

MODELS VERSUS MECHANISMS: THE NEED TO CRACK THE BLACK BOX OF RESTORATIVE JUSTICE

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Abstract

Restorative justice has increased in popularity as a response to crime that may prevent some of the counterproductive outcomes of conventional criminal justice and juvenile justice practices. Restorative justice may more effectively involve and respond to the needs of victims than conventional criminal justice and juvenile justice, and may confer benefits to offenders and communities. Despite increased interest from government actors and members of the public, there are no established evidence-based restorative justice practices. Significant gaps in knowledge remain in terms of program development, facilitator training, and program implementation, which undoubtedly contribute to the varied participant outcomes observed in the literature. These gaps in knowledge are attributable to the reliance on theoretical models of restorative justice and outcomes evaluations, without sufficient research examining the mechanisms that produce positive or negative outcomes for participants. This uncracked black box of restorative justice inhibits the identification of restorative practices that are beneficial to victims, offenders, and other affected parties across offense types.

Keywords

Restorative justice, black box, models of practice, evidence-based practices

Models Versus Mechanisms: The Need to Crack the Black Box of Restorative Justice

Restorative justice is a response to crime that has increased in global popularity over the last 30 years (Daly & Immarigeon, 1998; Daly, 2013). Proponents of restorative justice advocate for its use, to more effectively address the needs of victims in a way that may prevent some of the counterproductive outcomes that conventional criminal justice and juvenile justice practices can cause for victims, offenders, and communities. Restorative justice programs are most common in Australia, Canada, New Zealand, the United Kingdom, and the United States. Research on programs throughout these countries has yielded varied outcomes. A significant contributing factor to these varied outcomes is the absence of established evidence-based restorative justice practices. There are extensive gaps in knowledge regarding the relative importance, of what are argued to be key components of restorative justice, facilitator training, and how the varied methods and quality of programme implementation influence the participant outcomes observed in the literature. These gaps in knowledge are largely attributable to a continued reliance on theoretical models of restorative justice without rigorous evaluation of the mechanisms that produce positive or negative outcomes for participants. The causal mechanisms of restorative justice are concealed in a black box that must be cracked in order to establish evidence-based practices, develop efficacious facilitator training, and develop or modify restorative justice practices and programmes to fulfil the promise of restorative justice.

Brief History of Restorative Justice

Restorative justice is a victim-centred response to crime that involves those most impacted by a crime, including the victim, offender, and, depending on the format of the encounter and the crime, restorative justice may also involve the victim's and the offender's supportive others and community members (Umbreit, 2001). It 'endorses a collective ethos and collective responsibility...to address the offending and its consequences' (Morris & Young, 2000:14). Restorative justice is a utilitarian process that aims to address the victim's needs, to the extent feasible, which may also confer benefits to the offender and community.

Contemporary restorative justice dates back to the 1970s, with restorative practices being developed in Canada and the United States (McCold, 2006; Zehr, 2015). Scholars and practitioners disagree about the history of restorative justice. Some assert that restorative justice has deep roots in cultures and religions around the world (Benham & Barton, 1996; Yazzie, 1997; Childs, 1998; Nielsen, 1998; Consedine & Bowen, 1999; Weitekamp, 1999; Meyer, 2002; Pranis, 2005; Schoeman, 2013; Mangena, 2015). Others counter that restorative justice has no such explicit foundation (Blagg, 2001; Johnstone, 2001; Daly, 2002; Bottoms, 2003; Curtis-Fawley & Daly, 2005; Tauri, 2009, 2014; Wood & Suzuki, 2016). While the history of restorative justice is contested, there is general agreement that contemporary restorative justice bears some similarity to harm-resolution practices observed in indigenous and religious groups around the world (Lanterman, 2019a).

Foci in the Restorative Justice Literature

The restorative justice literature primarily focuses on restorative philosophy, models of

practice, and outcomes of restorative justice practices. Restorative justice facilitation training and certification is an area of research that receives considerably less attention.

Focus on Philosophy

Restorative justice is a term used to describe a philosophy, a broad range of practices, and outcomes. The literature is replete with discussions and debates about what constitutes restorative justice. Ultimately, the term restorative justice is used to describe varied practices that differ in terms of participants, stages of the criminal case process when restorative encounters occur, and what constitutes acceptable or desirable outcomes (Dignan & Cavadino, 1996; Daly & Immarigeon, 1998; Dignan & Lowery, 2000; Shapland, 2014).

A considerable degree of restorative justice scholarship is dedicated to discussing restorative philosophy. Howard Zehr is often credited as a founder of contemporary restorative justice. A good deal of his work is focused on expounding restorative justice philosophy (see, for example, Zehr, 1990; Zehr & Mika, 1998; Zehr, 2015). He conceives of restorative justice as a philosophy, or a compass, guiding participants through a dialogue about wrongdoing rather than a map, blueprint, or particular program (Zehr, 2015).

A challenge frequently discussed in the literature is the absence of a uniform definition of restorative justice (Daly, 2002; Crawford & Newborn, 2003; Daly, 2006; Johnstone & Van Ness, 2007; Daly, 2016; Karp & Frank, 2016; Wood & Suzuki, 2016). To compensate for this difficulty, some scholars discuss restorative justice by explaining what it is not, with a particular focus on contrasting restorative justice with the retributive focus of the conventional criminal justice system (Zehr, 1990; Miller & Blackner, 2000; Zehr, 2015). Other scholars have expressed concern that restorative justice has come to mean so many things to so many people that they 'fear it is beginning to cease to have any clear reference,' which creates difficulties for evaluation (Miller & Blackler, 2000:77; see also Daly, 2016). These scholars cite work that refers to restorative justice as meaning 'different things to different people' (Fattah, 1998:393), 'all things to all people' (O'Mahoney & Doak, 2009:167), and a complex idea with evolving meanings (Van Ness & Strong, 2010) as evidence of the obstacles associated with implementation and evaluation.

The literature also includes three conceptual debates that complicate further clarification of a restorative justice definition or theory, including process or outcome focus, whether crime is characterized as a violation of laws or relationships, and whether restorative justice should function as an alternative or complementary response to crime. There is a disagreement about whether the focus of restorative justice should be on the process that participants follow after a crime in an attempt to address a victim's needs, or on achieving outcomes that address a victim's needs. Scholars and practitioners who espouse a process orientation are sometimes referred to as purists and believe that adhering to a specified process in the hope of addressing the harm done to victims is the key to effective restorative justice (Braithwaite, 1999; Marshall, 1999; McCold, 2000; Wood & Suzuki, 2016). Alternatively, scholars and practitioners who adopt an outcome orientation are

sometimes referred to as maximalists, and believe that the focus in restorative justice should be on the goal of arriving at an agreement that most thoroughly restores the victim and meets his or her needs (Bazemore & Walgrave, 1999; Bazemore & Elis, 2007; Walgrave, 2007, 2008). Both orientations result in useful restorative justice practices, and this debate is unproductive in practical terms. The desire to develop a productive resolution to this debate that maximizes the benefits associated with restorative justice, has led some scholars to advocate for an integrated approach. Morris (2002), argued for such an approach when she described restorative justice as the 'adoption of any form which reflects restorative values and which aims to achieve restorative processes, outcomes, and objectives' (p. 600).

The way crime is characterized impedes further conceptual specification, because it generates a conflict about what types of behavior should be addressed through restorative justice. The primary schism is whether crime is characterized as a violation of law or as a violation of relationships (Pavlich, 2005). The conventional criminal justice system operates in a manner consistent with a definition of crime as, '[b]ehavior that the law makes punishable as a public offense, [and] the elements of a crime typically come from statutes' ("Crime," 2018). Crime is behavior in which the government has decided there is sufficient public interest to prevent or punish, so they elevated it from a private or civil wrong to a crime (Ashworth, 2001; Duff, 2001; Ashworth, 2002). Historically, many criminologists and sociologists have viewed this definition to be very narrow, as it excludes a lot of very harmful behavior and circumstances (Michalkowski, 2016). Alternatively, Braithwaite (2002a), Zehr (2015), and other restorative justice advocates have argued in favor of conceiving of crime as a violation of relationships between victims, offenders, and community members - wherein the offenders engage in behaviors that cause harm to victims and community members. Christie (1977) asserted that conflicts of all kinds, including those elevated to crimes, are the property of those involved and the government steals the conflicts from the involved parties for formal adjudication in a system that, at a minimum, does not benefit the involved parties and may cause further harm, particularly to victims. He advocated for a system of responses to all harms, including crimes, that directly involves the parties to the harms in a way that is beneficial to the victims. This view of crime adopts a much broader view of harm caused by offenders' actions or inactions.

Pavlich (2005) and Wood and Suzuki (2016), highlighted the paradox of the harm definition in restorative justice. Restorative justice has traditionally adopted a broader conceptualization of harm beyond the narrow group of harms classified as crimes. However, restorative justice practitioners have accepted 'crime as defined by state criminal justice systems' and acceptance of harm as defined by the state fundamentally constrains restorative justice, relative to the radical vision of advocates in the 1970s and 1980s (Wood & Suzuki, 2016:156). Ultimately, this debate is also unproductive in practical terms. The reality is that crime is both a violation of laws and relationships. An offender commits a harm that has been elevated to the level of a crime, and that harm is achieved through the violation of

relationships with the victim and the community.

The role of restorative justice in relation to the conventional criminal justice system is factious. Some restorative justice scholars and practitioners, especially early supporters, viewed restorative justice as a paradigm shift (Barnett, 1977; Gavrielides, 2008). Adherents who viewed restorative justice as a paradigm shift saw it as a radical yet viable alternative to the conventional criminal justice system that adopted a retributive orientation, caused more harm, and did not address the needs of victims who were positioned as passive participants in the criminal case process (Zehr, 1985; Johnstone, 2003). Other scholars and practitioners viewed restorative justice as a complementary set of practices or procedures that could exist alongside or, in some cases, within the criminal justice system (Braithwaite, 1989, 2002b; Shapland, 2003; Shapland et al., 2006; Daly, 2011; Shapland, 2014;). The latter approach views restorative justice as a mechanism that can be used to enhance the criminal case process, in a way that more directly addresses victim and community needs, and may confer benefits to offenders - although offender benefits are secondary to benefits to victims and communities in restorative justice. The complementary orientation is sometimes described as more instrumental or pragmatic than the abolitionist approach of the alternative orientation, as it is easier to modify the conventional criminal justice system than it is to replace it (Gavrielides, 2008; Wood & Suzuki, 2016).

Focus on Models of Practice

The restorative justice literature also includes an explication of models of practice. One of the challenges scholars discuss is that there is not a single method or set of methods in restorative justice, but that, instead, the term is used describe a 'diverse range of formal and informal interventions' (Miller & Blackler, 2000:77). These methods are broadly categorized as those methods that include all of the key theoretical components and those that may be loosely based on restorative principles, but do not include all of the components theorized to be critical to restorative justice.

Scholars and practitioners generally agree that restorative justice encounters involve five key components, including 1) the participation of victims and offenders, 2) a victim-centered process, 3) voluntary participation for both parties, but especially the victim, 4) offender accountability, and 5) a facilitated encounter that implies a default face-to-face meeting of the victim and offender. The four most common forms of restorative justice include victim-offender conferences (VOC), restorative conferences (RC), family group conferences (FGC), and circle processes. VOCs, RCs, FGS, and circles include all five components that are theorized to be key to effective restorative justice practices.

VOCs employ a facilitator to bring together a victim and an offender to discuss the reason the offender committed the crime, the impact the crime had on the victim, and, if possible, to agree to a resolution that addresses the victim's needs (Lanterman, 2019a). VOCs are sometimes referred to victim-offender mediation. However, some scholars and practitioners explain that the term mediation is inappropriate in the crime context, because it assumes that the victim and offender

are on equal moral footing (Zehr, 2015). VOCs are periodically referred to as victim-offender dialogue in cases of violent crime. RCs are similar to VOCs, but they expand the group of participants to include victims' and offenders' supportive others and, in some cases, community members who can speak to the broader impact of the crime (Coates, Burns, & Umbreit, 2003; Shapland, 2003). FGCs are used in cases of crime committed by juveniles. They are similar to RCs, but they adopt a dual focus on addressing victims' needs and preventing recidivism (Lantermann, 2019a). Circle processes take two forms—peacemaking circles and sentencing circles. Peacemaking circles are facilitated encounters that bring together victims, offenders, and their family members to address victims' needs (Yazzie, 1994; McCold, 2006). Sentencing circles bring together victims, offenders, their families, and traditional court actors to develop a sentencing plan that addresses the needs of victims, offenders, and others who may have been indirectly harmed by the crime (Stuart, 1997).

Based on the promise of restorative justice practices, scholars and practitioners began experimenting with the application of restorative principles to practices that do not include all five key theoretical components. The application of restorative principles to a range of practices that vary in their 'restorativeness' has resulted in the use of the term restorative justice being applied to practices ranging from those recognizable as restorative in nature to being misapplied to programs that are focused generally on offender accountability, for their actions without reference to the victim and offender reentry programs. One of the most common types of restorative practices that does not include all five key components is the restorative caution.

In the 1990s, the Thames Valley Police (TVP) in the United Kingdom began experimenting with the application of restorative justice principles to police activities (Ashworth, 2001). The TVP developed and began implementation of a restorative cautioning initiative in 1998 (Hill, 2002). The restorative cautioning model was based on a scripted police-led conference model, developed in Wagga Wagga, New South Wales, Australia (Hill, 2002; Hoyle, Young, & Hill, 2002; Hoyle & Fonseca Rosenblatt, 2016). The TVP model featured the integration of restorative justice principles in the existing formal police caution process, which gives warnings to offenders for minor crimes (Hill, 2002). Restorative cautions differ from VOCs or FGCs in that they typically do not involve direct victim participation. Instead, the police facilitator conveys thoughts expressed by the victim to the offender. Restorative cautions are intended to expeditiously divert offenders accused of less serious crimes from formal court processes, and to reduce the risk of recidivism while producing benefits for the victim (Carr, 2002; Kenny & Leonard, 2014). The structure and goals of the restorative caution process render it less focused on victims than other forms of restorative justice.

Focus on Outcomes

Scholars are interested in assessing the effectiveness of restorative justice practices. Restorative justice has the potential to produce positive outcomes for participants.

However, in some cases, restorative justice can yield counterproductive outcomes for some or all of the involved parties.

Restorative justice practices may yield positive or productive outcomes for participants. Past research demonstrates that restorative justice participation can improve victim satisfaction with the case process, reduce the incidence of emotional symptoms and post-traumatic stress disorder associated with their victimization, and reduce the fear of future or repeat victimization (Miller, 2011; Strang et al., 2013; Angel et al., 2014; Sherman et al., 2015a; Tamarit & Luque, 2016). Miller (2011) found that participation in a restorative encounter increased victim empowerment. In some studies, the results indicate that the positive effects can last for a decade or more (Sherman et al., 2015a). Researchers have also reported that restorative justice participation reduced offender recidivism (Sherman, Strang, & Woods, 2000; Maxwell & Morris, 2001; McGarrell, 2001; Nugent, Umbreit, Wiinamaki, & Paddock, 2001; Hayes & Daly, 2003; Latimer, Dowden, & Muise, 2005; Rodriguez, 2007; Strang et al., 2013; Sherman et al., 2015a, 2015b).

Despite the positive outcomes reported in some research, other studies report no effects or counterproductive effects associated with restorative justice. Several studies failed to identify any effects associated with restorative justice practices or programs (Umbreit & Coates, 1992; Roy, 1993; Umbreit & Coates, 1993; Umbreit, Coates, & Kalanj, 1994; Niemeyer & Shichor, 1996; McCold & Wachtel, 1998). Still other research findings highlighted restorative justice participation yielding counterproductive outcomes. In some studies, victims reported feeling that their concerns were not addressed or respected by facilitators, experiencing insensitivity from facilitators, feeling that facilitators pressured them to be positive when they did not feel that way, facilitators preventing them from challenging the truthfulness of offenders' assertions, and dissatisfaction with prosecutorial focus on a rapid resolution to cases rather than addressing victims' needs (Choi & Gilbert, 2010; Choi, Gilbert, & Green, 2013). In some cases, victims reported feeling intimidated by offenders and some victims even report an increased fear of repeat victimization (Braithwaite, 2002a; Choi & Gilbert, 2010; Choi, Gilbert, & Green, 2013). Poor participant preparation on the part of the facilitator can lead offenders to believe that restorative justice is simply a faster method to resolve their cases (Cunneen, 1997), or a faster way for the system to dispose of their cases that requires less consideration than some offenders referred to as 'fast-food' justice (Choi & Gilbert, 2010:223). Sherman and colleagues (2015a) found that RCs had a criminogenic effect in some cases, increasing the risk of recidivism for a subpopulation of offenders.

There are significant limitations to the restorative justice outcomes research. The research is fragmented. Due to the diversity of programs, outcomes research across models of practice is rarely replicated. Instead, the literature abounds with single or a small number of evaluations of programs that reflect permutations, large and small, thus preventing generalizability of the findings. The exception to this trend is the set of 12 experiments conducted by Sherman and colleagues (2015a). The generalizability of results is further restricted by the limited context in which most

of the research is conducted. A majority of restorative justice research has been conducted in Australia, Canada, New Zealand, the United Kingdom, and the United States. These countries share an English common law heritage, which means that their legal cultures and their social cultures, more generally, are similar. This poses problems due to the culturally bound nature of restorative justice (Ward & Langlands, 2008; Zehr, 2015). How restorative justice practices and programs operate and the outcomes they produce may be different in different cultural contexts.

Focus on Training and Certification

There is considerably less research focused on restorative justice facilitator training and program certification criteria. Achieving successful outcomes is due, in part, to competent facilitators. Limited research demonstrates that successful restorative justice practices are associated with facilitators understanding and believing in restorative justice principles and completing initial and refresher training (Stutzman Amstutz, 1999; McCold, 2003; Umbreit, 2008). Lanterman (2019b) identified significant variation across facilitator trainings in the United States. A challenge in this area of research is that, in the United States, unlike the United Kingdom (see Restorative Justice Council, 2016), there are no uniform training or facilitator or program criteria or guidelines. The very limited research on these issues identified significant variation in training and evaluation requirements across states in the United States (Lightfoot & Umbreit, 2004). The dearth of training and certification requirements and associated research is likely attributable to the absence of established evidence-based restorative justice practice; most of what are considered key restorative justice components are theory and supposition.

The Black Box: What Mechanisms Contribute to Restorative Justice Efficacy?

The restorative justice literature is primarily focused on restorative justice philosophy, models of practice, and outcomes research. There is insufficient research examining the mechanisms that produce positive or counterproductive outcomes. Sivasubramaniam (2012) explained that there is no 'equivalent understanding of why the [restorative justice] process is so powerful, or the elements of the process that are more or less powerful' (p. 1; see also Polk, 1994). Three areas that require systematic evaluation are the effect of voluntary participation, the effect of participants meeting in person, and mechanisms that produce participant outcomes.

Voluntary Participation

Scholars assert that voluntary participation is a key aspect of restorative justice (Umbreit, Coates, & Vos, 2004; Sherman et al., 2015b; Zebel, Schreurs, & Ufkes, 2017). The aim in restorative justice is to maximize voluntary participation by victims and offenders while minimizing coercion (Lanterman, 2019a:362). Some scholars

argue that coercion still operates in restorative justice. Restorative justice organizations that are playing a role in case disposition have been authorized by the state to do so, and Ashworth (2002) argues that the coercive powers of the state are still in operation. Zehr and Mika (1998) explained that it is preferable for offenders to voluntarily participate in restorative justice encounters, but they 'may be required to accept their obligations if they do not do so voluntarily' (p. 51).

Ward & Langlands (2008) expressed concern regarding the views of some restorative justice advocates who believe that routine coercion can be useful in restorative justice encounters. For example, Braithwaite (1999) is less averse to using coercion to induce offenders to engage in a restorative justice. He describes the conventional criminal justice system as being analogous to, the Sword of Damocles; the tacit threat of the standard criminal case process motivates offenders to participate in restorative justice (Braithwaite, 1999). The challenge presented by this scenario is that offenders may participate in restorative justice out of self-interest, rather than a desire to be accountable to the victims of their crimes (Lanterman, 2019a).

Geeraets (2016) argued that scholars and practitioners rely on the fiction of voluntariness in restorative justice. Instead, he argues that restorative justice practices, by their nature, can be oppressive. Offenders may be implicitly coerced into a victim-centered encounter, that necessarily highlights all of their harmful behavior and requires them to satisfy additional conditions that similarly situated offenders are not required to satisfy.

There is much discussion on the importance of voluntariness, the presence of coercion, and the effect of coercion in restorative justice. However, there is scant research on the role of voluntariness in restorative justice. Saulnier and Sivasubramaniam (2015) found that coercion resulted in the offender expressing less remorse or guilt and decreased potential for resolution, but there is little else in the study of this key theoretical component of restorative justice.

In-person Meetings

Most scholarship implies, but does not explicitly state, that restorative justice practices ought to occur in person. Zehr (2015) explains that face-to-face interactions are an ideal format for restorative justice, but that they are not required. A majority of the scholarship describing models of practice and program evaluations focus on programs that support in-person meetings between victims and offenders. However, there is inadequate research on the effect of face-to-face meetings on outcomes. Sherman and colleagues (2005), and Strang and colleagues (2006) used the same sample to examine face-to-face RCs. Sherman and colleagues (2005) compared face-to-face RCs to the standard criminal case process - Strang and colleagues (2006), compared cases that were randomly assigned to RCs or the standard criminal case process and cases that were randomly assigned to the standard case process, or the standard case process plus restorative justice. Saulnier and Sivasubramaniam (2015) conducted an experiment on the role of victim

presence on restorative justice offender-related outcomes; the victim presence options included the presence of the victim, the presence of a surrogate for the victim, and an ambiguous scenario in which the victim was not explicitly identified.

The existing literature largely assumes the importance of face-to-face meetings, but there is little research on this component. The Saulnier and Sivasubramaniam (2015) study manipulates victim presence, but there are no known studies that examine the effect of the physical presence of the offender. Similarly, there are no known studies that compare victim and offender participation in person and through the use of video conferencing technology.

Participant Outcomes

The literature includes restorative justice program evaluations that examine victim and offender outcomes. These studies examine outcomes, such as victim wellness, perceptions of safety, and perceptions of the restorative justice process, and offender recidivism and perceptions of the restorative justice process. However, there is very little research on the mechanisms that produce those outcomes. Van Camp and Wemmers (2013) sought to identify what factors produce improved victim satisfaction after participation in restorative justice. They found that victim satisfaction was improved by increased perceptions of procedural justice, but there were also other variables that appeared to improve victim satisfaction that were not accounted for in the procedural justice measure (Van Camp & Wemmers, 2013).

Similarly, there is virtually no empirical research on the reasons that participation in restorative justice may reduce offender recidivism. Sherman and colleagues (2015a) found that participation in RCs actually increased recidivism for a subgroup of offenders. There is no other research examining the mechanisms that render restorative justice participation criminogenic for some offenders. Strang and colleagues (2006) concluded that 'at present, we do not have the tools to predict for whom RJ is likely to be beneficial and for whom it will be counterproductive' (pp. 303-304).

Discussion

Restorative justice has grown in popularity as a victim-centered response to crime that may yield benefits for victims, offenders, and communities. However, there are significant gaps in our knowledge regarding the mechanisms that produce beneficial outcomes, due to a reliance on theoretical models of restorative justice rather than the models of practice that are based on the results of empirical study of causal mechanisms. Current restorative justice practices and programs operate like a black box—scholars evaluate and practitioners hope for beneficial outcomes for participants, without adequately understanding the causal mechanisms that may or not produce positive outcomes.

The continued reliance on theoretical models of practice based on largely untested

hypothetical causal processes will, continue to inhibit the identification of practices and combinations thereof that generate beneficial and counterproductive outcomes across participant groups and offense types. Thus, scholars will continue to be stymied in their efforts to recommend program revisions that enhance positive outcomes and reduce or eliminate counterproductive outcomes. Restorative justice practices and programs require systematic evaluation to identify efficacious components.

Scholars and practitioners would be well-served through collaborations that allow for the systematic evaluation of the key theoretical components and practices in restorative justice. Two areas that are critical and serve as starting points for systematic evaluation are the effect of voluntary participation in restorative justice programs, especially on the part of offenders, and the effect of in-person encounters on participant outcomes. The outcomes of research on voluntariness of participation could have a significant impact on program referrals, which may, in turn, exert influence on funding sources and program sustainability. Examining the effect of video conferencing technology on participant outcomes has the potential to expand participant access, especially in cases of post-conviction restorative justice when offenders are incarcerated in prisons that may be a far distance from the location where the crime was committed.

The aggregate results from these bodies of research would go a long way toward establishing evidence-based restorative justice practices. These evidence-based practices would provide a foundation for more standardized and efficacious facilitator training curricula. Robust evidence-based practices would also support arguments in favor of developing or revising facilitator, and program certification requirements. Standardized facilitator training and facilitator and program certification requirements, may reduce the variation in restorative justice program outcomes.

The purpose of restorative justice is to produce positive outcomes for victims that restore them as much as reasonably possible. This enterprise may also produce positive outcomes for communities and offenders, although these benefits are secondary to restoring the victim. At a minimum, practitioners want to avoid counterproductive outcomes. The only way to increase the likelihood of achieving desirable outcomes is to identify the mechanisms that produce the positive and counterproductive outcomes, and to modify programs accordingly. The promise of restorative justice will be diluted by the continued failure to crack the black box.

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Models Versus Mechanisms: The Need to Crack the Black Box of Restorative Justice

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