



Repairing the rupture: Restorative justice and the rehabilitation of offenders

Tony Ward*, Robyn Langlands

Victoria University of Wellington, New Zealand

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ABSTRACT

Restorative justice is a social justice movement that aims to deal with consequences of crime through repairing and restoring relationships of three key stakeholders: victims, offenders, and communities. Unfortunately, it is often unclear where offender rehabilitation fits within the constructs of repair and reintegration that drive this justice paradigm. An analysis of the relationship between restorative justice theory and offender rehabilitation principles reveals tensions between the two normative frameworks and a lack of appreciation that correctional treatment programs have a legitimate role alongside restorative practices. First, we outline the basic tenets of the Risk–Need–Responsivity Model and the Good Lives Model in order to provide a brief overview of two recent models of offender rehabilitation. We then consider the claims made by restorative justice proponents about correctional rehabilitation programs and their role in the criminal justice system. We conclude that restorative justice and rehabilitation models are distinct, although overlapping, normative frameworks and have different domains of application in the criminal justice system, and that it is a mistake to attempt to blend them in any robust sense.

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1. Introduction

Restorative justice has gained considerable momentum as an innovative approach in the criminal justice system that focuses on repairing the damage caused by crime rather than simply punishing offenders. The popularity of restorative justice is reflected in the fact

that a recent review concluded that up to one hundred countries worldwide had adopted restorative practices such as family conferencing, sentencing circles, or victim offender mediation (Van Ness, 2005). Furthermore, its grassroots, bottom up, informal practices have attracted adherents who have become increasingly alienated by what they view as the inflexible, impersonal nature of contemporary criminal justice procedures. More specifically, there is a perception that the mainstream criminal justice system consistently fails to take into account the needs of offenders, victims, and their communities and is instead intent on administering proportional punishments in a

* Corresponding author. School of Psychology, Victoria University of Wellington, PO Box 600, Wellington, New Zealand.
 E-mail address: tony.ward@vuw.ac.nz (T. Ward).

mechanical and overly abstract manner (Morris, 2002). One of the main reasons why restorative justice has become so prominent in contemporary criminal justice discourse is that it is viewed as a fundamentally different, yet viable, approach to achieving justice. Moreover, it is considered to be an approach to crime that sets out to heal fractured communities rather than simply punishing and dispatching offenders to prisons or community supervision.

Defining restorative justice is not easy because of the multiple strands comprising this conception of correctional justice. Attempts to settle on a particular definition have been contentious and rather than guiding theorists towards agreement, the debate around what actually constitutes restorative justice has served to highlight the existence of contrasting and competing perspectives (Johnstone & Van Ness, 2007). Definitions have varied from those that focus on the deliberative process involved in reaching decisions about how best to deal with the aftermath of crime to an emphasis on reaching a restorative outcome. For our purposes, the definition by Walgrave (2008) suffices to capture the central strands of restorative practices and will be relied on in this paper. According to Walgrave, restorative justice is “an option for doing justice after the occurrence of an offence that is primarily oriented towards repairing the individual, relational and social harm caused by that offence” (Walgrave, 2008, p. 21).

Restorative justice is commonly acknowledged to be a grassroots movement that is practice rather than theory-driven (Ward & Langlands, 2008). Restorative principles and values form the foundation of, and subsequently guide, practice. Zehr and Mika (1998) outline three core principles that underpin restorative justice initiatives. First, criminal conduct *violates* both people and their relationships with one another. Such violation harms all of the key stakeholders in crime—victims, offenders, and communities—whose needs therefore ought to be actively addressed through a restorative process of some kind. Second, crime results in both *obligations* and liabilities for offenders. The offender is obliged to take responsibility for the crime and attempt to repair the damage caused. While coercion is to be avoided, offenders may be compelled to fulfill their obligations. The intention behind holding offenders accountable is to achieve reparation rather than to punish them, although there is some tension evident between these two conflicting values. Additionally, the community is obliged to support both the victim and the offender in dealing with the effects of the crime. Third, the purpose of restorative justice is to facilitate community *healing* by repairing the harm that results from crime; more specifically, the fractures within relationships between victims, offenders, and the community that inevitably occur following offending.

While popularity of this justice paradigm is evident in the wealth of restorative programs worldwide (Bazemore, O'Brien, & Carey, 2006; Miers, 2001; Van Ness, 2005), the relatively rapid adoption and promotion of such initiatives have been controversial. Critics have cautioned against the widespread implementation of restorative justice interventions in the absence of adequate evidence as to their effectiveness and the ability of restorative practitioners to protect the rights of participants, particularly offenders (Ashworth, 2002; Radzik, 2007; Roche, 2003; Ward & Langlands, 2008; Warner, 1994). Additionally, there appears to be some concern that restorative justice policy and practice has been driven by overly zealous rhetoric, described by Daly (2006) as the “nirvana story of restorative justice” (p. 142), rather than by evidence and cogent argument.

It is indisputable that one of the principal aims of the conventional justice system is to reduce recidivism by a combination of (proportional) punishment and rehabilitation initiatives (Andrews & Bonta, 2003). Concerning the latter, the criminal justice system seeks to rehabilitate offenders through specific treatment programs that are tailored to effectively address individual levels of risk through a focus on their specific profile of dynamic risk factors or criminogenic needs. By way of contrast, reducing offending is seldom explicitly identified as a priority for restorative justice theorists who typically espouse

more abstract goals such as repairing and restoring relationships, ensuring stakeholder satisfaction, and reintegrating offenders into the community. Although, Bazemore and O'Brien (2002) note that there is a disjunction between theory and practice in that restorative justice programs and policies do aim to reduce recidivism. Unfortunately, the majority of this scholarly and practice-oriented work tends to overlook the need for evidence-based principles for effective rehabilitation and is instead guided by theory and the experiences of practitioners working at the coalface with offenders and victims (Bonta, Jesseman, Ruggie, & Cormier, 2006). Failure to formulate detailed rehabilitation policies and guidelines based on empirical evidence and cogent rehabilitation theory makes it less likely that restorative interventions will have a significant impact on recidivism (Levrant, Cullen, Fulton, & Wozniak, 1999). Bazemore and O'Brien (2002) conclude that, “without some priorities for intervention based on empirical findings of impact, practitioners may continue to focus on one or another or combine various theories in unproductive, or even counterproductive, ways” (p. 34).

In this paper, we argue that the comparative neglect of offender rehabilitation theory and principles within the restorative justice literature is problematic because evidence-based rehabilitation programs have been shown to be effective in reducing recidivism. We contend that by failing to adequately address offender rehabilitation, restorative justice does not live up to its promise as a needs-based justice system. One reason for this neglect may reside in a lack of clarity concerning the relationship between restorative justice and offender rehabilitation, resulting in a reluctance to explicitly endorse offender treatment because of a fear that this will result in a withdrawal of support for the legitimate crime-related concerns of victims and communities. There are at least two ways such ambivalence can manifest itself in restorative justice discourse: (a) downplaying of the value of rehabilitation in reducing recidivism or responding justly to crime, or (b) incorporating rehabilitation ideals into restorative justice theories and programs thereby deflating contemporary rehabilitation theorists' claims that correctional treatment programs add value to the criminal justice system. The deflationary strategy works by a process of (often implicit) assimilation of rehabilitation principles and concepts by restorative theorists and, in essence, widens the scope of restorative justice to the point where it is in danger of losing its conceptual integrity. Both stances are evident in the literature and will be commented on in this paper.

Our intention in this paper is to explore the relationship between restorative justice and the domain of offender rehabilitation. First, we outline two influential models of rehabilitation—the Risk–Need–Responsivity Model (RNR; Andrews & Bonta, 2003) and the Good Lives Model (GLM; Ward & Gannon, 2006; Ward & Maruna, 2007; Ward & Stewart, 2003)—in order to provide a brief overview of the field of offender rehabilitation. Second, we will consider why restorative justice theorists and advocates have failed to utilize these models of rehabilitation to achieve their goals of restoring and repairing relationships. Finally, to address this rupture between restorative justice and rehabilitation initiatives, we propose that practitioners use the GLM model of offender rehabilitation. This model is arguably the “best fit” for restorative justice as it is a strength-based perspective that is closely aligned with many of the core values of restorative justice approaches. We conclude that restorative justice and offender rehabilitation models such as the GLM are best construed as distinct but complementary normative frameworks that address quite different problems: repair of the harm caused by crime versus offender risk reduction and well-being enhancement. In light of their unique contributions to the criminal justice enterprise, it makes more sense to document their points of divergence and convergence rather than engage in a pointless process of seeking to reject one or the other. While both normative frameworks are value-laden, restorative justice practice is fundamentally an ethical framework whose responses to crime are modulated by prudential (well-

being) values, while rehabilitation practices have their foundation in prudential values but are constrained by ethical considerations in the formulation of offenders' treatment plans.

Restorative justice is a broad intellectual church and therefore includes a myriad of ideas and practices within its structure. A potential problem in a paper such as this is arriving at shared assumptions without begging important theoretical and practical questions concerning the relationship between restorative justice and offender rehabilitation. The ideas presented in this paper should therefore be regarded as suggestive and not definitive. However, despite the provisional and exploratory nature of our argument, we believe that its general claim concerning the lack of dialogue between correctional rehabilitation theorists and restorative justice theorists, and the tendency to overlook their distinct domains of application, is sound.

2. Two models of offender rehabilitation

2.1. *The Risk–Need–Responsivity Model*

The most common rehabilitative approach in the correctional domain is based on the detection, management, and monitoring of an offender's profile of risk factors. This perspective involves policies concerned with risk detection and management, where the focus is squarely on estimating the degree to which individuals constitute a threat to the community and then setting out to reduce or minimize their risk factors in the most cost efficient manner. Individuals are viewed as bearers of risk, potential agents of harm, or hazards. The rehabilitation approach most closely aligned to the risk management perspective is the Risk–Need–Responsivity Model or what we will refer to throughout as the RNR model (Andrews & Bonta, 2003).

Assumptions underlying the RNR model are well established in criminal justice agencies and non-government agencies throughout the western world to the point where it can be regarded as the received or orthodox position concerning rehabilitation (Visher, 2006). In essence, the RNR proposes that correctional interventions should be structured according to three core rehabilitation principles: risk, need, and responsivity (Andrews & Bonta, 2003; Hollin, 1999). Perhaps the most well-known rehabilitation assumption is that the most effective and ethical approach to the treatment of offenders is to target *dynamic risk factors* (i.e., criminogenic needs) that are causally related to criminal behavior (Andrews & Bonta, 2003; Hanson, 2001). This is termed the *need* principle. A second important guiding assumption is the *risk* principle, which specifies that the treatment of offenders ought to be organized according to the level of risk they pose to society. That is, the higher the level of the risk the greater the dosage or intensity of treatment should be. The third major assumption is the *responsivity* principle, which is primarily concerned with the problem of matching the delivery of correctional interventions to certain characteristics of participants (e.g., motivation, learning style, and ethnic identity). The intent of the responsivity principle is to ensure that therapeutic and other types of correctional interventions are implemented in a way that is likely to make sense to offenders and thus enable them to absorb the program content and make the changes necessary in their lives to desist from further offending.

In recent years, clinicians and researchers have challenged certain aspects of the RNR model and argued that concentrating on reducing dynamic risk factors (criminogenic needs) is a *necessary* but *not sufficient* condition for effective correctional interventions (Ellerby, Bedard, & Chartrand, 2000; Maruna, 2001; Ward & Stewart, 2003; Ward & Maruna, 2007). One of the major concerns expressed by such critics is the perceived narrowness of the RNR model and its failure to adopt a more constructive or positive approach to treatment. It has been argued that it is necessary to broaden the scope of correctional interventions to take into account the promotion of human goods (i.e., approach goals as well as avoidance goals). That is, experiences,

activities, or states of affairs that are strongly associated with well-being and higher levels of personal satisfaction and social functioning.

Researchers, clinicians, and correctional workers who are critical of the RNR model point to its inability to provide those involved with rehabilitation with sufficient tools to engage and work with offenders in the process of behavior change (Hannah-Moffat, 1999, 2005; Ward & Stewart, 2003; Ward & Maruna, 2007). What they mean by this claim is that a set of principles that are essentially oriented toward risk management and the allocation of scarce rehabilitation resources are unlikely to help deal with the complexities and demands of forensic practice.

In brief, researchers critical of the RNR model assert that:

- (a) motivating offenders by concentrating on eliminating or modifying their various dynamic risk factors is extremely difficult. One thing individuals want to know is how can they live better lives; that is, what are the positive rewards in desisting from crime?
- (b) the RNR model tends to neglect or underemphasize the role of self-identity and personal agency (i.e., self-directed, intentional actions designed to achieve valued goals) in the change process. An important component of living an offense free life appears to be viewing oneself as a different person with the capabilities and opportunities to achieve personally endorsed goals, yet this "whole person" perspective is downplayed in the risk framework;
- (c) the RNR model appears to be associated with a rather restricted and passive view of human nature;
- (d) the RNR model does not appreciate the relevance and crucial role of treatment alliance in the therapeutic process. Any type of enduring change depends on the capacity of the offender to trust his or her therapist enough to absorb the skills and "lessons" imparted in therapy. This means that so-called non-criminogenic needs such as personal distress and low self-esteem are essential clinical targets; failure to address them is likely to result in a weak therapeutic alliance (Marshall et al., 2003);
- (e) the RNR model is fundamentally a psychometric model (i.e., derived from, and in part based on, data from reliable and valid measures of criminal behavior) and tends to be preoccupied with offenders' risk profiles (or traits) and downplays relevance of contextual or ecological factors in offender rehabilitation. This ignores the fact that offenders like all human beings are embedded in various social and cultural systems that facilitate and constrain their behavior (Kymlicka, 1996); and finally;
- (f) in variance with the responsivity principle, the RNR model is often implemented in practice in a "one size fits all" manner and fails to adequately consider the specific needs, values, and issues of individual offenders. The fact that the RNR model is implemented in a large-scale, heavily manualized, and prescriptive manner makes it difficult to accommodate the unique characteristics of offenders. In its most inappropriate form, the RNR model is translated into a psycho-educational format where offenders are "taught," in a heavily didactic and counter-productive way, how to behave (Green, 1995).

Despite the impressive body of research supporting the empirical utility of the RNR principles, the problems noted above mean that it does not provide sufficient guidance to correctional practitioners (Ward & Maruna, 2007). Furthermore, the emphasis on risk management makes it difficult to reconcile this model with restorative practices; in essence, the offender is viewed as a risk to be contained and controlled rather than as a moral agent and fellow member of the community.

2.2. *The Good Lives Model*

The Good Lives Model (GLM) is a strength-based approach to offender rehabilitation which is concerned with assisting offenders to

achieve their goals as well as managing their risk (Ward & Stewart, 2003). In brief, the GLM is a comprehensive theory of offender *rehabilitation* that focuses on promoting individuals' important personal goals while at the same time reducing and managing their risk for future offending (Ward & Maruna, 2007; Ward & Stewart, 2003). It is a *strength-based* approach in two respects: (a) it takes seriously offenders' personal preferences and values; that is, the things that matter most to them in the world. It draws upon these primary goods to motivate individuals to live better lives; and (b) therapists seek to provide offenders with the competencies (internal conditions) and opportunities (external conditions) to implement treatment plans based on these primary goods. Primary goods are essentially activities, experiences, or situations that are sought for their own sake and that benefit individuals and increase their sense of fulfillment and happiness. Examples of primary human goods include knowledge, relatedness, agency, inner peace (emotional equilibrium), play, physical health, and mastery. Secondary goods are the means used to secure the primary goods and it is here that people often experience problems. For example, attempting to achieve the good of relatedness through sex with a child is problematic, as is the search for mastery through the domination of another individual. There is evidence from a wide range of literatures to support the claim that all individuals typically seek primary human goods and that their attainment is associated with higher levels of well-being and their absence related to psychological problems of various kinds (Emmons, 1999, 2003; Ward & Maruna, 2007). From the perspective of the GLM, offending is likely to reflect the influence of a multitude of goals and their related human goods. Sometimes the higher level (approach) goal is to establish a sense of intimacy or interpersonal support. On other occasions, the offender may be pursuing a sense of personal power and mastery over the victim. These are all still approach goals but have quite different etiological and treatment implications.

In the GLM, criminogenic needs (dynamic risk factors) are internal or external *obstacles* that frustrate and block the acquisition of primary human goods. The responses to these obstacles are learned and conditioned throughout the individual's life. What this means is that the individual lacks the ability to obtain important outcomes (i.e., goods) in his/her life, and, in addition, is frequently unable to think about his/her life in a reflective manner. We suggest that there are four major types of difficulties often evident in offenders' life plans: lack of scope (i.e., important primary goods are neglected); inappropriate means used to secure goods (i.e., counter-productive methods used that result in failure to obtain goods); conflict evident in a person's life plan (i.e., the pursuit of one good lessens the chances of another being secured); and lack of capacity (i.e., internal capacity such as lack of skills, or external capacity relating to a lack of support, opportunities, etc.).

The GLM has a twin focus with respect to therapy with offenders, that is: (a) promoting goods and (b) managing/reducing risk. What this means is that a major aim is to equip the offender with the skills, values, attitudes, and resources necessary to lead a different kind of life, one that is personally meaningful and satisfying and does not involve inflicting harm. In other words, a life that has the basic primary goods, and ways of effectively securing them, built into it. These aims reflect the etiological assumptions of the GLM that offenders are either directly seeking basic goods through the act of offending or else commit an offense because of the indirect effects of a pursuit of basic goods. Furthermore, according to the GLM, risk factors represent omissions or distortions in the internal and external conditions required to implement a good lives plan in a specific set of environments. Installing the internal conditions (i.e., skills, values, beliefs) and the external conditions (i.e., resources, social supports, opportunities) is likely to reduce or eliminate each individual's set of criminogenic needs.

Ward and Maruna (2007) argue that because of its focus on enhancing offender well-being and reducing risk, the GLM is a more

inclusive rehabilitation theory than the RNR model. Furthermore, it is able to incorporate the principles of the RNR while adding additional value for clinicians, researchers, and policy makers (Ward & Maruna, 2007). For our purposes, the crucial point is that the GLM by virtue of its ecological and reintegration orientation is a better fit with restorative justice assumptions and practices (Walgrave, 2008) than the RNR model. We will return to this point later in the paper.

We will now discuss potential reasons as to why restorative justice proponents have failed to utilize these models of rehabilitation to achieve their goals of restoring and repairing relationships, and will argue that this failure counteracts claims that restorative justice programs meet the needs of victims, offenders, and communities. Justice systems have an ethical obligation to provide offenders with the opportunity to participate in rehabilitation programs that enable them to develop the skills and competencies they need to live pro-social, meaningful lives. Meeting offenders' needs in this way has the potential to decrease recidivism (Andrews & Bonta, 2003; Ward & Maruna, 2007) which ultimately leads to fewer victims and safer communities. Therefore, it is essential that restorative justice theories can be utilized in conjunction with empirically sound and theoretically coherent models of rehabilitation by practitioners working directly with offenders.

3. How is offender rehabilitation conceptualized within the restorative justice literature?

As discussed above, evidence-based models of offender rehabilitation are commonly used by practitioners working within the conventional criminal justice system. Despite the fact that these models are grounded in decades of research evidence (Andrews & Bonta, 2003; Ward & Maruna, 2007), they are not typically utilized or referred to by restorative justice advocates when outlining a comprehensive ethical and treatment response to crime. To understand why these rehabilitative frameworks have been disregarded or neglected, it is necessary to unpack two common approaches to rehabilitation we have identified within the restorative justice literature. First, some restorative justice advocates downplay the value of rehabilitation as a component of a just response to crime that has the potential to reduce re-offending. Second, other advocates acknowledge the value of rehabilitation principles and attempt to incorporate these into restorative justice theory and initiatives. However, by doing so, they succeed in deflating contemporary rehabilitation theorists' claims that correctional treatment programs add value to the criminal justice system and also widen the scope of restorative justice to the point that it is in danger of losing its conceptual integrity. We will now discuss each of these approaches in turn.

3.1. Downplaying rehabilitation

The approach adopted by some restorative justice proponents of minimizing the significance of rehabilitation can be further unpacked into three specific claims about the role of rehabilitation in responding justly to crime: namely that rehabilitation is an unsatisfactory response to crime, it is a bonus rather than a priority, and that restorative justice is more effective at reducing recidivism than rehabilitation.

3.1.1. Rehabilitation is an unsatisfactory response to crime

In the first chapter of their book, *Restoring justice: An introduction to restorative justice*, Van Ness and Strong (2006) maintain that, "For two centuries, Americans and Europeans have experimented with a succession of programs to accomplish this purpose [of rehabilitation]. Every such attempt has ended in disappointment" (p. 6). At first, it appears that Van Ness and Strong are implying that all rehabilitation programs have failed; an allegation that contradicts the substantial body of evidence in favor of rehabilitative efforts which address offenders' risk, needs, and responsivity to treatment (Andrews & Bonta, 2003). However, on further reading, it becomes clear that

rehabilitation is categorized as a disappointing response to crime because it centers on the offender and his/her needs, thereby excluding other key stakeholders such as victims and their communities. Restorative justice, with its emphasis on inclusiveness and co-operation, is proffered as a solution to this dilemma (Van Ness & Strong, 2006).

McCold and Wachtel (2002) similarly dismiss rehabilitation as an inadequate response to crime because (in their view) treatment programs fail to hold offenders to account. They present a summary of four key approaches to behavior regulation—a “social discipline window” (p. 112)—that result from the interaction between control and support. Within this framework, offender rehabilitation is classified as a permissive approach, marked by “low control and high support, a scarcity of limit-setting and an abundance of nurturing...[which] has a tendency to protect or shield people from the natural and logical consequences of wrongdoing” (McCold & Wachtel, 2002, pp. 112–113). In this case, it appears that the rejection of rehabilitation is driven by the belief that it is a ‘soft’ response to crime which fails to meet the needs of victims and the community. Restorative justice is once again promoted as an alternative, superior means of achieving justice.

Although writers who dismiss rehabilitation as an unsatisfactory response to crime may have differing rationales as to why it is inadequate, what they do have in common is the manner in which they position rehabilitation as antithetical to restoration. In essence, the critical attitude of some restorative justice proponents towards traditional correctional rehabilitation initiatives appears to be based primarily on *normative* rather than empirical reasons. Pavlich (2002) argues that this is a common rhetorical strategy whereby restorative justice advocates attempt to define what restorative justice is, through describing what it is not; that is, its “presence is enunciated by absence” (p. 92). This approach leads to the creation of artificial categories where all-or-nothing thinking predominates. In contrast, Daly (2000) maintains that

...restorative justice is best characterised as a practice that flexibly incorporates “both ways” – that is, it contains elements of retributive and rehabilitative justice – but at the same time, it contains several new elements that give it a unique restorative stamp. Specifically, restorative justice practices do focus on the offence *and* the offender; they are concerned with censuring past behaviour *and* with changing future behaviour; they are concerned with sanctions or outcomes that are proportionate *and* that also “make things right” in individual cases (p. 35; italics in original).

As highlighted by Daly, in reality most responses to crime are multi-dimensional and include elements of different justice paradigms. The danger in promoting binary thinking is that the substantial evidence base on how to successfully treat offenders is downplayed or dismissed because it is perceived to be antithetical to restorative justice. We will argue later in this paper that this is not only a misguided but also an unethical approach to adopt.

Despite the denunciation of rehabilitation by certain restorative justice advocates, it is possible to identify rehabilitative ideals in their writings although these are often presented in a restorative guise. For example, Van Ness and Strong (2006) argue that the four foundational values in restorative justice practice are those of making amends, encounter, inclusion, and reintegration. Included within the making amends category is changed behavior which occurs as a result of changed values. The goal of changing criminogenic values and attitudes to reduce recidivism is central to offender treatment programs. Similarly, their concept of reintegration, defined as “re-entry into community life as whole, contributing, productive persons” (Van Ness & Strong, 2006, p. 103), echoes the goals of rehabilitative interventions.

Presence of both antipathy towards rehabilitation and rehabilitative values and ideals, often within the same article or chapter, could signify that the stance that rehabilitation is an unsatisfactory response to crime is simply a question of semantics. That is, in their efforts to distance themselves from the conventional justice system and its rehabilitative approach to crime, have restorative justice advocates simply re-branded offender rehabilitation to better accommodate their restorative ideals?

While there are similarities between rehabilitation and restorative notions of reparation and reintegration, there are a number of fundamental differences in how these constructs are defined, how important they are deemed to be within the restoration process, and through what means they are accomplished. Rehabilitation is typically conceptualized in the restorative justice literature as a medicalized treatment approach where the goal is to “fix” the deviant offender, and the victim and community are excluded from the process (Bazemore & Bell, 2004; Pavlich, 2002). As discussed above, rehabilitation defined in this manner is deemed to be an unsatisfactory response to crime because it excludes victims and communities, and thus is seen to undermine the victim-centered philosophy of restorative justice. However, such a conceptualization of rehabilitation is overly narrow; according to contemporary rehabilitation models, the rehabilitation of offenders is both an evaluative and capacity building process. The aim is to persuade offenders to adopt a better sense of what is truly important in their lives and to appreciate the fact that other people have similar normative aspirations. Second, the skills acquisition or treatment part of correctional rehabilitation initiatives is then utilized to help offenders formulate and implement their conceptions of good lives; conceptions that are prudentially sensitive and also respect the entitlements of other people to do the same thing (Ward & Maruna, 2007). While the conceptualization of offender rehabilitation as an evaluative and capacity building process reveals the compatibility between restorative and rehabilitative practices, it does not entail that they can be incorporated within a single restorative framework. As we will demonstrate later, both have distinct foci and are engaged in different normative projects.

3.1.2. Offender rehabilitation is a bonus, not a priority

Not all restorative justice advocates dismiss rehabilitation as incompatible with restoration; instead, rehabilitation is presented as a bonus rather than a priority for restorative justice programs. Robinson and Shapland (2008) observe that

...to a large extent the problem of appearing to be overly concerned with ‘offender outcomes’ has been dealt with by rejecting ‘rehabilitation’ as an aim, but at the same time welcoming the crime reduction outcomes as a ‘happy side-effect’ of restorative justice encounters (p. 340).

This indifference towards rehabilitation is evidence of restorative justice proponents devaluing the role that rehabilitation can play in achieving justice for the victims, communities, and offenders. Rehabilitation is not deemed to be of enough significance to pursue as a legitimate goal in its own right. Additionally, it is suggestive of overly pejorative judgments about offenders and their entitlements. In accordance with this perspective, Johnstone (2002) maintains that the goal of “healing offenders...is to be pursued only insofar as it can be made compatible with the goal of achieving justice for their victims” (p. 95).

However, there is a persuasive argument to be made that achieving justice for victims is dependent on the act of healing offenders. An important outcome sought by many victims within restorative encounters is the prevention of future victimization of themselves and others, and as such, these individuals request assurances from offenders that they will desist from crime (Robinson & Shapland, 2008; Schiff, 2007). Achilles (2004) argues that in certain cases the

best way for offenders to repair the harm caused by crime may be to become a “productive citizen” (p. 70). For victims who want to help prevent future offending, it is highly likely that rehabilitation facilitates restoration.

If offenders who need rehabilitation in order to help them desist from crime are not provided with adequate treatment, then it is likely that re-offending will lead to subsequent ruptures in the repaired relationships. [Toews and Katounas \(2004\)](#) contend that “current restorative justice practice is passing offenders by” (p. 109), because it fails to attend to offenders’ experiences of victimization or needs and, as a result, offenders seldom obtain sufficient community support to enable them to desist from crime. They thus allude to the ethical imperative to assess offender competence, which we have discussed elsewhere in relation to restorative justice ([Ward & Langlands, 2008](#)).

In brief, many offenders require a significant amount of social and psychological scaffolding to enable them to function as competent, pro-social individuals within society ([Ward & Birgden, 2007](#)). Offenders may be incapable of fulfilling reparative agreements and ultimately desisting from crime owing to past experiences of victimization, mental health problems, substance abuse etc. Considering that the restoration of relationships is a primary goal for restorative justice advocates, it follows that offender rehabilitation cannot be relegated to the position of a fortuitous side-effect. If restorative justice practitioners are truly committed to meeting the needs of victims and the community, then the provision of evidence-based rehabilitation programs for offenders who need them has to be a priority. Although, we will argue that it is not within the ambit of restorative justice to provide the psychological and social interventions necessary for the rehabilitation of offenders.

However, a restorative justice encounter may provide an ideal opportunity to engage offenders in future treatment. [Robinson and Shapland \(2008\)](#) advise that, “Instead of thinking about restorative justice as a new-style ‘intervention’—something which is ‘done to’ offenders—we might be better advised to re-frame restorative justice as an opportunity to facilitate a desire, or consolidate a decision, to desist” (p. 352). They contend, from their experiences of observing over 250 conferences, that “for at least some offenders, a restorative justice event may be less a *trigger* for desistance than a potentially significant ‘stepping stone’ on a journey toward desistance on which they have already embarked” ([Robinson & Shapland, 2008](#), p. 347). Restorative justice practitioners are uniquely placed to ensure that these encounters, as potential “stepping stones,” result in the provision of the necessary scaffolding for offenders by the appropriate programs and services.

Thus far we have argued that if restorative justice practice intends to fulfill its promises of reparation and restoration to both victims and the community, then an awareness of the value of offender rehabilitation is critical. However, we believe that this cannot be the sole reason for supporting offender rehabilitation as it is unethical to simply promote offender rehabilitation as a means to achieve a just end for victims and the community, rather than as an end in and of itself. From a human rights perspective, all individuals have fundamental entitlements to goods and services that enable them to live minimally worthwhile lives; lives that reflect the respect afforded to all human beings by virtue of their inherent dignity. Corresponding to their entitlements to freedom, material (i.e., food, water, warmth, etc.), security, social recognition, and equality goods, individuals also have obligations to others to acknowledge and act in accordance with their entitlements to the same set of goods. Because human rights are held by all human beings, people cannot be used simply as means for others to advance their own interests; each person is an end in his or herself and therefore ought to be regarded with respect and treated as moral equals. While offenders may have some of their basic freedom rights curtailed, it does not follow that they forfeit their entitlements (thus their dignity) to the above primary goods ([Ward & Birgden, 2007](#)). An advantage of acknowledging the relative autonomy of the

normative frameworks of restorative justice and offender rehabilitation is that it encourages practitioners to think of both domains of practice as equally important rather than emphasizing one at the expense of the other.

3.1.3. *Successful restoration is more effective than rehabilitation at reducing recidivism*

One of the ways in which the stance that rehabilitation is an unsatisfactory and insignificant response to crime is supported within the restorative justice literature is through claims that restorative interventions are typically more effective than rehabilitation programs at preventing recidivism. [Johnstone \(2002\)](#) notes that restorative justice advocates tend to present two forms of evidence to support this claim: narrative accounts of restorative justice encounters where offenders experience epiphanies concerning the error of their ways, and recidivism statistics. Since the propensity for certain advocates to exaggerate the successes of restorative justice has been extensively addressed by other writers ([Daly, 2006](#); [Roche, 2007](#); [Zernova, 2007](#)), we will not revisit those arguments here. Instead we will focus on the notion that restorative justice is more effective at reducing re-offending than rehabilitation.

It should be acknowledged that this claim was far more prevalent in the earlier literature than it is in contemporary writings about restorative justice. For example, in 1993, [Walgrave](#) wrote:

...as the evidence shows, the rehabilitative effects of the restorative approaches are no less than those of the approaches aimed explicitly at rehabilitation. The very fact of being obliged to make good the harm which has been done often seems to have a rehabilitative effect that goes beyond the traditional models of treatment ([Walgrave, 1993](#), p. 71).

More recently, writers have been careful to temper claims about the ability of restorative justice initiatives to surpass rehabilitation in the recidivism stakes and acknowledge that there is not yet sufficient evidence to definitively support this proposition ([Braithwaite, 1999](#); [Morris, 2002](#)). [Braithwaite \(1999\)](#) hypothesizes that, “what should make restorative justice more effective at rehabilitation than rehabilitative justice has historically been are its empowering, communitarian, dignifying, and victim-centered characteristics” (p. 69). Likewise, [Morris \(2002\)](#) proposes, “...if a particular process reflects restorative values and achieves restorative outcomes then we might expect re-offending to be reduced” (p. 606). She then lists what this process would involve and includes the offender accepting responsibility, making amends, and participating in a program that addresses his/her reasons for offending.

In contrast, [Levrant et al. \(1999\)](#) argue that restorative justice interventions are likely to fail to lower recidivism rates because they do not incorporate the principles for effective correctional treatment. More specifically, they state that restorative interventions concentrate more on the harm that results from a crime rather than the level of risk posed by the offender or the offender’s criminogenic needs, and as such, do not seek to develop the behavioral and cognitive skills necessary to bring about sustained change ([Levrant et al., 1999](#)).

[Bonta et al. \(2006\)](#) conducted a meta-analysis of the impact on recidivism of thirty-nine restorative justice programs that ranged from family group conferencing, victim offender mediation, court-ordered programs, and community forums. To meet the criteria for inclusion in the meta-analysis, studies had to be longitudinal and include comparison groups (not necessarily randomly assigned). Several key findings from the [Bonta et al. \(2006\)](#) study provide insight into the relationship between restorative justice and rehabilitation. First, eleven studies were identified as delivering treatment to offenders but only one of these, based on the information provided, adhered to effective rehabilitation principles. Second, they found that restorative justice initiatives that operated outside of the conventional

justice system had a comparable effect size (0.10) to rehabilitation programs (0.12). The effect size dropped to 0.01 when the programs were court-mandated. Third, restorative justice interventions had an impact on recidivism for low-risk (0.08), but not high-risk, offenders (-0.01). Bonta et al. hypothesize that this may be because high-risk offenders have a significant number of criminogenic needs which need to be assessed and treated within an evidence-based rehabilitation framework. In other words, restorative justice interventions are not sufficient to reduce re-offending for high-risk offenders. As we argue later, it makes sense to be clear about the theoretical and practice boundaries between the two normative frameworks rather than expect either to effectively (a) deal with harm caused by offenses in a just, inclusive, and ethical manner, or (b) address offenders' array of dynamic risk factors.

According to the results of Bonta et al.'s (2006) meta-analysis, it would seem that Bazemore and Bell's (2004) proposal that restorative justice has the potential to lead to rehabilitative outcomes is correct in low-risk offenders at least (although we do not think it is inherently rehabilitative, see below). However, this concession comes with a number of caveats to do with the design of the restorative justice program and the level of risk posed by the offender. It is therefore misguided to claim that, in general, restorative justice interventions have an impact on recidivism that is equal to, or surpasses, that of conventional treatment programs. Rather, it is clear that evidence-based rehabilitation practices have an important role to play within the criminal justice system and ought to be considered as conjunct interventions alongside restorative initiatives. Indeed, we argue that the domains of application of restorative practices and correctional rehabilitation programs are distinct and it is a mistake to try to incorporate either normative framework within the other.

3.2. Assimilating rehabilitation and restorative justice

The second approach to rehabilitation that is evident within the restorative justice literature is an imperialistic one whereby writers incorporate rehabilitation ideals into restorative justice theories and programs thereby deflating contemporary rehabilitation theorists' claims that correctional treatment programs add value to the criminal justice system. We contend that this deflationary strategy works by a process of (often implicit) assimilation of rehabilitation principles and concepts by restorative theorists and, in essence, widens the scope of restorative justice to the point that it is in danger of losing its conceptual integrity.

In part, the assimilation approach to rehabilitation seems to be a response to evidence (outlined above) that the principles for effective rehabilitation are often sidelined or ignored by restorative justice practitioners and theorists. Robinson and Shapland (2008) note that, "...many restorative justice theorists have been afflicted by a rather out-of-date conception of the possibility of victim and offender goals coexisting: they have seen benefits for offenders as potentially detracting from benefits for victims—a zero-sum game" (p. 340). To address this, several authors have called for an integrated approach that combines restorative justice values and ideals, while also adhering to evidence-based principles for effective rehabilitation (Bazemore & Bell, 2004; Bazemore & O'Brien, 2002; Hayes, 2007; Levrant et al., 1999; Robinson & Shapland, 2008). We have doubts about the viability of a blended or integrated approach that combines restorative and rehabilitative elements within one normative framework, but do agree that both types of frameworks ought to be used side by side when working with offenders (see below).

To our knowledge, the only theoretical attempt to integrate restorative justice and effective rehabilitation principles is Bazemore and O'Brien's model of relational rehabilitation. This model is grounded in restorative principles of informal social support and control, stakeholder participation, repairing and building relation-

ships, and strengthening community networks. Offender rehabilitation is conceptualized as a cyclical process where repairing and restoring relationships is the first step towards building the skills and social capital necessary to desist from crime. In this way, the concept of restoration is extended beyond one-off encounters, with their narrow focus on achieving stakeholder satisfaction through reparations, to encompass social change.

Bazemore and O'Brien (2002) acknowledge benefits of utilizing the typical components of current offender rehabilitation programs (e.g., risk assessment, treatment etc.), but highlight that if included these would be focused towards the goal of repairing relationships between stakeholders rather than simply 'repairing' the offender. Developing this relational model of restorative rehabilitation further, Bazemore and Bell (2004) propose that

...restorative justice is compatible with ECT [effective correctional treatment] principles, but also offers a great deal of added value in three ways. A blend of restorative justice and effective treatment principles broadens the rehabilitative context to include victim and community; emphasizes the non-punitive accountability for harms in a way that reinforces reciprocity in human relationships; and connects the offender with informal supports and controls. In doing so, this blended approach builds on the assets of offender, community and victim (p. 129).

Similarly, Latimer, Dowden, and Muise (2005) argue that a combined approach has the potential to offer unique benefits because "the restorative processes could increase victim and/or offender satisfaction and restitution compliance while the rehabilitative processes could have a significant impact on recidivism" (p. 140).

We maintain that a *coordinated* approach is possible and may be highly desirable, depending on whether research proves such a method to be effective. However, describing the combined use of restorative and rehabilitation programs as a "blended" approach may be misleading as it implies they are somehow assimilated. In our view, assimilation is not possible and only serves to promote the mistaken views that (a) restorative justice and offender rehabilitation program are theoretical and practice rivals, and (b) that accepting one means giving up the other. To reiterate our position: restorative justice and rehabilitation theories have distinct foci and ought to be viewed as natural allies rather than competitors (see below).

However, we believe that it is imperative when utilizing a coordinated approach to give rehabilitation equal weight to restoration and reparation. As we have discussed, there is a tendency within restorative justice to respond to the needs of victims and their communities first and foremost, even if this conflicts with the needs of offenders. A prime example of this can be found in the following assertion by Bazemore and Bell (2004) who, despite their pro-rehabilitative agenda, maintain that, "restorative justice practice must focus most attention on involving and meeting the needs of victims first and communities second" (p. 119). It is interesting to note that offenders are not even mentioned; as a result, we can only speculate at where they are placed in this hierarchy. Failing to prioritize offenders and their needs (which may include treatment) both theoretically and practically may increase the likelihood that they will recidivate and thus jeopardizes the fundamental goals of restorative justice, which are to achieve reparation and restoration for all stakeholders (Levrant et al., 1999).

We have argued that in order to fulfill its promise as a needs-based justice system, it is essential that restorative justice programs are consistent with, and accepting of, empirically and theoretically sound models of rehabilitation. This is not to suggest that concepts such as relational rehabilitation will never suffice, but rather these types of innovative approaches need to be pursued in conjunction with evidence-based rehabilitation until we have adequate proof to demonstrate that they are superior. We propose that an example of

a rehabilitation approach that is a “good fit” with restorative justice assumptions is the strength-based perspective offered by the Good Lives Model. In essence, this is because the tenants of the GLM are more closely aligned with the core values of restorative approaches than primarily risk management rehabilitation models such as the RNR.

4. The Good Lives Model and restorative justice

The GLM is a strength-based theory of correctional rehabilitation that seeks to promote offender well-being alongside the reduction of risk. It sets out to achieve this by helping offenders arrive at an understanding of their core personal commitments and to align these with pro-social ways of living. Thus, there is close attention to the concrete values offenders articulate and that are evident in their offending lifestyles, and the relationship of these values to primary human goods. For example, an offender may mistakenly pursue the good of intimacy through sex with a child or the good of agency through adversarial conflicts with women. Once offenders clarify what underlying goods are actually important to them, the task becomes one of designing a good lives conception that is practically feasible, personally meaningful, and ethical. As soon as a good lives conception has been agreed on, correctional practitioners then concentrate their efforts on facilitating the acquisition of the competencies and resources required to successfully implement it.

The ethical theory at the heart of the GLM is rooted in human rights principles and the obligation of all human beings to respect the inherent dignity of others. According to human rights theorists, rights are usefully viewed as capsules that protect the goods necessary for people to realize their personal goals, for example, education, material well-being, and personal security (Ward & Birgden, 2007). Furthermore, emphasis of the GLM on mutual respect means that offenders understand that the pursuit of self-interest and community integration go hand in hand: it is only practically possible—and ethically acceptable—to secure an individual vision of a good life if the laws and norms of the community are adhered to. Each person is reliant on the tacit permission of others to live their own lives. Therefore, the GLM's assumption that people are interdependent and rely on each other for a chance at personal happiness automatically ensures that the concerns and interests of all the relevant stakeholders are addressed in rehabilitative initiatives. Furthermore, the strong value base and acknowledgement of the importance of personal identity and agency of the GLM resonates with the normative strand of restorative justice practices. In our view, a major weakness of the RNR is that its primary emphasis on the psychological and social mechanisms underlying risk reduction leaves it somewhat blind with respect to the normative dimension of rehabilitation. An attractive feature of the GLM is the way it recruits the technology of behavior change in the service of a search of better lives for offenders, victims, and the community.

Core values of restorative justice can be accommodated with the GLM's ethical assumptions and its strong endorsement of human rights principles. The fact that offenders seek better lives, not merely the possibility of less harmful ones, also directs the efforts of correctional practitioners to arrive at restorative plans that balance the concerns and interests of all stakeholders affected by crime: offenders, victims, community, and the State. There is not much point developing healing and reparation plans that ignore the personal aspirations and interest of offenders. The likelihood is that such a response to crime will serve to alienate offender and frustrate any attempts to reintegrate them into the community. And offender re-entry failure may well result in further crimes and community dissatisfaction. It is important that individuals convicted of crimes take responsibility and are accountable to their community, but it is equally imperative that the latter is receptive to these efforts and embrace offenders as fellow travelers not moral strangers.

In brief, just how are the GLM and restorative justice theory and practices related? In our view, they are *complementary* but *distinct* normative and practice frameworks that have overlapping domains of application. The GLM is a rehabilitation theory that aims to promote the reintegration of offenders by equipping them with the internal and external resources required to put into operation personal good lives conceptions, while restorative justice practices seek to respond to crimes in a reparative and inclusive manner. Utility of the GLM resides in its ability to integrate the established facts about effective correctional treatment with sound clinical knowledge about how best to motivate offenders and to engage them in the difficult task of lifestyle change. It is essentially a forward looking perspective that sets out to constructively change the way offenders live their lives based on the clarification of core commitments, skill acquisition, and social re-entry. The process of lifestyle change is mediated by helping offenders to articulate and pursue their personal goals and the reduction of their specific dynamic risk factors. By way of contrast, the primary emphasis of restorative justice practices is on repairing the harm caused by crime. While restorative justice is not punishment oriented, careful attention is paid to offender reparation and the reaffirmation of community norms. The major intention is to facilitate the healing of the victim and community and to deal with norm violation in a holistic and just way rather than to increase offenders' specific capabilities.

A simple way of capturing the links between the two frameworks is via the concept of *restoration* and its relationship to moral and prudential values. Restorative justice's focus is squarely on repairing relationships between victims, offenders, and the community in a way that is responsive to considerations of justice. The restorative process concerns reassertion and validation of shared community norms, and, in particular, recognition of the harm suffered by victims. In essence, restorative justice is an ethical response to crime that stresses the importance of offenders making amends for their offenses and the subsequent resolution of the harm suffered by innocent people. However, the types of reparations sought are modulated by concern for proportionality and attention to the degree of harm inflicted on the offender and also the victim. Thus from the point of view of restorative justice, prudential or well-being related values act as constraints upon the types of plans agreed on during restorative encounters.

By way of contrast, rehabilitation theories are essentially concerned with prudential values and seek to reduce the likelihood of harm to members of the community and also enhance the well-being of offenders and their ability to lead good lives. In order to rebuild relationships between the community, victims, and offenders, it is necessary to ensure that the latter have the resources to live pro-social lives. The capabilities required to live individually meaningful and socially acceptable lives in turn depend on: (a) offenders believing that they can live better lives and learning how to do this, (b) a community that is welcoming, and (c) government policies that make all this possible by virtue of funding rehabilitation programs, restorative encounters, and opportunities for work and offender re-entry. From the point of view of the GLM, attention is centered on the restoration of offenders' positions within the community by a process of skill acquisition and risk reduction. Ethical values operate as constraints on the types of interventions utilized and care is taken to ensure that offenders' rehabilitation plans do not violate the rights of others.

Both restorative justice and rehabilitation theories incorporate prudential and ethical values but do so in quite different ways. In other words, restoration is manifest in distinct ways within the two normative frameworks: justice within the community (restorative model) versus the restoration of an offender's psychological and special functioning (GLM). It is therefore a mistake to seek to incorporate rehabilitative practices within a restorative framework or vice versa. They are complementary normative frameworks that are designed to deal with quite different tasks. But in our opinion, one

thing is clear: they are both essential components of an effective crime reduction strategy.

5. Restorative justice and re-offending

We have argued that restorative justice is best construed as an ethical response to crime, because it is centrally concerned with how to effectively deal with the harm caused by an offense in a way that promotes reparation, accountability, and repair, while rehabilitation guided by models such as the GLM have as their major focus the enhancement of the well-being of offenders and members of the community. Although it is reasonably clear why rehabilitation programs appear to improve the social and psychological functioning of offenders, why some restorative programs seem to reduce re-offending rates is a puzzle (Bonta et al., 2006). The problem is this: if the function of restorative programs is to deal with the consequences of crime in a just and constructive manner, why would they also reduce recidivism given this seems to require explicit attention to offenders' risk factors and well-being? The typically brief duration of restorative encounters and the fact that they frequently fail to attend to offenders' specific psychological and behavioral problems make it doubtful that they could have a large influence on lowering offender recidivism. In view of the fact that we have argued for a demarcation of jurisdiction between restorative justice and rehabilitation initiatives, this is an important issue.

It is notable that low-risk rather than high-risk offenders have been the ones shown to be most likely to benefit from restorative justice practices as such individuals have fewer psychological and social deficits (Andrews & Bonta, 2003; Bonta et al., 2006). It is plausible that the nature of restorative justice encounters where offenders are confronted by their family, members of the community, victims and their representatives, and possibly agents of the State can result in increased motivation to turn their lives around. Confronting the reality of the pain they have caused other people and the offer of a chance at redemption may be sufficient to deter low-risk offenders from further criminal acts. Whereas high-risk offenders have entrenched crime supportive attitudes and significant skills deficits that require considerable therapeutic and educational input before meaningful reductions in their risk level are possible. Keeping in mind the distinction made earlier between ethical and prudential values, we propose that an indirect effect of restorative practices may be increases in confidence, agency, and well-being following restorative encounters. This can occur because in addition to being confronted with their ethical transgressions and the need to make amends in some way, offenders also become aware that other people care about them and that they have some meaningful choices about how best to proceed. In the language of the GLM, this may open up alternative avenues to community connectedness, agency, and personal intimacy; aspects of well-being or good lives. However, the crucial point is that these are indirect or secondary effects and not the primary aim of restorative justice, which is concerned with repair, reparation, and acknowledgement of the harm inflicted by crime on the behalf of the offender.

The fundamental argument of this paper is that it is a mistake to try to blend or incorporate rehabilitative principles and initiatives into restorative justice practices. In our view, both have their legitimate domains of application and a danger of conflating them is that both may lose their distinctive identities and cause confusion about exactly what is being delivered to stakeholders and what can be reasonably expected as optimal outcomes. We suggest that prior to a restorative justice intervention occurring, a psychological and social assessment of an offender should be undertaken to determine: (a) what psychological factors were casually implicated in the offense and (b) what level of risk the offender presents. Once the restorative intervention has addressed the ethical tasks of reparation, repair, and apology, this information can be used to inform the subsequent formulation of any required treatment plan. Alongside compensatory actions such as

community work or financial reimbursement for damaged property, offenders can be offered correctional programs designed to increase their capabilities to live better lives and reduce their risk to the community. Risk reduction can be viewed as a legitimate concern of restorative justice in that one of the effects of any offense can be the elevation of fear of future victimization by members of the community. In this situation, risk reduction interventions may function to repair the relationship between the community and the offender by way of restoring trust and diminishing fear. However, the content and implementation of a rehabilitation plan intended to lower risk and to enhance offender well-being belongs to the province of rehabilitation practitioners not restorative justice advocates.

In the model of practice sketched out above, restorative justice and rehabilitation practices sit alongside each other and both have crucial roles within the criminal justice system. Victims may not deny offenders the opportunity for treatment or make treatment recommendations essential parts of a restorative plan. Such demands would reflect a crossing of normative framework boundaries and confuse the ethical tasks that constitute restorative encounters with the prudential tasks inherent in rehabilitation. The issue of mandatory treatment is an ethically complex one and in our view sits outside the restorative justice and rehabilitation debate. One justification for mandatory treatment could be that the reduction of an offender's level of risk reduces a threat to the community, just as quarantining individuals with infectious disease can prevent further harm from occurring. Therefore, it may be permissible to forcibly direct individuals to participate in correctional treatment programs that have been shown to successfully eradicate or weaken dynamic risk factors. It is not necessary for our purposes to resolve this issue but what we would say is that mandatory treatment can still be seen from a prudential lens, where the aim is to reduce the risk of well-being decrements to people other than the offender. Thus directed treatment could be viewed as ethically unjustified from a punishment or a restorative justice perspective, but justified from a public health viewpoint.

6. Conclusions

In this paper, we have explored the relationship between restorative justice and rehabilitation theory. Our analysis centered on the tension between restorative justice theory and practices' emphasis on the ethical tasks of repair, reparation, and accountability, and the aim of correctional rehabilitation programs to enhance the well-being of offenders and members of the community. We noted the tendency of restorative justice advocates to either downplay the importance or effectiveness of correctional rehabilitation programs or to import rehabilitative elements into their own models of practice. The major conclusion in this paper is that restorative justice and rehabilitation models are distinct, although overlapping, normative frameworks and have different domains of application in the criminal justice system and that it is a mistake to attempt to blend them in any robust sense. Once the normative and capacity building aspects of offender rehabilitation are understood, then there is a natural resonance between restorative justice policies and GLM guided offender rehabilitation. The major difference is that the core values underpinning restorative justice practices are ethical in nature while rehabilitation approaches are fundamentally based on prudential values. The key concept is that of *restoration*: restoring relationships between the stakeholders affected by crime and restoration of offenders' functioning within the community by way of capabilities acquisition. The need for true inclusiveness in correctional treatment and responses to crime has been recently powerfully articulated by Walgrave (2008), a prominent restorative justice theorist, and provides an apt finish to this paper:

The great majority of offenders aspire to leave their socially marginalized lifestyle and to become respected law-abiding citizens, but many of them are unable to make that turn on their

own. Without a realistic hope that the aspiration can come true, they will not commit themselves to an enduring effort to surpass the crime-prone situation. Appropriate help can foster such hope...Restorative justice fits well in this view...a restorative process is an opportunity for the offender to discover positive ways of being somebody (p. 109).

References

- Achilles, M. (2004). Can restorative justice live up to its promise to victims? In H. Zehr & B. Toews (Eds.), *Critical issues in restorative justice* (pp. 65–73). Cullompton, UK: Willan.
- Andrews, D. A., & Bonta, J. (2003). *The psychology of criminal conduct*, 3rd ed. Cincinnati, OH: Anderson.
- Ashworth, A. (2002). Responsibilities, rights and restorative justice. *The British Journal of Criminology*, 42, 578–595.
- Bazemore, G., & Bell, D. (2004). What is the appropriate relationship between restorative justice and treatment? In H. Zehr & B. Toews (Eds.), *Critical issues in restorative justice* (pp. 119–131). Cullompton, UK: Willan.
- Bazemore, G., & O'Brien, S. (2002). The quest for a restorative model of rehabilitation: Theory-for-practice and practice-for-theory. In L. Walgrave (Ed.), *Restorative justice and the law* (pp. 31–67). Cullompton, UK: Willan.
- Bazemore, G., O'Brien, S., & Carey, M. (2006). The synergy and substance of organizational and community change in the response to crime and conflict: The emergence and potential of restorative justice. *Public Organization Review: A global journal*, 5.
- Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative justice and recidivism: Promises made, promises kept? In D. Sullivan & L. Tift (Eds.), *Handbook of restorative justice: A global perspective* (pp. 108–120). London: Routledge.
- Braithwaite, J. (1999). Restorative justice: Assessing optimistic and pessimistic accounts. *Crime and Justice*, 25, 1–127.
- Daly, K. (2006). The limits of restorative justice. In D. Sullivan & L. Tift (Eds.), *Handbook of restorative justice: A global perspective* (pp. 134–145). London: Routledge.
- Daly, K. (2000). Revisiting the relationship between retributive and restorative justice. In H. Strang & J. Braithwaite (Eds.), *Restorative justice: Philosophy to practice* (pp. 33–54). Aldershot, UK: Ashgate Publishing Company.
- Ellerby, L., Bedard, J., & Chartrand, S. (2000). Holism, wellness and spirituality. In D. R. Laws, S. M. Hudson, & T. Ward (Eds.), *Remaking relapse prevention with sex offenders* (pp. 427–452). Newbury Park, CA: Sage.
- Emmons, R. A. (1999). *The psychology of ultimate concerns*. New York: Guilford.
- Emmons, R. A. (2003). Personal goals, life meaning, and virtue: Wellsprings of a positive life. In C. L. M. Keyes & J. Haidt (Eds.), *Flourishing: Positive psychology and the life well-lived*. Washington, DC: American Psychological Association.
- Green, R. (1995). Psycho-educational modules. In B. K. Schwartz & H. R. Cellini (Eds.), *The sex offender: Corrections, treatment, and legal practice*, Vol. 1. (pp. 13.1–13.10). Kingston, NJ: Civic Research Institute.
- Hannah-Moffat, K. (1999). Moral agent or actuarial subject: Risk and women's imprisonment. *Theoretical Criminology*, 3, 71–94.
- Hannah-Moffat, K. (2005). Criminogenic needs and the transformative risk subject. *Punishment and Society*, 7, 29–51.
- Hanson, R. K. (2001). *Age and sexual recidivism: A comparison of rapists and child molesters*. Ottawa: Solicitor General Canada.
- Hollin, C. R. (1999). Treatment programs for offenders: Meta-analysis, "what works" and beyond. *International Journal of Law and Psychiatry*, 22, 361–372.
- Hayes, H. (2007). Reoffending and restorative justice. In G. Johnstone & D. W. Van Ness (Eds.), *Handbook of restorative justice* (pp. 426–444). Cullompton, UK: Willan Publishing.
- Johnstone, G. (2002). *Restorative justice: Ideas, values, debates*. Cullompton, UK: Willan Publishing.
- Johnstone, G., & Van Ness, D. W. (2007). The meaning of restorative justice. In G. Johnstone & D. W. Van Ness (Eds.), *Handbook of restorative justice* (pp. 5–23). Cullompton, U.K.: Willan Publishing.
- Kymlicka, W. (1996). *Multicultural citizenship: A liberal theory of minority rights*. New York, NY: Oxford University Press.
- Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. *The Prison Journal*, 85, 127–144.
- Levrant, S., Cullen, F. T., Fulton, B., & Wozniak, J. F. (1999). Reconsidering restorative justice: The corruption of benevolence revisited? *Crime & Delinquency*, 45, 3–27.
- Marshall, W. L., Fernandez, Y. M., Serran, G. A., Mulloy, R., Thornton, D., Mann, R. E., & Anderson, D. (2003). Process variables in the treatment of sexual offenders. *Aggression and Violent Behavior: A Review Journal*, 8, 205–234.
- Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. American Psychological Association: Washington, DC.
- McCold, P., & Wachtel, T. (2002). Restorative justice theory validation. In E. G. M. Weitekamp & H. J. Kerner (Eds.), *Restorative justice: Theoretical foundations* (pp. 110–142). Cullompton, UK: Willan.
- Miers, D. (2001). *An international review of restorative justice*. London: Home Office Research Development and Statistics Directorate.
- Morris, A. (2002). Critiquing the critics: A brief response to critics of restorative justice. *British Journal of Criminology*, 42, 596–615.
- Pavlich, G. (2002). Deconstructing restoration: The promise of restorative justice. In E. G. M. Weitekamp & H. J. Kerner (Eds.), *Restorative justice: Theoretical foundations* (pp. 90–109). Cullompton, UK: Willan.
- Radzik, L. (2007). Offenders, the making of amends and the state. In G. Johnstone & D. W. Van Ness (Eds.), *Handbook of restorative justice* (pp. 192–207). Cullompton, UK: Willan Publishing.
- Robinson, G., & Shapland, J. (2008). Reducing recidivism: A task for restorative justice? *British Journal of Criminology*, 48, 337–358.
- Roche, D. (2003). *Accountability in restorative justice*. Oxford: Oxford University Press.
- Roche, D. (2007). Retribution and restorative justice. In G. Johnstone & D. W. Van Ness (Eds.), *Handbook of restorative justice*. (pp. 75–90) Cullompton, UK: Willan Publishing.
- Schiff, M. (2007). Satisfying the needs and interests of stakeholders. In G. Johnstone & D. W. Van Ness (Eds.), *Handbook of restorative justice* (pp. 228–246). Cullompton, UK: Willan Publishing.
- Toews, B., & Katounas, J. (2004). Have offender needs and perspectives been adequately incorporated into restorative justice? In H. Zehr & B. Toews (Eds.), *Critical issues in restorative justice* (pp. 107–118). Cullompton, UK: Willan.
- Van Ness, D. W. (2005). An overview of restorative justice around the world. *Eleventh United Nations Congress on Crime Prevention and Criminal Justice* Retrieved 21 August, 2007, from http://www.icclr.law.ubc.ca/Publications/Reports/11_un/Dan%20van%20Ness%20final%20paper.pdf
- Van Ness, D. W., & Strong, K. H. (2006). *Restoring justice: An introduction to restorative justice*, 3rd ed. Cincinnati, OH: Anderson Publishing.
- Visher, C. (2006). Effective reentry programs. *Criminology and Public Policy*, 5, 299–304.
- Walgrave, L. (1993). Beyond rehabilitation: In search of a constructive alternative in the judicial response to juvenile crime. *European Journal on Criminal Policy and Research*, 2, 57–75.
- Walgrave, L. (2008). *Restorative justice, self-interest, and responsible citizenship*. Devon, UK: Willan Publishing.
- Ward, T., & Birgden, A. (2007). Human rights and correctional clinical practice. *Aggression and Violent Behavior*, 12, 628–643.
- Ward, T., & Gannon, T. (2006). Rehabilitation, etiology, and self-regulation: The Good Lives Model of sexual offender treatment. *Aggression and Violent Behavior*, 11, 77–94.
- Ward, T., & Langlands, R. L. (2008). Restorative justice and the human rights of offenders: Convergences and divergences. *Aggression and Violent Behavior*, 13, 355–372.
- Ward, T., & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. London: Routledge.
- Ward, T., & Stewart, C. (2003). Criminogenic needs and human needs: A theoretical model. *Psychology, Crime & Law*, 9, 125–143.
- Warner, K. (1994). Family group conferences and the rights of the offender. In G. Alder & J. Wundersitz (Eds.), *Family conferencing and juvenile justice: The way forward or misplaced optimism?* (pp. 141–152). Canberra: Australian Institute of Criminology.
- Zehr, H., & Mika, H. (1998). Fundamental concepts of restorative justice. *Contemporary Justice Review*, 1, 47–55.
- Zernova, M. (2007). Aspirations of restorative justice proponents and experiences of participants in family group conferences. *British Journal of Criminology*, 47, 491–509.