

# Restorative justice, offender rehabilitation and desistance

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*This paper examines the conceptual distinctions between rehabilitation, restorative justice and desistance theories of offender cessation from crime. In this discussion, the overarching aim is to consider the place and utility of a restorative model as a recidivism reduction tool, while explaining the notional differences between ethical normative, prudential normative, and social normative models of restorative justice, rehabilitation and desistance respectively.*

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## Introduction

Restorative justice (RJ) is commonly acknowledged to be a grassroots movement that is practice rather than theory driven (Ward & Langlands, 2009). Its primary focus is on transforming the way justice is implemented in communities rather than on formulating a coherent theory and set of norms to guide a response to crime. What this means is that RJ programmes constitute a patchwork of loosely connected ideas and practices rather than a tightly knitted set of principles and institutions. A useful way to conceptualise the varieties of RJ models is to view them as having a sort of family resemblance based on an ideal type. Thus, RJ practices share a set of empirical and normative elements although no one instance of implementation will display all of the features contained in the family of RJ approaches. The practices are 'messy' although thematically linked in important respects. Consistent with this observation, there are contrasting definitions and formulations evident in the literature, some of them primarily concerned with the *process* of rolling out RJ initiatives and others more preoccupied with *outcomes* (Johnstone & Van Ness, 2007). For the purposes of this paper we will not attempt to explore the nuances of RJ theory and practices, and will instead rely on the definition by Walgrave (below) and more general RJ core values and principles.

According to Walgrave, restorative justice is ‘an option for doing justice after the occurrence of an offence that is primarily oriented towards repairing the individual, relational, and social harm caused by that offence’ (Walgrave, 2008: 21). Zehr and Mika (1998) outline three core principles that underpin restorative justice initiatives that resonate with the core ideas in this definition. First, criminal conduct violates both people and their relationships with one another. Such violation harms all of the key stakeholders in crime—victims, offenders, and communities—whose needs therefore ought to be actively addressed through a restorative process of some kind. Second, crime results in both obligations and liabilities for offenders. The offender is obliged to take responsibility for the crime and attempt to repair the harm caused. The intention behind holding offenders accountable is to achieve reparation rather than to punish them, although there is some tension evident between these two conflicting values (see Ward & Salmon, 2009). Additionally, the community is obliged to support both the victim and the offender in dealing with the effects of the crime. Third, the purpose of restorative justice is to facilitate community healing by repairing the harm that results from crime, more specifically, the fractures within relationships between victims, offenders, and the community that inevitably occur following offending. Restorative values such as participation, respect, honesty, humility, interconnectedness, accountability, empowerment, hope, truth, empathy and mutual understanding form the foundation of, and subsequently guide, practice (Zehr, 2008; Zehr & Toews, 2004). Nonetheless, disputes about what constitutes restorative practice continue.

The relation between RJ and offender rehabilitation/reintegration is a controversial one, with some theorists arguing that RJ practices are likely to facilitate offender reintegration and lower recidivism rates (Morris, 2002) while others believe that this is unlikely (Ward & Langlands, 2009). In part this is a dispute concerning the type of normative projects associated with RJ and offender rehabilitation as well as reflecting disagreement over the empirical status of RJ interventions (e.g. family group conferences, sentencing circles). In the rest of this paper we explore the relation between RJ and offender rehabilitation/reintegration, with a particular eye toward the relationship of desistance theories to these debates.

First, we will briefly discuss the concept of offender rehabilitation and outline two popular correctional models, the Risk Need Responsivity model (Andrews & Bonta, 2010) and the Good Lives Model (Ward & Maruna, 2007). Second, the ability of RJ to meet the range of rehabilitation needs exhibited by high-risk offenders will be investigated. Third, we present the concept of desistance and examine its relations to RJ and traditional offender rehabilitation, drawing from the resources of the Good Lives Model. Finally, we end the paper with some reflections on the conceptual links between RJ, rehabilitation theory and programmes, and desistance ideas, and comment on their possible contribution to correctional intervention with offenders and to the growing literature on the situated condition of offenders within RJ. Our suggestion is that RJ, rehabilitation,

and desistance ideas and practices are conceptually linked, with RJ providing an overarching normative framework, and correctional programmes and desistance processes supplying the resources required by offenders to live more fulfilling and less destructive lives. While individuals can successfully desist from further offending without participating in any formal rehabilitation programmes (and in fact most do—see Laws & Ward, 2011), high-risk offenders do seem to need help effecting significant changes in their lifestyles and appear to benefit from correctional interventions (Andrews & Bonta, 2010).

### **What is offender rehabilitation?**

A confusing number of terms have been used to refer to the social and psychological processes involved in assisting individuals to give up criminal activity and pursue productive, socially responsible lives (Ward & Maruna, 2007). These labels include *rehabilitation*, *reintegration*, *re-entry*, *desistance* and *correctional treatment*. Generally speaking, psychologists use the term *rehabilitation* while criminologists opt for the less question-begging *reintegration* (Laws & Ward, 2011; Ward & Laws, 2010). We acknowledge the fact that typically offenders are not being returned to a previously functional state and accept that the term *rehabilitation* is somewhat tainted in the eyes of many because of its association with a particular correctional perspective, risk management. Additional problems evident in a traditional rehabilitation framework include the assumption that offenders require treatment for psychological problems; a focus on mechanistic processes at the expense of agency; the adoption of negative intervention goals; viewing individuals as bundles of risk factors rather than as persons; a reluctance to give values and self-narratives a central place in the desistance journey; and failing to appreciate that risk is as much a contextual/social factor as a psychological one (Ward & Maruna, 2007). However, in this paper we have decided to stick with the label of *rehabilitation* as it captures the mainstream discourse in correctional and forensic practice settings.

What exactly is a rehabilitation theory? Surprisingly, forensic and correctional practitioners have been reluctant to analyse the concept of a rehabilitation theory, probably because of their (often implicit) commitment to an empiricist conception of science and subsequent suspicion of what is considered to be ‘speculation’. This is problematic because rehabilitation is an *evaluative-competency* building process and as such rests upon a number of normative and factual assumptions about the nature of human functioning and what are appropriate goals for offenders to aim for and how to achieve them. In addition, rehabilitation models have implicit notions about what creates offending, and thus how best to intervene to effect change. A useful way of thinking about theories of rehabilitation is to view them as conceptual maps that help practitioners translate abstract etiological (causal) theories of human functioning and crime, ethical norms and therapeutic principles into day-to-day practice with offenders (Ward & Maruna, 2007).

The normative dimension of rehabilitation is evident in the following ways: (a) the concept of an *offender* is a moral one where individuals have been judged to have acted wrongly—and illegally—and been punished accordingly; (b) the successful pursuit of a meaningful life relies on individuals identifying what is truly valuable and constructing ways of living that can help them to achieve the outcomes, activities and traits that reflect these values; (c) the notion of risk reduction, which is typically a major aim of all correctional programmes and intervention efforts, is a value-laden one in the sense that the aim is to reduce, manage and monitor the probability of harmful outcomes to the offender and the community (rather than the positive potential of offenders); and (d) practical or narrative identities which have been demonstrated to be important components of successful desistance are constituted by a diverse range of values (e.g. role standards or expectations, personal traits, activities, practices, etc.). The capacity-building dimension of rehabilitation is closely connected to the normative one by virtue of its stress on the provision of psychological resources and opportunities. The aim is to provide offenders with the internal (i.e. skills, knowledge, attitudes, beliefs etc.) and external (i.e. social supports, employment, education, intimate relationships, leisure activities etc.) conditions to secure their personally endorsed goals, and in this process, result in better or good lives.

### The Risk Need Responsivity model of rehabilitation vs Good Lives Model

The Risk Need Responsivity (RNR) model of offender rehabilitation is the premier treatment model for offenders in the correctional field (e.g. Canada, the United Kingdom, Australia, New Zealand, the United States and a number of European countries) and has led to the development of a number of empirically derived, effective interventions for a range of crimes (Andrews & Bonta, 2010; Gendreau, Little & Goggin, 1996). RNR is essentially a list of three major normative/empirical principles that stipulate how correctional interventions ought to be implemented. The *risk* principle states that offenders at higher risk of reoffending should receive higher levels of intervention, including greater intensity treatment. The *need* principle stipulates that changeable social and psychological variables associated with reductions in recidivism (i.e. dynamic risk factors or *criminogenic needs*) should be targeted in correctional programmes. The *responsivity principle* asserts that correctional programmes should be matched to offender characteristics such as learning style, level of motivation, and the individual's personal and interpersonal circumstances. The first two principles (risk and need) are used to select treatment intensity and targets, and the whole set of principles is used to guide the way practice is actually implemented. The RNR principles provide broad level guidance in the construction and implementation of correctional programmes.

Originally proposed by Ward (2002) and elaborated upon over the past decade by Ward and colleagues (Laws & Ward, 2011; Ward & Maruna, 2007), the Good Lives Model

(GLM) represents a strengths-based theory of offender rehabilitation that is complementary to the Risk Need Responsivity (RNR) model (Andrews & Bonta, 2010). It is complementary in the sense that it incorporates the RNR principles into its structure while extending the scope of rehabilitation beyond a stress on risk factors. From the standpoint of the GLM, rehabilitation aims to reduce risk alongside building offenders' capacity to live personally meaningful and fulfilling lives. Moreover, building capacity reduces risk. A core assumption of the GLM is that offenders, like all human beings, are goal-directed and live their lives according to their prioritised set of *primary human goods*, which are experiences, states of being, and activities sought for their own sake, and that are likely to increase the individual's sense of fulfilment and happiness (Ward, 2002).

Primary human goods represent the things that individuals strive for, whereas *instrumental* or *secondary* goods represent concrete means or activities that are undertaken in pursuit of primary human goods. Secondary goods take the form of approach goals, that is, goals which move individuals towards a specific outcome or object rather than away. For example, the primary human good of knowledge might be achieved through attending classes at university or enrolling for specialist workshops. It is assumed that individuals seek all of the primary human goods, albeit to different degrees, according to their particular values and developmental stage, as well as their priorities in life. A central assumption of the GLM is that prosocial attainment of primary goods is associated with higher levels of well-being, as well as the development of a self-identity and purpose in life, whereas the converse is associated with life problems, including offending (e.g. Ward & Stewart, 2003).

The GLM proposes that offenders are goal-directed and attempt to seek primary human goods (Willis, Yates, Gannon & Ward, 2013). As such, offending behaviours relate either directly or indirectly to the pursuit of primary human goods and are viewed as flawed attempts at gaining fulfilment in individuals' lives. Notably, these flaws are associated with problems with secondary goods (i.e. the activities/means that individuals use to achieve their primary human goods), and not the primary human goods themselves (Ward & Maruna, 2007; Ward, Yates & Long, 2006). Within the GLM framework, criminogenic needs (i.e. dynamic risk factors associated with the continuation of offending behaviour) are conceptualised as internal and external obstacles that hinder or prevent the acquisition of primary human goods in pro-social ways, or represent secondary goods in and of themselves (e.g. relying on antisocial peers to fulfil the primary good of friendship).

The aim of correctional intervention according to the GLM is the promotion of primary goods, or human needs, that, once met, enhance psychological wellbeing (Ward & Maruna, 2007). Once an offender's conceptualisation of what constitutes a good life is understood, future oriented secondary goods aimed at satisfying his or her primary goods in socially acceptable ways are formulated collaboratively with the offender and

translated into a good lives intervention plan. Intervention is individually tailored to assist an offender implement his or her good lives intervention plan and simultaneously address criminogenic needs that might be blocking goods fulfilment. Accordingly intervention might include building internal capacity and skills and maximising external resources and social supports to satisfy primary human goods in socially acceptable ways.

The distinction between these two models of rehabilitation is important, insofar as the RNR model emphasises crime supportive states and deficits, while the GLM focuses on the ways in which offenders are similar to other ordinary people, who experience frustrations in their attempts to create fulfilling lives. Situating offenders within a restorative justice paradigm depends, in part, on how we conceive of offenders: as either instances of risk to be managed or as ordinary people in the making. From a RJ perspective, all human beings have intrinsic value and this means their core interests should be taken into account when making important decisions about their lives. This idea, and the values that are contained within it, mesh well with the GLM.

### **Restorative justice and offender rehabilitation**

As mentioned earlier, evidence-based models of offender rehabilitation are commonly used by practitioners working within the correctional justice system. Despite the fact that these models are well supported empirically and grounded in decades of research (Andrews & Bonta, 2010; Ward & Maruna, 2007), they are not typically utilised or referred to by restorative justice advocates when outlining a comprehensive ethical response to crime. In general terms, there are at least two perspectives concerning the relationship between RJ and offender rehabilitation (see Ward & Langlands, 2009): (a) some advocates acknowledge the value of rehabilitation practices and attempt to incorporate these into restorative justice theory and initiatives or argue that they already are built in, while (b) other theorists downplay the value of rehabilitation, both as a just response to crime and as a way of reducing reoffending. For example, McCold and Wachtel (2002) dismiss rehabilitation as an inadequate response to crime because of the perceived failure of treatment programmes to hold offenders to account. We will consider these two perspectives in turn.

Concerning the first perspective, although rehabilitation and RJ have been argued to be conceptually distinct (Ward & Langlands 2009), and certainly are in practice, a question remains as to the extent to which the two can be synthesised and how useful RJ could be as a crime-reduction tool. Some advocates assert that it has the ability to reduce crime by engendering psychological shifts in offenders such as the cultivation of empathy through the process of facing and hearing from their victims. For example, in an early statement on the efficacy of RJ, Walgrave (1993) asserted:

... as the evidence shows, the rehabilitative effects of the restorative approaches are no less than those of the approaches aimed explicitly at rehabilitation. The very fact of being obliged to make good the harm which has been done often seems to have a rehabilitative effect that goes beyond the traditional models of treatment. (p. 71)

Unfortunately, the research that is used to back such claims up is usually based on participant satisfaction data rather than data from well-designed studies on changes in offenders' array of dynamic risk factors, and/or reconviction rates. While there are practice aspects to RJ that can be seen in specific contexts, such as family conferences and sentencing circles, they are not really therapeutic in the usual sense of that term. What we mean is that typically rehabilitative programmes in the correctional system are underpinned by a theory of change, a conceptualisation of crime and its causes, a set of psychological change goals, and detailed instructions for implementing a particular treatment for a specific problem. Although there are typically goals and instructions for applying RJ to certain areas, they are not explicitly therapeutic in the sense described above.

In our view, in the absence of properly designed outcome research, and taking into account the distinctive conceptual features of RJ, a reasonable way to interpret the view that RJ can be rehabilitative is in normative terms. Norms are specific rules partly constituted from general value principles that require people to act in certain ways; they 'describe what agents *must* and *mustn't* do: refrain from murder; wear a head scarf; keep one's promises; wear black at funerals; and so on' (Brennan, Eriksson, Goodwin & Southwood, 2013: 3; emphasis in the original). Ethical norms are practice independent and function to define what are right or wrong actions and good or bad outcomes (or personal characteristics) across all practices; they are (arguably) universal and impartial. In essence, ethical norms create accountability amongst and between individuals (Brennan, Eriksson, Goodwin & Southwood, 2013).

Thus the appropriate level of analysis is a normative one where offenders take responsibility for the harm they have inflicted on other people and the community and resolve to 'make good' in some respect (Maruna, 2001). From this viewpoint RJ is essentially an ethical model that seeks to address the harm caused by crime in an inclusive and community responsive way (Ward & Langlands, 2009). Restorative justice practices aim to allow each stakeholder a voice in the process of seeking accountability by the offender, acknowledging the victim's suffering, deciding on reparation and hoping for reconciliation. There is some overlap between the basic ideas and values comprising RJ and a set of ethical ideas and practices termed *moral repair* (Walker, 2006). In both, there is an emphasis on restoring relationships between victims, offenders and the community. Theoretically, both perspectives share a communitarian approach to ethics, where the stress is on the way ethical concepts and principles are used within communities to sustain and repair relationships. For example, Walker (2006) states that moral repair is 'restoring or creating trust and hope in a shared sense of value and responsibility'



(p. 28) following the experience of intentional and unjustified harm at the hands of another person or persons. According to Walker, there are six core tasks encompassed by moral repair: (1) placing responsibility on the offender, (2) acknowledging and addressing the harm suffered by the victim, (3) asserting the authority of the norms violated by the offender and the community's commitment to them, (4) restoring or creating trust among the victims in the relevant norms and the practices that express them, (5) creating hope that the norms and the individuals responsible for supporting them are worthy of trust, and (6) re-establishing or establishing adequate moral relationships between victims, wrongdoers and the community. It seems pretty clear that the core values of RJ and their associated practices can be comfortably mapped onto the concept of moral repair.

Circles of Support & Accountability (CoSA), which is a volunteer-based support circle for high-risk sex offenders upon release, adapts a restorative model insofar as it holds offenders accountable but supports their reintegration (Fox, 2013; Hannem, 2013; Hannem & Petrunik, 2007; Wilson, Cortoni & McWhinnie, 2009; Wilson, McWhinnie, Picheca, Prinzo & Cortoni, 2007; Wilson, Picheca & Prinzo, 2005; Wilson & Prinzo, 2002). This model represents a more 'social' understanding of the reintegration needs of offenders, and takes into account their restoration needs as well. In terms of the moral repair concept, CoSA reflects the focus on victim reparation in holding offenders accountable. In addition, 'establishing adequate moral relationships between victims, wrongdoers, and the community' can mean attending to the repair and reintegration of the offender as a community obligation.

Concerning the second, more sceptical perspective on the relation between RJ and offender rehabilitation, other RJ theorists propose that any effect toward crime reduction might be an added bonus but should not be a goal of the process. In part this is because the major goal of RJ is not offender rehabilitation but moral repair (see above). Ward and Langlands (2009) argue that the rehabilitative potential of RJ is unclear because it fails to account for the fundamental principles of evidence-based rehabilitation. It does not directly engage with the principles of the RNR model or adapt strengths-based intervention models such as the GLM in any way to work with offenders. There is little or no attention paid to the specific cognitive behavioural competencies required for successful rehabilitation or discussion of the best way to utilise social learning strategies such as modelling and skill acquisition. Interventions such as family conferences are designed according to the core (ethical) norms and related practices of RJ as opposed to being empirically supported interventions. In their discussion of a recent meta-analysis of RJ interventions by Bonta, Jesseman, Rugge and Cormier (2006), Ward and Langlands (2009) report that

restorative justice interventions had an impact on recidivism for low-risk (0.08), but not high-risk, offenders (0.01). Bonta et al. hypothesise that this may be because high-risk offenders have a significant number of criminogenic needs which need to be assessed and treated within



an evidence-based rehabilitation framework. In other words, restorative justice interventions are not sufficient to reduce re-offending for high-risk offenders. (p. 221)

Even from the perspective of an ethical interpretation, RJ struggles with the integration of *offender* rehabilitation goals into action plans arising from restorative encounters or experiences. In addition, a problem as RJ is currently practised is that a restorative encounter may be a one-off event, which would likely be insufficient to have a dramatic impact on offenders' goals and orientations. Restorative justice is arguably a victim-focused process as currently practised, with victims' restoration residing at the heart of existing RJ projects in many instances. However, as stated earlier, RJ is often depicted as a triangle of relationships, between victims, offenders and the community at large. The hope is that because crime is in essence a relationship break between all three stakeholders, RJ interventions can heal the rupture through a combination of holding the offender accountable, and the implementation of reparation and reconciliation practices. However, the repair that is intended or which occurs is often one, or at most, two sided; the offender's needs for repair are often neglected. Yet beyond the notion that all parties to a crime need to be made whole, the distinction between offender and victim is not as clear as one might imagine. The vast majority of offenders have been victims, often repeatedly over time and in many respects (Ward & Moreton, 2008). Perhaps the first step is to dismantle the polarised distinction between offenders and victims. This is not to suggest that victims are culpable in any way for their victimisation, but simply to recognise the trauma that undergirds much criminal offending.

Perhaps it is not necessary for rehabilitation to be a central goal in RJ for it to have a crime-reducing effect. For example, Shapland et al. (2008) discovered that RJ conferences led to a reduction in offending in a randomised study of youth and adult offenders. But questions remain. It might matter at what stage in the criminal justice process the conference took place; perhaps the early intervention and avoidance of serious criminal justice involvement had a deterrent effect. It is also possible that the offender's support people came to the table as well, and committed to backing the offender. The interactive effect that fosters desistance according to the prediction of Bottoms, Shapland, Costello and Muir (2004) is that the informal controls/connections fostered by stable employment and the like lead to identity transformation, or alternatively that those who experience identity change will have greater success in finding stable employment. Although RJ has had some success in reducing reoffending, it is not entirely clear how or why the effect occurs. Similarly, within the desistance literature, there is a lack of agreement as to which mechanisms create conditions for desisting from crime.

Rehabilitation focuses on correcting or improving offenders' functional abilities to secure goals in a personally satisfying and socially acceptable manner; RJ advocates find this troubling because it is offender-centric by design. It is clear that this concern is an ethical one because the expectation is that there should be a public and explicit acknowledgment of the offender's responsibility, vindication of victims' rights to be heard and

supported, and ideally some attempt at reparation and reconciliation. The focus of RJ is on the broader community, not individual offenders' specific risks and concerns (although these are relevant). Although restoring offenders could be legitimately seen as possible through a rehabilitation process, some would argue the benefit is only tangentially related to the victims. As stated above, Walgrave (1993) asserts that making amends to victims has a 'rehabilitative effect' on offenders (p. 71). Thus, although restorative justice may have a side benefit of rehabilitation that could impact potential victims in the future, its primary purpose is to be significantly attentive to current victims' needs for restitution of some kind. In other words, its link with *offender rehabilitation* theory and practices is weak, contingent and unsystematic.

## Restorative justice and desistance

### Desistance

Rising to recent prominence in criminology is the notion of 'desistance' from crime, which is concerned with identifying the social and psychological factors associated with the cessation of offending and adoption of a pro-social lifestyle. Research has found that desistance factors include variables such as employment, social support, intimate relationships, education, narrative shifts in identity, being able to break with the past (knifing off), positive social attitudes towards offenders by others, spirituality, and agency (Sampson & Laub, 1993). In their recent paper Laws and Ward (2011) referred to desistance in the following way:

Desistance is often defined as a termination point, 'the last officially recorded or self-reported offense' (Kazemian, 2007, p. 9). However, it is more properly seen as a dynamic, ongoing process. In essence, it is the state of stopping and staying stopped that we refer to as 'desistance'. (p. 12)

Desistance from crime requires behavioural change, and those changes are often facilitated by external and internal events in the life of the individual. These events are variously referred to, for example, as 'turning points' (Sampson & Laub, 1993), 'hooks for change' (Giordano, Schroeder & Cernkovich, 2007), or 'making good' (Maruna, 2001). Bottoms et al. (2004) argue that desistance from criminal behaviour is not merely a function of psychological rehabilitation nor of structural supports upon release. Rather the interaction between treatment, social inputs and self-determination is key. In other words, rehabilitation takes offenders part of the way, but their social situation upon release (including structural conditions such as housing and employment, plus cultural and situational factors), and a sense of 'agency' in forging their own lives are critical ingredients in the overall change process. Laws and Ward have attempted to account for the relation between intervention and desistance processes (i.e. skill acquisition/capa-

bility building) by suggesting that therapy (programmes) provides offenders with the psychological and social resources to capitalise on desistance moments. There is little point being offered employment as an assembly worker if you find it difficult to listen to instructions or are repeatedly verbally aggressive when criticised. It is important to note that most offenders are able to resume crime-free lives without specialised input from correctional practitioners, relying instead on help from friends, colleagues, partners and social service groups. Ward and Laws (2010) point out that 'Sooner or later, almost everyone participating in serious criminal activity gives it up and quits' (2010: 13).

Bottoms et al. (2004) argue that desistance involves 'programmed potential' (i.e. assessing and targeting risk factors), contextual issues (e.g. employment, subcultural enablers or constraints and situational factors that matter in determining desistance), and agency factors. All of these factors interact to influence whether offenders persist or desist from further offending. Ward and Langlands (2009) contend in essence that programmed potential is not addressed within the normative framework of RJ. The data that exists on RJ conferences point most clearly to the salience of the agency factor, insofar as participants may be motivated and also may be changed by the interaction with their victims.

In a seminal work, Maruna (2001) suggests that primary desistance emerges from a more basic set of structured opportunities, like employment, that create a context for desistance, while secondary desistance evolves from a changed sense of self that occurs as a result of opportunities to build hope and forge goals for the future. Restoring victims through a process which insists upon offender accountability may also promote desistance by communicating to the offender that s/he inhabits the same moral universe as the others, and can be held to the same expectations. Treating offenders as part of the relationship and therefore eligible for care and concern could create a greater investment in the process. Both as a crime reduction measure and as a human rights approach to restoring offenders as well as victims, this paper argues that RJ can play a role in promoting desistance. Although restorative justice and rehabilitation have distinct processes and outcomes, and are not necessarily or obviously compatible, perhaps a more fruitful way to characterise RJ's crime-reducing potential and its relationship to rehabilitation theories and practices is through the language of criminal desistance.

## Desistance and restorative justice

The desistance literature debates internally the relative importance of structural dimensions that function as informal social control mechanisms, such as employment (Sampson & Laub, 1993) and the personal transformation dimensions that function to lead to more long-lasting desistance (Laws & Ward, 2011; Maruna, 2001; Ward & Maruna, 2007). In assessing RJ as a desistance model, we need to understand how RJ may function to support desistance in either or both of these ways.

Theorists who support the conceptualisation of RJ as a crime-reduction model argue that to the extent that it reduces reoffending it is because the offender acquires empathy (or some related competencies such as theory of mind or psychological altruism) in the process and loses the motivation to reoffend. The subsequent shift in attitude may signal to others that s/he is ready to make amends for the harm committed and to actively seek social reintegration and reconciliation. However, it needs to be noted that one of the main reservations about the effectiveness of RJ as a crime-reduction—desistance enhancing—tool is the problem of self-selection (Bonta, Jesseman, Rugge & Cormier, 2006). Participants who are willing to meet their victims and engage in a discussion with them about the crime may already be on their way to change, and in fact may be relatively low risk (Daly, Bouhours, Broadhurst & Loh, 2013). And as stated above, this seems like an ethical task associated with moral repair as opposed to the types of capacity-building intervention typically seen in offender rehabilitation programmes—for example, establishing emotion and general self-regulation skills, social skills training, problem solving, sexual reconditioning and so on (Laws & Ward, 2011).

If we reflect on the theoretical underpinnings of RJ, and try to distil the essential elements from the various competing definitions, its unique value arguably resides in providing opportunities for repairing various types of harm. And generally in this framework, as Ward and Langlands (2009) point out, rehabilitation, if it occurs, is an added bonus rather than a central aim. Additionally, as stated above, the major contribution to rehabilitation for high-risk offenders is likely to be via increased motivation to make amends for the harm inflicted. Thus the link with desistance processes is likely to work through the identification of community (ethical and social) norms and an acceptance of their authority for offenders, victims and members of the community. The ripple effect of this acknowledgement, and its translation into improved interpersonal functioning and daily activities, is likely to be reflected in social acceptance in multiple areas such as employment, relationships, educational opportunities and so on. In our view, the relation between RJ and desistance is normative in nature; it is characterised by norms (i.e. rules that spell out what constitutes obligatory, permissible and unacceptable actions and outcomes) that specify who has moral status within a community and what can be reasonably expected from its members in light of these norms. Those norms will also indicate what kind of repair work needs to occur when norms prohibiting harm to members of the community are violated. Restorative justice can be usefully seen as a subset of these norms primarily oriented around response to crime—that reflects these core, communitarian values. If RJ encounters create a sense of agency and shift in narrative identity in offenders, this is likely to be the result of the acceptance of responsibility for harms committed and the commitment to making amends through reparation and/or personal change. Restorative practices can reinforce the shared norms that offenders have in common with victims and others; a shared sense of values can have a reintegrative effect on offenders.

However, this is unlikely to be the case for all types of offenders as some individuals either resist, or seem unable to experience, empathy for another person's pain (Andrews & Bonta, 2010). In fact, one of the limitations of RJ as a comprehensive rehabilitation (including links to desistance) model is that it has little to offer such individuals and is not a sustained intervention over time. In such resistant cases mainstream correctional rehabilitation models such as RNR and the GLM shift the focus from acknowledging responsibility (and remorse, guilt etc.) to improving personal well-being, what we would call prudential, or self-serving, goods. That is, they present the attractions of desistance in terms of the personal benefits for an offender rather than for victims and the community, which we could call ethical goods.

### Restorative justice and desisting

Restorative justice has been debated from many different angles and on many different counts. A central controversy is the extent to which it should be conceived of as a victim-centred approach, in contrast to the offender-focused orientation of traditional criminal justice. But the philosophical statements on restorative justice are conflicted about the role of offenders in the process. Many such statements acknowledge that crime injures victims, communities and offenders, but the redress seems to be restoring only the first two parties, and holding the offender accountable. In other words, RJ is conceived like a three-legged stool, but operates with only two legs. Restoring offenders is not usually part of the practice or process. The application of desistance ideas and practices to the problem of offender reintegration requires that all stakeholders are involved in the rehabilitation process. This is because the ethical component of a response to crime is intended to set the normative scene so to speak for subsequent interactions between the stakeholders, and create a set of expectations for offenders, victims and the community. These expectations typically outline what steps offenders need to take in order to repair the damage to others and to reform problematic aspects of themselves.

In addition to the philosophical dilemmas inherent in the purpose of RJ, some theorists insist that a valid measure of success would be the reintegration of offenders.<sup>1</sup> Successful reintegration would require a process that attends to offenders' needs, unless the assumption is that offenders' needs are addressed within their rehabilitation programme.

Restorative justice interventions that aim to rehabilitate offenders have often been suggested for youth in the juvenile justice system. In fact, the process is, and is advocated to be, at least partly offender-centred in the youth justice system. Given the discussion above concerning the problems associated with viewing RJ as a global rehabilitation intervention, this is a potentially problematic viewpoint. For example, according to the US Office of Juvenile Justice and Delinquency Prevention, in its statement on the phi-

<sup>1</sup> See [http://peace.fresno.edu/docs/CPOC\\_RJ\\_Position\\_Paper\\_9-11-00.pdf](http://peace.fresno.edu/docs/CPOC_RJ_Position_Paper_9-11-00.pdf) (accessed March 2014).

losophy of restorative justice, several principles are listed that seem inconsistent with current correctional practice on the whole. For example, claims such as ‘The community is responsible for the well-being of all its members, including both victim and offender’; ‘All human beings have dignity and worth’; and ‘Increase juvenile offenders’ skills and abilities’<sup>2</sup> point to a need to actively factor in the offender’s interests in RJ interventions. In these principle and vision statement excerpts, it is clear that offender repair is seen as a crucial component of any intervention. This does not appear to occur in practice more generally. Unfortunately, in the adult RJ system, there is much less emphasis on the repair of the offender, and this is presumably based on a fundamental distinction made between adults and juvenile offenders that serves as the basis for having separate systems of justice. The same logic that pervades juvenile restorative justice concerning the redemption potential of offenders should carry through the restorative project at all levels.

In the Good Lives Model (GLM—see above) human needs are prioritised over criminogenic needs. According to the GLM, meeting fundamental needs for such goods as relatedness, self-determination and autonomy is critical for correctional intervention engagement and success—in other words, to increase the chances of desistance. Restorative justice is not conceptualised as part of an intervention package for offenders, and as such is hard to situate within criminal justice, except insofar as it is requested by victims. A limitation of RJ as a *reintegration* tool is that its place within criminal justice bureaucracies is unclear (see Fox, 2013). As a *treatment* tool, it is also not a recognised and accepted intervention strategy, in part because it lacks a cogent psychological theory of change. Simply pointing to narrative shifts or social supports is insufficient—what is required is a breakdown of the cognitive, emotional, social and behavioural mechanisms involved. In the absence of such an account it would be difficult to understand why change has occurred, and, based on this knowledge, to make well-grounded predictions. For example, if a restorative justice process appeared to ‘work’ as treatment, would the psychological mediator be a change in capacity for empathy, and if so, would it necessarily translate to crime cessation? As argued in this paper, a promising way forward is to conceptualise a restorative justice process as a means to enhance and facilitate the reparation of the offender in communities via desistance rather than as a rehabilitation treatment or intervention. However, this is likely to operate at a normative rather than behavioural technology level. The contribution of desistance models is their attention to the *interactive* effects of rehabilitation programmes, stabilising factors such as employment, and affective or identity changes that cement the other factors. Restorative justice as a process could be part of the repertoire of tools that enhance pro-social identity change. However, restorative principles could be woven through treatment practice and probation as well as any interventions that address offending (McNeill, 2009).

<sup>2</sup> See [www.ojjdp.gov/pubs/implementing/balanced.html#principles](http://www.ojjdp.gov/pubs/implementing/balanced.html#principles) (accessed March 2014).

## **Restorative justice, rehabilitation and desistance**

In reviewing the above discussion, it seems to us that the links between RJ and primary and secondary desistance processes are indirect and complex, and partially mediated via offender rehabilitation programmes. As Bottoms, Shapland, Costello and Muir (2004) argue, rehabilitation sets the stage for desistance; social factors interact to further the gains made in treatment. For example, sex offenders may learn how to deal with social conflict more adaptively in a treatment programme, and once released into the community use these new skills to create social relationships and supports. In essence, such individuals are better able to capitalise on desistance moments. The key to grasping the respective contributions of RJ, rehabilitation and desistance processes is to conceptualise them as distinct but complementary factors, which operate at different organisational levels. Relatedly, theoretical discourse referring to each of the three sets of processes is composed of different types of value concepts and their associated empirical claims. At the risk of appearing dogmatic, we will try to be as clear and direct as possible in depicting these relationships.

First, RJ is usefully conceptualised as a constructive response to crime oriented around the concept of moral repair. It accepts that all persons involved in a specific crime (i.e. victims, members of the community, offenders) should be included in any institutional response and their interests, perspectives and concerns respectfully acknowledged and addressed. The stakeholders are connected by an authoritative set of ethical and social norms that specify the duties and entitlements associated with various social roles and stations. Norms are embedded in practices that specify the nature of restorative actions such as remorse, reparation, reconciliation and engagement. For example, remorse expressed by offenders should be genuine, directed at the victim and community, and reflect an authentic willingness to listen to what the victim has to say. Restorative justice is therefore an appropriate response to crime because crime is a community affair, and as such all stakeholder concerns and interests should be taken into account. Arguably, this is best achieved through RJ processes and practices. The tendency of traditional approaches to crime to focus on the legal relationship between the state and offenders can inadvertently undermine the interests of victims and members of the community. The concept of moral repair is intrinsically a relational one and seeks to heal at a broad community level rather than simply at the level of individual agents.

Second, correctional intervention (treatment) programmes should be designed to equip (usually high risk) individuals with the social and psychological resources to seek important goals in acceptable ways and, as such, should directly reduce offenders' potential to perform further harmful actions against others. The key idea is that for individuals to turn their lives around and live pro-social lives requires both a desire for redemption and the acquisition of capabilities that make this a reasonable possibility. Strengths-based rehabilitation models such as the GLM are natural allies for RJ ideas and practices because of their sensitivity to relationships, agency and the community (Laws & Ward,



2011). Ethically, the emphasis is always on individuals' responsibilities and entitlements within a community framework. The therapeutic focus is on strengthening and providing internal and external capabilities within individuals and giving them the best chance of capitalising on future social opportunities. The specific interventions traditionally aligned with RJ ideas and values are in part ethical practices (e.g. being held to account, listening to others' grievances, making amends) and in part quasi therapy (learning new ways to relate to others, acquiring empathy skills etc.). However, the distinctive core of RJ resides in the way it has adapted the concept of moral repair to the criminal justice system and works with key stakeholders. Individuals who are not motivated or lack the competencies to effectively engage in RJ practices such as victim–offender–community conferences will receive different intervention although they will still be subject to the RJ (ethical) component of the response to their offending. This is because the major goal of RJ from our perspective is an ethical one centred on the concept of moral repair. While it is hoped that offenders will commit themselves to psychological and behavioural change as a consequence of RJ encounters, this is not its major purpose.

Third, desistance processes are most usefully thought of as 'natural' or artificial (i.e. socially created) hooks for change that offer offenders the chance to re-enter the community and to (re)establish themselves as productive citizens (Giordano, Schroeder & Cernkovich, 2007). It is anticipated that via the experience of RJ interventions and having acquired a range of adaptive psychological and social skills through involvement in correctional programmes, offenders will be better placed to capitalise on desistance moments, or hooks for change. In order to support the desistance process, RJ practices should have a clear focus of application and be seen for what they are: norms and their associated actions that are intended to repair the damage caused by crime. Reparative relationships can spring forth from restorative justice encounters to establish the on-going role of the offender's place within the community. The humanistic, communitarian and egalitarian orientation of RJ ideas will ideally shape the way correctional interventions are carried out and also ensure that community interventions and supports are responsive to the interests of offenders as well as those of victims and members of the community. The concept of moral repair that we think is a core feature of RJ is likely to remind people that many offenders have made amends through the acceptance of state authorised sanctions and, hopefully, genuine remorse and acceptance of responsibility, and wish to lead more constructive lives. From a desistance perspective, a crucial part of the reintegration puzzle is community responsiveness and this requires some degree of reaching out to those offenders seeking social acceptance.

In a nutshell, we suggest that it is helpful to view *restorative justice* as an overarching ethical umbrella (i.e. the focus on moral repair specifies how crime should be responded to and what kinds of responses should be expected from offenders, victims and the community), *offender rehabilitation* as a means of creating offender capabilities within this umbrella (i.e. offender programmes have a strong value base that is strongly constrained

by the concept of moral repair—and RJ—which is evident in the construction of positive, mutually respectful, pro-social intervention programmes), and *desistance* processes as ways of cementing initial behavioural and psychological changes into fulfilling and sustainable lifestyles (i.e. rehabilitation programmes are scaffolds that assist the process of re-entry and reintegration. Once adaptive social networks are consolidated, typically they are no longer needed). The three conceptual frameworks represent distinct, although linked, levels of analysis: RJ represents the ethical normative, rehabilitation is prudential normative (or capability building), and desistance embodies the social normative level. Together the three elements provide a process model of normative crime interventions. Alongside the normative heart of each type of intervention there are associated sets of practices that reflect these values. For example, rehabilitation practices are strongly oriented towards helping individuals experience more fulfilling lives in ways that are respectful of others' interests: skill acquisition is in the service of prudential values, which are constrained by RJ values and practices. While desistance processes and interventions are underpinned by the values of social cooperation and harmony, the construction of social capital is in the service of social aims, constrained by RJ and prudential norms.

## Conclusion

Restorative justice is an innovative, inclusive response to crime and has been the focus of theoretical and empirical research over the last twenty years or so. While the practice side of RJ is making great strides, in our view there are still areas of conceptual vagueness evident in the way the model(s) is formulated. A nagging concern is the lack of integration with the field of correctional rehabilitation, and to a lesser extent, desistance ideas and research. In this paper we presented *one way* of linking the three sets of ideas in a manner that respects the integrity and value of each perspective while also acknowledging that each has its 'natural' boundaries and zones of application. We offer the framework as a possible way forward and do not pretend to have definitely solved the problems identified in the paper. The emphasis has been on the liminal spaces between subfields; in our opinion, this is where the action is.

## References

- Andrews, D. & Bonta, J. (2010). *The psychology of criminal conduct* (5th edn). Cincinnati: Anderson.
- Bonta, J., Jesseman, R., Ruge, T. & Cormier, R. (2006). Restorative justice and recidivism: promises made, promises kept? In D. Sullivan and L. Tift (eds.), *Handbook of restorative justice: a global perspective* (pp. 108–120). London: Routledge.

- Bottoms, A., Shapland, J., Costello, A. & Muir, G. (2004). Towards desistance: the theoretical underpinnings for an empirical study. *Howard Journal*, 43, 368–389.
- Brennan, G., Eriksson, L., Goodwin, R. & Southwood, N. (2013). *Explaining norms*. Oxford: Oxford University Press.
- Daly, K., Bouhours, B., Broadhurst, R. & Loh, N. (2013). Youth sex offending, recidivism and restorative justice: comparing court and conference cases. *Australian and New Zealand Journal of Criminology*, 46, 241–267.
- Fox, K. 2013. Restoring the social: offender reintegration in a risky world. *International Journal of Comparative and Applied Criminal Justice*, www.tandfonline.com/doi/full/10.1080/01924036.2013.848221#.Uul32NGA3I (accessed March 2014).
- Gendreau, P., Little, T. & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 575–607.
- Giordano, P., Schroeder, R. & Cernkovich, S. (2007). Emotions and crime over the life course: a neo-Meadian perspective on criminal continuity and change. *American Journal of Sociology*, 112, 1603–1661.
- Hannem, S. (2013). Experiences in reconciling risk management and restorative justice: how circles of support and accountability work restoratively in the risk society. *International Journal of Offender Therapy and Comparative Criminology*, 57, 269–288.
- Hannem, S. & Petrunik, M. (2007). Circles of support and accountability: a community justice initiative for the reintegration of high risk sex offenders. *Contemporary Justice Review*, 10, 153–171.
- Johnstone, G. & Van Ness, D. (2007). The meaning of restorative justice. In G. Johnstone and D. Van Ness (eds.), *Handbook of restorative justice* (pp. 5–23). Cullompton: Willan Publishing.
- Laws, D.R. & Ward, T. (2011). *Desistance from sexual offending: alternatives to throwing away the keys*. New York: Guilford Press.
- McCold, P., & Wachtel, T. (2002). Restorative justice theory validation. In E. Weitekamp and H-J. Kerner (eds), *Restorative justice: theoretical foundations* (pp. 110–142). Cullompton: Willan Publishing.
- McNeill, F. (2009). What works and what's just? *European Journal of Probation*, 1, 21–40.
- Maruna, S. (2001). *Making good: how ex-convicts reform and rebuild their lives*. Washington, DC: American Psychological Association.
- Morris, A. (2002). Critiquing the critics: a brief response to critics of restorative justice. *British Journal of Criminology*, 42, 596–615.
- Sampson, R. & Laub, J. (1993). *Crime in the making: pathways and turning points through life*. Cambridge, Mass: Harvard University Press.
- Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J. et al. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. UK Ministry of Justice Research Series, [http://webarchive.nationalarchives.gov.uk/+http://www.justice.gov.uk/restorative-justice-report\\_06-08.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.justice.gov.uk/restorative-justice-report_06-08.pdf) (accessed March 2014).
- Walgrave, L. (1993). Beyond rehabilitation: in search of a constructive alternative in the judicial response to juvenile crime. *European Journal on Criminal Policy and Research*, 2, 57–75.
- Walgrave, L. (2008). *Restorative justice, self-interest, and responsible citizenship*. Cullompton: Willan Publishing.

- Walker, M. (2006). *Moral repair: reconstructing moral relations after wrongdoings*. New York: Cambridge University Press.
- Ward, T. (2002) Good lives and the rehabilitation of sexual offenders: promises and problems. *Aggression and Violent Behavior, 7*, 513–528.
- Ward, T. & Langlands, R. (2009). Repairing the rupture: restorative justice and offender rehabilitation. *Aggression and Violent Behavior, 14*, 205–214.
- Ward, T. & Laws, D. (2010). Desistance from sexual offending: motivating change, enriching practice. *International Journal of Forensic Mental Health, 9*, 11–23.
- Ward, T. & Maruna, S. (2007). *Rehabilitation: beyond the risk paradigm*. London: Routledge.
- Ward, T & Moreton, G. (2008). Moral repair with offenders: ethical issues arising from victimization experiences. *Sexual Abuse: A Journal of Research and Treatment, 20*, 305–322.
- Ward, T. & Salmon, K. (2009). The ethics of punishment: implications for correctional practice. *Aggression and Violent Behavior, 14*, 239–247.
- Ward, T. & Stewart, C. (2003). Criminogenic needs and human needs: a theoretical model. *Psychology, Crime & Law, 9*, 125–143.
- Ward, T., Yates, P., & Long, C. (2006). *The self-regulation model of the offense and relapse process: volume 2: treatment*. Victoria: Pacific Psychological Assessment Corporation.
- Willis, G., Yates, P., Gannon, T. & Ward, T. (2013). How to integrate the Good Lives Model into treatment programs for sexual offending: an introduction and overview. *Sexual Abuse: A Journal of Research and Treatment, 25*, 123–142.
- Wilson, R. & Prinzo, M. (2002). Circles of support: a restorative justice initiative. *Journal of Psychology and Human Sexuality, 13*, 59–77.
- Wilson, R., Cortoni, F. & McWhinnie, A. (2009). Circles of support and accountability: a Canadian national replication of outcome findings. *Sexual Abuse: A Journal of Research and Treatment, 21*, 412–430.
- Wilson, R., McWhinnie, A., Picheca, J., Prinzo, M. & Cortoni, F. (2007). Circles of support and accountability: engaging community volunteers in the management of high-risk sexual offenders. *Howard Journal of Criminal Justice, 46*, 1–15.
- Zehr, H. (2008). Doing justice, healing trauma: the role of restorative justice in peacebuilding. *South Asian Journal of Peacebuilding, 1*(1), 1–16.
- Zehr, H. & Mika, H. (1998). Fundamental concepts of restorative justice. *Contemporary Justice Review, 1*, 47–55.
- Zehr, H. & Toews, B. (2004). *Critical issues in restorative justice*. Cullompton: Willan Publishing.