

Making Sense of Restorative Justice: An Analysis of Canadian Restorative Justice Programs

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List of Acronyms

CCRA – Corrections and Conditional Release Act
CJP – Collaborative Justice Program
CJS – Criminal Justice System
CSC – Correctional Service of Canada
CSJR – Centre de Services de Justice Réparatrice
DOJ – Department of Justice
FGC – Family Group Conferencing
FGDM – Family Group Decision-Making
FUM – Family Unit Meeting
ICD-10 – International Classification of Diseases 10
NHQ – National Headquarters (CSC)
OACJP – Odawa Aboriginal Community Justice Programme
OFIFC – Ontario Federation of Indigenous Friendship Circles
RJ – Restorative Justice
RO – Restorative Opportunities
VOE – Victim-Offender Encounters
VOM – Victim-Offender Mediation
VORP – Victim-Offender Reconciliation Program

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Abstract

Restorative Justice (RJ) is an approach to justice which most often centres around creating a shared dialogue between stakeholders in a given offence. It is often contrasted with traditional criminal justice due to its focus on the personal involvement of those who have been directly impacted by the harm. Popular models of RJ include various types of mediation, conferencing, and circles, each with a slightly different approach toward reaching a settlement between stakeholders. Some of the main goals of RJ highlighted in the criminological literature include healing, reparation, and community-building. However, because of its nature as a diverse and contested subject over the past several decades, there are numerous understandings of RJ. Due to this frequent difficulty in defining and understanding RJ, this thesis attempts to provide some grounding on the subject through the document analysis of four Canadian RJ programs. RJ program documentation was analyzed in order to discover how these programs portray their “services” to the public. Results showed that many of the most prominent themes in the programs were also present in the literature. However, a more important facet of the discussion emerged with further analysis. Using a perspective of governmentalist versus communitarian RJ, the programs were compared to discover that the way in which a program presents itself in online documentation surely does not always encapsulate its core nature in terms of judicial, legal, and correctional involvement. Simply put, a verbal commitment to distancing oneself from the ways of the traditional criminal justice system does not necessarily signify a lack of involvement as it would suggest.

INTRODUCTION

The issue of “crime” is prevalent and has permeated many spheres of Western society. Socially and politically, it is often a topic of conversation and debate. With a long history of many “crime” control methods and policies; individual and community considerations; and social implications, there are bound to be a multitude of views on how the issue should be tackled. For many, the idea of serious “crime” is simply repulsive, and “criminals” deserve strict punishment to suffer in return for their actions and to learn that what they have done is wrong. Others believe that people commit deviant acts for biological (Hopkins Burke, 2016a), cognitive (Hopkins Burke, 2016b), or sociological reasons (Bowlby, 1969, as cited in Katz, 2002; Hopkins Burke, 2016c; Mead, 1964) and emphasize rehabilitation and community reintegration.

There are yet other perspectives which sit within or outside the bounds of these two common “poles” of retribution and rehabilitation. Restorative justice (RJ) is another approach which has made its way into the criminological discourse over the past several decades. RJ has come to be understood as a new way of defining and responding to “crime.” There remains debate in the RJ community regarding an authoritative definition, but for the sake of basic understanding and clarity, RJ is commonly defined as “a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future” (Marshall, 1996, p. 37). RJ draws on a relational understanding of humans and sees “crime” as a breakdown of interpersonal relationships (Chartrand & Horn, 2016). Although many see RJ as a justice alternative that began about fifty years ago, restorative approaches to “crime” have existed for much of history and did not simply take form after the rise of penal theories. This issue will be further clarified in the section detailing the history of RJ and its development.

As mentioned, a deeper examination of RJ reveals significant issues surrounding its definition. Due to RJ's history, it has become a profoundly contested subject. In short, it began first as a series of experimentations in the field of criminal justice and later became theorized as a criminal justice alternative. As I will discuss later in the literature review, some of the first community mediation experiments began in the 1970s in Canada, which paved the way for what theorists later conceptualized as restorative justice. Scholars therefore often cannot come to a clear definition of RJ due to its "post-hoc nature," as the term generally emerged after the practice (Wenzel, Okimoto, Feather, & Platow, 2008, p. 377). In recent years, the issue of defining RJ has been well-documented in the literature (Latimer, Dowden, & Muise, 2005; Wenzel et al., 2008). Nonetheless, there is an area which remains understudied when it comes to understanding different ways of portraying RJ within practical programs. How do these programs portray their "services" to the public? Do different programmatic contexts contribute to different portrayals of RJ? These practical programs have been founded on RJ literature, but considering the many different understandings of RJ, there may be discrepancies across programs.

Some publications similar to this topic do exist (see Broughton, 2011; Piché, 2006; Strimelle, 2007; Woolford & Ratner, 2003); however, the topic warrants further attention. The aforementioned publications focus on the issue of RJ's operation within the margins of the existing criminal justice system (CJS): if RJ claims to have values distinct from the mainstream approach to criminal justice, how can these values come to fruition within the parameters of a system which is founded on opposing values? However, the present study focuses not just on the differences between values in RJ and traditional criminal justice. Rather, the goal is to uncover which basic concepts are driving the RJ programs in question. In other words, the goal is not to evaluate the

use of restorative practices/values in a criminal justice setting, but rather to understand how different programmatic settings come to understand and portray RJ as a concept.

I have chosen this topic because of the diversity of the RJ field. Over the past several decades, extensive publications and program developments have contributed to a complex field which is in need of grounding. RJ serves as a promising alternative to or component of the criminal justice system; however, with its current state of perplexity, it is difficult to theorize this possibility. Understanding the fundamental understandings of RJ within its field is essential as these understandings are the basis upon which contemporary practical programs rest. This study will therefore involve a review of RJ literature as well as the document analysis of four Canadian RJ programs in order to examine the major understandings of RJ within practical programming. The goal of document analysis is to understand how restorative ideas are translated and interpreted in programs, while reviewing the RJ literature will provide an understanding of the many ways in which RJ has been conceptualized in its field. The literature review will include both major original theorists as well as contemporary empirical studies. The reason for the inclusion of both “genres” is to be able to grasp the full scope of RJ.

The research questions which this thesis will attempt to answer are, “How does restorative justice (RJ) program documentation portray RJ conceptually? Does the way in which concepts are translated into RJ programs change the values with which the programs are associated?” The focus of these questions revolves around two things: portrayals and values. For the sake of clarity, “portrayal” will be defined as a descriptive representation of a concept. The second element of significance in the research questions is that of values. Values share similarity with portrayals in that they often form the basis of a portrayal. For example, a theorist who portrays RJ as a new way of seeing justice implies that he or she likely values relationships and communication over

punishment and retribution. For this reason, portrayals and values are both considered in the research questions due to their interrelated nature. The goal of this thesis is to discover how certain RJ programs portray RJ as a concept, while attending to the values that underlie the programs. If an RJ program is founded on an understanding of RJ that is different than those often expressed in the literature, does this indicate that the program holds different values than those expressed in the literature? The research objectives and questions will be revisited in the chapter outlining the methodological approach of this thesis.

This introduction has provided a simple, surface-level explanation of RJ and the objective of this thesis. The contents of this thesis are as follows. In chapter one, I will present a literature review of RJ's fundamental concepts in order to further explore its diversity and context. Chapter two will provide a theoretical framework for this project, consisting of an integration of the social problems construction model and sensemaking theory. Chapter three will detail the methodological approach, including its merits and limitations. This chapter will also include portrayals of RJ I have gathered from the literature, which will be used as way of informing my analysis of RJ programs. The fourth chapter will provide an analysis of my gathered results. Lastly, in chapter five, I will revisit my research questions in order to return to the central discussion of portrayals of RJ within RJ programs.

CHAPTER I: Literature Review

As RJ has been well-researched and well-theorized in recent decades, all facets of the subject cannot be covered in a project of this scope. This chapter seeks to examine the topic of RJ as exhaustively as possible while remaining relevant to the research objectives. The structure of the literature review will be as follows: first, a contextualization of RJ in order to frame its origins and importance for the research. Secondly, I will present several major themes and topics within the subject of RJ. Thirdly, I will revisit the goal and importance of the study in light of the literature.

1.1 History of Restorative Justice

Albert Eglash is purported to have been the first person to coin the term “restorative justice” in 1977; however, he used this term primarily to develop rehabilitative forms of justice. In his 1990 book *Changing Lenses*, Howard Zehr argued for a complete paradigm shift from the retributive lens (including Eglash’s rehabilitative focus) to a restorative lens in order to reconceptualize “crime” instead as a violation of human relationships.¹ According to Van Ness and Strong (2015), “crime” means something different in a restorative justice context than it does in a traditional criminal justice context:

Crime is not simply lawbreaking; it also causes injury to others. Although it may be the manifestation of an underlying injury, it also creates new injuries. A purpose of criminal justice should be [...] to heal those injuries. (p. 4)

Strimelle (2015) elaborates on this concept of “crime” as injury:

The restorative justice approach essentially aims to restore human relationships affected by various forms of conflict. Starting from the point of view that any justice response is based on the need to “do something” about a situation is deemed problematic, the restorative approach maintains that this “something” to be done is first and foremost to restore equality, an equality that is not considered here as an abstract legal-moral concept,

¹ An important note to make regarding this topic is the use of the word “crime” within a restorative context. In an RJ context, the term is not used because it is socially and criminally connoted. It is most often replaced by the terms conflict or harm.

but rather as a form of social equity, of equity in relationships where concrete links between individuals are privileged (Llewellyn & Howse, 1999). In this logic, the concept of crime is abandoned in favour of the concepts of harm, prejudice, and conflict. (p. 11)

This difference in the use of this term between a restorative and retributive context is due to the contradiction between these two approaches. One of the main sources of RJ's development was early critics' issues with the nature of the traditional criminal justice system (which will later be elaborated). Therefore, these two paradigms—restorative and retributive justice—are now often discussed in contradiction with one another. It could be perceived that the use of the term “crime” in a restorative context implies a return to traditional criminal justice system methods, thereby compromising RJ's objectives. For this reason, the term “crime” will be replaced by harm throughout the remainder of this thesis when in an RJ context. It is also important to note the same concept as it relates to “offender” and “victim,” which are traditionally penal terms. The nature of these terms will be further addressed in section 1.4 regarding RJ stakeholders.

1.1.1 Social Conditions and Movements

As previously established, RJ is a broad and complex subject and there are many sources that have contributed to its development over the course of its history. RJ, in the form we understand it today, dates back several decades to the social conditions that preceded it in the mid-20th century. Due to rising poverty during the 1950s and 1960s, governments began several initiatives aimed at community development (Pavlich, 2005). Alongside this, efforts were focused on social defence strategies to defend society against various threats, including “criminal” behaviour. This gave way to the birth of criminology departments in universities with the aim of developing “crime” control methods and conflict reduction. At the heart of these developments was communitarian discourse which sought a strengthened, interworking community (Pavlich, 2005; Strang & Braithwaite, 2001). However, this communitarian spirit as it relates to “crime” and

“offenders” began to deteriorate during later decades as society embraced a “nothing works” attitude—neither rehabilitation nor retribution seemed to deter offending. The world began to hear more critiques of the adversarial legal system; scholars described it as costly, ineffective, and alienating (Gavrielides, 2014; Pavlich, 2005).

As the welfare state began its decline in the 1970s and 1980s and neoliberalism began its ascent, this created a political arena for justice advocates to pursue policies that would allow for the decentralization of justice (Woolford & Ratner, 2010). Although both the welfare state and communitarian objectives seemed to be in decline, various movements centred on social issues continued and contributed to RJ’s development. Prisoners’ rights, victims’ rights, identity politics, abolitionism, and de-professionalization are cited as some of the movements that propagated RJ and allowed its development to flourish during the 1970s and 1980s (Department of Justice, 2018; Woolford & Ratner, 2010).

1.1.2 Restorative Justice and Traditional Criminal Justice

As the aforementioned retribution versus rehabilitation debate wavered, RJ began its practical development in the 1970s in response to critiques proposed of the traditional criminal justice system (Jin Choi, Bazemore, & Gilbert, 2012; Joyce-Wojtas & Keenan, 2016). “Traditional criminal justice” will hereafter refer to the contemporary North American criminal justice model which tends to emphasize containment, punishment, and rehabilitation. Weitekamp (1999) notes how RJ must be clearly distinguished from retributive and rehabilitative responses to “crime,” as RJ’s development stems directly from criticisms made toward these systems. Additionally, due to the issue of defining RJ, it is necessary to focus on the goals and principles of retributive and rehabilitative justice paradigms, as RJ is often defined in contrast with these (Mulligan, 2009). Retributive justice is described as a paradigm in which “crime” is perceived as an offense against

the state, and justice is served by punishing the “offender” proportionate to his or her offense (Mulligan, 2009). The traditional criminal justice system sees the state as the victim (Cayley, 1998). It focuses on broken laws and seeks to punish “offenders” in order to “restore a moral balance that was disturbed by their wrongdoing” (Wenzel, Okimoto, & Cameron, 2012, p. 26). Rehabilitative justice views “crime” in the context of the welfare state previously discussed. It focuses on the “offender” rather than the harm itself and seeks to provide treatment to modify and reduce offending behaviour (Mulligan, 2009).

Critics argue that the traditional criminal justice system’s focus on state victimization disregards the human victim of harms, and that this justice system is severely inadequate in meeting the needs of harmed persons (Goren, 2001; Jin Choi, Bazemore, & Gilbert, 2012). In most cases in the traditional criminal justice system, harmed persons are not actively involved in responding to the harms committed against them (Suzuki, 2016). Not only this, but critics argue that court proceedings often fail to provide any form of justice for harmed persons (Green, Johnstone, & Lambert, 2013). The retributive paradigm is therefore criticized for excluding the harmed person, and the same can be said of the rehabilitative paradigm. Although rehabilitation is now often favoured over retribution, many still see rehabilitation as insufficient because it also disregards the harmed person, a central stakeholder in the harm (Mulligan, 2009).

Victim exclusion is not the only affair with which critics take issue. Another concern is deterrence, one of the main justifications for the traditional criminal justice system. This principle assumes that incarcerating “offenders” deters both the incarcerated “offenders” from reoffending as well as the general public from potential offending (Cayley, 1998). Critics suggest that this is a limited view as it implies premeditation, which is often not the case. Additionally, critics argue that high recidivism rates in and of themselves show that the prison experience does not deter

“offenders” from offending (Cayley, 1998). Lastly, a major critique surrounding the welfare of “offenders” is that brutalization in prisons within the traditional criminal justice system contributes to recidivism (Woolford & Ratner, 2003). All of these criticisms emerged largely in the late 1970s from victims’ and prisoners’ advocates and were the foundation of RJ’s development, as advocates sought for alternative approaches and victim inclusion (Jin Choi, Bazemore, & Gilbert, 2012).

1.1.3 First Narrative: Origins in the 1970s

Mulligan (2009) identifies two competing narratives of RJ’s origins. Proponents of the first narrative see RJ as a recent approach to criminal justice that began in the 1970s, following both the social conditions and critiques of the traditional criminal justice system discussed previously. This is the origin of RJ programs in terms of the way we understand them today. This was not yet understood completely as restorative justice until around the 1990s; RJ simply began as mediation practices in the 1970s (McCold, 2006). During these procedures, a neutral third party facilitated a dialogue between the wrongdoer and harmed person. Each party was encouraged to discuss how they had been affected, and ideally, a mutually satisfactory agreement was written.

Some cite the Minnesota Restitution Center as the practical origin of mediation models in 1971 (McCold, 2006), while others cite the “Kitchener Experiment” in Ontario in 1974 (Department of Justice, 2018; Van Ness & Strong, 2015). In the latter case, two young men vandalized the houses and cars of 22 individuals. Mark Yantzi, a probation officer, and Dave Worth, a volunteer from the Mennonite Central Committee, suggested that meeting with the harmed persons would have a more profound effect on the young men than would prison or probation. The judge, although initially resistant to the idea, agreed to it and after positive results, began to order more cases toward this route. In the 1980s in Yukon, First Nations peoples and local justice officials began to develop partnerships leading to the development of peacemaking

circles, with the aim of building shared responsibility for handling problems of harms (Coates, Umbreit, & Vos, 2003). Over the past several decades, RJ principles and practices have gained popularity around the globe. Mulligan (2009) states that they have influenced juvenile justice systems in Australia, Canada, Hong Kong, Israel, South Africa, and much of Western Europe. The different varieties of RJ models will be further explored in section 1.5.

1.1.4 Second Narrative: As Old as Human History

The second narrative of RJ's origins claims that it takes inheritance from earlier generations of human society (Department of Justice, 2018; Mulligan, 2009; Woolford & Ratner, 2010). Subscribing to this view, John Braithwaite alleges that RJ has been the dominant model of justice throughout most of human history, and Howard Zehr contends that our current criminal justice paradigm has only governed our understandings of justice for a few centuries (Department of Justice, 2018). This second narrative sees the origins of RJ in hunter-gatherer societies: "When members of an outside clan committed a crime, clan elders facilitated negotiations between the clans. These negotiations generally ended in some form of compensation" (Mulligan, 2009, pp. 142–143).

Likewise, Weitekamp (1999) points to the two categories of human societies: acephalous (non-state) and state societies. Acephalous societies were the only type of human community for around 30,000 years. They did not have rulers, but rather held kin-based social organizations and collective responsibility (Weitekamp, 1999). Individuals were strongly bound to the group, which reduced the likelihood of conflict and selfish interests. This style of social organization meant that a formal legal system was unnecessary since every member was vital for the life of the group. If trouble occurred, society regained its balance by doing something for the harmed person or to the wrongdoer. Resolutions were most often achieved through blood revenge, retribution, ritual

satisfaction, or restitution (Weitekamp, 1999). Restitution was among the most common of responses and blood revenge was usually only used in the case of homicide.

One such type of social group which directly influenced the development of RJ are the native Indigenous communities of what is contemporarily called Canada. Prior to the infliction of Western law on Indigenous peoples, there existed unique Indigenous legal traditions which were used to prevent or minimize conflict within communities (Chartrand & Horn, 2016). These traditions were largely motivated by notions of healing and reconciliation, according to the values of community and relationships. Kinship was and still remains a central component of Indigenous legal traditions. Kinship networks enabled communities to thrive and also produced legal obligations and responsibilities related to the others in the family, clan, or nation (Chartrand & Horn, 2016). Therefore, kinship networks were multidirectional, meaning each member worked together to maintain the network through his or her responsibilities. Contemporary RJ practices therefore show the influence of Indigenous legal traditions. Likewise, Weitekamp (1999) points to the widespread use of RJ in acephalous societies, suggesting that punishment was the exception rather than the norm. These systems of conflict resolution were largely extinguished during the 12th century by colonizers and eventually a state-controlled method of criminal justice was imposed (Weitekamp, 1999). “Crime” was then defined as a violation of the King’s peace rather than a violation of the harmed person (Mulligan, 2009), although the term “crime” did not exist prior to the enactment of the Criminal Code.

However, Sylvester (2003, as cited in Mulligan, 2009) claims that scholars adhering to the second narrative have gone too far in their effort to legitimize RJ according to ancient practices. Critics claim that although somewhat true, this narrative is oversimplified. For example, in earlier Inuit regulation systems, people who did not or could not pay the harmed person were taken into

slavery or executed (Mulligan, 2009). Therefore, scholars with this point of view claim that it was “the deterrent effect of slavery or physical punishment rather than the desire for restoration [that] often drove the retribution process” (Mulligan, 2009, p. 146). Likewise, in Indigenous traditions, although restoration and reintegration were often the priority, their regulation systems were not purely restorative. For example, in Anishinabek society, if a member was thought to be possessed by the cannibalistic spirit of the Wetiko, and attempts at healing were unsuccessful, the person was likely executed to ensure the safety of the community (Chartrand & Horn, 2016). These examples, among many others, suggest that this picture of the “golden age” that scholars have painted is inaccurate. RJ did not exist in all societies, and when it did, there were often overlapping systems of punishment and restoration (Mulligan, 2009). It must be noted that this argument does not discount the influence of Indigenous legal traditions on RJ’s development, as this is a significant piece of RJ’s history. Rather, this argument is meant to show that some RJ scholars have attempted to use restorative practices of the past as a means of fully legitimizing RJ in the present. Although this history contains some truth, other scholars such as Mulligan (2009) attempt to show the pieces left out by those who adhere to the second narrative.

1.2 Restorative Justice Values

Although RJ often evades definition, it is often described in terms of what values are held at its core. Similarly, RJ is often defined through contrasting its core values with those of the traditional criminal justice system. Toews (2013) states that different values contribute to different experiences in the justice system. As such, these values are necessary in any discussion of RJ. However, we must be careful in ascribing the term “traditional” to common values of RJ as this potentially implies a few things. Firstly, tradition is not inherently positive and is not necessarily a reference we must follow. Additionally, the term traditional justice is often used to describe

Aboriginal forms of justice that inspired the restorative approach. Throughout the remainder of this thesis, it should be known that “traditional restorative justice values” do not solely refer to Aboriginal traditions, nor always positive references I believe the restorative approach should follow. The use of the term traditional in this context refers to commonplace values discussed in the traditional RJ literature in its beginning decades.

First and foremost, we must attend to the notion of harm as it is central to the concept of RJ (Van Ness & Strong, 2015; Zehr, 1990). As previously discussed, a foundational tenet of RJ is its differentiation from the traditional criminal justice system in use of terms. “Crime” is the foundation of the criminal justice system whereas “harm” is the foundation of a restorative approach. Attending to harm is therefore a primary value in RJ discussion.

Voluntariness is another key value as this begins and directs the RJ process (Latimer, Dowden, & Muise, 2005; Mesmaecker, 2013; Shapland, 2014; Toews, 2013). Voluntary participation is necessary in RJ cases. This not only refers to the commencement of a case, but to the entire process. Voluntariness for all stakeholders is considered a main tenet by many RJ scholars as coercion is considered to be a value of the traditional criminal justice system. As such, Braithwaite (2002) also maintains that non-domination is one of the crucial standards of RJ. However, although voluntary participation is valued by many RJ scholars, it is also a point of contention among others. In the following section, I discuss the theoretical debate between maximalist and purist RJ camps, with voluntariness being one issue of debate.

During an RJ process, respect for all stakeholders is another main value (Braithwaite, 2002; Toews, 2013). All parties are seen as members of the case with legitimate needs (Goren, 2001), and Zehr (2002) argues that without respect, RJ cannot be done restoratively. Braithwaite (2002) likewise highlights the importance of respectful listening between parties. This is seen in contrast

with the traditional criminal justice system which is described as dominating and exclusive (Toews, 2013).

Coinciding with respect, inclusivity is often emphasized as a foundational principle in RJ (Braithwaite, 2002; Crocker, 2016; Gavin & MacVean, 2018; Shapland, 2014). All parties are respected as valuable individuals with a say in the case at hand; thus, Braithwaite (2002) states that equal concern must be upheld for all stakeholders. Each stakeholder is ideally equally included in the process and given the chance to speak, participate, and grow.

Stemming from one's equal inclusion and opportunity to grow is the value of empowerment. Maglione (2019) states that RJ endeavours to enfranchise harmed persons by producing safety and healing during an RJ process. Braithwaite (2002) discusses empowerment as a constraining standard, which he describes as a standard which specifies precise rights and limits in an RJ process. These standards are considered necessary within RJ practice, while maximizing standards are good consequences in and of themselves that may occur alongside constraining standards. In his observational study on youth conferencing in New South Wales, Bolitho (2012) identified that empowerment, based on Braithwaite's constraining standard, was met on all occasions and was as such a major factor in RJ processes.

A final major value within RJ is that of healing or restoration (Bolitho, 2012; Braithwaite, 2002; Crocker, 2016; Toews, 2013). Crocker (2016) emphasizes the healing of relationships through dialogue, while Bolitho (2012) likewise highlights the importance of community restoration. Braithwaite (2002) lists the restoration of human dignity, of relationships, and of communities within his maximizing standards, meaning they are not necessary outcomes of RJ, but are desirable outcomes and thus major values. Although the term restorative justice may suggest that restoration should be the main goal, not all scholars uphold an outcome-driven

perspective on RJ (Suzuki, 2016). Thus, healing and restoration continue to be significant values, while not necessarily imperative goals. The major goal in RJ is to promote dialogue between the affected parties, while restoration remains a desirable outcome.

Scholars highlight other values often cited within RJ circles such as accountability (Braithwaite, 2002); truth-telling (Latimer, Dowden, & Muise, 2005); care, self-determination, and humility (Toews, 2013); confidentiality and impartiality (Mesmaecker, 2013); and safety (Shapland, 2014).

1.3 Theoretical Tensions: Maximalist and Purist Restorative Justice

An important facet in the literature to discuss is the conflict between maximalist and purist (or minimalist) camps. These theoretical positions are comprised of debates regarding definition, use of coercion, and the role of the state. Marshall's (1996, p. 37) definition of RJ is most used within purist circles: here, 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." As its name suggests, the purist camp holds a strict view of RJ that "allows for no compromise in form" (Johnson, 2018, p. 10). According to Suzuki (2016), Marshall's definition has been criticized for being too broad in that it does not refer to any possible outcomes, therefore lacking boundaries on the types of processes that can be included. In contrast, Bazemore and Walgrave (1999, as cited in Broughton, 2011, p. 18) provide a maximalist definition in response to the limitations of the purist definition: to them, RJ is "every action that is primarily oriented toward doing justice by repairing the harm that has been caused by crime." This definition focuses on outcomes and is not limited to a specific process. However, it has been criticized because it does not reference stakeholders, nor does it hold any challenge to the retributive justice paradigm (Suzuki, 2016). In response to the critiques made of both approaches, Suzuki (2016) suggests that

it would perhaps be more fruitful to view both process and outcome along a continuum from less restorative to more restorative.

The second and third areas of contention within this theoretical debate are the issues of voluntariness versus coercion, and the role of the state. Purists tend to propose a voluntary approach wherein potential stakeholders have the choice to participate in an RJ process, and more serious harms are reserved for traditional criminal justice proceedings (Strimelle, 2015). Maximalists criticize this approach, urging that if we are to adopt the purist model, restorative values will not reach their full potential. From the maximalist perspective, the state should play a role in RJ by introducing coercion when the will to participate is absent, or when stakeholders cannot come to an agreement. Purists argue that the state should have no role in the implementation of RJ. In the purist approach, RJ models can only be realized and developed outside of a penal framework (Strimelle, 2007). As Johnson (2018, p. 16) notes, this issue of the institutionalization of RJ is indeed at play in the Canadian criminal justice system: “[RJ] can [be] and is used at any stage of the justice system, from pre-charge to post-sentence.” In Canada, forms of RJ are usually reliant on state funding; thus, it appears to be unable to fully carry out its goal of replacing the traditional criminal justice system. In short, RJ practices do not currently challenge the status quo of the criminal justice system as they have become an additional, optional response (Johnson, 2018). However, whether one chooses to identify with a purist or maximalist approach, this theoretical debate only further exemplifies the central issue of this thesis: competing understandings of RJ.

1.4 Stakeholders

As previously shown, a major piece of RJ’s history is its development as an alternative intended for “victim” inclusion, in contrast with most traditional criminal justice proceedings. RJ

methods and programs are largely based on promoting dialogue and interaction between the stakeholders in a given case. Traditionally, these approaches include the wrongdoer(s), the person(s) who has/have been harmed, and their respective communities when possible. Many of the authors presented within this section indeed use penal vocabulary (e.g., victim and offender) because restorative concepts have historically been used in programs developed within the penal system. However, to avoid alignment with the traditional criminal justice system, it is important to use non-penal vocabulary in discussing stakeholders. The “fathers” of RJ attempted to distance themselves from a penal framework; therefore, penal vocabulary will here be replaced by RJ vocabulary.

1.4.1 Wrongdoers

There is much research describing wrongdoers and their experiences within criminal justice (Bouffard, Cooper, & Bergseth, 2017; Cesaroni, 2001; Doherty, Forrester, Brazil, & Matheson, 2014; Galgano, 2009; Jones, 2014; Petersilia, 2001; Ruddell, Broom, & Young, 2010), as RJ scholars duly note. Within the context of RJ, Goren (2001) asserts that wrongdoers need the opportunity to accept responsibility for their offenses, and that they need to be properly reintegrated following the conclusion of their cases.

1.4.2 Harmed Person(s)

Although all parties in an RJ process are seen as stakeholders with legitimate needs (Goren, 2001), the literature tends to emphasize harmed person(s) and communities in RJ programming due to their exclusion from traditional criminal justice measures (Zehr, 2002). Due to RJ’s origins as a movement focused on victim inclusion, the literature often focuses on the experiences of harmed persons and the importance of communities.

It is important to note in this section the impact of victimology, which is the scientific study of “victims” and their experiences (Pettler, 2016). According to Pettler (2016), victimology focuses on the lifestyle, personality, behaviour, and other aspects of victims of harms. Victimology stems largely from identified gaps in social research due to victim exclusion. For example, the significance of studying victims and their experiences is evident when examining the Uniform Crime Report, as not every harmed person reports every “crime” to the police (Pettler, 2016). Therefore, this shows the importance of studying the harmed person, which has been a significant piece in the historical development of RJ (Vanfraechem, Bolívar Fernández, & Aertson, 2015).

According to Jin Choi, Bazemore, and Gilbert (2012), harmed persons report feelings of exclusion in the traditional criminal justice system. Many desire more participation in their cases, more information about case processing and outcomes, respectful and fair treatment from justice agencies, and restoration—both material and emotional (Gal & Moyal, 2011; Jin Choi, Bazemore, and Gilbert, 2012; Vanfraechem, Bolívar Fernández, & Aertson, 2015). One goal of further including harmed persons in RJ processes is to meet these needs and provide an opportunity for their interests to move to the forefront of the case (Goren, 2001; Johnstone, 2011). It is often assumed that harmed persons’ interests with a given harm align with those of the wider public, who usually wants the incapacitation of the wrongdoer (Johnstone, 2011). However, this may not always be the case. Johnstone (2011) provides a pertinent example which demonstrates, from the viewpoint of a harmed person, the importance of emphasizing harmed persons’ interests:

A crown prosecutor might argue that a particular offender should go to prison in the public interest. If the offender’s victims had a voice in the process, they might well point out that by sending the offender to prison and thereby preventing them from earning money, the court prevents them from compensating the victims, where compensation may be of more value to them than any satisfaction or sense of security which they might receive from knowing that the person who caused them pain is suffering in return. (p. 55)

Not only do RJ processes allow for such interests to surface, but Smith (2010) also suggests that RJ may better enable harmed persons to live in accordance with their own conceptions of good than do traditional criminal justice methods. Empirical data often shows that the public supports punitive measures against wrongdoers, but Walgrave (2011a) points out that there is also considerable data demonstrating public acceptance of restorative responses. There are numerous studies showing participant satisfaction with restorative processes, from both the harmed person's and wrongdoer's perspective (Armstrong, 2012; Umbreit, Coates, & Roberts, 2000; Van Camp & Wemmers, 2013). Albeit this often does depend on type of harm—restorative measures are usually not favoured in cases of burglary or sexual assault. However, there are some who view RJ as the ideal response to all types of harm. For example, the Center for Restorative Justice and Peacemaking in Minnesota, founded by Mark Umbreit, is described as specializing in “trauma-informed practices for severe and violent crimes” (University of Minnesota Duluth, 2020).

Therefore, this growing body of evidence in public support of restorative measures perhaps displays changing attitudes toward harms and wrongdoers. Although much evidence refers to the public who is usually not personally involved in the harm, it is possible that “victims” of less serious offenses may adhere to these changing attitudes as well. Indeed, Sessar (1999, as cited in Vanfraechem, Bolívar Fernández, & Aertson, 2015) asserts that the perspectives of harmed persons are not as punitive as one would assume; they may often prefer to lean toward restitution, rehabilitation, and other methods. One could theorize several reasons for these new preferences. Dissatisfaction with the results of retributive and rehabilitative responses to harms and a desire for human connection and reparations through dialogue serve as just two possibilities.

1.4.3 Community

Another stakeholder in RJ which has frequently been neglected in traditional criminal justice is the community. In early versions of RJ, the only stakeholders involved were harmed persons and wrongdoers, but communities began to be further integrated in RJ processes as critics saw this dyad as too private (Johnstone, 2011). Additionally, the importance of community in RJ emerges with the influence of Indigenous traditions and their reliance on kinship networks. Although some program formats still focus mainly on a “victim-offender” dialogue, many now involve a wider range of stakeholders (Johnstone, 2011). According to Johnstone (2011), the main goals of including the community as a stakeholder are moral development and community strengthening.

Skeptics may argue that with the current state of weak community ties in Western societies, RJ processes with community as a primary stakeholder are unsustainable. For example, Braithwaite (1993, as cited in Johnstone, 2011, p. 41) claims that his ideas surrounding RJ have been dismissed as “resting on a romantic plea for a bygone communitarian era.” After all, in some ancient societies where restorative responses to wrongdoing were the norm, close emotional bonds were also the norm (Johnstone, 2011). However, Johnstone (2011) argues that RJ holds a future in our current society, as it is not entirely individualistic. Although communitarian societies are the ideal setting for restorative processes, most members of traditionally individualistic societies, such as in North America, hold emotional ties to other community members. These other members may not be immediate neighbours and may not be groups as large and numerous as in ancient societies where restorative responses to wrongdoing were the norm. However, this does not mean that more individualistic societies disregard the values of community and close bonds. RJ processes therefore

need not depend on stakeholders' immediate geographic communities—they can instead work with the stakeholders' personal communities (McCold, 1996, as cited in Johnstone, 2011).

1.5 Models

A variety of RJ models in Canada are available to those who consent to participate. Three major types will here be presented in order to contextualize RJ and its functions within the field of criminal justice: mediation, conferencing, and circles. It is important to note that these models and programs are mainly included in the penal system rather than being alternatives to it.

1.5.1 Mediation

As mentioned previously, early models of mediation in the 1970s are considered to be the origin of RJ for many scholars. Generally, the scheme of mediation processes involves a neutral third party who facilitates a dialogue between the harmed person and wrongdoer (McCold, 2006; Presser & Van Voorhis, 2002). These stakeholders discuss how the harm has affected them and work to develop a mutually satisfactory written restitution agreement, as well as a follow-up plan. Mediation is based on the understanding that both parties in an offense have a common interest in setting wrong to right (Cayley, 1998). According to McCold (2006), following the early independent examples of mediation processes, the practice of restorative mediation evolved into three models: legal-based community mediation, faith-based victim-offender reconciliation programs (VORP), and social work-based victim-offender mediation (VOM). Community mediation was constructed based on early theorizing about criminal restitution that directly foreshadowed RJ (McCold, 2006). This scheme of mediation is described as settlement focused. VORP began with the aforementioned Kitchener Experiment in 1974. In 1978, the second VORP program was developed in Elkhart, Indiana, with support from the local Mennonite community (McCold, 2006). Mennonites in Canada and the U.S. then articulated the principles of RJ which

contributed to Zehr's influential book *Changing Lenses*. Lastly, the faith-based concepts underlying VORP were secularized in the creation of VOM, which were also combined with techniques from the community mediation model (McCold, 2006). VOM is described as dialogue focused.

1.5.2 Conferencing

Conferencing is similar to mediation in that it includes harmed persons and wrongdoers with the goal of promoting reconciliation between the two parties. However, its most notable difference is that a wider array of participants is generally included (Van Ness & Strong, 2015). The conferencing model was brought into being in 1989 with New Zealand's *Children, Young Persons, and Their Families Act* (Cayley, 1998). The New Zealand government's goal with this Act was to divert more young wrongdoers away from the Youth Court, following five years of monitoring the impact of that system on Maori communities (Van Ness & Strong, 2015). Conferencing is largely based on Maori principles of communitarianism and family ties. Removing a child from the family is viewed as destructive in Maori culture, as it impairs the family dynamic (Van Ness & Strong, 2015). Within a conferencing model, the aim is to provide everyone in the case an opportunity to express their thoughts regarding the offense (Cayley, 1998). Once all stakeholders have presented their positions, they must reach a settlement which is satisfactory to all involved.

McCold (2006) presents five varieties of conferencing. Family Group Conferencing (FGC) began in 1986 in New Zealand with the Children and Young Persons Bill, which proposed child protection through the involvement of parents, family groups, and multi-disciplinary teams of professionals. Family Group Decision-Making (FGDM) developed in the U.S., Canada, England, and Australia in the 1990s as a replication of the FGC child welfare model. FGC was criticized for

not going far enough to encourage empowerment; thus, FGDM set a new measure for empowering and restorative social work. Family Unit Meeting (FUM) involves professional social workers and extended family members who collaborate to plan for the care and protection of family members. One difference between FUM and FGC is that in the former, parents are able to veto which family members are included. Police conferencing (the Wagga model), originating in Wagga Wagga, Australia in 1991, is a problem-oriented policing model. Finally, community conferencing deals with wrongdoing in many contexts such as schools, workplaces, and youth organizations. It uses the Wagga Wagga script but extends further by explicitly including principles of RJ and Braithwaite's reintegrative shaming theory to develop conference dynamics.

1.5.3 Circles

Lastly, RJ models include circles, which center around traditional Aboriginal concepts of freedom and individuality (McCold, 2006). Restorative circle models were created by professionals in the justice system with the aim of community involvement in "criminal" cases. The first known application of the circle model occurred with a 26-year-old wrongdoer in Mayo, Yukon who had been in and out of various institutions due to a history of alcohol abuse and 43 criminal convictions (Van Ness & Strong, 2015). After conversations with First Nations leadership, the judge created a circular setting in the courtroom to create space for the judge, lawyers, police, First Nations officials and members, probation officer, harmed person, and other community members. This case consisted of an informal discussion around the circle and all members had the opportunity to participate in the dialogue in order to reach a case settlement. Now, this model exists in much of North American and is beginning to appear in other continents.

According to McCold (2006), there are three varieties of restorative circles, all with differing purposes. Peacemaking circles center around traditional Navajo conflict resolution

practices: living in right relationship. When a person feels wronged, he or she first demands that the perpetrator put things right. The stakeholders then work to adjust the relationship, but if this fails, the wronged person may turn to a community leader to facilitate a non-confrontational peacemaking process. Healing circles began with the Hollow Water Healing Program in Manitoba. This program responds to cases of incest and sexual assault, seeking to heal human connections and dignity, as well as address the conditions that enabled the violence to occur. Lastly, sentencing circles, beginning in Yukon in 1991, are a community-focused process that partners with the criminal justice system to develop consensus on a sentencing plan. In this format, traditional circle rituals are used to create a respectful place. The involved community members can share their perspectives in search of a true understanding of the event. Following this, the members identify steps for healing the affected parties and preventing future offenses.

1.6 Cautions in Restorative Justice

While many RJ theorists tend to frame the traditional criminal justice system as corrupt and over-romanticize RJ, it would be naïve to study this form of regulation without addressing potential weaknesses and downfalls. There are a few weaknesses duly noted in the literature which will here be presented before continuing to the following chapters.

1.6.1 “Rehabilitation Repackaged”

In the first chapter of his book, Johnstone (2011) offers some pertinent critiques regarding the way we approach RJ as a concept. One tendency in the criminological field is to view RJ as “rehabilitation repackaged” (Johnstone, 2011, p. 4). Especially since RJ is now implemented within correctional institutions (Department of Justice, 2017a), the focus on rehabilitation within criminological discourse has permeated RJ and can often divert attention from its true nature. Although RJ does include and can often prioritize the rehabilitation of the affected parties, its

primary focus is placed on the harmed persons and equitable dialogue between stakeholders. Johnstone (2011) argues that RJ is not “rehabilitation repackaged” for this reason. The origins of RJ, as a movement for “victim” inclusion, suggests that there should be an emphasis placed on the harmed person and his or her experience. Johnstone therefore urges caution in approaching RJ with such a rehabilitative mindset.

1.6.2 Good Intentions versus Good Outcomes

RJ is often praised for its opposition to the traditional criminal justice system, which is constructed as cruel, ineffective, and outdated. The modern prison was conceived approximately two centuries ago as an alternative to corporal and capital punishment (Zehr, 1995). Zehr (1995) argues that the goals and intentions of the Quakers and others who pioneered this movement can be viewed as similar to the naivety of many RJ proponents. The modern prison movement was developed “with the best of motives, but in reality [it] created a monster” (Zehr, 1995, p. 207). Johnstone (2011) offers a similar critique, warning that although the RJ literature is seemingly packed with benefits, one must be aware of the ways in which implementing RJ as an ideal form of regulation could indeed make things worse. Notably, one could perceive that a shift toward RJ represents the trivialization of evil (Johnstone, 2011). In this model, it could be perceived that wrongdoers are no longer subjected to punishment for the wrongs they have committed. Daly (2001) contends that for this reason, there must be conversation surrounding the use of punishment in a restorative context. The Quaker lesson and various concerns for worsening conditions serve as warning signs for the RJ movement, suggesting that reforms may always be subject to diversion.

1.6.3 Diversion and Co-optation

The history of RJ has shown how the concept has transformed over time, leading to the present difficulty in defining it. In recent years, the scope of the RJ movement has continued to

shift and extend and is now applied within novel fields. For example, organizational sites such as schools and workplaces have begun to embrace the RJ model in their conflict resolution approaches (Daly, 2016). Additionally, Daly (2016) notes that RJ has even extended to projects of political reconciliation in responding to events such as the history of slavery and instances of mass violence and genocide. Not only is RJ extending to new fields, but it is also expanding within its original criminological field. Shapland (2014) draws attention to a declaration from the Minister for Prisons and Rehabilitation in England and Wales in 2012. When the Crime and Courts Act (2013) was to be enacted, RJ would then be accessible at every stage of the criminal justice process. According to Shapland (2014), this newly envisioned era in England and Wales intends to see RJ made available for both adult and young wrongdoers who have committed either serious or less serious offenses. Directives put forward by the European Union and the Council of Europe also see RJ as needing to be extended to all cases and all offenses (Shapland, 2014). Initially, this reads as a promising extension; however, it also raises questions regarding the original nature of RJ. In its beginnings, RJ was provided to young wrongdoers and focused primarily on less serious offenses (Shapland, 2014). Although the extension of RJ to all cases and wrongdoers does not necessarily pose a risk to its nature, one must question whether continuously expanding the scope of RJ can lead to the loss of its original reparative and contextual meaning.

Additionally, scholars point to processes of RJ co-optation by the traditional criminal justice system (Shapland, 2014; Zehr, 1995). Co-optation is commonly defined as “a taking over or appropriation of something for a new or different purpose” (Co-optation, n.d.). Zehr (1995) highlights the threat of co-optation, noting that methods designed to become alternatives to the criminal justice system may indeed be distorted into strengthening it. This is a major concern in current discussions of RJ, considering the many RJ programs that are funded by and operated

within the Correctional Service of Canada (Department of Justice, 2017a). The question here is whether a justice system guided by values that contradict restorative values can fund and administrate RJ programs. Additionally, the involvement of police, prosecutors, and sentencers in referring RJ cases suggests that it is indeed becoming more linked with the criminal justice system (Johnstone, 2011; Shapland, 2014). Zehr (1995) proposes that part of the solution to the issue of co-optation lies in emphasizing alternative values rather than alternative processes. Therefore, it is important to direct attention toward the existence of RJ programs within a criminal justice context and consider what impact this may have on the fundamental values directing RJ processes.

1.6.4 Restorative Justice as a Potential Threat to Human Rights

This understanding of RJ is not largely acknowledged in the literature; however, it is important to attend to, nonetheless. Skelton (2019) argues for RJ as a potential threat to human rights by beginning her discussion with rights that are generally safeguarded in the traditional criminal justice system. There is a concern that participants may be surrendering these rights when opting for RJ. Two significant rights which emerge in traditional criminal justice are the right to a fair trial and the rights of “victims.” In the traditional criminal justice system, an individual charged with a “crime” has the right to a public trial by a competent and impartial court, and his or her innocence is presumed. Additionally, the rights of victims continue to be developed in traditional criminal justice. The victims’ rights movement has fought for the right to be informed about the development of one’s case as well as the right to greater participation in one’s case.

In light of these rights within traditional proceedings, Skelton (2019) critiques RJ by discussing the potential loss of these rights in restorative proceedings: firstly, regarding the right to a fair trial and presumption of innocence. In a restorative process, the starting point is with the wrongdoer’s admission of guilt or responsibility, as RJ can only proceed when the harmed person

and wrongdoer are clearly identified. There is a concern here that requiring a guilty admission prior to beginning RJ removes the right of presumption of innocence and the right to silence of a suspect (Skelton, 2019). The wrongdoer here is no longer a suspect but the identified “offender.” Secondly, regarding the risk to the rights of victims, there are three significant concerns. The primary concern is the risk of coercion. One landmark value of RJ is voluntary participation (Mesmaecker, 2013; Shapland, 2014; Walgrave, 2011b). However, victims presented with the option of participation in RJ may still feel coerced to do so, due to potential perceived pressures from wrongdoers, mediators, or communities. Another concern relates to an unconscious power discrepancy in an RJ setting. Skelton (2019) posits that we should not assume that factual consent breaks down the power imbalances that are often inherent within social interactions. Lastly, although RJ is frequently described in the literature as emphasizing harmed persons, many studies show a tendency toward focus on wrongdoers in practice (Skelton, 2019).

1.7 Recap: Importance of the Topic

Given its rising popularity over the past several decades, RJ is an important subject to study. With many scholars advocating for RJ as a major component of or alternative to the traditional criminal justice system, attention to the topic is warranted. Indeed, RJ has received much scholarly attention in recent years. Scholars have studied RJ’s effectiveness (Bergseth & Bouffard, 2013; Latimer, Dowden, & Muise, 2005), participant satisfaction (Armstrong, 2012; Umbreit, Coates, & Roberts, 2000; Van Camp & Wemmers, 2013), and values (Braithwaite, 2002; Crocker, 2016; Mesmaecker, 2013; Toews, 2013; Zehr, 1995), and have discussed RJ as component of, or alternative to, the traditional criminal justice system (Johnstone, 2011; Latimer, Dowden, & Muise, 2005; Zehr, 1995). However, an area in which RJ remains understudied is in examining portrayals within practical programs. As this literature review has shown, there are

numerous debates in the field of RJ, and this is especially true when it comes to understanding the “core meaning” of RJ, which is the focus of this thesis.

1.7.1 A Contested Subject

Since RJ was emerging over several decades as a critique of the prevailing justice paradigms, it was not originally theorized as a coherent program (Wenzel, Okimoto, & Cameron, 2012). Many social conditions and movements paved the way for the development of the first RJ program models, which were later theorized and analyzed in academic circles. Some call this the birth of RJ, yet others call it a re-birth, drawing attention to the claim that RJ is an ancient way of dealing with harms (Johnstone, 2011; Weitekamp, 1999). As discussed in section 1.1.3, the emergence of RJ took on various forms during its practical conception, including mediation, conferencing, and circles. Over the course of several decades, this non-homogeneity in origin has led to RJ as a contested subject. Many theorists and researchers agree that RJ has become difficult to define and conceptualize. Perhaps the first unanimous characteristic of RJ is that it is nearly impossible to agree on one definition and way of portraying it. Boyes-Watson (2019) describes it as akin to the blind man and elephant phenomenon—depending on which part of the movement you touch, the shape and feel of RJ can vary widely. RJ has served as a template for activist movements, a theory of justice, a set of values, an evaluative concept, a paradigm shift, and a penal alternative (Boyes-Watson, 2019; Daly, 2016; Latimer, Dowden, & Muise, 2005).

1.7.2 Theoretical Impact

It is for this reason that it is important to study different portrayals of restorative justice. With increasing interest in RJ in the criminological field, it is necessary to holistically examine and compare theoretical and practical facets of RJ. According to Joyce-Wojtas and Keenan (2016, p. 51), how a problem is “language[d]” influences how the problem is depicted, understood, and

addressed. Similarly, according to Borton and Paul (2015), since the meaning of justice can vary by person and situation, it is important to explore how these meanings are constructed. If we cannot conclusively define or conceptualize a phenomenon, this raises implications for the nature of the phenomenon, as well as its practice and applicability. Meaning, if the understanding of a concept is constantly shifting, how do we identify or maintain the core principles? How do we know which understandings practical programs have been built on? How do we discern when a concept has expanded so much that it no longer resembles its original principles? Theoretically, this study serves to provide some clarity by showing which understandings of RJ are guiding the programs from which I collect my data. Since the field of RJ is complex and multi-faceted, I hope to provide some grounding and simplicity on the subject.

1.7.3 Social Impact

Socially, the findings of this study are significant for those involved in RJ programs. There are implications for different actors within restorative processes, as scholars note that one's role can often affect the way in which one defines, understands, and experiences RJ (Crocker, 2016; Daly, 2016; Gavin & MacVean, 2018; Mesmaecker, 2013; Paul & Dunlop, 2014). The disagreement in the field of RJ can surely affect stakeholders (harmed persons, wrongdoers, and communities) in restorative processes as they are the targets of restoration. Wenzel and colleagues (2008) note how harmed persons' notions of justice following a transgression depend largely on how they understand the incident and their own relationship with the wrongdoer. These factors can affect whether one chooses to adopt a retributive or restorative notion of justice. Undoubtedly, in order for harmed persons to choose a justice approach which meets their needs and goals, they must wholly understand such approaches. These implications are similar for wrongdoers as they are also important stakeholders in restorative processes.

Understanding portrayals of RJ also holds implications for practitioners and facilitators. There has been much research on practitioners' understandings of RJ and how they contribute to program facilitation (Borton & Paul, 2015; Crocker, 2016; Daly, 2016). Understandings are important to examine in this vein. If practitioners in similar programs hold different understandings of what RJ is and how it should be implemented, there are bound to be implications for program outcomes. For example, Crocker (2016) notes how a portrayal of RJ that references traditional criminal justice system values can lead to compromise in practice. In other words, since RJ is often framed as countering the traditional criminal justice system, if one's portrayal of RJ shares some traditional criminal justice goals, there runs a risk of compromising values in RJ practice.

CHAPTER II: Theoretical Framework

2.1 Theory and Theoretical Thinking

It is important to consider the definitions and functions of theory prior to its use. Turner (2009) draws attention to various theorists' contemporary definitions of theory in the social sciences. According to Wallace (1969, as cited in Turner, 2009), theory—which is part of the general process of sociological enquiry—has two crucial roles. Before the inquiry, it specifies the factors that the researcher should be able to capture, and after the inquiry, it serves as a common language that can be translated for the purposes of comparison and integration with the results of other researchers. To Jenkins (2002, as cited in Turner, 2009), theory “involves the creation of abstract models of those observable realities in order to aid our better understanding of what goes on in the world of humans.” Therefore, Turner (2009) notes that to many theorists, theory focuses on three main areas. Firstly, the relationship between concepts and facts; secondly, the relationship between scientific inquiry and moral judgment; and thirdly, the relationship between academic work and the wider society. Craib (1992) notes the role and importance of systematization in theory. Although a completely objective and unbiased attempt at social science is not feasible, a steady and systematic approach to gathering knowledge about the social world is emphasized in the practice of theory (Craib, 1992). This gathering of knowledge can then provide clarity on structures and patterns in the social world and often lead to further areas of study.

This overall understanding of theory is useful; however, some authors point to a different approach to theorizing, drawing attention instead to theoretical thinking. The word “theory” holds both frightening and boring implications for many students. For many, the process of theorizing involves learning *what* various theorists have said—one simply takes in the information and regurgitates it when necessary. Craib (1992) states that naturally, knowing what theorists have said

is part of the process, but the goal should extend further—it is also a matter of learning to think theoretically. Talcott Parsons (1949, as cited in Berger & Luckmann, 1966) exemplifies this in saying:

The primary aim of the study is not to determine and state in summary form what these writers said or believed about the subjects they wrote about. Nor is it to inquire directly with references to each proposition of their ‘theories’ whether what they have said is tenable in the light of present sociological and related knowledge. [...] It is a study in social *theory*, not *theories*. Its interest is not in separate and discrete propositions to be found in the works of these men, but in a body of systematic theoretical reasoning. (p. 29)

Likewise, Becker (1998) points out the distinction between systematic theories and theoretically informed ways of working. Whereas the former is designed to provide conceptual boxes into which we fit the world, the latter can consist rather of a collection of generalizing “tricks” to use to think about society. According to these authors, thinking theoretically can then be understood as using a theoretical framework as a lens through which we view a particular research issue or object. While using a theory may lead the researcher through a systematic and standardized approach, theoretical thinking may instead open an avenue for new possibilities for interpretation that might otherwise remain hidden. Given this understanding of theory, it is easy to recognize everyday circumstances in which we think theoretically. When causes of an event are not immediately obvious, we draw from experience and ideas in order to find an explanation (Craib, 1992). This everyday process is not as systematic and rigorous as the practice of theory. In these cases, we are not necessarily drawing from specific theories to make sense of our situations, but we are rather thinking theoretically through particular lenses in order to create concepts and explanations about our experience.

2.1.1 What and How Do Theories Explain?

Theories are largely concerned with two areas of explanation. Firstly, they are concerned with the nature of the world (ontology). What sorts of things exist and what are the different forms

of existence (Craib, 1992)? What is the nature of reality and what can be known about it (Guba & Lincoln, 2004)? In a context specific to the social sciences, these questions concern the social world and what of it is considered “real.” For example, many theories in psychology and sociology emphasize innate, versus learned, behaviours and traits (respectively), thus showing different ontological assumptions about the social world. Secondly, theories are concerned with the nature of explanation and knowledge (epistemology). How do we arrive at an explanation, what logical structure must it have, and what forms of proof are required (Craib, 1992)? What is the relationship between the “knower” and what can be known (Guba & Lincoln, 2004)? In the social sciences, particularly within constructivist circles, these sets of questions can concern, for example, the social effect of the investigator on the research participant.

According to Craib (1992), the job of theory in relation to the social world is to identify underlying structures of relationships between concepts. One way of doing this is through analogy or metaphor—society is likened to something else, such as a biological organism. In doing this, theorists can attempt to identify structural causes and relationships. Structural causes are described not as singular and individual but rather as being in a “particular arrangement of relationships” (Craib, 1992, p. 22). Likewise, Turner (2009) notes how a fundamental question in social science theorizing pertains to the relationship between social practice and social structure. For example, in a criminological context, how does the implementation of “criminal” law and sentencing deter the public from offending? Identifying structural relationships such as these can help theorists to develop theories and explanations that can be applied in and adapted to many areas in their fields.

Lastly, Craib (1992) offers an important consideration in our use of theory. Our inclinations in the choice between theories can often depend on evaluating which theory is right and which is wrong. However, due to the way social scientists understand the world, this is an impossible task.

The social world is in a constant state of flux, thus meaning the theories through which we attempt to understand it will change too. As such, we cannot determine which theories are right or wrong, but only discern between more or less adequate explanations offered by a theory.

2.2 The Constructivist Paradigm

A paradigm is described as a basic set of beliefs, representing a worldview that defines the nature of one's world and the range of possibilities that can occur within it (Guba & Lincoln, 2004). There are two main paradigms most often discussed within criminological research: the positivist and constructivist paradigms. According to Pires and Digneffe (1992), the positivist paradigm began with the birth of criminology in the 19th century. This paradigm contends that we should focus not on what is asserted (statements about underlying reality) but rather on the evidence for it (our own empirical observations) (Mackenzie, 2011). Auguste Comte was the first sociologist to outline the positivist position (Abrutyn, 2013). He posited that social phenomena are external to individuals and observable through empirical, scientific analysis.

Alternatively, the constructivist paradigm, beginning in the 1960s, contends that reality is socially constructed (Berger & Luckmann, 1966; Pires & Digneffe, 1992). Philosophers have long been interested in questions related to reality and our ability to apprehend it. Sociology takes a slightly different approach in that it emphasizes social relativity. As stated by Berger and Luckmann (1966), what is "real" to a Tibetan monk may not be "real" to an American businessman, meaning that specific understandings of reality pertain to specific social contexts. The sociological study of knowledge and what is "real" must examine whatever passes as knowledge or reality in a society. As such, the sociology of knowledge must concern itself with the social construction of reality (Berger & Luckmann, 1966).

Ontological and epistemological concerns are significant within paradigms. In relation to these two categories of concerns (ontology and epistemology), I will provide some background on constructivism before discussing the theoretical framework. In terms of ontology, many constructivists hold that realities are constructed and alterable, meaning there is not an objectively real or permanent reality (Guba & Lincoln, 2004). Epistemologically, findings are created during the research process itself, meaning there is no objective reality to be discovered, as those within positivist and post-positivist paradigms would allege (Guba & Lincoln, 2004). Constructivists see the investigator and the investigated as interactively linked, meaning the investigator's social presence and involvement inevitably affect the research participant, whether this effect can be observed or not. This therefore holds significant implications for the nature of the research. Therefore, it is apparent that theories situated within this paradigm focus on the socially constructed nature of society. For this reason, the constructivist paradigm will be underlying this thesis, because of the nature of the social construction of different understandings of RJ.

2.3 Social Problems Construction Model

A standard sociological definition of a social problem refers to social conditions that have been found to be harmful to individual or societal well-being—crime, poverty, and discrimination are common examples. Definitions such as this are objectivist, in that they suggest that some objective conditions in society are objectively problems (Best, 2017). However, objectivist definitions have an important limitation: they fail to recognize that the labelling of a condition as a social problem is innately subjective (Best, 2017). Best's (1990; 2017) social problem construction model takes a different approach to examining the ways in which social problems are presented. Under this model, no condition is a social problem until someone considers it to be a

social problem. In order for a condition to become a social problem, it must be brought to people's attention and constructed in a convincing way (Best, 1990).

The constructionist perspective is an orientation which can be used as a theoretical lens to better understand our world (Best, 1990). This perspective focuses on processes by which people designate some social conditions as social problems: according to Best (2017, p. 6), "our sense of what is or is not a social problem is a product, something that has been produced or constructed through social activities." Constructionists therefore discuss social problems in terms of these activities, of "creating" social problems. Spector and Kitsuse (1977, as cited in Best, 2017, p. 6) define social problems as "the activities of individuals or groups making assertions of grievances and claims with respect to some putative conditions." This definition emphasizes the activity of "claimsmaking," a term these authors coin in their discussion of how social problems come to be constructed. In this view, social problems are not objective conditions—conditions are simply the subject of claims. Importantly, it does not matter whether the conditions—constructed as social problems—exist, but only that people make claims about the conditions (Spector & Kitsuse, 1977, as cited in Best, 2017). Constructionists therefore examine what claimsmakers claim about conditions, and not the conditions themselves.

2.3.1 Claimsmaking

Thus, the constructionist approach to social problems is pertinent in the modern social world as claimsmaking is everywhere. Especially in news and media, one does not have to look far to find examples of claimsmaking as a means of social problem construction. Best (2017) provides three components of claimsmaking to which we must pay attention: claims, claimsmakers, and the claimsmaking process.

The first task in applying the constructionist approach is to locate examples of the claims being made. Claims, as discussed above, are assertions about social conditions, constructed in a specific way to appeal to an audience. Importantly, all claims emerge from a cultural context, meaning one's social environment plays a major role on the way in which a claim is constructed (Best, 1990). The main question to ask regarding claims is, "What is being said about the problem?" Best (2017) describes claimsmaking as an act of communication: different claimsmakers address and attempt to appeal to different audiences. While some hope to identify the people harmed by the conditions in their claims, others try to educate the public or approach policymakers. No matter the audience and approach taken, claimsmaking is an attempt to persuade. Thus, rhetoric—the study of persuasion—is central to claimsmaking (Best, 1990). Claimsmakers intend to make their claims as persuasive as possible in order to achieve their desired ends (which will later be discussed). One fundamental form of claimsmaking is defining a social problem, giving it a name. According to Best (1990), definitions limit what can be said of the condition: they make some issues relevant but dismiss others. Definitions establish a topic's domain.

2.3.2 Claimsmakers

The second task is to identify the claimsmakers. Who is making the claims; who do they say they represent; and do they reflect a particular ideology? According to Best (2017), the most evident type of claimsmaker is the victim—an individual who feels aggrieved by a set of circumstances and is seeking compensation. However, one issue with claimsmaking from this perspective is that "grassroots" claimsmakers often lack the sophistication, skills, and resources necessary to successfully draw attention to their claims. In cases like this, professionals (scientists, doctors, lawyers, etc.) can "lend the authority of their disciplines" to claimsmaking (Best, 2017, p. 103).

A main interest in the study of social problems construction is the social organization of claimsmaking, and how and why claimsmakers found their place. Best (1990) states that there are three concepts guiding this research: interests, resources, and ownership. Firstly, identifying interests can explain why certain social problems emerged. If claimsmakers are successful, they often stand to gain; professionals can acquire more influence, control, or prestige, and successful claims can reaffirm the “correctness” of claimsmakers’ values and ideologies (Best, 1990, p. 11). Secondly, claimsmakers must assemble the resources necessary to create a successful campaign: they must recruit members, raise funds, and attract media coverage. The third point of interest in the study of claimsmakers is ownership. Gusfield (1981, as cited in Best, 1990, p. 12) defines ownership as “the ability to create and influence the public definition of a problem.” When the social construction of a problem is successful, claimsmakers often not only become the authority to which others turn regarding that issue, but also assume a degree of control over social policy. Best (1990) states that successful claims change the everyday actions of ordinary people.

2.3.3 Typification

The final task in the study of social problems construction is to address the claimsmaking process. Who did claimsmakers address; how did they address it; and how did the nature of the claims or the identity of the claimsmakers affect the audience’s response? This point of interest is what Best calls “typification.” Claimsmakers addressing a social problem typify it, characterizing it as a problem of a particular sort (Best, 1990). Typifying involves characterizing a problem’s nature. Best (2017) provides an example of this as it relates to young, unmarried women having and raising babies. Some may construct this as a moral problem, drawing attention to premarital sex, while others construct it as an educational problem, drawing attention to insufficient sexual education classes.

Additionally, a common form of typification involves the medical model, where a problem is a disease which displays symptoms, and requires diagnosis and treatment in order to cure the condition. Typifying is an integral part of social problems construction because different images emphasize different features of a problem, thus suggesting different solutions (Best, 1990). Claimsmakers choose typified examples because they highlight particular features of social problems. Importantly, when there is debate about a social problem, rivaling claimsmakers offer competing typifying examples in an attempt to appeal to and persuade their audiences (Best, 2017). In this vein, claimsmakers are competing in a social problems marketplace: “the collective definition of social problems occurs not in some vague location such as society or public opinion but in particular public arenas in which social problems are framed and grow” (Hilgartner & Bosk, as cited in Best, 1990, p. 16). According to these authors, each arena (government, courts, research communities, news media, etc.) has a “carrying capacity” for social problems, thus the need for claimsmakers to compete for their campaigns to be heard. Therefore, typification is an important process to undertake when making claims.

2.4 Sensemaking Theory

The second element of this theoretical framework is sensemaking theory. This thesis focuses on understanding portrayals of RJ from the point of view of RJ programs. As such, sensemaking theory is a good fit because of its focus on making sense from contextual points of view. Sensemaking, as indicated by its name, is the making of sense² (Jensen, Kjærgaard, & Svejvig, 2009; Weick, 1995). This theory relates to the constructivist paradigm because of its emphasis on socially constructed understanding and knowledge. Indeed, Iveroth and Hallencreutz

² The theory differs from phenomenology, which is the study of structures of consciousness from a first-person point of view (Gallagher, 2012). Sensemaking theory, as it will later be developed, focuses on the individual, but also has an organizational component which is central to this thesis.

(2016, p. 47) define the theory as “the process by which we give meaning to our experience and socially construct the world around us.” Likewise, Jensen, Kjærgaard, and Svejvig (2009) state that “sense” refers to meaning and “making” refers to the activity of construction or creation. To Weick (1995), who is often coined as the originator of the theory, sensemaking is about the placement of items into frameworks. The purpose of sensemaking is to reduce ambiguity and to structure the unknown by creating a pattern of meaning so we can understand our experiences. It creates an order of the flow of daily events and becomes the mechanism through which the social world becomes meaningful and workable. Iveroth and Hallencreutz (2016) discuss three main concepts in the sensemaking process: frame, cue, and relationship. The frame is one’s already attained schemata or blueprints, perhaps consisting of rules, values, or knowledge gained from previous experiences. A cue is an immediate stimulus or trigger which indicates that things do not yet make sense. The relationship is the connection between the frame and cue; it involves seeing the two in relation to each other in order to create meaning.

For those interested in sensemaking theory, the central questions revolve around how, why, when, and with what effects people make sense of the things around them (Weick, 1995). Of these central questions, many scholars have pointed to the “when” as the main concern. Sensemaking is not a singular action but a constant, ongoing process of developing plausible images that rationalize the events around us (Hernes & Maitlis, 2010; Jensen, Kjærgaard, & Svejvig, 2009; Weick, Sutcliffe, & Obstfeld, 2005). Hernes and Maitlis (2010) make a connection between the pragmatist tradition and the concepts of meaning and experience. Pragmatism emphasizes the role of practical applicability in philosophical thought—it asserts that the notion of truth must not be disconnected from practice and inquiry (Misak, 1999). Since the beginning of this tradition in the late 1800s, meaning and experience have been considered pillars in process thinking (Hernes &

Maitlis, 2010). Meaning is located in the process itself rather than within the confines of stable external concepts such as norms or values. Sensemaking is a newcomer to process thinking; it revolves around transience and change rather than constancy (Hernes & Maitlis, 2010; Weick, Sutcliffe, & Obstfeld, 2005).

Although it is an ongoing process, there are circumstances in which the need to make sense is amplified. Situations in which there is no predetermined way to act, where a high degree of ambiguity or uncertainty is experienced, or when the current state of the social world is perceived to be different than the expected state of the social world are pivotal sensemaking moments (Jensen, Kjærgaard, & Svejvig, 2009; Weick, Sutcliffe, & Obstfeld, 2005). Jensen, Kjærgaard, and Svejvig (2009, p. 345) describe these moments as causing a “shock which triggers an intensified period of sensemaking and informs action.” As the theory is often used in organizational contexts, an example of such a circumstance is the introduction of new technology in the workplace.

2.4.1 Properties and Sources of Sensemaking

Weick (1995) identifies seven main properties of sensemaking: it is grounded in identity construction; retrospective; enactive of sensible environments; social; ongoing; focused on and by extracted cues; and driven by plausibility rather than accuracy. In order to remain concise, two properties that are relevant to the topic at hand will be discussed. Sensemaking is firstly grounded in identity construction. This theory holds a constructivist view of the self, emphasizing that the self is created in the process of interaction. According to Weick (1995), individuals strive to maintain a consistent, positive self-conception; thus, intentional sensemaking is triggered by “a failure to confirm one’s self” (p. 23). Next, an important property of sensemaking theory is its social aspect. Sensemaking occurs during social interaction and the challenges and disorientations that arise from it. According to Weick (1995), human thinking and social functioning are

essentially interconnected. This is an important consideration for this theory because the ways that others act can often become a trigger for sensemaking. For example, one significant factor in the way we act is the anticipation of how others will react to us (Weick, 1995). Our thinking processes and the social consequences of such thinking are therefore interconnected and show the social aspect of sensemaking.

Weick (1995) also identifies several sources of the cues by which people give meaning to their experiences. Again, to remain concise, I will discuss a few of the most pertinent ones. Narration is one of the most prominent ways in which we perform social sensemaking. We engage in conversations, attempting to convey personal meaning in the form of narratives, which can include figures such as “good guys” and “bad guys,” as well as obstacles and struggles. These narratives that we create are meant to show who and what we are as we attempt to make sense of the events around us.

Many of Weick’s (1995) sources of sensemaking cues focus on the content of discussions, but role is one source which takes a different approach. Examining the roles people play in discussion is another way to analyze the sensemaking process. These conversational roles may relate to one’s various social roles such as spouse, employee, or student. Additionally, Weick (1995) references the four-player model of discussion, wherein roles such as move, follow, oppose, and bystand are key in conversations. All four roles are necessary for a productive conversation, and an individual may use any or all of the four in order to make sense of the discussion at hand.

A final sensemaking cue of interest is symbolism³ (Weick, 1995). Here, individuals use different symbols in their communication to help people make sense of change or other concepts. These symbols may be embedded in individual language, behaviour, or organizational

³ Bearing similarity to symbolic interactionism as both involve the use of symbols to communicate meaning.

systems/routines/rituals. In using these symbols, the speaker is often trying to legitimize change or another concept by framing it in a certain way for certain listeners.

2.4.2 Sensemaking in Organizations

Sensemaking is often used in the field of organizational studies in an attempt to explain organizational behaviour and change, and the sensemaking processes individuals undertake in the workplace. According to Weick (1995), everyday sensemaking and organizational sensemaking are not necessarily the same. There are many rules and conventions within organizations which are not usually present in everyday life. Additionally, organizations strive for rational explanations for every action, and socialization is often shallower and more transient. As such, the sensemaking process is different within organizations. In their discussion of sensemaking theory, Iveroth and Hallencreutz (2016) deal firstly with the concept of change in order to understand the function of sensemaking theory. There are a few characteristics of change—in the context of organizations—which are significant in constructing this theory. Walsh and Ungson (1991, as cited in Weick, 1995, p. 38) define organizations as networks of “intersubjectively shared meanings that are sustained through the development and use of a common language and everyday social interaction.” Assumptions are frequently taken for granted in organizations—meaning, the original circumstances that gave rise to behaviours in the workplace are often forgotten. As leaders push for organizational change, these assumptions are the target, as altering underlying assumptions can alter current behaviours and environments. History thus plays a key role in the concept of change—adjusting previous taken-for-granted assumptions helps pave the way for changed future behaviours. Understanding the culture, values, and social structure of an organization helps one to understand why members behave in certain ways.

2.5 Justification

Both the social problems construction model and sensemaking theory play a role in answering the research questions because of their shared focus on meaning-making within certain contexts and from different points of view. Since concepts can vary depending on the individual and his or her social environment, the theories can be a framework through which to view differing portrayals of RJ across programs. The theory can serve as a framework for understanding how RJ has come to be constructed and portrayed differently for different groups. RJ's development took place over the course of several decades and took several different forms (practically, theoretically, socially, etc.), meaning there was much interaction within the RJ field. Since it began as a practical alternative and later followed with theorization of how it could truly be incorporated into the "criminal justice" field, there were many actors trying to make sense of the concept and its applicability. With traditional criminal justice being the commonplace response in the Western world for centuries, RJ undoubtedly required much sensemaking in its initial stages.

The social problems approach brings an important contribution to this research because it accurately mirrors the topic at hand. Online documentation is an act of claimsmaking for RJ programs. In creating and publishing these documents, the programs attempt to inform and persuade their audiences regarding the concept and how it should be understood. Though RJ is not a social problem per se, the issue of competing understandings of RJ can be considered a problem that affects stakeholders. Portrayals of RJ that are identified within the programs in the fourth chapter are therefore typifications of RJ. Thus, different programs typify RJ in different ways (whether intentionally or not) in order to convince their audiences (potential "service-users") of the correctness of that particular approach. The concepts of interests and ownership discussed in

section 2.3.2 work appropriately within this topic as well. As it will be later shown, programs are perhaps able to put a different “spin” on RJ based on their prominence in the field.

In terms of sensemaking, Weick (1995) states that it is grounded in identity construction—one’s sense of identity and circumstances play a role in his or her sensemaking process. With this perspective, RJ becomes a concept which sense-makers see from their specific point of view. Additionally, one’s understanding of RJ can also depend on his or her ideological environment; for example, someone who favours abolitionist views might develop a different understanding than someone who has experience in a correctional field. These ideas coincide with the social property of sensemaking. The organizational aspect of sensemaking theory also contributes to the theoretical framework of this thesis. As stated by Weick (1995), there are rules and conventions within organizations which are not usually present in everyday life. An RJ program, like any workplace, likely holds such types of conventions in contrast with daily life. As one example, there is the difference in language between RJ discourse and penal understandings of “crime” that dominate the discourse in the general public (e.g.: harms vs. crimes, wrongdoers vs. criminals, restoration vs. punishment). In the case of RJ programs, like other “organizations,” there is a great degree of social interaction which contributes to the sensemaking process. Here, sensemaking comes into play for staff as well as for the stakeholders who are involved in a given case. Through the processes of social interaction regarding the harm, program staff, wrongdoers, harmed persons, and other community members are all seen as actors in the sensemaking process. Wrongdoers and harmed persons are likely to have vastly different understandings of the harm, meaning that opportunities for sensemaking will be triggered frequently. All things considered; this is not to suggest that RJ is nothing more than an organization. Within the context of this thesis, RJ is primarily understood in the way in which it was introduced at the beginning: as a new way of

defining and responding to “crime” as compared to traditional approaches from the past. However, the organizational focus of sensemaking theory remains an interesting lens through which to examine RJ programs.

2.5.1 The Constructivist Paradigm and Document Analysis

In using document analysis rather than interviewing, it is difficult to evaluate the influence of social environment on RJ portrayal. Meaning, examining documents rather than speaking to a research participant limits the ability to delve into how one’s role may have affected his or her portrayal of RJ. Although interviewing would be the ideal method as it relates to sensemaking theory and my research problem, the process of interviewing was deemed inaccessible for this project (see the following chapter). However, the incorporation of the social problem construction model alongside sensemaking theory aids in developing a fuller conceptual framework to approach the research. These theoretical approaches, and more broadly, the constructivist paradigm, remain feasible choices alongside document analysis. Merriam (1988, as cited in Bowen, 2009, p. 29) states that documents can “help the researcher uncover meaning, develop understanding, and discover insights relevant to the research problem.” Although the documents for this project represent programs/institutions rather than individuals, Yin (1994) contends that document analysis is particularly useful when it comes to case studies producing rich descriptions of a single phenomenon, event, organization, or program. Although four programs are involved in this thesis rather than one, the goal remains to produce rich descriptions within these programs individually. According to Bowen (2009), reports and internal documentation are a potential source of data that can help uncover the context within which the participant (or in this case, program) operates. As such, document analysis persists as an appropriate method to uncover the contexts and meanings within these RJ programs.

2.5.2 Strengths and Limitations

As with any theoretical approach, there are strengths and limitations to consider. Both theories are strong in their relevance to the constructivist paradigm; they take an approach which sees understandings of RJ as constructed within social processes. As there is already much RJ research taking a positivist approach (i.e., evaluating outcomes and participant satisfaction), I posit that a constructivist approach to the topic and the ways it is understood can dig deeper into new avenues and uncover new understandings. The social problems construction model is advantageous for this research because it allows me to delve deeper into my analysis than is possible with sensemaking theory alone; it allows me to understand not only what is happening (social problems construction), but how (claimsmaking and typification) and why (to persuade an audience). The contribution of organizational sensemaking is also helpful for the RJ program aspect of this thesis. Additionally, sensemaking theory does not seem to be widely used in the criminological field, especially with regard to RJ. The use of this theory could then provide some new insight into the topic of RJ, as many facets of the topic have already been well-researched.

Of course, the theory's lack of usage in the criminological field also holds its limitations as there is no similar literature from which to draw. In terms of other limitations, in the sensemaking literature, there is not much explanation of *how* sensemaking happens, despite the importance of this question. Much of the literature focuses on when and why sensemaking occurs (e.g., the discussions of sensemaking properties and sources by Weick, 1995). A final issue to note in the use of this theory relates to my methodology. Sensemaking theory would likely be most applicable to this thesis if I were to use interviewing as a methodological approach rather than document analysis. By speaking directly with program staff, I would be able to capture more fully the understandings of RJ present within programs and how sense is made of various RJ concepts.

However, the rationale for my chosen methodological approach will be discussed in the following chapter. In terms of limitations for the social problems construction model, it must be pointed out that in the context of this thesis, the portrayals of RJ within programs are discovered in my own analysis rather than always taken at face value, so the “typifications” that these portrayals represent may not be exactly what the programs intended. However, this is largely the case with any type of qualitative analysis.

CHAPTER III: Methodological Approach

This chapter outlines the methodological approach of this thesis. It begins by revisiting the research objectives in order to reframe the research context. Next, I discuss the data collection process, consisting of the sample, sampling method, and materials used. The methods and rationale follow, with discussion on the benefits and limitations of document analysis, the reliability and validity of this method, and ethics and power considerations in my research. Following this, I discuss the analysis process, consisting of coding and thematic analysis. The final section of the chapter presents six portrayals of RJ gathered from the literature, which serve to inform my subsequent analysis of RJ programs.

3.1 Research Objectives Revisited

Despite the considerable literature on RJ, there remains a gap which has yet to receive much attention. Many scholars have focused on the difficulty of defining RJ due to its history and contested nature. The objective of this thesis is therefore to examine the ways RJ programs portray RJ as a concept to the public. This will be done through the document analysis of four Canadian RJ programs.

Qualitative research questions are often the result of having entered the field of study and observed phenomena leading to a specific research problem (Given, 2008). After a review of the literature, the research questions chosen to frame this study are, “How does restorative justice (RJ) program documentation portray RJ conceptually? Does the way in which concepts are translated into RJ programs change the values with which the programs are associated?” Given (2008) states that qualitative research questions usually signal both the theoretical and methodological orientations of the study. Additionally, they are broad enough to permit the discovery of many

experiences and concepts, unlike some quantitative research questions which restrict researchers to the specific variables addressed in their research design.⁴

3.2 Data Collection

3.2.1 Program Classification

Before detailing the data collection process and the sample itself, a discussion regarding program classification must take place. As mentioned in the first chapter, there are competing theoretical stances on RJ, specifically surrounding maximalist versus purist views. This theoretical debate comes into play as it relates to my sample. Although many Canadian programs claim to be in the business of “restorative justice,” it is essential to attend to the foundations of such programs to discern whether they are RJ programs according to a traditional understanding of RJ, or criminal justice initiatives working under an RJ title.

To aid with this differentiation, Woolford and Ratner (2003) distinguish between governmentalist and communitarian RJ. The two differ in six areas, according to Broughton (2012): actors in the restorative process, financing, restorative process, imprisonment, main goal, and case referral sources. In terms of actors, governmentalist programs use professionals while communitarian use trained volunteers (Faget, 2006). With regards to funding, governmentlists rely on government funding while communitarians use public or private funding (Faget, 2006; Woolford & Ratner, 2003). For governmentalist programs, the restorative process itself is centered around the law while communitarian programs distance themselves from the law and traditional court settings (Faget, 2006). Governmentalists maintain the possible use of prison sanctions, while communitarians preclude the use of imprisonment (Jaccoud, 2007). As a main goal, governmentalist programs aim to responsabilize “offenders,” while communitarian programs aim

⁴ However, it is important to note that some quantitative studies are broader than this.

to repair the harm experienced by the “victim” and community (Jaccoud, 2007; Woolford & Ratner, 2003). Lastly, in terms of case referral sources, the majority of referrals for governmentalist programs come from the criminal justice system, whereas alternative sources such as the community provide the majority of referrals to communitarian programs (Woolford & Ratner, 2003).

In all, governmentalist programs function as local divisions of the existing criminal justice system. These programs and initiatives are based on community values such as those that traditionally underlie RJ practices, but their goals closely resemble the social control interests of the state (Woolford & Ratner, 2003). Communitarian programs, however, view RJ as a form of justice tailored to meet the specific needs of the community in which it is implemented. In order to preserve community autonomy, these programs must be careful to maintain a distance from the formal criminal justice system, although sometimes difficult to attain due to their occasional need for police and court referrals as well as some funding from criminal justice sources. These pressures can often lead RJ practitioners to dilute the restorative nature of their programs in order to become more compatible with the criminal justice system. With these two categories in mind, Woolford and Ratner (2003) attempt to show that a simple characterization of RJ as “nomadic justice,” operating on the margins of the criminal justice system, is not as feasible as some scholars would hope. For this reason, there are far fewer communitarian, or “non-institutionalized” RJ programs in Canada. While one aim of this study is to see whether a program’s closeness to or distance from the criminal justice system may affect the way in which the program represents RJ as a concept, communitarian programs are difficult to come by. Thus, the sample of RJ programs which I will discuss next is comprised mainly of programs which lean more to the governmentalist side of the spectrum, with varying degrees of closeness to the criminal justice system.

3.2.2 Sample

The data was collected from four Canadian RJ programs⁵. One program is located in Montreal, two programs are located in Ottawa, and one program is managed at a national level within Ottawa. The Montreal-based program is Le Centre de Services de Justice Réparatrice; the Ottawa-based programs are the Collaborative Justice Program and the Odawa Aboriginal Community Justice Program; and Restorative Opportunities is managed out of Correctional Service of Canada's (CSC) National Headquarters (NHQ) in Ottawa and operated in various locations across Canada. Each of the four programs will be briefly summarized in order to provide an understanding of their contexts. The programs were retrieved from the Department of Justice's (2017a) Directory of Restorative Justice as this is the most exhaustive source for locating RJ programs across the country. Although the nature of the source (the DOJ) might imply some penal bias, I argue that the Directory is comprehensive in the types of programs it presents (i.e., various types of clients, demographics, offences, and entry points). Program names were selected from the Directory; however, my choice of inclusion was not made based on information provided by the Directory, but rather based on information provided by the programs themselves.

The Collaborative Justice Program (CJP) began in September of 1998 as a demonstration project at the Ottawa Provincial Courthouse, initially sponsored by the Church Council on Justice and Corrections, a charitable organization focusing on issues in the field of criminal justice (Collaborative Justice Program, 2021b). According to their website, CJP is now funded by the Provincial Ministry of Children, Community, and Social Services of Ontario; the Ottawa Crown Attorney's Office; and numerous individual donors (CJP, 2021b). CJP is available to adults and

⁵ Since many of the programs discussed in this chapter are part of the criminal justice system, their conceptions of harms are that of a penal framework, meaning this chapter includes words such as crime, offence, victim, and offender due to the ways the programs describe themselves, their objectives, and their frameworks.

youth; Indigenous and non-Indigenous; at multiple entry points; for violent and non-violent offences; however, it typically prioritizes more serious offences (CJP, 2021b; Department of Justice, 2017a). CJP's process begins when caseworkers meet with individuals accused of an offence to assess their level of responsibility and willingness to work toward repairing the harm caused. The caseworker continues to meet with both the victim(s) and accused during regular meetings and mediates the information exchanged between the two parties. The parties can choose to then meet face to face, most often in the form of a Circle Conference. Whether or not there is a face-to-face meeting, it is possible to collaborate on creating a Resolution Agreement, which is submitted to the court for consideration on the date of sentencing (CJP, 2021b).

The Restorative Opportunities Program (RO) is a CSC program which offers people who have been harmed by an offence a chance to communicate with the offender who caused the harm (CSC, 2012a). It is a post-sentence program which explores various VOM models which are carried out through the help of a trained community-based mediator. The program is available to adults only; Indigenous and non-Indigenous; for violent and non-violent offences (Department of Justice, 2017a). CSC (2012a) states that RO is not focused on reaching a settlement, but rather on open communication founded on values and principles of RJ such as choice, inclusion, dialogue, and accountability. The goal is to meet the needs of the participants and to address the harm caused; forgiveness is not a goal nor expected result but may be a by-product in some cases. Most encounters are face to face, but there are other options listed on RO's website such as exchanging letters or video messages (CSC, 2012a). RJ principles were first applied in Canada in 1989 with CSC's funding of the Victim Offender Mediation Program, operated by the Fraser Region Community Justice Initiatives Association (Petrellis, 2007). By the mid-1990s, policymakers began to seriously consider the potential of RJ, and RO was launched federally in 2004 (Petrellis,

2007; CSC, 2019b). RO differs from other services offered by CSC as it operates solely within NHQ and not at a provincial level.

The Odawa Aboriginal Community Justice Program (OACJP) is an Ottawa-based sector of the branch of Aboriginal Community Justice Programs delivered by local friendship centres in London, Geraldton, Niagara, Kenora, and Ottawa in Ontario (Department of Justice, 2017a). They are described as “culturally-based diversion programs” for Indigenous youths and adults who come into contact with the criminal justice system, with OACJP being available to adults and youth; Indigenous only; at multiple entry points, for violent and non-violent offences (Department of Justice, 2017a). OACJP provides support to the Aboriginal community on justice-related issues by assisting individuals who have been charged with summary offences but are not on probation or parole (Odawa Aboriginal Community Justice Programme, 2013). This process involves the creation of a Healing Plan which empowers the offender to take full responsibility for his or her actions and to make positive changes in his or her life. The Healing Plan may involve counselling, addictions programmes, and “cultural programmes to help empower the individual’s sense of identity” (OACJP, 2013). Both the OACJP and Healing Plan conditions must be followed; if not, the case may be sent to the courts. OACJP is sponsored by the Ontario Federation of Indigenous Friendship Centres, the Odawa Native Friendship Centre, the Ministry of Aboriginal Affairs, the Department of Justice, and the Government of Ontario.

The final program selected for this thesis is Le Centre de Services de Justice Réparatrice (CSJR) in Montreal. CSJR was founded in 2001 by a group of community individuals. At the heart of CSJR’s beginning, David Shantz, then a prison chaplain, decided to build on existing restorative initiatives from abroad in order to create the first victim-offender encounters in Québec prisons (CSJR, 2021a). The program’s initiatives are unique in that they bring together groups and

individuals who have suffered from or who have committed similar types of harms, rather than specifically bringing together wrongdoers and harmed persons involved in the same case. CSJR offers RJ meetings and circles with this goal, focused on dialogue rather than mediation. They also offer workshops and sensitization initiatives which support and accompany individuals who wish to publicly share their experiences with RJ (CSJR, 2021b). CSJR's meetings/circles are offered both in prisons and in the community, whether this be during incarceration, during conditional release, or post-sentence. Importantly, the program has no effect on the duration or outcome of sentences (CSJR, 2021c).

These programs were selected with a few reasons in mind. Firstly, they were chosen in terms of geographical location. CJP is arguably the most prominent RJ program in Ottawa, while OACJP constitutes an Ottawa-based sector of the larger branch of Aboriginal Community Justice Programs in Ontario. RO is carried out at a national level, meaning there are programs in this study representing the city of Ottawa, the province of Ontario, and the nation. Secondly, as much as was possible, they were chosen to represent a variety of RJ demographics. Across the four programs, both Indigenous and non-Indigenous; violent and non-violent; and adult and youth experiences are represented. Additionally, there are programs with multiple entry points and post-sentence only, as well as CSJR which also mediates disputes outside of the justice system.

Lastly, the governmentalist versus communitarian consideration is a factor in my choice of programs. A discussion on this factor as it relates to my chosen programs will be further elaborated in the analysis and discussion chapters. However, as it currently stands, RO evidently falls on the governmentalist side as it is a post-sentence program administered by CSC. CJP and OACJP, while they maintain a further distance than RO from the correctional and criminal justice system, are still

largely considered governmentalist programs⁶ based on Strimelle (2007), Broughton (2012), and Woolford and Ratner's (2003) characterizations of the two types of programs. CSJR differs from the other programs in that it leans far more toward a communitarian characterization. Among other traits, the program utilizes volunteers, public and non-governmental funding for the most part, and has no effect on criminal justice or correctional outcomes.

Therefore, the distinction between the two types of programs serves an important purpose in this thesis, as previously mentioned. Strimelle (2007), Piché (2006), and Broughton (2012) studied institutionalized RJ programs to determine whether traditional criminal justice values would affect the co-optation of restorative values. A similar idea follows for this thesis; perhaps programs leaning more closely to the governmentalist side will understand and portray RJ in different ways than their more communitarian counterparts.

3.2.3 Sampling Method

As discussed, the programs were chosen based on geographic location, demographic representation, and governmentalist versus communitarian identification. Purposive sampling was thus utilized for data collection given the nature of the project. Purposive sampling is a type of non-probability sampling which involves a series of strategic choices about with whom, where, and how one does research (Given, 2008). Because qualitative researchers are often more interested in the views and experiences of particular people or groups rather than the central tendencies of larger populations, purposive sampling is a favorable tool for gathering a sample that represents the themes and characteristics the researcher wishes to examine (Given, 2008).

⁶ As just one example of governmentalist features of CJP and OACJP, note that the majority of CJP's funding comes from the Government of Canada (Ministry of Children and Youth Services). Likewise, much of OACJP's funding comes from the Ministry of Aboriginal Affairs, the Department of Justice, and the Government of Ontario.

Especially given the time and resource constraints involved in a master's thesis, purposive sampling was chosen in order to gather a concise and topical selection of RJ programs.

3.2.4 Material

The material from which data was gathered from the programs consists of a variety of documents. The selection of documents remained broad in order to gather as much representation of the views of the program as possible. From the Collaborative Justice Program, most documents were gathered from the program's website. These documents included *Home; About; I Have Been the Victim of a Crime; I Have Been Charged with a Crime; Testimonials; I Want to Become a Member; and I Would Like to Make a Donation*. Other non-public CJP documents were obtained through email communication with program staff: *CJP Story* (names in title redacted); *Letter of Support from Victim*; and *Letter of Support from Offender*. In total, seven web pages and seven short, non-public documents were analyzed.

For Restorative Opportunities, all material was gathered online as internal documentation could not be acquired due to CSC's security protocols. Documents were gathered from CSC's website, detailing both the RO program and RJ at CSC generally: *The Mandate, Mission, and Priorities of the Correctional Service of Canada; Restorative Opportunities Program; Fact Sheet for Victims; Fact Sheet for People Who Work with Offenders; Fact Sheet for Families of Offenders; Restorative Justice at Correctional Service Canada Backgrounder; Restorative Justice Factsheet; Restorative Justice Principles and Values; About Restorative Justice; Restorative Justice – A Worthy Approach; and Restorative Justice Services at Correctional Service Canada*. In total, eleven web pages were analyzed.

For the Odawa Aboriginal Community Justice Programme, the material was gathered from the program's website as a few attempts at gathering further documentation from program staff

yielded no results: *Our Program*; *Programme History*; *Successful programme keeps Aboriginal offenders out of criminal justice system, minimizes repeat offences*; and *Successful graduate of OACJP, Cody Coyote, reaches out to angry Aboriginal youth*. In total, five web pages were analyzed.

For Le Centre de Services de Justice Réparatrice, the documents were acquired from the program's website. This documentation includes *History*; *Mission*; *FAQ*; *Services for Victims*; *Victim-Offender Encounters*; *Testimonies of Victims*; *Testimonies of Offenders*; and *Healing of Memories Workshop*. In total, eight web pages were analyzed.

3.3 Methods and Rationale

3.3.1 Document Analysis

The data collection method chosen for this project is document analysis. Social research in its many forms as we understand it today is relatively new. However, Prior (2004) draws our attention to types of social research in the past, such as early anthropological research, which was originally based on observations, speech, and behaviour because there were at one point no documents to examine. For this reason, documentation has often been undervalued in modern research while speech has been overvalued, despite the fact that documents—especially in digital format—are increasingly more available. Prior (2004) argues that this undervaluing of documentation is undeserved and that the study of both document production and consumption is of significant value to social research. McCulloch (2004) agrees that it is necessary to study documents because they are inescapable and integral parts of our daily lives. At a personal level, we are surrounded by diaries, letters, photos, memos, and websites. At a public level, McCulloch (2004) claims that our identities are inherently defined by the documents we possess, such as birth certificates, examination results, driver's licenses, and bank statements.

We must consider what documents themselves do in the course of research: documents can be described as performatives, similar to some spoken sentences (Prior, 2003). For example, saying, “I promise” is not only a verbal statement but also an action in and of itself—it implies that the action declared in the statement will be carried out. This understanding relates to the study of documents, which, according to Prior (2003), “do things by the very condition of their existence” (p. 67). She states that texts “have structuring effects and are central to the patterning and organizing of everyday activities” (p. 67). This means that documents can serve to create and mark off social groupings and social positions, for example, through the writing of demands or instructions by an authority figure.

The role of the researcher in document analysis is also important to consider. McCulloch (2004) states that the study of documents involves reading between the lines of our material world. Evidently, we need to understand the basic words and syntax to grasp the plot of a document, but document analysis involves a deeper approach of going between the lines and analyzing the meaning and purpose. Likewise, Rapley (2007) notes that examining a document depends equally on what is said and on what is not said. Meaning, it is just as important to focus on the development of arguments and ideas as it is to focus on the silences or omissions. Similarly, we must not only consider what is said in the document, but also be aware of the building blocks of the document itself. Prior (2004) provides the example of mortality rates. A researcher could study mortality rates themselves and their correlations to other phenomena, but another possibility is to examine the International Statistical Classification of Diseases and Related Health Problems (ICD-10), which conceptualizes and lists all possible causes of death. The ICD-10 is described as a generative document because it creates the structures on which any explanations of death must be built (Prior,

2004). In this vein, one can examine the ways in which foundational documents have shaped the documents that have followed.

Tangibly, the researcher should examine the rhetorical work of the text—how the issues raised in the document are structured and organized, and how they seek to authoritatively persuade the reader (Rapley, 2007). In terms of the authority of the text, this can involve inspecting what types of sources, knowledges, and evidences the text draws from. In doing this, the researcher can attempt to discern the types of discourses the document draws from, and by extension, the specific identities and subjects that are being produced and sustained through its discourse (Rapley, 2007). A final tangible aspect to examine in documentation is the use of metaphors. For example, in medical discourse, metaphor is often central to the representation of illness: “fighting cancer to win,” or “demanding the latest weapons against the disease (Prior, 2003, p. 115). Metaphors are a common way of exemplifying phenomena and discourse, making things more understandable and relatable to the everyday person.

Much of this literature on the use of document analysis is relevant to the process which has been undertaken in my own research. Ideally, this research could be done using interviewing in order to draw information directly from program staff regarding their experiences with and understandings of the RJ process. Indeed, interviews have been used on the subject of constructions and understandings of RJ (Paul & Dunlop, 2014). However, it is necessary to distinguish between program and practice. Whereas interviewing staff would bring to light elements of practice within the programs, studying documentation serves instead as a method of uncovering the nature of the programs. Although programs themselves inevitably include aspects of practice, the focus on program rather than practice alone directs attention to the values and the

portrayals present within programs. Based on this understanding, I therefore intend to extract meaning and perspective from my data in order to develop my analysis.

Additionally, document analysis provides a different way of studying RJ as a phenomenon and its understandings, especially given the contemporary undervaluing of document analysis as shown by Prior (2004). Although many may see program documentation as a dull, surface-level source of data, this chapter goes to show that documents are an inescapable source of data and deserve further attention. Prior's (2003) emphasis on metaphors in documentation has been foundational for my research as portrayals of RJ are similar to metaphors and their way of representing individual understandings of phenomena. Lastly, as noted by Prior (2003) and Rapley (2007), documents through their existence can serve to produce and sustain identities, subjects, and social positions. In examining different portrayals of RJ through this methodology, I can discover the most prevalent understandings within the chosen programs. With these discoveries, I can attempt to show how these understandings contribute to the function of the programs and RJ discourse at large.

3.3.2 Reliability and Validity

Two common concerns in modern social research are those of the reliability and validity of a research project. Reliability concerns itself with the dependability, consistency, or repeatability of the study, where validity refers to the "soundness" of the study (Given, 2008, p. 909). These two areas of concern are, however, more closely related to quantitative research than to qualitative research (Given, 2008). In the quantitative field, research is considered reliable when multiple researchers can arrive at similar results using identical procedures. Research is considered valid based on the degree to which it measures what it intends to measure. In both cases, in

quantitative research, rigorous scientific processes and principles are considered necessary to ensure that the results of a study represent some form of “truth.”⁷

However, due to differing paradigmatic and methodological approaches, the field of qualitative research generally does not hold itself to these same specifications. In this field, reliability is viewed by some in terms of credibility or dependability, while some “avoid the purposeful quest for reliability altogether” (Given, 2008, p. 754). Validity, meanwhile, may depend largely on the type of study or its purposes and methods. For example, in the constructivist paradigm, validity may be best represented by the degree to which the study is comparable to the participating communities’ common discourses (Given, 2008). Similar to reliability, some qualitative researchers tend to abandon this quest for validity under the understanding that qualitative research does not follow the same conventions as does quantitative research. Hammersley (2008) states that one recent addition in the field of qualitative validity relates to the improvement or transformation of the world through research. In terms of this thesis, Given’s (2008) concept of validity for constructivist research does not necessarily align since my objective is to uncover multiple understandings of RJ. The goal is not to show a consistent portrayal of RJ across programs but rather to question whether there will be differing portrayals because of the disordered history and development of RJ. In terms of Hammersley’s (2008) contribution, although it is not likely that a master’s thesis will produce transformational knowledge, this research will hopefully provide some clarity and grounding in a field that has often been described as jumbled. In terms of reliability, this study can be considered credible and dependable, per the aforementioned qualitative research standards, due to program choices.

⁷ There are some forms of quantitative research which develop a more nuanced way of understanding the relationship between scientific inquiry and “truth.” In this paragraph, I am referring primarily to positivism and post-positivism as these paradigms of research generally revolve around discovering forms of “truth.”

3.3.3 Ethics and Power Considerations

As this research does not involve direct contact with human participants, there was no need to pass through the research ethics approval process at the University of Ottawa. However, this does not entirely discount the potential of other ethical and power-related issues. Importantly, I have attended to discretion in my use of program material. Identifying information related to staff, participants, and volunteers referenced in program documentation have not been included in this thesis, nor identifying information of those who have provided me with access to documentation. Confidential documentation which is strictly unavailable to the public has evidently not been utilized in order to protect the ethics standards of the RJ programs.

The fact that human participants are not directly included in my research does not mean that my research lacks power issues entirely. Those participating in RJ programs can be considered vulnerable populations—wrongdoers because of their marginalized and stigmatized status, and harmed persons due to losses they have faced because of the harms committed against them. As such, what I have written in this thesis may have an indirect impact on the ways these populations are perceived. The issue of my personal interpretation is a final power consideration to note. As the sole researcher in this project, the analyses and conclusions drawn from my research are likely to be affected in some way by my positionality. Therefore, it is important to maintain a reflexive approach wherein I attempt to identify and state these affecting factors prior to my research. Since my research is operating within a constructivist paradigm, I am attuned to the ways in which the knowledge I produce from this research is mainly socially constructed, even though my data is derived from documents rather than human participants. In accordance with sensemaking theory, I have undoubtedly undergone my own process of making sense of RJ during the initial stages of my research. Therefore, as a white, upper-middle class graduate student, my positionality has

likely shaped my understanding of the criminal justice system, including restorative justice. As a result, during the process of creating themes and conclusions from my data, it is possible I have imposed my own understandings of RJ while conducting research on RJ programs.

3.3.4 Limitations and Benefits

Attention must be drawn to the potential limitations of the research method and sample. As previously mentioned, although interviewing RJ program staff and volunteers would be the ideal method for this project, the process of obtaining ethics was deemed too lengthy for the time constraints of this project. Document analysis was chosen for this reason as it would require less time undertaking administrative work than would interviewing (i.e., obtaining ethics, arranging and conducting interviews, transcribing). The small sample size, also due to time constraints, represents another potential limitation. Prior (2003) states that the selection process of data sources in social research must be justified. Evidently, as with most social research, a larger sample size would provide a greater degree of confidence in the validity of my findings. However, as the nature of my project is to discover the specific understandings present within RJ programs, this issue is not pressing. This thesis aims to discover how programs portray RJ individually. For this reason, a larger sample size would not necessarily guarantee a greater degree of confidence in the findings since the goal is variety rather than uniformity. Lastly, my data has been collected only from programs in Ontario, Quebec, and at a national level. This limits the geographical variety of programs; however, this issue is similarly mediated by the fact that I do not necessarily wish for my data to be representative of Canadian programs.

Although a limitation of this study is that program documents are mute in that they do not tell a story as can human participants, a methodological benefit is that the documents are non-reactive. In the previous chapter I explained that within the constructivist paradigm, the

investigator and the investigated are considered to be interactively linked, meaning the researcher affects the participants whether this effect can be observed or not (Guba & Lincoln, 2004). However, given the documentary nature of this thesis, non-reactivity emerges as a significant benefit as my presence does not affect the data.⁸ A second benefit of this study is the breadth, depth, and variety of the data collection material. Interviews are a time-consuming method, likely leading to a smaller array of data with the time constraints of a master's thesis. Using documents, I am able to access a great variety of data that may not have been possible using interviews.

3.4 Analyzing the Data

After collecting the data, the next step in a research project is to begin data analysis, which establishes a steppingstone from gathering data to linking the findings with concepts and theory. However, it is important to also note the iterative nature of social science research. Although this thesis is organized and written linearly, Given (2008) highlights the reality that research is most often iterative or circular in that it involves the frequent back and forth movement between data gathering and data analysis while insights continuously occur.

3.4.1 Coding

In qualitative research, the coding process constitutes generating ideas and concepts from raw data (Given, 2008). Through this process, the data is organized into conceptual categories, enabling the researcher to develop themes. There are three phases often used in coding qualitative data (Neuman, 2003). The first is open coding which is a first pass through the collected data. The researcher searches for themes by assigning codes in an initial attempt to condense the data. In axial coding, he/she elaborates on current themes and makes connections between them. The third

⁸ Although, it is still important to be attuned to the ways in which my understandings of RJ may affect the coding process.

phase, selective coding, is the last pass through the data after identifying major themes. Here, the researcher looks specifically for cases which would further develop the present themes. The coding process undergone for this thesis is quite similar. After reading all available material for each program, everything was copy-pasted into a single Word document and recurring themes were categorized by colour. From there, the categories were revisited to assess whether any themes could be consolidated. Once solid themes were identified, I searched through the material to locate specific representations of each theme in order to showcase the themes as specific portrayals of RJ.

3.4.2 Thematic Analysis

After the coding took place, I applied thematic analysis. Thematic analysis is described as “a method for identifying, analyzing, and interpreting patterns of meaning (‘themes’)” within data (Clarke & Braun, 2006, p. 79). Thematic analysis provides a detailed, yet complex, account of the data; it involves “the search for and identification of common threads that extend across an entire [dataset]” (Vaismoradi, Turunen, & Bondas, 2013, p. 400). Although it is often used within post-positivist frameworks that emphasize the importance of coding reliability, thematic analysis is also applied in qualitative research. A qualitative approach to thematic analysis emphasizes the active role of the researcher in coding and theme development (Clarke & Braun, 2017). According to Clarke and Braun (2017), codes are the basic building blocks for themes, which are larger patterns of meaning underpinned by a larger, shared core idea. In using thematic analysis, the researcher does not just summarize the data, but rather identifies and interprets key features of the data guided by research questions. In accordance with the active role of the researcher, a qualitative approach to thematic analysis focuses on flexibility—data analysis, and research more generally, become iterative processes.

3.5 Restorative Justice Portrayals in the Literature

According to Knifton and Yates (2019), knowledge in any given area of research is constantly evolving—it is a “shifting terrain” (p. 213). Because of this, there are often competing and overlapping systems of knowledge at play. For many research topics, then, there is not one homogenous understanding. This is especially true in the case of RJ, given its history and context previously discussed. For this reason, the following section showcases some common portrayals of RJ found in the criminological literature. These portrayals are not a portion of my methodology, but rather part of a pre-analysis undergone in order to inform my subsequent analysis of RJ programs. The reason for doing this is due to the pervasiveness of such themes in the RJ literature—many theorists and authors attempt to frame the many ways the concept has been understood during the past few decades of its complex history. Thus, it was considered necessary to include these portrayals from the literature.

Vanhamme (2019) states that “problematization” involves turning what is “normal” into a mystery. Such as this, this section presents some significant RJ portrayals gathered from the literature. The process of gathering portrayals involves the transformation of RJ, often a given, into an issue by examining the multitude of ways in which it has been understood and portrayed from various perspectives. In terms of the organization of these portrayals, I sought to start with those that represent some fundamental theoretical elements and historical perspectives, then move to those which represented process and outcome.

The portrayals from the literature presented here draw from both major original theorists as well as contemporary empirical studies. The reason for the inclusion of both genres is to be able to grasp the full scope of RJ, in terms of both empirical and theoretical contributions. Although several major theorists were identified as such throughout the literature review, those who are

commonly known will also here be presented. Gordon Bazemore, John Braithwaite, Kathleen Daly, Mylène Jaccoud, Gerry Johnstone, Tony Marshall, George Pavlich, R.S. Ratner, Lode Walgrave, Andrew Woolford, and Howard Zehr are the major writers cited within this thesis who are known for their contributions to the RJ field. Many of these theorists were the early writers of RJ in its practical beginnings around the 1970s, while others are more contemporary well-known RJ scholars. Since RJ is a field filled with debate, there is inevitably some deliberation as to who the most important scholars on the subject are. As such, this is not the determinant list of major scholars, but rather a representation of the major theorists who were frequently cited and discussed throughout my personal research.

3.5.1 Restorative Justice as a Paradigm Shift (Theoretical Orientation)⁹

As discussed in the literature review, one of the most pervasive portrayals of RJ emerged due to Howard Zehr's *Changing Lenses*, in which he announced the need for a paradigm shift. Zehr (1990) described the current justice paradigm as a "retributive" model and proposed a restorative model as an alternative. Although he later revisited this claim to admit that it was perhaps too narrow (Zehr, 2015), this seems to be the foundation on which much RJ research and theory is based. Within this portrayal, theorists frame RJ as contrasting with traditional criminal, or "retributive," justice—it is a shift from the traditional paradigm toward a restorative one. Gavrielides (2014) notes how on the face of it, RJ and traditional criminal justice seem to be in clear opposition. Crocker (2016) states that while the traditional criminal justice system promotes punishment, retribution, deterrence, and sometimes offender rehabilitation and accountability, RJ

⁹ The main headings of the following sub-sections refer to the metaphors used to portray RJ, while the portions in parentheses refer to the "genre" around which the metaphors are organized.

promotes the participation of and engagement between harmed persons, wrongdoer, and communities, drawing on a relational understanding of people.

Others continue to note how the goals of RJ and the traditional criminal justice system are easily contrastable. One major issue in RJ research is identifying “restorative” values and the ways in which they inform practice. Zehr (1995) discusses how RJ values must be distinct from traditional criminal justice values, as emphasizing traditional criminal justice values could compromise RJ. In analyzing traditional and restorative values, Zehr (1995) presents the two in stark contrast. His original portrayal of the “retributive” justice paradigm is as follows:

Retributive justice can be summarized quite simply: (1) crime violates the state and its laws; justice focuses on (2) establishing blame (guilt) and (3) administering pain (punishment); justice is sought through (4) a conflict between adversaries in which (5) offender is pitted against state, (6) rules and intentions outweigh outcomes, and (7) one side wins while the other loses. (p. 209)

Zehr’s (1995) subsequent portrayal of a restorative paradigm is summarized in “point-by-point contrast” (p. 210) with his retributive justice paradigm:

(1) Crime violates people and relationships; justice focuses on (2) identifying needs and obligations and (3) making things right; justice is sought through (4) dialogue and mutual agreement in which (5) victims and offenders are given central roles; and justice is judged by the extent to which (6) responsibilities are assumed and needs are met and (7) healing (of individuals and relationships) is encouraged. (p. 210)

The way in which he contrasts the two above shows an understanding of RJ as a paradigm shift from traditional criminal justice toward “restorativeness.” Although some authors do acknowledge that presenting RJ in opposition with traditional criminal justice may oversimplify the divergence between the two (Crocker, 2016; Jaccoud, 2007; Pavlich, 2005; Strimelle, 2007; Zehr, 2015), many tend to use explicitly contrasting language to describe how the two differ.

3.5.2 Restorative Justice as a Movement for Stakeholder Equity

A theme in the RJ field is that one source of its development was as a movement to create equity between stakeholders in the criminal justice process. Calls from victims'¹⁰ advocates for meeting the needs of victims and increasing their rights accelerated the development of RJ (Jin Choi, Bazemore, & Gilbert, 2012; Johnstone, 2011). Since the early development of RJ, the inclusion of victims has continually developed. For example, Daly (2014) offers a flexible victim-centered interpretation of justice. Much literature focusing on victims emphasize the need to further include and address victims' concerns, but Daly's interpretation extends further. She proposes that what constitutes justice for one victim may not be the same for another—RJ should then remain a broad concept in order to cater to all victims. Johnstone (2011, p. 11) reveals some principal questions that should be posed in a justice process when it comes to stakeholders. Evidently, in a restorative context, the principal question should not be, "What should be done with the offender?" as this implies retributive and/or rehabilitative values. The question, "What should be done for the victim?" moves further toward common central values of RJ.

Importantly, RJ itself is not solely a movement for victims, as one important tenet of the concept is equal concern for all stakeholders (Braithwaite, 2002). Likewise, Daly (2002) asserts that one core element of RJ is an emphasis on the role and experience of victims in justice processes; however, another important element is the involvement of all relevant parties. Since a foundational element of RJ is equal concern for all stakeholders, it must be noted that RJ initiatives that promote one stakeholder over others cannot be considered restorative in nature. As such, this section does not intend to suggest that victims are the primary focus and other stakeholders remain periphery. Instead, it seeks to show how some literature has framed RJ's development as a

¹⁰ The word "victim," rather than harmed person, is used intentionally in this section as it refers to a specific social movement.

movement for victim inclusion due to the neglect they often experienced in the justice system in decades prior.

3.5.3 Restorative Justice as an Ancient Practice (Origins and Roots)

As discussed in the literature review, some scholars describe RJ in terms of a revival of an ancient practice and cultural tradition. Johnstone (2011) draws attention to the fact that the West handles “crime” differently than other cultures worldwide and differently than did previous cultures of the Western world. Original Indigenous societies often did not draw sharp distinctions between “crime” and other types of wrong as we do today. It was handled the same way as with other conflicts among community members. However, beginning in the 12th century, colonizers developed a public judicial system to punish those who committed violent offences and property offences. This system was imposed on Indigenous people in colonized nations, suppressing their restorative traditions. However, ancient ways of handling harm were not always purely restorative—they also involved some retributive aspects (Chartrand & Horn, 2016; Zehr, 2015). Since the 1960s, colonized peoples have begun the struggle of reviving their native justice methods, and proponents of RJ have further extended this movement, suggesting that community-based RJ practices serve as a template for all (Johnstone, 2011). Nonetheless, it is necessary to note that this conflation between Aboriginal justice and restorative justice in the literature is not entirely accurate. While forms of Aboriginal justice were a source of inspiration for contemporary RJ, the two are not the same.

3.5.4 Restorative Justice as Healing (Process and Outcome)

The healing metaphor is widely used in the RJ literature. Two common terms used to describe the processes involved in RJ are healing and reparation. I here suggest that healing refers to healing individuals, while reparation—discussed next—refers to repairing relationships. Many

authors draw attention to the importance of the healing metaphor in RJ processes. Braithwaite (2002) states that the RJ method involves firstly acknowledging the consequences of an injustice and using them as a starting point for healing the hurt they have caused. Okimoto, Wenzel, and Feather (2009, as cited in Borton & Paul, 2015) state that a restorative approach should place emphasis on healing, while a non-restorative approach focuses on punishment. They speak of healing the harmed person and undoing the hurt that has been caused by the harm.

Similarly, Zehr and Mika (2004) exemplify this view when describing the fundamental concepts that underlie RJ. One main concept in RJ is that “crime” fundamentally violates people and relationships (Latimer, Dowden, & Muise, 2005; Zehr & Mika, 2004). In the context of the process of healing, Zehr and Mika (2004) state that harms violate people. The primary victims of a harm are those who have been violated, harmed, and most directly affected by an offence, and a restorative approach must involve a healing process. RJ also generally seeks to heal and turn wrongs to right (Zehr & Mika, 2004). The principal focus of healing within this concept is healing the harmed person: the process of recovery and healing is described as ultimately the “domain” of the individual harmed person (Zehr & Mika, 2004, p. 78). Harmed persons are deemed to be empowered by participating in RJ processes and programs, which contributes to their healing.

Borton and Paul (2015) interviewed RJ facilitators regarding their understandings of RJ in an effort to discover the most prominent metaphors used to describe RJ, and the medical metaphor of healing was most prominent in their findings. Facilitators discussed how offences hurt people and cause them harm, and that the suffering this harm causes must be healed through a “treatment” of dialogue. This description of RJ aligns with a biomedical discourse that is predominant in Western culture. Biomedical discourse focuses on medicinal interventions which treat biological pathologies, and it sees illness as an abnormality which must be diagnosed and treated by doctors

with expertise (Borton & Paul, 2015). Similarly, in the case of these interviews with RJ facilitators, offences—which were often described as “harms”—caused harmed persons to hurt and suffer. This pain was viewed as an abnormality which required treatment through dialogue. There was even a parallel in this metaphor between doctors and RJ facilitators. Although the facilitators did not describe themselves as experts, they did discuss their process of meeting with participants individually prior to the dialogue in order to learn their stories and gain a deeper understanding of what pain had been caused. In this case, the facilitators can be seen as facilitating a treatment (dialogue between harmed person and wrongdoer) to address hurt (harms caused by the offence) by drawing on their expertise (understanding of participants’ experiences).

3.5.5 Restorative Justice as Reparation (Process and Outcome)

Again, according to Zehr and Mika (2004), “crime” violates both people and relationships. According to this statement, the second step in the restorative process involves the reparation of relationships. In the traditional criminal justice system, Goren (2001, p. 138) states that the main functional question is, “Is the accused guilty or innocent?” In contrast, one question that stems from RJ is, “What needs to be done to repair the harm?” (Goren, 2001, p. 139). Green, Johnstone, and Lambert (2013) discuss relational repair as a fundamental step in the restorative process. They point out how the traditional criminal justice system does little to repair relationships, and arguably further exacerbates relational distance through institutional obstacles and third-party professionals who handle the conflicts using their expert knowledge. RJ, on the other hand, fosters relational repair through communication and understanding. It is this breakdown of communication in society—exacerbated by traditional criminal justice proceedings—which shows a need for restorative approaches.

Likewise, Wenzel, Okimoto, and Cameron (2012) state that the objectives of RJ are twofold. From their perspective, the first aim is to reduce law violations in the future, and the second is to restore a sense of justice or moral repair. They state that this symbolic concern is often considered primary in RJ processes, but not in the traditional criminal justice system. Indeed, Presser and Van Voorhis (2002) agree that the principal objectives of RJ are wrongdoer change and the repair of relationships. Relationship-building involves the redevelopment of interpersonal relationships which the harm broke. However, the difficulty is that this is not easy to measure (Presser & Van Voorhis, 2002). Not only is reparation not directly empirically observable (except perhaps through material compensation), but the understanding of reparation can differ from person to person.

3.5.6 Restorative Justice as Conflict Ownership (RJ and the State)

Strimelle (2012) states that in our contemporary society, the criminal justice system is often considered to be the institution the most capable of handling the majority of conflicts. Many scholars problematize the issue of conflict ownership in the traditional criminal justice system, however.¹¹ In the mainstream justice system, although conflicts directly involve harmed person and wrongdoer, the ownership of the conflict is essentially transferred to the state through the use of lawyers. According to Christie (2004, p. 3), lawyers can be described as “professional thieves.” They are trained to steal, solve, and prevent conflicts, and the court system becomes the organization in which these conflicts are handled. “Criminal” conflicts become the property of lawyers, and this results in decreased attention to the harmed person. This conflict theft is a problem because the harmed persons, wrongdoers, and their respective communities are the ones

¹¹ Although conflict and harm are not direct synonyms, the term “conflict” in this section refers to “harms” from an RJ point of view since it discusses conflict within the context of the criminal justice system. “Conflict” is the term used by the scholars referenced in this section, so it was adopted for this section as well. See Strimelle (2012) for a discussion on conflicts vs. harms.

who are directly affected by the harm (Suzuki, 2016). When a conflict is taken by the state and handled in court, harmed persons become “losers” in the situation (Christie, 2004, p. 3). Not only have they perhaps lost materially, become hurt physically and emotionally, and lost compensation, but they even lose participation in their own cases. The Crown becomes the spotlight in the case, describing the experience of the harm, appearing in the news, and communicating with the wrongdoer. Some RJ proponents suggest that those directly affected are also robbed of an opportunity for growth (Christie, 1977, as cited in Wenzel et al., 2008). By losing their chance to communicate with others involved in the harm, harmed persons, wrongdoers, and their communities lose their chance to learn and grow through direct communication with each other. For these reasons, proponents posit that harms should be handled by those directly affected in order to return conflicts to their rightful owners (Christie, 2004; Wenzel et al., 2008).

Goren (2001) therefore describes a restorative approach as a transfer of power. In the traditional criminal justice system, the state is the injured party and punishes wrongdoers, while the actual harmed persons are usually cast to the sidelines. In a restorative approach, “offences” are perceived primarily as a harm against the harmed person and community, and peripherally as a harm against the state. This transfer of power gives a voice to the affected parties, giving them an opportunity to present their side of the story (Wenzel et al., 2008). Ultimately, a transfer of power and conflict ownership reflects a critique of the current justice system and what RJ proponents suggest are its shortcomings (Goren, 2001). However, Christie (2009, as cited in Shapland, 2014) makes an important note regarding the transfer of conflict ownership. Although RJ involves transferring conflict ownership from the state to those directly affected by harms, Christie sees potential danger in the involvement of professional mediators in the process. By endowing a large portion of the communicative power to someone who does not have a personal

stake in the harm at hand, there runs the risk of conflict ownership still resting in the hands of a non-involved party.

3.6 Conclusion

This chapter has discussed the methodological approach of this thesis, including document analysis as the foundation of the approach and thematic analysis as the analytic strategy. The following chapter will discuss the portrayals of RJ gathered from the four RJ programs described earlier in this chapter. The portrayals of RJ outlined in this chapter are being used as general guidelines to better understand the content and discourse of the programs. In the final chapter, implications will be drawn from this analysis in order to fulfill the objectives of this thesis.

CHAPTER IV: Analysis

The current chapter describes the results gathered from my data analysis. After gathering data and undergoing the coding process to create themes and categories into which the data would be organized, it was time to develop these themes and connect them to my research objectives and questions. Each of the four programs¹² will be discussed individually in order to present the RJ portrayals within them. In the following chapter, I will discuss the implications of these results, connecting them to the wider framework of this thesis. As a preliminary note regarding the nature of my data, it is essential to remember that online program documents produce a specific kind of discourse. Since the documents are placed online to be known by the public and to raise the interest of potential “users,” they will evidently attempt to highlight their strengths and conceal potential defects. For this reason, my analysis, like any qualitative analysis, required some reading in between the lines. Additionally, there could be significant themes that have gone unnoticed.

4.1 Collaborative Justice Program

CJP’s website offered many documents from which to collect data, in addition to several internal documents that were acquired from CJP staff. As a result, there were many themes and portrayals to be found in such a vast array of data. Accordingly, the three most prominent portrayals (based on frequency) gathered with this approach were the three focuses of CJP’s mission statement, which was later placed onto the program’s website after a website overhaul in February 2021: “The Collaborative Justice Program, in Ottawa, engages victims, offenders and their communities in restorative justice processes that focus on understanding, reparation, and healing” (CJP, 2021a, par. 1).

¹² Again, in this chapter, terms such as victim, offender, and crime will often be used the ways they are used within program documentation.

4.1.1 Restorative Justice as Reparation and Healing

Compared to the other themes offered by CJP, there was not much deep illustration of reparation and healing, but rather, frequent mentions of them. Most documents discussed one of the two concepts, or both in tandem. Importantly, we must note that although healing and reparation are often discussed together in program documentation, they are considered to be distinct in the realm of RJ theory. Whereas healing can be seen as an objective or process, reparation is often understood as a result of restorative practice. In the previous chapter, I outlined two specific portrayals from RJ literature: RJ as repairing relationships, and RJ as healing harm. In contrast, CJP documentation tends to combine the two concepts, framing both reparation and healing as part of a process that brings people together and attempts to undo some of the harm caused by “crime.”

An opening statement on CJP’s website home page implies that the program’s principal understanding of RJ focuses on “healing the harm caused by crime” (CJP, 2021a, par. 2). Similarly, the goal of the program’s circle process is to “[...] provide an opportunity for healing, closure, and resolution” (CJP Document A). This goal and the process itself begin only once the accused is willing to work toward repairing and healing the harm caused by his or her actions (CJP, 2021b). An additional statement on the program’s website outlines that the program “provides opportunities for both parties, if they desire, to work together on healing and resolution” (CJP Document B). As it relates to “both parties,” there is much information for participants and from former participants evidencing a healing emphasis within the program. On the informational pages for both “victims” and accused, healing is a central tenet. For victims, CJP asks:

Do you have needs for *reparation*, which are thus far unattended? [...] You can have input on how you wish the *harm to be repaired*. [...] If you and the offender develop a

Resolution Agreement, it can be submitted to the court for consideration at the time of sentencing. Generally, judges appreciate when an accused does their best to *repair the harm* done. [Emphasis added] (CJP, 2021c, pars. 1–6)

For the accused:

You may offer your ideas on how you wish to *repair the harm* that you caused. [...] If you and the victim develop a Resolution Agreement, it can be submitted to the court for consideration at the time of sentencing. Generally, judges appreciate when an accused does their best to *repair the harm* done. [Emphasis added] (CJP, 2021d, pars. 2–4)

Testimonials and stories from former participants posted on the CJP website also exemplify these themes of reparation and healing. For example, participants stated, “It helped both parties to heal [...]”; “So yes, I did find some healing for myself. I found that I could let go of the situation [...]”; “[...] It was extraordinarily necessary, I think, for people to actually heal [...]” (CJP, 2021e). The website tells a poignant story of an accused, Daniel, who was charged with 16 counts of various property offences. Through an exchange of letters, Daniel communicated with the harmed persons in his case and learned that “although he had done something terrible, he could repair the harm to some extent” (CJP, 2021e). Though these testimonials and stories do not constitute internal program documentation per se, they remain significant representations of RJ as CJP attempts to exemplify how the concept of RJ is understood within their program. Thus, healing and reparation are presented in CJP material both as elements of the restorative process.

4.1.2 Restorative Justice as a Process of Understanding

Reparation and healing were more prominent in terms of frequency but understanding remained the most prominent in terms of narrative and illustration. As previously stated, CJP’s mission statement perfectly encapsulates the major portrayals present within their documentation: “The Collaborative Justice Program, in Ottawa, engages victims, offenders, and their communities in restorative justice processes that focus on *understanding*, reparation,

and healing” [emphasis added] (CJP, 2021a, par. 1). Accordingly, the circle agreement for participants expresses that the process is designed to facilitate understanding (CJP Document C). A document detailing the circle process itself outlines the five rounds for participants in the process, with the second and third being “tell the story” and “describe the impact” (CJP Document A), showing that a large portion of the process is centred around understanding the other party’s point of view. A final informational document which exemplifies the program’s focus on facilitating understanding provides information for harmed persons seeking out the program:

Have you felt a need for information about your particular case? Do you have many questions about the crime, such as why did this happen? Do you have questions about the offender? [...] Do you wish to describe the impact of this incident on your life to the person who committed this crime? (CJP, 2021c, par. 1)

From the perspective of a harmed person especially, the process of CJP’s program appears to revolve around understanding the root of the harm, as well as helping the other party to understand the effects of the harm.

Internal documentation aside, there are also many narratives of understanding throughout testimonials and letters of support. A few of the numerous examples will be provided here. Participants stated: “You get to see the offender’s point of view and they get the chance to explain why they did what they did”; “It helped both parties [...] to understand the other person”; “There was an eye-opening experience on both parties. I found out the reasons why she was in the predicament that she was, and the circumstances that led her to that”; “I think that being able to talk it out and ask questions and learn something from the other person involved and their feelings, I think that was important to him. It was for me” (CJP, 2021e). Returning to the story of Daniel discussed above, the theme of understanding was prominent as well. Through communication with the people he harmed, he gained a better understanding of the consequences of his actions as he

was “able to put himself in the position of the victims” (CJP, 2021e). His understanding and remorse were especially increased when he learned that one of the people from whom he had stolen was a young child—while he was committing the act, he did not imagine that a child would be among the people he harmed. A final quote from the story which summarizes the role of understanding in Daniel’s case is as follows:

Although this case did not involve a meeting between Daniel and the victims, and there was no resolution agreement, we feel that it was extremely helpful to all the parties. The victims, because they received information and support that helped them to cope with what had happened, and because they were able to ask for what they needed. Daniel learned about the harm that his actions had caused, in a way that allowed the victims to become 'real' for him. Daniel also learned that although he had done something terrible, he could repair the harm to some extent. As a result, he unexpectedly received good wishes from a number of people he had harmed. (CJP, 2021e)

Thus, this story shows that from the perspective of both parties—wrongdoer(s) and harmed person(s)—understanding is a major element in the restorative process. In this way, it is evident that a major way in which CJP attempts to portray RJ is as a means of understanding the other’s point of view. In this sense, it can be viewed as a desired outcome of RJ.

4.1.3 Restorative Justice as a Paradigm Shift and Ancient Practice

After CJP’s website overhaul, a new “about” page (CJP, 2021b) brought forth two further portrayals like those in the literature which I discussed in the previous chapter: RJ as a paradigm shift and as an ancient practice. On this CJP page, the two concepts are intertwined. The page describes the philosophical roots of both the RJ movement as a whole and of the program’s founding. RJ is framed as a movement that developed in response to growing criticism toward the existing criminal justice system, including concerns such as depersonalization, inadequate consideration of victims, and an inattention to the root causes of “crime” (CJP, 2021b). Therefore, RJ becomes a vision that expands beyond a system which focuses on establishing the guilt of the “offender,” and toward an approach that attends to the needs of all involved in “crime.” It is

described as a “fundamentally different paradigm of justice” (CJP, 2021b, par. 3). This view of RJ by CJP underscores the existence of paradigms of justice, attending to ancient paradigms of justice. Thus, the document shifts attention to CJP’s presentation of traditional aboriginal healing circles as a major root of their contemporary RJ practice. Both elements of this theme then attempt to show recent and ancient roots of RJ’s history.

4.1.4 The Human Side of “Crime”

A final theme to note is frequently referenced throughout other program material. This theme does not necessarily constitute a distinct portrayal of RJ because it tends to run through each of the previously discussed themes. However, it is an important theme to note as it represents the foundation of CJP’s approach to restorative justice. The human side of “crime” is first discussed in the program’s “about” page and continues to make itself known throughout the rest of the material. CJP states that RJ “defines crime as real harm done to real people. It challenges us to focus our attention and our efforts on the ‘human’ impacts of crime” (CJP, 2021b, par. 5). The page goes on to describe how “crime” is usually a symptom of fractures in community life rather than an intentional and logical choice. Another document similarly explains that the human impacts of “crime” are at the core belief statements of the program (CJP Document D).

Especially throughout CJP participant stories, letters of support, and testimonials, participants express the humanity of the restorative approach and how CJP enabled them to experience a more human-centered justice process. One letter of support for the program details a victim’s experience in the process (CJP Document E). During her first contact with the program staff, she was unsure of her interest in the program, much less her interest in the offender himself. She claimed that she did not believe the offender and what he said in his letters to her, but as she began to meet him in person, her view of everything changed. She grew in compassion toward him

the more she learned about his life and his experiences. Similarly, a story of two participants showed a strong theme of humanity and connection (CJP Document F). After being violently assaulted by Jack¹³, Austin was hesitant to partake in the restorative process. However, as the process unfolded, the two told their stories, and Austin became more compassionate toward Jack and his unfortunate upbringing. Austin claims that the experience took him from angry and depressed to coming to peace with the situation, something that would not have come to him easily without the process. These stories therefore emphasize the importance of human connection in the aftermath of harm and the human experience throughout the CJP process, in contrast with the often-depersonalized approach in the traditional criminal justice system. Thus, as previously stated, the element of humanity is a theme that runs through each of CJP's portrayals of RJ.

4.2 Odawa Aboriginal Community Justice Programme

The Odawa Aboriginal Community Justice Programme (OACJP) differs slightly from the other three in this chapter in that it does not identify itself as a restorative justice program in its documentation, but rather as a diversion program: the successful completion of the program by “offenders” results in their charges being withdrawn by the Court (OACJP, 2013a). As discussed throughout this thesis, there are scholars who consider diversion programs to be distinct from RJ. For use in this thesis, OACJP was retrieved from the Department of Justice (2017) Directory of Restorative Justice. It is unclear whether all programs listed in this directory requested to be listed; however, the website does direct users on how to request that their program be updated, added, or removed from the website. Thus, it is assumed that OACJP intends to be listed as a Canadian RJ program and is therefore an appropriate candidate for study in this thesis. For this reason, analysis of this particular program differs from the others. Rather than claiming that the themes gathered

¹³ Names from this case were changed to protect privacy.

from program documentation represent OACJP's portrayals of RJ, they will rather represent only the general portrayals of justice from the program's point of view.

4.2.1 Community-Centred Justice

Similar to the RJ programs, a main theme throughout OACJP's documentation regarding its conception of justice is that of community. The theme of community throughout OACJP documentation incorporates concepts of both community ties as well as healing, which seems to be integrated with the concept of community due to the Indigenous tradition underlying the program.

This community and healing emphasis can firstly be seen in the heart of the justice process at OACJP: the program works by implementing culturally based Healing Plans for "offenders" charged with summary offences (OACJP, 2013a). These Healing Plans are based on traditional teachings which emphasize equal attention to mental, physical, emotional, and spiritual health to maintain balance in one's life (OACJP, 2013a). Thus, the Healing Plan is based on the specific needs of the client (wrongdoer), and may include elements such as therapy, addictions programs, and cultural programs. The community has a major stake in this process as there are various community partnerships throughout the program: "The program model is premised on healing and holistic approaches to justice that require the establishment and maintenance of numerous community partnerships. The involvement of the Indigenous community at all stages of program development is an integral component [...]" (Ontario Federation of Indigenous Friendship Centres, n.d.).

Although there was a limited amount of documentation available, this theme of community ties and healing ran throughout the available material. A press release cited by OACJP regarding a successful graduate of the program demonstrates these themes at play in a specific case:

When trouble with the law brought Cody to the Court House, he was offered the option of taking part in the OACJP. ‘It really caught my interest because I had always wanted to get in touch with my culture and I was willing to give it a shot. At the beginning of the programme, I got to be a part of a healing circle which consisted of three band members, my case worker, my mother, my father, and an Elder.’ The healing circle resulted in a Healing Plan for Cody to complete. [...] ‘I was very grateful to be a part of all this and it was a great honour to meet with the Elder to take part in this. I owe him the greatest gratitude I can possible offer.’ Cody successfully completed his Healing Plan. ‘I was ready to continue my journey and see what life had in store for me.’ (OACJP, 2013e, pars. 3–5)

The presence of various family and community members during the healing circle therefore shows OACJP’s emphasis on community ties in the healing processes of “offenders.”

4.2.2 Justice as Healing the “Offender”

Accordingly, the second major theme gathered from OACJP documentation is justice as healing the “offender.” As previously stated, OACJP is a diversion program; their self-description is that the program “seeks to provide meaningful alternatives to the mainstream Criminal Justice system for both youth and adult Aboriginal offenders and will address the needs of victims (where applicable)” (OACJP, 2013b, par. 1). This diversion is done by creating a cultural Healing Plan for “offenders” who participate in the program. OACJP’s mission statement shows that the emphasis of the program is on the wrongdoer’s experience: “To empower the offender by encouraging them to take full responsibility for their actions and to make positive changes in their own lives” (OACJP, 2013a, par. 2). According to the Ontario Federation of Indigenous Friendship Circles (OFIFC), participants in the program are required to accept responsibility for the matters for which they appear before the Court; then, the “direct-service user and the victim (where possible) appear before a trained Community Council that holds a Healing Circle to identify and address the causes of the offence” (OFIFC, n.d., par. 3). One main goal of the personalized Healing Plans is to minimize repeat offences (OACJP, 2013d). As mentioned in section 4.2.1, wrongdoers

are often called “clients” throughout the documentation, suggesting that the program is a service offered to wrongdoers.

While the OFIFC and OACJP do mention that harmed persons can be incorporated in certain cases, these citations as well as the rest of the program’s material demonstrate that the program focuses largely on hearing and healing the experience of the wrongdoer. There are two important notes to make on this subject. Firstly, there is nothing inherently wrong with diversion programs, especially those of Indigenous tradition. Secondly, as previously mentioned, since OACJP is not specifically described as an RJ program, it is difficult to hold it to the same restorative standards as the others. However, since OACJP is in the national RJ directory, along with dozens of other programs similar in nature, the thematic essence of this program cannot go unaddressed in this thesis. Thus, the portrayal of justice as “healing the offender” is important to identify and to contrast with other programs which aim to be restorative in a community sense; that is, in a way that creates dialogue and communication between all involved parties in a harm.

4.3 Restorative Justice in the Correctional Service of Canada

As mentioned in the previous chapter, CSC offers an RJ program entitled Restorative Opportunities (RO). A major limitation in the analysis of RO is that the public cannot access its internal documentation. CSC maintains strict policies on access to its non-public documentation, especially documentation pertaining to wrongdoers, given the sensitive legal nature of this information. This being said, there remained a considerable amount of RJ-related material on CSC’s website. I was therefore able to collect enough material to examine. Restorative Opportunities is the only CSC-run RJ program in the country; thus, it was considered to be necessary for this thesis due to its national significance as the only RJ program administered by the federal correctional system.

4.3.1 CSC in Context: Legislation

Since CSC is a major institution in Canada, a contextualization of CSC and its mission is necessary in order to frame the RJ portrayals gathered from the RO program. The following pieces of correctional legislation provide a framework under which CSC operates. The Corrections and Conditional Release Act (CCRA) of 1992 governs Canada's federal correctional system and creates the legal framework within which CSC must perform, including areas such as care and custody of inmates, provision of rehabilitative programs, and preparation of inmates for release (CSC, 2008). The following statement from CSC's website summarizes the CCRA's aims and objectives in incarcerating offenders:

The CCRA aims to strike a fair balance between two inter-related strategies: 1) exercising reasonable, safe, secure and humane control of offenders in correctional institutions and of offenders under supervision in the community, and 2) assisting and encouraging offenders to become law-abiding citizens. The principal goal is public safety. This is promoted by proper control of offenders and with programs that help individuals rehabilitate. Rehabilitation programs are important because most offenders will complete their sentence and return to the community. During incarceration, public safety is achieved by ensuring the secure custody of offenders and maintaining a safe environment for both staff and inmates. However, this is a time-limited strategy, as inmates who serve their sentences will be released from prison's secure environment. Therefore, it is equally important to prepare inmates for a successful return to the community as law-abiding citizens. This strategy contributes to long-term public safety. (CSC, 2008, pars. 6–8)

The CCRA's statement of aims provides a clear picture of CSC's goals and is aligned with CSC's mission statement, first adopted in 1989:

The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, contributes to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control. (CSC, 2008, par. 22).

Lastly, it is important to note a final piece of legislative documentation emphasized by CSC regarding its mission and mandate. Following CSC's 2007–2008 Report on Plans and Priorities, an independent review panel assessed CSC's operational priorities, strategies, and business plans,

“with the ultimate goal of enhancing public safety” (CSC, 2008, par. 30). The panel made 109 recommendations, concentrating on the five key areas of increasing offender accountability; eliminating drugs from prisons; developing employability/employment skills; renewing physical infrastructure; and eliminating statutory release and moving to earned parole. Since then, CSC has claimed to have refocused its efforts on five strategic priorities: the safe transition of offenders into the community; safety and security for staff and offenders in their institutions; enhanced capacities to provide effective interventions for First Nations, Métis, and Inuit offenders; improved capacities to address mental health needs of offenders; and strengthening management practices (CSC, 2019a). In summary, it can be seen that CSC’s legislative and missional documentation paints a picture of the federal correctional system as a public safety and reformatory institution.

4.3.2 CSC in Context: Values

It is also important to note CSC’s stated values as they are a valuable portrayal of its institutional conception of justice. The five values CSC lists as being integral to its practice are respect, fairness, professionalism, inclusiveness, and accountability (CSC, 2018). Respect is described in the following terms:

Respectful behaviours honour the rationality and dignity of persons – their ability to choose their own path, within lawful order, to a meaningful life. A good test of respectful behaviour is treating others as we would like to be treated. (CSC, 2018, par. 9)

Next, fairness:

A complex value in both theory and practice, fairness involves balancing conflicting interests, and exercising impartiality, objectivity, equality, and equity in interpersonal relationships. Similar to respect, a good test for fairness is to treat others as you would like to be treated. (CSC, 2018, par. 10)

Third, professionalism:

Professionalism is a commitment to abide by high ethical standards of behaviour as well as relevant group standards, and to develop and apply specialized knowledge for the public

good. Professionalism is anchored in a commitment to integrity – a commitment to uphold our values in even the most difficult circumstances. (CSC, 2018, par. 11)

Fourth, inclusiveness:

Inclusiveness is a commitment to welcoming, proactively accommodating and learning from cultural, spiritual, and generational differences, individual challenges, and novel points of view. (CSC, 2018, par. 12)

Lastly, accountability:

Accountability involves the notion of being willing and able to explain, answer to and justify the appropriateness of actions and decisions. Accountability is applicable to everyone within CSC. Accountability is also about accepting and ensuring responsibility – providing necessary support, feedback, and oversight. (CSC, 2018, par. 13)

These values are said to guide the behaviour, decision-making, and discretionary judgment throughout the institution (CSC, 2018). Interestingly, some of these values align closely with those listed as significant RJ values. However, these values pertain to CSC broadly and not necessarily to Restorative Opportunities as a branch of CSC. As such, the question remains as to whether CSC's portrayal of RJ is similar to that expressed in the RJ literature.

4.3.3 Restorative Opportunities Program

As stated previously, since I was unable to acquire internal program documentation, I was limited to public documentation online detailing two sides of things: the Restorative Opportunities program specifically, and RJ at CSC generally. RO-specific documentation was relatively scarce; however, CSC's website also contained a sufficient amount of information regarding RJ, its history, and its current presence in the Canadian correctional system. It is important to here note the distinction between RO documentation and general CSC documentation regarding RJ, as these two sources garnered different themes. Although the documentation was quite extensive, only two main portrayals of RJ were apparent in my analysis of Restorative Opportunities and CSC: RJ as community and relational reparation, and RJ as a correctional mechanism.

4.3.4 Restorative Justice as Community and Relational Repair

As mentioned, the two portrayals just stated were mostly divided in terms of their sources. It was not my intention to divide the data between RO documentation and CSC documentation, gathering one portrayal from each. Rather, it became apparent during the course of my analysis that RO documentation and CSC documentation had different emphases. This portrayal of RJ as a community approach to reparation refers primarily to documentation detailing the RO program specifically. Throughout the data I collected regarding RO, there were themes of traditional RJ understandings such as dialogue, community-building, reparation, and participation.

Although CSC generally refers to “crimes” rather than harms, most documentation does describe “crime” as a harm caused by an offender toward a victim: “Restorative Opportunities is a [...] program that offers people who have been harmed by a crime, either directly or indirectly, a chance to communicate with the offender who caused the harm” (CSC, 2012a, par. 1). The program is further described as an opportunity for interested participants to meet in a safe setting in order to tell their stories, explain the impact of the harm, ask questions, and participate directly in developing options to try to address the harm (CSC, 2012a; CSC, 2012b). Equal concern appears to be given to each party. Fact sheets for victims, offenders, and family members are available, detailing the RJ process from each participant’s point of view (CSC, 2012b; CSC, 2012c; CSC, 2014b). Additionally, the primary information page for the RO program addresses each participant’s role and point of view in the program by emphasizing their opportunities, choices, and possible outcomes.

Importantly, it is noted that the program differs from traditional justice procedures in which there are two disputants focused on reaching a settlement. Rather, in this program, open communication is emphasized, as well as choice and participation in terms of what outcomes are

derived from the experience (CSC, 2012a). The program points to a community emphasis in its use of professional community mediators; however, it is crucial to note that these mediators are hired, trained, and retrained by CSC (CSC, 2012b; CSC, 2012c; CSC, 2014b). As stated by CSC, the RO approach is “in line with the values and principles of restorative justice that emphasize recognition of harm, choice, inclusion, facilitated dialogue, accountability, safety, and truth” (CSC, 2012a, par. 4). With these features of addressing harm through mediated dialogue—with the goal of facilitating open communication and enabling participants to have a voice in their justice process—the RO program appears to conceptualize RJ as a means of community and relational repair.¹⁴ Thus, this portrayal refers primarily to processes: community-building, dialogue, repairing relationships, and participation.

4.3.5 Restorative Justice as a Correctional Mechanism

It was necessary to also examine CSC’s general RJ documentation as a means of adding further material, given the lack of internal RO data. As such, another relevant portrayal of RJ emerged when additional CSC documentation was assessed. While general CSC material did portray many traditional understandings of RJ, there remained many correctional undertones which were not present in RO material alone. To illustrate this portrayal of RJ, I will proceed through several significant documents and show a subtle progression from a traditional view of RJ to a correctional view.

First and foremost, CSC (2014a) describes RJ as an approach that views “crime” primarily as harm toward others, striving to provide communication between those affected to encourage reparation, understanding, and healing. This main informational page about RJ presents the approach in terms of conflict ownership for, and understanding between, participants.

¹⁴ It is important to note the lack of internal program documentation which may have a serious impact on the analysis of this data.

Characterizing it as a non-retributive approach, RJ begins by garnering a reputation similar to the traditional understandings expressed throughout the literature. A CSC fact sheet detailing some main principles and values of RJ presents the concept in a similar way, emphasizing “crime” as a violation of people and relationships (CSC, 2012e).

A Department of Justice (2017b) document¹⁵ detailing the values and principles of RJ in “criminal matters” begins the shift toward a correctional portrayal of RJ. Much of the information shared about RJ here references traditional understandings. However, at the end of a section describing its philosophy, the authors discuss potential in the use of RJ. While the beginning of this discussion references community building, addressing underlying causes of “crime,” and repairing damage, the latter end resonates more distinctly: “In doing so, it could contribute to community wellbeing and potentially reduce future crimes” (Department of Justice, 2017b, par. 4). Although reduced recidivism can be considered one of the many benefits of an RJ process, most scholars point to much larger goals due to the community-oriented nature of RJ (Bolitho, 2012; Presser & Van Voorhis, 2002; Wenzel, Okimoto, & Cameron, 2012). Meanwhile, reduced recidivism is considered to be one of the primary goals of the correctional system, as evidenced by CSC’s mandate of “contribut[ing] to public safety by actively encouraging and assisting offenders to become law-abiding citizens” (CSC, 2008, par. 22). This line by the DOJ seems to represent an effort to maintain correctional goals in their portrayal of RJ, which continues to a greater extent in the following documents.

This “infiltration” of correctional views into CSC’s portrayal escalates on a page summarizing the principles and values of RJ. Importantly, the page’s opening line points to a constructivist view: “Everyone engaged in restorative justice tends to have their own definition of

¹⁵ This document, although not published by CSC, was referenced by CSC on one of their RJ web pages.

what it means” (CSC, 2012f, par. 1). There are nine principles and/or values delineated in this document: harmful behaviour, inclusion, accountability, safety, transformation, voluntary, humanistic, interaction, and holistic. For the most part, again, the descriptions adhere to an understanding of RJ which would align with much of the traditional literature discussed in chapters one and three of this thesis. However, the values of inclusion and accountability bring forth some notions rarely found in the literature. CSC’s description of accountability does indeed focus on the point of view of the offender, suggesting RJ as a process that enables offenders to take responsibility for the harms they have caused, which is integral to RJ practice. Nonetheless, the description finishes with a claim that accountability can represent the opportunity to “denounce the criminal act and reinforce social rules and laws” (CSC, 2012f, par. 4). Although this could be a point of emphasis for victims involved in RJ due to their harms resulting from “crimes,” CSC’s mention of this at the end of the paragraph rings as a reinforcement of correctional values. Similarly, the value of inclusion is described in traditional terms, but ends with an assertion that government and criminal justice professionals *need* to be included in appropriate ways in RJ processes. This point raises suspicions considering CSC’s emphasis on “community-based” mediators in the RO program rather than correctional staff (CSC, 2012b; CSC, 2012c; CSC, 2014b).

Following these four documents, there remain three further documents in this progression which outright state CSC’s intentions in adopting RJ approaches. One of the first documents that emerges when searching the CSC website provides a concise definition of RJ, also stating that CSC supports the advancement of RJ “as it contributes to CSC’s priorities and public safety” (CSC, 2019b, par. 2). Accordingly, two other documents discuss a backgrounder of RJ’s history in CSC (2012d), as well as RJ services currently offered by CSC (2019b). In the former, CSC

posits that “the principles and values of RJ can be found in several of CSC’s core values, which emphasize individual dignity, respect, and potential, as well as those that recognize the importance of community connections and partnerships” (CSC, 2012d, par. 7). In the latter document, CSC states that as an institution it explores and encourages the application of restorative practices in prison and community/parole settings” (CSC, 2019b par. 7). To develop RJ practices within prison settings, CSC provides information and referrals, and acts as a liaison between RJ practitioners, partners, and community organizations (CSC, 2019b). Finally, the last line pertaining to RJ initiatives in CSC environments declares that these aims can contribute to “the meaningful accountability of offenders, addressing the harms caused, victim empathy, and the safe reintegration of offenders as responsible law-abiding citizens” (CSC, 2019b, par. 9).

Throughout these final documents, the portrayal of RJ as a correctional mechanism becomes clearer. Although the documents do discuss traditional RJ concepts, the organization of the ideas seems to be structured so as to remind the reader of the context of the authors. Often, after providing the reader with information regarding RJ and how it works, a section will be punctuated with a reference to CSC’s correctional goals or intentions in adopting restorative approaches. As shown, this is evidenced in documents which 1) paint accountability as an opportunity to denounce criminal acts and reinforce social laws (CSC, 2012f); 2) assert that criminal justice professionals must be included in RJ process (CSC, 2012f); 3) support the advancement of RJ as it contributes to goals of public safety (CSC, 2019b); and 4) redirect the aims of RJ toward reintegrating offenders as law-abiding citizens (CSC, 2019b).

While restorative dialogue is often central throughout much of the material, there seems to always be a point of diverting the discussion toward correctional goals and functions. Additionally, one document claims a similarity between values within RJ and within CSC. While respect,

fairness, inclusiveness, and accountability are considered both values of CSC and RJ processes, there begs the question of how these “restorative” values relate to CSC’s mission statement which revolves around public safety and adherence to the law. This is not to suggest that CSC’s values have no grounding in CSC’s mission and activities. Rather, it is important to point to the fact that while RJ values may be similar in name to CSC values, this does not equate to a similarity in mission between CSC and restorative justice in theory nor in practice. Thus, with this in mind, it can be seen that the second portrayal of RJ made throughout CSC documentation is as a correctional mechanism, promoting correctional goals traditionally outside the scope of restorative processes. This portrayal then falls under the umbrella of outcomes as the goal of this face of CSC’s restorative justice appears to be correcting “offenders.”

4.4 Centre de Services de Justice Réparatrice

4.4.1 Restorative Justice as Dialogue

Similar to CJP, CSJR had a thematic emphasis on dialogue between parties/individuals. While this was represented more in terms of understanding others’ perspectives within CJP documentation, CSJR emphasized dialogue for the sake of dialogue. The main service offered by CSJR, Restorative Justice Circles, brings together individuals who have committed or suffered from similar harms. This service focuses not on mediation because the involved wrongdoers and harmed persons were not part of the same harms—the objective of these meetings is purely to “create a dialogue” (CSJR, 2021b, par. 7). For Victim-Offender Encounters, the central objective is to “create an open space for communication where the parties can express themselves freely and begin to discuss and repair the consequences of crime” (CSJR, 2021e, par. 5). Testimonials from past participants show the power of dialogue at play. One harmed person, whose child was murdered, shared that talking about her experience gave her back her dignity (CSJR, 2021f).

Another who had been subjected to burglaries stated: “By expressing to offenders my anger of having been robbed several times, I found that forgiveness cannot happen without first being honest” (CSJR, 2021f, par. 11). These experiences show in a small way that dialogue and communication for the sake of it are at the heart of CSJR. The primary goals of CSJR’s services are communicative in nature, with healing as a desired outcome; thus, communication appears to be the nature of CSJR’s program.

4.4.2 Restorative Justice as Healing

Like many other programs, healing was a central portrayal of RJ, evidenced first in CSJR’s mission: “The Centre provides support for individuals who have experienced individual or collective abuse or violence in their need to express themselves, be acknowledged, and to find healing” (CSJR, 2021b, par. 3). As mentioned in the previous section, the central objective of CSJR’s Victim-Offender Encounters is to create an open space for communication, where participants can begin to discuss and repair the consequences of harm (CSJR, 2021e). While communication does seem to be the primary objective, healing (through reparation) shows itself as a desired outcome. One service offered by the program, the Healing of Memories workshop, places further emphasis on the hope of healing: the workshop is designed to help individuals deal with trauma from violence, “whether as victims, perpetrators, or witnesses” (CSJR, 2021h, par. 3).

As with other programs, testimonials from past participants tend to best narrate the program’s portrayals of RJ. The same participant whose child was murdered also stated that she sought out RJ services as she felt she would do anything to heal after the murder. Another harmed person whose mother was murdered stated that meeting the wrongdoer who hurt them was a very important step in the healing process. Lastly, a testimonial from a wrongdoer shows the importance of healing from another perspective: “For me, ‘letting go’ physically, mentally, emotionally, and

spiritually are all part of healing. Both the suffering I've experienced and the suffering I've caused have to be transcended... so that I can break the hellish cycle of suffering" (CSJR, 2021g, par. 7). Although healing appears to be a secondary objective/desired outcome following communication and dialogue, CSJR material and especially testimonials demonstrate the importance of personal healing to the program's view of RJ.

4.4.3 Restorative Justice as Humanism

Fassin (2019) identifies three major lineages of humanism. Humanism I, generally associated with the Renaissance, refers to concepts such as virtue and intellect. Humanism II, stemming from the Enlightenment, is rooted in the idea of humans as rational and autonomous agents striving toward self-realization. Humanism III, on the other hand, is inherited from the Christian tradition and emphasizes love, charity, simplicity, dignity, and philanthropy. Like CJP, CSJR strongly emphasizes the human side of harms. Concepts of human value and potential are frequently referenced, alongside experiences of flourishing and development that come with the humanized experience of the RJ process. Another portion of CSJR's mission states that their approach is based on the "fundamental principles of humanism, in its broadest sense" (CSJR, 2021b, par. 6). It is therefore Humanism III to which CSJR's claim of humanism most closely aligns. Moreover, each RJ circle is facilitated by two volunteer facilitators, chosen for their human and professional qualities, illustrating the program's emphasis on human connection and experience during the RJ process. One quote which demonstrates this understanding comes from CSJR's informational page for harmed persons: "Whether you are the direct victim of a crime, a close relative to someone who has been a direct victim (secondary victim), or part of an offender's family, *it is important not to stay alone*" [emphasis added] (CSJR, 2021d, par. 2).

Lastly, participant testimonials again duly narrate this view of RJ. For harmed persons, RJ processes at CSJR helped them to be relieved of destructive feelings toward wrongdoers:

My belief is that, as humans, we are all interactive [...] I discovered how my mind was open to all humans, no matter who they were, and that I was willing to give them their chance. (CSJR, 2021f, pars. 1–2)

From there, the offender is no longer a beast, a monster, a demon, they become human. (CSJR, 2021f, par. 10)

I could be human, with my emotions, positive as well as negative. (CSJR, 2021f, par. 11)

The RDV meetings helped us each understand that...as much as the victim depersonalizes the inmate so the inmate depersonalizes the victim. (CSJR, 2021f, par. 13)

These experiences illustrate RJ as a means of promoting human connections and qualities between participants, as do testimonials from wrongdoers:

I also wanted to mourn my own suffering and hope that victims can do so also with me so that we can turn the page together for good. One woman who participated quoted an appropriate Bible verse on the topic: ‘For where two or three are gathered in my name, there am I in the midst of them.’ I think this verse is a good reflection of the magical atmosphere and the energy that dominates the room. Victims and inmates learn to tell the difference between a person’s actions and the person. (CSJR, 2021g, pars. 4–5)

We are afraid to [...] show we are weak... You put on a mask, a wall, a defence mechanism. But then... I received what I expected: tenderness [...] love, sincerity. (CSJR, 2021g, par. 13)

Thus, the theme of humanism is apparent throughout CSJR’s material as it is a major element of both communication/dialogue (section 4.4.1) as well as the healing process (section 4.4.2).

Humanism can therefore be seen as an element of CSJR’s nature of RJ.

	CJP	OACJP	RO	CSJR
Healing	✓	✓		✓
Reparation	✓		✓	
Understanding	✓			
Paradigm Shift	✓			
Ancient Practice	✓			
Community		✓	✓	
Correctional			✓	
Dialogue				✓
Humanism	✓			✓

Overall, CSJR's portrayal of RJ through their documentation is similar in some ways to other programs, namely to CJP. To condense my results, the table above shows the presence or absence, in each program, of all the portrayals of RJ gathered from my data analysis. Firstly, it must be noted that the primary reason for the abundance of portrayals within CJP is because CJP offered more material than the other programs, not necessarily because CJP holds a more restorative lens than the others. This table is not meant to show the themes that should be present in each program, but rather the most prominent themes that were gathered across all programs. Meaning, most programs with an online presence highlight the most significant elements of restorative justice in their documentation at some point; however, some things are glazed over, with simply a sentence or two dedicated to the concept.¹⁶ Therefore, this table shows any overlap in terms of portrayals or themes that are present in more than one program.

Nonetheless, the distinction between CSJR and the others at the governmentalist vs. communitarian level remains important. The table above remains important in showing the presence of themes within the programs; however, the following chapter will address the

¹⁶ For example, the table shows that healing was a prominent theme/portrayal in all programs but Restorative Opportunities. RO did in its documentation briefly discuss the concept of healing as it relates to restorative justice; however, other concepts were far more prominent.

implications of these results. As discussed in the previous chapter, the Restorative Opportunities program is strictly governmentalist, while the Collaborative Justice Program and the Odawa Aboriginal Community Justice Program maintain a slightly further distance, although they still hold many legalistic roots. The Centre de Services de Justice Réparatrice, on the other hand, although not purely communitarian, leans heavily toward the communitarian end of the spectrum. In the following chapter, I will elaborate on the themes gathered from this analysis and discuss their implications as they relate to my theory and research questions.

CHAPTER V: Discussion

5.1 Purpose of the Study Revisited

Due to decades of restorative justice research and practice in the criminological field, the topic of RJ has vastly expanded. This continuous expansion of RJ, not only within its own field, but into other conflict mediation fields as well, has caused jumbled definitions and understandings of the topic. Since a traditionally central tenet of RJ—particularly from a minimalist perspective—is that it holds specific convictions and values so as to remain distinct from the criminal justice system, it is important to examine which understandings of RJ are primarily driving the practice of RJ programs. Through the analysis of four Canadian RJ programs, portrayals of RJ were gathered from this practical point of view. In this chapter, I will revisit these four programs in order to further elaborate on the themes gathered from my analysis. Then, I will connect these findings to the research questions and the theoretical framework, as well as discuss the implications of the findings of this thesis.

5.2 Analysis Revisited

5.2.1 Collaborative Justice Program

Portrayals gathered from CJP documentation largely adhered to traditional views of RJ. Reparation, healing, understanding through dialogue, humanity, and the importance of a paradigm shift from traditional criminal justice ring true as elements that are significant from both the point of view of RJ theorists and the Collaborative Justice Program. As such, CJP represents RJ in a traditional way through its documentation to a much greater extent than do Restorative Opportunities and OACJP. However, this does not mean the program evades correctional or legalistic involvement entirely. An important element of the program to note is that it operates alongside the criminal justice system and not external to it. The program's Participation Agreement

requires a signature from the wrongdoer agreeing to enter a guilty plea if not already done, alongside a disclosure of one's criminal record and all information relevant to the present offence (CJP Document G). Additionally, in the previous chapter it became clear that participation in CJP's restorative process can affect the outcome of a wrongdoer's case. As such, it is difficult to claim that CJP aligns fully with the RJ literature. Although their portrayals of RJ emphasize a traditionally restorative approach, it is indeed at the least a maximalist approach given that the program is quite involved in the judicial system.

5.2.2 Restorative Opportunities

Restorative Opportunities emerged as a program with two "faces." In my examination of material relating to RJ at CSC generally and about the RO program specifically, it became evident that, whether intentionally or not, CSC seemed to promote two different understandings of RJ. With RO documentation, their representation of RJ remained similar to the traditional RJ literature. Much of the material referenced concepts such as community, healing, reparation, relationships, and a new way of approaching justice. When it came to general RJ documentation, this emphasis on traditional RJ understandings did retain some grounding; however, there were correctional undertones throughout that could not go unnoticed. One explanation of this is that CSC evidently used traditional literature to develop the concept of RJ for their program documentation. For general documentation, however, it seemed as if there was an intentional attempt to maintain correctional values in their discussion of how RJ relates to CSC. Since RO is a CSC-administered program, CSC has control over the way in which they represent the program to the public, whereas they do not have control over how the literature itself frames the concept of RJ. They seemed to need to constantly relate the literature back to the correctional system. Thus, there emerge two faces of restorative justice in an examination of CSC's online material. A limitation of this is

evidently that the material was solely retrieved online. Perhaps internal documentation relating to the RO program might show something different. However, as it stands, CSC's representation of RJ as furthering their mission of law obedience and public safety does not share similarity with the literature, as CSC's view focuses mainly on recidivism reduction.

5.2.3 Odawa Aboriginal Community Justice Programme

As mentioned in the previous chapter, OACJP differs from the other three programs in that it is not outright identified as a restorative justice program. The program was included in the sample in order to incorporate an Indigenous perspective as Indigenous culture has been discussed as one early inspiration of contemporary RJ theory. I thought it necessary to integrate this perspective for this reason, although early analysis revealed that the program's approach differed strongly from those of a more restorative nature. Since the successful completion of the program by wrongdoers results in their charges being withdrawn by the Court, and because harmed persons are most often not participants in the program, OACJP is a diversion program. Analysis of the main themes in OACJP's documentation also reveals that the program is not exactly in the business of doing restorative justice in the way it has traditionally been understood. Although community is a main element of their portrayal of justice, an equally prominent theme throughout is that of healing the "offender." The program centers around the experience of the wrongdoer and what can be done to improve his or her conditions, through an individualized Healing Plan, so that recidivism does not occur. Again, although diversion and rehabilitation programs do have their place in the justice system, and although wrongdoer accountability is important in RJ, it cannot be said that OACJP's documentation fully represents any of the main portrayals of RJ traditionally expressed in the literature. Even though the program is advertised as an RJ program by the DOJ, the lack of participation from harmed persons seems to immediately disqualify the program from

the realm of traditional restorative justice. As such, the program's themes are not portrayals of restorative justice, but rather simply of justice, and the program does not bear similarity to the RJ literature.

5.2.4 Centre de Services de Justice Réparatrice

Lastly, CSJR's documentation brings forth portrayals like those in the RJ literature: dialogue, healing, and humanism among the most prominent. Importantly, this program bears similarity to CJP in its most significant portrayals, suggesting that on this front, the two are similar in their restorative representation. However, a return to the governmentalist versus communitarian distinction is significant here in order to understand the nature of the two programs.¹⁷ Broughton (2012) presents a table differentiating the two genres of programs; the features of the table have here been borrowed and adapted to simplify the distinction between CJP and CSJR.

	Collaborative Justice Program	Centre de Services de Justice Réparatrice
Mediators	Paid professionals	Trained volunteers
Funding	Government and public funding	Private donors and grants
Entry Point	Post-charge, pre-sentence	Post-sentence; stakeholders are not related to the same harms
Restorative Process and Criminal Justice Involvement	Wrongdoer must admit guilt to participate; takes place in community	No admission of guilt required; takes place in community or prison
Possibility of Incarceration	Involvement in program may influence wrongdoer's sentence (at judge's discretion)	Process and outcome of cases have no bearing on sentence, incarceration, or conditional release
Main Goal(s)	Dialogue and healing	Dialogue and healing
Referral Sources	Crown and Defence counsels, and Boys and Girls Club Youth Diversion Program	Province-wide network of sources (not specified)

¹⁷ See section 3.2.1 for a review of the six features of governmentalist versus communitarian RJ programs.

It can be seen from the features in the table that CJP aligns largely with a governmentalist perspective and CSJR aligns largely with a communitarian perspective. Some features of CJP's process remain communitarian: the mediations take place mostly in the community, and the main goals of the program center around dialogue and healing. Likewise, one feature of CSJR suggests governmentalist in that the dialogue can sometimes take place in prisons. However, importantly, the dialogue that takes place within prisons is CSJR's Victim-Offender Encounter sessions, which bring together wrongdoers and harmed persons who have committed or suffered from harms of a similar nature. Thus, these are not participants from the same cases but rather participants discussing similar cases and the effects they have experienced as a result. Additionally, as the table states, participation in these sessions has no effect on wrongdoers' judicial or correctional standing. Therefore, it can be seen that CSJR is almost entirely communitarian based on Broughton's (2012) table of features, while CJP is largely governmentalist, even though the two programs share similar portrayals of RJ within their documentation. This dynamic is important in answering the research questions guiding this thesis.

5.3 Theoretical Framework Revisited

To reconnect theory with the results of my analysis, we must return to paradigmatic questions. Craib (1992) and Guba and Lincoln (2004) state that theories are concerned with two areas of explanation: ontology and epistemology. Within the constructivist paradigm, reality is socially constructed. Ontologically, realities are not objective but rather constructed and alterable. Epistemologically, findings are not discovered but rather created during the research process. This paradigmatic orientation is essential to the unfolding of these results as it is clear that the "reality" of RJ differs from one perspective to another.

5.3.1 Social Problems Construction Model

The social problems construction model is a fruitful lens through which to view the topic of RJ portrayals by programs. As discussed in the second chapter, this perspective allows me to not only understand what is happening (social problems construction), but how (through typification and claimsmaking) and why (to persuade an audience). As revealed in my analysis, CJP and CSJR did tend to portray—or in this case, typify—RJ in terms of healing and reparation, concepts that are familiar within the literature. However, CJP’s legalistic involvement would signify a “red flag” to an early, purist RJ theorist. In the context of social problems construction, this can be seen as an example of a claimsmaker highlighting some elements of a problem and downplaying others through typification. Typification, as explained by Best (1990; 2017), involves framing a concept in a particular way to appeal to particular people. As such, this could represent CJP attempting to legitimize and popularize RJ by incorporating it in the CJS. For CSJR, there are similar typifications, but a lack of legalistic involvement which suggests perhaps a different way of constructing justice.

The concepts of interests and ownership in terms of claimsmaking are again important to consider, and here refer to the concept of appropriation. For OACJP, the term appropriation is not inherently negative. This program intends to divert Indigenous wrongdoers from the correctional system, which is a valuable goal considering the overrepresentation of Indigenous wrongdoers in custody across the country due to colonialism and intergenerational trauma. As such, while emphasizing healing the “offender” throughout their documentation, OACJP is typifying justice in the interest of reducing Indigenous representation in custody. However, as seen in my analysis, CSC has two “faces” in its documentation. Thus, I suggest that CSC is appropriating restorative concepts with its own particular interests in mind. This connects with the idea of ownership—with

RJ being a new way of approaching justice, it seems that punctuating its material with correctional references is CSC's way of taking ownership of the concept and typifying it with a correctional purpose. In this way, by emphasizing public safety and recidivism reduction in its claimsmaking, CSC is likely able to appeal to and convince a larger audience than if it were to focus on healing and reparation.

5.3.2 Sensemaking Theory

Iveroth and Hallencreutz (2016, p. 47) define sensemaking theory as “the process by which we give meaning to our experience and socially construct the world around us.” Weick (1995) states that it is about the placement of items into frameworks, with the purpose of reducing ambiguity and structuring the unknown, by creating a pattern of meaning through which to understand our experiences. As the theory relates to the findings of this thesis, Weick's (1995) explanation becomes significant in understanding the sensemaking process from the point of view of RJ programs. The organizational component of sensemaking is valuable to add in this vein. Walsh and Ungson (1991, as cited in Weick, 1995, p. 38) define organizations as networks of “intersubjectively shared meanings that are sustained through the development and use of a common language and everyday social interaction.” Craib (1992) states that the job of theory is to identify underlying structures of relationships between concepts, and this can be applied to the relationship between “organizations” and understandings of RJ. Essentially, understandings of RJ seem to be determined by the framework through which they are created, meaning the “organization” itself (the programmatical context) is what aids in creating the program's understanding of the concept. Much of each program's understanding of RJ seems to come from the literature and research, but their ultimate portrayal of the concept through their documentation is based on their own programmatical context.

Thus, it can be said that documents are contributing to the sensemaking process of the public by portraying RJ in a certain light. To return to the literature, we must note Weick's (1995) discussion of narration: he states that narration is a way of performing social sensemaking. By engaging in conversations, we attempt to convey personal meaning in the form of narratives. The RJ programs in this study, though not necessarily individuals conveying personal meaning, can be seen as figures engaging in narration with the goal of conveying meaning and values to potential "users." Their documentation leads to a story about RJ, and this is what I have unpacked in my analysis.

As an example of the significance of programmatic context, we return to the two "faces" of CSC. Their documentation detailing the RO program is founded on the literature, but when it comes to general RJ documentation, they suggest a different view of RJ based on the way they "do" the restorative process in the federal correctional system. In contrast, CSJR is a community-based program with no involvement in the CJS and their documentation reflects this. For example, we can look at CSC's declaration that RJ initiatives can contribute to "the meaningful accountability of offenders, addressing the harms caused, victim empathy, and the safe reintegration of offenders as responsible law-abiding citizens" (CSC, 2019, par. 9). Although the former three of these aims are common features of RJ literature, the fourth shows the theme of corrections that underscores much of CSC's documentation. Alternatively, CSJR's documentation highlights their community approach and lack of judicial and correctional involvement. To many scholars, the central question of sensemaking theory is "when." They posit that sensemaking is a constant process (Hernes & Maitlis, 2010; Jensen, Kjærgaard, & Svejvig, 2009; Weick, Sutcliffe, & Obstfeld, 2005), suggesting that in this context, programs' portrayals of RJ can shift over time.

Perhaps for those programs with a governmentalist lean, adopting more communitarian features would aid in the shift toward RJ portrayals more coherent with the traditional literature.

Altogether, sensemaking theory is a useful tool when it comes to understanding how context contributes to the process of making sense of a concept. The theory was, however, limited in helping to understand *how* sensemaking itself occurs. Once again, Jensen, Kjærgaard, and Svejvig (2009) state that “sense” refers to meaning and “making” refers to the activity of construction or creation. Most of the sensemaking literature focused on the concept of meaning, while it did not often address the process of creation itself from an individual point of view.

5.4 Research Questions Revisited

The research questions driving this thesis were, “How does restorative justice (RJ) program documentation portray RJ conceptually? Does the way in which concepts are translated into RJ programs change the values with which the programs are associated?”

5.4.1 First Research Question

The first question is concerned with the ways in which programs portray RJ. As discussed in the current and previous chapters, this inevitably depends on the program and several factors within it. While some programs such as the Collaborative Justice Program and Le Centre de Services de Justice Réparatrice largely portray RJ in terms of dialogue and healing, the nature of other programs changes their representation of the concept. Restorative Opportunities, administered by the Correctional Service of Canada, displays subtle correctional undertones which portray RJ as a correctional mechanism in much of the program’s documentation. The Odawa Aboriginal Community Justice Programme (although not explicitly advertised as an RJ program) portrays justice partially as community healing, but also as a means of healing the “offender,” a feature not present in the traditional RJ literature. Thus, the connection of the programs to the RJ

literature also depends on the program. CJP and CSJR were most similar to the literature: healing (Braithwaite, 2002; Crocker, 2016; Johnstone, 2011; Zehr, 1995), dialogue (Gavrielides, 2014; Paul & Dunlop, 2014; Walgrave, 2011; Zehr, 2002), community (Bolitho, 2012; Cayley, 1998; Daly, 2016; Johnstone, 2011; Wenzel et al., 2008), and humanism (Goren, 2001; Paul & Dunlop, 2014; Shapland, 2014; Strimelle, 2015; Walgrave, 2011). RO and OACJP shared some themes with the RJ literature in terms of community and healing, but other major takeaways mentioned above stood out significantly.

5.4.2 Second Research Question

The first research question connects with the second in an important way as it relates specifically to CJP and its portrayals of RJ. As it has been revealed in my analysis and discussion of CJP, a program can have portrayals like those in the literature but still be governmentalist in practice. The second research question asks whether the translation of RJ concepts into programs changes the values of the program. For all programs except CSJR, the answer would seem to be yes. Although all the programs do in some way represent traditional views of RJ, it is the way in which the programs operate that represents their involvement in the judicial or correctional system.

This is where the governmentalist vs. communitarian distinction becomes important, as portrayals alone do not represent the whole of the program. Since this study revolves around documentation, it is easy for the programs to represent a traditional view of RJ in their documentation alone, especially with those programs which did not give me any internal documents. This study was not about practice; however, many elements of the programs' practice were discussed in their material, so I was able to distinguish between governmentalist and communitarian views. Thus, this distinction is significant because it speaks somewhat to the values of the programs. CSJR leans largely to the communitarian side of the spectrum and holds

traditional portrayals of RJ, so the two portions of the program seem to align. RO remains largely governmentalist and does tend to show this in its documentation through the metaphor of RJ as a correctional mechanism. Similarly, although OACJP centers around community understandings of justice, it remains governmentalist in that it is a diversion program connected directly to the criminal justice system. Lastly, there is CJP. This program was the most interesting in terms of analysis because the surface of the documentation would suggest traditional restorative justice. However, the table in section 5.2.4 comparing CJP and CSJR in terms of governmentalist and communitarian features shows that the analysis is not as simple as what the program portrays in its website documentation. Although the program's documentation shows traditional portrayals of RJ, the function of the program itself suggests a governmentalist alignment. Thus, it can be said that RJ is an approach to justice that can vary significantly depending on the groups, individuals, or institutions that refer to it. These groups, individuals, or institutions appropriate the concepts within RJ in accordance with their own visions and philosophies of justice. This study concludes that there is not one restorative justice, but rather several translations of some of its values and core elements.

5.5 Implications

5.5.1 Limitations of the Study

Limitations and benefits of the document analysis approach were discussed in chapter three; however, other limitations related to the research design of this study will be mentioned here. Importantly, a significant limitation is that internal program documentation could not be acquired from three of the four programs, likely bearing some effect on the analysis. With CJP, much of the discovery of its governmentalist alignment came with the analysis of some internal program documentation. Thus, the fact that my analysis was based mostly on external website

documentation limits the depth of the research. Additionally, although programs were selected with geographic location in mind in order to retain some level of coherence, another perspective with diverse geography could provide a valuable perspective. Lastly, time and resource constraints related to a master's thesis prevented me from analyzing several facets of the programs. As such, documentation was the only source of material and provided only one perspective of the programs. Even with such limitations, this study is an important contribution because it provides some grounding on the topic. With RJ being such a vast and ever-expansive field, it is crucial to understand how different portrayals and points of view come to be.

5.5.2 Further Research

Thus, based on these limitations, I will provide some suggestions for further research. Evidently, a study utilizing internal program documentation would provide a deeper and likely more accurate analysis. A larger sample consisting of a more diverse geographical spread could also provide additional viewpoints that may have been lacking with a smaller and more heterogeneous sample. Lastly, in order to further analyze the implications of governmentalist versus communitarian RJ, some elements of practice should be studied. Ideally, a study with the research objectives outlined in this thesis would use interviewing to gather deeper perspectives on portrayals of RJ, and perhaps field observations in order to analyze practice. In this way, the study could analyze both theory and practice of RJ programs and represent a fuller view of how the programs compare to the literature.

CONCLUSION

Restorative justice has become a broad topic of study over the past several decades as research and practice have continually expanded. Because RJ began in practice and later developed in theory, it is still difficult to come to a clear consensus on its definition and major tenets as many have come to understand the concept in their own ways. For this reason, this thesis has attempted to examine the multitude of ways RJ has been portrayed within Canadian RJ programs. The research questions guiding this thesis were, “How does restorative justice (RJ) program documentation portray RJ conceptually? Does the way in which concepts are translated into RJ programs change the values with which the programs are associated?”

In order to answer these questions, this thesis included a literature review, outlining the history of RJ; its major values; theoretical tensions between maximalist and purist RJ; stakeholders and models involved in the RJ process; and some cautions relating to the use of RJ. In the second chapter, I discussed the social problems construction model and sensemaking theory, under the paradigm of social constructivism, and their connection to the topic at hand. The social problems construction model involves seeing social problems as a process of claimsmaking—as not becoming social problems until groups consider them to be. Sensemaking theory involves organizing items into frameworks in order to make sense of the world around us, and organizational sensemaking theory becomes an important addition considering the perspective of RJ programs. The third chapter provided an overview of the methodological approach: document analysis was used to analyze four Canadian RJ programs. At the end of this chapter were several portrayals of RJ from the literature which were used to inform my analysis of RJ programs. Following this, the fourth chapter presented the results of the document analysis. Each of the four

programs were discussed in terms of the major RJ portrayals their documentation showed. The final chapter discussed these findings as they relate to the other components of this thesis.

Importantly, it was discovered that while most programs generally portrayed understandings of RJ that are similar to those expressed by the traditional RJ literature, there remain some elements within the programs that suggest an alternative nature. A governmentalist versus communitarian understanding of RJ becomes useful in interpreting this. Although RJ programs can represent traditional understandings of the concept through their documentation, this does not discount their potential involvement in the criminal justice system, which many scholars argue dilutes the restorativeness of the programs. Thus, while one can consider that the answer to the first research question is that programs tend to portray RJ in a manner similar to the RJ literature, the findings of this thesis would suggest that the answer to the second research question is yes, the ways in which these concepts are translated into programs does change the values with which they are associated. In other words, despite holding traditional understandings of RJ as a concept within documentation, a program's governmentalist lean in practice does not mean these traditional understandings are its entire foundation.

In conclusion, this study offered somewhat of a grounding perspective on RJ portrayals. It was revealed that most of the programs involved do share similarity with the literature in terms of their views of RJ; however, further research is warranted based on the limitations described above. In order to fully encapsulate the depth of this research topic, I suggest a combination of interviewing and field observations.

6.1 Final Remarks

As a concluding note on the topic of restorative justice, the credibility of such programs may be called into question given the variance in definition and representation of RJ. The

governmentalist versus communitarian distinction has shown that emphasizing some values and tenets in RJ leads to a more restorative nature within the program; thus, we must question whether one approach should be valued over the other. This ultimately leads back to the theoretical tension of maximalist versus purist RJ. Should we incorporate a different form of justice into the existing criminal justice system in order to maximize its reach, popularity, and “legitimacy,” or keep a safe distance to not dilute the message, but risk the restorative approach remaining foreign?

When I began this thesis, I wanted to discover whether understandings of RJ within programs had changed enough to the point that they no longer resembled RJ. While my research has shown that some institutions such as CSC have appropriated RJ in such a way that its central nature has become correctional, other programs such as CJP show that healing and dialogue can remain at the core of the message even if the program leans more toward a governmentalist approach. I am of the opinion that realistically, if RJ remains foreign to society for the sake of remaining “pure,” it is not accomplishing much. Although purist theorists may argue that compromising just one part of RJ renders the whole approach futile, I would favour an approach that sees maximalism and purism not as binary, but as a spectrum. In other words, such as seems to be the case with CJP, incorporation into the existing criminal justice system does not prohibit restoration from taking place. Evidently, as this thesis has discussed, this restoration may not mean restorative justice in the traditional sense as it has been outlined in the early literature, but societies and social approaches are constantly changing.

Ultimately, this discovery takes some weight off the deliberation over moral changes of RJ over time. Meaning, my orientation on this topic is not as morally laden as it initially was. It is of interest to examine what understandings of RJ are driving contemporary practice; however, is it necessary for research of this nature to declare one predominant form of RJ which should not be

subject to change over time? I argue that the incorporation of participant testimonials in this thesis makes a valuable contribution: perhaps the evaluation of the restorative nature of said RJ programs should remain on the ground level. If a program takes a different approach to RJ than the early literature proposes, but participants applaud the outcomes of their particular cases and the effect this “type” of restorative justice has had in their lives, it is difficult to claim that this “type” of RJ must change.

Ideally, one original understanding of RJ would prevail in all programmatic contexts for the sake of consistency. However, with an ever-shifting social terrain, contemporary society seems to prefer approaches that are just that: contemporary. This is to say that some involvement in the criminal justice system seems inevitable in the current age. As the limitations of my thesis have pointed out, RJ practice (rather than just theory) would be an appropriate next topic of study given these conclusions. Perhaps a program’s understanding and online portrayal of RJ, while important, is a far less useful benchmark than the way they put values into practice. In all, I argue that RJ is beneficial as a different form of justice in our society, because history has shown that we are capable of shifting our approaches to justice. It is perhaps unrealistic to hope that RJ can remain both completely distinct from the traditional criminal justice system as well as entirely cohesive from the beginning of its conception. As with most social issues, there is a grey area between the black and white.

Bibliography

- Abrutyn, S. (2013). Positivism. In *Sociology*. Oxford University Press.
<https://doi.org/10.1093/obo/9780199756384-0142>
- Armstrong, J. (2012). Factors contributing to victims' satisfaction with restorative justice practice: A qualitative examination. *British Journal of Community Justice*, 10(2), 39–54.
- Becker, H. (1998). *Tricks of the trade: How to think about your research while you're doing it*. London, UK: The University of Chicago Press.
- Berger, P., & Luckmann, T. (1966). *The social construction of reality: A treatise in the sociology of knowledge*. London, UK: The Penguin Group.
- Bergseth, K., & Bouffard, J. (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.
- Best, J. (Ed.). (2017). *Images of issues: Typifying contemporary social problems* (2nd ed.). New York: Routledge.
- Best, J. (1990). *Threatened children: Rhetoric and concern about child-victims*. Chicago: The University of Chicago Press.
- Bolitho, J. (2012). Restorative justice: The ideals and realities of conferencing for young people. *Critical Criminology*, 20, 61–78.
- Borton, I., & Paul, G. (2015). Problematizing the healing metaphor of restorative justice. *Contemporary Justice Review*, 18(3), 257–273.
- Bouffard, J., Cooper, M., & Bergseth, K. (2017). The effectiveness of various restorative justice interventions on recidivism outcomes among juvenile offenders. *Youth Violence & Juvenile Justice*, 15(4), 465–480.
- Bowen, G. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40.
- Boyes-Watson, C. (2019). Looking at the past of restorative justice: Normative reflections on its future. In T. Gavrielides (Ed.), *Routledge international handbook of restorative justice* (p. 7–20). New York: Routledge.
- Braithwaite, J. (2002). Setting standards for restorative justice. *The British Journal of Criminology*, 42, 563–577.
- Braithwaite, J. (2015). Deliberative republican hybridity through restorative justice. *Raisons Politiques*, 3(59), 33–49.
- Broughton, C. (2011). *The institutionalization of restorative justice: A Canadian perspective* (Master's thesis, University of Ottawa, Ottawa, Canada). Retrieved from <https://ruor.uottawa.ca/handle/10393/23115>
- Cayley, D. (1998). *The expanding prison: The crisis in crime and punishment and the search for alternatives*. Toronto, ON: House of Anansi Press Limited.

- Centre de Justice Réparatrice. (2021a). History. Retrieved March 25, 2021, from <http://csjr.org/history/>
- Centre de Justice Réparatrice. (2021b). Mission. Retrieved March 25, 2021, from <http://csjr.org/mission/>
- Centre de Justice Réparatrice. (2021c). FAQ. Retrieved March 25, 2021, from <http://csjr.org/faq/>
- Centre de Justice Réparatrice. (2021d). Services for victims. Retrieved March 25, 2021, from <http://csjr.org/services-for-victims/>
- Centre de Justice Réparatrice. (2021e). Victim-offender encounters. Retrieved March 25, 2021, from <http://csjr.org/victim-offender-encounters/>
- Centre de Justice Réparatrice. (2021f). Testimonies of victims. Retrieved March 25, 2021, from <http://csjr.org/testimonies-of-victims/>
- Centre de Justice Réparatrice. (2021g). Testimonies of offenders. Retrieved March 25, 2021, from <http://csjr.org/testimonies-of-offenders/>
- Centre de Justice Réparatrice. (2021h). Healing of Memories workshop. Retrieved March 25, 2021, from <http://csjr.org/workshop-for-healing-of-memories/>
- Cesaroni, C. (2001). Releasing sex offenders into the community through “Circles of Support:” A means of reintegrating the “worst of the worst.” *Journal of Offender Rehabilitation*, 34(2), 85–99.
- Chartrand, L., & Horn, K. (2016). A report on the relationship between restorative justice and indigenous legal traditions in Canada. Ottawa, Ontario: Department of Justice Canada.
- Christie, N. (2004). Conflicts as property. In T. Gavrielides (Ed.), *Restorative justice: Ideals and realities* (p. 37–51). London, UK: Routledge.
- Clarke, V., & Braun, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77–101.
- Clarke, V., & Braun, V. (2017). Thematic analysis. *The Journal of Positive Psychology*, 12(3), 297–298.
- Coates, R., Umbreit, M., & Vos, B. (2003). Restorative justice circles: An exploratory study. *Contemporary Justice Review*, 6(3), 265–278.
- Collaborative Justice Program. (2021a). Home. Retrieved February 19, 2021, from <https://www.collaborativejustice.ca/en/home>
- Collaborative Justice Program. (2021b). About. Retrieved February 19, 2021, from <https://www.collaborativejustice.ca/en/about>
- Collaborative Justice Program. (2021c). I have been the victim of a crime. Retrieved February 19, 2021, from <http://www.collaborativejustice.ca/EN/victim-of-a-crime.php>
- Collaborative Justice Program. (2021d). I have been charged with a crime. Retrieved February 19, 2021, from <http://www.collaborativejustice.ca/EN/charged-with-a-crime.php>
- Collaborative Justice Program. (2021e). Testimonials. Retrieved February 19, 2021, from <http://www.collaborativejustice.ca/EN/testimonials/>

- Collaborative Justice Program. (2021f). I want to become a member. Retrieved February 19, 2021, from <https://www.collaborativejustice.ca/en/membership-form>
- Collaborative Justice Program. (2021g). I would like to make a donation. Retrieved February 19, 2021, from <https://www.collaborativejustice.ca/en/donate>
- Co-optation. (n.d.). In Merriam-Webster.com. Retrieved November 23, 2019, from <https://www.merriam-webster.com/dictionary/co-optation>
- Correctional Service of Canada. (2008, April 17). The mandate, mission, and priorities of the Correctional Service of Canada. Retrieved February 1, 2021, from <https://www.csc-scc.gc.ca/text/pblct/sb-go/02-eng.shtml>
- Correctional Service of Canada. (2012a, August 7). Restorative Opportunities Program. Retrieved June 9, 2020, from <https://www.csc-scc.gc.ca/restorative-justice/003005-1000-eng.shtml>
- Correctional Service of Canada. (2012b, May 1). Fact sheet for victims. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-4009-eng.shtml>
- Correctional Service of Canada. (2012c, May 1). Fact sheet for people who work with offenders. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-4010-eng.shtml>
- Correctional Service of Canada. (2012d, August 7). Restorative justice at Correctional Service Canada backgrounder. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-0005-eng.shtml>
- Correctional Service of Canada. (2012e, August 7). Restorative justice factsheet. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-0004-eng.shtml>
- Correctional Service of Canada. (2012f, August 7). Restorative justice principles and values. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-0006-eng.shtml>
- Correctional Service of Canada. (2014a, January 13). About restorative justice. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-0007-eng.shtml>
- Correctional Service of Canada. (2014b, November 4). Fact sheet for families of offenders. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-4011-eng.shtml>
- Correctional Service of Canada. (2016, December 21). Restorative justice – A worthy approach. Retrieved February 9, 2021 from <https://www.csc-scc.gc.ca/restorative-justice/index-eng.shtml>
- Correctional Service of Canada. (2018, April 5). Commissioner’s Directive 001: Mission, values, and ethics framework of the Correctional Service of Canada. Retrieved February 5, 2021, from <https://www.csc-scc.gc.ca/acts-and-regulations/001-cd-en.shtml#3>

- Correctional Service of Canada. (2019a, June 21). Response of the Correctional Service of Canada to the 35th Annual Report of the Correctional Investigator 2007–2008. Retrieved February 1, 2021, from <https://www.csc-scc.gc.ca/publications/005007-2809-en.shtml>
- Correctional Service of Canada. (2019b, November 13). Restorative justice services at Correctional Service Canada. Retrieved February 9, 2021, from <https://www.csc-scc.gc.ca/restorative-justice/003005-0001-eng.shtml>
- Craib, I. (1992). *Modern social theory*. London, UK: Routledge.
- Crocker, D. (2016). Balancing justice goals: Restorative justice practitioners' views. *Contemporary Justice Review*, 19(4), 462–478.
- Daly, K. (2001). Revisiting the relationship between retributive and restorative justice. In H. Strang, & J. Braithwaite. (Eds.), *Restorative justice: Philosophy to practice* (pp. 33–54). London, UK: Routledge.
- Daly, K. (2002). Restorative justice: The real story. *Punishment & Society*, 4(1), 55–79.
- Daly, K. (2014). Reconceptualizing sexual victimization and prejudice. In I. Vanfraechem, A. Pemberton, & F Ndahinda (Eds.), *Justice for victims: Perspectives on rights, transition, and reconciliation* (pp. 378–395). London, UK: Routledge.
- Daly, K. (2016). What is restorative justice? Fresh answers to a vexed question. *Victims & Offenders*, 11, 9–29.
- Department of Justice. (2017a, October 23). Directory of restorative justice. Retrieved November 25, 2019, from <https://www.justice.gc.ca/eng/cj-jp/tj-jr/programs-programmes.aspx>
- Department of Justice (2017b, October 27). Values and principles of restorative justice in criminal matters. Retrieved February 9, 2021, from <https://www.iirp.edu/pdf/RJValues-DOJCan.pdf>
- Department of Justice. (2018, January 18). Brief overview of restorative justice. Retrieved May 15, 2020, from https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr00_16/p2.html
- Doherty, S., Forrester, P., Brazil, A., & Matheson, F. (2014). Finding their way: Conditions for successful reintegration among women offenders. *Journal of Offender Rehabilitation*, 53(7), 562–586.
- Faget, J. (2006). The French phantoms of restorative justice: The institutionalization of penal mediation. In I. Aertson, T. Daems, & L. Robert (Eds.), *Institutionalizing restorative justice* (pp. 151–166). UK: Willan Publishing.
- Fassin, D. (2019). Humanism: A critical reappraisal. *Critical Times*, 2(1), 29–38.
- Gal, T., & Moyal, S. (2011). Juvenile victims in restorative justice. *The British Journal of Criminology*, 51(6), 1014–1034.
- Galgano, S. (2009). Barriers to reintegration: An audit study of the impact of race and offender status on employment opportunities for women. *Social Thought & Research*, 30, 21–37.
- Gallagher, S. (2012). *Phenomenology*. New York: Palgrave Macmillan.

- Ganapathy, N. (2018). Rehabilitation, reintegration and recidivism: A theoretical and methodological reflection. *Asia Pacific Journal of Social Work and Development*, 28(3), 154–167.
- Gavin, P., & MacVean, A. (2018). Police perceptions of restorative justice: Findings from a small-scale study. *Conflict Resolution Quarterly*, 36, 115–130.
- Gavrielides, T. (2014). Reconciling the notions of restorative justice and imprisonment. *The Prison Journal*, 94(4), 479–505.
- Given, L. (2008). *The sage encyclopedia of qualitative research methods*. Thousand Oaks, CA: SAGE Publications.
- Goren, S. (2001). Healing the victim, the young offender, and the community via restorative justice: An international perspective. *Issues in Mental Health Nursing*, 22, 137–149.
- Green, S., Johnstone, G., & Lambert, C. (2013). What harm, whose justice? Excavating the restorative movement. *Contemporary Justice Review*, 16(4), 445–460.
- Guba, E., & Lincoln, Y. (2004). Competing paradigms in qualitative research: Theories and issues. In S. Hesse-Biber, & P. Leary. (Eds.), *Approaches to qualitative research: A reader on theory and practice* (pp. 17–38). New York: Oxford University Press.
- Hammersley, M. (2008). Assessing validity in social research. In P. Alasuutari, L. Bickman, & J. Brannen. (Eds.), *Qualitative research practice* (pp. 42–53). Los Angeles, CA: SAGE Publications.
- Hernes, T., & Maitlis, S. (2010). *Process, sensemaking, and organizing*. Oxford, UK: Oxford University Press.
- Hopkins Burke, R. (2016a). Biological explanations of youth crime. In R. Hopkins Burke (Ed.), *Young people, crime, and justice* (pp. 141–155). London, UK: Routledge.
- Hopkins Burke, R. (2016b). Psychological explanations of youth crime. In R. Hopkins Burke (Ed.), *Young people, crime, and justice* (pp. 156–169). London, UK: Routledge.
- Hopkins Burke, R. (2016c). Sociological explanations of youth crime. In R. Hopkins Burke (Ed.), *Young people, crime, and justice* (pp. 170–196). London, UK: Routledge.
- Iveroth, E., & Hallencreutz, J. (2016). *Effective organizational change: Leading through sensemaking*. New York: Routledge.
- Jaccoud, M. (2007). Innovations pénales et justice réparatrice. *Champ Pénal*, 4, 65–87.
- Jensen, T., Kjærgaard, A., & Svejvig, P. (2009). Using institutional theory with sensemaking theory: A case study of information system implementation in healthcare. *Journal of Information Technology*, 24(4), 343–353.
- Jin Choi, J., Bazemore, G., & Gilbert, M. (2012). Review of research on victims' experiences in restorative justice: Implications for youth justice. *Children and Youth Services Review*, 34, 35–42.
- Jin Choi, J., Green, D., & Gilbert, M. (2011). Putting a human face on crimes: A qualitative study on restorative justice processes for youths. *Child & Adolescent Social Work Journal*, 28, 335–355.

- Johnson, B. (2018). *Making sense of restorative justice in the criminal justice system: A study on crown attorneys*. (Master's thesis, University of Ottawa, Ottawa, Canada). Retrieved from <https://ruor.uottawa.ca/handle/10393/38592>
- Johnstone, G. (2011). *Restorative justice: Ideas, values, debates* (2nd ed.). New York: Routledge.
- Jones, C. (2014). Why persistent offenders cannot be shamed into behaving. *Journal of Offender Rehabilitation, 53*(3), 153–170.
- Joyce-Wojtas, N., & Keenan, M. (2016). Is restorative justice for sexual crime compatible with various criminal justice systems? *Contemporary Justice Review, 19*(1), 43–68.
- Katz, R. (2002). Re-examining the integrative social capital theory of crime. *Western Criminology Review, 4*(1), 30–54.
- Knifton, C., & Yates, S. (2019). A “history of problematizations” for dementia education: A Foucauldian approach to understanding the framing of dementia. *Journal of Research in Nursing, 24*(3–4), 212–230.
- Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal, 85*(2), 127–144.
- Mackenzie, J. (2011). Positivism and constructivism, truth and “truth.” *Educational Philosophy and Theory, 43*(5), 534–546.
- Maglione, G. (2019). Pushing the theoretical boundaries of restorative justice. In T. Gavrielides (Ed.), *Routledge international handbook of restorative justice* (p. 21–31). New York: Routledge.
- Marshall, T. (1996). The evolution of restorative justice in Britain. *European Journal of Criminal Policy and Research, 4*(4), 21–43.
- McCold, P. (2006). The recent history of restorative justice: Mediation, circles, and conferencing. In D. Sullivan, & L. Tift (Eds.), *Handbook of restorative justice* (p. 23–41). New York: Routledge.
- McCulloch, G. (2004). *Documentary research: In education, history, and the social sciences*. London, UK: Routledge.
- Mead, G. (1964). *George Herbert Mead on social psychology*. (A. Strauss, Ed.). Chicago: The University of Chicago Press. (Original work published 1934)
- Mesmaecker, V. (2013). Victim-offender mediation participants' opinions on the restorative justice values of confidentiality, impartiality, and voluntariness. *Restorative Justice, 1*(3), 334–361.
- Misak, C. (Ed.) (1999). *Pragmatism*. Calgary, AB: The University of Calgary Press.
- Mulligan, S. (2009). From retribution to repair: Juvenile justice and the history of restorative justice. *University of La Verne Law Review, 31*(1), 139–149.
- Neuman, W. (2003). *Social research methods: Qualitative and quantitative approaches* (5th ed.). Boston, MA: Pearson Education.

- Odawa Aboriginal Community Justice Programme. (2013a). Our program. Retrieved January 25, 2021, from <http://www.odawa.on.ca/programs/justice/program.html>
- Odawa Aboriginal Community Justice Programme. (2013b). Programme description. Retrieved January 25, 2021, from <http://www.odawa.on.ca/programs/justice/index.html>
- Odawa Aboriginal Community Justice Programme. (2013d). Successful programme keeps Aboriginal offenders out of criminal justice system, minimizes repeat offences. Retrieved January 25, 2021, from <http://www.odawa.on.ca/programs/justice/media/release1.html>
- Odawa Aboriginal Community Justice Programme. (2013e). Successful graduate of OACJP, Cody Coyote, reaches out to angry Aboriginal youth. Retrieved January 25, 2021, from <http://www.odawa.on.ca/programs/justice/media/release2.html>
- Ontario Federation of Indigenous Friendship Centres. (n.d.). Indigenous Community Justice Program. Retrieved January 25, 2021, from <https://ofifc.org/program/indigenous-community-justice-program/>
- Paul, G. & Dunlop, J. (2014). The other voice in the room: Restorative justice facilitators' constructions of justice. *Conflict Resolution Quarterly*, 31(3), 257–283.
- Pavlich, G. (2005). *Governing paradoxes of restorative justice*. London, UK: Routledge-Cavendish.
- Petersilia, J. (2001). Prisoner reentry: Public safety and reintegration challenges. *The Prison Journal*, 81(3), 360–375.
- Pettler, L. (2016). Victimology. In L. Pettler (Ed.), *Crime scene staging dynamics in homicide cases* (pp. 105–131). Boca Raton, FL: CRC Press.
- Piché, J. (2006). *Restorative prisons?* (Master's thesis, University of Ottawa, Ottawa, Canada). Retrieved from <https://search-proquest-com.proxy.bib.uottawa.ca/docview/304920060?pq-origsite=primo>
- Pires, A., & Digneffe, F. (1992). Vers un paradigme des inter-relations sociales ? Pour une reconstruction du champ criminologique. *Nouvelles connaissances et Nouvelles questions en criminologie*, 25(2), 13–47.
- Petrellis, T. (2007). The restorative justice living unit at Grande Cache Institution: Exploring the application of restorative justice in a correctional environment. Ottawa, Ontario: Correctional Service of Canada.
- Petrucci, C. (2002). Apology in the criminal justice setting: Evidence for including apology as an additional component in the legal system. *Behavioral Sciences and the Law*, 20, 337–362.
- Presser, L., & Van Voorhis, P. (2002). Values and evaluation: Assessing processes and outcomes of restorative justice programs. *Crime and Delinquency*, 48(1), 162–188.
- Prior, L. (2003). *Using documents in social research*. Thousand Oaks: SAGE Publications.
- Prior, L. (2004). Documents. In C. Seale, G. Gobo, J. F. Gubrium, & D. Silverman. (Eds.), *Qualitative research practice* (pp. 345–360). London, UK: SAGE Publications.
- Rapley, T. (2007). *Doing conversation, discourse, and document analysis*. London, UK: SAGE Publications.

- Ruddell, R., Broom, I., & Young, M. (2010). Creating hope for life-sentenced offenders. *Journal of Offender Rehabilitation*, 49(5), 324–341.
- Russell, S., & Crocker, D. (2016). The institutionalisation of restorative justice in schools: A critical sensemaking account. *Restorative Justice: An International Journal*, 4(2), 195–213.
- Shapland, J. (2014). Implications of growth: Challenges for restorative justice. *International Review of Victimology*, 120(1), 111–127.
- Skelton, A. (2019). Human rights and restorative justice. In T. Gavrielides (Ed.), *Routledge international handbook of restorative justice* (p. 32–42). New York: Routledge.
- Stockdale, K. (2015). Police understandings of restorative justice—the impact of rank and role. *Restorative Justice*, 3(2), 212–232.
- Strang, H., & Braithwaite, J. (2001). *Restorative justice and civil society*. Cambridge, UK: CUP.
- Strimelle, V. (2007). La justice restaurative : une innovation du pénal ? *Champ pénal/ Penal Field* [En ligne], Séminaire Innovations Pénales, mis en ligne le 29 septembre 2007, consulté le 09 novembre 2019. URL : <http://journals.openedition.org/champpenal/912> ; DOI : 10.4000/champpenal.912
- Strimelle, V. (2012). En amont du pénal : étude empirique sur les modes sociaux d’identification des troubles selon la perspective vindicatoire. *Canadian Journal of Law and Society*, 27(2), 189–207.
- Strimelle, V. (2015). L’empreint aux « justices de l’invisible » : Réflexions sur les modèles de justice restauratrice à l’épreuve de la socialité vindicatoire. *Champ pénal/ Penal Field*, 12, 1–25.
- Smith, N. (2010). Kantian restorative justice? *Criminal Justice Ethics*, 29(1), 54–69.
- Suzuki, M. (2016). Current debates over restorative justice: Concept, definition, and practice. *Prison Service Journal*, 228, 4–8.
- Toews, B. (2013). Toward a restorative justice pedagogy: Reflections on teaching restorative justice in correctional facilities. *Contemporary Justice Review*, 16(1), 6–27.
- Turner, B. (Ed.) (2009). *The new Blackwell companion to social theory*. West Sussex, UK: Blackwell Publishing Ltd.
- University of Minnesota Duluth. (2020). Center for Restorative Justice and Peacemaking. Retrieved June 9, 2020, from <https://www.d.umn.edu/center-restorative-justice-and-peacemaking/about>
- Vaismoradi, M., Turunen, H., & Bondas, T. (2013). Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study. *Nursing and Health Sciences*, 15, 398–405.
- Vanfraechem, I., Bolívar Fernández, D., & Aertsen, I. (2015). *Victims and restorative justice*. New York: Routledge.
- Vanhamme, F. (2019). Agendas et absences dans la recherche : la probation au Canada. In A. Lemmone, V. Strimelle, and F. Vanhamme (Eds.), «*JUSTICE !*» *Conflits de savoirs, savoirs en conflits* (p. 77–113). Montréal, QC: Érudits, Livres et Actes.

- Van Camp, T., & Wemmers, J. (2013). Victim satisfaction with restorative justice: More than simply procedural justice. *International Review of Victimology*, 19(2), 117–143.
- Van Ness, D., & Strong, K. (2015). *Restoring justice: An introduction to restorative justice* (5th ed.). Waltham, MA: Anderson Publishing.
- Walgrave, L. (2008). *Restorative justice, self-interest, and responsible citizenship*. New York: Routledge.
- Walgrave, L. (2011a). Investigating the potentials of restorative justice practice. *Washington University Journal of Law & Policy*, 36, 91–139.
- Walgrave, L. (Ed.) (2011b). *Repositioning restorative justice*. New York: Routledge.
- Weick, K. (1995). *Sensemaking in organizations*. Thousand Oaks, CA: SAGE Publications.
- Weick, K., Sutcliffe, K., & Obstfeld, D. (2005). Organizing and the process of sensemaking. *Organization Science*, 16(4), 409–421.
- Weitekamp, E. (1999). The history of restorative justice. In L. Walgrave, & G. Bazemore (Eds.), *Restoring juvenile justice: Repairing the harm of youth crime* (pp. 75–102). Monsey, NY: Criminal Justice Press.
- Wenzel, M., Okimoto, T., & Cameron, K. (2012). Do retributive and restorative justice processes address different symbolic concerns? *Critical Criminology*, 1, 25–44.
- Wenzel, M., Okimoto, T., Feather, N., & Platow, M. (2008). Retributive and restorative justice. *Law and Human Behaviour*, 32, 375–389.
- Woolford, A., & Ratner, R.S. (2003). Nomadic justice? Restorative justice on the margins of law. *Social Justice*, 30(1), 177–194.
- Woolford, A., & Ratner, R.S. (2010). Disrupting the informal-formal justice complex: On the transformative potential of civil mediation, restorative justice, and reparations politics. *Contemporary Justice Review*, 13(1), 5–17.
- Yin, R. (1994). *Case study research: Design and methods* (2nd ed.). Thousand Oaks, CA: SAGE Publications.
- Zehr, H. (1990). *Changing lenses: A new focus for crime and justice*. Scottsdale, PA: Herald Press.
- Zehr, H. (1995). Justice paradigm shift? Values and visions in the reform process. *Mediation Quarterly*, 12(3), 207–216.
- Zehr, H. (2002). *The little book of restorative justice*. Intercourse, PA: Good Books.
- Zehr, H. (2015). Reflections on lenses. *Restorative Justice*, 3(3), 460–467.
- Zehr, H., & Mika, H. (2004). Fundamental concepts of restorative justice. In T. Gavrielides (Ed.), *Restorative justice: Ideals and realities* (p. 73–81). London, UK: Routledge.

Appendix A: Additional Documents

CJP Document A – “Circle Process.” Retrieved February 2, 2021.

CJP Document B – “Collaborative Justice Program One Pager.” Retrieved February 2, 2021.

CJP Document C – “Agreement to Participate.” Retrieved February 2, 2021.

CJP Document D – “Vision, Mission, and Values.” Retrieved February 2, 2021.

CJP Document E – “Letter of Support from Victim.” Retrieved February 3, 2021.

CJP Document F – “CJP Story: J&A.” Retrieved February 3, 2021.

CJP Document G – “Participation Agreement.” Retrieved February 3, 2021.