

Restorative Justice: Exploring the Impact on Victims of Crime

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Author Note

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Abstract

The Restorative Justice (RESTORATIVE JUSTICE) framework has its roots within the criminal justice system. The approach brings together the perpetrators of particular crimes with the victim(s) of their crime for the purpose of offering healing to and restoration of both the victims and perpetrators. The cornerstone of this post-adjudicative initiative is offender accountability; convicted criminals need to both admit their crimes and demonstrate both an appreciation for the suffering endured by the victim and remorse for being the cause of the injury. The critics of Restorative Justice practices argue that the risk for re-victimization of crime victims has become more significant as the field of RJ has promoted notions of reconciliation and forgiveness for victims and offenders — with little to no direct understanding of the victim experience and the effects it has on them. Additionally, these critics call attention to the field having been effectively altered so that the goals of healing are predominantly centered around offenders. This thesis paper will examine two comprehensive case studies of adult victims of crime that choose to participate in the restorative justice process to determine whether it is, in fact, a meaningful experience in terms of healing and restoration or does it promote unrealistic expectations that leaves victims at risk of being re-victimized?

Keywords: Crime victims, Restorative Justice

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Introduction

Mahatma Gandhi once said, “An eye for an eye leaves the whole world blind” (Alli, 2013 p.22). This same principle - one that is deeply embedded in the basic human instinct for fairness and morality - is the framework upon which the United States criminal justice system was founded. Essentially, the criminal justice system is tasked with punishing and isolating perpetrators of crime to keep citizens safe and society properly functioning. Ideally, the punishment comes in the form of jails and prisons, which are not simply intended to house convicted criminals, but to rehabilitate them, thus greatly reducing the rate of recidivism. The current justice system is heavily offender-oriented. This fact is antithetical to meeting the needs of crime victims along with the collateral damage that is inflicted. Moreover, this reality generated the need for a different approach to justice that would address these concerns. As a consequence, the Restorative Justice philosophy has evolved to become a part of the American criminal justice system (Walgrave, 2011).

As many view the traditional justice system as failing victims directly impacted by crime, Restorative Justice programs are increasingly promoted as a response (Palermo, 2013). In the context of the criminal justice system, the philosophy of Restorative Justice acts as an alternative response to criminal behavior that “focuses on lawbreaker restitution and the resolution of the issues arising from a crime in which victims, offenders, and the community are brought together to restore the harmony between the parties” (“Restorative Justice”, 2021). As a growing social movement, Restorative Justice emphasizes “peaceful approaches to harm, problem-solving and violations of legal and human rights” (Carruthers, 2012). Yet, there are a great many concerns regarding Restorative Justice processes in the eyes of victims (Gade, 2018). Where Restorative

Justice initiatives function as an extension of the formal justice system, there are important questions about who the “real” victim is. This stems from criticism raised by Victims of crime and their advocates that since its widespread implementation into the justice system, Restorative Justice has become overshadowed by the growing focus on offenders and the efforts to rehabilitate (“Restorative Justice: For Victims, Communities, and Offenders,” 2020).

Statement of Problem

The contemporary American criminal justice system tends to remove the victim from the center of the criminal proceedings. Crime victims have little to no role in the criminal proceedings both before and during trial (or the plea-bargaining process), except for their role as a victim witness. The criminal matter is overwhelmingly under the control of the state prosecutor “who determines the course of the trial, what punishment is to be sought, what information the victim receives regarding the progress of the trial, and whether or not the victim will have an opportunity to act as a witness” (Hill, 2008). This sense of disempowerment regarding the criminal legal proceedings causes many crime victims to feel re-victimized (van Wormer, 2009).

Proponents of Restorative Justice argue that this is precisely the reason for adopting Restorative Justice approaches to crime as the philosophy is victim-centered, but it also heals and restores the perpetrators as well, thus increasingly the likelihood of re-offending and creating yet more victims (Kurki, 2000). Opponents argue that the Restorative Justice philosophy is a romanticized notion of criminals and victimhood as some data demonstrate a high rate of victim dissatisfaction following their participation in the Restorative Justice process (Herman, 2005).

Background and Need

The History of Restorative Justice

In American literature, the term “Restorative Justice” is generally credited to American psychologist Albert Eglash. Eglash first adopted the phrase in his 1958 article “Creative Restitution: Its Roots in Psychiatry, Religion and Law” (Eglash, 1958). After his experience working with youth and adults who were in the criminal justice system, Eglash discovered that there was a lack of humanity and effectiveness within the current system. As a proposed alternative to that system, he developed and promoted the concept of creative restitution in a series of brief essays throughout the ‘50s and in the ‘70s, in which he also argued for its therapeutic benefits (Galaway, 1992, p. 347).

In the creative restitution scheme, “an offender, under appropriate supervision, is helped to find some way to make amends to those he has hurt by his offense, and to ‘walk a second mile’ by helping other offenders” (Elmar, Weitekamp, & Parmentier, 2016). Eglash’s work with creative restitution has been acknowledged by many scholars as one of the foundations of the Restorative Justice movement. This is so because many of RJ’s basic tenets can be found within the constructs of creative restitution.

Eglash’s literature is, however, limited in that he did not outline a clear understanding of Restorative Justice. Additionally, his creative restitution focused predominantly on the needs of the offender. Nonetheless, Eglash’s writings were integral in influencing conceptual and practical founders including American criminologist Howard Zehr, who pioneered the modern Restorative Justice movement that is known throughout the world. Zehr’s approach introduced RJ as a philosophical approach to punishment where the reconciliation and healing of both the victim and the offender is the focal point (Palermo, 2013).

In his 1985 article “Retributive Justice, Restorative Justice, Zehr formulated that “the current criminal justice paradigm—which he refers to as “retributive justice” (punishment-

focused justice)—is in crisis and that Restorative Justice should be adopted as a new paradigm” (Gade, 2018). The main differences between these approaches can be emphasized in their desired results. Retributive Justice tends to mitigate the offender’s obligation to acknowledge their actions or to repay the victim and community, while Restorative Justice seeks to hold the offender accountable in order to heal those impacted and put things right (Zehr, 1985). This groundwork generated a strong interest in the basic principles of RJ, and the practice began to simultaneously develop in countries such as Australia, New Zealand, Canada, the Netherlands, as well as the United States (Carruthers, 2012).

By the 1990s there were hosts of victim-offender Restorative Justice programs predominantly in many states and provinces of the United States and Canada (Menkel-Meadow, 2007). The growing surge in popularity of these program was stimulated largely by the victims’ rights movement and advocates who complained that under our common law criminal justice system, the victim often gets “harmed twice, first by the offender and then by a callous criminal justice system that regards the victim officially as no more than a witness who can help the state to bring justice to an amorphous abstraction: the people” (Forst, 2011). Moreover, in 1994, RJ took a pivotal step in solidifying its mainstream status when the American Bar Association endorsed the victim-offender mediation programs (Armour, 2010). Additional support came from the United Nations, the Council of Europe, and the European Union (Elmar, Weitekamp, & Parmentier, 2016).

In its modern incarnation, the practice of RJ - within the context of victims of crimes – has expanded and become more formalized. The arena for Restorative Justice intervention practices can be applied to a wide range of offenses. These include serious but nonviolent crimes such as vandalism or theft, to violent crimes like domestic violence and assault. Restorative

Justice has developed into a viable tool in the practice of criminal law that has been implemented in over 80 countries.

What is Restorative Justice?

There are multiple aspects of Restorative Justice and no universally accepted definition. This is due, at least in part, to the evolutive nature of Restorative Justice; it is more a process, it is a paradigm, and practitioners' value "adaptation over formal consistency" (Hill, 2008). The following working definition has been offered, RJ is an alternative approach to punishment that aims to "hold offenders accountable for their offences while seeking to repair the harm visited upon victims by the commission of the offence" (McIvor & McIvor, 2007). Restorative Justice recognizes that when a crime or serious bad act occurs, "it effects the victims, offenders, interested bystanders (such as family members, employees, or citizens), and the larger community in which it is embedded" (Menkel-Meadow, 2007). Accordingly, it seeks to elevate the role of victims and community members affected by crime while holding the offenders directly accountable to those they have harmed; and "restore, to the extent possible, the emotional and material losses of victims by providing a range of opportunities for dialogue, negotiation, and problem-solving" (Armour, 2010). RJ recognizes that when bad, criminal, or illegal acts occur, they serve as ruptures to humanity.

Forms of Restorative Justice Practices & Programs

Restorative Justice encompasses a variety of different practices, including apologies, restitution, and acknowledgments of harm and injury. In the context of the criminal justice system, the four main practices are victim-offender mediation, family group conferencing, circle sentencing, and neighborhood reparative boards. Other methods include victim support and

advocacy, restitution (monetary), community service, “victim impact panels, victim empathy classes for offenders, and community policing” (Gaub, 2014, p.14).

The oldest practice of Restorative Justice is called victim-offender mediation or VOM. In this setting, the victim and offender are brought together for a face-to-face meeting. When this occurs, the victim can verbalize their feelings and explain how the offender’s actions impacted them (Herman, 2005). The second method is called family group conferencing, and it was adopted from New Zealand. With this strategy, participation is not limited only to the victim and the offender, but is open to the victim’s family, friends, social worker, and other support systems. This allows the offender to recognize that their actions impacted a larger community and had wide-reaching effects.

The third form of practice is called circle sentencing. Circle sentencing is comparable to the family conferencing method because it too allows the victim’s support system to be involved. In contrast, this method places the responsibility on the offenders to create an action plan that addresses their criminal behavior. Once the offender proposes a plan, it is irrevocable, and they must abide by it or else face further legal action by the courts (Doerner & Lab, 2012, p.161). Consequently, there is a moral responsibility placed on the offender to take accountability for their actions and to be fully focused on the restoration process.

The fourth heavily implemented RJ practice involves neighborhood reparative boards. While the three aforementioned practices all involve court or trained professionals, and social workers overseeing what happens, the NRB’s include everyday citizens of the community who have taken courses in the subject matter to facilitate the victim-offender meeting (Siegel, 2016, p. 98). Neighborhood Reparative Boards offer victims the option to not participate in the mediations, which are also often opened to the public. The group of board members hears and

considers all sides of the matter before proposing guidelines for the offender to adhere to. Importantly, this method assists the offender in understanding the impact of their actions on the victim and the community.

The implementation of Restorative Justice in the criminal justice system has been successfully applied across a range of human endeavors and various forms. From criminal justice and educational initiatives, Restorative Justice establishes a bridge to truth and post-conflict reconciliation. However, polarizing views and outrage by victims have raised valid concerns that the practice of Restorative Justice does not accurately capture the individual realities of crime victims dealing with trauma. Restorative Justice has been criticized for placing victims of crime at a significant risk of being revictimized, which is detrimental to not only them but calls into question its use in the U.S. criminal justice system.

It has been contended by victims and victims' rights advocates, that civil actions are not fully equipped to provide the type of restoration victims seek. As crime victims are central figures in criminal proceedings (either plea bargaining process or trial), they should have an integral role in such processes and at every juncture in that system, their rights and needs must be paramount.

Purpose of the Research

The purpose of this research is to explore the efficacy of restorative justice initiatives from the perspective of crime victims. In addition, this paper draws on implications that RJ can have a negative impact on crime victims and that such initiatives ought to be reformed in to adequately protect victims of crime.

Research Questions

1. From the perspective of adult crime victims, does Restorative Justice promote unrealistic expectations that place victims at a considerable risk of being revictimized?
2. Has the Restorative Justice approach deviated from its initial focus of repairing the harm done to individual victims and towards an offender-centered practice that solely concerns itself with the needs of the offender?
3. Are Restorative Justice practices, in their current incarnation, effective or ineffective in their objectives?

Significance of the Research

This study is important to the field of criminal law and victim rights because it explores the different and very complex and nuanced notions of justice both in theory and in practice. For decades, Americans have heard the ubiquitous complaint: “Victims have no rights; only the criminals do.” Restorative justice practices were created in part as a response to that criticism. This research paper seeks to answer whether such initiatives have been successful in their aims or do victims remain on the periphery of the criminal justice process?

Definitions

Restorative Justice: A philosophical framework and a series of programs both within and outside of the criminal justice system that emphasize the need to repair the harm done to crime victims through a process of negotiation, mediation, victim empowerment, and reparation.

Victim-Offender Mediation: A method of Restorative Justice that involves a one-to-one meeting between the crime victim and the offender that is facilitated by a mediator who helps the parties to achieve a new perception of their relationship and the harm caused.

Retributive Justice: a system of criminal justice based on the punishment of offenders rather than on rehabilitation.

Limitations

In conducting this research there were two limitations. First, the research design was limited due to the manner in which information was collected. The data from case study one was based on a 2002 study, which could project outdated data. Secondly, there was also a lack of a control group with the sample size of participants used in case study one research.

Literature Review

Restorative Justice is an approach to crime that fosters offender accountability through open mediation efforts in which victims and communities impacted by an offender's criminal wrongdoings are given the opportunity to repair and heal. As both an analytical theory and implemented practice, RJ has garnered long standing mixed sentiments.

The literature review address two areas of research relating to such views. The first section addresses whether RJ adequately promotes realistic expectations for victims of crime. The second section details whether there is a distinct shift towards an offender-orientated approach and away from a victim-centered approach, and what that means for RJ initiatives moving forward.

Area One

A 2011 study from Washington University Journal of Law & Policy that examined the practice of Restorative Justice found that when presented as an option, it is not an instrumental choice for victims in the criminal justice system. The research reflected that while the aim of the practice is restoration instead of the punitive measures, it is grounded in different views on human relations and social institutions. It is believed that "Restorative Justice practices are "better," "more constructive," or "more just" than the a priori option for punishment and formalism in the current criminal justice system" (Walgrave, 2011) Often, however, these beliefs are not well-founded. RJ has socio-ethical value which is considered evidence to prove that it is a well formulated practice. Yet, the lack of extension on its ethical foundations and effects on victims is problematic.

Additionally, a 2020 study published by the American Bar Association explored the core principles of RJ and their implications on those who partake in the process. These goals are

acknowledgement, harm repair, redemption and reintegration, forgiveness. It found that what RJ promotes in its objectives is impractical, thus leaving those impacted at a considerable disadvantage. Specifically, responsibility taking is a central feature of Restorative Justice. Indeed, “most Restorative Justice programs are specifically designed to be available only in cases in which the offender has acknowledged having engaged in the wrongful acts at issue” (Wexler & Robbennolt, 2020). Responsibility taking is also the central feature of apologies. When it comes to offenders taking accountability or acknowledge their actions, it has been seen many times that offenders are quick to deny any wrongdoing--and many are even more reluctant to acknowledge exactly what they did. If someone accused of a crime cannot or will not acknowledge and take responsibility for his or her active, voluntary role in perpetrating abuse, Restorative Justice simply will not follow.

Also, the expectation of forgiveness that RJ projects is extremely detrimental and counterintuitive to victim healing. RJ can place pressure on victims to “forgive and forget.” However, realistically, forgiveness does not imply forgetting. This is particularly troublesome because it magnifies the victim’s original loss of agency and can inflict additional harm. RJ tends to mitigate the experience and how essential remembering is to all parties.

Area Two

As an alternative means to punitive measures and sometimes incarceration, Restorative Justice has deeply embedded itself within the criminal justice system. However, its implementation has revealed that the scope of RJ has become distorted. A cohesive report by the United States Department of Justice reported that, “because the criminal justice system also tends to be offender-driven, community safety is not always the focus, and resulting fear leads victims to seek revenge” (“Restorative Justice: For Victims, Communities, and Offenders,” (n.d.).

Moreover, another source acknowledged that the field of RJ has experienced a shift in recent years, wherein the meaning of Restorative Justice in some circles has “been effectively altered to emphasize its healing potential for Offenders — without much regard for the true needs of Victims/Survivors” (“Restorative Justice 101 for Victims,” 2019). This is the relation between RJ and offender rehabilitation/reintegration have shown that Restorative Justice practices are likely to facilitate offender reintegration and lower rates of reoffending (“Restorative Justice: For Victims, Communities, and Offenders,” 2020). A 2005 study that examined the efficacy of Restorative Justice on offender behavior, found that in a group of 35 adult male offenders, restorative justice programs yielded reductions in their recidivism of about 67 percent, compared to those offenders who participated in nonrestorative approaches to criminal behavior (Latimer, Dowden, & Muise, 2005). Evidently, the impact that Restorative Justice has on offenders has gained significant attention, yet crime victims and their advocates have found the reality of the practice to be, at times insufficient.

Summary

The research literature indicates that Restorative Justice practices are a particular philosophical approach to crime, and it is something that can be very powerful and impact its participants in a positive way. However, it is not for everybody. It is not for every victim; it is not for every offender. Essentially, if the practice is not victim oriented, then it is not Restorative Justice.

Methods

Two comprehensive qualitative research studies from the United States were examined for the basis of this research. The first study was entitled the Listening Project, and it was conducted by a group of criminologists from 1999-2000. This case study was divided into two phases that would elicit data from victims of crime and their advocates, to gain insight into the growing concerns about the Restorative Justice practice. The second study was conducted in 2019 by researchers examining sexual assault victim's response and feelings towards participating in Restorative Justice practices with their offenders.

The following research questions were included in both studies:

1. How do victims of crime view Restorative Justice practices?
2. Does the implementation of Restorative Justice practices place victims at a considerable risk of being revictimized?
3. Is Restorative Justice, as it stands, effective or ineffective in meeting victim's needs?

Setting

Study one, the Listening Project, took place in the Institute for Justice and Peacebuilding at Eastern Mennonite University from 1999-2002. The sessions were conducted over a two-day duration and occurred across the seven states of Florida, Ohio, Texas, Vermont Washington, Missouri, and Wisconsin. Study two was conducted at the University of Chicago Illinois in 2019 over a three-year time span.

Participants

The sampling procedure from study one conducted by included 120 individual volunteer participants across seven states. All research participants were either victims of violent crimes or victim advocates.

In study two, the participants were victims of assault averaging 43-years-old, all female, and mostly mothers.

Measurement Instruments and Procedure

The data for research study one was collected from volunteer victim participants and their advocates through testimonial and observational means. This research was conducted in two parts. Phase I of the Listening Project sought to enhance and amplify the voices of victims, victim advocates and victim services. Teams representing victim and Restorative Justice advocates traveled to the seven states to listen and record the ideas and concerns of victims, victim service workers, and victim advocates regarding victim needs, the victim experience of justice, and impressions of Restorative Justice in general. The detailed transcripts of these meetings are the basis of a significant portion of the study. Unlike the first phase of the Listening Project that emphasized listening and documentation, Phase II was a structured dialogue between representatives of the listening sites, victims, their advocates, victim services personnel, and Restorative Justice practitioners (Mika, Achilles, Amstutz, Zehr, 2004).

Study two collected data through structured face-to-face interviews conducted by one of three trained interviewers on the research team. Also, initial mock interviews, reading about interviewing, and feedback from the research team's faculty supervisor was provided to train interviewers on the protocol and on interviewing sexual assault survivors (Shepp, O'Callaghan, Ullman, 2019). The interviews lasted an average of one hour but ranged from 30 minutes to 3 hours. Semi-structured qualitative interviews were used to provide survivors and their SPs a confidential open-ended safe space to talk about their experiences. (Shepp, O'Callaghan, Ullman, 2019). Interviews were conducted in a variety of settings based on convenience and feasibility of participants including victim's homes, coffee shops, libraries, or the university, to

name a few. Participants were compensated \$30 USD for the interview portion of the study (Shepp, O'Callaghan, Ullman, 2019).

Data Analysis

After both studies were completed, the researchers collected the documented responses and reported on the overall findings.

Results

Introduction

An analysis of both sets of data yielded fascinating results from the victims and victim advocates that participated in the studies. As further outlined in this section, answers to the three research questions were collected from the subjects and detailed responses were provided.

Qualitative Data

Question one asked how victims of crime view Restorative Justice practices. The data collected from victims and victim advocates were mixed. For study one, victim input emphasized that formal justice methods fail to respond to their personal and severe trauma, thus there is a support behind Restorative Justice techniques that render it essential. Equally, many victim advocates felt hopeful and highly motivated to explore Restorative Justice as a choice for victims. Among these victim advocates, some felt the “conventional justice system is unlikely to be any more responsive to victim needs than it is presently, and Restorative Justice is worth serious consideration for this reason alone” (Mika et al., 2002, p. 14). Conversely, other advocates feel the victim movement has already made important strides, and Restorative Justice is a nuisance. Also, many in the victim community were cautious of Restorative Justice about the “promises and record of Restorative Justice specifically, they remain skeptical that the conventional system of justice will ever “deliver” for victims” (Mika et al., 2002, p. 15).

The data from the second study found that “a majority of victims (75%) whose perpetrators were still alive, felt comfortable confronting their abuser” (Shepp, O’Callaghan, Ullman, 2019). Additionally, some survivors had mixed feelings about the face-to-face interaction that Restorative Justice promotes with their offender.

Question two inquired whether the implementation of Restorative Justice practices place victims at a considerable risk of being revictimized. After study one was completed, the results indicated that 75% of crime victims felt that their experiences with Restorative Justice practices involved injustice, disrespect, exclusion, lack of empathy, and irrelevance (Mika et al., 2002, p. 12). In study two, the results found that during confrontations with their perpetrators, “44% of victims received complete denial from their abusers, 22% were accused of misunderstanding the abuser’s conduct, and 44% were told that they were crazy” (Shepp, O’Callaghan, Ullman, 2014). Moreover, only “22% heard a partial admission of guilt from their perpetrators, only to have it later retracted and transformed into denial, minimization, or assertions of being misunderstood (Shepp, O’Callaghan, Ullman, 2014).

After the confrontation, victims reported being disappointed with their abusers’ reactions and even doubted their own memories of the abuse. According to the study authors, “through denying, minimizing, attacking the victim, and claiming to be misunderstood, perpetrators forced their victims to doubt their perceptions of abuse which led to confusion regarding its occurrence (Shepp, O’Callaghan, Ullman, 2014).

On the other hand, a considerable majority of victims agreed that the event had met their expectations, they were taken seriously by other participants, questions and concerns were addressed by the facilitators, and that the meeting had raised awareness about both Restorative Justices generally, and victim needs and victim expectations. Results from this research found also found that some victims felt that, with respect to the meaningful impact on their needs, Restorative Justice is remains tone deaf to victim aspirations (Mika et al., 2002, p. 14). Study two reported that about many victims felt in control and powerful in contrast with how they felt during the assault (Shepp, O’Callaghan, Ullman, 2014). Understanding their trauma that had

occurred “in the past” was particularly relevant for survivors. One survivor shared that she no longer gives much thought or holds any resentment toward the offender because she has since moved on with her life.

Lastly, research question three queried if Restorative Justice, as it stands, is effective or ineffective in meeting victim’s needs. The results for this section were mixed. Victims reported that the current standard of Restorative Justice can at times, be limited to relatively minor offenses. Also, victims stated that Restorative Justice was not an all-encompassing solution to their needs. The victims described how victim services often appear to “be merely an afterthought to the development, scope, and control and ownership of Restorative Justice initiatives” (Mika et al., 2002, p. 17). This lack of inclusion and lack of concern with victim needs has elicited disappointment in Restorative Justice policy.

Though, some victims gained perspective and/or forgiveness of the offender during the mediation. They stated that it was “necessary to move on with their lives and heal” (Shepp, O’Callaghan, Ullman, 2014). Confronting offenders in person or in the survivor’s mind was often a catalyst for moving on and redefining what was needed to heal (Shepp, O’Callaghan, Ullman, 2014).

Additionally, research participants expressed a critically important need to develop consistent definitions of Restorative Justice philosophy, practice, and programs. At present, there is an absence of victim-sensitive language in Restorative Justice literatures. Similarly, there is acknowledgment that Restorative Justice policies produce little victim impact, as they are offender-oriented initiatives (Mika et al., 2002, p. 15). Also, many in the victim community felt that while there is significant advocacy efforts Restorative Justice, and “though it may be enshrined as the new justice policy, there is too little pragmatic action taken, few changes

are being made, and lines of authority and responsibility for program development remain obscured” (Mika et al., 2002, p.8).

Discussion

Restorative justice seeks to hold the offender of a crime, especially violent felony crimes, accountable for righting their wrongs and repairing the damage that was sustained by the victim and the community. It has been used in various settings that have allowed RJ to evolve into supplements to punitive measures. However, the growing concerns that RJ does not capture the harsh realities that crime victims are forced to endure, has called its efficacy into question. More than this, victims and their advocates are calling for a re-examination of the RJ principles that have transitioned towards focal point that is only about the offenders of crime and not the victims (Gaub, 2014).

The purpose of this qualitative research was to query whether from the perspective of victims of crime, RJ is a meaningful and beneficial approach to restoring them to their pre-victim state or does participating in the RJ process further re-victimize, even traumatize them? Or, in the alternative, do RJ methods prove to be effective conduits of healing for victims of crime? This researcher sought to determine whether such incongruities render the practice ineffective and call for an analytical reform of RJ practices. This research was completed through a two comprehensive studies: one conducted by in 2002 and the second conducted in 2019.

Research question one examined how victims of crime view the Restorative Justice practices. The results reflected a consensus that victims of crime view Restorative Justice practices differently. Victim input emphasized that formal justice methods fail to respond to their personal and severe trauma, thus there is a support behind Restorative Justice techniques that render it an important alternative approach. On the other hand, many victims felt Restorative Justice practices are a nuisance. Equally, victims remained doubtful that RJ can meet their needs.

Research question two queried whether the implementation of Restorative Justice practices place victims at a considerable risk of being revictimized. The results of research question two were staggering. The analysis found that a large percentage of the victims claimed their time with RJ was unsatisfactory. They felt unheard and excluded from the proceedings, which is eerily similar to their experience with the criminal justice system. Conversely, when offered victims felt empowered enough by the open mediation efforts that Restorative Justice fosters, to confront their offenders.

The third and final question examined if Restorative Justice, as it stands, is effective or ineffective in meeting victim's needs. The results were also mixed and found that some victims felt that, while meaningful, Restorative Justice remains uninformed on their needs and is not a perfect solution. It can at times be effective, such as when victims are the focal point in Restorative Justice proceedings and when offenders acknowledge their wrongdoings.

Limitations

There were two prominent limitations to this research. Primarily, the first study was conducted over a decade ago, and many of the RJ methods and teachings have generally evolved since that research occurred. Secondly, in collecting data from victims it was deduced that some of the participants had no knowledge of RJ practices and thus, they were responding to what they heard about Restorative Justice generally or responding based on the common reputation of Restorative Justice programs. This meant that victim reports could have been skewed highly positive or highly negative.

Recommendations and Future Research

Based on the results of this research there is one focal recommendation for future research. Restorative Justice is not a uniform approach to crime and cannot be addressed as

such. Regardless of a formal or informal setting, Restorative Justice has a tendency to be incongruous, which is a reality that must be critically examined. Also, this research focused on volunteer victims and offenders that participated in the Restorative Justice practice. It is recommended that such a variable be looked at in terms of how a non-volunteer vs volunteer participate will impact victim's response to the practice and its efficacy.

Conclusion

This research paper presents two critical conclusions. The first conclusion is that restorative justice is not a "one size fits all" model. Every victim of a crime is different, as will be their response to it. If RJ, as a nationwide implemented alternative that seeks to repair the harm done to the victim, then the victim needs to be central in all aspects of the practice. Second, restorative justice, in its current practice, must be reformed. There is no universal definition of RJ and a dearth of literature that squarely addresses the impact of RJ practices on crime victims. In order to create and further develop an effective restorative practice, it first needs to be clearly understood. It becomes clear why concerns have been presented because RJ is not a uniform practice, yet it is presented as such.

However, there are benefits – at least ostensibly – to both the victim and the perpetrator of the wrongdoing and, indeed to the greater society that has been impacted by the offence. As an idea or concept, there does not appear to be a down side but when put into practice, such effects become less clear. RJ practices may need further development to be more successful but perhaps that is precisely the point; there is no one approach for human relationships are as complex as the universe itself. The more something is worked on to evolve and improve, the greater the changes of its overall success, obviously. In the field of RJ, there is more work to be done and there is not a shortage of its advocates who are willing to do it. In the meantime, the

process continues. There will be successes and perhaps failures but attempts at healing may always prove to be better than doing nothing at all; stasis is rarely beneficial to anyone.

References

- Alli, I. (2013). *101 Selected Sayings of Mahatma Gandhi*. eBookIt. com. pp. 22
- Armour, M. (2010). *Restorative Justice: Some Facts and History*. Charters for Compassion.
<https://charterforcompassion.org/restorative-justice/restorative-justice-some-facts-and-history>
- Eglash, A. (1958). Creative restitution: some suggestions for prison rehabilitation programs. *American Journal of Correction*, 20(6), 20-34.
- Elmar G. M. Weitekamp & Parmentier S. (2016) Restorative justice as healing justice: looking back to the future of the concept, *Restorative Justice*, 4:2, 141-147, DOI: 10.1080/20504721.2016.1197517
- Forst, B. (2011). Managing miscarriages of justice from victimization to reintegration. *Albany Law Review*, 74(3), 1209+.
https://link.gale.com/apps/doc/A269432315/AONE?u=mlin_c_annamc&sid=AONE&xid=95e45b4e
- Gade C.B.N. (2018) "Restorative Justice": History of the Term's International and Danish Use. In: Nylund A., Ervasti K., Adrian L. (eds) *Nordic Mediation Research*. Springer, Cham.
https://doi.org/10.1007/978-3-319-73019-6_3
- Galaway B. (1992) Restitution as Innovation or Unfilled Promise?. In: Fattah E.A. (eds) *Towards a Critical Victimology*. Palgrave Macmillan, London. https://doi.org/10.1007/978-1-349-22089-2_1
- Gaub, J. E. (2014). Restorative justice. In J. S. Albanese, *Wiley series of encyclopedias in criminology and criminal justice: The encyclopedia of criminology and criminal justice*. Wiley. Credo Reference:

- Herman, J. L. (2005). Justice from the victim's perspective. *Violence against women*, 11(5), 571-602. Microsoft Word - Justice from the Victim.doc (harvard.edu)
- Hill, Frank D. "Restorative justice: sketching a new legal discourse." *International Journal of Punishment and Sentencing*, vol. 4, no. 2, 2008, p. 51+. *Gale Academic OneFile*, link.gale.com/apps/doc/A189958087/AONE?u=mhlin_c_annamc&sid=AONE&xid=b20dcbf0. Accessed 4 May 2021
- Hill, F. D. (2008). Restorative justice: sketching a new legal discourse. *International Journal of Punishment and Sentencing*, 4(2), 51+.
https://link.gale.com/apps/doc/A189958087/AONE?u=mhlin_c_annamc&sid=AONE&xid=b20dcbf0
- Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The prison journal*, 85(2), 127-144.
- McIvor, G., & McIvor, G. (2007). Restorative justice. In R. Canton, & D. Hancock (Eds.), *Dictionary of probation and offender management*. Willan Publishing. Credo Reference: http://ezan.ez.cwmars.org:3400/login?url=https://search.credoreference.com/content/entry/willandpom/restorative_justice/0?institutionId=4029
- Menkel-Meadow, C. (2007). Restorative justice: What is it and does it work?. *Annu. Rev. Law Soc. Sci.*, 3, 161-187.
- Palermo, G. B. (2013). Restorative Justice: A More Understanding and Humane Approach to Offenders. *International Journal of Offender Therapy and Comparative Criminology*, 57(9), 1051–1053. <https://doi.org/10.1177/0306624X13495009>
- Restorative justice. (2021). In *Encyclopædia Britannica*. Retrieved from <https://library-eb-com.ezan.ez.cwmars.org:3443/levels/referencecenter/article/restorative-justice/603896>

Restorative Justice: For Victims, Communities, and Offenders. (n.d.). US Department of Justice.

<https://www.ojp.gov/ncjrs/virtual-library/abstracts/restorative-justice-victims-communities-and-offenders#additional-details-0>

Restorative Justice 101 for Victims. (2019). Just Alternatives.

<https://justalternatives.org/victimsurvivor-resources-2/restorative-justice-101-for-victims/>

Shepp, V., O'Callaghan, E., & Ullman, S. E. (2020). Interactions with Offenders Post-Assault and Their Impacts on Recovery: A Qualitative Study of Sexual Assault Survivors and Support Providers. *Journal of Aggression, Maltreatment & Trauma*, 29(6), 725–747.

<https://doi-org.ezan.ez.cwmars.org:3443/10.1080/10926771.2019.1660443>

van Wormer, K. (2009). Restorative justice as social justice for victims of gendered violence: A standpoint feminist perspective. ERIC. <https://refugeereseach.net/wp-content/uploads/2017/05>

Walgrave, Lode. "Investigating the potentials of restorative justice practice." *Washington University Journal of Law & Policy*, vol. 36, 2011, p. 91+. *Gale Academic OneFile*, link.gale.com/apps/doc/A275849596/AONE?u=mlln_c_annamc&sid=AONE&xid=b84f8abc. Accessed 7 May 2021.

Wexler, Lesley, and Jennifer K. Robbennolt. "#METOO AND RESTORATIVE JUSTICE." *GP Solo*, vol. 37, no. 4, 2020, p. 68+. *Gale Academic OneFile*, link.gale.com/apps/doc/A637207696/AONE?u=mlln_c_annamc&sid=AONE&xid=b6bb4cbb. Accessed 7 May 2021.

Zehr, H. (1985). *Retributive Justice, Restorative Justice. New Perspective on Crime and Justice*