Punishment of offender not related to community cooperation	Community service to help repair the harm and strengthen community bonds
Offender answers to law and state only, police to catch and apprehend criminals	In circle sentencing as one option, offender answers to community members, community policing encouraged
Draw on correctional punitive resources	Draws on community resources, extensive use of volunteers as mediators
Isolation of offender from community, drug-using mothers sent to prison, children to foster care, community may suffer, offender is punished long after crime is committed	Keeps offender involved in community life, treats mother in community and keeps family intact. Prevention efforts such as substance abuse treatment benefits community, promotes birth of drug free babies

communicate their feeling and work out restitution agreements (for a full description, see Bazemore and Umbreit, 2001). Increasingly common, in addition, are victim-impact panels in which victims/survivors give a presentation to reveal the impact of a crime on their lives. These panels, typically, are arranged by victim assistance programs, correctional staff, and trained volunteers. Sometimes following extensive preparation, victims/survivors meet with the very offenders who have so altered their lives. Read, for example, about the pioneering work of Linda Harvey described online at www.restorativejustice.org. Harvey, an experienced social worker, arranges for meetings on death row between murderers and their victim's families.

Community reparative boards. Institutionalized within the Vermont state system to serve as a sanctioning mechanism for youth and non-violent offenders, these boards or panels consist of a small group of citizens who discuss with the offender the harm induced by the offense (Bazemore and Umbreit, 2001). The emphasis is on repairing the damage and holding the offender accountable while keeping the offender within the community.

Family group conferencing. Developed from the Maori tradition in New Zealand where it has become the state-sanctioned process, family group conferencing involves the community of people most affected by crime including the families of both offender and victim. Actively

involved in setting up the conference, social workers then take a back seat to allow the participants to come up with an appropriate sanction or solution. This process is empowering to the community and highly applicable not just for resolution in the criminal justice realm but also in matters pertaining to child welfare as addressed by the child welfare system (Adams, 2002). Social workers help oversee and monitor the arrangements reached by extended family members as to how the child's safety would be ensured.

Healing circles. This innovative approach is relevant for work with victims/survivors who need family and or community support following the trauma caused by a crime. The format is ideal for recovering alcoholic/addicts who wish to be reconciled to loved ones as well. The Toronto District School Board has adopted this approach for situations in which students have victimized others at school ("Healing Circle Shows Offenders Their Human Toll," 2001). All the people touched by the offense gather together, review the incident or incidents, try to make sense of it, and hopefully reach a peaceful resolution.

In all areas of social work, practitioners should find familiarity with one or more of these four models of relevance to their work. All these models—victim-offender conferencing, reparative boards, family group conferencing, healing circles—are relevant to correctional counseling. Victim-offender conferencing is relevant to victim advocacy work, group conferencing to child welfare work and to work with minority groups within extended family structures, and healing circles to school social work, addictions treatment, and community organization. Policy advocates and lobbyists will want to keep abreast of treatment evaluation findings so that they can conduct cost effectiveness analyses. (The best U.S. resource for current data on treatment evaluation is found on the website of the University of Minnesota's Center for Restorative Justice and Peacemaking at <http://ssw.che.umn.edu/rjp>. The Australian Institute of Criminology contains a wealth of relevant articles as well at www.aic.gov.au.) All four models discussed in this paper take place within a community-based context and seek, in a non-adversarial setting, to bring victims, offenders, family, and community members together so that they may come to terms with the dimensions of pain and violation caused by the offender's actions. The decision-making policy process embodied in these strategies, moreover, is more likely than traditional forms of decision making to give effective voice to those who are traditionally disadvantaged in the society.

RELEVANCE TO SOCIAL WORK VALUES AND EDUCATION

The mission of social work is rooted in a set of core values. According to the National Association of Social Workers (NASW) Code of Ethics (1999: Preamble), the core values of social work are: service, social justice, dignity and worth of the person, importance of human relationships, integrity, and competence. Restorative justice clearly relates to all these values but most especially to *social justice* or fairness in treatment under the law and to integrity because of the emphasis on truth telling in these person-centered proceedings (van Wormer, 2004). The focus of restorative justice is on the offender's whole personality, not only on the acts that have caused the harm. Ideally, this informal but emotionally intense process will have a humanizing effect on all participants. Restorative justice is decidedly anti-oppressive in that it gives voice to persons who traditionally have been silenced in the courtroom or in the plea-bargaining process.

On the subject of oppression, the Council on Social Work Education (CSWE) has revised its accreditation standards to include content concerning the dynamics of oppression throughout the social work curriculum. New to the accreditation standards is the change from the requirement to offer content on specific vulnerable populations such as racial, ethnic, and sexual minorities in favor of a more general approach, to alleviate oppression and other forms of social injustice. Section C under Foundation Curriculum Contents states, "Programs integrate social and economic justice content grounded in an understanding of distributive justice, human and civil rights, and the global interconnections of oppression." The inclusion of course content on international issues in social welfare policy now is also required. Spirituality, global interconnections, challenging oppression and injustice—it all sounds a lot like the qualities of restorative justice.

The standards which went into effect in July, 2002 stress the necessity for social work programs to include spiritual development as central to an understanding of human behavior in the social environment. This important addition to the Educational Policy and Accreditation Standards is in recognition of the key role that religion and spirituality play in the lives of many of our clients and of the strengths that may accrue through these sources. The rituals pertaining to healing circles often start and end with prayers, depending on the religious preferences of the participants. There is a religious aspect, similarly, that arises in much of the victim-offender work, religious devotion on the part of volunteers, religious conversion by the offenders in prison, and the whole forgiveness theme.

STRATEGIES FOR ENHANCING RESTORATIVE JUSTICE EDUCATION

Negative attitudes held by many social work students toward working in the criminal justice field may be offset by dynamic presentations offered by professionals in the field of restorative justice. Two- and four-day workshops on restorative justice often are provided free of charge to interested members of the community. To locate appropriate speakers, faculty can consult a resource list such as the one provided in Appendix A in the Umbreit (2001) text which lists restorative justice based agencies state by state. Victim offender programming exists in most cities in the U.S. Faculty and students can learn together collaboratively of the kind of innovative work being done in the local community.

Field placement opportunities, either offered by an organization founded on restorative principles such as Transformation House in Lexington, KY, or individually through a progressive probation department or school system can provide excellent learning opportunities for the student.

Research courses too can be enriched by examples from the kind of evaluative research that is done in this field. What are the survey techniques that are used? What kind of data analysis is provided? Are there validity and reliability checks? How can the cost effectiveness of the new techniques be documented? All these research questions can lead to fruitful discoveries about restorative justice as well as about the process of research itself.

Howard Zehr's (1995) theoretical yardstick consists of five queries to be considered by in program evaluation:

- Do victims experience justice?
- Do offenders experience justice?
- Is the victim-offender relationship addressed?
- Are community concerns being taken into account?
- Is the future being addressed?

Graduate courses in policy analysis offer an ideal educational opportunity to instill excitement in students in conducting an analysis of restorative policies complete with a review of the literature, presentation of the historical and global context, and a real proposal for a local initiative related to restorative justice. One student or group of students could

relate these principles to a child welfare initiative, another could focus on an anti-bullying program at a school.

Social work practice courses can teach the theories and provide the guidelines for restorative practice. Role plays can set up circles using a feather or talking piece—the piece is passed around the circle from speaker to speaker. Each participant can be given a role to play, for example, the offender, mother to the offender, victim. Guidelines are provided for the facilitator on how to initiate and monitor the activity.

In elective courses such as social work with women, substance-abuse counseling, and correctional counseling, a powerful experience is to invite a panel of offenders (such as sex offenders) accompanied by their probation officer to tell their stories. Typically, a dialogue between the panel members and victims/survivors in the classroom will ensue. Each semester I refer students who have been victimized previously and worked through their issues, to the victim liaison to interview them for possible participation in a victim impact panel. Students typically write up or share their experiences with the class.

CONCLUSION

Restorative justice principles very neatly bridge the gap between the formality of conventional criminal justice processes and the social work ethos. In its incorporation of activities related to personal and community empowerment, spirituality, conflict resolution, healing of relationships through dialogue, and learning techniques of decision making inspired by indigenous people's traditions, restorative justice effectively links practice with policy.

Restorative justice programs are proliferating around the world and becoming established in this country through cultural transmission in the United States. Social work educators can play a major role through theory development and inspiring students to pursue application of restorative principles to a wide range of practice areas. To date, despite the work of a number of dedicated social work researchers, the social work profession, at least in the U.S., (though not in New Zealand or Canada) has failed to exert leadership in teaching about, writing about, or setting up restorative justice programs. But, as Scarlett O'Hara was fond of saying, "Tomorrow is another day."

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