

Restoring Justice to the Community: A Realistic Goal?

Susan Sarnoff

Department of Social Work, Ohio University

THE LAST HALF of the 20th century was the setting for extensive changes in the criminal justice system, many of which were precipitated by the victims' rights movement. Early victims' groups complained, quite accurately, that the criminal justice system had lost sight of victims, redefining and relating to them only as witnesses to "crimes against the state" (Schafer, 1977).

Since the 1960s, much has been done to improve the status of victims in the system, as well as to meet victims' financial and other tangible needs caused by crime (Karmen, 1996; Galaway and Hudson, 1981). Some observers even claim that such efforts are steps toward the development of a restorative justice system (Carey, 1995). Restorative justice is quite different from our present criminal justice system, however, despite isolated efforts to implement programs which reflect restorative justice elements (Zuni, 1992). Superimposing restorative justice components onto a system as adversarial and compartmentalized as our criminal justice system does not result in a restorative justice system. True implementation of restorative justice might require no less than a complete overhaul and reorientation of the justice system. In fact, the concept of a *criminal* justice system suggests the very issue to which victims originally objected: a focus on criminals to the exclusion of other parties affected by crime.

The adversarial nature of the criminal justice system (Dooley, 1995) and the separation of punishment and recompense into respective criminal and civil tort proceedings (Schafer, 1970) exemplify two of the major, longstanding impediments to transforming our *criminal* justice system to reflect a *restor-*

ative justice orientation. A more recent third is the unwillingness of representatives of the victims' rights movement to have victims perceived as anything but completely innocent.

This paper will explore the inherent difficulties in implementing a restorative justice model. It will review instances in which restorative justice has been reflected in the criminal justice system, opposition to the restorative justice model and the requisite attitudinal as well as programmatic changes that would have to occur if restorative justice were to become more than a term applied, often inappropriately, to a range of criminal justice innovations. Finally, it will address the fact that the community is the most-ignored potential participant in restorative justice.

Elements of the Restorative Model

While there is no single definition of restorative justice, and ideas about it differ depending upon whether religious, ethnic, or proscriptive models are used, the concept encompasses several principles. Kurki (1999) observes that these include that:

- crime consists of more than violation of criminal law and defiance of government authority;
- crime disrupts victims, communities, and offenders;
- the primary goals of restitution are the repair of harm and healing of victim and community;
- the victim, community, and offender should all participate in determining the

outcome of crime-government should surrender its monopoly over the process;

- case dispositions are based on victim and community needs, not solely on offender needs, culpability, danger or criminal history;
- components reflect a holistic philosophy.

The model used by the Balanced and Restorative Justice Project at the University of Minnesota is "founded on the belief that justice is best served when the community, victim and youth[ful offender] receive balanced attention, and all gain tangible benefits," (Center for Restorative Justice and Peacemaking, 1999). This is an ideal balance, but also limits use of the program to offenders involved in the juvenile justice system.

Restorative justice prioritizes reimbursement to the victim and the community over other forms of punishment, and is generally reserved for nonviolent offenders (Carey, 1995). In some cases, offenders are sentenced to work on projects in local neighborhoods; while in others, court staff link offenders with drug treatment, health care, education and other social services, with community members rather than criminal justice professionals charged with developing sanctions (Kurki, 1999).

The most extensive examples of restorative justice within the borders of the United States are those of indigenous tribes. These systems of justice exist apart from the Anglo-American system, which long disdained and undermined them. They have recently regained attention and respect from outsiders, however.

Indigenous methods of conflict resolution include dispute resolution, peace making, talking circles, family or community gather-

ings, and mediation. These methods are immersed in tradition and religion, and incorporate use of ritual, cleansing, ceremonial sweats, fasting, and purification. It is no surprise, then, that they have as their goal no less than the restoration of mental, spiritual, and emotional well-being and communal harmony. Verbal accountability by the offender and the offender's family, remorse, and face-to-face apology and forgiveness are important aspects of the process, which seeks to renew damaged personal and communal relationships so vital in small, tribal cultures. These processes are used even when there are no identified victims, as in problems between parents and children, individual misconduct, and excessive alcohol consumption. In such cases, anyone concerned with the offender's welfare may participate (Melton, undated).

It is interesting to note that these "primitive" forms of justice recognized centuries before more familiar criminal justice systems that crime, delinquency, and deviance are symptoms of larger problems which can be attributed to families and communities as well as individuals (Melton, undated). Similarly, these forms of justice require a deep understanding of how behavior affects others, a willingness to acknowledge that behavior results from choices that could have been made differently, and action to repair that harm and make changes necessary to avoid such behavior in the future (United States Department of Justice, undated).

Zuni (1992) notes that restorative justice requires an understanding of the difference between vertical and fluid modes of communication. It also requires the promotion of resolution and healing through trust, rather than the use of adversarial and conflict-oriented methods; incorporates representation by family members rather than by strangers; and focuses on victim and communal rather than individual rights (Zuni, 1992). In reality, however, programs operate on a continuum—some strongly reflect restorative justice priorities while others are closer to traditional criminal justice models (Umbreit and Greenwood, 2000a.)

Many religious groups have developed ministries based upon what they refer to as restorative justice principles. These differ markedly from the tribal model, particularly because they do not replace the criminal justice system, but are superimposed upon it, generally after sentencing has occurred. In fact, the Mennonite version of restorative justice, which is undoubtedly the most fully de-

veloped, "addresses injustices in the criminal justice system...with a conviction that healing...comes only with truth-telling...emphasiz[ing] accountability by offenders, safety and healing for victims, and hope, the possibility of change, for all people," reflecting more of a reiteration of the criminal justice system, and an emphasis on rehabilitating offenders by encouraging them to confess and repent than on balancing responsibility and restoring relationships among participants. Typical programs provide services to those affected by the criminal justice system, opportunities for community participation in healing, and encouragement to reduce abuses and enhance the effectiveness of the criminal justice system (Mennonite Central Committee, undated). But it is the very nature of the criminal justice system that runs counter to restorative justice principles; so enhancing it, rather than replacing or at least reforming it, is antithetical to restorative justice regardless of the worthy intentions of the program implementers. Even proponents of restorative justice acknowledge that many disparate programs exist that are referred to as restorative justice programs, with some doing so inaccurately (Evers, 1998), and others misapplying restorative justice principles to inappropriate victims, offenders, and crimes.

Restoring Victims or Restoring Justice?

In response to organized efforts by victim groups, many of the previously-unmet needs of victims were satisfied by government during the last third of the 20th century (Karmen, 1996; Galaway and Hudson, 1981). Victims are now better informed about the criminal justice process, and have the right to be heard in regard to sentencing and parole. But these rights can be exercised in only the small proportion of cases in which crimes are reported and criminals are caught and convicted.

Victims have a greater chance of being financially "restored" after crime (or more accurately, being given access to resources that make such restoration possible). But, contrary to restorative justice principles, offenders are often circumvented in that process. Offenders have been assessed fines and fees to support victim compensation (United States Department of Justice 1990), and restitution orders and collection have increased in some jurisdictions (Dooley, 1995)—but only a few, primarily corporate, criminals pay for the bulk of victim compensation (United States

Department of Justice, 1990). Restitution also continues to go uncollected, when ordered, more often than not (Victims Assistance Legal Organization, 1996); due primarily to the reality that most criminals are poor (Geis, 1967), and imprisonment makes it nearly impossible for offenders to meet restitution obligations (Elias, 1993).

Historically, restitution was designed to benefit the offender rather than the victim (Edelbert et al., 1975). Restitution was viewed as less severe, more humane, and rehabilitative toward the offender. It also had benefits for the criminal justice system and society, because it reduced the "need" for vengeance, and resulted in the offender's remaining integrated in society (Galaway, 1977). While restitution is still used for minor crimes or young first offenders in lieu of other punishment, the current victim focus uses restitution less for leniency than for efficiency or added punishment.

Restitution has many potential merits that dovetail with the goals of restorative justice: Garafalo (1975) observed that it can relieve prison overcrowding (when it is used traditionally, that is, in lieu of prison rather than in addition to it); it can place the burden of compensating the victim on the offender (Barnett and Hagel, 1977); and it can arguably offer treatment benefits to both the victim and the offender (Goldstein, 1974). These are theoretical advantages, however. The reality of restitution is far less perfect, because the majority of offenders are never caught or convicted; many offenders who are convicted are indigent, unable to work, or simply unwilling to make restitution payments; and poor collection methods fail to obtain most of the restitution that is ordered by the courts (Galaway and Hudson, 1981). For example, in 1994, restitution was ordered from only 32 percent of the offenders convicted of violent crimes (Maguire and Pastore, 1994), despite increasing restitution mandates. Sometimes, too, restitution is a condition of parole, but parole violation or subsequent crimes lead to reincarceration. And even when it is both ordered and received, restitution rarely arrives in time to actually help with the costs for which it was intended (Elias, 1983). In fact, victim compensation was created to respond to victims' immediate need for assistance whether or not they would eventually receive restitution. Finally, particularly as a result of mandates, restitution does not always involve negotiation between parties.

A study conducted jointly by the New York State Division of Criminal Justice Services and the New York State Crime Victims Board (1988) found that many victims elect not to request restitution because they have received or are eligible for victim compensation, which tends to be more timely, more certain, and better keyed to victims' needs. As the bulk of crimes are committed by criminals while they are young (Wilson, 1975), it is no surprise that so many are indigent, and only a handful of states make parents responsible for restitution ordered from minors. However, no studies have attempted to track criminals to determine how many would be able to pay restitution later if these costs followed them throughout their lives as child support, debts to the IRS, and student loans increasingly do.

This suggests that restitution may be appropriate in more cases than are currently realized, and that practice, rather than policy, is the cause of its underuse. Additional evidence that restitution can be used more frequently is that Vermont, which mandated reparations in all criminal offenses in its state constitution in 1791 (Dooley, 1995), was the last state to develop a victim compensation agency.

For restitution to reflect a restorative justice orientation, however, it must also involve discussion between the victim and offender and some level of agreement on the necessity for the payment, the appropriateness of the amount and payment schedule, and acceptance of satisfaction of the claim once it has been met. In fact, perhaps the greatest examples of restitution as a component of restorative justice are the vast but undocumented number of cases in which offenders privately and voluntarily make peace with their victims to dissuade the victims not to report their crimes. While the criminal justice system generally frowns on such arrangements unless the crimes are very minor and the criminals are juveniles, there has been no systematic study to determine the effectiveness of such private arrangements, or whether they ever produce better results than those formalized by the criminal justice system.

Victim-oriented legislation has also increased victims' rights to sue their offenders civilly. Yet again, offenders are often unknown, victims often cannot afford the time and expense to bring tort actions against them (Wolfgang, 1965); and because perpetrators of crimes are typically poor (Geis, 1967), judgments against them are often uncollectible. Lawsuits against offenders are also antithetical to the restorative justice model because the process is so adversarial.

Opposition to Restorative Justice

For restitution to reflect restorative justice principles, it must enable victims and offenders to come together in a "meeting of the minds" (a face-to-face meeting, while usually encouraged, is not absolutely necessary to effect this). It requires more than restitution: It demands that negotiation of amounts and payment mechanisms address the suffering inflicted and the payer's assumption of responsibility for at least some of that suffering. As noted, this does not always occur, and even when it does, restitution rarely takes into consideration the effects of the crime on people other than the primary victim.

Presser and Lowenkamp (1999) observe that offenders are generally selected for participation in restorative justice programs according to the types of crimes they have committed and their willingness to participate, but that these "screening" mechanisms may be inadequate. They recommend developing mechanisms to determine whether the offender has the cognitive and expressive skills necessary to make the interaction a positive experience for the victim and the community. In this sense, willingness must be defined as willingness to express remorse and accept responsibility, rather than mere willingness to participate in a procedure that may result in a more lenient sentence.

Presser and Lowenkamp (1999) also note that victims should be screened to ensure that they truly wish to participate, rather than being pressured to do so or to express forgiveness to the offender that they do not really feel. It might be added that victims should be screened not only for these factors, but to ensure that their expectations are not unrealistic, which could lead to disappointment if those expectations are not met.

Community attitudes affect many aspects of restorative justice programs, including the types of offenders and victims referred to them, how they are funded, and the backgrounds and qualifications of their volunteers (Umbreit and Greenwood, 2000b). Bazemore (1998) observes that judges commonly act as gatekeepers to restorative justice projects, but that their methods vary and, in the absence of clear selection guidelines, judges may use restorative justice mechanisms inappropriately. In many cases, too, criminal justice personnel are so threatened by alternative methods that they resist them in all cases (Umbreit and Carey, undated). There is also an underlying dilemma regarding whether the purpose of the

justice system is punishment or correction (Umbreit, 1998).

Victim-offender reconciliation and mediation programs, because they seek to "reconcile" not only financial accounts, but also emotional ones, are especially effective when the victim knows and still has some positive feelings for the offender, and is therefore reluctant to engage in an adversarial process, as well as when fault is shared. This is common in bar fights between friends, in adolescent-parent disputes and even in some marital altercations.

But victims are often discouraged by attorneys and victim advocates from taking any responsibility for the circumstances that placed them in harm's way. While such cautions may be necessary to win a case in our adversarial system, it does disservice to the healing of victims: It not only thwarts the restoration process, but limits victims' ability to learn from mistakes and change behaviors that place them in danger. This also impedes victims' healing, because it is harder to feel safe when attempts to assess danger are countered with assertions about the randomness of crime.

Karmen (1991) analyzed the "blameworthy" actions of victims and noted that they can be categorized in three distinct ways:

- *victim facilitation*: making the criminal's task easier by neglecting security precautions;
- *victim precipitation*: risk-taking behavior on the part of the victim;
- *victim provocation*: inciting acts that instigate violent responses.

Karmen's analysis is a modern distillation of the more extreme one of von Hentig (1948), who believed that all crime was "caused" by the interaction between offender and victim. Many victims clearly bear no blame for the crimes committed against them, and are ill-served by a system that abandons the constructs of guilt and innocence. But recognizing the victim's culpability, if any, is an important aspect of balancing justice. Some victims do bear some blame for crimes committed against them, such as those who provoke violence by making threats or using racial epithets. Other victims, while not provoking violence, take excessive risks or are careless about security measures. Still other victims are forced into unsafe positions unwittingly (as when expected security devices are absent or malfunction) or due to poverty. In such instances blame might be diffused, even if the victim is blameless. Restorative

justice can address these distinctions and mete out responsibility accordingly, although it is rarely used in this manner.

When they are used at all, restorative justice methods are often used to handle cases defined by the criminal justice system as too “minor” to warrant more traditional treatment—although what is minor to the system may not seem minor to a victim (Karmen, 1996). And this points up another potential pitfall in implementing restorative justice: that it can be misused for inappropriate cases or political purposes.

Perhaps the most useful, but also most controversial, application of restorative justice is with people in ongoing relationships. (This suggests why it is common to tribal, intentional, and other small communities, in which virtually all relationships are ongoing.) Restorative justice is in many ways well-suited to these cases, because it assumes that many past behaviors led up to the incident in question as well as participants’ feelings about the incident, that this totality of behaviors affected others in the community as well as the victim and offender, and that settlement must look to future prevention as well as to the incident in question. Victim groups have been reticent to acknowledge that mutual patterns of behavior are ever a factor in violence, particularly domestic violence. And there are clearly cases in which this approach would be wrong. In addition, modern societies are less concerned than are traditional ones with repairing troubled relationships and enabling participants to interact peacefully if not lovingly.

Mediation can also reflect power differentials among parties. People with more negotiating skill—or with less to lose—may always have the advantage in mediation. While some experts claim that mediation is “dialogue driven,” rather than “settlement driven” (Umbreit, 1998), this distinction is more dependent on the program and the orientation and skill of the mediator (Umbreit and Greenwood, 2000b.)

Substantive and procedural due process issues, such as avoiding coercion and achieving fundamental fairness, so that efforts and results are acceptable to all parties, participation is voluntary, and all parties understand the implications of their participation, are vital if restorative justice is to be effective (National Institute of Justice, 1998). As noted, restorative justice may be inappropriate for many, and perhaps most such cases, especially if serious violence is likely to recur. However, in cases of minor or mutual violence, and in

cases in which an ongoing relationship is desired by both parties and would not pose significant danger, it might offer the best hope. This seeming paradox reiterates the need for further research and screening to determine the factors which make mediation and reconciliation successful. Research does demonstrate that restorative justice programs tend to be isolated from other facets of the criminal justice system, which has a negative impact on program operations (Umbreit and Greenwood, 2000b), and that program staff are not always trained to understand and mediate cultural differences that can contribute to crime or hamper the mediation process, such as misread body language perceived as disrespect (Umbreit and Coates, 2000).

These issues raise two concerns about the types of cases appropriate to restorative justice modalities. On the one hand, it is clear that restorative justice is not appropriate for all offenders, victims, or types of crimes. Power differentials among intimates can challenge the bases for mediation (Presser and Lowenkamp, 1999). On the other hand, the type of crime may be less significant than the willingness of participants to negotiate and the motivation of participants to reconcile their differences interpersonally.

Potential Applications of Restorative Justice

What might benefit victims most, while essentially being what most victims (although not necessarily the most vocal victims) want, is a less adversarial criminal justice process. This would be especially helpful in cases where both participants bear some blame for the altercation or when the participants have an ongoing relationship. However, in all criminal cases the adversarial system discourages offenders from admitting guilt or showing remorse.

Witnessing the offender’s guilt and remorse is healing to victims, and helps them forgive the offender and put closure on the crime. Restitution has the best chance of being awarded, and paid, when offenders admit guilt and show remorse. Making the criminal justice system less adversarial, and linking it to restitution, could lead to a remodeling of civil and criminal procedures, so victims would not have to go to court a second time to obtain civil damages. However, for this to occur, hard choices would have to be made: Should the strict procedural protections of criminal litigation, the looser re-

quirements of civil procedures, or some combination of the two be used to determine criminal guilt on the one hand and civil fault on the other? Or should a universal benefit, such as victim compensation or even national health care, replace the right and need for victims to sue civilly?

Victims should not be denied the right to obtain damages, but there may be other ways to satisfy victims’ need for justice. Our system translates damages into dollars, but a different system might translate “pain and suffering” into healing or forgiveness. (Note that this does not incorporate third-party negligence, which would have to be addressed in a separate forum in any case.)

The criminal justice system has defined crime in terms of offenders’ acts, but to victims, other characteristics or circumstances of crimes, such as the relationship of the victim to the offender or the violence of the act, are often more significant. The criminal justice system defines crimes as assaults, sex crimes, and homicides, for example, but these distinctions say little about the victimizations they represent. Was the assault an unprovoked shooting that left the victim paralyzed, for instance, or a punch in the nose that may have been provoked by ethnic slurs or drunken advances?

Forgiveness may be difficult for victims, but it results in better resolution and healing than does revenge (Henderson, 1985). Furthermore, harsh punishments give more power to the government, which is not generally the “friend of victims” it purports to be (Brants and Koh, 1986). One way to encourage forgiveness, or at least reconciliation, is to recognize how both victims and offenders are victims of circumstances that promote injustice, and that both share an interest in preserving human rights (Elias, 1993).

Reimbursement itself can serve as a means of reconciling victims, particularly if the crime was property-based or resulted in only minor injury. Reimbursement demonstrates offenders’ willingness to make their victims whole again, which can improve offenders’ self-image as well as victims’ image of offenders. Of course, failure to comply with a restitution order can result in the opposite reactions.

Changes Necessary to Implement Restorative Justice

Restitution could be improved if methods of apprehending and convicting criminals, performing and paying for prison labor, deter-

mining indigence, and collecting restitution from the non-indigent were improved. One factor that may facilitate this is the increased use of telecommunications in work situations. In theory, some offenders should be able to bring their work to prison via telecommunication, lessening the need for corrections departments to find jobs for all inmates and enabling some workers to earn more than prison wages. This has yet to be tested, although some prisons currently provide telecommunication work for their prisoners. These include the South Ventura California Youth Facility, which operates TWA's reservation operation. But this very system exemplifies the problems as well as the advantages of prison labor—the program was set up to counter a TWA strike (Parenti, 1995).

Requiring restitution to be paid while the offender is in prison is fraught with further problems. A substantial raise in prison wages would be necessary in any system requiring restitution to be paid by incarcerated offenders. In the United States, businesses have opposed this as unfair competition, and labor unions view it as potentially reducing jobs (Jacob, 1977). Therefore, prison labor has been seriously curtailed since the Great Depression.

Alternative sentencing, sometimes called community service or service restitution, is one alternative to traditional criminal justice practices that incorporates elements of restorative justice (Egash, 1977). One of the benefits of alternative sentencing is that it costs approximately one-tenth of the cost of incarceration (Nassau County Community Services Agency, 1989). Restitution availability might be improved if more criminals were permitted to serve alternative sentences. DiMascio (1995) identified escalating punishments, including probation, intensive probation, community service, day reporting, house arrest, and electronic monitoring and halfway houses, as methods used to punish criminals without incarceration. While these may not be appropriate for violent criminals or non-violent recidivist criminals, they increase the possibility that some offenders can remain employed at their regular jobs, making it easier for them to pay restitution.

Vermont streamlined its restitution system in 1994 by ordering that restitution that compensates victims already reimbursed by that state's victim compensation program be automatically forwarded to the state program. And California regularly publishes a "Restitution Review" newsletter that provides information on restitution and commends

those judges who have ordered the most substantial fines (Crime Victims Compensation Quarterly, 1994).

During the debate on how to improve the collection of cash restitution, some innovators have tried more unusual methods. A judge in Memphis allows victims of property crimes to go to the home of the offender, under guard, to select their choice of the offender's possessions. In one such case, a victim found satisfaction in destroying a photograph of the offender's girlfriend.

A great deal of attention has been paid to restitution and other forms of victim reimbursement, not because they are the only forms of restorative justice, but because they are the most extensive, long-standing, and well-developed. As noted, mediation and reconciliation programs are more controversial because they apply to so few cases and because some individuals find them ideologically repugnant.

Restoring the Community

So far this discussion has focused on the elements of restorative justice that have currently been implemented, even if some are used in only certain locations or for discrete types of crimes or criminals. When the community component of restorative justice is addressed at all, it is most often in using community *members* in roles as mediators, or in community *service* as offender punishment. Few programs reflect recognition of the community as *victim* in any meaningful way. Perhaps this is inevitable, given that victims and offenders have constituencies and advocates, but few if any communities have advocates that enable them to be perceived as victims. This is unlike Eastern European countries, which have traditionally measured the magnitude of crimes by the number of people they affect, and have used this as the primary determinant of harm and punishment (Separaovic, 1985), reflecting a unique recognition of community rights.

Restitution, again, has been found to significantly reduce recidivism among juvenile offenders (United States Department of Justice, 1992), suggesting that its early and consistent use could contribute to crime reduction. Crime prevention is one of the ways that restorative justice can restore communities as a whole. Another form of crime prevention is retraining of criminals who have used crime as their primary means of income. While this is conceptually sound, it is not clear that it is effective in practice. Typical retraining pro-

grams train criminals for hard or minimum wage labor, which may not have the desired effect of inducing offenders to turn away from crime, since many criminals commit crimes not because there is no legitimate employment available to them but because the employment that is available to them is harder or less lucrative than criminal activity.

Sentencing circles are a form of restorative justice that rely on community members to establish sentences and see that they are carried out. Yet "community" in this sense is a source of service providers, and limited to those members willing to donate their free time to the process. This may leave out a large number of community members, and more significant, may result in a group that is far from a cross section of the community. (Paying community members as jurors are paid might mitigate the latter concern.)

Sentencing circles often bear responsibility for mentoring offenders to help them carry out their sentences, which may include restitution, community service, letters of apology, drug treatment, or job training (Simon, 1999). Peacemaking circles go to the heart of restorative justice, as they help victims make sense of the offense, help offenders understand the harm done, and help all involved to understand what led to the event, how it might be made right, and how offenders can regain the trust of the community after successful completion of their "sentence" (Pranis, 1997).

A very practical and effective use of community restorative justice is the creation of work crews made up of petty criminals who vandalize property or cover it with graffiti. While this is one of the more common forms of community restorative justice, it also reflects the unusual case in which the community is the actual, primary victim.

It is more unusual for the community to recover damages in cases where there are traditional victims. An interesting example of this is an Iowa case in which the judge granted 25 percent of a \$4.2 million civil suit settlement to the victims, and the remainder to the Iowa State Reparations Fund (*Newsday*, 1992). The couple sued for less than \$1 million, but the jury was so outraged by the crime (the couple was one of many videotaped through the hotel's mirror) that it more than quadrupled the requested award.

None of these approaches go far enough, however. Consider drunken brawls after professional sports events. While the responsibility of offenders should not be minimized,

society's obsession with sports and tolerance of public drunkenness clearly affect such activities. If the community is to assume the role of victim at times, it must also accept the role of offender at others. Similarly, many crimes affect perceptions about genders, age cohorts, racial and ethnic groups, and so forth. Offenders, and in some cases even victims, need to be held accountable for ways that their behavior affects perceptions of groups to which they belong, and atone to that community.

Communities suffer in many ways from crime—not only from vandalism, but from notoriety, drops in property values, citizen fear, and loss of trust and community. Restorative justice could help in many such cases if, during reconciliation, mediation, or other meetings of victims, offenders, and other affected parties, damages to the community (including damages to infrastructure, values, and perceptions) were assessed and means of restoring the community, or undoing the damage to the degree possible, were determined. In fairness, community responsibility for crime should also be considered.

Conclusions

Full restorative justice is incompatible with our present criminal justice system. Although some elements of restorative justice are in use in isolated areas and cases, this use is not only extremely limited in scope, but is focused on victims, and to a lesser degree on offenders. The community as a whole has not received attention from those implementing restorative justice components. While there could be many benefits to extending such implementation, it would require a major overhaul of our criminal justice system and diversion of attention from victims and offenders alone to the broader causes and effects of crime. Yet this is the only way that true restorative justice can be achieved.

References

Barnett, R., and J. Hagel. (1977). "Assessing the Criminal." In *Assessing The Criminal: Restitution, Retribution and the Criminal Process*, ed. R. Barnett and J. Hagel. Cambridge, MA: Ballinger, 1-31.

Bazemore, G. (1998). "Crime Victims and Restorative Justice in Juvenile Courts: Judges as Obstacle or Leader?" *Western Criminology Review* 1 (1), <http://wcr.sonoma.edu/v1n1/bazemore.html>.

Brants, C., and E. Koh. (1986). "Penal Sanctions as a Feminist Strategy: Contradiction in Terms." *International Journal of The Sociology of Law*, 14, 269-86.

Carey, M. (1995). "It's Time to Amend Our Community Correction Acts to Restorative Justice Acts." Unpublished.

Center for Restorative Justice and Peacemaking. (October 27, 1999). *The Balanced and Restorative Justice Project*. St. Paul, MN: University of Minnesota, Center for Restorative Justice and Peacemaking, <http://ssw.che.umn.edu/rjp/BARJ.htm>.

Crime Victims Compensation Quarterly (1994). "Vermont Authorizes Restitution to Compensation," *Crime Victims Compensation Quarterly*, 5.

DiMascio, W. (1995). *Seeking Justice*. New York: The Edna McConnell Clark Foundation.

Dooley, M. (1995). "Restorative Justice in Vermont: A Work in Progress." In *Topics in Community Corrections 1995*. Washington, DC: U.S. Department of Justice.

Edelherz, H. et al. (1975). *Restitutive Justice: A General Survey and Analysis*. Seattle: Battelle Human Affairs Research Centers.

Eglash, A. (1977). "Beyond Restitution—Creative Restitution." In *Restitution in Criminal Justice* ed. J. Hudson and B. Galaway. Lexington, MA: Lexington Books, 91-99.

Elias, R. (1993). *Victims Still*. Newbury Park, CA: Sage Publications.

——— (1983). *Victims of the System: Crime Victims and Compensation in American Politics and Criminal Justice*. New Brunswick, NJ: Transaction Books.

Evers, T. (September 1998). "A Healing Approach to Crime," *The Progressive*, 30-33.

Galaway, B. (1977). "Toward the Rational Development of Restitution," in Hudson, J. and Galaway, B., eds. *Restitution in Criminal Justice*. Lexington, MA: D. C. Heath.

——— and J. Hudson, eds. (1981). *Perspectives on Crime Victims*. St. Louis, Mo: C. V. Mosby Co.

Galper, J. (1975). *The Politics of Social Services*. Englewood Cliffs, NJ: Prentice-Hall.

Garofalo, R. (1975). "Enforced Reparation as a Substitute for Imprisonment." In *Considering the Victim: Readings in Restitution and Victim Compensation*, ed. Hudson, J. and B. Galaway. Springfield, IL: Charles C. Thomas, Publisher, 43-53.

Geis, G. (1967). "State Compensation to Victims of Violent Crime." President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: Crime and Its Impact—An Assessment*. Washington, DC: U.S. Department of Justice.

Goldstein, N. (1974). "Reparation by the Offender to the Victim as a Method of Rehabilitation for Both." In *Victimology—A New Focus*, ed. I. Drapkin and E. Viano. Lexington, MA: Lexington Books, 193-206.

Henderson, L. (1985). "The Wrongs of Victims' Rights." *Stanford Law Review* 37, 937-1021.

Jacob, B. (1977). "The Concept of Restitution: An Historical Overview." In *Restitution in Criminal Justice*, ed. J. Hudson and B. Galaway. Lexington, MA: Lexington Books, 45-62.

Karmen, A. (1991). "The Controversy over Shared Responsibility." In *To Be a Victim*, ed. D. Sank and D. Kaplan. New York: Plenum Press, 395-408.

——— (1996). *Crime Victims*, Third Edition. Belmont, CA: Wadsworth.

Kurki, L. (September 1999). *Incorporating Restorative and Community Justice Into American Sentencing and Corrections*. Washington, DC: U. S. Dept. of Justice.

Maguire, K., and A. Pastore. (1994). *Sourcebook of Criminal Justice Statistics 1994*. Albany, NY: Hindelang Criminal Justice Research Center.

Melton, A. P. (Undated). *Indigenous Justice Systems and Tribal Society*. Washington, DC: U. S. Department of Justice.

Mennonite Central Committee. (Undated). *Restorative Justice*. Akron, PA: Mennonite Central Committee.

Nassau County Community Services Agency. (1989). *Community Services: Who, What, When, Where, Why & How*. Mineola, NY: NCCSA.

National Institute of Justice. (March 1998). "An Interview with Former Visiting Fellow of NIJ, Thomas Quinn," *National Institute of Justice Journal*.

Newsday. (June 27, 1992). "Jury Awards \$1 Million to Couple Exposed by Hotel's Mirror," *Newsday*, 9.

New York State Division of Criminal Justice Services and New York State Crime Victims Board. (June 1988). *Restitution in New York State: Recommendations for Improvement*. New York: New York State Division of Criminal Justice

- Services and New York State Crime Victims Board.
- Parenti, C. (November 3, 1995). "Inside Jobs." *New Statesman and Society*, 20.
- Pranis, K. (December 1997). "Restorative Justice: Peacemaking Circles," *Corrections Today*, 72.
- Presser, L. and C. T. Lowenkamp. (1999). "Restorative Justice and Offender Screening," *Journal of Criminal Justice*, 27, 4, 333-343.
- Schafer, S. (1977). *Victimology: the Victim and His Criminal*. Reston, VA: Prentice-Hall.
- (1970). *Compensation And Restitution to Victims of Crime*. Montclair, NJ: Patterson Smith.
- Separovic, Z. (1985). *Victimology*. Zagreb, Yugoslavia: Pravni Fakultet.
- Simon, S. (May 13, 1999). "Throwing Offenders a Curve," *Los Angeles Times*, A1.
- Stephens, G. (November 1999). "Preventing Crime: The Promising Road Ahead," *Futurist*, 29-34.
- Umbreit, M. (1998). "Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment," *Western Criminology Review* 1 (1), <http://wcr.sonoma.edu/v1n1/umbreit.html>.
- (Undated). *Restorative Justice: Implications for Organizational Change*, <http://www.ojp.usdoj.gov/nij/rest-just/ch3/implications.html>.
- and R. B. Coates. (April, 2000). *Cultural Implications of Restorative Justice: Potential Pitfalls and Dangers*. St. Paul, MN: University of Minnesota, Center for Restorative Justice and Peacemaking.
- Umbreit, M. and Jean Greenwood. (April, 2000a). *Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice through Dialogue*. St. Paul, MN: University of Minnesota, Center for Restorative Justice and Peacemaking.
- (April, 2000b). *National Survey of Victim-Offender Mediation Programs in the United States*. St. Paul, MN: University of Minnesota, Center for Restorative Justice and Peacemaking.
- United States Department of Justice. (Undated). *Implementing the Balanced and Restorative Justice Model*. Washington, DC: United States Department of Justice.
- (April 1990). *Office For Victims of Crime Report to Congress*. Washington, DC: United States Department of Justice.
- (September 1992). *Restitution and Juvenile Recidivists*. Washington, DC: United States Department of Justice.
- Victims' Assistance Legal Organization, Inc. (March 1996). *Restitution: Policies And Procedures For a Coordinated Team Model* (Draft) McLean, Virg.: VALOR.
- Von Hentig, H. (1948). *The Criminal and His Victim*. New Haven, CT: Yale University Press.
- Wilson, J. (1975). *Thinking About Crime*. New York: Basic Books.
- Wolfgang, M. (1965). "Victim Compensation in Crimes of Personal Violence." *Minnesota Law Review* 50.
- Zuni, C. (1992). "Justice Based on Indigenous Concepts," Paper presented at the Indigenous Justice Conference.