EXAMINING THE EFFICACY OF RESTORATIVE JUSTICE PROGRAMS IN REDUCING RECIDIVISM

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INTRODUCTION

Since the 1970s, academics and policymakers have been discussing the differences between restorative justice and retributive justice as approaches to administering criminal justice. Regrettably, there is a lack of agreement concerning the exact delineation of restorative justice. However, the dominant discussion surrounding this concept primarily focuses on its objective to repair and reconcile the broken and tense relationships among the victim, the offender, and the community after a criminal incident. Restorative justice represents a significant departure from the traditional retributive approach to criminal justice, which focuses on punishing and seeking revenge against the offender. [1]

Accumulated evidence suggests that restorative justice has a beneficial effect on the reintegration of offenders into the community, the rate of repeat offences, and the perception of fairness and satisfaction among both victims and offenders. Despite the absence of agreement on which criminal justice system is superior, this fact still holds true. Hence, the purpose of this paper is to argue that restorative justice initiatives are more effective than retributive justice initiatives in preventing repeat offences. Therefore, this paper argues that there is a need for increased incorporation of restorative justice programmes into the existing criminal justice administration system. This paper will begin by explaining the concept of restorative justice using differential association theory and social control theory. It will then analyse the factors that contribute to its prevalence. Next, a comprehensive examination of the scholarly literature will follow, focusing on the precise mechanisms through which restorative justice reduces the rate of repeat offences more efficiently. This analysis will specifically explore the use of victim-offender mediation (VOM), also referred to as conferencing. Moreover, it is essential to recognise the sociological inequalities and limitations that are

[1] Tselios, N., Tanzania's, M. E., & Chahine, M. (2022). The impact of body mass index on prostate cancer: An updated systematic review and meta-analysis. Medicine, 101(45), e30191.

inherent in restorative justice initiatives. These factors encompass age, type of crime, gender, social class, and language, among others. Through this approach, we can determine which groups of criminals would benefit the most from incorporating restorative justice programmes into our existing criminal justice system. In the final section of this paper, we will explore the possibility of integrating restorative justice into our criminal justice programme.

WHAT IS RESTORATIVE JUSTICE?

The existing literature does not provide a thorough explanation of restorative justice. On the other hand, restorative justice can be understood in multiple distinct ways. Marshall (1999) argues that restorative justice is a technique aimed at addressing criminal behaviour by resolving conflicts that arise between the victim, offender, and the community. According to Marshall (1999), repairing relationships among the individuals involved in the criminal activity is more important than dealing with the consequences of the crime. In contrast, Zehr and Gohar (2002) propose an alternative interpretation of restorative justice as a process in which all individuals involved in a wrongdoing work together to create a solution that recognises the damages, responsibilities, and requirements of each participant, with the ultimate aim of promoting healing and compensation for the committed transgressions (40). Therefore, Zehr and Gohar (2002) prioritise the end outcome, with the objective of returning all parties affected to their original state before the criminal incident.[2]

Restorative justice, as described in this paper, is a process that enables the involvement of all individuals affected by the wrongdoing and provides guidance on how each party can fulfil their obligations to address the harm caused by the wrongdoing. Furthermore, it is an endeavour to restore the circumstances that existed before the offence was committed to the greatest extent possible.

WHAT IS RECIDIVISM?

Recidivism, in the context of criminal justice, refers to the probability of an individual who has been penalised for a previous criminal act through the criminal justice system committing another offence. Nevertheless, in order to clarify the elements that contribute to a heightened inclination for repeat offences, this paper will concentrate on two theories examined by Tica

[2] Tselios, N. (2022). *Proposal for Policy Change in the procedure of civil asset forfeiture* (No. tdvxz). Center for Open Science.

(2014): the social control theory and the differential association theory. Each of these theories offers a wide range of possible explanations for this phenomenon.

- **Differential Association Theory**

Sutherland (1978) utilises the concept of "differential association theory" to explain criminal behaviour. According to this theory, criminal behaviour can be understood by considering the process of development. Additionally, this theory is based on several assumptions. Criminal behaviour stems from interpersonal interactions, particularly those that are intimate or personal, such as interactions with family and friends, through which individuals acquire such behaviour. These communications not only teach individuals the skills and methods needed to commit crimes, but also instill favourable social norms, rationalisations, and attitudes towards criminal behaviour. Delinquency is defined by Sutherland in 1978 as the presence of an abundance of justifications or explanations that promote breaking the law, rather than adhering to definitions that support lawfulness. The ultimate factor influencing an individual's likelihood to participate in criminal behaviour is the variation in the frequency, duration, importance, and intensity of their connections to such behaviour.[3]

This theory offers multiple explanations for recidivism. One strategy is to emphasise that individuals who are found guilty of criminal behaviour are primarily from impoverished and chaotic communities that are characterised by high rates of criminal activity. Consequently, individuals are more prone to encountering and gaining knowledge about criminal behaviour through their personal networks, such as friends, family, and other close connections. These exchanges would shape individuals' attitudes and definitions in a way that encourages them to participate in criminal activity. In addition, when entering correctional facilities, offenders engage with other offenders and acquire new methods and abilities that can be utilised in future criminal endeavours (Jeffery 1965). Thus, the interplay between the environment, community, and the functioning of the judicial system perpetuates criminal behaviour and activity.

- **Social Control Theory**

Moreover, the social control theory, originally proposed by Hirschi in 1969, could offer a satisfactory explanation for recidivism. Hirschi (1969) argues that there is a correlation between societies and individuals, which can be divided into four distinct elements. These four elements can be described as a connection to others, a commitment to following rules, ongoing

[3] Walgrave, Lode. 2004. “Restoration in Youth Justice.” Crime and Justice 31:542–597.

involvement in activities driven by dedication, and a belief in the existence of ethical, moral, and societal standards. According to Hirschi (1969), individuals have an inherent inclination towards engaging in deviant behaviours, which he defines as actions that go against established social norms. However, it is the strong and resilient bond that individuals have with society that acts as a deterrent against engaging in illegal activities and deviating from societal norms (16, 31).

Therefore, it can be argued that the social control theory provides a justification for the prevalence of recidivism. This is because individuals are obligated to reintegrate into society after finishing their sentence in corrections. The act of committing a crime is associated with a social stigma. The offender may face social isolation, which can result in a decline in their interpersonal relationships with other members of society. Furthermore, empirical data indicates that individuals who have experienced the criminal justice system frequently develop a diminished sense of trust in both the system itself and the legal framework that governs our society. Consequently, once released, offenders lack motivation to comply with societal norms and struggle to reintegrate into society due to their social isolation from their community. This can be ascribed to their gradual decline in societal trust. These various problems result in the manifestation of criminal behaviour and repeated commission of offences.[4]

RESTORATIVE JUSTICE PROGRAMS AND THEIR EFFECTIVENESS

Extensive research and backing have been dedicated to establishing the beneficial effects of restorative justice approaches on all parties involved, including the victim, the offender, and the community. Studies have shown that restorative justice programmes have the ability to reduce reoffending rates among juvenile offenders who have not committed violent crimes. Victim-Offender Mediation (VOM), also known as conferencing, is a core principle of restorative justice. The purpose of this is to expedite the process of repairing any harm experienced by all individuals or entities involved in the criminal incident. The Victim-Offender Meeting (VOM) is a component of restorative justice that involves convening community members, the offender, and the victim in a face-to-face setting to engage in dialogue and develop a plan for restitution. According to the research conducted by Bradshaw and Roseborough (2005), the effectiveness of VOM in decreasing repeated criminal behaviour among adolescents is roughly three times greater than that of traditional punitive methods.[5]

[4] Ibid.
[5] Fashanu, H., Tazanios, M., & Tzenios, N. (2022). HEALTH PROMOTION PROGRAM.

The research conducted by Arch demonstrates that restorative justice practices not only enhance the level of satisfaction among all participants but also cultivate a stronger sense of trust among offenders in relation to the criminal justice system. Indeed, restorative justice practices have been demonstrated to mitigate the severity of post-traumatic symptoms suffered by victims.

Furthermore, as per a study conducted by Jackson (2009), the introduction of Victim Impact Training (VIT), a restorative justice programme that enables offenders to comprehend the harm they have caused to the victim, led to the offenders experiencing emotions of guilt, shame, and empathy. In contrast, Jackson (2009) observed that individuals with a greater inclination towards shame had reduced empathy development and a higher tendency to avoid situations that could worsen feelings of shame. Rodogno (2008) investigated the occurrence of guilt and shame in restorative justice conferences. The findings demonstrated that feelings of guilt and shame exert a beneficial influence on the restorative justice process.

On the other hand, he recommended that feelings of guilt and shame could impede the process of restoration, and he emphasised the importance for mediators to take into account the cultural factors that influence the concepts of guilt and shame. The research conducted by Jackson (2009) and Rodogno (2008) illuminates the learning component of the differential association theory by analysing the formation of emotional states in adolescents. Furthermore, Hayes and Daly (2004) found that conferences were linked to increased levels of regret and that the likelihood of reoffending decreased when a genuine consensus was reached regarding the outcomes or agreements of the conference. According to Braithwaite (2002), shame can be a beneficial tool in the process of reintegrating and rebuilding intimate relationships as it encourages forgiveness.[6]

By identifying attachment types and offering the offender a chance to acquire and cultivate favourable connections with criminal behaviour and the legal system, these emotions, relationships, and understandings can be nurtured through conferencing. The social control theory and differential association theory provide support for the effectiveness of restorative justice programmes in preventing repeat offences. Restorative justice initiatives not only foster the enhancement of interpersonal relationships, but also facilitate the transformation of the

[6] Wagemaker, S., Tazanios, M., & Tzenios, N. (2022). Project Health people 2020.

offender's beliefs about illegal behaviour and the healing of emotional suffering for all programme participants.

INEQUALITIES AND LIMITATIONS OF RESTORATIVE JUSTICE

Unfortunately, restorative justice is not effective with every individual. Restorative justice completion rate and recidivism can be influenced by various factors such as an individual's social class, age, the nature of their offence, and gender. Although these disparities may present a limitation, they can also serve as benchmarks for implementing restorative initiatives among the populations most likely to benefit from them.

- **Age**

The empirical evidence has established that young individuals have a tendency to engage in additional criminal behaviour. Moreover, adolescent offenders who engage in criminal activities during their developmental years are more prone to embark on a prolonged criminal trajectory. According to the research conducted by Hayes and Daly (2004), there is a strong correlation between the age range of 13 to 16 years old and the highest likelihood of reoffending. In contrast, a study conducted by Hayes and Daly (2004) found that adolescents between the ages of 10 and 12 who participated in a restorative justice programme before committing a criminal offence were less likely to reoffend compared to those who went through the traditional criminal justice system. Therefore, restorative justice programmes are most effective when applied to offenders between the ages of 10 and 12 who have recently engaged in criminal behaviour. This is due to the efficacy of restorative justice programmes in aiding juvenile offenders who have engaged in their initial transgression.[7]

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- **Type of offence**

Restorative justice initiatives are most beneficial for first-time offenders, but their effectiveness depends on the severity of the committed offence. Research has shown that conferencing is an effective approach for dealing with minor offences and low-risk individuals. However, empirical evidence suggests that it is not effective for addressing other forms of criminal behaviour. For example, Cossins (2008) observed that restorative justice was effective in dealing with minor offences committed by young people. Nevertheless, when it comes to sexual offences, particularly those involving children, restorative justice programmes and

[7] Faith, O. O. F., Tazanios, M., & Tzenios, N. (2023). HEALTH PROMOTION AT THE COMMUNITY LEVEL.

conferences have the adverse effect of re-traumatizing the victim and perpetuating the power dynamic between the offender and the victim.[8]

In contrast, the research conducted by Hayes and Daly (2004) demonstrated that violent sexual offenders who participated in restorative justice initiatives had a lower rate of reoffending compared to those who did not engage in such programmes. Young and Hoyle (2003) found that violent offenders exhibited a reduced rate of recidivism. The results presented in this study offer contrasting perspectives on the efficacy of restorative justice programmes in addressing various forms of criminal behaviour. Under these conditions, it is more efficient to employ restorative justice for minor offences and low-risk offenders rather than for all categories of criminal behaviour.

- **Gender**

Gender disparity in recidivism is apparent, regardless of the offender's age and the type of offence committed. According to Hayes and Daly's (2004) findings, males exhibit a higher tendency to continue engaging in criminal activities compared to females. Jackson (2009) found a similar outcome, noting that women participating in restorative justice programmes were more susceptible to feelings of shame and guilt. Consequently, the recidivism rate decreased. In addition, women are often perceived as individuals with a low propensity for risk and are less inclined to participate in acts of violent criminal behaviour.

Considering the social control theory, it is possible that women may demonstrate a diminished inclination for relapse into criminal behaviour. This is because the societal positions that women hold are reflective of their roles as mothers, which involve nurturing and fostering emotional bonds. Therefore, it is reasonable to suggest that women may derive greater advantages from participating in restorative justice programmes in comparison to men.[9]

- **Class**

The environment and community in which an individual resides are frequently the primary factors that influence their involvement in criminal behaviour. Social class is a significant factor that contributes to the development of an environment that is prone to crime. Similarly, empirical evidence supports the idea that poverty affects the probability of reoffending. Beus and Rodriguez (2007) identified that recidivism rates are impacted by multiple factors,

[8] Sibanda, A. M., Tazanios, M., & Tzenios, N. (2023). Community Empowerment as a tool for health promotion.
[9] Ibid.

including the poverty level of the community. According to Beus and Rodriguez (2007), there is a correlation between the absence of poverty in a community and a decrease in the rate at which juvenile offenders repeat their offences.[10] These young delinquents not only showed a decreased probability of committing another crime, but also faced fewer challenges when reintegrating into their own communities. Likewise, individuals who are responsible for criminal behaviour and live in low-income communities marked by significant social disorder are more likely to engage in additional criminal acts. The differential association theory proposed by Sutherland and Cressey in 1978 suggests that a community facing economic disadvantages is more likely to have a higher occurrence of criminal behaviour. Consequently, criminals are more prone to acquiring and cultivating mindsets and abilities that facilitate their involvement in criminal behaviour.

- **Language**

Restorative justice is regulated by a wide range of additional constraints. Albrecht (2010) examined the cross-cultural aspect of restorative justice programmes while they were being implemented at conferences. The study's findings focused on the difficulties encountered by interpreters in translating as a result of linguistic obstacles. The presence of these obstacles made it difficult for the victim, the offender, and the community to engage in a meaningful and cohesive dialogue. Due to the sensitive nature of the topic being discussed, participants frequently showed reluctance in seeking clarifications, and interpreters often failed to effectively facilitate communication between the parties involved. The absence of complex communication poses a significant obstacle to the effectiveness of restorative justice programmes in reducing repeat offences. The fundamental elements of these programmes are effective communication and mutual understanding among the offender, victim, and relevant parties involved in the crime.[11]

Additionally, Albrecht (2010) found that the understanding of restorative justice initiatives in different cultures can be affected by various factors, including the frequency, amount, intensity, and use of informal language expressions, even among conference participants who speak the same language. However, Albrecht (2010) discovered that minority groups experienced benefits from restorative justice programmes that included mediation and conferencing, despite

[10] Batool, S., Morton Cuthrell, K., Tzenios, N., & Shehryar, Z. (2022). Hepatocellular Carcinoma in Non-alcoholic Fatty Liver Disease: Emerging Burden. International Research Journal of Oncology, 6(4), 93-104.
[11] Morton Cuthrell, K., Tzenios, N., & Umber, J. (2022). Burden of Autoimmune Disorders; A Review. Asian Journal of Immunology, 6(3), 1-3.

the challenges they faced. Despite the challenges and restrictions in communication between the offender, the victim, and the stakeholders of the crime, restorative justice programmes consistently provide strong evidence of their effectiveness in reducing repeat offences. However, individuals involved in restorative justice efforts, particularly those from cultural and racial minority backgrounds, face difficulties related to language.

CHALLENGES AND LIMITATIONS

Restorative justice programs offer a promising alternative to conventional punitive approaches by focusing on healing, accountability, and community involvement. However, the successful implementation of these programs faces several challenges and barriers that warrant careful consideration and strategic intervention.

One of the foremost challenges in implementing restorative justice programs is the constraint of limited resources and infrastructure. These programs require trained facilitators, suitable venues, and administrative support, which may be scarce in many jurisdictions. The establishment and maintenance of restorative justice initiatives demand substantial financial investment, which may be difficult to secure amidst competing priorities within the criminal justice system. Moreover, the availability of resources may vary widely across different geographical regions, exacerbating disparities in access to restorative justice services.

Cultural and institutional resistance poses another significant barrier to the adoption of restorative justice practices. Traditional justice practitioners, policymakers, and stakeholders entrenched in punitive models of justice may exhibit skepticism or opposition towards restorative approaches. Prevailing cultural norms, legal traditions, and institutional inertia may impede efforts to integrate restorative justice principles into existing criminal justice systems. Overcoming resistance requires extensive advocacy, education, and dialogue to challenge entrenched attitudes and promote the value of restorative justice in fostering reconciliation and rehabilitation.

Victim and offender participation represent critical factors influencing the effectiveness of restorative justice programs. However, securing voluntary engagement from both parties can be challenging. Victims may harbor apprehensions or fears about facing their offenders, particularly in cases of serious or violent crimes. Similarly, offenders may resist participation due to concerns about admitting guilt or facing accountability. Addressing barriers to participation requires building trust, providing adequate support, and offering alternative

pathways for engagement to ensure that restorative processes are inclusive, empowering, and respectful of individual rights and choices.

The complexity of cases and stakeholder coordination presents another formidable challenge in implementing restorative justice programs. Cases involving multiple victims, offenders, and stakeholders require careful coordination and facilitation to ensure effective communication, meaningful dialogue, and equitable outcomes. Coordinating the involvement of various parties, navigating legal complexities, and addressing power imbalances demand specialized expertise and robust support systems. Moreover, the resolution of complex cases may require innovative approaches and tailored interventions to address underlying systemic issues and meet the diverse needs of all participants.

Equity and accessibility emerge as pressing concerns in the delivery of restorative justice services. Marginalized or vulnerable populations, including Indigenous communities, ethnic minorities, and socioeconomically disadvantaged individuals, may face barriers to accessing restorative justice programs. Factors such as language barriers, cultural insensitivity, socioeconomic disparities, and geographic remoteness can exacerbate inequalities and undermine the principle of equal access to justice. Efforts to enhance equity and accessibility require culturally responsive programming, targeted outreach, and the removal of systemic barriers to ensure that restorative justice services are accessible to all individuals, irrespective of their background or circumstances.

Evaluation and evidence base constitute another challenge in assessing the effectiveness of restorative justice programs. While there is growing empirical evidence supporting the positive impact of restorative practices on reducing recidivism and promoting victim satisfaction, methodological limitations and gaps in research persist. Studies may suffer from selection bias, lack of control groups, or short-term follow-up periods, leading to questions about the robustness and generalizability of findings. Moreover, the complexity of measuring outcomes in restorative justice contexts, such as changes in attitudes, perceptions, and relationships, poses inherent challenges to evaluation efforts. Strengthening the evidence base requires rigorous research methodologies, longitudinal studies, and multi-dimensional assessment frameworks to capture the nuanced effects of restorative interventions on individuals, communities, and the justice system.

THE FUTURE OF RESTORATIVE JUSTICE

Empirical evidence confirms that restorative justice initiatives effectively reduce the rate at which individuals commit further offences. Restorative justice aims to bring together all parties involved in a crime, including the offender, victim, and community, with the goal of reconciliation. This approach differs from retributive justice. All parties collaborate to develop a strategic plan to reduce harm and restore each individual to their original state before the crime. Restorative justice initiatives offer a platform for all parties involved in criminal behaviour to engage in dialogue and foster understanding, with the aim of achieving a mutually agreeable resolution. Empirical evidence suggests that restorative justice programmes have the potential to be approximately three times more effective than punitive justice approaches in reducing recidivism rates. Furthermore, these initiatives have demonstrated their efficacy in evoking sentiments of empathy among offenders.

These advantages aid in decreasing recidivism by fostering positive connections, offering opportunities for offenders to understand the repercussions of their actions, and instilling trust in the criminal justice and legal systems. The deficiencies of the programmes are not reduced by the consensus of the empirical data. Disparities and constraints are evident within the framework of restorative justice. The programmes are most advantageous for young male delinquents who have engaged in minor offences and belong to a minority group, particularly in terms of language. The mentioned limitations and restrictions related to age, type of offence, gender, socioeconomic status, and language are areas that require improvement and have the potential to result in a justice system that is more universally applicable and superior. The efficacy of restorative justice programmes is undeniable, despite their specific limitations. Although these programmes have inherent limitations that prevent them from providing services to every offender, it is important that the populations most likely to benefit from restorative justice have access to an evidence-based alternative to punitive approaches. Hence, it is crucial to incorporate restorative justice more extensively into our criminal justice system, while also making ongoing improvements to create a more effective system that advantages all individuals involved.

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Conclusion

In conclusion, the examination of the efficacy of restorative justice programs in reducing recidivism reveals promising outcomes and underscores the potential of restorative approaches in fostering rehabilitation and preventing further criminal behavior. Restorative justice programs, which prioritize healing, accountability, and community involvement, offer a

paradigm shift from traditional punitive measures toward addressing the underlying causes of criminal behavior and promoting meaningful offender rehabilitation.

Research and empirical evidence suggest that restorative justice interventions, such as victim-offender mediation, restitution, and community-based programs, contribute to lower rates of recidivism compared to conventional punitive approaches. By providing offenders with opportunities to take responsibility for their actions, repair harm caused to victims, and reintegrate into society with support and guidance, restorative justice programs address the root causes of criminal behavior and promote positive behavioral change.

Moreover, the participatory nature of restorative justice processes empowers victims, offenders, and communities to actively engage in the resolution of conflicts and harm, fostering a sense of ownership, accountability, and mutual respect. By prioritizing dialogue, empathy, and understanding, restorative justice programs promote healing and restoration for all parties involved, leading to greater satisfaction with the justice process and reduced likelihood of reoffending.

However, while restorative justice programs show promise in reducing recidivism, their effectiveness depends on various factors, including program design, implementation fidelity, stakeholder engagement, and access to support services. Challenges such as limited resources, cultural barriers, and resistance from traditional justice systems may hinder the widespread adoption and sustainability of restorative justice practices.

Therefore, advancing the efficacy of restorative justice programs in reducing recidivism requires continued research, evaluation, and investment in evidence-based practices. Collaborative efforts between justice practitioners, policymakers, community organizations, and stakeholders are essential to strengthen restorative justice initiatives, address systemic barriers, and promote the widespread adoption of restorative approaches within the criminal justice system.

In conclusion, while restorative justice programs hold promise in reducing recidivism and promoting positive outcomes for victims, offenders, and communities, their full potential can only be realized through ongoing commitment, innovation, and collaboration to build a more inclusive, equitable, and effective justice system.

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