

2010

A Case for Alternative Mechanisms of Justice

Jura L. S. Augustinavicius

Follow this and additional works at: <https://ir.lib.uwo.ca/undergradtjr>

Recommended Citation

Augustinavicius, Jura L. S. (2010) "A Case for Alternative Mechanisms of Justice," *Undergraduate Transitional Justice Review*: Vol. 1 : Iss. 3, Article 1.

Available at: <https://ir.lib.uwo.ca/undergradtjr/vol1/iss3/1>

This Article is brought to you for free and open access by Scholarship@Western. It has been accepted for inclusion in Undergraduate Transitional Justice Review by an authorized editor of Scholarship@Western. For more information, please contact tadam@uwo.ca, wlsadmin@uwo.ca.

A CASE FOR ALTERNATIVE MECHANISMS OF JUSTICE

Jura L. S. Augustinavicius

The emerging field of transitional justice combines legal philosophy with political theory in an effort to practically address massive human rights violations. Retributive, restorative, and reparative justice form the three theoretical pillars of transitional justice. This article aims to define each of the three transitional justice paradigms and to compare and contrast between them. From a theoretical standpoint, this article argues that key components of each of the transitional justice paradigms should be included in an ideal transitional justice system; however, a greater focus should be placed on restorative processes over retributive and restitutive mechanisms.

The applications of justice are situational and culturally dependent, taking various forms in different geographic locations and in different societies. Theoretically, justice is one broad concept underlying a great number of possible permutations used in the progression from theory to practical implementation. The concept of justice is based on moral and ethical principles that encompass truth, reconciliation, restitution, and according to Western tradition, retribution. The retributive approach to justice, which has conventionally provided the basis for the North American legal system, is not a mold equally fitting for the needs of all societies. In addressing this issue, a unique field of study has been developed to assess mechanisms of justice in societies that are in transition after mass human rights violations. Due to the unique circumstances and demands of such societies, the retributive approach is ill suited and can incur both moral and physical costs for the people of these nations. As a reaction to the failures of the retributive system, a mandate has been put forth with regard to the search for, and validation of, alternative forms of justice.

Two approaches to justice that can function in collaboration with, or in place of retributive justice, are restorative and reparative justice. As their names imply, restorative justice seeks to restore individual dignity and societal processes, and reparative justice aims to repair the

specific wrongs that were committed.¹ The study of retributive, restorative, and reparative justice approaches has been used in the search for appropriate justice paradigms in transitional societies, thus establishing the foundation for transitional justice.

This paper seeks to compare and contrast among the three theoretical approaches to transitional justice. Specifically, the paper will argue that the restorative justice approach is victim centered, community focused, and does not seek to punish, in stark contrast to both the retributive and reparative approaches, which each focus on the perpetrator and usually involve mechanisms of victim alienation. In a transitional justice context, the ideal system should focus on restorative mechanisms and limit the use of retribution and restitution. First, the three transitional justice approaches will be evaluated. Second, the similarities between retributive and reparative justice will be contrasted against the restorative justice approach. Third, it will be argued that in a transitional society, the restorative justice approach should form the base upon which specific retributive and reparative mechanisms can be developed for effective practical employment.

The Theoretical Components of Retributive, Restorative and Reparative Justice

An act of retribution is an act of revenge or punishment. It is therefore appropriate that retributive justice be known in the transitional justice field as a method for using legal processes as state-sanctioned revenge.² In determining the strengths and weaknesses of the retributive model, the qualities of revenge relevant to the model must be assessed.

¹ Joanna Quinn, "Transitional Justice," in *Human Rights: Politics and Practice*, ed. Michael Goodhart (New York: Oxford University Press Inc., 2009), 356.

² Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998), 122.

The question of revenge involves two distinct categories of persons: the victim(s) and the perpetrator(s). In making a moral case for revenge, it has been argued that the harm a perpetrator experiences as payment for his or her wrongdoing coupled with the newfound agency experienced by a victim in exercising revenge on the perpetrator creates a moral equilibrium that looks and feels like justice.³ Govier suggests that the use of revenge is unproductive and can only achieve limited satisfaction, thereby providing limited justice for the victim.⁴ When the moral case for revenge is played out in the practice of retributive justice, it is not the victim but the legislative system and the state that avenges the perpetrator. The indirect nature of revenge in practice may not give the victim the same satisfaction that the moral argument describes due to the victim's loss of agency and focus on the perpetrator, which perpetuates the cycle of impunity. Proponents of the retributive approach might argue that removing the victim from the mechanism of justice makes the process fair in a lawful sense and acknowledges the victims' legitimate desire to distance themselves from the perpetrator and the crime.

The retributive approach to justice, according to Western legal tradition, is based upon the rule of law. The rule of law generally implies that no individual or group is above or below the law and that citizens and governments are equally governed by laws.⁵ In practice, particularly in the North American criminal legal system, this aspect of retributive justice is upheld. Minnow argues, however, that in transitional societies retributive justice is characterized by symbolic acts in the name of the law rather than acts that are true exercises in the rule of law.⁶ This phenomenon in transitional societies can be explained by crippled judicial systems and by the

³ Trudy Govier, *Forgiveness and Revenge* (London: Routledge, 2002), 5.

⁴ *Ibid.*, 22.

⁵ Tony Burns, "Aristotle," in *Political Thinkers*, ed. David Boucher and Paul Kelly (Oxford: Oxford University Press, 2009), 92.

⁶ Minnow, *Between Vengeance and Forgiveness*, 122.

prevalence of alternative conceptions of justice across different cultures. It is unfair to assume that because most North Americans have been socialized within the retributive paradigm that retributive justice is the only mechanism that is effective in all societies.

In accordance with the rule of law, retributive justice aims to punish and deter. Both punishment of perpetrators and deterrence of future crime are carried out through prosecution. In practice, prosecution and the associated use of jail time, fines, and the death penalty for perpetrators are generally accepted means of punishment. The effectiveness of prosecution as a mechanism for deterrence, however, is uncertain, and the reasons for such uncertainty are numerous. International trials and tribunals often have limited public access throughout the court proceedings, leaving communication of the verdict to the media. Arguably, if deterrence is based on fear of prosecution and punishment, and if the trial verdict is communicated to the public, then retributive justice has the capacity to achieve its goal for deterrence. Such success has been demonstrated through quantitative analysis, which revealed that prosecutions of human rights violations characterized by torture, summary execution, disappearances and political imprisonment, have been associated with reduced repression.⁷ These findings, though promising, are based on an analysis of a ten year period following atrocity, therefore ignoring the possibility of future human rights violations due to political instability. Further, the findings are based on predictive statistical models, which extrapolate data on a variety of previously reported atrocities, such as those committed in Rwanda, in the former Yugoslavia, and in Chile, to estimate the true current number of human rights violations.

In comparison to retributive justice, examining restorative justice requires a significant paradigm shift. Unlike retributive justice, restorative justice seeks to empower victims and is

⁷ Hunjoon Kim and Kathryn Sikkink, "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries," *International Studies Quarterly* 54, no. 4 (2010): 13.

therefore victim focused.⁸ Restorative justice is a collective process built on the concepts of re-integration and reconciliation. In an effort to restore relationships and societal structure, re-integration of both victim and perpetrator into society is an integral part of the process. Reconciliation refers to the restoration of relationships after wrongdoing has occurred on behalf of either party, and can transpire as a function of re-integration.⁹ In achieving reconciliation and re-integration, restorative justice is a cooperative process that encourages victims, perpetrators, and the civilian community at large to engage in dialogue.¹⁰

Restorative justice is seen by many as a process rather than as a distinct model in itself.¹¹ One of the potential limitations of the restorative process is that there are no definitive theoretical guidelines on the mechanism through which dialogue between stakeholders is to take place.¹² The lack of stringent regulations on the mechanisms for restorative justice can make implementation of the paradigm difficult. Conversely, the flexibility offered by the restorative paradigm makes it feasible for use in a variety of settings and cultures both nationally and internationally. Further, the lack of guidelines on the use of the restorative process means that it can function in tandem with other forms of justice, including retributive and reparative.

A second issue related to the lack of parameters in the execution of restorative justice is the question of success. Due to the focus on human relationships and the variety of mechanisms that can be used in the restorative model, measuring success is relatively subjective. It has been

⁸ John Braithwaite, "Restorative Justice: Assessing Optimistic and Pessimistic Accounts," *Crime and Justice* 25 (1999): 4.

⁹ Govier, *Forgiveness and Revenge*, 141.

¹⁰ Brenda Morrison and Eliza Ahmed, "Restorative Justice and Civil Society: Emerging Practice, Theory, and Evidence," *Journal of Social Issues* 62, no. 2 (2006).

¹¹ Mark S. Umbreit, Robert B. Coates, and Betty Vos, "Restorative Justice Dialogue: A Multi-Dimensional, Evidence-Based Practice Theory," *Contemporary Justice Review* 10, no. 1 (2007): 6.

¹² Andrew Ashworth, "Responsibilities, Rights and Restorative Justice," *British Journal of Criminology* 42, no. 3 (2002).

debated, for example, whether success in restorative justice should be measured by victim satisfaction alone, whether perpetrator satisfaction is at all relevant, and whether quantitative data demonstrating deterrence is sufficient.¹³ Further, the collective nature of restorative processes make measuring the effectiveness of dialogue between parties difficult due to the sheer number of interactions occurring simultaneously and the level of emotionality within each interaction.¹⁴ Despite the challenges of assessing success within the restorative paradigm, quantitative analyses have demonstrated that both victims and perpetrators feel a greater sense of satisfaction after restorative justice and that victims generally experience less anxiety and fear after restorative versus retributive practices.¹⁵ For example, in a meta analysis of 22 studies that compared restorative to retributive practices it was found that victims were significantly more satisfied with restorative practices.¹⁶ The studies that were examined involved two groups of victims from the same country that were each subject to restorative or retributive processes respectively, indicating that preferences for one transitional justice approach over another were not dependent on nationality. Clear differences in terms of psychological sequelae of the crime were shown between groups that participated in mediation and reconciliation versus retribution. For example, it was found that individuals who participated in restorative justice were significantly less likely to fear re-victimization from the same offender, as compared to those

¹³ Meredith Rossner, "Healing Victims and Offenders and Reducing Crime: A Critical Assessment of Restorative Justice Practice and Theory," *Sociology Compass* 2, no. 6 (2008): 1739.

¹⁴ Umbreit, Coates, and Vos, "Restorative Justice Dialogue: A Multi-Dimensional, Evidence-Based Practice Theory," 39.

¹⁵ Rossner, "Healing Victims and Offenders and Reducing Crime: A Critical Assessment of Restorative Justice Practice and Theory," 1737.

¹⁶ Jeff Latimer, Craig Dowden, and Danielle Muise, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis," *The Prison Journal* 85, no. 2 (2001).

who participated in retributive justice.¹⁷ Further, victims who participated in retributive justice remained significantly more upset about the crime as time progressed as compared to victims who were involved in direct mediation with the offender.¹⁸ These findings suggest that direct contact between victim and offender, which is often present in restorative justice, may be beneficial in terms of alleviating future fear and anxiety about the crime. The interaction of victims and offenders throughout the restorative justice process may allow both the victim and the offender to re-conceptualize the crime, its impact, and has the capacity to allow each individual to form a view of the other as a human being, separate from the crime. It is possible, however, that preferences toward reconciliation or restorative justice are attributable to individual differences, such as a general tendency toward fear or anxiety, which might discourage some individuals from participating in restorative justice practices. The inability to assign individuals to distinct restorative and retributive conditions, as would be done in an experimental setting, continues to be one of the pitfalls associated with quantitative measurement in transitional justice research.

Although restorative justice has been celebrated as an approach that lacks the revenge and punishment characteristic of retributive justice, the restorative process also has an inadvertent mechanism for punishment, which can be viewed as either a strength or a weakness of the approach. Throughout the process of dialogue between victim, perpetrator, and community, it has been suggested that perpetrators and bystanders often feel shame upon hearing the impact of their crimes directly from the mouths of the victims.¹⁹ For opponents of restorative

¹⁷ Mark S. Umbreit, "Victim Offender Mediation in Canada," *International Social Work* 42, no. 2 (1999).

¹⁸ Ibid.

¹⁹ John Braithwaite, *Restorative Justice and Responsive Regulation* (Cambridge: Cambridge University Press, 2002), 100.

justice who see the paradigm's general lack of punishment as its pitfall in achieving true justice, the perpetrator's shame might be considered punishment enough. This assertion assumes that perpetrators are of an adequate emotional and cognitive capacity such that they can experience feelings of shame and, ideally, remorse.

Reparative justice, the third and final transitional justice approach, seeks to repair wrongs committed against the victim. Similar to the restorative approach to justice, the reparative approach is flexible in that it can be applied across a variety of situations and cultures. Reparative processes can likewise be used together with retributive and restorative justice mechanisms.²⁰ Reparative justice takes the form of restitution and apology.²¹ Restitution is defined as the act of returning what was taken from the victim, whether material or symbolic.²² Apologies, which can be used alone or in conjunction with restitution, usually encompass an acknowledgement of the wrongs committed, an acceptance of responsibility for the wrongdoing, and a communication of sincere regret.²³ Both apologies and restitutions can be symbolically meaningful to the victim. Apologies in particular can directly or indirectly communicate to the victim that previous wrongs will not be repeated.²⁴ Officially, apologies can correct public records restoring the validation of a common experience for victims and appropriately direct responsibility for wrongdoing.²⁵ In order for apologies to be effective, however, they must be sincere.

²⁰ Elmar Weitekamp, "Reparative Justice," *European Journal on Criminal Policy and Research* 1, no. 1 (1993): 78.

²¹ Quinn, "Transitional Justice," 362-63.

²² Minow, *Between Vengeance and Forgiveness*, 107.

²³ *Ibid.*, 113.

²⁴ *Ibid.*, 112.

²⁵ *Ibid.*, 114.

The restitutive aspect of reparative justice is based on the notion that a crime is an “unjust redistribution of entitlements that requires for its rectification redistribution of entitlements from offender to victim”.²⁶ In the case of restitution, the nature of the ‘entitlements’ that were wrongfully taken is particularly important in determining the complexity of the process. As Vernon explains, there is a significant difference between returning a stolen object as compared to restitution for the act of rape or murder.²⁷ In the case of murder, for example, deciding what the appropriate restitution would be to replace the loss of a human life makes for an incredibly complex decisional process. Inevitably, the act of restitution, either the return of a physical object or, more commonly, monetary compensation, must be initiated by the perpetrator.

Once a decision has been reached on the appropriate means of restitution, discrepancies in the perceived value of an object and the perceived pain and suffering caused by an event can arise between victim and perpetrator.²⁸ Moreover, the implications of time in determining the appropriate value for restitution are tremendous. The possibility that a wrongdoing early in an individual’s life changed the course of events years later is real. These types of changes are difficult to measure and further complicate the restitutive process.²⁹ This is especially problematic if a long period of time has elapsed between the commission of a crime and the ensuing reparative acts.

One of the primary concerns in achieving reparative justice is determining who is responsible for granting retributions for the wrongs committed. For example, property that belonged to one party may have been subsequently removed by a second party and later

²⁶ Randy E. Barnett, "The Justice of Restitution," *American Journal of Jurisprudence* 25 (1980):

2.

²⁷ Richard Vernon, "Against Restitution," *Political Studies* 51, no. 3 (2003): 9.

²⁸ Ibid.

²⁹ Ibid., 10.

transferred to a third party. Regardless of who takes responsibility years after a wrongdoing, there is still a distinct tension that remains between the need to restore what was for victims, and the issue of creating new victims in the process.³⁰ It is possible, for example, that wrongs committed against an individual subsequently prevented his or her descendants from achieving the same economic or physical security that they would have had had the original event not taken place. This scenario is the basis for the argument that victims and their descendants should be the recipients of restitutions.³¹ In this situation, if both the victim and perpetrator are deceased, the act of restitution is left to society at large. In practice, the perpetrator of massive human rights violations in transitional societies is often the state, making the dilemma less complex, but still salient.³²

Similarities between Retributive and Restitutive Justice as Compared to Restorative Justice

Traditional comparisons between the transitional justice paradigms have focused on differences between retributive and restorative models and the dichotomy between truth and revenge.³³ During such debates, reparative methods have at times been categorized as part of the restorative process. Although in practice restorative and reparative mechanisms may be more similar to one another than to retributive mechanisms, the theoretical pillars of each are considerably different. Based on the previous discussion of the theoretical components of the three approaches to

³⁰ Minow, *Between Vengeance and Forgiveness*, 110.

³¹ Janna Thompson, "Historical Injustice and Reparation: Justifying Claims of Descendants," *Ethics* 112, no. 1 (2001): 117.

³² Vernon, "Against Restitution," 11.

³³ Kathleen Daly, "Mind the Gap: Restorative Justice in Theory and Practice," in *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* ed. Andrew von Hirsch, et al. (Oxford: Hart Publishing, 2002), 18.

transitional justice, it will be argued that the retributive and reparative justice models share several commonalities that differentiate them from the restorative process.

The primary similarity between retributive and reparative justice is the burden of responsibility and the focus that is placed on the perpetrator. In retributive justice, the entire burden of responsibility for the wrongful act is placed on the perpetrator. This is demonstrated explicitly as the perpetrator defends his or her innocence in court, and implicitly through the removal of the victim from the retributive process.³⁴ In reparative justice, the responsibility is again placed on the perpetrator. It is the responsibility of the perpetrator to follow through on promises for restitution or apology. The victim can request reparations, but such requests by no means guarantee that reparations will be delivered. Restorative justice, in contrast, is collective in nature. Although there is a strong motivation to achieve empowerment for the victim, both the perpetrator and the community hold active roles throughout the process.

Both retributive and restitutive mechanisms of justice alienate the victim. As previously mentioned, victim alienation in retributive justice is carried out through the complete removal of the victim from the judicial process. In restitutive justice, the restitutions can alienate the victim from the judicial process by putting a value on the wrong committed in an attempt to quantify the victim's pain and suffering. Instead, the restorative paradigm involves the victim at each step towards reconciliation and re-integration.³⁵

A third similarity between retributive and reparative justice focuses on the victim's perspective of justice. The retributive justice model is based on the concept of revenge, which maintains that punishment of the perpetrator returns the case between victim and perpetrator to a

³⁴ Quinn, "Transitional Justice," 357.

³⁵ Rossner, "Healing Victims and Offenders and Reducing Crime: A Critical Assessment of Restorative Justice Practice and Theory," 1736.

moral equilibrium.³⁶ In theoretical terms, the punishment of the perpetrator marks the end of justice from victim's point of view. The restitutive model, though not based on revenge, functions in a similar fashion. Once the victim has received restitution, the matter of any previous wrongdoing is considered theoretically finished. Retributive and restitutive mechanisms, therefore, demonstrate a lack of continuity of justice for the victim. Alternatively, restorative justice is a process and thus has no definitive end point. Since the type of mechanism used in the restorative process depends on the needs of the stakeholders, one of whom is the victim, the victim has a role in ensuring that his or her needs are met throughout the process. This particular difference between the retributive and restitutive as compared to the restorative approach to justice might explain the findings by Rossner indicating that victims are more satisfied with restorative rather than retributive justice.³⁷

An Ideal of Transitional Justice for Transitional Societies

Having presented the theoretical components of each of the three approaches of transitional justice, and having described the similarities between retributive and restitutive justice as compared to restorative justice, it can be concluded that the ideal transitional justice system should focus on restorative justice and limit the use of retribution and restitution. As previously demonstrated, restorative justice is unique when compared to retributive and restitutive justice in certain key aspects.

The theme behind the unique components of restorative justice lies in the paradigm's theoretical flexibility, which translates into the potential for a large number of mechanisms of

³⁶ Govier, *Forgiveness and Revenge*, 15.

³⁷ Rossner, "Healing Victims and Offenders and Reducing Crime: A Critical Assessment of Restorative Justice Practice and Theory," 1737.

justice.³⁸ Owing to this flexibility, the victim is empowered by the opportunity to have a say in determining his or her own mechanism for justice within the restorative paradigm. Further, none of the stakeholders are alienated through the process due to the heavy emphasis on dialogue among all parties.³⁹

Within the ideal transitional justice system, there is room for input from the retributive and reparative approaches on top of the restorative foundation. Eliminating punishment altogether may not be the right answer for the ideal system, particularly considering the implications when offenders face only the shame and guilt associated with restorative justice, as compared with the fines and imprisonment associated with reparative and retributive justice. Through the collective experience of the restorative process, victims and perpetrators alike can debate the need for punishment and the severity of punishment in establishing the system. Such debate is likely to foster greater satisfaction for victims, a better understanding of the impact of the offense and goal of the subsequent punishment for perpetrators, which might lead to true forgiveness and remorse respectively. Such debates might be mediated by a neutral third party, with little bias toward any of the transitional justice approaches, and no allegiance to either victims or perpetrators. For example, on a national level, a third party may be a state, or an aggregate of individuals from a variety of states or non-governmental organizations, who were not involved in the original state's conflict, are open to the various transitional justice approaches, and who hold no allegiances for one side or the other. Apologies as reparations, including their formulation and delivery, when sincere, would be a strong complementary factor to the ideal system. Alternatively, restitutions in the ideal system should be used on a specific

³⁸ Johannes Wheeldon, "Finding Common Ground: Restorative Justice and Its Theoretical Construction(S)," *Contemporary Justice Review* 12, no. 1 (2009): 1.

³⁹ Umbreit, Coates, and Vos, "Restorative Justice Dialogue: A Multi-Dimensional, Evidence-Based Practice Theory," 3.

basis. Limiting restitutions to the return of stolen artifacts is a safe way to ensure that the focus of justice is not consumed by debate over the value and magnitude of the restitution.⁴⁰

Based on restorative justice with retributive and reparative components, the ideal transitional justice system would have the capacity to function in response to a large variety of human rights violations and atrocities, across cultures and geographic locales. The flexibility of the proposed system, however, does not void the fundamental concern of transforming theory into practice. Such concerns are grounded in historical examples of failures, and are therefore present in each of the theoretical conceptions of transitional justice. Perhaps in a stronger future international community of states and non-state actors, concerns of implementation will be alleviated.

⁴⁰ Vernon, "Against Restitution," 10.

Bibliography

- Ashworth, Andrew. "Responsibilities, Rights and Restorative Justice." *British Journal of Criminology* 42, no. 3 (2002): 578-95.
- Barnett, Randy E. "The Justice of Restitution." *American Journal of Jurisprudence* 25 (1980): 117-19.
- Braithwaite, John. *Restorative Justice and Responsive Regulation*. Cambridge: Cambridge University Press, 2002.
- . "Restorative Justice: Assessing Optimistic and Pessimistic Accounts." *Crime and Justice* 25 (1999): 1-127.
- Burns, Tony. "Aristotle." In *Political Thinkers*, edited by David Boucher and Paul Kelly, 83-99. Oxford: Oxford University Press, 2009.
- Daly, Kathleen. "Mind the Gap: Restorative Justice in Theory and Practice." In *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* edited by Andrew von Hirsch, Julian Roberts, Anthony E. Bottoms, Kent Roach and Mara Schiff. Oxford: Hart Publishing, 2002.
- Govier, Trudy. *Forgiveness and Revenge*. London: Routledge, 2002.
- Kim, Hunjoon, and Kathryn Sikkink. "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries." *International Studies Quarterly* 54, no. 4 (2010): 939-63.
- Latimer, Jeff, Craig Dowden, and Danielle Muise. "The Effectiveness of Restorative Justice Practices: A Meta-Analysis." *The Prison Journal* 85, no. 2 (2001): 127-44.
- Minow, Martha. *Between Vengeance and Forgiveness*. Boston: Beacon Press, 1998.
- Morrison, Brenda, and Eliza Ahmed. "Restorative Justice and Civil Society: Emerging Practice, Theory, and Evidence." *Journal of Social Issues* 62, no. 2 (2006): 209-15.
- Quinn, Joanna. "Transitional Justice." In *Human Rights: Politics and Practice*, edited by Michael Goodhart, 355-69. New York: Oxford University Press Inc., 2009.
- Rossner, Meredith. "Healing Victims and Offenders and Reducing Crime: A Critical Assessment of Restorative Justice Practice and Theory." *Sociology Compass* 2, no. 6 (2008): 1734-49.
- Thompson, Janna. "Historical Injustice and Reparation: Justifying Claims of Descendants." *Ethics* 112, no. 1 (2001): 114-35.
- Umbreit, Mark S. "Victim Offender Mediation in Canada." *International Social Work* 42, no. 2 (1999): 215-27.

Umbreit, Mark S., Robert B. Coates, and Betty Vos. "Restorative Justice Dialogue: A Multi-Dimensional, Evidence-Based Practice Theory." *Contemporary Justice Review* 10, no. 1 (2007): 23-41.

Vernon, Richard. "Against Restitution." *Political Studies* 51, no. 3 (2003): 542-57.

Weitekamp, Elmar. "Reparative Justice." *European Journal on Criminal Policy and Research* 1, no. 1 (1993): 70-93.

Wheeldon, Johannes. "Finding Common Ground: Restorative Justice and Its Theoretical Construction(s)." *Contemporary Justice Review* 12, no. 1 (2009): 91-100.