

**THE EXPANSION OF PUNISHMENT AND THE RESTRICTION OF JUSTICE: LOSS OF LIMITS IN RETRIBUTIVE POLICY AND THE RESTORATIVE JUSTICE ALTERNATIVE**

Gordon Bazemore, Ph.D.  
Professor and Director  
School of Criminology and Criminal Justice and  
Director  
Community Justice Institute  
Florida Atlantic University  
Phone: 561-297-3243  
Fax: 561-297-2438  
email: [Bazemor@fau.edu](mailto:Bazemor@fau.edu)

**February 9, 2009**

\*This paper is base on a summary of two recent publications: Bazemore, G. (2007). "The Expansion of Punishment and the Shrinkage of Justice: the Need for a New Vision," *Social Research*, 74(2): 651-663; and Bazemore, G. (2008). " Restorative Justice: Theory, Practice And Evidence, " Forthcoming in *21st Century Criminology: A Reference Handbook*. Sage Publications

## **THE EXPANSION OF PUNISHMENT AND THE RESTRICTION OF JUSTICE: LOSS OF LIMITS IN RETRIBUTIVE POLICY AND THE RESTORATIVE JUSTICE ALTERNATIVE**

### **Introduction**

Prior to the 1980s intellectuals and perhaps a majority of corrections professionals in the U.S. would likely have been ridiculed for arguing for the validity of punishment as a primary objective of criminal justice intervention. Rehabilitation reigned as the dominant goal of intervention, with only a few voices challenging the “justice” of an apparent lack of limits and choice sometimes associated with treatment regimes and parole board decision making (American Friends Service Committee, 1970). Though rehabilitation has never sufficed as a *justice* goal or primary rationale for intervention, as more significant critiques challenged the empirical basis of support for treatment (Martinson, 1977), punishment by the 1980s suddenly appeared to have achieved a new status of academic respectability. More importantly, the absence of any apparent alternative allowed retributive punishment to become the primary “currency” of justice in the U.S., and a central focus of criminal justice policy dialogue.

There should be little doubt that a dominant goal of the academic just desserts movement in the U.S. has been to limit punishment and increase the uniformity of its application (e.g., von Hirsch, 1976). Having accepted the premise that punishment is a good-- or at least necessary evil--much of the intellectual work in sentencing reform of the past three decades became focused on the establishment of guidelines and (ideally) restrictions on its use (e.g., Tonry, 1996; 1994). Outside the academic and policy discussion,

however, the new legitimacy afforded to retributive punishment seemed to free legislators and advocacy groups, to more openly advocate for expanded prison sentences with little if any concern for such limits. [1] Meanwhile, as the vacuum left by the decline of support for rehabilitation (Cullen and Gilbert, 1982; Cullen, et. al., 2001) was filled with a new rhetoric that enshrined “just punishment” as the currency of justice, uniformity became the *metric* for structuring its use. Aside from the issue of whether uniformity could ever be achieved in an unequal society, the tendency in academic and some policy discussions seemed surprisingly to conflate uniformity with *justice itself*. In doing so, this discourse appeared to minimize or ignore the role of now acknowledged procedural aspects of justice rituals-- including the quality of input allowed, information provided, and the overall sense of fairness perceived by participants in these *processes* (Tyler, 1990).

*Symptoms of a Punishment Addiction.* By the late 1980s, public discourse appeared to shift to rhetoric that assumed that punishment was the *equivalent* of justice. On the one hand, if asked to define “justice,” most Americans use words such as fairness, similar or equal treatment, lack of discrimination, due process and equal opportunity. Yet, when asked what is meant when we hear that someone has been “brought to justice,” we inevitably think first of punishment—often severe punishment. Unfortunately, much flows downward from this overarching logic of justice as the equivalent of deserved retribution to provide support for what much of the world must now recognize as an American *addiction* to punishment. Rightly, we may more accurately refer to a *policymaker* addiction to punishment, as public opinion polls continue to suggest that citizens, when given alternatives in specific case scenarios, appear to be less punitive than politicians and the legislation they develop (Shiraldi and Soler, 1998; Pranis and Umbreit, 1992; Doble and Immerwahr, 1997).

There are many symptoms of the addiction to punishment among American criminal justice policymakers. Indeed, some of the best illustrations of the apparent loss of limits on retribution have in

recent years been frequently discussed (Western, 2007). There are many others. *Item:* In Florida, and a (fortunately) still limited number of states, prosecutors have discretion thanks to “direct file” statutes to send youth fourteen or older to criminal courts without judicial intervention (or waiver), ensuring that, if found guilty, they will likely receive adult sentences. Moreover, though defended as a policy ostensibly focused on limiting the risk to public safety posed by dangerous young offenders being transferred to criminal court, research examining the seriousness of crimes that prompted transfer found that a majority of these youth were property offenders (e.g., Bishop et al., 1996). *Item:* In high schools and middle schools throughout the U.S., punitive zero- tolerance policies are supported and justified by “Uniform Disciplinary Codes” that appear intended to provide the equivalent of determinate sentencing codes in criminal justice. Yet, while grounded in the trappings of proportionality characteristic of the just desserts logic of mandatory minimum and maximum punishments, much of this policy seems aimed primarily at avoiding legal action when parents claim that suspension or expulsion of their sons or daughters was indeed quite arbitrary. Yet, more than even their equivalents in criminal justice systems, these codes nonetheless allow much discretion to slip into decision making regarding student banishment from public schools. Indeed, the combination of this logic and what ostensibly amounts to an absence of clear limits on the decision to exclude students from the educational process appear to be providing the legitimacy needed to engineer what has been described in some large U.S. cities as a kind of “school to jail pipeline.” (Advancement Project, 2005; see Stinchcomb et al., 2006).

The most blatant examples of the loss of limits on punishment are, as might be imagined, in the response to formerly incarcerated persons. Here, few if any standards seem to apply in the case of those who have already “done their time” and if the standard of justice is that offenders must take their punishment, these men and women have clearly met this obligation. There can then be little logical rationale justifying restrictions on freedom and added exclusionary punishment for those reentering their

communities (see Travis, 2007 for a discussion of the perverse logic of targeting parole rule violators for rapid, automatic return to prison, while recently released prisoners who commit *new* felonies receive the full measure of due process). Bans on employment, family rights, and occupational licensing are well known, *added punishments* that occur effectively after incarcerated persons have officially “done their time” [2]. Yet, assuming we truly *want* incarcerated persons to eventually be reintegrated, the most egregious and ironic restrictions are those related to disenfranchisement due to restrictions on voting rights that, with the exception of three states, are taken away for varying periods of time for those who have committed any felony (Uggen and Manza, 2002; 2006). As a classic example of arbitrary punishment that appears to have no limits or grounding in basic standards of fairness, three other states ban former inmates from voting for life. What logic, other than added punishment, can justify this ban? Is voting a criminogenic risk factor likely to encourage someone released from prison to re-offend? While polling places in the U.S. have been the scene of substantial criminal activity in recent years (e.g., stealing elections), risk factors associated with such crime do not characterize the bulk of felons exiting prison. Would fear of losing the right to vote function as a deterrent, in either the specific or general sense of this term? Would being deprived of the franchise, on the other hand, somehow promote rehabilitation? Indeed, some research suggests that the opposite may be true (see Uggen and Manza, 2003), and restrictions on going to the polls would not contribute much to an incapacitation agenda. To be clear, the criminal justice motive for disenfranchisement is truly one of punishment for its own sake.

While just desserts philosophy has offered a sentencing rationale intended for the most part to limit and standardize punishment, the logic of upper limits in that model has become uncoupled from a continuing policymaker demand for increasing the intensity and duration of punishment that now appears to know no limits. Where we must all take blame, or responsibility, is in failing to now consider a new *currency* of justice. Such a currency must be based on a different normative theory than the retributive one

that has given legitimacy to punishment, and that has opened the door to what appears to be its unrestricted expansion.

## **TOWARD A NEW CURRENCY: RESTORATIVE PRINCIPLES AS A NORMATIVE THEORY OF JUSTICE**

The good news in the current situation is that the expansion of punishment may have reached its practical limits. Indeed, some are arguing for a new currency of justice (Zehr, 2000) and a different metric for gauging success in achieving goals related to standards implied by this currency. What is needed in fact is a different normative theory of justice that acknowledges the harm of crime and the debt owed by offenders to their victims and victimized communities. Yet, this is a debt that cannot be paid simply by inflicting harm on the offender.

The philosophy and normative theory known as “restorative justice” is not new. Indeed, despite popular beliefs that the need for punishment is “hardwired” into human beings, throughout human history, there is much evidence that early ancephalous communities, as well as some of the most highly organized early civilizations, practiced decision making processes and reparative practices that resemble responses to crime now labeled as restorative practices. These ancient examples suggest that social exchange and the need for reciprocity may be more natural components of the human condition than retribution. Moreover, some historians argue that, acts of personal vengeance aside, it was punishment that was gradually “invented” in Western human societies as an innovation that essentially formalized justice and stifled informal settlement practices and conflict resolution processes (Michalowski, 1985; Weitekamp, 1999). Today, though Americans are clearly *socialized* to expect punishment, such expectations are not an inherent part of the human condition.

Although it is *often* viewed mistakenly as a program or practice model, restorative justice is most accurately understood as a holistic framework for criminal justice reform, and even more broadly as an

overarching approach to informal conflict resolution and healing (Zehr, 1990; Christie, 1977). Grounded in a principle-based paradigm that provides a clear alternative to retributive justice models (Braithwaite and Petit, 1990), restorative justice is compatible with many goals and assumptions of other justice approaches/philosophies—including crime control (deterrence; incapacitation), rehabilitation, and libertarian/due process models (Bazemore, 2001; Braithwaite, 2002). However, as a justice model, it goes beyond these approaches to embrace a view of crime and related behavior as important not because a law was broken, but because individual victims, communities, offenders and their families were harmed by this action (Van Ness and Strong, 1997). The *currency* of restorative justice is therefore repair and healing. The metric by which “justice” in the response to crime is assessed is based on standards that gauge the extent to which harm is repaired rather than the degree to which “just punishment” is administered, the degree to which offenders are referred to services, or incapacitation is achieved.

*Principles of Restorative Justice.* Van Ness and Strong (1997) articulate three core principles which suggest more specific standards and provide independent and compatible dimensions for assessing what might be called the “restorativeness” of any justice intervention (e.g., Bazemore and Schiff, 2004)::

*The Principle of Repair:* Justice requires that we work to heal victims, offenders and communities that have been injured by crime. The primary *goal* for any restorative intervention is to repair, this harm.

*The Principle of Stakeholder Involvement:* Victims, offenders and communities should have the opportunity for active involvement in the justice process as early and as fully as possible. The principle of stakeholder involvement is focused on the *goal* of maximizing victim, offender and community participation in decision-making related to the response to crime.

*The Principle of Transformation in Community and Government Roles and Relationships:* We must rethink the relative roles and responsibilities of government and community. In promoting justice, government is responsible for preserving a just order, and community for establishing a just peace (Van Ness and Strong, 1997). For this macro-level principle, there are two related primary goals: 1) systemic change in criminal justice agencies and systems intended to empower community decision-making and maximize community member assumption of responsibility in the response to crime and harm; 2) building, or rebuilding, the community capacity needed to exercise this responsibility and to practice effective informal responses to crime and conflict, social control and mutual support.

## **What is Restorative Justice? Restorative Justice in Practice**

*Item-*In cities, towns, and rural areas in dozens of countries, victims, family members and other citizens acquainted with a young offender or victim of a juvenile crime gather to determine what should be done to ensure accountability for the offense. Based on the centuries old sanctioning and dispute resolution traditions of the Maori, an indigenous New Zealand aboriginal band, *Family Group Conferences* (FGCs) were adopted into national juvenile justice legislation in 1989 as a dispositional requirement for all juvenile cases with the exception of murder and rape. FGC, or “conferencing” is widely used in many countries in as police initiated diversion alternative, a means of determining disposition (sentence) for juveniles and adults, and has been used for more than a decade in communities in Minnesota, Pennsylvania, Colorado, Illinois and other American states and in much of Canada. Facilitated by a coordinator that may be a youth justice worker, volunteer or police officer, FGCs are aimed at ensuring that offenders are made to face up to community disapproval of their behavior, that an agreement is developed for repairing the damage to victim and community, and that community members recognize the need for reintegrating the offender once he/she has made amends.

*Item-*In schools in Denver, Colorado, Chicago, Illinois, and many other cities and towns middle and high school students in conflict with other youth, students being bullied or bullying others, and youth removed from the classroom for disciplinary violations meet with students, teachers and staff they have harmed or who have harmed them, as well as parents and community members in restorative peacemaking circles. These informal dialogues make use a “talking piece” as a means of preventing interruption when a participant is speaking and regulating dialogue about the harm caused to victims, acceptance of responsibility and often apologies by offenders, and an agreement for offenders to accomplish various tasks aimed at making amends or repairing the harm they have caused.

*Item*-In Rwanda, formerly incarcerated members of one of two primary tribal groups Hutu, implicated in genocidal killings of the other primary tribal group, the Tutsi, participate in lengthy (sometimes multiple day) “truth-telling” sessions in communal courts (known as Gacaca). Aimed at repentance, reparation and eventually possible reconciliation with surviving family members of their victims, participants in these sessions ultimately accept responsibility for murder and other crimes, apologize, make commitments of extensive service and/or reparation (as money, goods and/or services) aimed at eventual healing and peace.

*Item*-In San Jose, California and hundreds of other communities in the U.S., youth arrested for crimes and considered for diversion from court or probation meet with citizen volunteers in Neighborhood Accountability Boards who, with youth and family input, develop a community and victim oriented restorative sentence as an alternative to a court order. When asked why they believe this approach “works” better than traditional juvenile justice intervention, they report that the program is effective because: “we aren’t getting paid to do this”; “we can exercise the authority that parents have lost”; “we live in their (offenders and victim’s) community”; “we give them input into the contract”; “we are a group of adult neighbors who care about them”; “they hear about the harm from real human beings”; “we follow-up.”

*Item*-In a prison in Texas, the mother of a daughter raped and murdered a decade before and her grand-daughter meet with a trained facilitator meet with the offender responsible (and grand-daughter’s mother) for three days of dialogue after several months of preparation by the facilitator. The goal of this meeting was to provide the survivors with answers to their questions about this young woman had died and hear the offender’s story. At the end of a two day session the mother and grand-daughter forgive the murderer.

*Item*-In residential facilities for youth convicted of serious and often violent crimes in Georgia, Tennessee, Illinois, Pennsylvania and other states, staff and the youth they are responsible for are learning new methods of discipline based on restorative justice principles (vs. standard reward/punishment models) aimed ultimately at changing the culture and organizational climate of their facility.

*Item* -In Northern Ireland, formerly incarcerated Republican (IRA) and Loyalist combatants in the decades-long conflict in the city of Belfast meet with young offenders in community restorative justice conferences. While only a few years before, youth like these caught stealing, joy riding, or committing other crimes were beaten and even shot (“knee-capped”), by these combatants (who assumed de facto responsibility for preserving order in communities where police were not welcome), today these youth are held accountable by meeting with their victims and community members and agreeing to make amends through reparation and service to the individuals and communities harmed by their actions.

*Item-* In inner city Cleveland, former incarcerated felons participate in civic community service projects that typically involve providing assistance to the elderly, helping youth in trouble and those struggling in school, and rebuilding parks. For their efforts, the former inmates “earn their redemption” by making amends to the community they previously harmed, rebuilding trust, and make new positive, connections with community groups and pro-social community members.

*Item -*In Bucks County, Pennsylvania, neighbors in a primarily white, protestant, middle class neighborhood in a Philadelphia suburb place a Star of David in their windows during the holiday season in solidarity with a Jewish family who the night before had been the victim of group of skinheads who burned a cross in the family’s front yard. With input from the families and community members, the young men were diverted from the court with the understanding that they would meet with the victimized family and a rabbi who would also arrange community service and ongoing lessons in Jewish history for the boys.

What do these diverse brief portraits of restorative process have in common? While involving different cultures and ethnic groups addressing a wide range of harm and conflict, these practices share a basic commitment. This commitment is to primary involvement of the true “stakeholders” in crime and conflict, in a very intentional effort to pursue a distinctive justice outcome. Aimed at achieving “accountability” by allowing offenders to actively repair harm to the individuals and communities they have injured, this outcome has been found to be more satisfying to both victims and offenders than those pursued in a court or other formal process. While the term “restorative justice” has in recent years entered popular discourse (after being featured on the Oprah show and in other popular media venues), restorative policy and practice is often widely misunderstood. It is important, therefore, to first be clear about what restorative justice is *NOT*.

*Misunderstanding Restorative Justice.* Restorative justice is not a single *program*, practice, or process. As indicated by the examples above—especially those involving serious and violent murders and reconciliation following genocide--it is also not an intervention meant only as an alternative response to minor crime, juvenile crime, or other misbehavior. And it is not limited to use in, or as an alternative to, one part of the criminal or juvenile justice process. Indeed, as illustrated in the last case above, restorative justice may occur spontaneously, and completely outside and independent of any formal criminal justice context.

Restorative justice does not assume that the victim will or should *forgive* the offender. Although some victims—including those harmed by some of the most horrific crimes mentioned in the previous examples--choose in their own way and in their own timeframe to forgive the offenders that harmed them,

a successful restorative intervention does not presume either forgiveness or reconciliation. Restorative justice is also not a “soft” option for offenders (many in fact view restorative justice as more demanding than traditional punishments) and restorative proponents do not suggest that more use of restorative justice implies that there is no need for secure facilities. Finally, restorative justice is not focused only on the offender--or on reducing recidivism—even though it has been effective in doing so. It is focused first on the needs of those victimized by crime and their families, and on the needs of other true “stakeholders” in crime and conflict: offenders and their families, communities and supporters of offender and victim.

### **Research and Effectiveness**

There is now general agreement that restorative justice practice has shown positive impact on a variety of intermediate and long-term outcomes including: victim satisfaction and healing, increased offender empathy, and procedural justice or fairness. In recent years randomized trials, quasi-experiments and meta-analyses have also consistently demonstrated positive impact on re-offending. While research on restorative justice is, relatively speaking, in its early stages, unlike studies of punitive programs and weak or counterproductive treatment models, no research shows that restorative justice practices make things *worse* (e.g., increase recidivism).

While only two models of restorative conferencing—FGC and victim-offender mediation—have received consistent and positive ongoing evaluation, other conferencing practices such as neighborhood accountability boards and peacemaking circles have also shown promising early results. In addition, an older, body of evaluation research on the aforementioned reparative practices--essentially restorative obligations or sanctions such as restitution and community service-- has consistently found positive impact. Moreover, unlike a wide range of punitive approaches, as well as a large number of treatment programs that consistently report negative outcomes in evaluations and meta-analyses, no studies of reparative practices (e.g., restitution, community service) report negative findings.

Regarding crime victim impact, researchers for more than a decade have been able to make the claim that crime victims and offenders who participate in face-to-face restorative justice dialogue processes with offenders experience greater satisfaction than those who participate in court or other adversarial processes. Though “selection effects” leaves open the possibility that victims who choose to participate in these processes are predisposed to report greater satisfaction than those who do not, the consistency and strength of these results are nonetheless persuasive. In recent years, experimental research has also verified the effectiveness of restorative conferencing in reducing post traumatic stress syndrome in crime victims.

Much uncertainty remains, however, about the primary causal factor or specific intervention most responsible for producing the typically higher levels of victim satisfaction in this research. For example, it *could* be argued that these results are due less to the fact that restorative processes are so effective, than to the fact that the court and adversarial process is so harmful. Perhaps restorative dialogue processes simply takes advantage of a kind of what is often called a “Hawthorne Effect” whereby victims who are simply listened to, treated with dignity and respect, and given a wider array of choices are more satisfied than those who go through court, regardless of the effect of any special face-to-face dialogue with the offender. While this could mean that positive effects of a restorative process are actually a result of what is usually called procedural justice rather than some presumed restorative justice impact, authors of the bulk of restorative research publications tend to view greater satisfaction as itself a restorative justice benefit.

Although early studies show independent positive impact of restorative obligations—e.g., restitution, community service, unanswered questions remain about what additional positive impact might be attributed to the *purely restorative* features of the restorative process. Yet, evaluation studies in recent years have generally also shown significant reduction in recidivism—at least some of which have been linked to unique features of restorative process and its impact, for example, on offender remorse and empathy. .

### **Summary and Conclusion**

Challenges include moving beyond a programmatic approach to a holistic focus that seeks a restorative outcome in every case, and uses restorative justice principles to solve major systemic problems in criminal justice and communities. Public opinion generally favors restorative justice practices, and prefers alternative forms of accountability for most crimes. Yet, the continued commitment of U.S. policymakers to retributive punishment and to an emerging prison industrial complex that appears to be creating a societal condition sociologist Bruce Western now calls “mass imprisonment” presents formidable challenges to any progressive reform.

Optimism for greater use of restorative justice is based on strong research findings indicating its effectiveness in achieving multiple outcomes for multiple stakeholders, including reduced recidivism, and victim satisfaction and healing. Moreover, the connection between restorative justice principles and evidence-based theories of change at the social-psychological, peer support, and community building levels of intervention, provide further rationales for expanding these approaches. Finally, increasing recognition of a decline in and a need for revitalization of community skills in informal crime control and positive support for pro-social behavior also set the context for greater application of restorative justice solutions.

In summary, we suggest that a restorative justice critique of current retributive policy and practice may well be a starting point for the development of more just and more effective approaches to sentencing, both formal and informal, and to a more effective approach to reentry for currently incarcerated persons (see, Bazemore and Stinchcomb, 2004). While restorative justice principles acknowledge the debt owed by offenders to their victims and victimized communities, this is a debt met neither by inflicting harm on the offender nor by removing the offender's rights as a citizen. As a different normative theory<sup>3</sup>, the measure of justice in a restorative approach is the extent to which harm caused by crime is repaired. While restorative justice may therefore demand a lot of offenders, their supporters, and community members, it also provides for the opportunity for victim input and reparation. Most importantly, the normative theory of restorative justice provides a different currency of repair and healing that could begin to displace the currency of punishment that knows no limits. While a restorative metric would certainly have its own limits and guidelines (Braithwaite, 2002), the metric of uniformity as the primary gauge of justice process could at least be supplemented with a metric of stakeholder participation, satisfaction, accountability, reparation, and peacemaking.

## REFERENCES

- Advancement Project. *Education on Lockdown: The Schoolhouse to Jailhouse Track*. Monograph, Children and Family Justice Center of Northwestern University School of Law, 2005., Chicago, Illinois.
- Bazemore, G. "Restorative Justice and Earned Redemption: Communities, Victims and Offender Reintegration." *American Behavioral Scientist* 41:6 (March 1998):768-813.
- Bazemore, Gordon and Mara Schiff. *Juvenile Justice Reform and Restorative Justice: Building Theory and Policy from Practice*. Cullompton, Devon, UK: Willan Publishing, 2004.
- Bazemore, G. and J. Stinchcomb. "Involving Community Through Service And Restorative Justice: Theory And Practice For A Civic Engagement Model of Reentry." *Federal Probation* 68:2 (2004): 14-24.

- Bishop, D. M. and C. S. Frazier. "The Influence of Race in Juvenile Justice Processing." *Journal of Research in Crime and Delinquency* 25 (1988):242-63.
- Bishop, D. M., C. S. Frazier, and J. C. Henretta. "Prosecutorial Waiver: Case Study of a Questionable Reform." *Crime and Delinquency* 35 (1989):179-201.
- Bishop, D., Frazier, C. and Lanza-Kaduce, L. and Wimmer, L. "The Transfer of Juveniles to Criminal Court: Does It Make a Difference." *Crime and Delinquency* 42:2 (1996): 171-179.
- Braithwaite, J. *Restorative Justice and Responsive Regulation*. New York: Oxford University Press, 2002.
- Braithwaite, J. and Petit, P. *Not Just Desserts: A Republican Theory of Criminal Justice*. Oxford, UK: Oxford University Press, 1990.
- Cullen, F.T. & Gilbert K. E. (1982) *Reaffirming Rehabilitation*. Cincinnati: Anderson.
- Cullen, F.T. & Wright, J. P. (1995) *The Future of Corrections*. In B. Maguire and P. Radosh (Eds) *The Past, Present, and Future of American Criminal Justice*. New York: General Hall.
- Cullen, F. T., Sundt, J. L. and Wozniak, J. F. (2001). "The virtuous prison: Toward a restorative rehabilitation." In H. N. Pontell and D. Shichor (Eds.), Contemporary issues in crime and criminal justice: Essays in honor of Gilbert Geis. Upper Saddle River, NJ: Prentice-Hall.
- Doble, J., and Immerwahr, S. "Delawareans Favor Prison Alternatives." *Sentencing Reform in Overcrowded Times*. Eds. M. Tony and K. Hatlestad. New York, NY: Oxford University Press, 1997.
- Maloney, D., Bazemore, G, and Hudson, J. "The End of Probation and the Beginning of Community Corrections." *Perspectives: the Journal of the American Probation and Parole Association* 25:3 (Summer 2001):23-30.
- Maloney, D. and Holcomb, D. "In Pursuit of Community Justice." *Youth and Society* 33:2 (2001): 296-313.
- Martinson, R. (1973) "What Works? Questions and Answers About Prison Reform." *The Public Interest*, 35, 22-56.
- Mauer, M. (2007). "The Hidden Problem of Time Served." *Social Research*, 74 (2), 509-542.
- Michalowski, R.J. (1995). *Order, Law, and Crime*. New York: Random House.
- Pranis, K. and Umbreit, M. *Public Opinion Research Challenges Perception of Wide Spread Public Demand for Harsher Punishment*. Minneapolis, MN: Minnesota Citizens Council on Crime and Justice: 1992.

- Shiraldi, V. and Soler, M. "The Will of the People: The Public's Opinion of the Violent and Repeat Juvenile Offender Act of 1997." *Crime and Delinquency* 44:4 (1998):590-601.
- Stinchcomb, J., G. Bazemore and N. Riestenberg. "Beyond Zero Tolerance: Restoring Justice in Secondary Schools." *Youth Violence and Juvenile Justice* 4 (2006): 123-147.
- Tonry, M. (1996). Sentencing Matters. New York: Oxford University Press.
- Tonry, M. (1994). "Proportionality, Parsimony, and Interchangeability of Punishment." In R. A. Duff, S. Marshall, R. Dobash, and R. Dobash (Eds.), Penal Theory and Penal Practice. Manchester, England: Manchester University Press.
- Travis, J. (2007) Back-End Sentencing: A Practice in Search of a Rationale," *Social Research*, 74 (2), 631-647.
- Tyler, T. *Why People Obey the Law*. London: Yale University Press, 1990.
- Uggen, C. and Manza, J. "Democratic Contraction? The Political Consequences of Felon Disenfranchisement in the United States." *American Sociological Review* 67 (2002):777-803.
- Uggen, C. and Manza, J. "Lost Voices: The Civic and Political Views of Disfranchised Felons." [2003] *The Impact of Incarceration on Families and Communities*. Eds. Mary Pattillo, David Weiman, and Bruce Western. New York: Russell Sage Foundation.
- Van Ness, D. and Strong, K. H. *Restoring Justice*. Cincinnati, OH: Anderson, 1997.
- Von Hirsch, A. (1976). Doing Justice. New York: Hill and Wang
- Weitekamp, E. G. (1999). "The History of Restorative Justice." In G. Bazemore and L. Walgrave (Eds.), Restorative Juvenile Justice: Repairing the Harm of Youth Crime. Monsey, NY: Criminal Justice Press.
- Western, B. (2007). "Mass Imprisonment and Economic Inequality," *Social Research*, 74 (2), 509-542.
- Zehr, H. *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press, 1990.
- Zehr, H. "Journey to Belonging." Paper Presented at the Fourth International Conference on Restorative Justice for Juveniles, Tuebingen, Germany, September 2000