

Book Review

Karp, D. R., & Allena, T. (Eds.). (2004). *Restorative justice on college campuses: Promoting student growth and responsibility, and reawakening the spirit of campus community*. Springfield, IL: Charles C. Thomas. 267 pp (hardcover).

Universities, like workplaces, prisons, residential treatment facilities, mental institutions, high schools, and military training camps, are 'instrumental communities,' whose members reside, work, play, recover, and/or learn for fixed periods of time. Like other instrumental communities, the young adults living, learning, and socializing together on campus, along with faculty and staff who work there, make up a community that exists to meet a specific need—e.g., educational, civic, safety, economic, and rehabilitative. Universities are also expected to function as what Bellah et al. (1990) refer to as 'mediating institutions' that 'make possible ... certain ways of behaving and relating to others ... [that] shape character by assigning responsibility, demanding accountability, and providing the standards in terms of which each person recognizes the excellence of his or her achievements' (Bellah et al., 1991, p. 40).

For better or worse, university instrumental communities share many characteristics of other more permanent residential communities. Often, like residential neighborhoods, university communities can be dysfunctional or even criminogenic. As is apparent in the criminological literature on neighborhoods and crime, university instrumental communities may likewise lack effective mechanisms of *informal* social control, which encourage residents to honor and help to enforce group behavioral norms, as well as processes for resolving conflict peacefully. Conversely, communities that emerge in universities may, like some high risk neighborhoods, offset apparent risks by strong mechanisms of informal social control and continue to build upon and foster skills of conflict resolution and mutual support based on norms of reciprocity (Sampson et al., 1997). University communities could also operate as restorative environments where members take responsibility to repair harm when it occurs, hold each other accountable, and build skills in collective problem-solving. In such an environment, collective values and skills of pro-social behavior, conflict resolution, and support are learned primarily through modeling and practice in daily living.

It is this ideal of a true 'learning community,' in the broadest sense committed to creating a different normative environment, that editors David Karp and Thom Allena appear to envision in *Restorative Justice on the College Campus*. The authors present restorative justice, as Karp expresses it in Chapter 1, as 'a communitarian alternative to

liberal avoidance and conservative crackdowns ... focused on moral education by integrating academic learning, student participation in the campus judicial process, and restorative justice principles.' In the four sections (Parts) and 22 Chapters of this volume, the editors and other contributors cover the waterfront of issues of university discipline and consider the potential for restorative justice practices as a holistic alternative to current disciplinary protocols.

Although the book includes contributions by experts in higher education who appear to have relatively little knowledge of restorative justice, these chapters serve a useful purpose for most readers unfamiliar with the current structure of university discipline as it has evolved in the past two centuries. The majority of chapters that do address restorative policy and practice specifically present an eclectic and flexible set of applications that move outside the box of commonly recognized processes (Victim-Offender Mediation (VOM), Family Group Conferencing (FGC)) to include approaches such as restoratively focused 'integrity boards.' Grounded in restorative principles, the strategies and practices are presented by contributors who are both supportive and critical of these emerging models, and seem to be constantly thinking about how to apply principles to existing disciplinary processes, while displacing them whenever possible, and avoiding cooptation.

A great strength of this book is its inclusion in Parts II and III (which deal respectively with restorative practices and campus issues and restorative responses) of several case study chapters. These chapters allow readers to envision the potential role of restorative justice in difficult cases common to the university community, while grasping the challenges presented in this unique context. Some of the problems seem generic to those facing the entire restorative justice movement—how to become viewed as a viable alternative rather than an add-on to mainstream, punitive disciplinary processes—while some seem unique to the culture and structure of the instrumental communities that define the university system as a whole and those that characterize each campus. More than is true of most edited texts, Karp and Allena provide a focus on integrity of practice, a concern with the agreement *and outcome* of the restorative process (rather than simply the process itself), and a strategic, theoretical, and thoughtful look at the fit of restorative justice within a unique community context.

Part I: Introduction

In the first chapter of this section, Karp sets the stage for the application of restorative justice to student misconduct in the university campus setting. Specifically, he cites as problems: the dramatic loss of supervision and social control that students who have yet to develop strong internal controls may face on college campuses; peer pressure to use and abuse drugs and alcohol; the conflict between student culture and outside community norms; and dissensus (among faculty and students) regarding norms governing drug and alcohol use, the limits of free speech, academic freedom, and sexual behavior. These problems, coupled with: (1) mostly authoritarian controls and a continued reliance on police state disciplinary tactics that single out individual students for punishment but fail to achieve deterrence; (2) the lack of a mechanism for transferring

buy-in to disciplinary codes and normative commitments to new student cohorts (a quarter of the student body is new each year); and (3) the resulting application of individualized solutions to community-level issues, create a conundrum in a university culture generally guided by the 'democratic and egalitarian ethos of the educational mission' (p. 6). The remainder of this chapter provides a thorough statement of restorative principles and their concrete application (in contrast to retributive responses—e.g., restitution vs. fines, punitive vs. restorative community service) that emphasizes their connection to the values of democratic participation, inclusion, and stewardship. The perspective that restorative practices and philosophy therefore have value that goes beyond the disciplinary context sets the tone for the remainder of the book.

The remaining chapter in this section, by John Wesley Lowery and Michael Dannells, provides readers with a useful historical overview of disciplinary structures in university systems. This chapter provides an honest look at the scope of the problem of determining where restorative justice might fit—if at all—in the still rigid and punitive, if somewhat evolved, university disciplinary code. While there has been some philosophical movement away from the historical reliance on punishment and deterrence, these authors (and others in this text) also note that legalism and more adversarial approaches have also gained ground. Indeed, Wesley and Dannells observe that 'the current legislative atmosphere is supportive of ... student judicial systems that closely mirror those of the criminal justice system and emphasize punishment over education'—an approach that will of course be familiar to students matriculating from 'zero-tolerance' high schools where misconduct and minor school violations have been almost thoroughly criminalized.

Part II: Restorative Practices: Boards, Conferences, and Mediation

This criminalization of misconduct and the encroachment of the criminal justice system, and the barriers this presents to establishing meaningful informal social control, do not bode well for restorative justice, and indeed form an important part of the sub-text of some of the chapters in the remainder of this book. Karp's discussion of integrity boards in Chapter 3 of Part II, for example, illustrates the dilemma that may occur when university disciplinary cases are pursued simultaneously by the criminal court. He describes an apparent 'double-bind' situation for defendants who may be open to a restorative process but who have been told by their attorney to say nothing to the board while their case is pending 'downtown.' While he notes that such students may be shunned by the integrity board or other restorative process, blaming the defendant facing double jeopardy for recalcitrance would not seem to do much to advance the cause of either due process or restorative justice.

The main point of Karp's chapter, however, is to illustrate how restorative principles can be adapted to a decision-making process that would not necessarily be restorative in nature in order to encourage trust, emotional expression, and community building and seek outcomes that repair harm and reintegrate victims and offenders. They do so by use of a creative application of principles that guide members toward an array of options that fit the crime and the needs of victim, offender, and community. While the

process has adversarial elements, the board—which in a bifurcated process also determines guilt or responsibility for the crime—can also refer cases to victim–offender mediation or other programs. The Skidmore College program, unlike a number of restorative programs, seems helpfully specific about process steps (five in all are specified), and guidelines for apologies, community service, and other obligations that repair the harm, connect and reintegrate the student offender, and build community are offered.

Case studies in this section by Hastings and Becidyan (Chapter 4) and Allena (Chapters 5) illustrate how these boards and other restorative practices work in action in disciplinary cases. Allena’s chapter in particular illustrates how restorative elements associated with more traditional conferences—extensive preparation, victim empowerment, an emphasis on dialogue and deliberation—can be incorporated into disciplinary processes. Drawing on his experience with the Longmont, Colorado model, he describes an extensive four-stage process with multiple phases in the conference process itself in a case that utilized a peacemaking circle format. This contribution also includes implementation steps for getting restorative processes started in campus settings.

The next case in this section, by Tom Sebok in Chapter 6, describes a difficult application of restorative processes to a case of public inebriation linked to an increasingly chronic alcohol abuse problem. The author/facilitator’s self-reflection in this case provides important feedback for facilitators who are always searching for better approaches.

The last three case studies in this section respectively illustrate: the use of conferencing in a vandalism case that also involved chronic alcohol abuse and emotional disturbance (Chapter 7); various applications of mediation including VOM and community mediation that distinguishes the two and makes a strong case for the community building potential of both (William Warters in Chapter 8); and a case study of the use of mediation to resolve an (increasingly common) incident of conflict between long-term, non-student residents, university students, and their landlord that resulted in a constructive dialogue between antagonistic groups (Bruce Duncan and Brooke Hadwen in Chapter 9).

Part III: Campus Issues and Restorative Responses

William Dejong’s Chapter 10 begins this section with a disturbing array of statistics on both the prevalence and impact of alcohol abuse on college campuses. He proposes an ‘environmental management’ approach to prevention that has parallels in broader conceptualizations of restorative justice approaches, which he envisions as one component of such an approach that encourages civility, norm affirmation, and mutual respect. Robert Mikus’ brief case study (Chapter 11) as a follow-up illustrates how conferencing mobilized the support needed for a suspended student with a serious alcohol abuse problem to meet the obligations necessary for a return to the campus.

In Chapter 12, authors McCabe, Butterfield, and Klebe address the difficult issue of cheating and plagiarism, discussing widespread abuse and lack of moral certainty and

consensus about standards for the latter violation in particular. The authors skillfully create skepticism about the effectiveness of deterrence-based approaches and over-reliance on computer technologies, while proposing a more ‘aspirational’ ethical community-building approach. Although they fail to make linkages to restorative justice, Jon Ramsey, author of the case study skillfully presented in Chapter 13, does make this connection by arguing that restorative processes are more likely to clarify: victim anger; the respondent’s (offender’s) understanding of how s/he has disappointed other community members; group understanding of the forces that prompted the offense; how the respondent might learn and grow from the incident; and the steps by which s/he ‘might make amends and reconnect with the learning community.’ Ramsey then suggests specifically that this process could indeed ‘contribute to the “ethical community building” approach’ that McCabe et al.’s research appears to support.

If the plagiarism issue were not difficult enough, authors Baker-Zwerence, Lopez-Phillips, Rogers, and Strohming pose extreme challenges to the restorative model in the case of perhaps the most separate and secretive of university cultures, fraternities and sororities (Chapter 14), whose very essence seems to work against the openness required by restorative justice. While group encouragement of alcohol abuse, hazing, harassment, and sexual assault, along with resistance to reform and investigation, discourages most intervention short of draconian responses to tragically harmful incidents, the case study by Thom Allena and Nora Rogers (Chapter 15) demonstrates the power of restorative justice to ‘open up dialogue, promote collective learning and norm affirmation, and provide for some measure of repair and reconciliation.’

Similarly, the aggressively deviant and often defiant culture of collegiate athletics may be even less open to intervention that might protect the members of this elite ‘fraternity’ (almost all abuse has emanated from *male* collegiate sports) from each other, and other students from them. Hazing, violence (including much emanating from what has been called a ‘rape culture’), chronic gambling, cheating, academic fraud, and extensive drug use, according to the contribution by Jeffrey Segrave (Chapter 16), are mostly being confronted by the usual array of deterrence, educational, and (a more reasonable) ‘structural/situational’ approach that seeks to respond to such deviance in context by addressing the structural and cultural forces that create strong incentives for such behavior. While no data or case examples are offered to suggest that any of these strategies work, Allena’s Chapter 17 presents yet another illustrative case study involving no less than the UCLA football team, 14 of whose players had obtained and used disabled parking permits. This unusual and complex restorative encounter demonstrates the potential power of restorative conferences to allow for dialogue that presents all sides of the story, promotes healing and reconciliation, and (apparently in this case) even triggers some measure of systemic reform in an institution that often seems oblivious to influence by either university or community standards of civic life.

While hate crimes are especially difficult and harmful, restorative justice actually has a well-established track record in addressing such incidents, although not necessarily on college campuses. Chapter 18, by Stephen Wessler, provides a good overview of the pervasiveness of, impact of, and motivation for these crimes in the campus context,

while Beau Breslin (Chapter 19) explains the limitations of speech codes and other strategies for addressing this problem. Breslin's chapter also presents the most direct and persuasive critique in this volume of the adversarial, punitive model and of the rights-focused, legalistic response. The rights emphasis on free speech, and the emphasis on speech codes as a deterrent and punishment for hate crime perpetrators on campuses, only scratch the surface of this pervasive problem and probably make things worse by encouraging defiance and confrontation rather than conciliation and compromise. Citing Mary Ann Glendon's important critique of the 'language of rights ... the language of no compromise,' Breslin argues that it is over-reliance on judges and the formal legal system, rather than the mechanisms of civil society, that prevent us from addressing the hurt and misunderstanding that is both a cause and a result of such behavior. Restorative justice may be especially useful in a preventative way—because major hate crimes are often preceded by many minor incidents that are often ignored and allowed to escalate.

Finally, Fisher, Blevins, Santana, and Cullen in Chapter 20 provide a comprehensive overview of one of the most pervasive and serious forms of crime and harm on campus—sexual victimization. They provide recent prevalence data on campus rape, stalking, coercion, unwanted sexual contact, and harassment, and discuss barriers to both reporting and intervention. While restorative justice is not presented as a 'magic cure,' it does move practice and policy beyond the tinkering of other approaches, and as the case study by Connie Kirkland which follows (Chapter 21) suggests, restorative principles may aid in promoting choices for victims and greater victim sensitivity, which ultimately improves the climate for reporting.

The last chapter briefly considers the effort toward systemic transformation in the disciplinary structure at Skidmore College as a case study in emergent, holistic reform, while revisiting and generalizing from some of the lessons of the other case studies in the volume. Here, Pat Oles realistically addresses concerns with sustainability while presenting the outline of Skidmore's systemic strategy, which involves classroom activity and promotion of a culture of deliberation around norms and values. This chapter once again considers the limitations and promises of restorative responses on campus, and in doing so, provides a fitting conclusion to this comprehensive introduction to one of the most important new frontiers for restorative justice.

GORDON BAZEMORE
Florida Atlantic University
 Email: bazemor@fau.edu

References

- Bellah, R. N., Madsen, R., Sullivan, W., Swidler, A., & Tipton, M. (1990). *Habits of the Heart: Individualism and Commitment in American Life*. Berkley: University of California Press.
- Sampson, R., Raudenbush, S., & Earls, F. (1997). Neighborhoods and violent crime: a multi-level study of collective efficacy. *Science Magazine*, 277(4), 918–924.

Copyright of Contemporary Justice Review is the property of Routledge and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.