Can Restorative Justice Reduce Battering? Some Preliminary Considerations

Lois Presser and Emily Gaarder

Introduction

DOMESTIC VIOLENCE, OR BATTERING,[1] IS A SEEMINGLY INTRACTABLE PROBLEM given its persistence over individual lifetimes, generations, and societies. Although recent years have seen a decline in battering incidents in the United States, in step with violent crime generally, it remains a problem affecting large numbers of women. In 1996, American women experienced an estimated 840,000 violent victimizations by an intimate (U.S. Department of Justice, 1999a). Some critics say that contemporary responses to battering actually magnify abuse by reproducing women's powerlessness. Two common strategies that are designed to help the battering victim, law and mediation, may undermine her power to act.

Laws that "get tough" on batterers have fallen short of their intended goals, in part because the extralegal causes of women's oppression remain unchanged (Smart, 1995: 156–157). Mediation, a non-legalistic alternative, is criticized for reinforcing the view of battering as a private matter (Lerman, 1984; Rowe, 1985; Menard and Salius, 1990). Moreover, both approaches circumscribe victims' action. Legal authorities assign to the victim a passive role; mediators direct participants toward a single outcome, reconciliation. Thus, though typically polarized, law and mediation both "govern" the victim in the sense of determining the options available to her (Foucault, 1982: 221).

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In recent years, the restorative justice movement has introduced new variations on mediation. These interventions promise social justice through healing encounters between victims and offenders, sponsored by community members. While feminists have all but rejected traditional mediation, restorative justice is being called a "feminist vision of justice" (Harris, 1991; see also Pranis, 1998). Increasingly, the potential for restorative justice approaches to reduce domestic violence is being revisited from this perspective (Yellott, 1990; Pennell and Burford, 1996; Nicholl, 1998).

The purpose of this article is to evaluate the potential of restorative justice programs to reduce domestic violence. First, we examine current interventions that rely, respectively, on the power of law and the power of dialogue to stem domestic violence. Second, we describe the restorative justice philosophy and consider the promises and the problems of restorative justice interventions for domestic violence. We discuss the lessons of the shelter movement, which has taken both legal and extra-legal action, for developing restorative justice responses to battering.

Contemporary Responses to Battering

Since the 1970s, two parallel approaches have been taken concerning battering. These two dominant and often contrasting approaches are here referred to as the legal model and the mediation model.[2] The legal model is most often championed by feminists. The mediation model is associated with the informal justice movement, and has sustained heavy criticism from feminists.

The Legal Model

The Criminalization of Battering. In the United States, before the mid-1970s, battering was largely hidden from the public eye (Tierney, 1982). Women's abuse at the hands of their male partners was generally viewed at best as a private matter or, at worst, the prerogative of men. Accordingly, legal protections for battered women were limited except in some unusually brutal cases. Law enforcement officials maintained an explicitly "hands-off" approach to the problem (Schechter, 1982: 157). Police officers were instructed "to do anything except arrest violent husbands" (Fagan, 1996: 8). Likewise, prosecutors were discouraged from actively pursuing cases. These policies were driven by cultural tolerance of domestic violence against women and legitimated by the view that women would later drop the charges (*Ibid.*).

Vigorous activism by grass-roots feminist groups in the 1970s brought about legal reforms in three areas: arrest and prosecution policies, treatment of batterers, and restraining orders (*Ibid.*: 9–10). Domestic violence laws were passed in 47 states by 1980. These laws extended the reach of protective and restraining orders and increased penalties for violating them; allowed arrest without a warrant for

misdemeanor assault; and recognized a history of abuse as part of a legal defense for battered women who killed their abusers. Unmarried couples were no longer excluded from law enforcement protections. Prosecutors created domestic violence units and courts began to mandate treatment for abusers as a condition of probation. Special training on the complex issues surrounding battering was developed for police officers and judges (Brooks, 1997).

Police behavior was a principal target of feminist activism (Stanko, 1985: 107; Bouza, 1991: 195). Police were considered the gateway to the coercive authority of law and to the proper labeling of a battering incident as a crime. Victims filed lawsuits against police departments for inadequate protection, which spurred changes in police procedures (Meier and Zoller, 1995: 62). Sherman and Berk's (1984) Minneapolis Spouse Abuse Experiment, which offered evidence that arrest deters future battering, was reified as mandatory arrest policy by police departments across the U.S.[3]

Questioning the Promise of Law. By the early 1980s, the tenacity of the battering problem led some feminists to reexamine the potential of legal processes to remedy it. The goals of the criminal justice system — to prove that a crime occurred and to punish the offender — were considered ill-matched to the needs of victims. The systemic basis of the battering problem was acknowledged. The police and courts lacked the capacity to bring about fundamental changes in social conditions that perpetuate battering, such as poverty, employment, discrimination, and lack of public child care (Websdale and Johnson, 1997).

Moreover, the problem was determined to lie in the "structures of patriarchy," rather than with the individual male batterer or a too-tolerant criminal justice system (Smart, 1995: 161). The theoretical "discourse" about battering began to change, from one of pathology to one of social context (see O'Neill, 1998). With this paradigm shift, the criminal justice system began to appear as complicit in the maintenance of unequal power relations based on class, gender, and race (Schechter, 1982: 176). Messerschmidt (1993) described policing as effectively substituting formal masculine control for an informal one, thus maintaining the core problem of male domination.

Besides these conceptual criticisms, feminists became disillusioned with particular criminal justice policies. Backed by research, they questioned whether mandatory arrest ultimately helped or hurt victims. The disproportionate arrest of low-income and minority men was protested (see, for example, Miller, 1989; Stanko, 1989). Despite far-reaching reforms, the legal system was again compromising the real interests of many victims, and in some cases, even treating victims as adversaries.

In the late 1970s, prosecutors began "making it difficult for a woman to drop charges or...threatening to prosecute without her cooperation" (Schechter, 1982: 175). Victims who refused to testify against partners were held in contempt of court (Parent and Digneffe, 1997: 207). Coercion of victims was inconsistent with

the feminist movement's goal of self-determination for women. Schechter (1982: 175) remarked that "the essence of victimization is to strip women of control, and the criminal justice system cannot be given powers to further deny women control." In short, feminists began to abandon the hope that law enforcement could ultimately resolve the battering problem.

A postmodern view of justice was developing, which called into question the ideology of absolute justice. According to that ideology, legal norms are objective and universal, applicable to all people at any time, regardless of gender, race, or class. In contrast, certain critical feminists argued that moral problems can only be "evaluated in light of our knowledge of the history of the agents involved in them" (Benhabib, 1989: 285). Inasmuch as judicial rulings are detached from the individual circumstances of the parties involved, they reflect male privilege. As MacKinnon (1983: 658) observed, "abstract rights will authoritize the male experience of the world."

Victim Empowerment. Liberal feminists were criticized for failing to empower victims (Rowe, 1985; Stanko, 1989). Applying a medical model to the dilemma of battered women (e.g., Walker, 1979) may essentialize women's powerlessness, framing it as an individual rather than a social problem (see Dobash and Dobash, 1992: 228). It was also charged that the label of "battered woman" may stigmatize the victim, and thus ultimately reinforce her lack of control over her life (Mahoney, 1991).

Research in the 1990s found that battering victims who have a say in legal proceedings may feel more empowered to get help, if not to terminate the abusive relationship. Ford (1991) noted the ways in which battered women may manipulate criminal justice penalties to gain leverage in their abusive relationships. Zorza (1992: 67) observed that when batterers are court ordered to participate in treatment, their female victims are "more likely to call police and bring new charges if they were subsequently assaulted." Erez and Belknap (1998) found that most battered women did not believe that the criminal justice system could effectively solve their problems with abuse. The women generally expressed the desire to retain choice and to be treated as individuals in any attempts to stop the abuse. Newmark et al. (1995: 58) pointed out that "some victims of abuse are angered at being excluded (from mediation) and others are upset at being required to mediate." In short, victims are demanding choice and control.

In 1979, Lenore Walker broke new ground when she described battering victims' resistance to getting help in terms of "learned helplessness." Recent studies have not found battering victims ultimately to be unavailing of help (Hutchison and Hirschel, 1998; U.S. Department of Justice, 1998: 17). Rather, most abused women apparently pick and choose among available sources of help. Black women appear to call the police more often than white women do, but they seek legal assistance less (Hutchison and Hirschel, 1998; U.S. Department of Justice, 1998). This may reflect a need to stop the immediate abuse, followed by

a reluctance to see Black men punished by the criminal justice system. The disproportionate incarceration of Black men in the U.S. may have negatively affected the willingness of Black women to pursue a criminal course of action.

Richie (1996: 11) argued that the feminist movement "has failed to address the needs of those whose lives are most marginalized." Many of the Black women in Richie's study saw both the courts and social services as adversaries rather than as allies. She observed that the movement's emphasis on criminal justice intervention has served to "categorically exclude women...involved in illegal activity from the services they needed as battered women" (p. 13). Victims whose lives are complicated by drug use, prostitution, illegal immigrant status, and/or a criminal record have good reason to avoid criminal justice proceeding.

Finally, interventions that urge women to sever ties with their partners were seen as ignorant of the ways in which "third world and working-class women...see their families as primary support systems in an otherwise hostile world" (Schechter, 1982: 274). By the 1990s, feminist scholarship had identified the need for policies that empower victims and remove the criminal justice system from center stage (Smart, 1989). The growing idea that "nothing in the law necessarily links it to justice" prompted a search for new extralegal interventions (Wonders, 1999: 121).

The Mediation Model

Following a long but intermittent history in the U.S., the informal justice movement resurfaced in the 1970s with the growth of neighborhood justice centers in which civil and criminal cases were mediated. Mediation was presented as a substitute for slow, costly, and impersonal adjudication, one that was also more accessible to the poor (Smith, 1980).

Neighborhood justice centers dealt with "interpersonal disputes and minor criminal charges, usually between disputants with a continuing and troubled relationship" (Auerbach, 1983: 130). Battering cases initially entered as divorce or child custody cases (Treuthart and Woods, 1990: 4). Eventually, domestic violence became the central focus of some mediation sessions. In the mid-1970s, the American Arbitration Association piloted a mediation program to deal specifically with battering cases (Langley and Levy, 1977: 226).

Mediation's emphasis on helping participants solve their own problems was apparently compatible with the feminist value of empowerment (Rifkin, 1989). However, for many feminists, the use of mediation with battering cases was controversial from the start. Despite the rhetorical appeal of empowerment, mediation too strongly resembled the hands-off tactics of police responding to domestic assaults (see Woods, 1985: 4). Early advocates of mediation adhered to the view of domestic violence as private. Fuller (1971: 140), for example, referred to "the internal affairs of the marriage" as "inappropriate material for regulation by a regime of formal act-oriented rules." He and others recommended mediation because it largely avoided the law.

Limitations

The limitations of mediation in addressing battering lie in its formulation as dispute resolution and the mystification of "internal (domestic) affairs." Like the proverbial hammer compelled to find nails, mediators see all cases that come before them as "conflicts." Aubert (1963: 26) defined conflict as a "state of tension between two actors irrespective of how it has originated and how it is terminated." The dispute is viewed as an entity separate from its development or harms: "what is important is to distinguish between this state of conflict and its basis" (*Ibid.*: 27). Just as the *batterer* would have it, the victimizing events are de-emphasized. Consequently, the mediation process tends to serve the interests of the batterer, not the victim.

A New Site of Domination. Battering, as the term is used here, consists of a variety of "coercive techniques," including verbal, psychological, emotional, sexual, and economic control (Walker, 1979: 71; also Corcoran and Melamed, 1990: 305). Abusive partnerships are "so imbued with coercion that mediation cannot be a fair remedy for the weaker party" (Lerman, 1984: 73). The battered victim may be compelled to offer apologies or to make compromises to avoid violence back at home (Lerman, 1984; Rowe, 1985). The victim may then experience mediation as a "second victimization" (see Menard and Salius, 1990; Viano, 1996: 186; Van Ness and Heetderks Strong, 1997: 79).

Pushing Reconciliation. Arbitrators of the early 1900s "tried to arouse amicable feelings and suppress fighting instincts" (Auerbach, 1983: 97). Many contemporary forms of mediation are similarly focused on "reconciling the parties rather than on assigning blame" (Wahrhaftig, 1982: 75). Critics argue that repairing the disputants' relationship takes precedence over repairing the harms caused by the relationship. Cobb (1997: 9) claimed that reconciliation "dissolves all morality that competes with it," including norms against violence. A case in point concerns mediation agreements reviewed by Lerman (1984: 95) that fail to stipulate that the violence must end.

As observed by Pavlich (1996), mediators communicate disapproval toward either or both disputants for having transgressed against community peace. In the ideology of mediation, dialogue restores that peace. It is redeeming, apart from any subsequent action by the disputants. The mediator reinforces, through gestures and words, discussion that marks the production of new peaceful identities. Though Pavlich does not detail how this process of identity production differs for victims and offenders, or women and men, he nonetheless clarifies a subtle device for silencing victims.

Erasing Victimization. The experience of victimization is reportedly "erased" by tactics used in mediation. First, linguistically, victims and offenders are respondents and complainants or, vaguely, disputants (Silbey and Sarat, 1989: 457). Second, it is argued that mediators actively silence narratives that suggest the directionality of violence.

In her analysis of court-referred, community-based mediation, Cobb (1997: 424) saw violence being neutralized, as when one mediator summarized a story of abuse by remarking: "It obviously looks like there was a confrontation." Abuse is reduced to disagreement, conflict, and misunderstanding; any "actual" abuse is reframed as unintended (Rifkin, 1989: 48; Cobb, 1997). The past itself is thereby recreated, with victim and offender identities erased. Relatedly, the victim's anger is suppressed or trivialized (Grillo, 1991: 1575).

Limiting Justice Options. A practical problem with the mediation model occurs when "the victim is required to forego simultaneous or subsequent pursuit of more formal remedies as a condition of participation in mediation" (Lerman, 1984: 91; see also Rowe, 1985: 887). Sometimes victims are not informed of their formal options. In one Minnesota study, battered women who were interviewed "thought they had no alternative to mediation and once in mediation they all felt pressure to agree to a settlement" (Treuthart and Woods, 1990: 51). Some county prosecutors have required mediation in cases of domestic violence (Yellott, 1990: 40). According to Auerbach (1983: 135), "the multiplication of mediation centers made access to justice more difficult, not less, by directing people to 'exit points' from judicial institutions." As problematic as legal solutions may be, they allow for coercion of offenders, which may be necessary to stop the violence. In such cases, justice is denied to victims who mediate.

In the 1980s and 1990s, advocates of mediation have joined critics in questioning its use where domestic violence has occurred. They say that mediation can undermine justice for the victim of violence (Girdner, 1990; Hart, 1990; Menard and Salius, 1990). Mayer (1987: 84) noted that if "mediation increases the power differential, it should probably not be used." Yet the rise of restorative justice — a new model of informal justice — again raises the possibility of "mediating" domestic violence situations. The remainder of our article focuses on this new model.

Looking to Restorative Justice

The Difference Between the Mediation Model and Restorative Justice

Restorative justice has been inaccurately equated with mediation in the U.S. This is understandable since victim-offender *mediation* is a common restorative justice intervention. However, the mediation model and restorative justice are distinct in their practices and objectives. In addition, the restorative justice movement has generated interventions *other than* mediation (e.g., family group conferencing or sentencing circles). These extend ownership of the crime problem beyond the victim and offender, to concerned community members.

The Restorative Justice Movement

Restorative justice is identified more with its distinct values than with any particular program (Van Ness and Heetderks Strong, 1997). Nonetheless, certain

program features are characteristic. Encounters between victims and offenders are a common feature of restorative justice interventions; these are seen as instrumental in restoring victims' well-being and reintegrating victims and offenders into communities of concern. Outcomes of the encounters include written or oral apologies to the victim, agreements about payment of restitution, or other services rendered by the offender to the victim or community and/or by community members to victim and offender.

The most common expressions of restorative justice include victim-offender mediation (VOM) and family group conferencing. Victim-offender mediation involves dialogue, facilitated by a trained mediator, during which victims and offenders are encouraged to "identify the injustice, to make things right, and to consider future actions" (Van Ness and Heetderks Strong, 1997: 71). Victim-offender mediation was first used in Canada in 1974 and in the U.S. in 1977 (Zehr, 1995). Roughly 300 VOM programs have emerged in the U.S. since the 1970s, and more than 1,000 have been implemented in all of North America and Europe (Umbreit et al., 1997).

Family group conferences invite various support persons (e.g., family, neighbors) to the meeting of victim and offender. All participants discuss the (pattern of) crime, interventions, and reparations. Family group conferencing originated in New Zealand, where it was shaped by the indigenous Maori culture. Legislation in 1989 made family group conferencing the standard response to juvenile crime in New Zealand. A version of the New Zealand conferencing model has been adopted in parts of Australia, mainly in juvenile cases (Umbreit and Zehr, 1995–1996). Sentencing circles are similar to family group conferences, but they are more likely to focus attention on community problems in which criminal incidents are embedded. Circles are widely used by native communities in North America (Stuart, 1997; Jaccoud, 1998).

In the next section, we explore the unique promises that restorative justice interventions hold for dealing with battering. These promises include recognition of victims, community involvement, healing processes, offender change, addressing social norms, and individualized interventions.

Restorative Justice and Domestic Violence

Recognition of Victims. Unlike the mediation model, restorative justice recognizes its participants as victim and offender, rather than as disputants. It also emphasizes the need for victims to be heard. Truth-telling and emotional expression are valued activities (see Schreiter, 1998). The family group conference "requires victims and offenders to confront their conflict, without neutralising their emotions" (Braithwaite and Daly, 1994: 207).

Unlike the legal model, restorative justice appreciates victims' *agency*. Although the victim is "the person most knowledgeable about the situation" (Mills, 1998: 311), legalistic approaches eclipse her decision-making power.

Advocates may rationalize "taking over the case" in terms of the victim's demonstrated passivity, such as when women repeatedly return to their partners. Yet passivity can reflect grieving, concerns for one's safety, holding on to needed financial and emotional support, or protecting one's partner. What looks like passivity may actually be an interlude in the process of leaving, which is "arduous and potentially more dangerous than staying" (Wuest and Merritt-Gray, 1999: 117).

In stark contrast to legally appropriating the victim's problem, mediation is criticized for inferring full control on the part of the victim. The ideology of mediation is that "persons participate in the creation of their own problems" (Cobb, 1997: 432). This ideology resembles victim-precipitation theories that blame women for their abuse (O'Neill, 1998: 461). On the other hand, prohibiting mediation in cases of battering also "implies that we know better what (victimized) persons' needs are than they do" (Yellott, 1990: 45). The conflict is between blaming women and recognizing them as active subjects; Maher (1997: 198) called this "the thorny issue of women's agency."

The restorative justice model ostensibly straddles the divide between agency and blame. The victim is in no way responsible for her abuse. Instead, restorative justice processes involve her in active strategies for changing her situation. First, the victim is empowered in that participation is her choice completely. No contingencies are placed on not participating: other options, including legal recourse, are always available. Second, the victim plays an active role in the proceedings, such as by choosing those support persons who will accompany her and perhaps speak on her behalf. The victim is recognized as an actor in past, present, and future events in her life.

Restorative justice strives to privilege the victim's desires, including those — like the desire to repair the relationship — that may seem irrational to others. As Mills (1996: 266) recognized, "women's relationships may be important to them, even when they involve violence." The restorative justice model recognizes that point implicitly in emphasizing the importance of human relationships. Whereas wanting to preserve the abusive relationship should not preclude victim choice, persons who care about and are close to the victim communicate their concern during the restorative justice process. In addition, that process may occasion greater awareness of personal options on the part of the victim.

Community Involvement. Restorative justice, particularly family group conferences and sentencing circles, accords a central role to communities in solving crime problems. Communities provide support *and* enforcement; both are deemed necessary to stop the violence and to repair the harms caused by it.

Community support is believed to prevent domestic violence. Deficient social support gives rise to both criminal behavior and victimization (Cullen, 1994). Pennell and Burford (1994: 1) summarized this relationship: "Struggling on their own, families turn inward and place impossible expectations on children for

maturity, women for caring, and men for provision. Cut off from outside support and scrutiny, families implode into violence."

Many battered women's shelters and agencies, for example, employ a community-oriented approach. Feminists were largely responsible for establishing a nationwide network of battered women's shelters, where none had existed before 1971 (NCADV, 1999). Whereas early shelters primarily provided safe housing for women and children (Felter, 1997), many now supplement this with an array of social services and broad interventions. These include counseling, support groups, hotline services, courtroom advocacy and legal assistance, batterer intervention programs, public awareness initiatives, training of police, judges, and lawyers, employment assistance, subsidized housing, and other services (Schechter, 1982; Roche and Sadoski, 1996; Healey and Smith, 1998). The shelter movement has evolved into a multifaceted response to the problem of battering, engaged in direct practice with individuals and social action.

Restorative justice responses build on the community focus of the shelter movement. Friends, families, and neighbors support the victim by acknowledging her violation and by offering concrete help in the future. The community also regulates the behavior of abusers. Several studies find that arrest deters deviance more in the context of social disapproval (Williams and Hawkins, 1989; Fagan, 1996: 26). Social disapproval and support are regulatory mechanisms in the restorative justice model. The offender is held to stopping his misconduct and is supported to do so.

Importantly, community interventions may be preferable to formal justice in addressing race, class, and cultural concerns. Police and court officials may not understand the relevance of these factors in the lives of victims and offenders, or may misinterpret what a particular "culture" represents. Processes in which members of one's own community participate will abide by one's culture without stereotyping it or deferring to it "in ways that abandon women to abuse" (Crenshaw, 1997: 107).

In short, restorative justice would channel *more* resources — *both* formal and informal social controls — in the service of stopping domestic violence. As described by Braithwaite and Daly (1994: 201), the approach is "unreservedly for net-widening, except it is nets of community rather than state control that are widened."

Emphasis on Healing Processes. Both the legal model and the mediation model are directed toward predetermined outcomes: punishment and reconciliation, respectively (see Yellott, 1990: 42). In contrast, the restorative justice encounter is not designed to achieve a specific end, but rather to allow healing *processes* to occur (Umbreit, 1997). Healing for the victim involves the opportunity for story-telling in a forum that encourages the telling and validates the story. Public acknowledgment is essential for "the ultimate resolution of the trauma" (Herman, 1997: 70). Victims need to hear that they have been hurt unjustifiably (Clear, 1994).

Although restorative justice interventions provide opportunities for victims to begin to recover from abuse, they are not generally used for violent cases in the U.S. Umbreit (1989: 102) has suggested that they hold great potential in such cases for "facilitating the healing process and moving beyond one's sense of vulnerability." There is already some evidence that restorative justice interventions reduce victims' fear of victimization (Umbreit, 1994).

Offender Change. Braithwaite's reintegrative shaming theory (1989) provides a model of offender change as a result of restorative justice processes. Although it is not the only such model, it has probably received the most attention by scholars and restorative justice practitioners.

According to reintegrative shaming theory, stigma can cause defensive reactions, such as denial, on the part of the offender. Batterers in particular are prone to "shame-rage spirals," in which feelings of shame about one's behavior are handled — supplanted — with rage and more violence (Braithwaite and Daly, 1994: 205). If social responses are stigmatizing, the offender may identify with criminal subcultures as a defense. Braithwaite and his colleagues have thus stressed the need for "ritual termination of shame" (*Ibid.*: 192; also Braithwaite, 1989, 1999; Braithwaite and Mugford, 1994).

Just as it is vital that victims be surrounded by caring figures to heal, offenders need to feel supported to *change*. Although friends, family, and neighbors condemn his actions, they will welcome him back into the community as someone capable of behaving differently.

Addressing Social Norms. Law enforcement and mediation are both "reactive measures" (Kakar, 1998: 215). They would solve the battering problem by responding to manifest conflict. They are not designed to address the root causes of violence. In contrast, family group conferences and sentencing circles are community caucuses for defining and redefining social norms. The individual batterer, to quote Cohen (1966: 8), "may render an important service to the other members of the group: they come to know more clearly than before what they may and may not legitimately do."

What if the community norms being clarified are sexist ones? That criticism motivates some feminists to reject any sort of caucus on violence. Dialogue with the batterer might invite norms that excuse violence. In addition, community and/ or family members may have adopted the batterer's rationalizations about violence. That criticism is addressed, albeit incompletely, by restorative justice advocates. Violence and domination are never acceptable in the restorative justice philosophy. Personal safety is held to be an essential value, as it must in battering cases (Van Ness and Heetderks Strong, 1997: 26). Furthermore, Braithwaite (1999: 50) trusts that there is general consensus against violence: a "moral high ground" (Braithwaite and Daly, 1994: 208). If norms held by some restorative justice participants condone battering, then at least its illegality (and participants supportive of the law) will supposedly prevail (Braithwaite, 1999: 52).

Individualized Interventions. While commonalities no doubt exist, the causes of abuse from one case to the next are unique. Interventions that are specific to individuals and cultures are more effective than ones that are not. Upon reviewing the effects of various interventions on recidivism, Mills (1998: 311) concluded that there is "a need to individualize intervention strategies according to each victim and each batterer." Similarly, Pennell and Burford (1996: 207) stated that "the best long-range solutions to family violence are those which give the affected parties the opportunities to come up with solutions that are appropriate for their family, their community, and their culture." The formal justice system, driven by abstract principles of justice, does not typically invite parties to create their own solutions (Christie, 1977; McKnight, 1995). It works against discretion and individualized justice. Although mediation is "by definition, adaptable to meet the individual needs of the negotiating parties," in practice it offers one static response — reconciliation — to battering (Corcoran and Melamed, 1990: 312).

Restorative justice has the potential to increase victims' likelihood of reporting the abuse since it offers an array of flexible interventions. These provide an alternative to women who distrust the criminal justice system. Black and Latina women may avoid seeking help from the criminal justice system or battered women's shelters to protect the image held of their minority group in a racist society. They may feel reluctant to contribute in any way to the stereotyping and already-high rates of incarceration of minority men (Bonilla-Santiago, 1996; Rasche, 1995). In contrast, Asian-American women may avoid the criminal justice system to *uphold* the myth of the "model minority" associated with their communities (Crenshaw, 1997).

As Crenshaw (1997: 107) pointed out, "when — or, more importantly, how — to take culture into account when addressing the needs of women of color is a complicated issue." We can start by individualizing responses to battering.

Proceeding with Caution: Restorative Justice Approaches to Battering

Caution is in order. There are clear risks in applying restorative justice approaches to battering. Chief among them is the risk of framing such violence as not important enough to warrant serious attention, lest the gains of feminists be lost. In this section we discuss specific caveats that must be considered before implementing restorative justice approaches for battering cases.

Prioritizing Victim Well-Being. Victim well-being and safety must be considered the first priorities of the restorative justice process. Sensitivity to the victim and understanding of the tenacity of her victimization must be central. Accordingly, the victim takes priority over her partnership with the abuser. Reconciliation in the sense of preserving the relationship should not be a goal of the proceedings. Once an essential goal (see Peachey, 1989: 17), the restorative justice movement appears to have turned away from reconciliation in the traditional sense (Umbreit, Coates, and Roberts, 1997). Instead, reconciliation has been redefined as "coming

to terms with the past, punishing wrongdoers, and providing some measure of reparation to victims" (Schreiter, 1998: 4; but see Van Ness and Heetderks Strong, 1997: 70–71). To help achieve reconciliation in the revised sense, facilitators should be carefully trained and monitored, and "should be clear that violent acts are the responsibility of the actor, not of the victim" (Lerman, 1984: 104). The facilitators must be sensitive to — and capable of interrupting — abusive dynamics that characterize the relationship and that get acted out, however subtly, in the conference.

Need for Standardized Screening Procedures. Communication, the core process of restorative justice, carries a clear risk of emotional trauma to victims. Offenders deficient in particular social, cognitive, and psychological characteristics are those who might interfere with victim healing. For example, manipulativeness and an incapacity for empathy are personality traits that may hamper victim healing. Current methods of screening offenders for restorative justice are largely inattentive to offender traits. Victim-centered offender screening tools should be developed (Presser and Lowenkamp, 1999).

Victim-Offender Mediation May Not Be Appropriate. Restorative justice advocates have stressed that victim-offender mediation, like other models of mediation, may not be appropriate in battering cases (Braithwaite and Daly, 1994; Zehr, 1995). Family group conferencing and sentencing circles are recommended as alternatives that elicit more community participation (Nicholl, 1998). In many cases, encounter per se may be inappropriate. It may do further harm to the victim, in the form of psychological trauma or physical endangerment. Alternatives are being developed that avoid encounter, but retain the essential restorative justice focus on healing and community intervention.

No Coercion. It is important that the victim not be coerced in any way, including in deciding whether to participate in a restorative justice intervention. The victim should be advised of all options and should choose the one she is most comfortable with. During the session, she should not have her words challenged or changed and should not be interrupted.

The Need for Formal Processes. Coercion of *offenders* is a disputed topic within the restorative justice movement (Walgrave, 1998: 13). We believe that the victim's well-being may necessitate the potential for use of coercive force with batterers. Restorative justice processes need enforcement "teeth," which only the legal system can provide (Braithwaite and Daly, 1994; see also Lerman, 1984: 106).

However, there is the danger that restorative justice, like the traditional model of mediation, will become "little more than a preliminary stage in legal proceedings" (Auerbach, 1983: 120). If so, the restorative justice program may become another layer of processing separating the victim from relief. Processes of healing may be hampered by legal requirements, such as fact-finding and speedy case processing. If those requirements influence processes of truth telling and restitution, "the notion that parties are actually making their own decisions is purely

illusory" (Grillo, 1991: 1581). As Umbreit (1989: 109) noted, "any reconciliation that may occur must be genuine."

Summary and Conclusions

This article has considered broad strategies that address battering. We have analyzed the law and mediation from a critical, historical perspective. We have applied the same perspective to restorative justice approaches that we believe may promote lasting change.

Given the traditional codification of woman battering as private and extralegal, it is not surprising that early battered women's advocates sought change via the law. The law positively marks battering as wrong; legal punishment would seem to proclaim (and thus *reclaim*) the victim's value (see Hampton, 1988). Yet, the promise of law is mitigated by its part in women's oppression. Beneath the mantle of assisting victims, legalistic strategies (e.g., policing and prosecution) have constrained choice. Further, the legal model occludes recognition of the structural and diffuse foundations of the battering problem.

The mediation model shares some problems of the legal model and presents new ones. Like the law, mediation individualizes the battering problem. Conservative ideologies that locate violence in normlessness (the "at-risk"), rather than in social imbalances and norms, are upheld. As a practical consequence of individualizing battering, victims and offenders are isolated from communities that would help regulate the problem and provide needed support.

Mediation has historically obscured the power imbalances that characterize battering. Accounts of victimization have been invalidated. Reconciliation has been mediation's primary aim, such that other outcomes (and formal avenues to procure them) have been closed off. In short, neither the law nor mediation uproot the problem of battering.

Restorative justice generalizes ownership of the battering problem beyond victims and offenders and beyond government to communities. We make no claims that restorative justice holds *the* ultimate answer to the problem of battering. Battering lies at the intersection of too many institutionalized power imbalances to lend itself to a simplistic solution. Yet restorative justice *does* frame battering in a way that has the *potential* — enabled by laws against battering — to attack the roots of the problem, including social inequities and accessory norms, isolation of individuals and families, and neutralization of blame.

In the restorative justice paradigm, remedies to crime must be publicly located. We believe that the restorative justice perspective reconciles the private-public distinction that underpins the battering problem. Crime is neither "just personal" nor "just political." It is an acutely personal experience that at the same time reflects larger societal structures. Although broadly based, these structures are not remote or untouchable. They are found in our own communities — in everyday norms and narratives — and we can affect them there.

NOTES

1. Battering typically refers to violence against women by their male partners. It is the most common form of intimate violence (U.S. Department of Justice, 1999b). This article will focus on such abuse, and the terms domestic violence and battering will be used interchangeably.

2. Lerman (1984: 67) refers to these as the law enforcement model and the conciliation model.

3. Mandatory arrest was implemented on a wide scale despite the finding that arrest increased violence in some cases. Later research further qualified the deterrent effect of arrest (Sherman, 1993; Sherman et al., 1992; Buzawa and Buzawa, 1993).

REFERENCES

Aubert, Vilhelm
    1963   "Competition and Dissensus: Two Types of Conflict and of Conflict Resolution." *Journal of Conflict Resolution* 7: 26–42.

Auerbach, Jerold S.
    1983   *Justice Without Law? Resolving Disputes Without Lawyers.* New York: Oxford University Press.

Benhabib, Seyla
    1989   "The Generalized and Concrete Other." Elizabeth Frazer, Jennifer Hornsby, and Sabina Lovibond (eds.), *Ethics: A Feminist Reader*. Cambridge, MA: Harvard University Press: 267–300.

Bonilla-Santiago, Gloria
    1996   "Latina Battered Women: Barriers to Service Delivery and Cultural Considerations." Albert R. Roberts (ed.), *Helping Battered Women: New Perspectives and Remedies*. New York: Oxford University: 229–234.

Bouza, Anthony
    1991   "Responding to Domestic Violence." Michael Steinman (ed.), *Woman Battering: Policy Responses*. Cincinnati, OH: Anderson: 191–202.

Braithwaite, John
    1999   "Restorative Justice: Assessing Optimistic and Pessimistic Accounts." Michael Tonry (ed.), *Crime and Justice: A Review of Research* 25. Chicago: University of Chicago Press: 1–127.
    1989   *Crime, Shame, and Reintegration*. Cambridge: Cambridge University Press.

Braithwaite, John and Kathleen Daly
    1994   "Masculinities, Violence, and Communitarian Control." Tim Newburn and Elizabeth A. Stanko (eds.), *Just Boys Doing Business? Men, Masculinity, and Crime*. London: Routledge: 189–213.

Braithwaite, John and Stephen Mugford
    1994   "Conditions of Successful Reintegration Ceremonies." *The British Journal of Criminology* 34: 139-171.

Brooks, Rachelle
    1997   "Feminists Negotiate the Legislative Branch: The Violence Against Women Act." Cynthia R. Daniels (ed.), *Feminists Negotiate the State: The Politics of Domestic Violence*. Lanham, Maryland: University Press of America: 65–82.

Brown, Jennifer Gerarda
    1994   "The Use of Mediation to Resolve Criminal Cases: A Procedural Critique." *Emory Law Journal* 43: 1247–1309.

Buzawa, Eve and Carl Buzawa
    1993   "The Scientific Evidence Is Not Conclusive: Arrest Is No Panacea." R. Gelles and D. Loseke (eds.), *Current Controversies on Family Violence*. Newbury Park, CA: Sage: 337–356.

Christie, Nils
    1977   "Conflicts as Property." *British Journal of Criminology* 17: 1–15.
Clear, Todd
    1994   *Harm in American Penology: Offenders, Victims, and Their Communities*. Albany: State University of New York Press.
Cobb, Sara
    1997   "The Domestication of Violence in Mediation." *Law and Society Review* 31: 397–440.
Cohen, Albert K.
    1966   *Deviance and Control*. Englewood Cliffs, NJ: Prentice-Hall.
Corcoran, Kathleen O'Connell and James C. Melamed
    1990   "From Coercion to Empowerment: Spousal Abuse and Mediation." *Mediation Quarterly* 7: 303–316.
Crenshaw, Kimberle
    1997   "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." Karen J. Mischke (ed.), *The Legal Response to Violence Against Women*. New York: Garland: 91–150.
Cullen, Francis T.
    1994   "Social Support as an Organizing Concept for Criminology: Presidential Address to the Academy of Criminal Justice Sciences." *Justice Quarterly* 11: 527–559.
Davidson, Terry
    1978   *Conjugal Crime: Understanding and Changing the Wife-beating Pattern*. New York: Hawthorn Books.
Dobash, R. Emerson and Russell P. Dobash
    1992   *Women, Violence, and Social Change*. London: Routledge.
Erez, Edna and Joanne Belknap
    1998   "In Their Own Words: Battered Women's Assessment of the Criminal Processing System's Responses." *Violence and Victims* 13: 251–268.
Fagan, Jeffrey
    1996   "The Criminalization of Domestic Violence: Promises and Limits." National Institute of Justice Research Report (January).
Felter, Elizabeth
    1997   "A History of the State's Response to Domestic Violence in the United States." Cynthia R. Daniels (ed.), *Feminists Negotiate the State: The Politics of Domestic Violence*. Lanham, Maryland: University Press of America: 5–20.
Ford, David A.
    1991   "Prosecution as a Victim Power Resource: A Note on Empowering Women in Violent Conjugal Relationships." *Law and Society Review* 25: 313–334.
Foucault, Michel
    1982   "The Subject and Power." Hubert L. Dreyfus and Paul Rabinow (eds.), *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: University of Chicago Press: 208–226.
Fuller, Lon L.
    1971   "Mediation — Its Forms and Functions." *Southern California Law Review* 44: 305–339.
Gilligan, Carol
    1982   *In a Different Voice: Psychological Theory and Women's Development*. Cambridge, MA: Harvard University Press.
Girdner, Linda K.
    1990   "Mediation Triage: Screening for Spouse Abuse in Divorce Mediation." *Mediation Quarterly* 7: 365–376.
Grillo, Trina
    1991   "The Mediation Alternative: Process Dangers for Women." *Yale Law Journal* 100: 1545–1610.

Hampton, Jean
    1988   "The Retributive Idea." Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy*. New York: Cambridge University Press: 111–161.
Harris, M. Kay
    1991   "Moving into the New Millennium: Toward a Feminist Vision of Justice." Harold E. Pepinsky and Richard Quinney (eds.), *Criminology as Peacemaking*. Bloomington, IN: Indiana University Press: 83–97.
Hart, Barbara J.
    1990   "Gentle Jeopardy: The Further Endangerment of Battered Women and Children in Custody Mediation." *Mediation Quarterly* 7: 317–330.
Healey, Kerry Murphy and Christine Smith
    1998   "Batterer Programs: What Criminal Justice Agencies Need to Know." Washington, D.C.: National Institute of Justice (July).
Heise, Lori L.
    1998   "Violence Against Women: An Integrated, Ecological Framework." *Violence Against Women* 4: 262–290.
Herman, Judith Lewis
    1997   *Trauma and Recovery*. New York: Basic Books.
Hutchison, Ira W. and J. David Hirschel
    1998   "Abused Women: Help-seeking Strategies and Police Utilization." *Violence Against Women* 4: 436–456.
Jaccoud, Mylene
    1998   "Restoring Justice in Native Communities in Canada." Lode Walgrave (ed.), *Restorative Justice for Juveniles: Potentialities, Risks, and Problems*. Leuven, Belgium: Leuven University Press: 285–299.
Kakar, Suman
    1998   *Domestic Abuse: Public Policy/Criminal Justice Approaches Towards Child, Spousal, and Elderly Abuse*. San Francisco: Austin and Winfield.
Kraybill, Ronald S.
    1980   "A Procedure for Mediating Inter-personal Disputes." Lynn Robert Buzzard and Ronald Kraybill (eds.), *Mediation: A Reader*. Oak Park, IL: Christian Legal Society: 1–14.
Langley, Roger and Richard C. Levy
    1977   *Wife Beating: The Silent Crisis*. New York: Pocket Books.
Lerman, Lisa G.
    1984   "Mediation of Wife Abuse Cases: The Adverse Impact of Informal Dispute Resolution on Women." *Harvard Women's Law Journal* 7: 57–113.
MacKinnon, Catherine
    1983   "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs* 8: 635–658.
Maher, Lisa
    1997   *Sexed Work: Gender, Race, and Resistance in a Brooklyn Drug Market*. New York: Oxford University Press.
Mahoney, Martha R.
    1991   "Legal Images of Battered Women: Redefining the Issue of Separation." *Michigan Law Review* 90,1: 1-94.
Mayer, Bernard
    1987   "The Dynamics of Power in Mediation and Negotiation." Christopher W. Moore (ed.), *Practical Strategies for the Phases of Mediation*. San Francisco: Jossey-Bass: 75–86.
McKnight, John
    1995   *The Careless Society: Community and Its Counterfeits*. New York: BasicBooks.
Meier, Linda K. and Brian K. Zoeller
    1995   "Taking Abusers to Court: Civil Remedies for Domestic Violence Victims." *Trial* 31: 60–65.

Menard, Anne E. and Anthony J. Salius
    1990   "Judicial Response to Family Violence: The Importance of Message."
                    Mediation Quarterly 7: 293–302.
Messerschmidt, James W.
    1993   *Masculinities and Crime: Critique and Reconceptualization of Theory.*
                    Lanham, MD: Rowman and Littlefield.
Miller, Susan L.
    1989   "Unintended Side Effects of Pro-arrest Policies and Their Race and Class
                    Implications for Battered Women: A Cautionary Note." *Criminal Justice
                    Policy Review* 3: 299–317.
Mills, Linda
    1996   "Empowering Battered Women Transnationally: The Case for Postmodern
                    Interventions." *Social Work* 41: 261–268.
Mills, Linda G.
    1998   "Mandatory Arrest and Prosecution Policies for Domestic Violence: A
                    Critical Literature Review and the Case for More Research to Test Victim
                    Empowerment Approaches." *Criminal Justice and Behavior* 25: 306–318.
National Coalition Against Domestic Violence
    1999   *About This Organization.* Denver, CO: Author.
Newmark, Lisa, Adele Harrell, and Peter Salem
    1995   "Domestic Violence and Empowerment in Custody and Visitation Cases."
                    Family and Conciliation Review 33: 30–62.
Nicholl, Caroline G.
    1998   *From Battering to Bettering: Changing the Lives of Victims of Domestic
                    Violence and Their Abusers.* Washington, D.C.: Campaign for an Effective
                    Crime Policy.
O'Neill, Damian
    1998   "A Post-structuralist Review of the Theoretical Literature Surrounding Wife
                    Abuse." *Violence Against Women* 4: 457–490.
Pagelow, Mildred Daley
    1990   "Effects of Domestic Violence on Children and Their Consequences for
                    Custody and Visitation Agreements." *Mediation Quarterly* 7: 347–363.
Parent, Colette and Francoise Digneffe
    1996   "A Feminist Contribution to Ethics in Criminal Justice Intervention."
                    Thomas O'Reilly-Fleming (ed.), *Post-Critical Criminology*: 201–215.
                    Scarborough, Ontario: Prentice Hall Canada.
Paternoster, Raymond, Robert Brame, Ronet Bachman, and Lawrence W. Sherman
    1997   "Do Fair Procedures Matter? The Effect of Procedural Justice on Spouse
                    Assault." *Law and Society Review* 31: 163–204.
Pavlich, George
    1996   "The Power of Community Mediation: Government and Formation of Self-
                    Identity." *Law and Society Review* 30: 707–733.
Peachey, Dean E.
    1989   "The Kitchener Experiment." Martin Wright and Burt Galaway (eds.),
                    Mediation and Criminal Justice: Victims, Offenders, and Community.
                    London: Sage: 14–26.
Pennell, Joan and Gale Burford
    1996   "Attending to Context: Family Group Decision-making in Canada." Joe
                    Hudson, Allison Morris, Gabrielle Maxwell, and Burt Galaway (eds.),
                    Family Group Conferences: Perspectives on Policy and Practice.
                    Leichhardt, Australia: The Federation Press: 206–220.
    1994   "Widening the Circle: Family Group Decision Making." *Journal of Child
                    and Youth Care* 9: 1–11.
Pranis, Kay
    1998   "Restorative Justice and Feminism: Common Themes." Paper presented at
                    the Second Annual International Conference on Restorative Justice for

Juveniles (November 7–9), Fort Lauderdale, Florida.

Presser, Lois and Christopher T. Lowenkamp
    1999   "Restorative Justice and Offender Screening." *Journal of Criminal Justice* 27: 333–343.

Rasche, Christine E.
    1995   "Minority Women and Domestic Violence: The Unique Dilemmas of Battered Women of Color." Barbara Raffel Price and Natalie J. Sokoloff (eds.), *The Criminal Justice System and Women: Offender, Victims, and Workers*. New York: McGraw-Hill: 246–261.

Richie, Beth E.
    1996   *Compelled to Crime: The Gender Entrapment of Battered Black Women*. New York: Routledge.

Rifkin, Janet
    1989   "Mediation in the Justice System: A Paradox for Women." *Women and Criminal Justice* 1: 41–54.

Roche, Susan E. and Pam J. Sadoski
    1996   "Social Action for Battered Women." Albert R. Roberts (ed.), *Helping Battered Women: New Perspectives and Remedies*. New York: Oxford University: 13–30.

Rowe, Kelly
    1985   "The Limits of the Neighborhood Justice Center: Why Domestic Violence Cases Should Not Be Mediated." *Emory Law Journal* 34: 855–910.

Schechter, Susan
    1982   *Women and Male Violence: The Visions and Struggles of the Battered Women's Movement*. Boston: South End Press.

Schreiter, Robert J.
    1998   *The Ministry of Reconciliation: Spirituality and Strategies*. Maryknoll, New York: Orbis Books.

Sherman, Lawrence W.
    1993   "Defiance, Deterrence, and Irrelevance: A Theory of the Criminal Sanction." *Journal of Research in Crime and Delinquency* 30: 445–473.

Sherman, Lawrence W. and Richard A. Berk
    1984   "The Specific Deterrent Effects of Arrest for Domestic Assault." *American Sociological Review* 49: 261–272.

Sherman, Lawrence W., Janell D. Schmidt, Dennis P. Rogan, Douglas A. Smith, Patrick R. Gartin, Ellen G. Cohn, Dean J. Collins, and Anthony R. Bacich
    1992   "The Variable Effects of Arrest on Criminal Careers: The Milwaukee Domestic Violence Experiment." *The Journal of Criminal Law and Criminology* 83: 137–169.

Silbey, Susan and Austin Sarat
    1989   "Dispute Processing in Law and Legal Scholarship: From Institutional Critique to the Reconstruction of the Juridical Subject." *Denver University Law Review* 66: 437–498.

Smart, Carol
    1995   *Law, Crime, and Sexuality*. London: Sage.
    1989   *Feminism and the Power of Law*. London: Routledge and Kegan Paul.

Smith, David N.
    1980   "A Warmer Way of Disputing: Mediation and Conciliation." Lynn Robert Buzzard and Ronald Kraybill (eds.), *Mediation: A Reader*. Oak Park, IL: Christian Legal Society: 24–35.

Stanko, Elizabeth A.
    1989   "Missing the Mark? Policing Battering." Jalna Hammer, Jill Radford, and Elizabeth A. Stanko (eds.), *Women, Policing, and Male Violence: International Perspectives*. London: Routledge and Kegan Paul: 46–69.
    1985   *Intimate Intrusions: Women's Experience of Male Violence*. London: Routledge and Kegan Paul.

Stuart, Barry
     1997   *Building Community Justice Partnerships: Community Peacemaking Circles*.
                         Report of the Ministry of Justice, Ottawa, Canada.
Tierney, Kathleen J.
     1982   "The Battered Women Movement and the Creation of the Wife Beating
                         Problem." *Social Problems* 29: 207–220.
Tifft, Larry L. and Lyn Markham
     1991   "Battering Women and Battering Central Americans: A Peacemaking
                         Synthesis." Harold E. Pepinsky and Richard Quinney (eds.), *Criminology as
                         Peacemaking*. Bloomington, IN: Indiana University Press: 114–153.
Treuthart, Mary Pat and Laurie Woods
     1990   *Mediation: A Guide for Advocates and Attorneys Representing Battered
                         Women*. New York: National Center on Women and Family Law, Inc.
Umbreit, Mark
     1997   "Humanistic Mediation: A Transformative Journey of Peacemaking."
                         Mediation Quarterly 14: 201–213.
     1994   "Victim Empowerment Through Mediation: The Impact of Victim-Offender
                         Mediation in Four Cities' Perspectives." American Probation and Parole
                         Association: 25–30.
     1989   "Violent Offenders and Their Victims." Martin Wright and Burt Galaway
                         (eds.), *Mediation and Criminal Justice: Victims, Offenders, and Community*.
                         London: Sage: 99–112.
Umbreit, Mark S., Robert Coates, and Ann Warner Roberts
     1997   "Cross-national Impact of Restorative Justice Through Mediation and
                         Dialogue." *The ICCA Journal on Community Corrections* (December): 46–
                         53.
Umbreit, Mark S. and Howard Zehr
     1995–1996   "Family Group Conferences: A Challenge to Victim-Offender Mediation?"
                         VOMA Quarterly 7: 4–8.
United States Department of Justice Bureau of Justice Statistics
     1999a   "Characteristics of Crime." On-line: http://www.ojp.usdoj.gov/bjs/
                         cvict_c.htm.
     1999b   "Female Victims of Violent Crime." On-line: http://www.ojp.usdoj.gov/bjs/
                         abstract/fvvc.htm.
     1998   *Factbook: Violence by Intimates*. Washington, D.C.: Author (March).
Van Ness, Daniel and Karen Heetderks Strong
     1997   *Restoring Justice*. Cincinnati: Anderson.
Viano, Emilio C.
     1996   "Stereotyping and Prejudice: Crime Victims and the Criminal Justice
                         System." *Studies on Crime and Crime Prevention* 5: 182–202.
Wahrhaftig, Paul
     1982   "An Overview of Community-oriented Citizen Dispute Resolution Programs
                         in the United States." Richard L. Abel (ed.), *The Politics of Informal Justice,
                         Volume 1: The American Experience*. New York: Academic Press: 75–97.
Walgrave, Lode
     1998   "What Is at Stake in Restorative Justice for Juveniles?" Lode Walgrave (ed.),
                         Restorative Justice for Juveniles: Potentialities, Risks, and Problems.
                         Leuven, Belgium: Leuven University Press: 11–16.
Walker, Lenore E.
     1979   *The Battered Woman*. New York: Harper and Row.
Websdale, Neil and Byron Johnson
     1997   "Structural Approaches to Reducing Woman Battering." *Social Justice* 24:
                         54–81.
Williams, Kirk R. and Richard Hawkins
     1989   "The Meaning of Arrest for Wife Assault." *Criminology* 27: 163–181.

Wonders, Nancy A.
    1999   "Postmodern Feminist Criminology and Social Justice." Bruce A. Arrigo
                                (ed.), *Social Justice/Criminal Justice: The Maturation of Critical Theory in
                                Law, Crime, and Deviance*. Belmont, CA: Wadsworth: 111–128.
Woods, Laurie
    1985   Mediation: A Backlash to Women's Progress on Family Law Issues in the
                                Courts and Legislatures. New York: National Center on Women and Family
                                Law, Inc.
Wuest, Judith and Marilyn Merritt-Gray
    1999   "Not Going Back: Sustaining the Separation in the Process of Leaving
                                Abusive Relationships." *Violence Against Women* 5: 110–133.
Yellott, Ann W.
    1990   "Mediation and Domestic Violence: A Call for Collaboration." *Mediation
                                Quarterly* 8: 39–50.
Zehr, Howard
    1995   *Changing Lenses: A New Focus for Crime and Justice*. Scottdale, PA:
                                Herald Press.
Zorza, Joan
    1992   "The Criminal Law of Misdemeanor Domestic Violence, 1970–1990." *The
                                Journal of Criminal Law and Criminology* 83: 46–72.