



## Restorative Justice and Intimate Partner Violence

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There is an urgent need to create new ways for abused women to find justice. Despite significant accomplishments over the past 35 years, community activists know well that justice for abused women remains elusive. The National Violence Against Women Survey indicates that only one-quarter of physical assaults in the U.S. are reported to the police. The authors of this major study suggest that many survivors “do not consider the justice system a viable or appropriate intervention” (Tjaden & Thoennes, 2000, p. 51).

Clearly, more work is needed to make the criminal legal system responsive to victims (Goodman & Epstein, 2008). But it is also important to increase the narrow range of resources that are currently offered in the name of justice. The limitations of current responses to intimate partner violence by the law, mental health, and the community more broadly have caused many activists to call for new directions in antiviolence work, with greater attention to women suffering from multiple forms of social inequality (Creative Interventions, 2008; Dasgupta, 2003; Fullwood, 2002; Goodman & Epstein, 2008; Incite, 2006; Mitchell-Clark & Autry, 2004; Rosewater & Goodmark, 2007; Sokoloff & Pratt, 2005).

A number of antiviolence activists and scholars have been examining restorative justice as a way to expand options for women and increase accountability for violent men. Conferences have been held in Australia (Strang & Braithwaite, 2002) and Canada (Coward, 2000) to bring activists and restorative justice practitioners together to discuss violence against women. Two special journal issues

and a new book are devoted to feminism, restorative justice, and violence against women (Cook, Daly, & Stubbs, 2006; Ptacek, 2005, 2009).

“Restorative justice” names a broad category of informal, dialogue-based practices that seek to address the harms caused by crime. Restorative justice practices, which have spread rapidly around the world since the early 1990s, are most commonly used in cases involving youth crime. But are there ideas in restorative justice that could be useful to activists working to stop intimate partner violence? This is the central question addressed in this article.

Feminist antiviolence activism highlights how the needs of abused women have been and continue to be neglected (Davies, Lyon, & Monti-Catania, 1998; Goodman & Epstein, 2008; Herman, 1992; Incite, 2006; Sokoloff & Pratt, 2005). As shall be seen, the needs of victimized women are central to what is most controversial about using restorative justice in cases of intimate violence. However, there are many different and even conflicting perspectives on restorative justice among feminist activists and scholars (Cook, Daly, & Stubbs, 2006; Frederick & Lizdas, 2003; Ptacek, 2005, 2009, forthcoming). For this reason, differing views on restorative justice among feminist activists will be highlighted in this discussion.

This paper starts with a preliminary discussion of restorative justice. It then discusses the role of victims within restorative justice, and the potential harms and benefits of using restorative justice in cases of intimate partner violence. Next, it reviews the research on restorative justice, including research on the application of restorative justice to cases of

intimate violence. The final section raises the implications of this research for antiviolence activism.

### What is “Restorative Justice”?

“Restorative justice” includes a broad range of informal practices designed to meet the needs of victims, offenders, and communities in the wake of crime. In these informal processes, repairing harm is the central goal, and victims are given an opportunity to address how the crime affected them. Emphasizing collaborative dialogue, restorative justice seeks to decrease the role of the state and increase the involvement of families and communities in responses to crime.

Arising from a variety of sources around the world, restorative justice has mostly been applied to youth crimes. Restorative practices can be used at various points in the criminal legal process. Restorative justice can be used to avoid bringing cases to prosecution; as a part of the formal sentencing for a criminal conviction; during time in prison; and after release from prison. Restorative justice can be used in cases where no prosecution is sought, such as with minor criminal incidents in schools. Restorative practices are also used to address harms that are beyond the scope of the legal system, such as conflicts between students and school officials, tensions within communities, and hostility between communities in the aftermath of war.

There are three practices that are most commonly used in restorative justice. The first, *victim-offender mediation* (also called victim-offender reconciliation and victim-offender dialogue), arose in the 1970s in Canada and the U.S. Victim-offender mediation involves a face-to-face meeting between a victim and an offender in the presence of a trained mediator. There were other forms of mediation that existed prior to victim-offender mediation, such as alternative dispute resolution. These forms of mediation were largely applied in civil cases, such as landlord/tenant disputes, commercial disputes, and divorce and child custody cases. In contrast to these older forms of dispute resolution, which are described as “settlement-driven,” victim-offender

mediation is seen by its proponents as “dialogue-driven” (Umbreit & Greenwood, 2000). The goals of victim-offender mediation are to empower victims, hold offenders accountable, and come to an agreement over reparation. The interactive process is seen as the most important element of victim-offender mediation:

This dialogue addresses emotional and informational needs of victims that are central to both the empowerment of the victims and the development of victim empathy in the offenders, which can help to prevent criminal behavior in the future. Research has consistently found that the restitution agreement is less important to crime victims than the opportunity to express their feelings about the offense directly to the offenders (Umbreit & Greenwood, 2000, p. 2).

While there are important differences between victim-offender mediation and older forms of mediation, it must be mentioned that mediation centers offering alternative dispute resolution also handled cases of intimate partner violence beginning in the 1970s and 1980s, something that was criticized early on by feminists. Activists and legal scholars such as Lerman (1984), Lerman, Lerman, Kuehl, & Brygger (1989), and Rowe (1985) questioned whether sending a survivor and her abusive partner to a mediation center to draw up an agreement about the violence was either a safe or a just remedy. Similar concerns have been raised by feminists about restorative justice, as shall be seen below.

The second practice is *family group conferencing* (often called community conferencing or simply conferencing). In family group conferencing, a trained facilitator engages family members, friends, justice officials, and service providers in a dialogue. The goals of the conferences are to empower victims, hold offenders accountable, and come to an agreement over amends, but community members play important roles in this process. As one restorative justice trainer emphasizes, “The community is responsible for rallying around victims, facilitating responsible resolutions to harmful behavior, supporting offenders in making amends, estab-

lishing appropriate norms of behavior for all members and addressing underlying causes of harmful behavior” (Pranis, 2002, p. 25).

The third practice is the *peacemaking circle*. This community-based process is drawn from indigenous cultures in Canada and the United States (Stuart, 1997). Peacemaking circles have goals that are similar to the first two practices, and as in conferencing, the role of community members in the dialogue is essential. The process, however, is more complex. A circle that involves a victim and an offender may be the outcome of separate circles previously held for the victim and for the offender. Another circle may be held to create an appropriate sentence. There are many variations on each of these interventions (McCold, 2006).

Since the early 1990s, the restorative justice movement has grown rapidly. The Victim Offender Mediation Association notes that there are over 1200 restorative justice programs around the world (VOMA, 2005). A 2005 listing identified 773 such programs for youth in the U.S.; a 2000 report identified 400 restorative justice programs in Canada. And according to a leading proponent, there are more restorative justice programs in the United Kingdom, Germany, France, China, and India than in the U.S. (Braithwaite, 2006).

Although they originate from different concerns about crime, the feminist antiviolence movement and the restorative justice movement make a number of similar criticisms of the criminal legal system. Both argue that existing remedies provided by the law fail both victims and offenders. Both argue that the justice system neglects the needs of victims, and both seek to create victim-centered justice. They both criticize the offender-orientation of the system, and stress the need for offender accountability. Both the antiviolence movement and the restorative justice movement are concerned with the impact of crime on communities (Dasgupta, 2003; Zehr, 2002). Both movements seek social justice in the broadest sense, and both are increasingly aligned with the global human rights movement.

Indeed, some argue that the principles of restorative justice are entirely compatible with feminist

principles (Gaarder & Presser, 2006; Pranis, 2002). Others offer a much more complex map of feminist and antiracist political engagements with restorative justice (Daly & Stubbs, 2007). Rather than seeing these as entirely separate movements, Daly and Immarigeon (1998) place the rise of restorative justice in the context of an earlier movement around informal justice, in which feminist and civil rights activism played important roles. As shall be seen, restorative justice is a controversial issue among feminist antiviolence activists and scholars.

On the one hand, leading restorative practitioners have urged caution in applying restorative justice practices to intimate partner violence (Pranis, 2002; Umbreit, Vos, & Coates, 2005; Zehr, 2002). Restorative practices are prohibited in cases of intimate violence in most jurisdictions around the world, due in part to the concerns raised by victim advocates (Daly & Stubbs, 2006). Yet on the other hand, despite these prohibitions, VOMA conferences have regularly featured workshops on domestic violence, family group conferencing is frequently being used in cases of intimate partner violence (Nixon, Burford, Quinn, & Edelbaum, 2005), and circles are being used in cases of intimate partner violence in Canada (Goel, 2000).

### **Victims and Restorative Justice**

One of the most important points of discussion is whether victims are truly at the center of restorative practices. Braithwaite (2003) says that “Restorative justice means restoring victims, a more victim-centered criminal justice system, as well as restoring offenders and restoring community” (p. 86). Zehr (2002) suggests restorative justice is a “victim-oriented approach” and states, “For restorative justice, then, justice begins with a concern for victims and their needs. It seeks to repair the harm as much as possible, both concretely and symbolically” (pp. 22-23). But is this an accurate depiction of restorative justice? Are the needs of victims central to these practices?

The dominant practices within restorative justice were developed to change the treatment of offenders by the criminal legal system. What is now called

victim-offender mediation evolved from an alternative sentence proposed by Mark Yantzi in Kitchner, Ontario in 1974. Yantzi, a probation officer, sought to make an impact on two young offenders who had vandalized a number of homes, two churches, and a business. "Wouldn't it be neat for these offenders to meet the victims?" Yantzi wondered when he first considered the idea. In his letter to the judge suggesting face-to-face meetings between the two youths and the victims of their vandalism, he wrote that "there could be some therapeutic value in these two young men having to personally face up to the victims of their numerous offences" (Peachey, 2003, p. 178). Family group conferencing, which is drawn from indigenous justice practices, was adopted as the standard way to address youth crime in New Zealand in 1989, following Maori opposition to the racism of the juvenile justice system and its negative impact on Maori youth and families (Love, 2000; Sharpe, 1998). Morris (2003) makes the goals of the legislation clear: "The implementation of restorative justice [in New Zealand] has resulted in significant and real changes: fewer young offenders now appear in courts, fewer young offenders are now placed in residences, and fewer young offenders are now sentenced to custody" (p. 466). In the legal opinion that established circle sentencing as a viable option in the Canadian courts, Judge Barry Stuart sought to correct the failures of the justice system to meet the needs of offenders and thereby reduce recidivism (Stuart, 1992).

Restorative justice practices are clearly profound innovations. In particular, family group conferences and circles are being used to alter the negative impact of the legal system on indigenous communities. But do these practices truly place victims at the center? Zehr (2001) highlights the gap between principle and practice here, while criticizing his own early work in a victim-offender reconciliation program. "I assumed we could begin programs, later invite victims in to help support and run our programs, and when they didn't jump at the chance, could say we tried. I realize now that I was afraid of the difficult dialogue that would be inevitable . . . I can't date my conversion, but today I have a conviction that the involvement of victims and victim

advocates must be a precondition for anything called justice" (p. 196).

Most leading practitioners and trainers in restorative justice have more experience working with offenders than with victims. The training materials on restorative justice acknowledge this. The Real Justice Conferencing Handbook cautions, "Most professionals attracted to conferencing and restorative justice are offender-focused. They want to help offenders turn their lives in a positive direction. However, when deciding whether to run a conference, they may overlook victim needs" (O'Connell, Wachtel, & Wachtel, 1999, pp. 34-35).

Achilles and Zehr (2001) identify two other ways in which these innovative practices remain offender-centered. First, they argue that since most restorative programs operate within the realm of the existing offender-oriented legal system, this creates a gravitational pull towards a focus on offenders. Second, they point out that while many restorative programs offer services to offenders without the participation of victims, few offer services to victims without the participation of offenders.

Thus, given the origins of the most common restorative practices, the backgrounds of the practitioners, the pull of the legal system on restorative justice, and the actual services provided by these programs, it cannot be said that needs of victims are truly at the center of these practices. Some restorative practitioners have raised concerns about this neglect of victims' needs (Achilles & Zehr, 2001; Mika, Achilles, Halbert, Amstutz, & Zehr, 2002; Mika, Achilles, Halbert, Zehr, & Amstutz, 2004). For example, a U.S. study called the "Listening Project" sent teams made up of victim advocates and restorative practitioners to seven states to investigate the needs of victims, their views on justice generally, and their views on restorative justice (Mika et al., 2002; Mika et al., 2004). The authors of the study stated that "A core project objective was to collaboratively propose an action plan to create more responsive restorative justice programs and beneficial outcomes for victims" (p. 3).

### **The Potential Harms and Benefits of Restorative Justice in Cases of Intimate Partner Violence**

Chief among the criticisms of restorative justice is that when applied to intimate partner violence, these informal practices fail to address the dangers for survivors. Some advocates view restorative justice as being similar to older forms of mediation and couples counseling that consider battering in terms of a “problem couple,” while minimizing the harm done to women. Others fear that participating in restorative justice while intimate partner violence is ongoing will pressure abused women to take responsibility for changing their partners, thus making women’s own victimization secondary. There are also deep concerns about offender accountability. Many advocates worry that the gains of feminist activism in getting intimate partner violence recognized as serious crime will be reversed. Some advocates are also unconvinced that restorative practices could effectively denounce intimate partner violence in the broader community (Coward, 2000; Daly & Stubbs, 2006; Frederick & Lizdas, 2003).

In addition, women’s groups in Canada and the U.S. have raised concerns about the race and gender politics of state-sponsored restorative justice. The President of the United Native Nations in Canada reported that the government asked for input and then ignored the concerns of indigenous women about using circles in cases of violence against women (Coward, 2000). The Aboriginal Women’s Action Network (AWAN) in Vancouver opposes the use of restorative justice in cases of violence against women, and seeks a greater voice for Aboriginal women in program development. AWAN is concerned that despite the racism of the Canadian legal system, Aboriginal women fear being pressured to participate in restorative practices, and don’t want to lose access to the protections offered by Canadian law (AWAN, 2001). In the U.S., the organization Incite! Women of Color Against Violence has criticized existing restorative justice models for failing to adequately address issues of safety and accountability (Incite, 2003).

On the other hand, some antiviolence activists have made the exact opposite arguments, and see restorative justice as offering a better way to seek safety and accountability than the current legal system. Pennell and Burford argue that family group conferencing offers a way to expand a coordinated community response to stopping violence against women and their children. “Increasingly, there is recognition that the violence cannot be stopped without a concerted and cooperative effort of families, communities, and state institutions” (Pennell & Burford, 1994, p. 2). In their view, restorative justice practices can ‘widen the circle’ and re-establish support for victims and control for offenders who have been isolated by violence, secrecy, and economic hardship. Koss (2000) claims that since restorative models are designed to run alongside the existing criminal legal system, they will not reverse feminist gains or safety measures. Koss further argues that because restorative processes are shaped by the participation of both victims’ and offenders’ cultural groups, and because incarceration is not the focus, restorative justice has the potential to mitigate the racism of the criminal legal system. Koss has co-written an article for VAWnet entitled “Restorative Justice Responses to Sexual Assault” (Koss & Achilles, 2008).

Perhaps most significantly, hybrid projects that combine feminist and restorative practices have been developed for child abuse and domestic violence (Pennell & Burford, 1994, 2000; Pennell & Francis, 2005), sexual assault (Koss, Bachar, & Hopkins, 2003; Koss, Bachar, Hopkins, & Carlson, 2004), and adult survivors of child sexual abuse (Jülich, 2006). Following a review of the research on restorative justice, Pennell’s hybrid models for addressing intimate partner violence will be discussed in detail.

### **Research on Restorative Justice**

Despite the doubts raised about the focus on victims in restorative justice processes, the research on it finds high levels of victim satisfaction with restorative practices. While the vast majority of this research is based on youth crimes, the strengths and

weaknesses revealed in these studies nonetheless have implications for intimate violence.

A recent review of the available studies found that victims' willingness to participate in victim-offender mediation ranged from 40% to 60% (Umbreit, Vos, & Coates, 2006). The reasons provided by victims for wanting to engage in these processes include "a desire to receive restitution, to hold the offender accountable, to learn more about the why of the crime and to share their pain with the offender, to avoid court processing, to help the offender change behavior, or to see the offender adequately punished" (Umbreit, Vos, & Coates, 2006, pp. 2-3). The reasons provided by offenders for participating in victim-offender mediation include wanting to compensate victims, wanting to get past the criminal event, wanting to make a good impression on the court, and wanting to apologize to the victim. Studies of victim-offender mediation generally find that between 80% and 90% of both victims and offenders express satisfaction with the process and its outcomes, and about 90% of participants said that they would recommend the process to others (Umbreit, Vos, & Coates, 2006, pp. 3-4).

In family group conferencing, it appears that many conferences take place without the participation of victims. Research on family group conferencing with youth in New Zealand in the 1990s found that victims attended only half of the conferences. In this study, Morris and Maxwell (2003) reported that in terms of the process, 60% of the victims found the conferences "helpful, positive, and rewarding," while about a quarter of the victims felt worse after attending the conference. One of the main reasons for victims' dissatisfaction was because the victims felt that the offenders were not truly sorry for the crimes. In terms of the outcomes of the conferences, only half the victims interviewed said they were satisfied and a third reported dissatisfaction with the outcomes (pp. 205-207).

More recent research on conferencing has found higher levels of victim satisfaction. A 2006 review found four studies of youth crime conferencing with rates of victim satisfaction ranging from 73% to over

90% (Umbreit, Vos, & Coates, 2006). Three of these studies reported that over 90% of both victims and offenders would recommend group conferencing to others (Umbreit, Vos, & Coates, 2006). Stubbs (2004), however, cautions that much of this research on victim satisfaction suffers from poor research design, and is often unclear on just what kind of satisfaction is being measured. Stubbs notes that most of this research focuses only on short-term as opposed to long-term effects on victims. Further, little attention is paid in these studies to "what obligations or burdens restorative justice might place on victims" (Stubbs, 2004, pp. 5-6).

The Reintegrative Shaming Experiments in Canberra, Australia, offer perhaps the most carefully designed research thus far (Strang, 2002). These experiments compared the experiences of victims who attended family group conferencing with those of victims whose cases went to the courts. Cases of property and violent crime were randomly assigned to either conferencing or courts by police officers (crimes of sexual and domestic violence were ineligible for inclusion in this study). Victims whose cases were assigned to conferencing reported more satisfaction than victims whose cases went to court (60% versus 46%). Victims who participated in conferences reported a marked decrease in feelings of fear and anxiety. They also reported that the conferences had a positive impact on their feelings of dignity, self-respect, and self-confidence. Offenders whose cases went to conferences also found these practices more beneficial than offenders whose cases went to court. Strang refers to this as a "win/win" situation. This contrasts with culturally dominant beliefs that assume issues of justice represent a "zero-sum" competition, where "any right or benefit given to offenders will be at the expense of the rights or interests of victims" (Strang, 2002, pp. 155-156).

While studies of victim satisfaction in cases of youth crime are largely positive, studies of restorative justice and offender recidivism offer mixed findings. A 2007 research review found that while some studies show no effect of restorative justice on

recidivism, and a few show increases in crime following restorative practices, much of the research indicates that there is a potential in restorative justice for reducing crime (Hayes, 2007). A second review, which also focuses largely on youth property crime, found that restorative interventions on average have small but significant effects on recidivism, and that the effect is more pronounced in the most recent studies (Bonta, Rugge, Cormier, & Jesseman, 2006).

While the research reviewed in this section does not address intimate partner violence directly, there are nevertheless important findings here about victims in general. First, the lack of victim participation revealed in some of these studies and the dissatisfaction of many who do participate raises concerns about how central victims' needs are to the design and implementation of restorative practices. At the same time, much of the research shows high levels of victim satisfaction, and remarkably, this generally corresponds with high levels of offender satisfaction with these processes.

### **Research on Restorative Justice Approaches to Intimate Partner Violence**

There is very little research on restorative programs that address intimate partner violence. This is in part because many jurisdictions disallow the use of restorative justice in cases of violence against women (Daly & Stubbs, 2007). But there also appears to be a reluctance to evaluate the outcomes of restorative interventions (Achilles & Zehr, 2001). For instance, a Canadian program in Edmonton, Alberta, has been using victim-offender mediation in cases of intimate partner violence since 1998 (Edwards & Haslett, 2003). A 2005 survey of programs in 17 countries identified 72 respondents who said they were using family group conferences in cases of domestic or family violence (Nixon et al. 2005). And Goel (2000) reports that circles are being used in cases of intimate partner violence in Canada. Based on such reports, one might reasonably ask, where are the evaluations of these practices? A 2004 review of research on the use of

victim-offender mediation, conferencing, and circles in cases of intimate partner violence yielded eight studies (Edwards & Sharpe, 2004).

Some of the studies that have been conducted on restorative justice and intimate partner violence are based on small samples and are therefore inconclusive (Edwards & Sharpe, 2004; Stubbs 2009, forthcoming). A study in Austria of 30 cases involving victim-offender mediation showed mixed results. While some victims found the mediation to be empowering, it had limited impact on abusive men. The study concludes that such mediation efforts will be futile if adequate resources for both victims and offenders are lacking (Pelikan, 2000). In a study of intimate partner violence cases in South Africa, 21 women who completed victim-offender mediation reported high levels of satisfaction with the process (Dissel & Ngubeni, 2003).

Coker's (1999) study of Navaho Peacemaking and intimate partner violence is an important investigation of a truly indigenous practice. Coker found that while this traditional form of justice offers many benefits to abused women, there are also important drawbacks. Peacemaking is a traditional form of justice that the Navaho Supreme Court is seeking to integrate into contemporary judicial practices. Coker notes that Anglo justice is seen as "hierarchical and 'win/lose'" in comparison to older practices that emphasize problem-solving (p. 33). Based on her examination of case files and interviews with peacemakers, judges, and advocates, Coker found that Peacemaking supports women's autonomy and helps to improve the material conditions of abused women's lives. However, Coker also found that some abused women feel coerced into participation. Further, the agreements created through Peacemaking were difficult to enforce, and some peacemakers discouraged women from separating from their abusers. Coker (1999) notes that "None of the battered women's advocates in the Navajo Nation whom I interviewed endorsed Peacemaking as it is currently practiced as an intervention in domestic violence cases" (p. 8).

In all of the studies discussed so far in this section, the restorative practices used were not

explicitly designed for cases involving intimate partner violence. The work of Joan Pennell, on the other hand, demonstrates what feminist-designed restorative approaches could look like. Pennell was a founder of the first shelter for abused women and their children in Newfoundland and Labrador. Pennell and Gale Burford, both social workers and community activists, developed a restorative approach to child abuse and domestic violence in Canada. They see their work as influenced by the feminist, Aboriginal, and restorative justice movements (Pennell & Burford, 2002). In developing their model, Pennell and Burford brought together feminist anti-violence organizations, advocates for children and youths, offender programs, police and court personnel, and researchers. This extensive community organizing and involvement of state and social service agencies has much in common with the feminist coordinated community response pioneered by the Domestic Violence Intervention Project in Duluth (Shepard & Pence, 1999). In fact, Pennell sees her model as extending the elements of a coordinated community response:

Restorative practices do not require disengagement from state intervention. Instead, “widening the circle” of those committed to stopping family violence is a way to create a coordinated response of informal and formal resources (Pennell, 2006, p. 290).

For the design of their approach, Pennell and Burford drew from the New Zealand model of conferencing and from practices common in First Nations communities in Canada. They emphasize that the family group conference is a planning forum—not mediation, and not therapy:

The Family Group Conference (FGC) model is not a strategy for mediating conflicts between perpetrators and persons whom they have abused, nor does it aim to divert the perpetrator away from being punished. It is not the intent of the Family Group Conference to keep nuclear families together at all costs. The model does

aim to include all family members in making important decisions that affect their lives while at the same time offering supports and protection in carrying out these decisions (Pennell & Burford, 1994, p. 2).

In the family group conference, the agreements that are developed must be approved by the participating state authorities. Representatives from battered women’s programs are also present in the conferences. According to Pennell (1999), the virtues of addressing battering and child abuse in this fashion are many. The family group conference breaks the conspiracy of silence around the abuse and widens the circle of people who can protect survivors and hold offenders accountable. While maintaining legal protections, it builds communities of concern to carry out the plan that is developed by the conference. Further, it provides more “eyes” to monitor reoffending.

The family group conferences were held in three culturally distinct regions in Newfoundland and Labrador in 1993 and 1994 (Pennell & Burford, 1995). The first location was an Inuit community; a second was a rural community of people with British, French, and Micmac ancestry; and a third was an urban area with residents of largely Irish and British origins. Pennell and Burford conducted follow-up research with the 32 families who participated in these conferences. About 66% of family members interviewed reported the family was “better off” as a result of the conference; 19% said the family was the “same”; and 6% said the family was “worse off” (Pennell & Burford, 2000). No violence took place at the conferences, and there were no reports of violence caused by the conferences (Pennell, 2005).

The families who participated in conferences were compared with a group of families known to child protection workers. Since the families were not randomly assigned to receive or not receive conferences, this study offers an imperfect comparison between families. However, Pennell and Burford point out that they asked that families with the most difficult situations be referred to family group confer-



ences, thus indicating success in problematic cases. Reports of abuse and neglect declined by half in the families who went to conferences, while reports of abuse of adults and children increased in the control group (Pennell & Burford, 2000).

Pennell's more recent work has been in North Carolina. Instead of replicating her model from Canada, Pennell is designing a new coordinated community project from the ground up in collaboration with the North Carolina Coalition Against Domestic Violence. "From the start," Pennell (2005, p. 176) states, "the domestic violence community should be involved in planning an FGC program, particularly in establishing measures to keep participants safe." The North Carolina model is being developed with the participation of a community-wide advisory board, focus groups with abused women staying in a shelter, focus groups with shelter staff, and input from domestic violence counselors. To emphasize the importance of safety planning to this project, this new model has been called "safety conferencing" (Pennell & Francis, 2005). Enhanced safety measures that have been identified include consulting with survivors about whether to hold a conference, and whether the abuser should even be invited to participate; using legal safeguards, such as protective orders, alongside the process; notifying the police to stand by during and after conferences; inviting support people, domestic violence advocates, and therapists to attend; and keeping the safety plans for survivors confidential (Pennell, 2007).

These feminist-restorative justice hybrid projects address many of the concerns raised by antiviolence activists. By developing the design of these projects with input from women's groups, advocates, and survivors, these models of intervention place victims at the center of the process, and prioritize the safety of women and children. The partnerships for both projects included abused women's and children's advocates and batterers' service providers along with legal officials. Pennell has created protocols for cases involving family violence, with extensive

recommendations for safety measures (Pennell, 2005). She has also developed methods for evaluating family group conferencing (Pennell & Anderson, 2005). A number of scholars and antiviolence activists who are otherwise skeptical of restorative justice have found Pennell's work compelling (Busch, 2002; Herman, 2005; Stubbs, 2004).

### **Future Directions for Antiviolence Activism**

Given the evidence that most victims of intimate partner violence in the U.S. do not call the police (Tjaden & Thoennes, 2000), there is a pressing need to develop new ways for abused women to find justice. There are powerful ideas within restorative justice about mobilizing informal support for victims and sanctions for offenders. Advocates and researchers should examine how these might be reworked and combined with other community-based strategies to stop intimate partner violence. These innovative practices offer new visions of justice for survivors and offenders and new insights into community organizing in response to these crimes.

Like the feminist antiviolence movement, the restorative justice movement is critical of how the current legal system is focused on offenders rather than victims. Nonetheless, the restorative justice movement has itself focused on offenders in the design of its practices and in the services it offers through its programs. If the needs of victims are truly to become more central to restorative justice, feminist antiviolence organizations will have an important role to play in the ongoing development of these informal approaches. The feminist antiviolence movement and the restorative justice movement have much to contribute to one another, and much to learn from one another. It would be beneficial to have more dialogue between activists from these two social justice movements.

Given the limitations of restorative justice in addressing the needs of victims, those seeking new justice practices would do well to examine the

feminist-restorative hybrids developed by Joan Pennell (2005, 2006; Pennell & Anderson, 2005; Pennell & Burford, 1994, 2000; Pennell & Francis, 2005). These projects demonstrate how the involvement of battered women's advocates can insure that the needs of survivors are prioritized. Other feminist-restorative hybrid projects designed for sexual assault (Koss & Achilles, 2008; Koss, Bachar, & Hopkins, 2003; Koss et al., 2004) and adult survivors of child sexual abuse (Jülich, 2006) also offer new ideas for alternative justice processes that are survivor-centered.

To assess the effectiveness of these projects in stopping violence and empowering women and children, it is important that evaluation research be made a part of these new projects. Such research should address the full range of consequences for victims and offenders, both short-term and long-term. Pennell has made evaluation central to her work, and the impact of these practices on communities of color has been an important part of her research. Unfortunately, there has been much application of restorative justice to violence against women that has not been evaluated. This creates problems for communities that want to know whether such programs are safe or effective. This also creates deep mistrust between antiviolence activists and restorative practitioners. Witnessing the spread of restorative programs in Canada despite cautions raised by feminists and other critics, Cameron (2005) called for a moratorium on new practices until more research on existing programs has been completed. A recurring theme in feminist accounts of restorative justice, especially in Canada, is that it is not the *principles* of restorative justice that are most at issue, but rather *the lack of collaborative involvement of women's antiviolence organizations in the design and implementation of the projects* (Coward, 2000; Rubin, 2003; Stubbs, 2009, forthcoming).

There is also a need for another kind of research. Beyond the immediate needs of victims and offenders, both the restorative justice and the feminist antiviolence movements are concerned with relationships between communities and the state. It

would be beneficial to activists in many communities around the world to have case studies of the negotiations between women's antiviolence organizations and both local and national governments around the application of restorative practices to cases of violence against women (Justice Options for Women, 2006; McGillivray & Comaskey, 1999; Rubin, 2003).

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**Suggested Citation:** Ptacek, J. & Frederick, L. (2009, January). *Restorative Justice and Intimate Partner Violence*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence. Retrieved month/day/year, from: <http://www.vawnet.org>

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## *In Brief:*

# Restorative Justice and Intimate Partner Violence

Research indicates that only one-fourth of intimate partner assaults are reported to the police (Tjaden & Thoennes, 2000). Seeking to expand opportunities for survivors and increase accountability for offenders, some activists and scholars have been investigating restorative justice. “Restorative justice” is the name for a range of informal methods for addressing crime based on dialogue involving victims, offenders, and their communities. Repairing harm, rather than punishment, is the central goal of these practices. Restorative justice can be used at many points in the criminal legal process. It can be used to prevent cases from being prosecuted; as a part of formal sentencing for a conviction; during time in prison or jail; or after release from incarceration. Restorative justice is increasingly used to address crime in schools. These informal methods are also used to address conflicts between communities in the aftermath of war.

Like many feminist activists, restorative justice practitioners criticize the existing legal system for failing to meet the needs of victims, and for failing to hold offenders accountable. Like feminist antiviolence activists, restorative justice practitioners are working to address the impact of crime on communities, something the legal system is not designed to do.

Most commonly used in cases of youth crime, restorative justice has become popular since the 1990s in many countries around the world. Do these methods offer ideas that are appropriate to intimate partner violence?

Among feminist antiviolence activists and scholars, there are many different perspectives on this issue. There is skepticism about whether the informal methods of restorative justice are truly victim-centered, as many of its proponents claim. Some argue that since restorative practices were not developed specifically for intimate partner violence, they will pose dangers to survivors. Some are concerned that informal dialogue between victims, offenders, and their communities will not be enough to hold offenders accountable. On the other hand, there are antiviolence activists and scholars who believe restorative justice offers better ways to meet victims’ needs and achieve safety and accountability than the existing legal system.

There is very little research on restorative programs that address intimate partner violence. The most promising work in this area has been done by Joan Pennell (2005, 2006). Pennell designed a model in Canada for addressing child abuse and intimate partner violence that combines restorative practices with a feminist coordinated community response. Evaluation research on this model showed that it significantly reduced both intimate partner violence and child abuse (Pennell & Burford, 1994, 2000). Pennell has also developed a new project in North Carolina, with input from the North Carolina Coalition Against Domestic Violence as well as women’s shelters, batterers’ counselors, child welfare workers, the courts, and the police. These feminist-restorative hybrid projects meet many of the criticisms that have been raised concerning safety issues and offender accountability. By designing new interventions with the involvement of battered women’s advocates and child protection workers, the needs of survivors are placed at the center of these practices, and safety is prioritized.

Those in search of new ways for survivors to find justice would do well to examine Pennell’s work. There are also feminist-restorative approaches that have been developed for sexual assault (Koss & Achilles, 2008) and for adult survivors of child sexual abuse (Jülich, 2006).



Intimate partner violence (IPV) is domestic violence by a current or former spouse or partner in an intimate relationship against the other spouse or partner. IPV can take a number of forms, including physical, verbal, emotional, economic and sexual abuse. The World Health Organization (WHO) defines IPV as " any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship, including acts of physical aggression, sexual coercion The Restorative Justice Standards for Family Violence Cases was released in July 2013. They were released after considerable consultation with, and input from, restorative justice providers and facilitators. In developing the new standards, careful consideration was given to ensuring they reflected the most up-to-date approaches to risk assessment and safety planning while building on the work carried out to develop the 2013 standards.Â Family violence is frequently grouped into 3 broad types: intimate partner violence (IPV), child abuse and neglect (CAN), and intrafamilial violence (IFV)<sup>2</sup>. Intrafamilial violence includes all forms of abuse between family members other than intimate partners or parents of their children, for example, elder abuse or sibling violence.