

**Restorative Justice Informed Moral Acquaintance: Resolving the
Dual Role Problem in Correctional and Forensic Practice**

Tony Ward

Victoria University of Wellington

Theresa A. Gannon

University of Kent

Clare-Ann Fortune

Victoria University of Wellington

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Abstract

The issue of dual roles within forensic and correctional fields has typically been conceptualized as dissonance—experienced by practitioners— when attempting to adhere to the conflicting ethical requirements associated with client well-being and community protection. In this paper, we argue that the dual role problem should be conceptualized more broadly; to incorporate the relationship between the offender and their victim. We also propose that Restorative Justice (RJ) is able to provide a preliminary ethical framework to deal with this common ethical oversight. Furthermore, we unite the RJ framework with that of Ward's (2013) moral acquaintance model to provide a more powerful approach—*RJ informed moral acquaintance*—aimed at addressing the ethical challenges faced by practitioners within forensic and correctional roles.

Key words: Restorative Justice, Ethics, Moral Repair, Moral Acquaintance.

INTRODUCTION

Practitioners¹ working in the forensic and correctional fields face profound ethical challenges revolving around their unique constellation of professional roles (Haag, 2006; Ward, 2013; Weinberger & Sreenivasan, 1994). On the one hand, by virtue of key governing ethical codes, practitioners are obligated to seek the best for their clients. The concept of what is best is usually cashed out in terms of enhancing offenders' levels of well-being and meeting their core interests. On the other hand, however, there is a strong mandate to protect the interests of the community by ensuring that offenders' risk for further reoffending is reduced (Andrews & Bonta, 2010). The role conflict confronting practitioners is frequently referred to as the *dual role problem*. Failure to grasp the degree to which role conflicts and their contrasting suite of duties and practices ethically blunt a practitioner's responsiveness can damage the offender client and result in loss of clinician integrity. Specific examples of when dual relationship difficulties can emerge include conflict between a duty of truthfulness to the court concerning a defendant's mental state and/or personality versus what is truly in his or her best interests; being asked to evaluate a sex offender for possible civil detention; when sentenced individuals are ordered to attend and complete treatment against their will; and when practitioners are asked to participate in security related tasks such as assisting in cell searches while employed as psychologists or psychiatrists (Haag, 2006; Ward, 2013).

Robertson and Walter (2008) have usefully defined the dual role problem as:

¹ By practitioner we refer to individuals trained to practice with offenders in correctional and forensic settings (e.g., psychiatrists, forensic, clinical, and counseling psychologists).

...a quandary in which a psychiatrist [or other practitioner] faces the dilemma of conflicting expectations or responsibilities, between the therapeutic relationship on the one hand and the interests of third parties on the other (p. 228–229).

To make matters worse, ethical pressure can also occur between professional codes of practice, individuals' personal moral codes, and universal values such as human rights (Arrigo, 2013; Ward, 2013). The resulting moral distress experienced by correctional practitioners can be overpowering and threaten to fracture their sense of personal integrity and professional identity (see Gannon & Ward, 2014). Fracture may occur because the boundaries of permissible practice are in part defined by conceptions of professional roles, and if roles vary then the boundaries (i.e., the edge of permissible practice; Guthiel & Brodsky, 2008) may be drawn in different places and at times be mutually inconsistent. The resulting cognitive dissonance is hard to resolve and so practitioners either retreat into one of the roles and its respective code (see below) or else oscillate between different roles in an erratic and ethically problematic way (Ward, 2013).

In our view, there are three particularly significant points to be made about the dual role problem. First, it has its origins in *value pluralism*, which specifies that there are a number of distinct values within a society or community, none of which can be established as normatively superior to the others (Engelhardt, 1986). If not openly and reflectively addressed value pluralism can undermine professional ethical codes and by doing so, trap practitioners into an insular conception of the nature of practice with offenders, and the broader community (Arrigo, 2013). Second, despite

appearances, the dual role problem is actually tripartite in nature in so far as there are three relevant stake holders with their corresponding relationships: (a) the practitioner and the offender, (b) the practitioner and the community/criminal justice system (including the victim), and (c) the offender, and the criminal justice system, community, and victim(s). The dual role problem, as it is often conceptualized, only appears to deal with the first two sets of relationships (Greenberg & Shuman, 1997; Ward, 2013). In our view this is a mistake which impedes progress towards a universally accepted resolution to the dual role dilemma. Third, there is no underlying ethical theory, framework, or set of principles in correctional and forensic practice that can be utilized to address the dual role problem or any of the other significant ethical issues evident in the field. While theorists such as Ward (2013) have developed *procedural frameworks* that incorporate varying ethical perspectives and values in the form of the moral acquaintance model, this framework is unable to adequately capture the full complexity of ethical issues evident in the field.

In this paper we attempt to address the major challenges associated with the dual role problem in forensic and correctional practice outlined above through (1) using the *core* principles and assumptions of Restorative Justice (RJ) and (2) using RJ principles to further inform Ward's (2013) moral acquaintance model and produce an ethical framework that is able to more convincingly address the key problems faced by practitioners within the correctional and forensic fields. RJ sets out the necessary conditions for an effective response to crime based on the fundamental premise that repair of community relationships is paramount. RJ's overall aim is to repair the damage caused by crime by asking offenders to recognize and publically

acknowledge the harm they have done, demonstrate remorse, and display a willingness to make reparation and undergo sanctions if appropriate (Johnstone, 2014). Further, RJ seeks to heal the victim and to restore the offender to full social standing. It assumes a relational ethic in which all human beings are equal moral stakeholders and where individuals have a responsibility to sustain and repair relationships damaged by crime. RJ is a grassroots, bottom up movement comprised of a network of practices and initiatives, and is loosely held together by a patchwork of core ideas and principles rather than any overarching coherent theory. Essentially, RJ is pragmatic in nature and focuses on concrete initiatives such as sentencing circles, offender-victim mediation or family conferences. Nevertheless, RJ principles have the potential to address pressing ethical dilemmas. In this paper we use the core underlying ideas of RJ to provide an overarching ethical framework to resolve the dual role problem. It should be noted, however, that RJ has been justifiably criticized for some of its theoretical and practice claims concerning interventions such family conferences, victim-offender mediation, offender rehabilitation, and sentencing conferences (Arrigo, 1998, 2004; Ward & Langlands, 2009).

First we examine recent attempts to resolve the dual role problem and note their strengths and shortcomings. Second, we briefly outline the central assumptions and principles of RJ and argue for its general utility as an ethical framework for forensic and correctional practitioners. Third, we integrate the RJ conception developed earlier with Ward's (2013) recent moral acquaintance model (described later in the paper) of ethical reasoning in the context of value pluralism and evaluate the degree to which it can

satisfactorily address the dual role problem. Finally, we conclude with implications for future practice.

APPROACHES TO THE DUAL ROLE PROBLEM

Ethical solutions to the dual role problem evident in the correctional and forensic literatures essentially follow the relationship trajectories described above: (a) the practitioners' relationship with the offender; (b) the practitioner's relationship to the community and criminal justice system (including the victim); and to a lesser extent, (c) the offender's relationship to the community and criminal justice system (including victims). There are four key approaches to the dual relationship problem: single ethical code approaches that focus on either (1) mental health or (2) the criminal justice system; (3) hybrid models that attempt to combine single ethical codes; and (4) procedural models that adopt a practitioner interactive model of ethical reasoning.

SINGLE ETHICAL CODE: MENTAL HEALTH

In his recent paper Ward (2013) argues that when the *primary* professional relationship is between a practitioner and an offender it is typically structured by a health oriented code of ethics. More specifically, he states:

..the default position concerning the dual relationship problem is that traditional professional codes of practitioners (whether psychiatrists, psychologists, social workers, etc.) can satisfactorily resolve any ethical conflicts encountered when working in forensic or correctional contexts.

(p. 95)

It is simply assumed that the ethical principles and standards contained in professional codes can provide adequate ethical guidance for all assessment and intervention tasks likely to be undertaken. It is taken for granted that conflicts will occur between principles *within* the code used (e.g., between prioritization of client need and minimization of harm to others). This approach centers on how best to meet a client's core interest while minimizing harm to his or herself and others. While concern for the well-being of members of the community is certainly explicitly considered, it functions more as a side constraint rather than a central focus. Thus, using this approach, the principles of beneficence (i.e., promoting the client's good), nonmaleficence, (i.e., doing no harm), autonomy (i.e., respecting clients' personal wishes and priorities), and justice (ensuring clients receive their fair share of programme resources and are not unjustifiably discriminated against), if moderated by considerations of risk and general balance, can help practitioners to undertake risk assessments or treatment in ways that are ethically justified.

However, there are three major problems with guiding forensic and correctional practice with reference to single mental health professional codes. First, in practice, a primary aim within correctional and forensic settings is to assist offenders to reduce or eliminate their predispositions to harm others. It is not a peripheral aspect of work with offenders at all (Appelbaum, 1997; Gannon & Ward, 2014). Second, this approach fails to fully acknowledge the moral dimensions to rehabilitation practice. For example, offenders undergo punishment alongside attending programmes. In fact,

theorists such as Glaser have argued that sex offender treatment is ethically more defensible if reconceptualized as punishment (Glaser, 2003). Third, the single mental health professional code 'solves' the dual role problem by neglecting practitioners' relationships with the criminal justice system and community, as well as offenders' relationships with victims.

SINGLE ETHICAL CODE: CRIMINAL JUSTICE

According to this perspective, a specialized criminal justice ethical code should guide assessment and treatment of offenders. The exact nature of the code will depend on the particular task and organization in question. For example, following a conceptual appraisal of contemporary forensic practice - more specifically, the provision of expert psychiatric advice to the courts - Paul Appelbaum (1997) formulated two forensic ethical principles for forensic psychiatrists operating as expert witnesses that he argued reflect actual practice: (1) *truth telling* (i.e., striving for objectivity and presenting evidence based on reliable and valid methods and theories); and (2) *respect for persons* (i.e., transparency with the defendant through conceding that the fundamental client is the court). A strength of the criminal justice, single code model is that it takes the requirements of the criminal justice system and the concerns of the community seriously and thus bases its ethical code on issues of community protection and risk management. However, its major weakness is that it simply ignores the practitioner-offender role of the tripartite set of relationships implicated in forensic and correctional work. Furthermore, as Ward (2013) states, adopting such a code, "runs the risk of alienating psychiatrists (and other forensic and correctional practitioners) from their traditional roots as healers" (p. 96).

HYBRID ETHICAL MODELS

The above brief description and evaluation of the two major approaches to addressing the ethical challenges of forensic and correctional practice illustrates that each fails to do justice to the complexities of practical work in correctional and forensic settings. In response to this lack of scope, some theorists have developed *hybrid* ethical models to address the dual role problem, essentially combining the values underpinning each role (i.e., client well-being and need as well as community protection). A promising example of a hybrid ethical approach is Philip Candilis's (2009) *robust professionalism framework*. According to Candilis, forensic and correctional practitioners need to carefully consider the viewpoints of all key stakeholders associated with a particular issue and any assessment or treatment process should result in outcomes that reflect these varying interests in a balanced way. More specifically he stated that robust professionalism, "recognized the formative influence of personal values, the salience of personal identity in one's work, and the connection of personal and professional identities" (p. 431).

A unique strength of the Candilis model is the way all three sets of relationships are identified as important and worthy of explicit consideration. Further, attention to the personal narratives and life histories of the key stakeholders promises to avoid simplistic stereotyping and the resulting dismissal of individuals' legitimate concerns. However, despite these strengths Candilis does not provide guidance on how to actually incorporate the different perspectives in the assessment and treatment process. As Ward (2013) states:

Most pressing is a failure to outline a procedure for implementing the model in practice situations. While the concept of robust professionalism with its call to integrity and attention to personal narratives is a necessary element of ethical assessment and treatment, it is not sufficient (p. 97).

A RELATIONAL APPROACH: THE MORAL ACQUAINTANCE MODEL

Ward (2013) has recently proposed a procedural/relational model of ethical reasoning to assist forensic and correctional practitioners to resolve conflicts associated with dual role problems. In his paper he stated:

Ethical focus should be on relationships as well as principles and norms such as rights and duties. Furthermore, it is important to acknowledge the dignity of others, and not to act in ways that are disrespectful and that denigrate their status as fellow human beings. Finally, the details or stories of individuals' lives ought to be the focus of moral decisions rather than simply abstract principles or norms (p. 98).

According to Ward, respect for the high moral *status* of each person involved in any particular assessment or treatment situation should underpin forensic practice. While an offender may have committed an offence that affects their moral standing in the eyes of many community members, their basic worth or moral status remains unaffected (Ward & Syverson, 2009). Ward suggests that practitioners should work on the assumption that all of the criminal justice key stakeholders are more likely to be *moral acquaintances* (i.e., have some overlapping values based on training, experience, and core

human interests) rather than *moral strangers* (i.e., have no or few values in common). Practitioners should look for commonalities when faced with assessment and/or treatment situations where the various stakeholders have different priorities. According to Ward's (2013) moral acquaintance model there should be six phases involved in decision-making when confronted with a dual role problem (also see Hanson, 2009). If the model is applied systematically it is possible to ensure that the third and often neglected aspect of the dual role problem (i.e., the relationship between offender and victim) is attended to. Attendance to all six phases in conjunction with assuming a flexible relational ethical perspective should help practitioners to address dual role problems more effectively. There is no a priori *guarantee* of arriving at a mutually acceptable, ethically justified plan of action; it is simply more likely. The six phases, as described by Ward (2013) are to:

1. Clearly describe and identify the practice task and relevant ethical issues. To take note of factual errors and correct them.
2. List individuals who ought to be participants in the discussion of the forthcoming practice task. Typically this would involve offenders, practitioner(s) and members of the community and criminal justice system. Victims may be actively involved, and certainly, their interests ought to be explicitly taken into account, probably in the form of risk related concerns.
3. Formulate a brief narrative of all relevant individuals' circumstances, perspectives, and contributions, and take note of any formal or informal role in the practice task in question.
4. Look for any shared ethical and well-being related norms across the

different participants in the case in question (i.e., search for any possible moral acquaintance).

5. Identify shared norms and apply them to the case, using techniques such as specification (i.e., applying abstract principles to concrete rules for specific situations) and balancing, and construct an agreed action plan for the case in question. It is important to make sure that the participants can justify the plan arrived at within their own set of norms. This points to the need for a minimal degree of rationality: taking into account the relevant facts, constraints, and making sure there are no obvious inconsistencies in each individual's argument and conclusion.
6. If the proposed plan can be justified within the different ethical codes/sets of norms, implement it and evaluate its effectiveness.

While Ward's moral acquaintance model has the advantages of being able to incorporate all three key relationships evident in forensic and correctional practice it does not fully specify an underlying ethical justification or theory. The appeal to relationship ethics to justify the set of procedures is attractive but lacks detail. In addition, it fails to fully elucidate the complex normative nature of forensic and correctional practice; the fact that there are strong moral overtones associated with issues of punishment and accountability as well as prudential concerns for the interests of offenders that are clearly relevant to treatment, social reentry, and desistance.

RESTORATIVE JUSTICE AS AN ETHICAL FRAMEWORK FOR CORRECTIONAL PRACTICE

To recap, forensic and correctional practitioners work in an ethically complex and challenging environment characterized by dual roles and multiple sets of obligations. While ethical theories formulated to deal with the problem usually take into account the practitioner-offender and practitioner-*third person* relationships (community, criminal justice system, victims etc.) they have all missed the third one, namely, the relationship between the offender and his or her victim(s). This is a significant omission as it fails to come to terms with the normative backdrop of work in the criminal justice system, and associated issues such as punishment, accountability, remorse, reconciliation, and moral repair. In our view, a major reason for this omission is the lack of a broad ethical framework focused on justice related concerns. Akin with other professionals (i.e., Candilis, 2009), we suggest that three sets of core relationships should be kept in mind when working with offenders. In a recent groundbreaking paper Gwen Adshead (2014) explored the ethical and practice implications of different conceptions of justice. While she made reference to RJ, she did not use it to provide an ethical framework to address issues such as the dual role problem. We believe that RJ can function as a preliminary ethical framework to alleviate problems associated with dual roles. Having said this, we are aware that RJ has been the subject of legitimate criticisms concerning its theoretical vagueness, dubious practice assumptions, and lack of clarity concerning ethical reasoning processes (Arrigo, 1998, 2004; Ward, Fox, & Garber 2014). However, in our view it can potentially provide a useful cognitive tool with which to incorporate the different types of relationships implicated in crime, and in its subsequent management.

RESTORATIVE JUSTICE: BASIC PRINCIPLES AND ASSUMPTIONS

RJ sets out the conditions for an effective and ethical response to crime based on the view that criminal activity damages important social relationships (Walgrave, 2008; Ward et al., 2014; Zehr & Toews, 2004). RJ's overall goal is to repair the rupture created by crime by asking offenders to recognize the harm they have done, demonstrate remorse, and display a willingness to make reparation and accept sanctions if appropriate. It seeks to heal victims and to restore offenders to full social standing once the process of moral repair has been undertaken (see below). Importantly, research shows that RJ reduces reoffending and results in high levels of both victim and offender satisfaction (Latimer, Dowden, & Muise, 2005; Shapland, Robinson, & Sorsby, 2011). RJ assumes the validity of a relational ethic in which all human beings are stakeholders and where individuals have a responsibility to sustain and repair relationships damaged by crime. It is underpinned by a number of so called restorative values such as human dignity and respect, compassion, reciprocity, honesty, humility, interconnectedness, accountability, empowerment, hope, truth, empathy and mutual understanding (Ward et al., 2014).

Thus, according to Walgrave, RJ 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). Zehr and Mika (1998) outline three core RJ principles that exemplify the core ideas in this definition. 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 harm caused. The major intention behind holding offenders accountable is to achieve reparation rather than to simply punish them (Ward, 2013). The community is obliged to support both the victim and the offender in dealing with the effects of the crime. Third, the purpose of RJ 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.

There is some conceptual overlap between the basic ideas and values comprising RJ and a set of ethical ideas and practices termed *moral repair* (Walker, 2006). Walker (2006) states that moral repair is “restoring or creating trust and hope in a shared sense of value and responsibility” (p. 28) following the experience of intentional and unjustified harm at the hands of another person or persons. According to Walker, there are a number of core tasks encompassed by moral repair including placing responsibility on the offender, acknowledging and addressing the harm suffered by the victim, asserting the authority of the norms violated by the offender and the community’s commitment to them, restoring or creating trust among the victims in the relevant norms, and reestablishing or establishing adequate moral relationships between victims, wrongdoers, and the community. The concept of moral repair is largely implicit in the central assumptions and principles of RJ. However, in our view, when this idea is made more explicit, RJ framework becomes a more powerful *ethical* tool.

THE RESTORATIVE JUSTICE INFORMED MORAL AQUAINTANCE APPROACH AND THE DUAL RELATIONSHIP PROBLEM

A RJ ethical framework is able to deal with risk and offender welfare issues in a coherent way, and therefore provides a useful framework for addressing dual role problems as well as other ethical problems unique to the criminal justice system. In our view ethical problems *unique* to forensic and correctional practice all have their origin in the dual role problems and the tensions between the three sets of relationships outlined earlier (Ward, 2013). The three sets of relationships implicated in criminal justice matters are all covered by RJ principles and assumptions along with the concept of moral repair (see below). The moral acquaintance model previously outlined by Ward (2013) provides a set of procedures for working through conflicting aims and values created by the dual role problem, which we propose can be firmly anchored in the relational RJ framework. From a RJ viewpoint all individuals living together within a community implicitly or explicitly share norms that reflect equal dignity/status and specify duties and obligations (as well as liabilities). This status is foundational and expresses the aim of ethical systems constructed to regulate relationships between people that are designed to safeguard individuals' core interests, and by doing so, regulate social relationships.

When a crime has occurred, using the RJ informed moral acquaintance approach, the three sets of key stakeholders possess the following ethical duties and entitlements with respect to the RJ identified goal of moral repair:

1. **Offender:** (a) *Entitlements:* these include being given the ethical space to do the above. In reality this would mean being treated respectfully and having the chance to enter into a dialogue with members of the community and possibly victims. In addition, in order to 'make good' and engage in a process of self-reform

offenders are likely to require psychological and/or social assistance from the state and community, and be given the opportunity to live more fulfilling and prosocial lives (Ward & Maruna, 2007). The opportunity to take part in intervention programs is likely to lower risk; in line with victims and communities' expectation of personal reform; and (b) *Duties*: to acknowledge the harm done to others and the norms violated by his or her actions. Ideally, he or she would experience feelings of guilt/remorse and seek reconciliation with the community (and possibly the victim) by accepting the sanctions or compensation decided on by the community (most probably by the court).

2. **Victims:** (a) *Entitlements*: Victims of crime are entitled to an acknowledgment by the state (including the practitioner), community, and offenders that important norms have been violated and that as a result they experienced significant unjustified harm at the hands of the offender (and possibly others via collusion or omission). Victims are also entitled to receive active support from the community and assistance in repairing any social and/or, psychological damage that has occurred as a result of the offense. If appropriate, offenders may contribute to the process of victim healing by way of restorative practices, such as conferencing, and the payment of compensation, etc. In any advent, the victim is entitled to expect that offenders will actively address their proclivities (i.e., reoffending risk and its associated characteristics) to commit offenses as part of an genuine expression of remorse and commitment to self-reform; and (b) *Duties*: as a member of the

community who is committed to shared norms victims should respect the processes associated with a RJ perspective – moral repair. Once offenders have suffered any sanctions and (if appropriate) participated in relevant RJ practices, victims should support their reentry and reintegration into the community. This does not mean that they should personally do so but that at least they will not seek to undermine this process.

3. **Community stakeholders and the State - including the practitioner** (a) *Entitlements*: The state and community can reasonably expect all members of the moral community to take responsibility for acquiring the relevant norms and the capacities to identify and act upon such norms, through the provision of responsible parenting, education, and social services. It is expected that both offenders and victims and other members of the community fulfill their duties as outlined above. Practitioners are entitled to have the ethical space to actively consider the interests of all three stakeholders in their assessment and treatment services—community, victims, and offenders. They should not be pressured to privilege risk assessment and management activities at the expense of offenders' legitimate needs for treatment programs and psychological resources (see Gannon & Ward, 2014), or to focus exclusively on the well-being of offenders at the expense of the community and victim interests; and (b) *Duties*: to actively work to ensure that ethical norms are understood and supported and, if violated, take the appropriate steps to repair any moral damage. For practitioners this means that in their work with offenders they

should seek to assist them in the self-reform process and, by doing so, provide expert psychological services. From a broader community perspective, there is a duty to ensure that there are adequate resources in policing, legal processes, victim support, and rehabilitation for offenders including specific restorative initiative processes if appropriate. The community (and state) has the important role of social epistemic engineering—and ongoing monitoring—with respect to norm formulation, articulation, monitoring and enforcement

IS THE DUAL ROLE PROBLEM ADDRESSED BY THE RJ INFORMED MORAL ACQUAINTANCE APPROACH?

How do the RJ ethical framework and the moral acquaintance model outlined above respond to the dual role problem, and importantly, how do they deal with the three significant aspects of this ethical issue outlined in the introduction of this paper? First, with respect to the issue of *value pluralism*, the relational nature of RJ and its grounding in multiple human interests and the need for social cooperation and mutual respect, means that there are no *overriding* values such as punishment, offender entitlements, or safety. That is, there are no master or premier values that trump all the others in ethically rich practice contexts or in disputes. There is an explicit commitment to dialogue with regard to the norms that a community operates by and the steps that should be taken when they are violated. All members of the community, with their varying interests, are considered to be of equal intrinsic value. If someone has committed a serious wrong, holding them to account may entail the infliction of sanctions and temporary restriction on some interests such as

liberty. However, the offender's journey towards release and social integration and the social and psychological capital required to make this possible, should be the focus of practitioner and state attention. Assuming the validity of ethical pluralism there is a danger that dialogue between stakeholders could merely harden positions. In the absence of epistemic virtues such as tolerance, openness to new ideas, curiosity, reflexivity, and personal integrity, individuals may speak past each other and remain captive to their own favored sets of ideas and norms (Arrigo, in press; 2013).

Second, an advantage of the RJ informed moral acquaintance approach is that all of the three major stakeholders operating in the criminal justice system are explicitly factored into practice decisions. It is tripartite in nature because of its emphasis on the central task of moral repair and aim of rebuilding damaged relationships between offenders, victims, and the community. Of course, the inclusion of all three sets of relationships in practice considerations increases the complexity of any subsequent dialogue and opens up the possibility of miscommunication rather than clarity. Third, once RJ assumptions and norms have been enhanced with the concept of moral repair we believe it can provide an overarching ethical framework to guide forensic and correctional practice. In particular, it is able to provide a more secure ethical footing with which to address the dual role problem. It can do this, because by virtue of its stress on repairing damaged relationships RJ explicitly incorporates the viewpoints and interests of all the key stakeholders and their respective relationships. It also grounds practice with offenders in the concept of moral repair and thus it is clear that clinicians' *primary* ethical responsibility in situations of direct conflict is to victims. However, because RJ takes the idea of offenders' self-reform seriously and

also accepts their entitlement to have their voices heard and to be treated with respect, any interventions will be strength based in nature. This is partly a function of working with the moral acquaintance model which attempts to structure plans for resolving ethical disputes around common goals, in ways that all parties find acceptable and which are congruent with their core values (Ward, 2013). The emphasis of such plans will be on building internal and external capabilities and the reduction of risk as a consequence of this strategy, rather than simply targeting risk factors on their own.

But what about situations where one or more of the key stakeholders is not interested in adopting a RJ informed moral acquaintance perspective, does this undermine the approach? In our view it does not have to. In such circumstances a practitioner should still inquire into what is required for moral repair to occur, using the procedural model of ethical reasoning described earlier in the paper. He or she should ask questions such as the following. What resources does the offender need in order to modify his capacity for harmful actions? What kind of social opportunities and community services should be available to increase the chances of desistance occurring? What concerns need to be alleviated in order for victims to feel safe? While ideally victims, offenders, and community members will display the same level of commitment to repairing damaged relationships and meeting their obligations, it is not strictly necessary. Some type of restorative practices can occur as long as practitioners keep the RJ ethical framework in mind when assessing and intervening with offenders.

A final issue concerns the possibly prescriptive nature of the RJ informed moral acquaintance framework. While psychologists, psychiatrists, or social workers are likely to possess the necessary skills to enter into the type of

dialogue outlined above this may prove a difficult task for typical RJ facilitators, who are typically volunteers and may not have mental health training. The framework described in this paper is best conceptualized as a compass or set of guidelines for dealing with dual role challenges and would need to be fleshed out in different ways depending on the qualifications and training of the practitioners concerned.

CONCLUSIONS

The dual role problem is woven into the fabric of forensic practice and has proven difficult to address in a way that preserves the integrity of clinicians and the legitimate expectations of the community for safety. The solutions offered in the literature range from reductionist approaches to hybrid accounts containing both mental health and criminal justice values and practices in an uneasy alliance. In our view, an enrichment of the central principles and assumptions of RJ in conjunction with the concept of moral repair, and a procedural ethical model, provides a promising way to address this important ethical challenge. Once professionals accept that all criminal justice practices (e.g., sanctioning and rehabilitation) should directly contribute to the repair of damaged social relationships and therefore ought to take into account the various interests of the primary stakeholders, it will be much easier to work in ways that effectively balance care and protection goals.

From a clinical perspective, this requires that the aims of offender rehabilitation should go beyond risk management concerns and look more closely at what resources are necessary for offenders to engage productively in a self-reform process, and that relatedly, facilitate their subsequent social reintegration. The aim should be to repair damaged social relationships and restore trust in the norms that protect each persons' interests and those of

others. In our interpretation, RJ principles are moral in nature and the concrete practice initiatives that arise from these ideas share their normative content.

Practitioners working with a RJ informed moral acquaintance ethical framework should find it easier to reconcile their duties to offenders, victims, and the community because their overall aim is to repair damaged relationships—using moral acquaintance principles—through assessment and program activities. Individuals occupying other roles within the criminal justice system can seek to meet the same goal through their own professional actions, whether they are teachers, correctional officers, tutors, administrators, or probation officers. The conceptual unit at the forefront of practice attention is the tripartite model of core relationships, not simply offenders, community or victims. If RJ informed ideas guide correctional and forensic practice, practitioners are less likely to become trapped within the cultures of health and criminal justice. Broadening the conceptual horizon should result in more nuanced and ethically responsible practice and less danger of moral distress and loss of professional integrity.

Despite the above positive features of an RJ perspective informed by the moral acquaintance model, it is important not to gloss over difficult normative issues such as values clashes at multiple levels (e.g., human rights versus professional ethical codes; personal values versus criminal justice norms), moral blindness, and difficulties translating abstract values into concrete plans. At the center of the dual role problem is value pluralism and the issue of competing and often conflicting role conceptions. Practitioners can be paralyzed by contrasting ethical duties and simply default to what they are most familiar with. A fall back to what is familiar could reflect an

understandable desire to escape from the aversive nature of cognitive dissonance or simply indicate uncritical acceptance of the professional (and political) status quo. While engaging in the kind of ethical reasoning outlined in this paper is demanding there are significant personal and professional rewards as well. By virtue of the focus on moral repair there is explicit concern for the interests of all members of the community and therefore less chance of unjustifiably overlooking the entitlements and duties of victims and offenders. If our responses to crime are to be ethical they need to be subtle, graduated, inclusive, and reflective. There is no room for myopia and formulaic thinking; it will deaden our ethical senses and harden our hearts.

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