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# Through the Belly of the Beast?

## The Promises and Problems of Restorative Justice in Prisons

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**Since the late 1970s advocates of restorative justice (RJ) have argued that this approach to justice represents an alternative to the dominant social logics of punishment. Critical of rehabilitation and retribution in particular, proponents argue that traditional criminal justice practices exclude victims, limit the ability of offenders to take responsibility and make amends for harms, and place the needs of state policies of crime control over those of individuals and local communities. Moreover, many early RJ proponents were drawn from the prison abolition movement and other social movements, and in its early growth, RJ was frequently articulated not only as a response to victim exclusion or offender accountability, but also in terms of larger goals of transforming the criminal justice system, including the argument that RJ could function as a viable redress to the use and growth of incarceration.**

In the 1980s, there were attempts at RJ programmes that functioned to divert more serious offenders from prison, mostly in the United States (US). From the 1990s onwards, however, there have been very few RJ programmes focused on this goal.<sup>1</sup> Rather, over the course of the last quarter century, RJ advocates have increasingly abandoned if not their critique of prisons, then at least the notion that RJ can serve as a viable alternative to them. The growth of RJ practices in most English speaking countries has in fact emerged largely within youth justice and/or in dealing with less serious offences,<sup>2</sup> where incarceration is unlikely. The exception to this, however, has been the growth of RJ within prisons since the late 1990s. Since this time, an increasing number of RJ advocates and practitioners have made the argument that prisons, at least for the time being, are a *fait accompli*, concluding, as Johnstone notes, that 'if imprisoned offenders, their victims and society are to get the benefits of restorative justice, it will need to be used within prisons.'<sup>3</sup>

Yet the movement of RJ into the prison has come in ways that looks something much different than how it has generally been used otherwise. Conferencing, mediation, and other practices that include victims, offenders, and other parties in face-to-face meetings in order to seek resolution to harms are generally not used in prison RJ programmes. Moreover, while the development of RJ since the 1970s has resulted in a general, if sometimes contentious consensus regarding what RJ 'looks like' in terms of best practice of 'fully' or 'partially' restorative practices, and of identified goals, there is far less consensus regarding these questions as they relate to its use within prisons.

Conversely, as the use and development of RJ in prisons has grown, it has done so with a plethora of definitions, differing programme structures and purposes, and distinct and even contradictory aims and goals. Devoid of the victim as a central driver of restorative processes or outcomes in most cases, RJ programmes in prisons have in turn sought ways to introduce surrogate victims into vignettes that discuss victim harms, have developed victim empathy and/or self-awareness curriculums, and have reoriented community service towards restorative justice 'outcomes' for offenders and for those that such work may benefit. Beyond the ad hoc development of RJ programmes in prisons, moreover, is the more recent development of the idea that RJ can function towards the goal of institutional transformation of correctional settings and practices, an idea set forth in the concept of 'restorative prisons'.

In this article I set forth a critical assessment of the use of RJ in prisons, both in terms of the use and growth of such programmes, as well as in relation to the concept of the restorative prison. My analysis is focused primarily on Anglophile countries, for two reasons. First, while Belgian and Hungarian experiments are now being cited as examples of how RJ might work to transform prison settings, it is not clear that these

1. Wood, W. (2015) 'Why Restorative Justice Will not Reduce Incarceration.' *British Journal of Criminology*, published online first January 05, 2015. Doi 10.1093/bjc/azu108.
2. On this point see Daly, K. and H. Hayes (2001) 'Restorative Justice and Conferencing in Australia.' *Trends and Issues in Criminal Justice*, 186, Australian Institute of Criminology; Kurki, L. (2000) 'Restorative and Community Justice in the United States', *Crime and Justice: A Review of Research*, 27: 235–303; Shapland, J., Atkinson, A., Atkinson, H., Colledge, E., Dignan, J., Howes, M. and A. Sorsby (2006) 'Situating Restorative Justice Within Criminal Justice', *Theoretical Criminology*, 10: 505–32; and Strang, H., Sherman, L. W., Mayo-Wilson, E., Woods, D. and B. Ariel (2013) 'Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction, A Systematic Review', *Campbell Systematic Reviews*, 9: 1–59.
3. Johnstone, G. (2014) *Restorative Justice in Prisons: Methods, Approaches and Effectiveness*. Strasbourg: Council of Europe, p. 2.

examples are transferrable to an Australian, United Kingdom (UK), or US prison context. Second, Anglophile countries, with the exception of Canada, have seen some of the largest increases in prison populations within OECD (Organisation for Economic Co-operation and Development) countries. These are the countries that both embraced the punitive turn most markedly, and are now some decades later faced with the legacies of financially untenable correctional systems that have functioned less to reduce crime than to amplify and solidify increasing systems of social marginalization and exclusion not only for offenders, but also for victims and communities.

### Restorative Prisons?

The idea of a restorative prison is one that most proponents agree exists in concept only. Specific attributes of what such a prison might look like vary within the literature. There is agreement that such a prison would include not only the implementation of RJ programmes, but institutional transformation and even influence over the social use of punishment itself. Edgar and Newell have defined a restorative prison as 'a whole prison commitment to incorporate restorative justice into its mission, so that the establishment chooses restorative justice as its paradigm,'<sup>4</sup> where 'the whole function of imprisonment could be devoted to restorative aims.'<sup>5</sup> Wallace and Wylie argue that, 'a restorative prison would be one in which prisoners are encouraged to face up to the impact of their actions; the handling of disputes and conflict within the prison community is remodelled and relationships are supported and developed between prisoners, staff, family members, friends, and communities.'<sup>6</sup> Towes argues that, 'To be fully restorative, prison would offer more than restorative practices. It would also transform its goals, values, culture, and even architecture.'<sup>7</sup>

There are reasons to be wary of the concept of restorative prisons, however, or at least the idea that such transformation is possible. First and foremost, the

notion that prisons are amenable to such transformations is not borne out in their history, particularly within English-speaking countries. McGowen notes that by the middle of the nineteenth century, 'While reformers and retributivists tried to shape the prison regime to suit their purposes, both the reality of the prison and the use made of imprisonment by the judicial system displayed the substantial limits of their achievements.'<sup>8</sup> But this observation could have been written at almost any point since then, with little difference save the addition of legislatures alongside with or in lieu of the judicial system.

In seeking to limit the role of the judiciary in determining punishments, Beccaria argued over two hundred years ago that punishment should remain the sole discretion of duly elected representatives.<sup>9</sup> Since this time, control over the determination and administration of punishment has constituted a remarkable field of political and social power, to the effect that such control over punishment has more often than not remained fundamentally disconnected from the effects of the practices of punishment, and in particular imprisonment. This is hardly a novel observation. Foucault noted some forty years ago that:

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*For the observation that prison fails to eliminate crime, one should perhaps substitute the hypothesis that prison has succeeded extremely well in producing delinquency, a specific type, a politically or economically less dangerous — and, on occasion, usable — form of illegality . . . So successful has the prison been that, after a century and a half of 'failures' the prison still exists producing the same results, and there is the greatest reluctance to dispense with it.<sup>10</sup>*

Control over the determination and administration of punishment, in this respect, isn't merely the idea that the powerful criminalize the powerless. Rather, it is the recognition that the modern prison has remained, through all its iterations, a 'failure' for the reason that it

4. Edgar, K., and T. Newell (2006) *Restorative justice in prisons: A guide to making it happen*. Waterside Press, p. 80.

5. Ibid, p. 81.

6. Wallace, R. and K. Wylie (2013) 'Changing on the Inside: Restorative Justice in Prisons: A Literature Review.' *The International Journal of Bahamian Studies*, 19(1), 57-69, p. 60.

7. Towes, B. (2006). *The Little book of restorative justice for people in prison: Rebuilding the web of relationships*, Intercourse, PA: Good Books, p. 75.

8. McGowen, R. 1999. 'The Well-Ordered Prison,' pp. 79-109 in *The Oxford History of the Prison* (Eds N. Morris and D.J. Rothman), Oxford: Oxford University Press. P. 105.

9. Beccaria, C., A. Thomas and J. Parzen. 2009. *On crimes and punishments and other writings*. Toronto: University of Toronto Press.

10. Foucault, M. 1977. *Discipline and Punish: the Birth of the Prison*, New York: Vintage, p. 277.

creates the very class of people it is ostensibly designed to correct. Every epoch of failure brings with it the seeds of its rebirth in a new, if often recycled, emergence of control over the use and administration of punishment.

The 'nothing works' crisis of the 1970s illustrates this point well. Following Martinson's report on the failure of correctional rehabilitative programmes,<sup>11</sup> the result was not a crisis of the 'prison', but rather of its primary social function. Indeed, while Martinson's report is often credited for this crisis, its influence was a result of already shifting political attitudes towards the use of punishment, providing evidence for what everyone 'already knew', namely that rehabilitation did not work.<sup>12</sup> As with every crisis before it, however, what never happened was any serious questioning of the need for or legitimacy of the prison itself. Rather, in the face of an institution that was by most accounts failing in its purported mission to rehabilitate offenders, the response of policymakers on the right and increasingly on the left was to reconfigure the social logic of punishment towards 'tough on crime' approaches that eschewed rehabilitative ideals in lieu of longer prison sentences, determinate sentencing schemes, more punitive prison environments, and decreased discretion on the part of the judiciary and correctional officials. Within a quarter century, prison rates in America soared. Australia, Ireland, New Zealand and the UK also saw substantial increases.

Yet the radical reconfiguration of punishment under the punitive turn since the 1980s suggests that while the prison itself may not disappear anytime soon, it is an institution that is in fact amenable to social transformation. Indeed, the shift from judicial discretion towards more direct legislative control over

the application of punishment as well as the functioning of correctional institutions suggests that prisons may be less resistant to change than often imagined. In this respect, why might the notion of a 'restorative prison' be so far-fetched? Such a question ignores, however, the most salient feature of the transformation of prisons over the last three decades, namely that the locus of such changes have not originated within prisons, but rather from changing social and political-economic factors that precipitated both their growth as well as changes to correctional administration and practices.

While advocates frequently juxtapose RJ practices against 'punitive' uses of punishment or 'retributive' justice, incarceration growth has not been merely a result of more punitive sentencing. Rather, such punitiveness has been part of a larger set of discursive practices of social marginalization and social control that have emerged in areas such as social welfare, mental health, labour, and education. The drivers of such changes have been the subject of much debate, but recent comparative research on incarceration growth suggests that Australia, New Zealand, the UK and the US share several

factors related to the growth of prison populations, including the adoption of neoliberal economic policies,<sup>13</sup> moderate to significant reductions in social welfare provisions to the poor,<sup>14</sup> and increases in wage and wealth inequalities.<sup>15</sup> Few criminologists believe that the sustained prison growth that has occurred in these countries is tied in any real sense to rising crime rates.<sup>16</sup>

In this respect, the goal of transforming correctional institutions fails to account for the fact that prisons themselves are by and large reflective of the

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11. Martinson, R. 1974. What works?—Questions and answers about prison reform. *The Public Interest* 35 (Spring): 22–54
12. Cullen, F. T., and P. Gendreau (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. *Criminal Justice*, 3(109-175).
13. See Cavadino, M and J. Dignan (2012) 'Penal Policy and Political Economy,' *Criminology and Criminal Justice*, 6: 435–56; Esping-Andersen, G. (1996) *Welfare States in Transition: National Adaptations in Global Economies* Sage Publications; Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*, Oxford University Press; Lacey, N. (2008) *The Prisoners' Dilemma: Political Economy and Punishment in Contemporary Democracies*, Cambridge University Press.
14. See Esping-Andersen (1996); Korpi, W. and J. Palme (2003) 'New Politics and Class Politics in the Context of Austerity and Globalization: Welfare State Regress in 18 Countries, 1975–95,' *American Political Science Review*, 97: 425–46; Garland (2001); Kingfisher, C. (2002) *Western Welfare in Decline: Globalization and Women's Poverty*, University of Pennsylvania Press.
15. See Clayton, R. and J. Pontusson (1998) 'Welfare-State Retrenchment Revisited: Entitlement Cuts, Public Sector Restructuring, and Inegalitarian Trends in Advanced Capitalist Societies', *World Politics*, 51: 67–98; Korpi, W. (2000) 'Faces of Inequality: Gender, Class, and Patterns of Inequalities in Different Types of Welfare States', *Social Politics: International Studies in Gender, State & Society*, 7: 127–91; Ortiz, I. and M. Cummins (2011) *Global Inequality: Beyond the Bottom Billion—A Rapid Review of Income Distribution in 141 Countries*. Unicef, available online at [http://www.unicef.org/socialpolicy/index\\_58230.html](http://www.unicef.org/socialpolicy/index_58230.html); Whiteford, P., Redmond, G. and E. Adamson (2011), 'Middle Class Welfare in Australia: How Has the Distribution of Cash Benefits Changed Since the 1980s?', *Australian Journal of Labour Economics*, 14: 81.
16. See for example Smith, K. B. (2004) 'The politics of punishment: Evaluating political explanations of incarceration rates,' *Journal of Politics*, 66, 925-938; Zimring, F.E (2006) *The great American crime decline*, Oxford University Press.

social, political and economic factors that not only correlate to differing philosophies of punishment, but also determine to a great degree how prisons operate and function, how they are managed, and even how (and how often) they are built. Loic Wacquant's work explicates this point well when he argues the massive growth of incarceration in the US cannot be separated from the social and political-economic confines of the ghetto. Wacquant argues that the prison and the ghetto constitute a *carceral continuum* for African Americans 'who circulate in closed circuit between its two poles in a self-perpetuating cycle of social and legal marginality with devastating personal and social consequences.'<sup>17</sup> His analysis is focused on the US, but there exists similar socially-historical continuums as they relate specifically to the over-incarceration of Aboriginals in Australia,<sup>18</sup> for Māori in New Zealand,<sup>19</sup> for indigenous people in Canada<sup>20</sup> and the US,<sup>21</sup> and for ethnic minorities in the UK.

It is difficult to see how the notion of a 'restorative prison' can be reconciled with carceral continuums of punishment where incarceration exists less as a reflection of individual behaviors than in the social application of punishment. Australia, Canada, New Zealand, the UK and the US all have significant rates of overrepresentation of ethnic and indigenous minorities in prison. In Australia, there is recognition that RJ has not worked well for indigenous people.<sup>22</sup> In the US, hugely disproportional numbers of Blacks and Latinos have been incarcerated as a result of low level drug offences,<sup>23</sup> and the war on drugs coupled with stop and frisk

policies has resulted in (or exacerbated) the institutionalization of racism throughout the criminal justice system.<sup>24</sup> In New Zealand, there is a widely held perception from Māori police and institutional bias.<sup>25</sup> Will restorative prisons acknowledge these and other social structural drivers of incarceration? If so, how will RJ confront them within the walls of the prison? If not, then how will it encourage offenders to 'take responsibility' for being Black, Brown or poor? Or how will it seek to create a restorative institution within a society where the state itself acts as an offender of civil rights and due process?

Some advocates of restorative prisons have acknowledged these contradictions. Towes and Harris have given attention to social-structural drivers of incarceration and the degree to which RJ must contend with the fact those in prison are not simply there for reasons of doing harms to others. They note,

*Few restorative practices address the contextual factors that give rise to crime such as poverty, education disparity and racism, or policies that unfairly construct who and what is considered criminal along racial and economic lines . . . Restorative justice*

*in prison calls practitioners to do community work to eliminate the social conditions that give rise to crime, such as poverty, inequality, racism, and violence.*<sup>26</sup>

Yet such acknowledgements only complicate the argument that RJ can serve to redress the social and

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17. Wacquant, L. (2000) 'The New Peculiar Institution': On the Prison as Surrogate Ghetto' *Theoretical Criminology*, 4(3), 377-389. P. 384.
18. See Cunneen, C. (2009) 'Indigenous Incarceration: The Violence of Colonial Law and Justice'. In Scruton, P. and McCulloch, J. (eds) *The Violence of Incarceration*, Routledge Taylor and Francis Group, London.
19. See Jackson, M (1988) *Māori and the Criminal Justice System: He Whaipaanga Hou: A New Perspective*. Department of Justice, Wellington.
20. For Canada see Laprairie, C. (1997). *Reconstructing theory: Explaining aboriginal over representation in the criminal justice system in Canada*, *Australian and New Zealand Journal of Criminology* 30(1), 39-54.
21. For the United States, see Strickland, R. (1986). 'Genocide-at-Law: An Historic and Contemporary View of the Native American Experience,' *University of Kansas Law Review*, 34(4), 713-756.
22. Braithwaite, J. (2002) *Restorative justice and responsive regulation*. Oxford; Oxford University Press.
23. Fellner, J. and Walsh, S. (2000), *Punishment and Prejudice: Racial Disparities in the War on Drugs*. Human Rights Watch.
24. Nunn, K. B. (2002). 'Race, crime and the pool of surplus criminality: or why the war on drugs was a war on Blacks,' *Journal of Gender Race & Justice*, 6, 381-445.
25. Maxwell, G. and C. Smith (1998) *Police perceptions of Māori*. Wellington: *Institute of Criminology*, Victoria University of Wellington.
26. Towes, B. and M.K. Harris. 2010. 'Restorative Justice in Prisons,' In Beck, E., Kropf, N. P., & Leonard, P. B. (Eds.) *Social work and restorative justice: Skills for dialogue, peacemaking, and reconciliation*. Oxford University Press.



institutional practices and contradictions that shape the use of punishment. If the success of restorative prisons depends, even in part, on the confronting and addressing of social-structural conditions that engender crime and social marginalization, then RJ is faced with the task of addressing not only harm as it relates to individual experiences, but social harm on a grand scale. In this respect, such an argument is not much different than those made by some RJ advocates in the 1970s and 1980s, namely that RJ practices *could* lead to larger social transformations in relation to criminal justice policy and practices, albeit more as an alternative to formal criminal justice practices (including prison) than as part of them. But this has not happened.

It is perhaps not difficult to think of a restorative prison, where the right types of offenders can participate in programmes that, while generally exclusive of victims, are nevertheless oriented towards goals of victim empathy, reflection of harms caused to others, and community redress and restitution. There are already examples of restorative units in American, Canadian and UK prisons, as evidenced elsewhere in this volume. Yet, if the goal is merely one of seeking a smaller number of such institutions or units within prison systems that are otherwise faced with overcrowding, violence, abysmal health care and mental health care, wanton punitiveness, and populations who are largely

socially marginalized, then RJ will likely be co-opted and tamed within correctional settings as much as it has been outside of them. On the other hand, if the goal is larger institutional transformation, RJ must contend with the fact that prisons in the early 21st century are very much a product of the contemporary societies that are creating larger classes of throw-away people — not only offenders, but victims as well, and a nexus of crime and victimization bound up in the growth of superfluous people and expendable communities.

The use of RJ in prison generally includes victim awareness and empathy programmes, re-entry and reintegration programmes, and community service or work programmes.

The use of RJ in prison generally includes victim awareness and empathy programmes, re-entry and reintegration programmes, and community service or work programmes. Relatively few RJ prison programmes in English speaking countries involve direct participation of victims in conferencing or other forms of participation.<sup>27</sup> The exclusion of victims from RJ prison programmes poses several problems. Notably, one of the primary ways that RJ has legitimized itself against other criminal justice approaches has been on the basis of its 'victim-centred' approach. Predicated on the notion that crime can be better conceptualized as 'harms' caused by one party to another than as a violation of criminal law, RJ has given significant emphasis on the inclusion of victims in terms of their 'ownership' of the harms caused to them, and in terms of how the restoration of such harms may better meet the needs of not only victims but also offenders towards the goal of reintegration.

The exclusion of victims in most prison RJ programme begets a fundamental question — or one that should be fundamental to a 'victim driven' approach to justice. If most RJ prison programmes exclude the possibility of victim involvement, not only in the opportunity to meet face to face, but in terms of having any input into the resolution of harms caused to them, then what becomes the primary basis on

which the notion of 'restorativeness' is predicated? And what in fact is being restored?

A second problem extends from the first. Without the possibility of victim involvement, and within a system that relies on 'traditional' sanctions and formal processes of adjudication, it is difficult to see how measures of success are or will not be linked implicitly or explicitly to crime control and reduction strategies. This is a problem that has been acknowledged by RJ advocates, particularly in relation to seeking support or funding for such programmes in prison.<sup>28</sup> In this respect, it is not clear

27. For lack of victim involvement in RJ prison programmes see Dhami, M. K., Mantle, G., and D. Fox (2009), 'Restorative justice in prisons' *Contemporary Justice Review*, 12(4), 433-448; Wilcox, A. and C. Hoyle (2004) *Restorative justice projects: the National Evaluation of the Youth Justice Board's RJ Projects*, Oxford; Oxford University Press.

28. See for example Gavrielides, T. (2014) 'Reconciling the Notions of Restorative Justice and Imprisonment,' *The Prison Journal*. Published online before print, doi:10.1177/0032885514548010.; ARCS (No Date) *Restorative practice in prisons: assessing the work of the Inside Out Trust*. Available online: <http://www.margaretcareyfoundation.org.uk/wp-content/uploads/2011/11/ARCS-research-report.pdf>

the degree to which prison RJ programmes will not (or have not) become increasingly oriented towards benchmarks of offender compliance and recidivism. Dhami et al. note, for example, that RJ should be 'used to improve prisoners' experiences of imprisonment which may result in an increase in prisons' utility in terms of their efforts to reduce crime via these alternative strategies.'<sup>29</sup> Yet such a position appears geared predominately towards the use of RJ for crime reduction strategies where correctionalism, and not the restoration of harms, becomes the primary goal.

Research from practitioners and advocates of RJ in prison suggests that while they are concerned about the reduction of success to such benchmarks, they also believe that RJ affords important, if less immediately measurable benefits.<sup>30</sup> Even conceding that such benefits may exist, in abnegating its more critical challenge of incarceration in lieu of approaches that work towards more 'traditional' correctional goals and benchmarks, there is a significant risk in relying (to borrow from Audre Lorde), on the master's tools to dismantle the master's house.<sup>31</sup>

Many proponents of RJ prison programmes are not naïve to such problems. On the contrary, as Presser has argued, 'Given the logics of prison — harm-seeking, exclusionary, individualistic, state-dominant, irrelevant to victims, passivizing to victims — restorative justice is, in fact, most compatible with its abolition.'<sup>32</sup> Yet Presser also argues that 'Until they are abolished, it behoves us to make prisons more restorative — for the sake of prisoners, their victims, their families, and their jailers.'<sup>33</sup> Conceding that 'full restorative justice is likely beyond reach in the prison context,'<sup>34</sup> Presser nevertheless draws from the work of another RJ prison advocate, Cheryl Swanson, in arguing that 'prison objectives include key restorative justice

values — namely safety, respect, purposeful activity, and successful re-entry.'<sup>35</sup> These values and goals are regularly repeated throughout RJ prison literature as 'restorative values', or goals of the use of RJ in prison. But no correctional administrator today would disagree with these goals, and no proponents of other justice paradigms, even retribution, would argue that prisons should be unsafe, disrespectful, idle places, or criminogenic.

The problem is not that these are bad goals. The problem is rather that the concepts of 'safety' or 'respect' are hardly unique to RJ. Indeed, they reflect at worst the correctional doublespeak of what the German philosopher Uwe Poerksen has called 'plastic words' — words that are frequently used by policymakers and technocrats as to mean anything.<sup>36</sup> In such a modular language, words like 'safety' are so slippery that they can encompass virtually all correctional practices, including solitary confinement in supermax prisons. Clearly, RJ advocates do not support such practices, but the adoption of dominant correctional goals as RJ raises the critical question of how far RJ has come from its theoretical foundations, as well as its grounding in practices of direct stakeholder participation, in order to accommodate the social logic of the prison in the early 21st century?

This shift towards the adoption of more normative correctional goals has occurred in other ways as well. Hurley, for example, notes that the movement into the use of RJ in prison settings represents an emerging view within RJ that 'embraces the concept of offender-oriented restorative justice,'<sup>37</sup> a view that 'reflects the needs of offenders and victims along with emphasizing the fact that the offender must make amends, change, and engage in rehabilitative efforts.'<sup>38</sup> Yet the concept of

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29. Dhami, M. K., Mantle, G., and D. Fox (2009), 'Restorative justice in prisons' *Contemporary Justice Review*, 12(4), 433-448: p. 434.

30. Gavrielides, T. (2014) 'Reconciling the Notions of Restorative Justice and Imprisonment,' *The Prison Journal*. Published online before print, doi:10.1177/0032885514548010.

31. Lorde, A. (1984). 'The master's tools will never dismantle the master's house,'. In A. Lorde (Ed.), *Sister Outsider* (pp. 110-113). Trumansburg, NY: The Crossing Press.

32. Presser, L. (2014) 'The Restorative Prison,' in F.T. Cullen, C.L. Jonson, and M. K. Stohr (Eds) *The American Prison: Imagining a Different Future*, Thousand Oaks, CA: Sage. P 21.

33. Ibid. 21.

34. Ibid. 21.

35. Ibid 21. Also see Swanson, C. (2009). *Restorative justice in a prison community: or everything I didn't learn in kindergarten I learned in prison*, Lanham, MD: Lexington Books.

36. Poerksen, U. (2010) *Plastic words: The tyranny of a modular language*. University Park, PA: Pennsylvania State University Press.

37. Hurley, M. H. (2009) 'Restorative practices in institutional settings and at release: Victim wrap around programmes,' *Federal Probation*, 73: 16-22: p. 17.

38. Ibid, p. 17.

an 'offender-oriented' RJ, without the inclusion of a victim as a *subject*, and not merely an object of offender change or rehabilitation, brings such a view of RJ almost totally in opposition to much of RJ's critiques of and opposition to 'offender driven' uses of punishment towards the interests of the state.

How then are prison RJ programmes not emblematic of 'offender driven' criminal justice systems focused primarily on law violation and state interests of crime control and reduction? Without victim involvement, one way that many RJ prison programmes have sought to address the concept of making amends is through the use of community service programmes. Many RJ programmes in prison involve community service as a central or even defining feature of the restorativeness of such work. This is not surprising, as focus on community has been a central feature of RJ practice and theory for over thirty years, including attention to how crimes harm communities, and how offenders can thus make amends for such harms.<sup>39</sup>

Yet there is nothing inherently restorative about community service. On the contrary, much like prisons, community service has been repeatedly moulded to successive and even contradictory justice paradigms. In its most punitive form, such service is often conducted using tactics that are specifically intended to shame or humiliate the offender and fundamentally *separate* them from the community. On the other hand, there are more well-researched uses of community service that have sought to delimit these tactics, to include victim input into service work, and to seek when possible the use of such service as a means of inclusion into the community.<sup>40</sup>

However, there is markedly little research on the restorative uses of community service in prisons. We know little about the conditions under which such service is performed, whether it in fact serves to restore harms to offender's communities, or if it is in fact reintegrative. Research that does exist on the restorative use of such service work is problematic. One of the more

notable RJ prison programmes in the UK, the Inside Out Trust programme, has been widely cited as an example of the effective use of RJ in a prison setting. According to an evaluation of this programme, the Trust 'developed prison projects based on restorative justice principles'<sup>41</sup> in several UK prisons between 1994 and 2007, including 'activities as repairing bicycles, refurbishing wheelchairs, upgrading computers and producing Braille and large print books for charities, both in the UK and in poorer countries.'<sup>42</sup> However, the evaluation also makes it clear that very little of this work was conducted outside of prison workshops. Thus, while it was called community service, this was work performed behind bars. Communities served by such work were frequently far removed from the offenders' own communities. The programme also afforded no possibility of offenders meeting with victims or even surrogate victims, no curriculum oriented towards self-reflection of harms caused to others, and no other restoratively oriented programmes.

In effect, such a programme is labelled 'restorative' for the reason that it provided a sense of meaningful work for offenders, and had social benefits for others. Clearly these are important goals. But neither of these is unique to RJ in any sense. On the contrary, prison work has been used for decades (with varying success) towards reintegrative goals, and has not infrequently also been used towards more altruistic ends. There is little about such work that cannot be readily subsumed into most social logics of punishment. Nor is there anything peculiar about the notion that incarcerated people, faced with the pains of imprisonment, might find meaning in such work. The reduction of RJ, in this sense, to practices that would be readily identifiable and amenable to prison administrators and reformers fifty, one hundred, or even two hundred years ago should at the very least give pause to the question of whether RJ is in fact transforming prisons, or rather if it is being fundamentally transformed by them.

39. See Walgrave, L. (1999) 'Community service as a cornerstone of a systemic restorative response to (juvenile) crime,' *Restorative juvenile justice: Repairing the harm of youth crime*, 129-54; Bazemore, G., & Maloney, D. (1994). Rehabilitating community service toward restorative service sanctions in a balanced justice system. *Fed. Probation*, 58, 24.

40. See Bazemore, G., & Maloney, D. (1994). Rehabilitating community service toward restorative service sanctions in a balanced justice system. *Fed. Probation*, 58, 24; Wood, W. R. (2012). Correcting community service: From work crews to community work in a juvenile court. *Justice Quarterly*, 29(5), 684-711.

41. ARCS (No Date) *Restorative practice in prisons: assessing the work of the Inside Out Trust*. P. i. Available online: <http://www.margaretcareyfoundation.org.uk/wp-content/uploads/2011/11/ARCS-research-report.pdf>

42. Ibid. p. i