

Community Perceptions of Restorative Justice Programs: Liability or Asset to Broader Implementation?

Lauren Boos¹ and James Tuttle²

¹ University of Montana

² University of Montana; james.tuttle@umontana.edu

Abstract

The American criminal justice system is criticized for its reliance on mass incarceration and its limited success in reducing recidivism rates, prompting widespread calls for reform. Restorative Justice (RJ) is a compelling alternative framework. This scoping review examines the role of the under-researched ‘community’ element of RJ programs, addressing the overarching question: How does the surrounding community serve as a liability or asset to further implementation of RJ programs? The review highlights the pivotal role of community support, public awareness, and cooperation in facilitating RJ initiatives. Challenges for further implementation include cultural norms, public misconceptions, and power differentials, emphasizing the need for nuanced approaches to enhance the inclusivity and efficacy of RJ programs. To fully realize the transformative potential of RJ, the paper calls for continued advocacy, education, and strategic communication efforts to reshape public perceptions and promote broader criminal justice reform.

Keywords: Restorative Justice; Reintegrative Shaming; Community; Public Perception; Punishment

Publication Type: Original Research Article

Preferred Citation: Boos, Lauren and James Tuttle. 2024. “Community Perceptions of Restorative Justice Programs: Liability or Asset to Broader Implementation?” *Sociation*, 23(2), 1-13.



This work is licensed under a [Creative Commons Attribution-Noncommercial 2.0 Generic License](https://creativecommons.org/licenses/by-nc/2.0/)

Introduction

The American criminal justice system is at a crossroads. After spending the second half of the 20th Century amassing the largest prison population in the world, the beginning of the 21st Century was marked by critiques of the collateral consequences of “mass incarceration” (Alexander 2010; Garland 2001). It became an accepted fact that the American criminal justice system punished too much and did too little to reduce recidivism, often creating barriers for people convicted of felony offenses to stay out of prison after being released (Alexander 2010). Given the high rates of incarceration and low efficacy in preventing recidivism, a common refrain is that “the criminal justice system is broken,” with more radical interpretations suggesting that mass incarceration was operating as an intended evolving system of racial control (Alexander 2010; Wacquant 2000). Public perception of the criminal justice system reflects this pessimism about the criminal justice system as well,

with up to 76% of Americans desiring some sort of criminal justice reform (Blizzard 2018).

Public perception of the criminal justice system is important for understanding policy change. As Garland (2001) argues, it was public concern about crime victimization and the desire for punitive sanctions that contributed to mass incarceration in the first place. Concern with rising crime rates during the 1960s and 1970s contributed to dissatisfaction with the expert-run criminal justice system aimed at promoting rehabilitation. The growing public concern with crime served to politicize crime control; politicians campaigned with “tough on crime” rhetoric and delivered policies aimed at deterrence, incapacitation, and retribution.

Given that public sentiment is implicated in fostering mass incarceration, could the desire for reform be used to foster alternatives to incarceration? One such alternative to incarceration is restorative

justice. At its core, restorative justice (henceforth: RJ) offers an alternative to conventional justice systems by focusing on healing and restoration rather than punishment. It engages victims, offenders, families, and community stakeholders in identifying and repairing harm (Zehr 1985; 2002). RJ can be depicted as a three-legged stool—victim, offender, and community—each essential for the framework’s stability. By fostering accountability, dialogue, and reconciliation, RJ addresses the root causes of crime, promotes rehabilitation, and fosters a sense of justice beyond retribution. Despite varying implementations and challenges (Bazemore and Umbreit 2001), RJ programs have been increasingly recognized for their effectiveness in promoting meaningful resolution, repairing relationships, and reducing recidivism rates (Bonta, Rooney, and Wallace-Capretta 1998; Bonta, Wallace-Capretta, Rooney, and McAnoy 2002; Bonta, Jesseman, and Cormier 2006).

Yet, despite a wide-ranging literature, relatively few studies have delved into the community perceptions and characteristics that facilitate the implementation and success of RJ programs. The current paper is a scoping review of research addressing community characteristics and perceptions of RJ programs. This review examines the extent to which community perceptions and characteristics are specifically addressed within the research literature while attempting to answer the question: How does the surrounding community serve as a liability or asset to further implementation of RJ programs? Before summarizing the literature and answering this question, we will first examine the theoretical underpinnings of RJ.

Literature Review

Background

Braithwaite’s (1989) reintegrative shaming theory has served as one of the intellectual bases for the expansion of RJ programs. Partially written as a critique of the American criminal justice system, Braithwaite (1989) argues in *Crime, Shame, and Reintegration* that how punishment is delivered is crucial in determining offender compliance. If sanctions are ‘disintegrative,’ emphasizing the ‘evil’ of the offender and rejecting them as an outcast, punishment does little to reduce criminal offending. Conversely, ‘reintegrative’ shaming signals to the offender that they are still accepted by the broader community, expressing continued respect or even love despite their actions. Braithwaite’s (1989) statements concerning the efficacy of reintegration have served as the theoretical basis for diversion and RJ programs around the world.

Braithwaite’s (1989) theoretical framework has informed Restorative Justice (RJ) practice by emphasizing reintegration rather than disintegration of the offender from the community. Proponents argue that RJ programs differ significantly from traditional justice programs, which prioritize retribution over restoration (Bazemore 1998). RJ differs from the traditional justice system in three key aspects: the definition of crime, the nature of the proceedings, and the outcomes. First, RJ defines crime as harm to the community instead of a violation against the state (Menkel-Meadow 2007; Sullivan and Tift 2007; Zehr and Mika 1997). Second, the proceedings are consensus- and community-based, focusing on restoration rather than punishment and giving victims a more active role (Bazemore 2000; Bonta et al. 1998; Kurki 1999; Pranis 1998; Pranis 2001; Zehr 2002; Zehr and Mika 1997). Third, proponents argue that these characteristics make RJ processes superior to traditional court processes, as they better address victim needs, enhance community bonds, and reduce offender recidivism.

Yet, despite the influence of Braithwaite’s (1989) theory, a central element of his perspective is rarely examined within the context of RJ research. Specifically, research on RJ programs often neglects the surrounding social, community, or societal characteristics that contribute to the implementation and efficacy of reintegrative sanctions. That is, the ‘community’ leg of the three-legged stool is often absent from the research literature. One of Braithwaite’s (1989) central arguments is that a society’s commitment to ‘communitarian’ values, of which Japan is highlighted, is especially effective in promoting reintegrative shaming techniques. For reintegrative shaming to work as intended, there must be a high level of interdependency and the community must be willing to re-accept the offender for reintegrative shaming to be effective (Braithwaite 1989). Research on RJ programs often invokes the idea of restoring the harm done to the community but rarely investigates its characteristics.

Given the relative neglect of community-level characteristics in the research on RJ, it is worth interrogating variation across social contexts in the implementation and efficacy of such programs. Before addressing the broader community characteristics, we will briefly address the literature on the effectiveness of RJ programs in reducing recidivism as well as the satisfaction of both offenders and victims in taking part in such programs as one potential justification for expansion.

Effects on Recidivism and Participant Satisfaction

One potential basis to advocate for the broader implementation of RJ programs is its efficacy in comparison with traditional criminal justice sanctions. A cornerstone of evaluating RJ's efficacy lies in its impact on recidivism rates, where an expansive body of research offers promising insights. A robust literature indicates that RJ processes involving direct encounters between victims and their offenders, when conducted well, generally decrease recidivism (Bonta et al. 1998; Bonta et al. 2006; Latimer, Dowden, and Muise 2005; Sherman et al. 2007; Strang et al. 2013; Umbreit, Vos, Coates, and Lightfoot 2005). Meta-analyses conducted by Latimer, Dowden, and Muise (2005) alongside Umbreit, Coates, and Kalanj (1994) consistently affirm the demonstrable effectiveness of RJ interventions in curbing recidivism. Offenders engaging in RJ programs have strikingly lower rates of reoffending compared to their counterparts processed through traditional criminal justice avenues.

Overall, the literature underscores the promising role of RJ in promoting rehabilitation and reducing recidivism rates among offenders. By providing opportunities for dialogue, accountability, and restitution, RJ processes contribute to breaking the cycle of offending and fostering positive behavioral change. While the impact on recidivism varies considerably across studies (compare Bonta et al. 2002 and Nugent, Williams, and Umbreit 2004), the general conclusion of the literature is that RJ programs perform better than traditional programs at reducing recidivism.

Another potential basis to advocate for broader implementation is the apparent impact that RJ programs have on both the victims and offenders. RJ programs have emerged as a promising alternative to traditional punitive measures, positively impacting victim satisfaction with justice system outcomes. Contrary to assumptions that victims seek vengeance, research indicates that many prioritize participation in the justice process, desiring opportunities to confront offenders, share their stories, and receive apologies (Gromet et al. 2006; Miller 2011; Umbreit 1998). Apologies, in particular, help restore victims' sense of self-esteem and control, facilitating healing and forgiveness (Allan et al. 2021; Schumann 2018). Victims participating in these dialogues often report higher rates of receiving apologies, reduced desires for retaliatory justice, and alleviation of post-traumatic stress symptoms (Nascimento et al. 2023; Strang et al. 2013). Victims also report a sense of empowerment and validation when given the opportunity to express their feelings and perspectives directly to the offender. Citing the seminal multi-state study by Umbreit, Coates, and Kalanj, (1994), Umbreit (2023) notes that

victims expressed a greater sense of satisfaction, as reflected in statements like, "It gave us a chance to see each other face-to-face and resolve what happened" (Umbreit 2023:76).

Although it is less commonly used as a metric for success, RJ seems to improve the experiences of individuals who have committed crimes/community harm as well. These individuals are somewhat more satisfied with the RJ process than with traditional criminal justice system sanctions (Latimer and Kleinknecht 2000; McCold and Wachtel 1998; Umbreit and Coates 1992). This greater satisfaction with the process may also contribute to greater compliance with restorative agreements (Latimer et al. 2005; Sherman et al. 2007; Umbreit et al. 1994).

Overall, the traditional metrics often used to evaluate criminal justice programs show consistent advantages of RJ programs. Not only is there a reduction in recidivism rates, but there also appears to be greater satisfaction among both victims and offenders. These features of RJ programs alone could be used as evidence for their expanded use. Yet, this evidence of the cost and benefits of particular programs does not always lead to their implementation, as a lack of evidence of the efficacy of certain types of sanctions does not stop politicians from enacting them (Garland 2001).

This is why it is particularly important to engage with the concept of community when examining the implementation of RJ programs. Implementation of RJ programs is ultimately dependent on whether the community is supportive, aware, and cooperative with these types of programs. As Braithwaite (1989) emphasizes in his theory on reintegrative shaming, there are social contexts that also make this type of sanctioning more likely and more effective. Before examining these characteristics, we must begin by discussing what the concept of community means within the RJ context.

Defining the Community

RJ approaches often differ significantly from the traditional justice system by defining crime as harm to the community or a breach of relationships, rather than an offense against "the state" (Cormier 2002; Leonard and Kenny 2011; Zehr and Mika 1997). These approaches involve more active participation from those affected by the crime in a non-adversarial process, promoting offender accountability and addressing the various harms caused by the crime (Bergseth 2013). For this reason, RJ brings people together those who have caused harm and those who have been impacted by it, implicating the importance of the surrounding community.

According to Bazemore (2005), on a basic level RJ is an opportunity for the community to mobilize and strengthen informal social control and social support. However, this assumes that the present community is connected in some way. Historically, communities were geographically defined and shared common goals and values. However, modern urban environments are large and heterogeneous, leading to a more fragmented and individual sense of community.

Some research argues that a more coherent framework is needed for operationalizing community involvement in RJ practices. Wood (2015) identifies the ambiguity of 'community' within RJ stating, "These are somewhat simplistic characterizations of a more complex discussion and debate within restorative justice as to the definition and proper role of community" (p. 6). Rosenblatt (2015) contends that RJ programs need to start from a more concrete and up-to-date notion of community.

There have been several attempts to define community in relation to RJ programs. To overcome the difficulties presented by geographical distinctions, the term 'communities of care' has been offered as an alternative to emphasize the connections between people that constitute a community (Bazemore and Schiff 2001). McCold and Wachtel (1998) emphasize a community defined by belonging, connection, ownership, and shared responsibility, reflecting a shift toward relational rather than geographical definitions.

Gal (2016) expands this definition of 'community' within the RJ paradigm as anyone emotionally or physically connected to the victim, offender, or event. This broader focus allows community members to hear apologies and give primary input into reparation agreements. In contrast to court proceedings, offenders have an opportunity to engage with the community by taking responsibility for their actions and making amends for the harm caused (Bazemore 2005; Bazemore and Stinchcomb 2004). Thereby holding the potential to enhance collective efficacy, strengthen relationships, develop conflict-resolution skills, increase social support, and empower the community (Bazemore 2000; Gal 2016; Schiff 2007).

Modern interpretations of communities underscore that community is a psychological sense of belonging rather than a physical concept (Cunneen and Hoyle 2010; Mannino and Snyder 2012). Ryan and Ruddy (2015) further explain that community is not a place but a feeling or perception: "When people see themselves as belonging to a community, they feel connected. They have a sense of ownership and responsibility. They feel they have a say in how things are run and a stake in the outcome" (Ryan and Ruddy 2015:256). Restorative processes involve community

members who have significant relationships with the participants or have been affected by the offense because, unlike "neutral" jurors, these community members have pre-existing connections to the offender, victim, or offense, giving them specific rights or obligations to participate in the response to the crime.

Therefore, operationalizing community involvement requires acknowledgment of the importance of geographical place, but also the importance of family links, friendship, and other social ties, including the importance of similar social traits and identities (Rosenblatt 2015).

Challenges persist in defining and operationalizing the community within RJ. Crawford and Clear (2001) caution against romanticizing community ideals, noting the fluid and self-determined nature of "communities of care" in RJ. Membership in these communities is self-determined, allowing individuals to enter or exit at will. This fluidity means there are no essential characteristics that consistently define these communities. Subsequently, Crawford and Clear (2001: 136) argue that:

For restorative agendas, the present weakness of "community" is often seen simultaneously as the problem and its saving grace, in that people are assumed to be able to move freely between communities if they disagree with their practices or values and or remain within a community and dissent from the dominant moral voices there within.

While promoting inclusivity, such flexibility raises questions about norm adherence and shared values among members, potentially affecting community cohesion and effectiveness in RJ practices (Crawford and Clear 2001). Schiff and Bazemore (2001) remind us the postmodern world concept of community is both a challenge and an opportunity for restorative community justice.

While RJ aims to leverage community involvement for effective justice outcomes, the diverse interpretations and practical implications of community continue to shape its implementation. Future research must navigate these complexities to enhance the inclusivity and efficacy of RJ programs, ensuring they resonate with diverse community needs and aspirations. This necessitates a deeper exploration of how different conceptualizations of community impact RJ outcomes and how best to integrate these insights into policy and practice. Key questions remain about the extent and nature of community participation, community resources, relationships, and characteristics that make RJ programs more likely to be implemented and successful. Below, we summarize

the limited research that has directly addressed this topic.

Community Characteristics and Restorative Justice

RJ encounters a unique landscape within American cultural values, often challenging ingrained principles. In a broad sense, American society, steeped in hegemonic individualism, may not readily embrace reintegrative shaming (Braithwaite 1989) or some of the core tenets of RJ programs. Ahlin and colleagues (2017) argue that this cultural emphasis on individualism may clash with RJ ideals, especially in communities characterized by low interdependency, high mobility, and diversity.

Consequently, understanding how sub-cultures or different American communities facilitate or hinder RJ programs requires deeper exploration. Crawford and Clear (2001) shed light on RJ's assumption of an unproblematic consensus within a moral community, overlooking the complexity and diversity inherent in such groups. RJ often presupposes an organic wholeness within a collective, which inadequately addresses intra-community conflicts and the diversity of value systems. This raises questions about the automatic inclusion of victims and offenders within the same moral community.

Some initiatives within RJ seek to recognize and accommodate the cultural needs and differences between parties, which can influence the selection of mediators, the dispute resolution process, and its location (Cunneen and Hoyle 2010). However, recognizing multicultural heterogeneity introduces normative and practical dilemmas, such as determining which cultural identities are sufficiently significant to be acknowledged and how to ensure the moral community remains inclusive without losing its ability to enforce compliance and encourage conformity.

There are also concerns about power imbalances and who are really the stakeholders and decision-makers. Crawford and Clear (2001) argue such an expanded notion of 'community' in the context of RJ can:

Dilute the centrality of the primary parties: the victim and offender... It can hand power to unrepresentative community members, service providers, and paraprofessionals (potentially with their own interests to serve) that coalesce around restorative justice programs, be they the new "experts" in techniques of reintegrative shaming, conference facilitation, or mediation (p. 134).

That is, when RJ programs are added to the current criminal justice system, it can reinforce existing social inequalities embedded within the system and undermine the promise of RJ processes.

Zellerer and Cunneen (2001) challenge the notion that RJ processes actually shift power to the community to decide, rather than simply replicate persistent inequalities of race, gender, or status. Without a steadfast commitment to principles guiding RJ policy and practice, justice processes risk being no better than those currently prevailing in the system. Merely giving token acknowledgment to restorative community justice while maintaining "business-as-usual" could mask abuses and might even inflict greater harm on victims and other disadvantaged groups than the existing approaches. For example, Zellerer and Cunneen (2001) argue that in Australian and New Zealand RJ initiatives, discriminatory practices persist as initiatives are limited to first offenders, and hence Indigenous offenders are typically excluded on the basis of past records. They also contend that such conferences are not good for Indigenous offenders because they are insensitive to the unique cultural concerns of Indigenous people and therefore are inappropriate justice system interventions.

Although RJ has not eliminated discrimination against victims or minority cultures in the justice system, it has, at the very least, incorporated opportunities to address these issues into its processes. Principle-based RJ initiatives aim to actively involve previously marginalized stakeholders, thereby offering chances to rectify both systemic and individual injustices perpetuated by the criminal justice system. Moreover, the process and format of RJ initiatives are intentionally flexible to provide forums designed to reflect and represent the diverse interests of the community involved (Bazemore and Schiff 2001).

One community characteristic that seems to promote RJ implementation is collective efficacy. Collective efficacy, a community-level version of social capital, represents the idea that the community can organize on its own behalf to achieve shared goals (Sampson, Raudenbush, and Earls 1997). Crawford and Clear (2001) state "Resolving a conflict between parties is instrumental to the construction of shared values and commitment among the local community of residents" (p. 132). RJ conferencing processes provide a forum for the 'community' of people impacted by the crime to share and affirm norms and values, be directly involved in the justice process, and focus on broader neighborhood concerns and collective outcomes. Such alternative methods hold the potential to build and strengthen both relationships and skills in a different problem-solving response to incidents of crime and harm (Gerkin 2012). Crawford and Clear (2001) further explain that RJ, "Strengthens and reaffirms communal bonds. It represents not only a potential for activity for participation but also allows

parties opportunities for norm-clarification” (p. 132). Communities characterized by strong social ties and networks, therefore, appear to be best suited to provide the supportive environment needed for RJ programs to be successful.

RJ rejuvenates the notion that the ‘community’ has a very real interest in what is happening to its members (Ryan and Ruddy 2015). Community-based RJ mechanisms such as family group conferences and sentencing circles were introduced, not only, as a way to reduce crime, but also as a means to encourage community pride and coherence and empower communities to find culturally specific solutions (Bazemore 2005; Bazemore and Stinchcomb 2004). Bazemore and Schiff (2001) describe the vision of RJ processes as:

... more about building local citizen and neighborhood efficacy to respond to crime and these conditions in ways that create safer, more peaceful, and more just community environments... and more about building new relationships between offenders and their communities...and more about developing community-focused responses to crime and conflict that seek to rebuild the capacity of citizens and community groups to mobilize informal social control and socialization processes (p. 5).

It is important to note then that “informal control processes (such as reintegrative shaming), which some community conferences seek to engender, are more conducive to and more effective when drawing upon – communitarian cultures” (Crawford and Clear 2001: 135).

RJ, grounded in an understanding of social justice and a concern for political economy, necessitates a holistic understanding of community dynamics. In her account of restorative community building in Minnesota, Pranis (2001), further emphasizes how RJ interventions can play an important role in more general efforts to promote social justice. While criminal justice is not the main avenue to address social justice concerns and community RJ alone cannot resolve political and economic dilemmas; there is a significant power shift that occurs in RJ processes when criminal justice decision-makers cede discretion to local neighborhoods. This shift, Pranis (2001) contends, opens the door for conversations and more meaningful discourse on social justice problems and their connection to crime.

Navigating the intersection of RJ with American cultural values presents both challenges and opportunities. RJ’s emphasis on community involvement and consensus-building often confronts entrenched individualistic norms within American society. However, as highlighted these challenges

underscore the need for nuanced approaches that acknowledge cultural diversity and address power differentials inherent in RJ processes. Despite these complexities, RJ initiatives hold promise in promoting social justice by empowering communities, fostering collective efficacy, and providing forums for inclusive dialogue and conflict resolution. Moving forward, integrating RJ principles with broader societal reforms remains critical to realizing its full potential in creating safer, more cohesive communities reflective of shared values and aspirations.

The Public vs. The Community

When examining the impact of the community on RJ programs, it is important to distinguish between the ‘community’ and the ‘public.’ As outlined above, the community is not only geographically bound, but also involves relationships, family ties, and/or shared beliefs. The ‘public’ does not share all of these characteristics, as it is detached from any particular community, harm committed by a particular offender, or harm experienced by any particular victim. The public has more of an abstracted idea and preference for criminal justice practice, which may be swayed by philosophical notions of “the good” or partisan political calculations. However, broader implementation of RJ programs likely needs to win ‘public’ support as well to be expanded.

RJ is very broadly portrayed and viewed as a fairer alternative to traditional punitive justice systems. RJ processes emphasize accountability and restitution, which align with many social values of fairness and justice. Studies indicate that when communities witness offenders taking responsibility for their actions and making amends, there is a greater sense of justice being served (Braithwaite 2006; Braithwaite and Stinchcomb 2004; Latimer and Kleinknecht 2000; Wenzel et al. 2010). RJ involvement of community members in the justice process may enhance their sense of empowerment and ownership over local safety and justice issues. However, the public is not as immediately involved and there is little research on levels of public support for RJ principles and practices.

Despite the prevailing “law-and-order” rhetoric that took hold during the era of mass incarceration and the War on Drugs, Umbreit (1998) argues that there is growing evidence to suggest that the general public is more supportive of RJ than commonly believed. Drawing on studies from various states, Umbreit (1998) demonstrates that the public favors community-based sanctions and restorative outcomes for offenders, particularly in cases of property crimes. In a statewide survey conducted in Minnesota, he found that a significant majority of respondents

preferred restitution over incarceration for property offenses. Moreover, there was strong support for investing in education, job training, and community programs to address the underlying causes of crime, indicating a preference for prevention-oriented approaches. The survey also revealed a high level of interest among Minnesotans in participating in victim-offender mediation programs, highlighting a willingness to engage directly with offenders to address the harm caused.

While there may be support for restorative measures like community service and restitution, especially for young offenders, this support diminishes with the seriousness of the offense. Roberts and Stalans (2004) highlight the public's mixed responses to restorative sentencing, noting that the public's adherence to the retributive principle of proportionality indicates a persistent preference for punitive measures in severe cases. Accountability and proportionality were factors Umbreit (1998) found that the public was deeply concerned about as well.

Media portrayals of RJ can shape public opinion as well. Positive stories highlighting successful outcomes may garner support, while negative incidents or misconceptions can fuel skepticism. Vaandering and Reimer (2019) analyze media representations of RJ and their impact on public opinion in Canada. Their findings reveal that RJ is often portrayed negatively in the media, seen as a soft option and a means for those in power to avoid punitive measures. While similar data in the U.S. is insufficient, it follows that negative portrayals and a lack of clear definitions can contribute to public skepticism and misunderstandings about RJ.

American media is a constant barrage of crime and violence that inflates public fear, generates support for punitive policies, and allows politicians to benefit from using fear of crime as a political platform (Beale 2003). Such media coverage is claimed to be "driven largely by economic and marketing considerations, rather than traditional journalistic considerations" (Beale 2003: 426). Consequently, "once the public adopts the view that harsh measures are needed to deal with a crime wave or crisis, it is difficult to dispel this view" (Beale 2003: 432). This

sensationalist coverage, perpetuates misconceptions about crime and justice, making it challenging to shift public opinion even if the media also reports contrary evidence (Beale 2003).

An asset in the broader implementation of RJ programs is the public perception of its fairness. In a 2003 national survey by the Department of Justice, 32% of respondents described the criminal justice system as unfair in its treatment of people accused of crimes. While most respondents considered the system "somewhat fair," only a small fraction viewed it as "very fair." (Gabbay 2005: 356). RJ, on the other hand, is generally perceived as fairer than traditional processes. A meta-study analyzing seven studies from the US, Canada, England, and Australia with a total of 4602 respondents found that victims perceive RJ as significantly fairer than court-based programs. Victims in RJ were 3.4 times more likely to view the system as fair, 2.3 times more likely to believe the mediator was fair, and 2.6 times more likely to consider the outcome fair compared to victims in traditional court proceedings (Poulson, 2003).

While RJ offers promising alternatives rooted in community engagement and fairness, addressing misconceptions and garnering broad public support remains essential for its widespread adoption and effectiveness in transforming criminal justice practices in the United States.

Opportunities and Liabilities for Broader Implementation

From the limited literature available, some promising areas suggest that RJ programs can be expanded. Most notably, when the public is educated on these programs, it tends to increase their support. Said's (2023) randomized control trial included a control group with no intervention, a group receiving a transformative justice¹ educational intervention, and another receiving an RJ educational intervention. Results showed a reduction in retributive justice attitudes following both alternative justice educational interventions. Additionally, the study found that victimization did not moderate the effect of these interventions on attitudes toward retributive justice.

¹ Said (2023:3) differentiates Restorative Justice (RJ) from Transformative Justice (TJ) by stating, "Transformative justice is defined as a response to harm that "involve(s) attempts to remove the underlying causes of harm and injustice. Transformative justice aims for long-term approaches that prevent harm" (references omitted). Therefore, transformative justice addresses the fundamental causes of harm, aiming to create long-term solutions by implementing systemic and institutional changes. In contrast, restorative justice seeks to return the individual or community to their original state before the harm occurred. As a result, their approaches are significantly different: transformative justice focuses on broad, structural shifts to prevent harm, while restorative justice concentrates on repairing harm at the individual and community levels (Morris, 2000).

Importantly, Said's (2023) study also indicated that educational interventions in transformative and RJ predicted a preference for these processes over the traditional criminal legal system.

Similarly, media coverage plays a pivotal role in shaping public perception, with significant support evident in editorial and opinion pieces across various U.S. newspapers (Karp and Frank 2016). Of these, 96% were supportive, and 4% were opposed. Although public awareness of RJ is not directly measured, the data shows an increase in coverage and generalized support. The study suggests that for RJ to gain significant political support, it must become more widely understood, and emerging organizations should prioritize a national media strategy.

However, despite these positive indications, Gavrielides (2007) highlights a critical barrier: widespread public unfamiliarity with RJ alternatives, which impacts political and funding priorities. Gavrielides (2007) indicated that public support for RJ is lacking, not because it is ineffective, but due to insufficient information. The public generally knows little or nothing about RJ alternatives, highlighting the need for better information dissemination. Efforts to bridge this gap include advocating for better media representation and showcasing tangible benefits through real-life case studies.

The perception that RJ programs are "soft on crime" (Vaandering and Reimer 2019) is a potential liability for further implementation. The decentralized nature of the U.S. criminal justice system has allowed for local experimentation, but state and federal-level programs are not seemingly on the horizon given the perception of leniency. The one-size-fits-all approach within these systems, coupled with concerns about more serious criminal offenses being treated too "leniently" (Roberts and Stalans 2004), limits the ability to promote rapid growth of such programs.

Moreover, Beale (2003) cites the public perception that punitive policies keep crime rate low as a significant liability to broader implementation. Beale identifies a perceived link between the punitive policies of the 'Get Tough Era' and the "drop in crime rates of the past decade" (Beale 2003: 424). Regardless that many scholars actually attribute the decline in crime rates to social forces such as an improved economy and changes in drug laws and culture, RJ initiatives will likely not be accepted and implemented if "policymakers and the public *think* restorative justice initiatives are likely to increase crime" (Beale 2003: 425). Despite evidence attributing crime rate declines to broader social factors rather than punitive measures, the challenge persists in convincing policymakers and the public alike of the efficacy and benefits of RJ initiatives.

Additionally, some of the community-level research hints at its current limitations. Specifically, given the possibility that RJ programs are more likely to be implemented in communities with higher degrees of collective efficacy, they may not currently be assisting in reducing disparities in the criminal justice system. Concentrated disadvantage, including both economic and racial inequalities, reduces collective efficacy (Sampson et al. 1997) and would seemingly reduce the likelihood of community implementation of RJ programs. This implies that the current patchwork of community-by-community RJ program implementation may actually *exacerbate* rather than reduce structural inequalities in criminal justice adjudication (see also: Gavrielides 2014). The communities most in need of this type of reform are some of the least likely to receive it.

Additionally, Crawford and Clear (2001) critique the inherent exclusivity and intolerance within some stable communities, complicating efforts toward inclusivity and mutual support. They describe these communities as hierarchical formations entrenched in power dominance and authority, often solidifying around notions of exclusion and otherness that may carry racialized overtones (Crawford and Clear 2001: 137). In fact, they contend many stable communities, "can be, and often are, pockets of intolerance and prejudice. They can be coercive and tolerant of bigotry and discriminatory behavior...; Such communities are frequently hostile to minorities, dissenters, and outsiders"(Crawford and Clear 2001: 137). While capable of coming together for informal social control, these communities typically lack inclusivity and sensitivity toward offenders.

Despite these difficulties, there are promising opportunities for broader implementation of RJ programs. Successful examples illustrate feasibility under specific conditions, emphasizing the crucial roles of local leadership and community engagement (Boyes-Watson 2005). For instance, Roca, Inc. in Massachusetts, initiated and sustained by local activists, employs peacemaking circles to foster relationships and address systemic inequities.

In schools within disadvantaged areas, RJ programs have effectively addressed conflicts, reducing suspensions and expulsions. Oakland's Whole School Restorative Justice Program (WSRJ), with its multi-tiered approach, has significantly enhanced school climate and student outcomes (Jain et al. 2014). WSRJ schools reported decreased problem behaviors, improved attendance, better academic achievement, and higher graduation rates, demonstrating the transformative impact of RJ principles in educational settings and beyond. These initiatives often catalyze broader community adoption of restorative practices.

Indigenous communities exemplify how cultural resilience and social capital facilitate RJ implementation through longstanding traditions of restorative practices. For example, the Akwesasne community in Canada developed their own justice system, emphasizing community input and conflict resolution (Nielsen and Robyn 2003). Similarly, Ontario's Biidaaban program focuses on behavior rather than labels, ensuring transparency and community involvement while addressing historical injustices (Mirsky 2004). These community-led initiatives underscore the foundational role of Indigenous traditions in shaping contemporary RJ efforts, promoting inclusive and effective approaches to justice.

While the potential for expanding RJ is promising, it is crucial to address the multifaceted challenges it faces—such as public perception, media portrayal, community-level disparities, and political will. To fully realize the transformative potential of RJ within the broader landscape of criminal justice reform in the United States, requires a concentrated effort toward continued advocacy, education, and strategic communication. By building on successful models and adapting strategies to diverse community needs, RJ can play a crucial role in promoting justice, equity, and reconciliation in American society.

Conclusion

The surrounding community (and the public) serves as both a liability and an asset to the further implementation of RJ programs. The American criminal justice system is at a pivotal juncture, facing critiques of its efficacy and fairness. The public's growing discontent with mass incarceration has opened a window of opportunity for alternatives like RJ, which emphasizes healing, accountability, and community involvement. RJ's promise lies in its ability to reduce recidivism and increase satisfaction among victims and offenders, addressing the root causes of crime more effectively than traditional punitive measures which research has supported.

However, the successful implementation and expansion of RJ programs hinge significantly on community perceptions and characteristics. Communities that are supportive, aware, and cooperative can greatly enhance the implementation of RJ initiatives. Conversely, communities that are skeptical or unaware of RJ principles can impede their progress. Braithwaite's (1989) theory on reintegrative shaming underscores the importance of social contexts in making reintegrative shaming and RJ programs more likely and effective. Navigating the intersection of RJ with American cultural values also presents unique challenges and opportunities. RJ's focus on

community involvement and consensus-building often clashes with the entrenched individualistic norms of American society. However, addressing these cultural challenges through flexible approaches that acknowledge diversity and power differentials can enhance the inclusivity and efficacy of RJ programs. Despite these complexities, RJ initiatives hold significant potential for promoting social justice, empowering communities, and fostering inclusive dialogue and conflict resolution.

Our review highlights the complexities of defining and leveraging community within the RJ framework. The definition of 'community,' the diverse interpretations of community involvement, and the practical implications for RJ outcomes necessitate a nuanced understanding of how different conceptualizations impact the success of these programs. Future research must delve deeper into the extent and nature of community participation, the resources available, and the relationships and characteristics that facilitate the successful implementation of RJ programs.

To fully realize the transformative potential of RJ within the broader landscape of criminal justice reform in the United States, it is essential to address public misconceptions and garner broad support. This requires continued advocacy, education, and strategic communication efforts to reshape public perceptions and promote the benefits of RJ. By integrating RJ principles with broader societal reforms, we can create safer, more cohesive communities that reflect shared values and aspirations.

The surrounding community plays a critical role in the implementation and success of RJ programs. Supportive and engaged communities can serve as a powerful asset, while punitive rhetoric, racial inequality, and lack of awareness can pose significant liabilities. Addressing these challenges through research, education, and advocacy is crucial for the broader adoption and effectiveness of RJ in transforming criminal justice practices in the United States.

References

- Ahlin, Eileen. M., Jennifer C. Gibbs, Philio R. Kavanaugh, and Joongyeup Lee. 2017. "Support for Restorative Justice in a Sample of US University Students." *International Journal of Offender Therapy and Comparative Criminology* 61(2):229-245.
- Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press.

- Allan, Alfred, Justine de Mott, Isolde M. Larkins, Laura Turnbull, Tracey Warwick, Lacey Willett, and Maria M. Allan. 2021. "The Impact of Voluntariness of Apologies on Victims' Responses in Restorative Justice: Findings of a Quantitative Study." *Psychiatry, Psychology and Law* 29(4):593-609.
- Bazemore, Gordon. 1998. "Restorative Justice and Earned Redemption: Communities, Victims, and Offender Reintegration." *American Behavioral Scientist* 41(6):768-813.
- Bazemore, Gordon. 2000. "Community Justice and a Vision of Collective Efficacy: The Case of Restorative Conferencing." *Criminal Justice* 3:225-297.
- Bazemore, Gordon. 2005. "Whom and How Do We Reintegrate-Finding Community in Restorative Justice." *Criminology & Public Policy* 4(1):131-148.
- Bazemore, Gordon, and Jeanne Stinchcomb. 2004. "A Civic Engagement Model of Reentry: Involving Community Through Service and Restorative Justice." *Federal Probation* 68(2):14-24.
- Bazemore, Gordon, and Mara Schiff. 2001. *Restorative Community Justice: Repairing Harm and Transforming Communities*. 1st ed. New York: Routledge.
- Bazemore, Gordon, and Mark Umbreit. 2001. *A Comparison of Four Restorative Conferencing Models*. *Juvenile Justice Bulletin*. Rockville, MD: Juvenile Justice Clearinghouse.
- Beale, Sara Sun. 2003. "Still Tough on Crime? Prospects for Restorative Justice in the United States." *Utah Law Review* 413(1):413-437.
- Bergseth, Kathleen J., and Jeffrey A. Bouffard. 2013. "Examining the Effectiveness of a Restorative Justice Program for Various Types of Juvenile Offenders." *International Journal of Offender Therapy and Comparative Criminology* 57(9):1054-1075.
- Blizzard, Robert. 2018. "National Poll Results." Justice Action Network, January 25, 2018. Public Opinion Strategies. (<https://www.politico.com/f/?id=00000161-2ccc-da2c-a963-ef82be0001>).
- Bonta, James, Jennifer Rooney, and Suzanne M. Wallace-Capretta, S. M. 1998. *Restorative Justice: An Evaluation of the Restorative Resolutions Project*. Ottawa: Solicitor General Canada.
- Bonta, James, Suzanne M. Wallace-Capretta, Jennifer Rooney, and Kevin McAnoy. 2002. "An Outcome Evaluation of a Restorative Justice Alternative to Incarceration." *Contemporary Justice Review* 5(4):319-338.
- Bonta, James, Rebecca Jesseman, Tanya Rugge, and Robert Cormier. 2006. "Restorative Justice and Recidivism: Promises Made, Promises Kept?" Pp. 108-120 in *Handbook of Restorative Justice: A Global Perspective*, edited by D. Sullivan and L. Tift. London: Routledge.
- Boyes-Watson, Carolyn. 2005. "Community is not a Place but a Relationship 1: Lessons for Organizational Development." *Public Organization Review* 5:359-374.
- Braithwaite, John. 1989. *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press.
- Braithwaite, John. 2006. "Accountability and Responsibility through Restorative Justice." Pp. 33-51 in *Public Accountability: Designs, Dilemmas, and Experiences*, edited by M.W. Dowdle and J.P. Logue. Cambridge University Press.
- Brenan, Megan. 2023. "Americans More Critical of U.S. Criminal Justice System." Gallup, November 16. (<https://news.gallup.com/poll/544439/americans-critical-criminal-justice-system.aspx>).
- Cormier, Robert B. 2002. *Restorative Justice: Directions and Principles--Developments in Canada*. Ottawa: Solicitor General Canada.
- Cunneen, Chris, and Carolyn Hoyle. 2010. *Debating Restorative Justice*. London: Bloomsbury Publishing.
- Crawford, Adam, and Todd Clear. 2001. "Community Justice: Transforming Communities through Restorative Justice." Pp. 127-149 in *Restorative Community Justice: Repairing Harm and Transforming Communities*, edited by G. Bazemore and M. Schiff. Routledge.
- Gabbay, Zvi D. 2005. "Justifying Restorative Justice: A Theoretical Justification for the Use of Restorative Justice Practices." *Journal of Dispute Resolution* 2005(2):349-397.
- Gal, Tali. 2016. "'The Conflict Is Ours': Community Involvement in Restorative Justice." *Contemporary Justice Review* 19(3):289-306.
- Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Gavrielides, Theo. 2007. "Restorative Justice Theory and Practice: Addressing the Discrepancy." *European Journal of Criminology* 4(1):87-109.
- Gavrielides, Theo. 2014. "Bringing race relations into the restorative justice debate: An alternative and personalized vision of 'the other'." *Journal of Black Studies* 45(3):216-246.
- Gerkin, Patrick M. 2012. "Who Owns This Conflict? The Challenge of Community Involvement in

- Restorative Justice.” *Contemporary Justice Review* 15(3):277-296.
- Gromet, Dena M., and John M. Darley. 2006. “Restoration and Retribution: How Including Retributive Components Affects the Acceptability of Restorative Justice Procedures.” *Social Justice Research* 19:395-432.
- Jain, Sonia, Henrissa Bassey, Martha Brown, and Preeti Kalra. 2014. “Restorative justice in Oakland Schools: Implementation and impacts.” California: Oakland Unified School District Retrieved (<https://schooljusticepartnership.org/component/mtree/resource-library/291-restorative-justice-in-oakland-schools-implementation-and-impacts.html?Itemid=>).
- Karp, David R., and Oriana Frank. 2016. “Anxiously Awaiting the Future of Restorative Justice in the United States.” *Victims & Offenders* 11(1):50-70.
- Kurki, Leena. 1999. *Incorporating Restorative and Community Justice into American Sentencing and Corrections*. No. 3. US Department of Justice, Office of Justice Programs, National Institute of Justice.
- Latimer, Jeff, and Steven Kleinknecht. 2000. *The Effects of Restorative Justice Programming: A Review of the Empirical RR2000-16e*. Ottawa, Ontario: Research and Statistics Division, Department of Justice Canada.
- Latimer, Jeff, Craig Dowden, and Danielle Muise. 2005. “The Effectiveness of Restorative Justice Practices: A Meta-Analysis.” *The Prison Journal* 85(2):127-144.
- Leonard, Liam J., and Paula Kenny. 2011. “Measuring the Effectiveness of Restorative Justice Practices in the Republic of Ireland through a Meta-Analysis of Functionalist Exchange.” *The Prison Journal* 91(1):57-80.
- Mannino, Clelia Anna, and Mark Snyder. 2012. “Psychological Sense of Community: Contributions toward a New Understanding.” *Global Journal of Community Psychology Practice* 3(4):393-397.
- Menkel-Meadow, Carrie. 2007. “Restorative Justice: What Is It and Does It Work?.” *Annual Review of Law and Social Science* 3:161-187.
- McCold, Paul, and Benjamin Wachtel. 1998. *Bethlehem (Pennsylvania) Police Family Group Conferencing Project, 1993-1997*. Pipersville, PA: Community Service Foundation.
- Miller, Susan L. 2011. *After the Crime: The Power of Restorative Justice Dialogues Between Victims and Violent Offenders*. New York: NYU Press.
- Mirsky, Laura. 2004. “Restorative Justice Practices of Native American, First Nation and Other Indigenous People of North America: Part Two.” International Institute for Restorative Practices. (<https://www.iirp.edu/news/restorative-justice-practices-of-native-american-first-nation-and-other-indigenous-people-of-north-america-part-two>)
- Morris, Ruth. 2000. *Stories of transformative justice*. Canadian Scholars Press.
- Nascimento, Ana M., Joana Andrade, and Andreia de Castro Rodrigues. 2023. “The Psychological Impact of Restorative Justice Practices on Victims of Crimes—A Systematic Review.” *Trauma, Violence, & Abuse* 24(3):1929-1947.
- Nielsen, Marianne O., and Linda Robyn. 2003. “Colonialism and criminal justice for Indigenous peoples in Australia, Canada, New Zealand and the United States of America.” *Indigenous Nations Journal* 4(1):29-45.
- Nugent, W., Williams, M., Umbreit, M. 2004. “Participation in Victim-Offender Mediation and the Prevalence of Subsequent Delinquent Behavior: A Meta-Analysis.” *Research on Social Work Practice* 14:408-416.
- Poulson, Barton. 2003. “A Third Voice: A Review of Empirical Research on the Psychological Outcomes of Restorative Justice.” *Utah Law Review* (2003):167-203.
- Pranis, Kay. 1998. *Engaging the Community in Restorative Justice*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Pranis, Kay. 2001. “Restorative Justice, Social Justice, and the Empowerment of Marginalized Populations.” Pp. 286-307 in *Restorative Community Justice: Repairing Harm and Transforming Communities*, edited by G. Bazemore and M. Schiff. New York: Routledge.
- Roberts, Julian V., and Loretta J. Stalans. 2004. “Restorative Sentencing: Exploring the Views of the Public.” *Social Justice Research* 17:315-334.
- Rosenblatt, Fernanda. 2015. *The Role of Community in Restorative Justice*. London: Routledge.
- Ryan, Thomas G., and Sean Ruddy. 2015. “Restorative Justice: A Changing Community Response.” *International Electronic Journal of Elementary Education* 7(2):253-262.
- Said, Iman Abdulkadir. 2023. “Just-ish?: Alternative Justice Attitudes: A Randomized Control Trial.” PhD dissertation, Department of Counseling and Psychological Services, Georgia State University.
- Sampson, Robert J., Stephen W. Raudenbush, and Felton Earls. 1997. “Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy.” *Science* 277(5328):918-924.

- Schiff, Mara. 2007. "Satisfying the Needs and Interests of Stakeholders." Pp. 228-246 in *Handbook of Restorative Justice*, edited by G. Johnstone and D. W. Van Ness. Devon, UK: Taylor and Francis.
- Schumann, Karina. 2018. "The Psychology of Offering an Apology: Understanding the Barriers to Apologizing and How to Overcome Them." *Current Directions in Psychological Science* 27(2):74-78.
- Sherman, Lawrence W., Heather Strang, Geoffrey Barnes, Sarah Bennett, Caroline M. Angel, Dorothy Newbury-Birch, Daniel J. Woods, and Charlotte E. Gill. 2007. *Restorative Justice: The Evidence*. London: The Smith Institute.
- Smith, Michael E. 2001. "What Future for 'Public Safety' and 'Restorative Justice' in Community Corrections?" Pp. 472-478 in *National Institute of Justice*. Washington, DC: National Institute of Justice.
- Strang, Heather, Lawrence W. Sherman, Evan Mayo-Wilson, Daniel Woods, and Barak Ariel. 2013. "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review." *Campbell Systematic Reviews* 9(1):1-59.
- Sullivan, Dennis., & Larry Tiftt. (2007). *Handbook of restorative justice: A global perspective*. London: Routledge.
- Umbreit, Mark. 1998. "Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment." *Western Criminology Review* 1(1):1-29.
- Umbreit, Mark. 2023. *Victim Meets Offender: The Impact of Restorative Justice and Mediation*. Eugene, OR: Wipf and Stock Publishers.
- Umbreit, Mark S., Betty Vos, Robert B. Coates, and Elizabeth Lightfoot. 2005. "Restorative Justice in the Twenty-First Century: A Social Movement Full of Opportunities and Pitfalls." *Marquette Law Review* 89:251-304.
- Umbreit, Mark S., and Robert B. Coates. 1992. *Victim Offender Mediation: An Analysis of Programs in Four States of the US*. Minneapolis: Minnesota Citizens Council on Crime and Justice.
- Umbreit, Mark, Robert B. Coates, & Boris Kalanj. 1994. "Victim Meets Offender: The Impact of Restorative Justice and Mediation." New York: Criminal Justice Press.
- Vaandering, Dorothy, and Kristin Reimer. 2019. "Listening Deeply to Public Perceptions of Restorative Justice: What Can Researchers and Practitioners Learn." *International Journal of Restorative Justice* 2:186-208.
- Wachtel, Ted. 2005. "The Next Step: Developing Restorative Communities." Pp. 9-11 in *Seventh International Conference on Conferencing, Circles and Other Restorative Practices*, Manchester, UK.
- Wacquant, Loïc. 2000. "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto." *Punishment and Social Control* 4(3):377-389.
- Wenzel, Michael, Tyler G. Okimoto, Norman T. Feather, and Michael J. Platow. 2010. "Justice Through Consensus: Shared Identity and the Preference for a Restorative Notion of Justice." *European Journal of Social Psychology* 40(6):909-930.
- Wood, William R. 2015. "Soliciting Community Involvement and Support for Restorative Justice Through Community Service." *Criminal Justice Policy Review* 26(2):131-155.
- Zehr, Howard. 1985. "Retributive Justice, Restorative Justice." *New Perspectives on Crime and Justice* (4):1-19
- Zehr, Howard. 1997. "Restorative Justice: The Concept." *Corrections Today* 59:68-71.
- Zehr, Howard, and Harry Mika. 1997. "Fundamental Concepts of Restorative Justice." Pp. 73-81 In *Restorative Justice*, edited by C. Hoyle. London: Routledge.
- Zehr, Howard, Harry Mika, and Mark Umbreit. 1997. "Restorative Justice: The Concept." *Corrections Today* 59:68-71.
- Zehr, Howard. 2002. *The Little Book of Restorative Justice*. New York: Good Books.
- Zellerer, Evelyn, and Chris Cunneen. 2001. "Restorative Justice, Indigenous Justice, and Human Rights." Pp. 245-265 in *Restorative Community Justice: Repairing Harm and Transforming Communities*, edited by G. Bazemore and M. Schiff, Routledge.

Author Biographies

Lauren Boos, J.D. is a Master's student studying Sociology at the University of Montana. She currently holds a Juris Doctorate earned from Marquette University. Her research interests include social justice and inequality in relation to the criminal justice system, with a specific focus on restorative justice and criminal justice reform.

James Tuttle, Ph.D. is an Assistant Professor of Sociology and Criminology at the University of Montana. His research focuses primarily on macro-criminological theory, cross-national variation in homicide rates, and crime trends.