

# Toward a Communication Perspective of Restorative Justice: Implications for Research, Facilitation, and Assessment

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## Abstract

As the research and practice of restorative justice has grown, conversations have been ongoing about how to define and evaluate such practices. In this conceptual review, we argue for the utility and importance of adopting a communication perspective (Pearce, 1989, *Communication and the human condition*. Southern Illinois University Press, Carbondale, IL.) for defining, evaluating, and practicing restorative justice. We begin by describing a communication perspective before reviewing scholarly literature regarding defining and evaluating restorative justice. We also illustrate how a communication perspective can prompt useful questions about defining, evaluating, facilitating, and administering restorative justice. We conclude with a discussion of implications for research, facilitation, and organizational administration.

Over the past two decades, the number of contexts in which “restorative justice” (RJ) is practiced has grown to include not only the criminal justice system, but also schools, colleges and universities, workplaces, families, whole communities, and countries (Borton, 2016; Green, Johnstone, & Lambert, 2013; Johnson & Johnson, 2012; Karp, 2004; Kidder, 2007; Morrison, 2006; Paul & Riforgiate, 2015; Roche, 2003; Shaw, 2007; Wunsttin, 2001). RJ practices include victim-offender conferences, peace circles, family group conferences, community conferences, and truth and reconciliation commissions (McCold, 2000; Raye & Roberts, 2007). The proliferation of practices and contexts, combined with an increasing need for RJ-practicing organizations to demonstrate their accountability, legitimacy, relevance, and effectiveness, has helped to keep a debate churning among scholars about how to define and evaluate RJ.

RJ is a slippery concept to define, such that researchers have identified many underlying values associated with RJ but not a single cohesive definition (Armstrong, 2012; Borton, 2009; Daly, 2016; Gavrielides, 2008; Johnstone & Van Ness, 2007; Roberts, 2010; Ruge & Cormier, 2005). RJ definitions vary in their scope and focus, placing different emphases on participation, process, outcomes, values, and contexts (Daly, 2016; Doolin, 2007). Although defining RJ can be seen simply as an academic exercise, we believe that such conceptual conversations are valuable for both researchers and practitioners interested in RJ dynamics and effectiveness. The consequences of such definitions can impact where RJ advocates direct their energies, how they talk about RJ, how they engage in assessment, and how they obtain stakeholder support.

Our aim in this conceptual review of the RJ literature is twofold. One aim is to review literature on defining and evaluating RJ, noting areas of overlap and tension. We believe that the variety of definitions and the inherent tensions among them are not cause for concern (Gavrielides, 2008) but rather are

natural products of continued research and practice that enliven and invigorate the study of RJ. The second aim is to argue for the utility of shifting how scholars and practitioners understand communication within RJ. Rather than approaching communication as the process of message transmission, we advocate for studying and practicing RJ from a “communication perspective” (Pearce, 1989). This perspective approaches “events and objects of the social world as made, co-constructed by the coordinated actions of, to borrow gratefully a term from Harré (1984), persons-in-conversation” (Pearce & Pearce, 2000, p. 408). This constitutive perspective not only fits with a stream of conflict research taking a communication perspective (e.g., Olekalns, Brett, & Donohue, 2010; Paul, Geddes, Jones, & Donohue, 2016; Putnam & Roloff, 1992), but also recognizes that concepts such as “restoration” and “justice” are socially constructed (Beugré, 2007). Such a perspective can “re-vitalize” RJ research by “embrac[ing] alternatives that infuse a research domain with ‘new life’...[and] introducing new ways of thinking about” RJ (Putnam, 1994, p. 97; also see Paul et al., 2016).

Thus, rather than try to *settle* discussions about defining and evaluating RJ, we focus on identifying questions for defining and evaluating RJ raised by shifting away from a transmission model of communication as is commonly used in the RJ literature and toward a constitutive model of communication that refocuses attention on *how* people define, practice, and evaluate RJ. We begin by describing the communication perspective before discussing the implications of that perspective for defining, assessing, facilitating, and researching RJ.

## Constructing Restorative Justice Through Communication

Communication occupies a central place in discussion about RJ. RJ literature emphasizes the importance of face-to-face meeting of stakeholders to engage in a facilitated discussion about harms and reparations (Bolívar, Aertsen, & Vanfraechem, 2013; Dzur & Wertheimer, 2002; Gavrielides, 2005; Green et al., 2013; Jülich, 2003; Marshall, 1999; Paul & Riforgiate, 2015; Rugge & Cormier, 2005). Green et al. (2013) identify “communication breakdown” as “the core, or essence, of a restorative harm” (p. 454). They argue that “restorative justice or restorative practice is fundamentally concerned with installing a language, structure, and justification for improving communication and understanding between individuals and groups” (p. 454).

The recognition of the role of communication in RJ highlights the importance of asking good questions, listening empathically, apologizing, and story-telling (Umbreit, 2001). It also provides the foundation for studies that examine, for example, micro-processes of emotion (Rossner, 2014) and communication practices associated with conventional and restorative justice (Paul & Riforgiate, 2015).

However, this conventional treatment of communication can inadvertently limit our understanding of the influence of communication in RJ. This treatment, labeled the transmission view of communication (Craig, 1999; Pearce, 1989), tends to treat communication as simply the exchange of information between sender and receiver or perhaps even the messages sent between the two (i.e., “communications”). It focuses attention on the process of sending (S) messages (M) over channels (C) to receivers (R), who may or may not provide feedback (the SMCR model). This perspective treats communication as a neutral vehicle for the encoding and decoding of ideas, foregrounding concerns about accuracy, noise, and message effects (Pearce, 1989).

A communication perspective, as exemplified by theories such as coordinated management of meaning (Pearce, 1995), approaches social situations from a different perspective and prompts a different set of questions. A communication perspective involves “treating such things as beliefs, personalities, attitudes, power relationships, and social and economic structures as *made*, not *found*” (Pearce & Pearce, 2000, p. 42). This perspective illustrates a social constructionist ontology that assumes that “language does not mirror reality; rather it constitutes it. Seen in this light, communication becomes more than a simple transmission; it is a medium by which the negotiation and construction of meaning takes place” (Fairhurst & Grant, 2010, p. 174).

Pearce and Pearce (2004) identify three implications of taking this perspective for how we understand the social world. First, groups such as families, workplaces, and communities are comprised of “persons-in-conversation.” They are not simply message transmitters or receivers. Second, communication is consequential, shaping relationships, actions, and ways of interpreting others’ actions. Third, communication constitutes the social world around us. Conversants give meaning to their social worlds through communication that uses various grammars and language structures, and such communication has individual, relational, and social consequences.

This perspective should prompt RJ researchers and practitioners to have different conversations and ask new questions that promote critical self-reflection about their roles in RJ. For example, rather than debating about the one true nature of RJ, this perspective directs attention to factors which shape and the consequences of particular language choices. It focuses on process-related questions, such as how conversation about RJ shapes and is shaped by contexts and histories. After situating RJ, we explore those questions in more detail as they relate to defining, evaluating, researching, and facilitating RJ.

### Situating Restorative Justice

A common response to offenses is a desire to see “justice served” (Aquino, Tripp, & Bies, 2001; Bies & Tripp, 1996; Okimoto, Wenzel, & Feather, 2009; Tripp, Bies, & Aquino, 2007; Waldron & Kelley, 2008; Wenzel & Okimoto, 2010). There are four dimensions of justice identified in the organizational justice and interpersonal communication literatures (Colquitt, 2001; Kelley, 2016): distributive, procedural, interpersonal, and informational. Distributive justice is concerned with outcome fairness, specifically regarding outcome equality, equity, or needs responsiveness. Procedural justice is concerned with process fairness, typically evaluated by the extent to which the process is fair and unbiased and the extent to which it allows for stakeholder voice. Interpersonal justice is concerned with the perception of respectful and appropriate treatment. Informational justice is concerned with the perception of decisions being made on complete information.

The Western conventional justice system addresses these expectations in several ways. In terms of distributive justice, if the defendant is found guilty or pleads guilty, the state levies a commensurate sanction (e.g., fine, prison sentence), thereby satisfying victims’ expectations that offenders “get what they deserve” in the form of punishment (Lerner, 1980; Paul & Schenck-Hamlin, 2017; Strelan, 2007). Although punishment can happen at one’s own hands (i.e., vigilante justice in the form of revenge), such vigilantism tends to be viewed negatively in the West (Grovier, 2002; McCullough, 2008; Murphy, 2000), in part because it is seen as irrational, subjective, and emotional. The more conventional approach is to defer to ostensibly rational, objective, and controlled authority figures (e.g., law enforcement, district attorneys) to pursue justice through the criminal justice system. This system aims to fulfill procedural and informational justice expectations through a system of rules applied by an impartial judge that theoretically helps decision-makers (juries) render impartial and objective verdicts based on material, competent, and relevant information (Rieke & Stutman, 1990; Wenzel, Okimoto, Feather, & Platow, 2008).

RJ advocates criticize this conventional approach to justice on several grounds. First, they assert that crime is better understood as a violation of individuals, relationships, and communities rather than of the state (Bazemore, 2000; McCold, 2000; Morris, 2002; Zehr & Mika, 2010). Framing an offense primarily as a violation of the law minimizes the emotional, relational, and moral harm suffered.

Second, they assert that the conventional justice system pays inadequate attention to parties’ relational, emotional, and social needs (Paul & Borton, 2013; Wenzel et al., 2008; Zehr, 2002a). Victims commonly experience anger, shock, moral outrage, loss of trust, isolation, insecurity, and guilt (Anderson & Guerrero, 1998; Green et al., 2013; Okimoto et al., 2009; Shapland & Hall, 2007; Waldron & Kelley, 2008; Wenzel & Okimoto, 2010; Zehr, 2002b). Offenders may fear victim retribution (i.e., revenge) or state punishment. These emotional experiences create several needs, such as needs for information, restitution, emotional healing, inclusion in the justice process, connection to others, support, safety, and reassurance

(Schiff, 2007; Wemmers, 2002). RJ advocates assert that justice practices should help stakeholders satisfy their varied needs (Armour & Umbreit, 2006; Morris, 2002).

Third, they argue that the lack of direct victim–offender interaction denies offenders the opportunity to take responsibility for their action and denies victims the opportunity to experience reparation and safety (Umbreit, 2001; Zehr, 2002a). That is, parties have insufficient opportunity to exercise their voice, thereby lowering perceived procedural and distributive justice. They argue, instead, that direct, respectful interaction of culpability and responsibility is a more appropriate way to manage the conflict between victim and offender (Poitras, 2010).

Fourth, they criticize what they perceive to be a primary focus of conventional justice on punishing offenders for their misbehavior—hence, the label of “retributive justice” (Bergseth & Bouffard, 2007; Tsui, 2014; Wachtel & McCold, 2001). They argue that punishment inhibits offender growth and learning and fails to satisfy victims’ needs in part because it provides too little support and does not directly address the offense or the motivation for the offense (Braithwaite, 1989, 2001; Wachtel & McCold, 2001; Wenzel et al., 2008). They argue that positive accountability mechanisms (Newbury, 2008), such as apology and restitution, are more likely to help the offender learn, to reinforce moral standards, and to reduce the likelihood of re-offending (recidivism) in the future (de Beus & Rodriguez, 2007; Wenzel & Okimoto, 2010).

Given these criticisms, RJ advocates assert that practices which facilitate respectful, empathetic dialogue between primary stakeholders about their past, present, and future needs are more “just” than conventional justice practices. Although these practices can take many forms, they share similar justice aims. In terms of distributive justice, the practices aim to generate pro-social, responsive, restorative outcomes, such as restitution, apology, accountability, and empathy, that may lead to forgiveness, healing, and closure (Armour & Umbreit, 2006; Braithwaite, 2016; Chapman & Chapman, 2016). In terms of procedural and interpersonal justice, the practices rely on neutral facilitators to manage the process, provide space for meaningful voice, and ensure appropriate treatment of the parties (Paul & Borton, 2013; Umbreit, 2001). In terms of informational justice, the practices promote story-telling and information sharing, empowering people to make decisions on how to move forward based on information the parties choose to share (Paul, 2015a).

Researchers have cautioned, however, that widening the RJ tent to include more and more practices as “restorative” based on apparently similar justice goals and practices risks watering down what RJ means and making valid assessment more difficult (Daly, 2016; McCold, 2000, 2004; Wood & Suzuki, 2016). The conceptual creep about what counts as RJ reflects an ongoing conversation about how to define RJ as its practices evolve (Haslam, 2016).

## Defining Restorative Justice

Variance in RJ definitions is not surprising, given the many definitions of “justice” and “restoration.” Justice has been defined in a myriad of ways. Vaandering (2011) argues that “justice occurs when people are honored as human through relationships” (p. 319). Waldron and Kelley (2008) define justice as “the perception that one is treated fairly or equitably within a given system of rights, responsibilities, and moral values” (p. 17). Lederach (1995) defines justice as “the pursuit of restoration, of rectifying wrongs, of creating right relationships based on equity and fairness” (p. 20). Whereas Vaandering’s definition is relatively general, Lederach’s and Waldron and Kelley’s definitions are more specific. Meanwhile, Paul (2015a) defines restoration as “the process of helping all the parties feel whole personally, materially, and possibly relationally” (p. 102). Pavlich (2002) observes that the ambiguity inherent in “restoration” can imply meanings ranging from “replenishment” to “reinstatement” (p. 95).

Variation inherent in words like “fair” and “whole”; nuances in moral codes, rights, and responsibilities; and different contexts, backgrounds, and goals of researchers have helped to generate multiple RJ definitions (see Table 1). Evident in these definitions are several tensions or “fault lines” (Gavrielides,

Table 1  
*Selected restorative justice definitions*

Source	Key feature(s)	Definition
Acton (2015) Armour and Umbreit (2006)	Direct communication Contrast to retributive justice	Communication between those directly impacted by harm [RJ] seeks to elevate the role of crime victims and community members; hold offenders directly accountable to the people they have violated; and restore, to the extent possible, the emotional and material losses of victims by providing a range of opportunities for dialogue, negotiation, and problem solving
Bazemore and Walgrave (1999) Cormier (2002)	Harm repair Harm repair, offender responsibility, direct involvement	Every action that is primarily oriented toward doing justice by repairing the harm that has been caused by a crime An approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime—victim(s), offender and community—to identify and address their needs in the aftermath of a crime
Daly (2016)	Direct involvement, facilitation	A contemporary justice mechanism to address crime, disputes, and bounded community conflict. The mechanism is a meeting (or several meetings) of affected individuals, facilitated by one or more impartial people
Forget (2003) (as cited in Roberts, 2010)	Participation, peace-building	A set of participatory processes through which we develop the desire and the ability to live peacefully and productively in community with those who have harmed us, and/or those we've harmed
Ireland's National Commission on RJ (as cited in O'Donovan, 2011)	Direct involvement, harm repair	A victim sensitive response to criminal offending, which, through engagement with those affected by crime, aims to make amends for the harm that has been caused to victims and communities and which facilitates offender rehabilitation and reintegration into society
Marshall (1999)	Process orientation	RJ is a process whereby parties with a stake in a specific offense collectively resolve how to deal with the aftermath of the offense and its implications for the future
McCold (2000)	Direct involvement, face-to-face, determinant	(1) involve victims, offenders and their communities in face-to-face meetings where (2) they determine the outcome
Ptacek (2010)	Contrast to retributive justice	To decrease the role of the state in responding to crime and increase the involvement of personal, familial, and community networks in repairing the harms caused by crime
Zehr and Mika (2010)	Contrast to retributive justice	A harm-centered approach: the centrality of victims, the obligations of offenders (and the meaning of accountability), the role of the community, and the active engagement of all parties in the justice equations

2008) pertaining to relationship with conventional/retributive justice (dualistic/compatible), focus (process/outcome), and scope (narrow/wide).

**Dualistic/Compatible Relationship**

Because people are generally more aware of the criminal justice system than they are of RJ (Paul, 2016a), perhaps the most common approach to describing RJ has been to describe it by what it ostensibly is not, drawing on a figure-ground relationship that situates RJ as the figure against the backdrop of retributive

justice (Zehr, 2002a). Such contrasts usually establish RJ as a more constructive alternative to the conventional court system characterized by “retributive justice” (Bashir, 2016; Martin, Zappavigna, Dwyer, & Cléirigh, 2013; Snow & Sanger, 2015; Wood & Suzuki, 2016). For example, Armour and Umbreit (2006) define RJ as an

alternative to the system that advocates retributive justice [that] seeks to elevate the role of crime victims and community members; hold offenders directly accountable to the people they have violated; and restore, to the extent possible, the emotional and material losses of victims by providing a range of opportunities for dialogue, negotiation, and problem solving (p. 123).

Wachtel and McCold’s (2001) social discipline window also contrasts retributive and restorative justice based on differing levels of support provided to the wrongdoer.

Such comparisons imply or claim that retributive and restorative justice are constituted by different values, beliefs, and practices. RJ values include healing, moral learning, meaningful stakeholder participation, growth, respectful dialogue, reparation, empowerment, and support (Borton & Paul, 2015; Braithwaite, 1999; Doolin, 2007; Okimoto et al., 2009; Tsui, 2014; Van Ness & Strong, 2010; Zehr & Mika, 2010). Typically implied is the assertion that retributive justice holds to opposite values.

Thus, the tendency has been to see retributive and restorative justice as dualisms, with RJ serving as a desired replacement for retributive justice (Pavlich, 2006; Wood & Suzuki, 2016; Zehr, 1990). Johnstone and Van Ness (2007), for example, argue that RJ “seeks to replace our existing highly professionalized systems of punitive justice and control (and their analogues in other settings) with community-based reparative justice and moralizing social control” (p. 5). This replacement would accomplish RJ’s “broad goal. . . to transform the way contemporary societies view and respond to crime and related forms of troublesome behavior” (Johnstone & Van Ness, 2007, p. 5). This contrast suggests an underlying incompatibility between the two justice orientations.

This dualistic framing is not without its critics. Daly (2016) asserts that “the juxtaposition of ‘retributive and restorative justice’ is a nonsense. Its use should cease” (p. 15). After all, both retributive and restorative justice assume at their core that an offense is a violation that produces a need for condemnation, reparation, and accountability (Wenzel et al., 2008; Zehr, 2002b). The compatible perspective sees justice practices as capable of co-existing even while pursuing different aims. For example, given that VOCs typically happen *after* an offender has pleaded guilty in court, it is quite possible (and likely more realistic) for justice practices rooted in differing justice orientations to work in tandem. Additionally, consistent with dual concern models of conflict, it is possible for people to pursue both “retributive” and “restorative” aims within RJ practices (Paul, 2015a). For example, apologies can be both retributive and restorative, promoting shame and accountability (Armour & Umbreit, 2006; Kelley & Waldron, 2005; Paul, 2015a; Presser & Hamilton, 2006). Thus, from a compatible perspective, restorative and retributive justice involve different mechanisms but are not mutually exclusive. They share desired outcomes pertaining to offender recidivism, victim closure, and process neutrality.

### Process/Outcome Focus

A second tension in RJ definitions pertains to the focus of RJ as a process and/or as a set of outcomes (Braithwaite & Strang, 2001; Daly, 2016). This tension reflects the multidimensional nature of justice as discussed above (Barton, 1999; Clayton & Opatow, 2003; Colquitt, 2001; Whiteman, 2009). It also reflects the similarities between RJ practices such as VOCs and conventional practices such as courtroom argument, particularly with regard to the emphasis on procedural justice (Daly, 2016; Tyler, 2006).

Process-oriented definitions typically highlight the act of stakeholders coming together and interacting directly with each other to agree on how to repair whatever harm was done. Many definitions highlight the voluntariness of participation, the use of direct dialogue between interested parties, the effects of an offense, and that offense’s implications for the future (Bolívar et al., 2013; Gavrielides, 2005; Jülich,

2003; Rugge & Cormier, 2005). Some definitions identify specific participants or “stakeholders”: the victim and the offender as primary stakeholders, and communities of care and the more general “community” (macro-community) as secondary stakeholders (Acton, 2015; Armstrong, 2012; Bolívar et al., 2013; Laxminarayan & Wolthuis, 2015; Martin et al., 2013; Toews & Zehr, 2003; Umbreit, Coates, & Vos, 2004; Zehr, 2002a).

Perhaps the most frequently cited process-oriented definition is the one proposed by Marshall (1999): “RJ is a process whereby parties with a stake in a specific offense collectively resolve how to deal with the aftermath of the offense and its implications for the future” (p. 5). Likewise, Ptacek (2010) defines RJ as an approach that seeks “to decrease the role of the state in responding to crime and increase the involvement of personal, familial, and community networks in repairing the harms caused by crime” (p. ix). Both definitions emphasize personal involvement following a harm in deciding how to “deal with” or respond to an offense. Researchers who view RJ as a problem-solving *process* tend to adopt Marshall’s definition or one similar to it (Gavrielides, 2005; Jones, 2004; Whiteman, 2009; Zernova & Wright, 2007).

Process-oriented definitions have been criticized for being both too narrow and too broad, failing to specify the outcomes to be achieved from the process (Bazemore & Walgrave, 1999; Braithwaite, 1999; Doolin, 2007; Zernova & Wright, 2007). Whereas process-focused definitions emphasize the procedural justice of RJ, outcome-focused definitions emphasize the distributive justice of RJ. Outcome-focused definitions emphasize RJ values of healing, growth, inclusion, and safety (Braithwaite & Strang, 2001). Bazemore and Walgrave (1999), for example, define restorative justice as including “every action that is primarily oriented toward doing justice by repairing the harm that has been caused by a crime” (p. 48). Their definition specifies outcomes (repairing harm) but is more general with regard to *how* that harm is repaired (every action). Definitions that emphasize outcomes while not specifying processes face a similar (but opposite) criticism as process-focused definitions—focusing on the *what* but omitting the *how*.

Because process focus and outcome focus are not mutually exclusive, other definitions attempt to emphasize process *and* outcomes (Braithwaite & Strang, 2001; Doolin, 2007). These definitions tend to be the narrowest definitions of RJ. Cormier (2002), defines RJ as “an approach to justice that focuses on repairing the harm caused by crime while holding the offender responsible for his or her actions, by providing an opportunity for the parties directly affected by a crime—victim(s), offender and community—to identify and address their needs in the aftermath of a crime.” Forget (2003, as cited in Roberts, 2010) defines RJ as “a set of participatory processes through which we develop the desire and the ability to live peacefully and productively in community with those who have harmed us, and/or those we’ve harmed” (p. 3). Ireland’s National Commission on RJ defines it as “a victim sensitive response to criminal offending, which, through engagement with those affected by crime, aims to make amends for the harm that has been caused to victims and communities and which facilitates offender rehabilitation and reintegration into society” (O’Donovan, 2011, p. 172).

The process/outcome tension is central to RJ and to the comparisons people make between RJ practices and other justice practices. As Wood and Suzuki (2016) write,

In terms of the problem of definition, the future of RJ as we see it depends significantly on whether a focus on *interactions* between parties who have caused harm and those who have been harmed remain central to such a definition, or whether RJ continues to expand into piecemeal programs and outcomes where the difference between “restorative” and other types of programs becomes increasingly blurred (p. 154).

This restriction or expansion is at the heart of the third tension: that of scope.

## Narrow/Wide Scope

As noted above, practices labeled as RJ have included peace circles, truth and reconciliation commissions, victim-offender conferences, family group conferences, and others. Some researchers have questioned

whether all these practices fall under the umbrella of RJ. This question is most clearly evident in the ongoing tension between “purists” (advocating for a narrower conceptualization) and “maximalists” (advocating for a broader conceptualization) (Braithwaite & Strang, 2001; Daly, 2016; McCold, 2000, 2004; Wood & Suzuki, 2016).

A purist approach to defining restorative justice “includes only those elements of the restorative paradigm without elements of the obedience (retributive/deterrent) and treatment paradigms” (McCold, 2000; p. 358). Daly (2016), for example, defines RJ as:

*a contemporary justice mechanism to address crime, disputes, and bounded community conflict. The mechanism is a meeting (or several meetings) of affected individuals, facilitated by one or more impartial people. Meetings can take place at all phases of the criminal process – prearrest, diversion from court, presentence, and postsentence – as well as for offending or conflicts not reported to the police. Specific practices will vary, depending on the context, but are guided by rules and procedures that align with what is appropriate in the context of the crime, dispute, or bounded conflict (p. 21).*

McCold (2000) likewise asserts that “a restorative justice program must (1) involve victims, offenders and their communities in face-to-face meetings where (2) they determine the outcome” (p. 373). These definitions specify the process component of RJ but leave open the outcomes (“what is appropriate”), casting a narrow boundary around what counts as restorative justice. McCold’s (2000) Venn diagram of what counts as RJ practices identifies only three practices (peace circles, family group conferencing, and community conferencing) as “purely restorative.”

A maximalist understanding of RJ, such as Bazemore and Walgrave’s (1999) definition above, is less restrictive in counting “all practices that focus on repairing harm” under the wider umbrella of RJ. Acton (2015), for example, defines RJ as simply communication between those directly impacted by harm. Such definitions tend to focus more on general RJ values than on concrete practices or processes. If the focus remains primarily on values without delineating or specifying process, what “counts” as RJ can vary widely (Bonta, Wallace-Capretta, Rooney, & McAnoy, 2002; Daly, 2016; McCold, 2000; Wood & Suzuki, 2016). This open-endedness regarding process is at the heart of criticism of the maximalist perspective. Daly (2016) asserts that “values and principles have relevance; however, they need to be anchored in an understanding of RJ as a justice mechanism, not an alternative to retributive justice, not a new way of thinking about crime and justice, and not a set of aspirations for social change” (p. 11).

These tensions regarding coexistence, focus, and scope reflect the complexity, openness, and morality of RJ (Johnstone & Van Ness, 2007) as well as researchers’ own concerns or beliefs about conventional justice. Some process-focused conceptualizations that emphasize the importance of direct meeting and dialogic participation have roots in concerns about the lack of the same in conventional processes. Outcome-focused conceptualizations focused on healing, reparation, and growth demonstrate concerns about “a somewhat myopic focus on punishing offenders” in conventional justice (Tsui, 2014, p. 640).

## A Communication Perspective of Defining RJ

From a communication perspective, these definitional varieties and tensions are not so much causes for concern, problems to be resolved, or threats to the future of RJ as they are openings for critical reflection and opportunities for new questions. These openings and opportunities pertain to conversations that happen *around* RJ practices and conversations that happen *within* those practices.

Looking around RJ, a communication perspective draws attention to how personal experiences shape how we talk about RJ and how we talk about conventional justice. As Daly (2016) notes, researchers and practitioners approach RJ drawing on their own backgrounds, values, and interests. We are no different. As communication scholars trained by other communication scholars, we enter the RJ conversation with a particular fondness for communication questions. We also approach our own RJ work as trainers and facilitators with a focus on communication, all the while appreciating that the RJ community is broadly

composed of sociologists, attorneys, psychologists, conflict practitioners, and others. How do our experiences influence our treatment of RJ? How do *your* experiences influence your definitions of RJ? What can we learn from conversations with others from different backgrounds? If justice is a deontic (or moral) construct (Beugré, 2007), how are definitions of RJ connected with moral codes that govern our beliefs about what is “right” or “fair” regarding process, treatment, outcomes, and information? How do these differences intersect with discussions about the role or appropriateness of other related moral practices, such as forgiveness, revenge, and reconciliation (Bar-Tal, 2000; Braithwaite, 2016; Chapman & Chapman, 2016; Fiddes, 2016)? For example, whereas some may argue that forgiveness is an integral part of RJ, others may argue that forgiveness should be a separate consideration from RJ. What happens to understandings and practices of RJ when people move between contexts governed by different moral codes?

Rather than seeing disagreements about RJ definitions as “power-interest battles” (Gavrielides, 2008, p. 165), a communication perspective asks us to reflect on processes and consequences of our constructed definitions. For example, we might interrogate the implications of framing RJ as a process and the factors sensitizing us to focusing on process as a central element of RJ. Is that sensitivity a result of understanding justice as primarily a matter of satisfying procedural requirements? Are we relying on a grammar of justice rooted in conventional justice for describing and practicing RJ? Does the use of conventional symbols simply reinforce conventional justice as the baseline for practicing RJ (Pavlich, 2005)? What are the implications of discussing the figure of RJ within the grounds of conventional justice?

Additionally, how does socialization influence these definitions? As noted above, desiring to see the wrongdoer suffer punishment is a common response to offensive behavior (Aquino et al., 2001; Paul & Schenck-Hamlin, 2017). Such a response reflects “just world beliefs” that people should “get what they deserve” (Lerner, 1980; Strelan, 2007). Although revenge can satisfy this desire by deliberately attempting to get back at an offender in response to a perceived wrong (Aquino et al., 2001; McCullough, Bellah, Kilpatrick, & Johnson, 2001), people are typically socialized to see revenge as a negative, contagious disease (Grovier, 2002; McCullough, 2008), despite its benefits (Barton, 1999; Bies & Tripp, 2005; McCullough et al., 2001; Murphy, 2000). Thus, rather than managing the situation themselves, people tend to turn to “the authorities” to take care of the situation. How do different socialization practices at home, at school, and in neighborhoods shape how people *define* justice and how they believe it should be carried out? How do the ways we talk about wrongdoing shape the way we respond? How do these constructed norms, values, and other cultural features shape our understanding and practice of RJ (McAlinden, 2011; Millar, 2011)?

Within RJ practices, how do conversations among parties involved in RJ practices co-construct justice? Shapland et al. (2006) speak to this question, arguing that

RJ, by definition, is created anew each time a set of participants come together to consider that offence and what should happen as a result. So, RJ is not a ready-made package of roles, actions and outcomes that can be plucked off the shelf, but has to be, often quite painfully, made from its basic ingredients by the particular participants who have been brought together as a result of the offence (p. 507)

This understanding of “creating” (or constructing) RJ resonates with a communication perspective that approaches justice as inherently relational and contextually bound. This perspective asks researchers and facilitators to attend, for example, to the importance of preparatory predialogue meetings (Umbreit, 2001). Such meetings are not simply about *obtaining* or *providing* information from the parties, as understood through a transmission lens. Rather, they are times when stakeholders and facilitators make sense of the situation together, co-construct their needs and expectations, and develop relational histories. What stories are being created in preparatory meetings and the actual encounters, and how do those co-constructions influence the rest of the restorative process? How do power imbalances among stakeholders shape co-construction? How do facilitators talk about RJ with prospective participants? How does such talk situate RJ in the context of conventional justice?

Researchers and practitioners should also look beyond the immediate conversations among the principal parties to examine how RJ is shaped by conversations with participants' communities of care about the offense and justice; by training practices used for facilitators; and by societal constructions of justice (Larsen, 2014; Okimoto et al., 2009; Wachtel & McCold, 2001). If conversational acts are functions of previous acts, personal stories, relational stories, and episodic stories (Pearce & Pearce, 2000), conversations among the principal parties should be connected to how they co-construct the meaning(s) of the offense and their reactions to it.

In short, a communication perspective takes seriously the idea that concepts such as "justice" and "restoration" are social constructs and that offenses are inherently communicative. It approaches definitional tensions as natural products of differences we all bring to the conversation rather than as problems. It also calls for researchers and practitioners to pay greater attention to the language used societally, in training, in practices, and in publications to describe RJ. This language has implications not only for constructing RJ but also for assessing it.

### Assessing Restorative Justice

Coinciding with the growth of RJ practices has been growth in the number of studies assessing the effectiveness of those practices (Coates & Gehm, 1989; Department of Justice, 2015; Larsen, 2014; Latimer, Dowden, & Muise, 2005; Maxwell, 2005; Maxwell, Kingi, Robertson, Morris, & Cunningham, 2004; McCold & Wachtel, 2002; Roberts, 2010; Vanfraechem, 2005; Weatherburn & Macadam, 2013; Wemmers, 2002). Assessments typically examine RJ practices' effectiveness comparatively or aspirationally (Kurki, 2003). Comparative assessment examines RJ's effectiveness relative to conventional justice practices' effectiveness, such as in terms of conventional outcomes like recidivism rates and cost (Bergseth & Bouffard, 2007; Calhoun & Pelech, 2013; Gabbay, 2005; Latimer et al., 2005; Lipsey, 1995; Vanfraechem, 2005). Aspirational assessment examines RJ's effectiveness relative to its stated goals (i.e., "restorativeness"; Kurki, 2003).

The dominant approach to RJ assessment is best described by the traditional goal-attainment model of effectiveness (Cameron, 1978; Sheehan, 1996). This model asserts that RJ practices are effective to the extent that they lead to the achievement of restorative outcome-related and process-related goals (Sheehan, 1996). Victim-related outcome goals include healing (Armour & Umbreit, 2006; Shapland et al., 2006; Umbreit et al., 2004; Zehr & Mika, 2010), reparation or restoration of losses (Latimer et al., 2005; Paul, 2016a; Shapland et al., 2006; Umbreit et al., 2004), satisfaction (Kurki, 2003; Latimer et al., 2005), empowerment (McCold, 2000; Morrison, 2006), safety (Zehr & Mika, 2010), support (Zehr & Mika, 2010), growth (Borton & Paul, 2015; Daly, 2003), information (Paul, 2015a; Zehr & Mika, 2010), closure (Armour & Umbreit, 2006), and forgiveness (Armour & Umbreit, 2006; Braithwaite, 2016; Chapman & Chapman, 2016). Offender-related outcome goals include accountability (Umbreit et al., 2004), lower (or eliminated) likelihood of recidivating (Latimer et al., 2005), growth (Borton & Paul, 2015), moral learning (Wenzel et al., 2008), rehabilitation (Shapland et al., 2006), and the general goal of making things right (Paul, 2015b). Process-related goals include stakeholder participation, process satisfaction, and involvement (Bazemore & Ellis, 2007; Dzur, 2003; Kurki, 2003; Tyler, 2006).

Of these goals, those most typically evaluated to assess effectiveness are as follows: (a) satisfaction (Bolívar, 2010; Bonta et al., 2002; Braithwaite, 2002; Coates & Gehm, 1989; Dignan, 2005; Johnstone, 2001; Kurki, 2003; Larsen, 2014; McCold, 2003; Ruge & Cormier, 2005; Shapland, Robinson, & Sorsby, 2011; Strang et al., 2006; Umbreit et al., 2004; Umbreit, Coates, & Vos, 2007; van Camp & Wemmers, 2013; Van Ness & Schiff, 2001; Weatherburn & Macadam, 2013), (b) agreement and restitution (Bonta et al., 2002; Braithwaite, 2002; Dignan, 2005; Umbreit et al., 2007; Van Ness & Schiff, 2001; Zernova, 2007), and (c) recidivism (de Beus & Rodriguez, 2007; Johnstone, 2001; Latimer et al., 2005; Rodriguez, 2007; Umbreit et al., 2007). Satisfaction tends to be the most frequently used marker of effectiveness. For example, a recent report by Canada's Department of Justice (2015) asserted that one "obvious definition

of a successful program” was that it met “the needs of victims,” which is “easily measured through controlled experiments *testing the satisfaction levels of victims* in the traditional system compared to a restorative program” [emphasis added].

This approach to assessment aligns with conventional, positivist assumptions that are characteristic of the conventional justice system (e.g., objectivity, universality; Hill, 2008), the for-profit sector, and the conventional/transmission understanding of communication. It also dovetails with attempts to arrive at a universal definition of RJ. An appropriate conceptual definition of RJ, after all, is critical to identifying appropriate outcomes to measure (conceptual fit) and establishing content validity. Additionally, the importance of clear operationalization likely contributes to the conventional focus on relatively clear outcomes (e.g., satisfaction, restitution, recidivism) rather than “fuzzier” goals (e.g., healing, growth).

## A Communication Perspective of Assessment

Although this goal-attainment approach is conventional and fits with dominant cultural assumptions, it can be problematic for a few reasons. First, satisfaction alone as an evaluative heuristic may be too general to adequately capture restoration (Bolívar, 2010; Presser & Van Voorhis, 2002) or account for differences in how victims make sense of what restoration means or what they need (Borton & Paul, 2015). Second, it risks glossing over other hypothesized consequences of RJ practices that are less concrete, such as healing, closure, growth, dignity, and sense of control (Braithwaite, 1999; Johnstone, 2001; Morris, 2002; Umbreit et al., 2004; Zehr, 2002b). Third, what counts as “effective,” “restorative,” or even “satisfactory” may change by context and stakeholder (McAlister & Carr, 2014). Fourth, the decision to evaluate conventional outcomes of restitution and recidivism rather than healing and growth reinforces conventional thinking about justice (Pavlich, 2002) and reflects the inherently political and resource-driven nature of assessment (Tassie, Murray, & Cutt, 1998; Yuchtman & Seashore, 1967).

From a communication perspective, a social constructionist approach to assessment is more appropriate (Gold, 1998; Herman & Renz, 1998, 1999). This approach carries several assumptions. First, it assumes the presence of multiple legitimacy-conferring constituencies (Herman & Renz, 1997, 1998). Second, it assumes that effectiveness is a function of satisfying constituencies’ varied interests (Schmid, 2003). Third, it assumes that effectiveness is co-constructed by communication, drawing on culturally based normative assumptions and grammars about effectiveness into which people are socialized (Forbes, 1998; Gold, 1998; Herman & Renz, 1998). Fourth, it assumes that definitions of effectiveness are rooted in the relative power of stakeholders to define what it means to be effective (Zammuto, 1984). Thus, a social constructionist perspective of effectiveness privileges both individual *and* relational constructions of the term (Gold, 1998).

In many ways, the social constructionist approach provides a closer fit with RJ ideology in terms of its assumptions about the social world. Braithwaite (1999), for example, writes, “An answer to the ‘What is to be restored?’ question is whatever dimensions of restoration matter to the victims, offenders, and communities affected by the crime. Stakeholder deliberation determines what restoration means in a specific context” (p. 6). This idea speaks both to the self-determination of restoration and the co-construction of such restoration through conversation. Program assessment practices could investigate how participants’ conception of justice changes over time (e.g., conference preparation, caucus, conference debrief). What do participants say when they talk about justice? What linguistic turns or frames do parties use to co-construct restoration strategically? How do they negotiate what needs restoration and what that restoration looks like?

Additionally, a social constructionist approach fits with the multidimensional and negotiated nature of justice (Paul, 2015b; Vaandering, 2011; Warnke, 1992). Rather than imposing a definition of what counts as restoration or justice, a communication perspective asks how individuals understand justice, how they came to those understandings, and how those understandings evolve over time. Such understandings are fluid, products of engagement with multiple stakeholders over multiple time periods

(Humby, 2014). In some ways, this approach problematizes the question about knowing whether “justice” has been “served.” Such constructions are rooted in premeeting socialization, in-meeting negotiation, and postmeeting sensemaking that evolves over time. End-of-session evaluation surveys alone will likely not be able to capture the construction of justice, in the same way that many current one-time assessments of, for example, mediator quality and satisfaction fail to now. This acknowledgement of changes over time also sensitizes researchers and practitioners to longer-term processes and outcomes, such as forgiveness, reconciliation, and changes in moral codes (Bar-Tal, 2000).

Third, a social constructionist approach acknowledges that RJ practices are situated in multiple contexts—political, economic, social, cultural, legal, and communal (Paul, 2016b). For example, although there is a temptation to approach VOCs as “black boxes” while bracketing off the environment, doing so blinds researchers to factors that influence desired outcomes, processes, and interactions. RJ definitions, likewise, are rooted in multiple contexts and are themselves social constructs into which people are socialized from a young age (Okimoto et al., 2009). This is one reason why allowing participants to not only determine but also highlight what justice looks like to them and then to evaluate their VOC experiences in light of those personal goals and definitions is valuable. How do participants’ past situations, experiences, and contexts shape desired outcomes? For example, Bar-Tal (2000) notes that moving from conflict to conflict resolution requires a shift in participants toward an “ethos of peace” (Bar-Tal, 2000, p. 351). To what extent is such an ethos valued in Western political, social, and legal contexts? Are meetings effective if they do not generate such an ethos? What may be the cost to participants and programs of violating those core conceptions of justice? How do participants draw on context-based rules to evaluate one another’s behavior?

Fourth, a social constructionist approach accounts for the political nature of assessment negotiated by multiple constituencies. There are multiple parties with stakes in RJ practices; however, not all of those parties have equal power, particularly in determining whether or not an organization receives funding to continue facilitating VOCs. If power is rooted in the ability to fund those organizations, then government officials may have the most power to determine what counts as effective according to their own goals. If power is rooted in the ability to obtain cases, then prosecuting attorneys may have the most power. In both of those cases, conventional factors such as recidivism, cost savings, and restitution rates are likely to continue to be privileged as primary criteria by which to evaluate the effectiveness of VOCs. One practical implication of this political recognition is that practitioners and administrators learn to tell different stories to different audiences. Thus, it is informative to examine how organization representativeness negotiates power discrepancies in how they talk about their work to different constituencies. Moreover, what roles do funding agencies (e.g., National Institute of Justice, National Science Foundation, United Way) and state agencies play in shaping effectiveness discourses used by scholars and practitioners? What role should scholar-designers of evaluation methods and methodology take to uphold the tenets and values of restorative justice?

A communication perspective aligns well with a social constructionist approach to evaluating effectiveness. This approach fits with the assumptions of RJ ontologically (reality as a joint communicative production), epistemologically (knowledge as intersubjective), and axiologically (value-infused knowing). It also is flexible enough to fit with multiple constructions of restorative justice which will emerge across contexts, settings, and times.

Practically, this approach to assessment means identifying relevant stakeholders and studying how they talk about justice, how their language evolves over the RJ process, how it is rooted in contexts, and how it serves stakeholders’ aims and needs. This does not mean eliminating the use of quantitative methods—they serve politically necessary purposes and generate useful knowledge. It does mean recognizing the limitations of those methods, being aware that those methods may reify conventional justice constructions, being cautious about general assessment criteria (e.g., “satisfaction”), and utilizing additional methods of assessment (e.g., interviews, journaling) that are more sensitive to language and communication processes. It also means being cautious about adopting “best practices” from other

organizations operating in different contexts and working with different stakeholders (Renz & Herman, 2016). Such adoption may lead organizational members to tell stories to stakeholders that fail to resonate.

## **Continuing the Conversation: Implications for Researchers and Practitioners**

In some ways, our call to use a communication perspective to understand RJ definitions and assessment echoes a similar call by Putnam and Roloff (1992) regarding conflict and negotiation. Such a perspective draws attention to microelements of negotiation, dynamic ebbs and flows of conflict, and meaning systems apparent in language. This perspective can serve as a catalyst for exploring alternative ways of studying and practicing RJ. In the preceding sections, we already have identified many questions implicated by a communication perspective that researchers and practitioners can consider in their work. In this section, we focus on implications for methodology, facilitation, and community engagement.

In terms of research, a communication perspective has several methodological implications. First, interdisciplinary research and community-engaged research are crucial for the continued advancement of RJ research and practice. Conversations that cross disciplines and engage communities enable richer exploration and construction of research questions. Interdisciplinary, engaged research is more difficult, for sure; yet, it is also richer. Second, a communication perspective privileges methods such as interviews, interaction analysis, and discourse analysis (e.g., Rossner, 2014; Szmania, 2006). Again, we are not saying that positivist research is unnecessary. We find such research to be quite valuable, and in fact have used it to answer our own research questions. We are saying, though, that mindfulness about the assumptions being made in positivist research, such as what constitutes “effectiveness” and “restoration,” is important. Multi-methodological inquiry, such as using qualitative inquiry to inform the development of quantitative measures, may be more useful at enhancing content validity, ecological validity, and external validity within given settings. Third, analytical methods such as thematic analysis (Braun & Clarke, 2006), grounded theory (Charmaz, 2006; Corbin & Strauss, 1990), and rhetorical criticism can be useful. Such analysis involves keen attention to language choices, generation of categories from the data rather than imposition of categories onto the data, accounting for context, and examination of how categories fit with each other. This can help researchers and practitioners understand how conceptualizations and assessments of RJ form and how they are related within a given setting, thereby ideally improving practices rather than imposing a best practice that may not fit as well.

A communication perspective also can be fruitful for training facilitators. If we are to understand RJ as a co-construction rooted in our individual and relational histories and social contexts, an important part of the training process may be to help facilitators surface their own assumptions and meanings about RJ and situate those in their own pasts through critical self-reflection. Conversations can help to raise awareness about different constructions of justice that exist “out there” and sensitize facilitators to the fact that their constructions of “justice” and “restoration” may be unique. These conversations also can teach valuable dialogue facilitation skills (Pearce & Pearce, 2000). Additionally, along with teaching facilitators the basic transmission model of communication—a model we have taught as trainers in workshops we have led—it may be helpful to teach a communication perspective so as to sensitize new (and seasoned) facilitators to the importance of microelements of the RJ process. Such training can help facilitators with dialogic interviewing, reframing, coaching, and supporting.

A communication perspective also can be helpful for practitioners and administrators trying to build stakeholder support for their work. It is vital for administrators to identify key stakeholder groups with an interest in RJ work and maintain ongoing conversations with these groups. Doing so will help practitioners and administrators identify different constructions of RJ, design assessment practices that correspond to those constructions, and talk about the effectiveness of their work more strategically. This perspective also can serve as a guiding framework for community engagement and

“contextual reconstruction,” as was the case with the Public Dialogue Consortium’s work in Cupertino (Pearce & Pearce, 2000, p. 419). Such reconstruction requires intentionally looking to create “a new state of affairs” by engaging in “cosmopolitan communication” that is inherently collaborative and that crosses different groups (Pearce & Pearce, 2000). In other words, by recognizing the constitutive power of communication, RJ practitioners can work to create favorable settings for their work to flourish.

In sum, a communication perspective can call forward new questions and methods that can advance research and practice in restorative justice. It asks researchers and practitioners to approach definitions and assessments of RJ from a different vantage point—one that privileges language and listening, conversation and context as starting points for constructing social worlds. By privileging communication, we can foster interdisciplinary inquiry and practice that will advance the work of RJ in our communities, our families, our schools, and our workplaces.

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