

**REDEFINING JUSTICE:
The Framing of Contemporary Restorative Justice in Film**

By

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DEDICATION

To my brother, BJ.

We could have known one another better and loved one another more,

But I thank God for the time we had.

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FILM ABBREVIATIONS

<u>Abbreviation</u>	<u>Full Name of Film</u>
BB	Burning Bridges
BZT	Beyond Zero Tolerance
C	Circles
CVOM	Complete Victim Offender Mediation and Conference Training
FD	Facing the Demons
GH	A Glimmer of Hope
HR	A Healing River
HW	Hollow Water
IC	Introduction to Conferencing
RJVCO	Restorative Justice for Victims, Communities and Offenders
WW	The Woolf Within

ABSTRACT

My thesis examines how the contemporary restorative justice movement frames itself in educational, informational and training films, in an attempt to broaden its appeal and advance its acceptance and implementation, particularly within a culture of crime control where retribution and punishment are hegemonic. I examine contemporary restorative justice, first through an acknowledgement of its varied and diverse roots as well as through its entrenchment within the dominantly punitive criminal justice system. Contemporary restorative justice is often referred to as a social movement, and as such it maintains a capacity to reshape the current discursive terrain and transform criminal justice culture. Snow and Benford (1986, 1988) assert that social movements disrupt hegemonic discourses and practices through frame alignment tasks (diagnostic, prognostic and motivational framing) and frame alignment processes (bridging, amplification, extension and transformation). I examine how the contemporary restorative justice movement utilizes these tasks and processes in information, educational and training films, in its effort to advance an alternative perspective of criminal justice.

CHAPTER 1: INTRODUCTION AND LITERATURE REVIEW

1.1 Introduction

Restorative justice has “burst onto the international stage” (Daly & Hayes 2001: 1), “emerging as an increasingly important element in mainstream criminological practice” (Latimer 2005: 127). Since the 1970s, traditional indigenous as well as dominant cultural practices of addressing youth conflict and crime have been studied, amended and developed. Programs have been implemented and modified, theories debated, politicians, justice officials and societal beliefs have been challenged and legislation passed. Many youth worldwide who have offended under the law have experienced various forms of restorative justice, while countless numbers of victims and their families have actively participated in the justice process. According to Howard Zehr (2002), restorative justice began as a tiny trickle and has grown into a widening river fed by numerous tributaries flowing in from around the world.

For example, in a well known 1974 case in Elmira, Ontario, two young men responsible for vandalizing 22 properties were sentenced to meet and reimburse victims for their damages. The success of this experiment resulted in a project which subsequently expanded into the Victim Offender Reconciliation Program, which became the inspiration for several programs bringing offenders face to face with their victims in order to build and effect reparation plans across Canada, the United States and Europe (Peachey 1989; Zehr 1990; Woolford 2009). As well, the 1978 sentencing by Judge Barnett, of a 14 year old Aboriginal boy to a period of time

on a remote reserve under the supervision of his uncle (Sharpe 1998), the Hollow Water healing circles which began in 1984 to address widespread substance abuse, vandalism, truancy, youth suicide and violence, and finally intergenerational chains of sexual abuse (Ross 1996; Linden 1998), and Judge Barry Stuart's 1981 reconfiguration of his court into a circle, inviting community recommendations to facilitate the rehabilitation of a chronic offender (Cayley 1998), resulted in the official status and state sanctioning of circle sentencing in Canada in 1991 (Sharpe 1998).

In 1989, New Zealand passed the *Children, Young Persons and Their Families Act*, legislating the use of Family Group Conferencing as the first avenue of response with young offenders. Australia's modification of New Zealand's family group conferencing concept resulted in an adapted Wagga Wagga model which employs police-led conferences for young offenders in New South Wales (McDonald et al. 1995; Moore & O'Connell 2003). By 1994 this model had been brought to North American police and was subsequently adopted by several countries around the world (Wachtel 1997).

In 2002, Canada played a leading role in a resolution endorsed by the United Nations, which adopted the *Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*. This Declaration, acknowledges the "worldwide...(and) significant growth of restorative justice initiatives," and encourages global use of restorative justice (United Nations Office on Drugs & Crime 2006: 99). The Declaration also provides guidelines for incorporating restorative approaches into criminal justice through various programs, including mediation, conciliation, conferencing, and sentencing circles.

Finally, in 2003, Canada passed the *Youth Criminal Justice Act* (YCJA). This legislation contains specific principles, strategies and characteristics associated with restorative justice. It also provides guidance for decision-making, emphasizing the importance of accountability, encouragement of reparation of harms to victim and community, protection of society, special needs of young persons, recognition of procedural fairness for young persons and need for rehabilitation and reintegration. The YCJA specifically encourages and supports the use of family group conferencing, community accountability panels, sentencing circles and inter-agency case conferences for offending Canadian youth (Department of Justice 2002)¹.

During this period of significant growth and worldwide acceptance, contemporary restorative justice as a social movement evolved by striving to construct a collective identity, project this identity to attract potential constituents and supporters, and develop coherence among movement participants. However, partly due to the fact that it originates from and is being practiced in numerous societies by a variety of constituents, there has been and continues to be much negotiation and debate regarding its theoretical and practical frameworks, and accordingly, the manner in which it presents itself. Further, the movement has evolved within the hegemonic culture of retribution and has remained entrenched within the dominant criminal justice system (Pavlich 2005) as well as a generally punitive and retributive society (Garland 2001; Woolford 2009). Therefore its growth, acceptance and practice often rely heavily on state funding and endorsement (Pavlich 2005; Woolford 2009) political and public acceptance and support (Llewellyn & Howse 1999), and community participation (Ross 1996; Sharpe 1998; Zehr 1990, 2002). Because of this position and the

¹ It is acknowledged that the YCJA maintains a punitive response for repeat and violent youth offenders.

various forms of restorative justice being practiced around the world, presentation of restorative justice to primary stakeholders, prospective constituents, funders, politicians and the general public is of critical importance.

1.2 Contemporary Restorative Justice

In order to discuss the presentation of restorative justice, one must first outline its theoretical and conceptual frameworks. In doing so however, it is important to note that contemporary restorative justice originated in practice and experimentation and was subsequently theorized and conceptualized (Zehr 2002; Woolford 2009). According to Zehr (2002), current adaptations of restorative justice draw from indigenous traditions including New Zealand Maori, Canadian Aboriginal, Northern Navajo, African and Afghani, as well as a variety of religious traditions. It also has roots in the victims-rights and alternatives-to-prison movements. Woolford (2009) argues that the politicization of justice and historical processes of colonialism are of equal importance in the evolution of contemporary restorative justice and therefore in the development of its principles and values. Marshall (2003) explains that due to this variety of factors and practical experience in its development, restorative justice is not represented by one single academic theory but rather is represented by an eclectic accretion of cultures, practices and experiences. Each of these factors plays an important role in the formation and development of the contemporary restorative justice framework.

Given these varied beginnings, it is understandable that there is no universally accepted definition or fundamental principles and values of restorative justice within the literature. To this end, Johnstone and Van Ness point out that the term restorative justice is similar to terms such as democracy and justice, in that “people generally understand what they mean, but they

may not be able to agree on a precise definition” (2006: 43). However, several scholars and restorative justice advocates provide working definitions, including Howard Zehr (2002: 37), who defines restorative justice as:

A process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible.

Likewise, Tony Marshall (2003: 28) provides the following definition, which he contends has been internationally accepted:

A process whereby all the parties with a stake in a particular offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.

The subtle difference between these two definitions presents a topic of debate among scholars and practitioners. While Zehr acknowledges the importance of involving all stakeholders, he recognizes that processes which do not involve all parties may still be restorative. Marshall’s definition rejects the possibility of a restorative justice process which does not involve all parties, or involves proxy or surrogate victims. But as Woolford points out, such disagreement is part of the normal activity for a social movement. Like other movements, restorative justice is “in a constant process of negotiating its meaning or identity, and therefore...there exists no one master definition of the concept” (2009: 16).

Zehr (1990, 2002) explains that while definition is important, restorative justice is, more crucially, a set of fundamental values indicative of the lens through which we view crime. He offers the distinction between the retributive justice lens and the restorative justice lens and explains that it is the lens through which we view crime that determines our response to it. According to Zehr, retributive justice views crime as a violation of the state that is defined by

lawbreaking, and focuses on guilt, rule breaking and administration of pain as punishment. In contrast, restorative justice views crime as a violation of people and relationships that creates obligations to make things right. It therefore focuses on the needs of victim, offender and community in a search for solutions to repair harm and provide healing.

Zehr explains that there is no pure model that can simply be implemented in a community, as “various programs embody restorative justice in whole or in part” (2002: 10). He asserts that at its core, restorative justice “is a set of principles, a philosophy, an alternate set of guiding questions,” (ibid: 5) and provides the following five guiding questions which, he claims, contain the “essence of restorative justice” (ibid: 38):

1. Who has been hurt?
2. What are their needs?
3. Whose obligations are these?
4. Who has a stake in this situation?
5. What is the appropriate process to involve stakeholders in an effort to put things right?

Woolford (2009) echoes Zehr, explaining that restorative justice is contextually specific and must adapt its practice to specific harm contexts, including a multitude of applications, circumstances and cultures, rather than applying a one size fits all approach.

Sharpe (1998: 19) also explains that it is “the set of values and beliefs...which point to principles for responding to criminal harms” and provides the following five principles which guide a restorative response to criminal harms:

1. Invite full participation and consensus;
2. Heal what has been broken;
3. Seek full and direct accountability;
4. Reunite what has been divided; and
5. Strengthen the community to prevent further harms.

Also, to this end, Van Ness and Strong (2006: 43) offer three key principles which, they explain, “govern the implementation of restorative justice in processes and in systemic reform.”

These include the following:

1. Justice requires that we work to heal victims, offenders and communities that have been injured by crime;
2. Victims, offenders and communities should have the opportunity for active involvement in the justice process as early and as fully as they wish;
3. We must rethink the relative roles and responsibilities of government and community: in promoting justice, government is responsible for preserving a just order and the community for establishing a just peace.

Further, they provide four primary operational values of restorative justice, called “cornerposts of restorative justice,” which include encounter, amends, inclusion and reintegration (ibid: 49). According to these authors, encounter refers to providing all affected parties with the opportunity to meet the other parties in a safe environment to discuss the offence, its harms and appropriate responses. Amends refers to ensuring that those responsible for the harm resulting from an offence are also responsible for repairing the harm, to the fullest extent possible. Inclusion requires that all affected parties must be invited to directly shape and engage in the restorative processes, and reintegration means that all parties are given the means and opportunity to rejoin their communities as whole, contributing members.

Similarly, Woolford suggests three ideal traits of restorative justice, which he claims, offer a degree of conceptual clarity. The first, *open and actively participatory*, refers to restorative justice as being open to the active participation of all parties, allowing them to contribute to the process and outcomes, but not mandating their participation. *Empowering*

refers to participants being provided with a significant degree of ownership over the process, including determination of the process itself as well as decision-making. By providing this investment in the resolution, participants become principle agents of its implementation. The third ideal trait, *satisfying and offers a relational healing process*, refers to participant satisfaction regarding collectively negotiated resolutions starting them on a healing process, which Woolford argues, is the primary objective of restorative justice (Woolford, 2009: 13; emphasis in original).

Finally, Marshall provides another set of principles. He argues that the primary set of restorative justice principles are:

1. Making room for the *personal involvement* of those mainly concerned (particularly the offender and the victim, but also their families and communities);
2. Seeing crime problems in their *social context*;
3. A forward-looking (or preventative) *problem solving* orientation; and
4. *Flexibility* of practice (creativity)

(Marshall, 2003: 28; emphasis in original).

Evidently, while there are common themes within the literature, there is substantial variation in definition, as well as in the principles and values of restorative justice identified within the literature. As previously pointed out by Woolford (2009) however, given that restorative justice is a social movement, it is in a constant process of negotiating its identity. Therefore the debate and negotiation of its principles and values will continue to evolve simultaneously with the progression and advancement of the movement itself.

1.3 Hegemonic Culture of Retribution/Punishment

Contemporary restorative justice evolved within a society which has, itself, also been transforming. Inasmuch as key aspects of restorative justice have been discussed, they did not arise in isolation. Rather, they occurred within a broader set of cultural conditions, including a continuously changing culture of crime control. For the purpose of this thesis, it is important to discuss the culture of crime control in which contemporary restorative justice is positioned and presents itself.

Prior to the 18th century, theories about crime and crime control were “inspired primarily by religious beliefs and superstition” (Zilborg 1969 in Linden 2009: 220), and involved a variety of tortures designed to prevent further harms by removing criminals from society. Tortures ranged from exile and revenge to the rack, thumbscrews, public burning in hot oil or at the stake, hanging, decapitation, and drawing and quartering (Linden 2009). The mid to late eighteenth century brought with it the development of classical criminology, which called upon the state to take a “reasoned” approach to crime control. Based on the belief that people are rational and therefore commit crimes because it benefits them, it was argued that punishment could prevent further crime by increasing the personal cost to the individual and thus outweighing the benefit derived from the crime. Utilitarianism, which argues that what is good is that which provides for the greatest happiness for the greatest number, formed the basis of the social contract, under which citizens gave up some of their freedom to the state, agreeing to obey state rules or endure its punishment, in return for the state being responsible for their protection and safety (Deutschmann 2002). Punishment was considered to be an effective deterrent to criminal behaviours, providing it adhered to Bentham’s three basic principles of

swiftness, certainty and severity. That is, in order to effectively deter future crime, punishment had to be a certainty and had to occur very soon after the act. Also, the severity of punishment need only be sufficient to outweigh the benefit gained from the crime. Notwithstanding these changes in the view of criminal behaviour and punishment, and the fact that due process was implemented in some regions to ensure fairness, equality and consistency, punishments still involved pain infliction through methods such as the wheel, hard labour, public disgrace and humiliation. Public scenes of head shaving, coarse uniforms and irons and chains were “all part of a penalty designed to produce feelings of revulsion amongst an on looking public and shame and humiliation amongst the criminals” (Pratt 2000: 128). Crime control became a matter undertaken by the government and, over time, criminal apprehension, prosecution and punishment came to be completely administered by “professional bureaucracies, utilizing institutions, laws and sanctions specially designed for that purpose” (Garland 2001: 30). This perspective on crime control continued into the nineteenth century.

Garland (2001) explains that the late 19th and early 20th centuries brought with them the development of penal-welfarism, based on rehabilitative interventions rather than punishment and retribution, and this approach came to define criminal justice practice, at least at the political and professional level. Prison sentences were increasingly indeterminate and parole supervision, probation and early release became common practice. Expert assessment and classification of criminals involved psychiatric reports, guided treatment and social work. Imprisonment became a method of re-educating and rehabilitating offenders, and reintegrative support was provided upon release. In Canada, the *Juvenile Delinquents Act* of 1909 provided a distinct separation between adult and youth offenders, and the conviction of a youth as

“delinquent” meant that the youth was thought to be a “misguided... product of improper upbringing in their family life” (Green 2003: 29), requiring re-education, direction and guidance, particularly, rehabilitation.

Due to the discretionary nature of the penal welfare system, however, some offenders received extensively lengthy prison sentences while more affluent or respectable offenders were treated with leniency. In order to maintain public support, a “sizable gap opened up between publicly announced prison sentences and actual time served by most inmates” (Garland 2001: 35). Although the public still demanded and expected punishment and retribution for criminals, being content to have the state provide crime control, they became increasingly removed from the system. Therefore, they did not fully understand its workings and the appearance of providing punishment in accordance with public demands while providing experts with decision making powers allowed the system to avoid close public scrutiny. This, according to Garland, was responsible for the durability of the penal welfare system which combined penal and welfare aims by remaining flexible enough to allow circumstance to dictate the actual method of choice.

By the late 1960s, experts, including “probation officers, social workers, psychologists, psychiatrists, child-guidance experts, educationalists and social reformers of all kinds,” were “unaccountable professionals, whose decisions were typically issued without explanation and without being subject to judicial review” (Garland 2001: 36). Commanding a great deal of trust, their expertise expanded into policy making processes. The general belief that “crime concerns us all, but only the government can take effective action” (ibid: 34) became dominant, and proper treatment was considered to involve individualized, case specific measures rather than

uniform and standard dispositions. The typical professional response to crime became a combination of social work, social reform, professional assessment, treatment and public pacification while the public's standard response was increasingly to rely on police rather than intervene, and to expect professionals to provide crime control in all situations. In reality however, fines and probation dominated sentencing dispositions, and prisons "offered little rehabilitative treatment" (ibid: 168). By this time, Garland explains that professional discourse was dominated by rehabilitation and treatment, and even the word 'punishment' together with punitive sentiments were repressed, forced underground, and effectively disappeared from official discourse. However, the public still maintained its desire for and increased its demand for punishment and retribution, expecting it to be provided by the government. The result was tension and crisis between the public and criminal justice professionals.

Beginning in the 1970s belief regarding criminal justice branched out in two directions (Smandych 2006; Garland 2001). On one hand, the dominant societal view was that support for rehabilitation had begun to deteriorate, together with the use of fines and probation, and incarceration lengths began to increase. Over the next few decades, indeterminate sentences became less common, and a more punitive trend returned. High visibility of crime in the media, particularly regarding outrageous crimes against innocent victims, created public outrage and the sense that crime was out of control (Linden 2009; Kendall, Murray & Linden 2000). In general, the public felt that harsher punishments were required and that the penal welfare system, which focused on rehabilitation, had failed. Public opinion became increasingly important and public demands for greater punishments combined with the desire for political gain resulted in politicians exerting greater degrees of direction while penal experts became

less influential (Garland 2001). *The Young Offenders Act* of 1984 reflected the current dominant view of Canadian society, that not only adults, but also young offenders, should be held accountable for their crimes. Public opinion reflected wide criticism that the justice system was not tough enough on adult or youth offenders, and that innocent law abiding citizens were becoming increasingly victimized. Critics argued that system leniency was responsible for increasing crime rates (Goff 2008; Griffiths & Corrado 1999; Smandych 2006). An “us versus them” mentality resulted in even greater calls for punitive responses to crime. Overall, by the early 21st century, the penal mode became more punitive, with “retributive, incapacitative and deterrent aims having become the priority of the criminal justice system” (Garland 2001: 175). Although probation still exists, it is generally used as a punishment within the community rather than as a rehabilitative alternative to prison. Offenders on parole, probation or dealt with through the youth court system are viewed as “culpable undeserving and somewhat dangerous” and “must be controlled for the safety of the public” (ibid: 175). Shaming tactics have been revived in the name of community awareness, safety, and an expression of non-tolerance, and the decline of faith in rehabilitation and the penal-welfare system has resulted in the need for “the sight of suffering individuals...to provoke the impassioned responses needed to supply the emotional energy for punitive policies and a war on crime” (ibid: 201). Politicians continue to call for tougher sanctions, the media continues to sensationalize crime and criminals calling for tougher policies, prisons rates continue to increase and the public maintains a fear of the violent criminal and a lack of faith in the amount of punishment handed out by the criminal justice system.

On the other hand, 1970s scholars noted that the ability to handle conflict and crime had been “stolen by the state” leaving individuals and communities unable to participate in the process (Christie, 1977). Policing strategies became more targeted towards specific activities and crime prevention, community and problem oriented policing developed while police linked with other organizations to handle crime (Goff 2008). Victims began to demand input and recognition through victim support organizations, and victim impact statements and victim referral services brought the victim back into the spotlight of the system. Implementation of mediation and other ‘restorative’ sanctions began in order to deal with suitable (minor) offences, and offenders and victims began to be brought together to deal with issues restoratively rather than punitively. Overrepresentation of youth and minorities in prison and other correctional facilities, and general prison overcrowding provided support for non-punitive methods of addressing crime, particularly with youth (McLellan 1999 in Green & Healey 2003; Griffiths & Corrado 1999). In 2002, it was acknowledged that the Canadian youth incarceration rate was higher than other western countries, including the United States, and that the Canadian youth incarceration rate is higher than its adult incarceration rate, supporting the implementation of new measures (Department of Justice 2002). During this period, scholars and practitioners continued to develop theory on and research into the effectiveness of restorative justice, and contemporary restorative justice initiatives, as well the movement itself, developed in Canada and around the world. Key characteristics of the principles of the developing movement and initiatives included victim and community inclusion, reparation of harm, victim and offender reintegration and healing of all parties.

CHAPTER 2: THEORY AND METHOD

THEORY

2.1 Restorative Justice as a Social Movement

Prior to the 1970s, the study of social movements in Canada tended to focus on either social movements as forces for change with interest bases in political-economic structures, as unmediated responses to relative deprivation (David 1969 & Gurr 1970 in Carroll 1992), or as a sort of mass deviance, symptomatic of the normative breakdown of well-adjusted bourgeois individuals (Smelser 1963 & Johnson 1966 in Carroll 1992). In the 1970s and early 1980s, feminism brought with it an emphasis on women's collective agency, focusing on identity rather than political or economically based social movements. This new perspective called into question the political-economical framework on which the sociological study of social movements had been based (Carroll 1992). During this period, several theories of social movements developed, most of which are perceived to belong to one of two general groups. The first, Resource Mobilization Theories (RMT), such as Tilly's Political Process Model and McCarthy and Zald's Entrepreneurial Mobilization Model, focus on *how* movements form (Carroll 1992; Diani, 1992). According to RMT theories, shared interests underlie mobilization, and resources such as labour, money, land or technical expertise are brought under collective control enabling the group to pursue a shared goal, such as higher wages, universal daycare or Native land claims. They are generally situation specific, are based on collectively felt grievances, and the potential for movement mobilization under these theories is determined by pre-existing social organizations, social networks and collective identities. In contrast, the

second group, New Social Movement (NSM) theories, began to focus on *why* movements form. Alberto Melucci's Theory of Collective Identity (1989 in Carroll 1992) was fundamental in the development of NSM theory. Melucci viewed new social movements as using discursive practices to create new political subjects and spaces, ultimately leading people to rethink what they mean by commonly used terms such as community, power, reason, development or democracy (Magnusson & Walker 1988 in Carroll 1992). According to Melucci, new social movements:

Emphasize the capacity...to reshape the discursive terrain of politics in distinctive and potentially radical ways, through personal and cultural transformations that refuse accommodation with existing institutions (in Carroll 1992:17).

These theories significantly differ from the previous political-economic based theories in that they emphasize a new concept of collective identity that includes cultural as well as political or economic influences. Carroll explains that contrary to RMT, which describes social movements as "agencies of common interest," NSM theory views social movements as "instances of cultural and political praxis through which new identities are formed, new ways of life tested and new forms of community prefigured" (1992: 16). These social movements focus on "macrosociological transformations," attempting to transform people's self-understandings and create cultural codes which contest the legitimacy of received points of view (Cohen 1985 in Carroll 1992). Through doing so, these movements:

Oblige the ruling groups to innovate, to permit changes among elites, to admit what was previously excluded from the decision-making arena and to expose the shadowy zones of invisible power and silence which a system and its dominant relations inevitably tend to create (Melucci 1992 in Carroll 1992: 19).

According to Melucci, these movements, rather than focusing on politics, as RMTs

had, concern themselves with the “need for self realization in everyday life,” revealing and exposing “that which is hidden or excluded” by decision making processes, and posing “symbolic challenges that overturn dominant cultural codes” while constructing collective identities that create new cultural practices (1989, 1994 in Carroll 1992: 18). Finally, Melucci argues that:

A critical attribute of a social movement is the extent to which its actions challenge or break the limits of a system of social relations. Such challenges, such transgressions, necessarily entail a *disorganization* of consent, a disruption of hegemonic discourses and practices...(therefore) movements may be viewed *prima facie* as agencies of counter-hegemony. By...acting outside established political structures of state, parties and interest groups, movements create independent organizational bases for advancing alternatives” (1989 in Carroll 1992: 25; emphasis in original).

The debate between RMT and NSM theories illustrates the level of contention within the study of social movements. Thus, similar to the term restorative justice, there is no universally accepted definition of the term social movement. Various theorists and scholars have provided definitions which have been accepted to varying degrees. For example, Mario Diani (1992) offers a convergence of RMT and NSM approaches, synthesizing previous and more current definitions of social movement into a more comprehensive definition. According to Diani’s widely cited definition (1992: 13), a social movement is:

A network of informal interactions between a plurality of individuals, groups and/or organizations, engaged in a political or cultural conflict, on the basis of a shared collective identity.

Contemporary restorative justice is often referred to as a social movement (Van Ness, Morris & Maxwell 2002: 3; Elliott & Gordon 2005: xiii; Woolford 2009: 19), and this view is supported through the application of the three key components of Diani’s definition. First, contemporary restorative justice is a network of informal interactions between a plurality of

individuals, groups and/or organizations, including victim advocate and offender rights groups, community, provincial and territorial crime prevention and safety groups, faith-based and indigenous groups, educational programs and individual practitioners, justice workers and academics. Secondly, contemporary restorative justice is engaged in political and/or cultural conflict, striving to effect a “paradigm shift” (Zehr, 1990, 2002) in the way society and individuals view and deal with crime, justice, criminal behaviours and conflict, in general. Finally, the third component of Diani’s definition of a social movement is the engagement of action on the basis of shared collective identity. Although there remains ongoing debate and discussion regarding a future collective identity formation, the current identity of contemporary restorative justice, as noted in the previous chapter, is one of empowering and participating in alternatives to the criminal justice system, as well as to conflict in general.

In addition to explaining why social movements form, there is an abundance of literature explaining how movements attempt to attract and mobilize potential constituents and thus effect cultural change. This occurs through the use of various framing techniques. In this thesis proposal, these framing techniques provide a conceptual framework for analysing the representational practices of restorative justice in film.

2.2 Framing, Framing Techniques and Processes

The term framing, as used by Goffman (1974:21), refers to a “schemata of interpretation” that renders events or occurrences that might otherwise be meaningless into something that is meaningful, by organizing individual or collective experiences and guiding action. Goffman argued that through primary frameworks, individuals and groups locate, perceive, identify and label occurrences, in order to “incorporate the will, aim and controlling

effort of an intelligence” (ibid: 22). Further, he pointed out that motive and intent are involved in framing, and that “serial management of consequentiality is sustained” in an effort to impute particular frameworks as primary, and thus guide actions (ibid: 22). Snow, Benford, Rochford & Worden extend the concept of framing to create the notion of “frame alignment” within social movements. According to these authors, frame alignment is:

The linkage of individual and SMO [social movement organization] interpretive orientations, such that some set of individual interests, values and beliefs and SMO activities, goals and ideology are congruent and complementary (1986: 464; Snow & Benford 1988: 198).

These authors argue that there is enormous variability in the subjective meanings attached to situations or events. Therefore, social movements actively engage in the production of meanings for participants, antagonists and observers in an attempt to mobilize potential constituents. Successful frame alignment, however, requires that two conditions be met. First, Piven and Cloward (1977: 12 in Snow 1986: 466) explain that situations or conditions that are ordinarily considered just must come to be seen as unjust in order for collective action to occur. Therefore, generation and adoption of an injustice frame is necessary. It is not enough for grievances to be present, they must be interpreted as (a) grievances, and (b) unjust, in order for group or individual mobilization to occur. McAdam refers to this as “cognitive liberation” (1982 in Snow: 1986, 466). The second condition to be met is that group or individual participation must be viewed as variable. Participation in a social movement is based on rational decision-making, which is assessed and reassessed, negotiated and renegotiated over time. Frame alignment, therefore, assumes that participation and decision making change over time.

In order to meet these conditions, Snow and Benford (1988, 198) explain that the frame alignment process strives to accomplish the following three core framing tasks.

- i. Diagnostic framing – which is the identification of a specific problem, and attribution of blame or causality for the existence of that problem.
- ii. Prognostic framing – refers to the suggestion of solutions to the problem, and identifying of strategies, tactics and targets. This framing specifies what needs to be done; and
- iii. Motivational framing – is the call to arms, or rationale, for engaging in corrective action.

The greater the integration of these three tasks, the higher the probability of participant mobilization within and across movements.

These three framing tasks occur through four processes of frame alignment, which include frame bridging, frame amplification, frame extension and frame transformation (Snow et al. 1986). Frame bridging, the primary form of frame alignment, refers to the linking of two or more ideologically congruent but structurally unconnected frames. This can occur at the level of two or more movements or individuals, and also links social movements with aggregates of individuals who share grievances but lack an organizational base for action to attain their goals. Bridging occurs through organizational outreach, information diffusion, and interpersonal and intergroup networking, mass media or direct mailings. In this case, film itself is a method of frame bridging, as the restorative justice movement disseminates information to various sentiment pools such as stakeholders (victims, offenders, families), third parties (students, academics, practitioners, youth workers, volunteers) and governing authorities (corrections staff, justice staff, government officials).

The second frame alignment process is frame amplification. Goffman explains that “to speak of everyday life is to take a shot in the dark” (1974: 26). He adds that meanings of events and life situations constructed by individuals may be misguided, inappropriate, out of touch or, simply wrong due to deception, ambiguity, uncertainty or fabrication by others, and that clarification of interpretive frames is necessary. Frame amplification refers to the clarification and invigoration of the interpretive frame of a problem or issue (Snow et al 1986), for example, the clarification of what restorative justice is, its primary values and its beliefs regarding youth crime. There are two types of frame amplification, including value amplification and belief amplification. Value amplification refers to the identification, articulation and elevation of one or more values which are presumed basic to prospective participants and relevant to the issue, but which have not previously inspired collective action, due to the ambiguity of the particular value, or its having been taken for granted. Examples of such values may include respect, autonomy, accountability or responsibility. Belief amplification refers to the clarification, identification and illumination of movement beliefs, or the relationship between two things, or between a particular thing and its characteristics. Snow et al (1986: 467-70) present five types of beliefs, which include beliefs about:

- i. the seriousness of the problem;
- ii. the causality of the problem;
- iii. stereotypic beliefs about antagonists or targets of influence;
- iv. the probability of change or efficiency of collective action; and
- v. the necessity for mobilization or group action.

These authors describe frame extension as the extension of the primary framework boundaries in an attempt to enlarge its sentiment pool. This is accomplished by highlighting interests and points of view that are incidental to the movement, but are salient to potential

and targeted participants. Specifically, movements “elaborate goals and activities so as to encompass auxiliary interests not obviously associated with the movement, in the hopes of enlarging its adherent base” (ibid: 471). In other words, the movement attempts to align the values of potential participants with those of the movement. For example, meeting the victim face to face is extremely difficult for youth who have committed criminal acts. While the difficulty of offender participation is not a primary goal of the restorative justice movement, a tough approach is salient for politicians, and generally, the public. Therefore, in order to appeal to potential participants within a punitive society, this aspect may be highlighted in an attempt to illustrate how restorative justice is a tough approach to crime.

Finally, the fourth process of frame alignment is frame transformation. Snow et al. (1986) explain that in some cases, social movement values may not resonate and may even appear antithetical to conventional lifestyles. In these cases, they argue that movements conduct ‘keying,’ a concept developed by Goffman whereby new values, meanings or understandings must be reframed in an attempt to redefine activities and events that were already meaningful from an already existing or conventional framework. Goffman explains that what is necessary is a systematic transformation that reconstitutes participants’ already developed schema of interpretation, redefining what is going on from the movement’s perspective (1974; Snow et al. 1986). This redefining of a particular interpretation must be accompanied by a corresponding shift in attributional orientation, requiring new activities to replace those becoming inappropriate, or unjust. Examination of frame transformation is crucial in analyzing the presentation of restorative justice in film, and its attempt to encourage a paradigm shift.

As a social movement, attraction and mobilization of potential participants is integral to the continued growth and acceptance of contemporary restorative justice, its struggle to disrupt hegemonic punitive discourses and practices and advancement of its alternative culture. Hence, framing processes are of utmost importance in broadening its appeal to stakeholders, practitioners, funders, politicians and the general public and reshaping the discursive terrain of criminal justice. One of the primary methods used by the restorative justice movement is film. Over the course of my experiences as an academic, worker and volunteer, I have observed and presented numerous training and educational films, and have become interested in the manner in which the movement presents itself and how this hinders or supports the acceptance and advancement of restorative justice. The purpose of this paper is to ascertain how this movement presents itself, its values and beliefs to potential and existing participants, through the use of film, specifically: How does the contemporary restorative justice movement frame itself, its values and its beliefs through training, educational and informational film, in its attempt to broaden the appeal of the movement and advance its acceptance and implementation, particularly within a hegemonic culture of retribution and punishment?

METHODOLOGY:

2.3 Description and Analysis

The selection of methods is a critical aspect of research, based on worldviews as well as on the kind of information sought, from whom, and under what circumstances (Kirby et al 2006). In this case, a qualitative analysis was conducted, which involved a close examination of restorative justice film in which the following related questions were asked:

What language is used within the films?
Who presents the information?
How are visual effects presented (framed) within the films?
How are the main ideas communicated?

Two of the basic premises of symbolic interactionism are that human beings act toward things on the basis of the meanings that the things have for them, and that meanings of things arise out of the social interactions one has...(and) therefore meaning is a social product, created through interaction (Wallace & Wolf 2006). According to O'Shaughnessy & Stadler (2005: 150), the term discourse refers to the social process of constructing meaning within a mutually understood set of rules, and further that "discourses find expression in texts and other communicative practices." Fairclough (1992) provides three constructive aspects of discourse, including the construction of (i) social identities, (ii) social relationships and (iii) systems of knowledge and belief. Borrowing from these, I examine the construction of meaning, knowledge and therefore practice, by the contemporary restorative justice movement, through the use of educational, informational and training film. A qualitative analysis utilizing Snow & Benford's three core alignment tasks of diagnostic, prognostic and motivational framing, which are achieved through the four frame alignment processes of bridging, amplification, extension and transformation is offered. Also, borrowing from content analysis, which focuses on manifest rather than latent content (Kirby et al. 2006), and grounded theory approach (Glaser & Strauss 1967), which allows for systematically obtaining and analysing data through a constant comparative method, I allow bits, commonalities and themes to emerge within the frame alignment task and process categories. Combining the foregoing techniques and approaches results in a rich and comprehensive answer to the research question.

Shelton (2004) explains that film offers unique advantages in the creation of this meaning through communication, and points to visual effects, auditory effects including dialogue, narration, and music, multisensory features, empathy, plastic medium (time manipulation), ability to reach large populations, designer selection (blending of psychological and technical elements) and ability to tailor-make film and silver-screen magic, as the most important advantages in using film to achieve communication goals. A variety of films have been developed and used to disseminate information to participants in the restorative justice movement as well as to potential participants and stakeholders.

Viewing selected films without audio, allowed me to focus on visual characteristics. Borrowing from Glaser's concept of open coding (1978), bits, commonalities, themes and patterns emerged based on consistencies of visual characteristics within the data. Films were then listened to without visual, and characteristics were similarly described. Films were then analysed using visual and audio, and patterns and themes were analysed through a frame alignment lens, in order to reach saturation and generate substantive theory regarding the framing tendencies of restorative justice. Particular attention was paid to language (key words and terms, tone) and voice (who is speaking/acting, technical v. everyday voice).

2.4 Data selection

Films included in this study were chosen from those purchased at conferences, experienced at practitioner training and/or educational settings, purchased through the International Institute for Restorative Practices website, recommended by scholars, and obtained from the University of Winnipeg, University of Manitoba, Menno Simons College,

Canadian Mennonite University and Mediation Services. Selection criteria includes the following:

1. Produced 1995 or later;
2. Promotes the practice of restorative justice, and contributes to the research question;
3. Intended audience is restorative justice movement participants, potential participants, stakeholders, funders, politicians or the general public;
4. Presents topics including mediation, victim offender mediation and/or conferencing; and
5. Availability.

The preliminary list of films attached as Appendix A, from which eleven films were selected to be included in the study. Films were viewed in their entirety in order to confirm suitability.

This study contributes to the growing body of restorative justice literature by providing insight into how the movement frames itself, its values and its beliefs, in training informational and educational film. Further, it explores how this framing may be influenced by its position within the hegemonic punitive and retributive culture. Revealing areas of successful framing as well as areas which require consideration and attention, this study discusses the potential impact of this framing on restorative justice movement mobilization, implementation and practice.

CHAPTER 3: FINDINGS & ANALYSIS I: CORE FRAMING TASKS

CONTEXT & EMERGING THEMES

Eleven films meeting the selection criteria were included in the analysis. These films range in length from 10 to 117 minutes with an average of 48 and a sum of 528 minutes. All films were produced between 1997 and 2008, and countries represented include Australia, Canada, Netherlands, UK and United States. Table 1 provides particulars pertaining to each film.

Table 1: Films Included in the Study

Film	Year	Produced in/Represented	Minutes
A Healing River: An Invitation to Explore RJ Principles and Values (HR)	2007	Canada / USA	85
Beyond Zero Tolerance: Restorative Practices in Schools (BZT)	2008	USA / Netherlands / UK	25
Burning Bridges (BB)	2005	Pennsylvania, USA	35
Circles (C)	1997	Yukon Territory, Canada	58
Complete Victim Offender Mediation & Conference Training (CVOM)	1997	Minnesota, USA	117
Facing the Demons (FD)	1999	New South Wales, Australia	57
Glimmer of Hope (GH)	1997	North America (Minnesota, USA)	53
Hollow Water (HW)	2000	Manitoba, Canada	44
Introduction to Conferencing (IC)	1999	Australia	18
Restorative Justice for Victims, Communities & Offenders (RJVCO)	1997	Minnesota, USA	25
The Woolf Within (WW)	2008	UK	10

Offences represented in the films include murder, arson, sexual and physical assault, theft, break & enter, vandalism, criminal mischief, drunk driving, and a number of miscellaneous, unidentified offences and/or school conflicts including bullying. Six films present one, or primarily one, particular type of offence and the manner with which it was

dealt through a restorative justice practice and five present a number of conflicts or offences dealt with through various restorative justice practices. Insofar as types of practice are concerned, four films primarily focus on conferencing, two present circles, one presents mediation and four present a combination of conferencing and mediation.

Presentation styles vary, with the majority of films utilizing a primary style complemented with secondary styles. Six films utilize a documentary style which includes interviews, three present primarily in interview style and two model a particular practice as their primary presentation. Table 2 indicates the type of offences and style of presentation of each film.

Table 2: Film Presentation and Cases

Film	Primary Offence	Presentation Style
A Healing River: An Invitation to Explore RJ Principles and Values	All Criminal (Primarily youth)	Interview (talking heads), captions
Beyond Zero Tolerance: Restorative Practices in Schools	School conflicts (Youth)	Documentary with interview & captions, some modelling
Burning Bridges	Arson, Criminal Mischief (Youth/Adult)	Documentary with interview, modelling
Circles	Sexual/Physical Assault (Adult),	Interview, modelling, captions
Complete Victim Offender Mediation & Conference Training	Break & Enter and Theft, Vandalism (Youth)	Modelling
Facing the Demons	Murder (Adult)	Documentary, modelling, interviews
Glimmer of Hope	Murder (Adult)	Documentary, interviews
Hollow Water	Sexual/Physical Assault (Adult)	Documentary, interviews
Introduction to Conferencing	Various offences (Youth) Shoplifting, Assault, Assault with Weapon, Murder	Modelling, interviews
Restorative Justice for Victims, Communities & Offenders	Arson, B & E and Drunk Driving (Youth)	Documentary, interviews
The Woolf Within	Break & Enter, Assault (Adult)	Interviews

Themes emerging from the data are categorized in accordance with the three core framing tasks and four frame alignment processes. Categories are not mutually exclusive and, in fact, there is frequent thematic overlap between categories. In addition, several themes became apparent within specific categories. Therefore, although examples selected as illustrations are considered emblematic and representative of themes apparent in all films, it is possible for some examples selected to represent one category to be included in an additional category.

CORE FRAMING TASKS

According to Snow & Benford (1988), the degree to which core framing tasks are attended to, richly developed and interconnected produces variation in the success of movement participation and mobilization, both within and across movements. According to these authors, diagnostic and prognostic framing are directed towards consensus mobilization, while the goal of motivational framing is to generate movement participation. These core framing tasks were examined within the films as a collective, with several patterns emerging in diagnostic and prognostic framing. Motivational framing reveals greater consistency across the films.

3.1 Diagnostic Framing

“Six face criminal charges...” (BB); *“There was a murder in the village...”* (C); *“I was a walking crime wave”* (WW); *“We got arrested in the morning...spent the weekend in jail.”* (HW).

Problem identification is the first component of diagnostic framing. The primary problem addressed in the films is clearly crime within society. Ten films present criminal cases, as noted in Table 2. These films include discussions and processes relating to criminal charges,

victims and victimization, offender, offender processing, the criminal justice system, harm resulting from criminal behaviours and healing after criminal events. They present visual images of courthouses, courtrooms, prison buildings, yards and cells, police officers and other legal authorities. Newscasts as well as images of offenders being arrested and escorted to and from court, offender mug shots, newspaper headlines, newspaper articles including offender photos and close-ups of handcuffs, emphasize crime as a societal problem. One film, BZT, focuses on inappropriate school conflicts such as bullying rather than criminal offences. This film however, draws a parallel to “impetuous, impulsive, drug-abusing kids,” indicating that this is an extension of restorative justice practices within the criminal setting.

In addition to problem identification, diagnostic framing includes the attribution of blame or causality for the problem. According to Snow and Benford (1988, 200), despite the fact that consensus is often achieved with respect to problem identification, various organizations and/or individuals within the movement often disagree with respect to underlying attributions or causes of the problem. This was evident within individual films as well as across films. Five films, including BZT, C, HR, HW, and RJVCO, identify multiple causes and two films, GH and IC, identify one particular cause. Four films, BB, CVOM, FD and WW were considered non-diagnostic, in that they did not specifically attribute a cause for crime. Four main themes emerged.

“One of the main reasons people commit crimes against their neighbour is that, tragically, they have no bond with their community.” Dennis Maloney (RJVCO)

Five films, including BZT, C, HR, HW and RJVCO attribute crime to unhealthy and disconnected communities. In HR, Dave Gustafson, Co-Director of Community Justice Initiatives, briefly explained that the title ‘A Healing River’ is a metaphor for restorative justice,

and that this river has many tributaries, all of which come together to provide healing.

Gustafson's attribution of an unhealthy society as the underlying cause of crime is echoed by several speakers in the same film, as well as other films. In BZT, Paul Carlile, Primary Advisor, Hull City Council, states that "children are living in this increasingly disjointed world where their norms, their values and their sense of community have been eroded," while other diagnoses include phrases such as, "the community was very dysfunctional" (Joyce Bushie, HW), "out of a lack of sense of community..." (Barry Stuart, C), "We don't live in a connected society anymore," (Solanto, HR) and the following:

Humans no longer remember how to be interconnected...Somehow we've made ourselves above it all. So because of that, because we can't remember, that's how come we can so easily destroy or cause damage to life, to people. (Harold Gatensby, HR).

Images of old deserted homes with broken windows and yards with derelict vehicles and snowmobiles (C) attest to the lack of health and connection within communities. Images of residential schools and Aboriginal children sadly climbing into dorm-style bedding contrasted with black and white photos of Aboriginal parents with their smiling children in happier years clearly illustrate the destruction of families and entire communities (C).

"As if crime had only to do with criminals and not to do with community."

Barry Stuart (HR)

In HR, Barry Stuart, Judge, Yukon Territorial Court, and Liz Elliott, Assistant Professor of Criminology, Simon Fraser University, blame crime on a lack of community responsibility and individuals within those communities. Stuart explains:

The community has really gotten away with a 911 mentality. When they have a problem, they dial 911. They bring in some professional...As much or more of the responsibility lies in all of us thinking that the problems can be solved by professionals...Everybody has a responsibility in the community. (HR)

Elliott explains that due to this mentality, as individuals within society, we “have lost the capacity to be real working, viable agents in our own communities” (HR). Lack of individual and community responsibility within contemporary society also emerge in BB, BZT, HW and RJVCO, through phrases such as “it is *our job* to provide them with that opportunity [for ‘redemption’]” (Dennis Maloney, RJVCO), “We have to find a way...,” (David Piperato, BZT) and “It takes a village to raise a child...” (Community Member, BB). HW and C also indicate that deterioration of community responsibility contributes to crime. These films emphasize the loss of traditional and cultural practices, due to which, “the elders had forgotten, or given up their roles as teachers...(and) it was time they took responsibility again” (Tina Mason, HW). Finally, an excerpt from an Albert Einstein quote presented as a caption on screen, with specific imagery providing emphasis and clarity of meaning, powerfully illustrates the lack of community connection and responsibility within society. The excerpt is presented below, followed by Table 3, which offers imagery and symbolism associated with this powerful excerpt.

- i A human being is part of the whole,
- ii called by us, the universe,
- iii A part limited in time and space,
- iv He can experience himself and his personal feelings,
- v As something separate from the rest,
- vi A kind of separation, delusion of his consciousness.
- vii This delusion can be a kind of prison for us,
- viii Restricting us to our personal desires,
- ix And to affection for a few persons nearest us...

Albert Einstein (HR)

Table 3: Einstein Quote Imagery & Symbolism

Line	Imagery	Symbolism
i	Large, peaceful treed mountain scenery	Small role of human in greater world
ii & iii	Half moon in dark sky	The universe. The moon symbolized human's small size in the grand whole universe
iv & v	Night scene- city lights, large apartment & office complexes, fast moving traffic	Colonization & urbanization result in individualization, separation from each other (outside our homes) and from the world (outside our city).
vi & vii	Night scene of city apartments in background, chain link prison fence in foreground	Human separation from one another & nature is a delusion allowing humans to believe they are not responsible to and for each other. Prison fence - imprisoning each of us in a small area disconnected from the rest of the world, and our own communities.
viii & ix	City apartments slowly fade and clear image of barbed wire top of prison fence.	Individuals so locked in this delusion that they are unable to escape, connect with others.

“Canada’s Indian Act amended. Aboriginal children legally required to attend residential school...Aboriginal children were taken from their parents.” Caption (C)

Two films, HW and C, attribute the primary blame for crime to residential schools and their consequential breakup of families, communities, traditional values and ways of life. These films explain that Aboriginal teachings regarding conflict and crime are traditionally taught by elders. However these teachings were destroyed through the creation of The Indian Act and residential schools:

Previous generations should have been teaching us but back then the control by the government agencies, school, church, government officials was so strong that our people were afraid to do anything – they were afraid to practice ceremonies, teach value and beliefs. (Marcel Hardisty, HW)

While much teaching was lost due to fear, many elders were also unhealthy and consumed by alcohol and abuse. Therefore, they were not only incapable of passing down traditional teachings, they, themselves, were part of the problem.

Not only did residential schools prevent traditional and cultural teachings, according to these films, residential schools taught children inappropriate and criminal behaviours, which they simply modelled later in life:

You don't really see what's wrong (because) it was done to you all your life. You were beaten up. Then all of a sudden you do it to somebody else and you end up in jail for it (John Edzerza, C).

Phil Gatensby, of Raven Clan Tlingit Nation, explains further that in addition to destruction of traditional culture and teaching criminal behaviours, residential and mission schools were the initial step in a process that "hardened" children², directly contributing to crime:

In the mission school you learned not to be vulnerable. You might cover your head in the bed at night and cry for your mother, but you would never, ever show anybody...I was fast on the road to becoming hard...and I became hard. I came to a point where I would kill somebody without thinking about it. With no remorse I would have done that. That's how hard I became (Phil Gatensby, C).

"Being dealt with through the courts is just – they're shuffled in and out of the courtroom and they walk away unaware of what's happened." Store Security Manager (IC)

Within these films, crime is most commonly attributed to an ineffective criminal justice system. Two films, GH and IC point to an ineffective system as the primary cause of crime, while BZT, C, HR, HW and RJVCO identify this as one of multiple causes of crime. As previously noted, BB, CVOM, FD and WW did not specifically attribute a cause for crime. Due to the fact however, that these films themselves were a presentation of an alternative method of addressing criminal behaviours and impacts, they were considered, by implication, to support this attribution.

² The second step in the process was prison. According to C, "there's not much difference. Still have supervisors, still have dormitories, still told what time to get up, what to eat, how to dress, except when you were in jail you knew when you were getting out. In residential schools there was an indefinite sentence."

Within the films, the criminal justice system was illustrated as ineffective from three basic perspectives, including victim, offender and community perspectives. All films present the current criminal justice system as ineffective with respect to offenders. For example:

I was there (remand center) for 2 days and then I made bail...I almost enjoyed it in there because all you had to do was you just sit around and drank coffee and play cards and shoot the breeze with the rest of the guys and brag about your charges and why you're there. So that was no problem. I thought right from there, jail's no problem. So I came out and did it again. You know, I reoffended (Keith Boulet, HW).

As well, all films present the current criminal justice system as ineffective with respect to victim's needs, with this being the primary focus of three films, CVOM, FD and GH. FD and GH present murder cases and focus on the journey of the victim's family and their need for the healing benefits of restorative justice after experiencing horrendous crime followed by the criminal justice system process:

Both were found guilty and both received life in prison with no chance of parole for at least 30 years. The courts had done their job. Facts established, legal questions had been answered. Yet for Carin's family, the verdicts were not enough (Narrator, GH).

CVOM models less violent cases but demonstrates the advantages to victim-sensitive processes versus the exclusionary criminal justice system process.

Two films, IC and WW present an ineffective criminal justice system as it affects both victims and offenders. For example, in WW the offender explains, "It was just a bad day at the office for me so I'm off to prison. I can't wait to get to prison because getting to prison means I'll get some drugs" (Peter Woolf, WW), while the victim states, "In a court of law the victim sits in the public gallery. He, she, are the people most affected by this crime, and the least involved in the process" (Will Riley, WW).

The remaining six films, HR, BB, BZT, C, HW and RJVCO demonstrate the ineffectiveness of the current criminal justice system as it pertains to victims, offenders and communities:

The courtroom is a battleground. Over here, the state fights to establish guilt. Over here, the defence tries to beat back that challenge. The community, represented by the judge and jury, declares a victor. Victims are seated behind a barrier, separated from the action...They have no real voice in the outcome... (and) rarely have anyone to listen (Jim Hart, RJVCO).

3.2 Prognostic Framing

“Restorative Justice is proven to reduce reoffending by up to a half.” *Caption (WW).*

According to Snow & Benford (1988, 201), the goal of prognostic framing is to identify strategies, tactics and targets to address causes of the problem. Therefore, each cause, or factor of diagnostic framing has implications for prognostic framing. However, even amongst movement participants who agree on a particular cause, there is considerable variation in strategies, and among those who cite different causes, there is overlap in strategies. This is evident in the films analysed.

All films present implementation of restorative justice practices as the primary strategy to address the problem of crime. Within that primary strategy however, more focused tactics and strategies are recommended. Some films recommend strategies with a specific focus such as increasing the use of mediation, conferencing or circle processes within the justice system, while others suggest broader recommendations such as reconnecting individuals and communities, increasing community responsibility and encouraging a complete paradigm shift.

“Victim Offender Mediation and Conferencing represents...restorative justice through dialogue. It has clearly been found to be a practical and time-tested approach that results in positive outcomes.” Richard D. Powell, Narrator & Co-mediator (CVOM)

Although all films encourage the use of restorative practices, four films (BB, CVOM, FD and GH) were considered primarily prognostic films, in that they model a particular restorative justice practice and illustrate, by example, its benefits. All other films include implementation of restorative practices as one strategy, while also recommending other strategies. The following table indicates restorative practices recommended by each film:

Table 4: Recommended Practices by Film

Film	Recommended Practice
BB, FD, IC, RJVCO	Conferencing
BZT, CVOM	Conferencing, Mediation
C, HW	Circles
GH, WW	Mediation
HR	Circles, Conferencing, Mediation

Through images and modelling of restorative practices, all films stress victim inclusion as an essential strategy. However, in addition to victim inclusion, Sandy Bryce of Victim Services in Whitehorse calls for victimology training for all corrections personnel (HR).

“What you’re really doing is being a healing process within the community.” Mark Wedge (C)

One of the broadest strategies is healing community, society and individuals, which is a primary strategy across speakers and films. Kay Pranis, a practitioner from St. Paul, Minnesota (HR), targets the healing of individuals and communities as a priority, stressing the importance of assisting people, particularly children, to heal from severe trauma such as war, refugee status and child abuse. This is echoed by other speakers in HR and also by speakers in C and HW, who explain the need for Aboriginal community, family and individual healing from the

devastating and traumatic effects of residential and mission schools. Pranis explains that because we, as a society, are so inexperienced at dealing with this, an important first strategy is exploration and learning about what is necessary to heal and facilitate the process.

“Our task must be to free ourselves from this prison, by widening our circle of compassion, to embrace all living creatures.” *Caption, Albert Einstein Excerpt, (HR)*

Another broad method of healing is community reconnection, emphasized in HR, BZT, C, HW, IC, and RJVCO. BZT explains that this means building a community within the school, implementing practices that allow students to share goals, provide suggestions and encourage one another, to “know one another,” and thereby “help them build a more positive, collaborative type of (school) culture” (BZT). Michael White, Mayor of Cleveland, Ohio, suggests community policing as one method of community/societal reconnection:

In policing, the invention of the car was a terrible thing because after the car came air conditioning. And after air conditioning came power windows, and windows went up and people were able to disengage with each other. What we’re trying to do is get people to roll the windows down and figuratively turn the air conditioning off and get people to communicate. (RJVCO)

Images of teachers and principals intermingled and conversing with students informally in crowded hallways, as well as more formally in the classrooms, illustrate the reconnections in BZT, while images of police officers on bicycles and standing on streets engaging in casual conversation with citizens demonstrates the reconnection in RJVCO. In HR, Liz Elliott explains that in order to reduce crime we must “all feel interconnected and all feel accountable for what we do to each other and what we say to each other,” while Donald Nathanson, MD and Psychiatrist, challenges individuals to reconnect with youth who are “on the periphery” of society due to offending behaviours, by asking, “If he’s out, how do we get him back in?” Other

films extended this concept of reconnection into the broader communities and society, through two key methods.

“More of the responsibility lies in us thinking that problems can be solved by professionals... Do not delegate to a professional.” Barry Stuart (HR)

The first method, discussed by a variety of speakers in BZT, C, HR, HW and RJVCO, is increasing community responsibility as well as individual responsibility for themselves, others and the world. Jim Hart (Narrator, RJVCO), pointing out that justice has become a “county, state, a federal government function,” asserts that the responsibility for responding to harm must be returned to the community. This perspective was widely shared throughout the films, with Harold Gatensby (HR) adamantly recommending de-institutionalization and C and HW strongly recommending a return to traditional practices. Responsibility as a moral need is most powerfully expressed in HR as Gatensby conveys the story of the parentless youth in a circle because of his involvement in vandalism. A community member who agreed to support him asked:

Who in this community doesn't know Charlie's situation? Who doesn't know that he doesn't have parents?...Who hasn't seen Charlie out at night wandering around? Which one of us haven't seen him out late? Which one of us have called him in and said 'Charlie come and have dinner with us. Come watch a movie with us. Which one has held out our hand to him?

Other speakers and films cautioned that communities and individuals must be prepared and capable of accepting responsibility. For example, Elliott (HR) points out that while we must be prepared to “get our hands dirty in the business of the community,” we must regain our “capacity to be real, working, viable agents in our communities” in order to heal.

To this end, the second method involves the recommendation of more focused strategies in order for communities, and individuals within communities, to accept

responsibility. For example, C, HR, HW and WW stress the importance of addictions and abuse counselling as well as support groups for offenders. HR recommends victimology training for all justice system workers as well as training programs for community counsellors. RJVCO recommends community based programs such as offender community re-entry programs, supervised offender employment and service based programs during incarceration, half-way house programs to facilitate reintegration and crime prevention programs. Finally, BZT, HR and CVOM recommend implementing restorative justice practices in schools, and BZT is an example of this implementation.

“We need to reserve that prison space for those people that truly need to be removed from the streets of our society.” Dennis Benson, Warden, Stillwater MN Correctional Facility (RJCVO)

Five films, BB, HR, HW, RJCVO and WW recommend shifting from punishment-based to education-based strategies for dealing with offenders. According to these films, many people who have been imprisoned actually do not need to be in prison, not only because it serves no effective or constructive purpose for these offenders, (“two-thirds of those leaving prison are reconvicted within 2 years” caption, WW), but also because prisons provide unhealthy environments where further criminal or deviant behaviours are learned. Education-based strategies allow offenders to be held accountable, to take responsibility for and to learn the impact of their behaviours, and to provide life and employment skills. Therefore, according to these films, these strategies were considered more effective and therefore superior in dealing with crime and crime prevention.

“A new way of thinking is beginning to emerge.” Jim Hart (RJCVO)

Finally, two films, HR and RJCVO, recommend a “fundamental change in society” which means more than simply dealing with criminal behaviours differently. These films propose a

redefining of terms such as justice, crime, punishment, accountability and responsibility. They also recommend not only a restructuring of the criminal justice system but an overall reconsideration of the way society views crime and criminals. For example:

Restorative Justice is basically about harm. It's a violation of people and relations about people. So instead of defining crime as breaking the law, it defines crime as violating people. Instead of saying the state is the victim, restorative justice understands that people and communities are the victims. That real people are hurt (Howard Zehr, Director, Office of Crime and Justice, MCC, RJVCO).

3.3 Motivational Framing

According to Snow & Benford (1988, 202), motivational framing is a call to action, or rationale for participation, the task of which is to convince participants of both the need and utility of active participation in the movement. In order to motivate, Olson (1965 in Snow & Benford, 1988) explains that social movements often attempt to provide potential participants with material, status, solidarity and/or moral inducements. Importantly however, as was the case with diagnostic and prognostic framing, not all films engaged equally in motivational framing.

“We are responsible for Charlie. Not him. He’s a kid. He’s just a kid. We have made him.”
Harold Gatensby (HR)

Moral inducements emerged as the main motivational tool within the films. Several speakers point to adult responsibility and harm to children by adults while emphasizing the seriousness of the problem and pointing to potential future impact. In HR, Kay Pranis, Sandi Bergen and Liz Elliott discuss harm to children by adults and point to punishment and lack of programming as adult failures to assist children in dealing with their pain. Bergen explains that until the pain is dealt with, they will reoffend because the rage is still there, and therefore “the

prisons will be full.” Phil Gatensby emphasizes this adult responsibility as he states, “They are our kids, *our* kids, they are *our kids; they are the future*” and Harold Gatensby warns “They are going to grow up...they are going to have a partner, they will have children. We want them to be healthy doing that.” In BZT, adult responsibility was demonstrated as school administrators, teachers and counsellors attempted to deal with ‘difficult’ behaviours, explaining, “We want to raise kids who can work out their differences,” (Principal, Palisades High School, BZT), and “the way we approach discipline has a large impact.” This is also demonstrated throughout this film as adults actually assume responsibility through phrases such as “we were looking for a way,” and “we try to turn it into a teachable moment” (BZT) as well as “it is our job to provide them with that opportunity” (Dennis Maloney, RJVCO) and modelling and leading mediation and conference sessions. BB and CVOM are less motivationally vocal. Nevertheless, these films also convey this need as adults, including parents and community members, participated in and contributed to resolution of harms. Finally, IC provided the following, powerfully convincing, mobilization statement to emphasize adult responsibility:

(It is an) opportunity for the young offender to be educated from this experience. Young offenders have the *right to learn* the consequences of their crime. They have a right to understand how many other people it affects. They have the *right to develop* as full human beings through this process. Now if you let the opportunity to slip by, by handing it over to lawyers, you deny them all those developmental rights (Police Youth Advisor, IC).

Two films, C and HW, point to a responsibility to change the justice system as a moral need for motivation. These films remind the audience that while Aboriginal communities are experiencing “horrific healing processes as a consequence of unimaginable horrors foisted upon them by the way in which they were ground into our western way of life” (Barry Stuart, C) the current justice system still employs ethnocentric methods of addressing crime:

We fly in, arrive on the day, tell everybody to step back, rearrange their community halls and take over! We don't live in the community, we don't understand their values, we don't understand the history of their conflict and we don't understand most of the families affected. And yet we go in there and try to resolve their problems – with our values, with our understanding of what we think is best for them (Barry Stuart, C).

Further, in HR, Joe Solanto demonstrates the moral need for motivation by providing expert knowledge of the effects of trauma and disconnection. Solanto explains that under traumatic conditions the human brain goes into survival mode, during which people:

...will not act logically, not rationally, not using good judgment. They won't weigh options, think about pros and cons, and won't say what would I be better off doing and what would I be better off not doing?

Solanto warns that people remain in this state until they perceive the danger as gone, and that often these people are seen as oppositional, aggressive, or diagnosed with ADHD conduct disorder and so on. Further, Solanto emphasizes that by 1980 this information was known and therefore excuses for ineffective responses to crime are clearly, morally irresponsible.

Finally, captions, such as the following Leonard Peltier quotation were included in the films:

To heal
We will have to
Come to the realization
That we are all under
A life sentence together
And there is
No chance for parole.

This caption from HR, contributes to the moral need for motivation, stressing the importance of community connection and responsibility.

“I’m feeling so much better. I’m feeling back to this is my neighbourhood, my block, my house.” Rachel, Victim and Conference Participant (CVOM)

The utility aspect of moral motivational framing was demonstrated in three ways. The first involves participants of restorative justice processes. Victims provide success stories and attest to their healing. For example, “...and my dad, we trust him. I trust being alone with him. I couldn’t trust him and then after while I started trusting him” (Richard & Deb’s Daughter, HR) and “I was glad we did it this way instead of going through the courts...because I know the reason. I know they’re sorry...I know that I can go on now” (Youth Victim, IC). People who had offended attested to the effectiveness of mobilization. For example, a Terra College student explains, “I don’t get kicked out so much anymore. And I have much stronger relationships with the people who work here” (BZT), while Peter Woolf states, “because of that conference it initiated change. I implemented change but it sort of gave me the kick start I needed” (WW). Family and community members also provide the utility of mobilization. For example, in BB, a community member explains:

You could see shame and as I observed the conference you could notice as it went on, as community people began to talk to the boys their accountancies changed and they began to feel better about themselves.

Secondly, experts and other professionals provide verification and affirmation of effectiveness in specific cases, as well as wide reaching effectiveness of strategies, through academic knowledge, professional expertise and experience. For example, in C, Stuart states, “I’ve seen the communities grow stronger by participating and taking responsibility for their own problems,” and a guidance counsellor in IC states:

It allowed me to really open up the dialogue between the kids who have been injured and those doing the hurting, and truly come to reparation of harm; come to agreement on how to repair the harm and make things better for everybody.

Finally, according to Ed Baumgartner, Palisades Middle School, “Our discipline referrals from classroom situations are way down. Almost zero percent. And there’s not been one fist fight in the building this year” (BZT).

The third method of demonstrating the moral utility of participant motivation is captions. For example, the caption “Many societies worldwide have used circles to resolve conflicts” appeared in C, and the caption, “Restorative Justice is proven to reduce reoffending by up to a half” appears at the end of WW. These two captions allude to the success of restorative justice practices. RJVCO provides captions listing the benefits of restorative justice, including, in part, the following:

Studies of restorative justice in North America, Europe and South Pacific have found that:

- Offenders in restorative justice programs are more likely to be held accountable to the individuals and communities they harmed;
- Victims are more likely to receive restitution for their losses;
- Victims of crime are less fearful of victimization after meeting the offender and telling them the impact of their crime;
- Offenders in restorative justice programs commit fewer and less serious additional crimes.

The successes demonstrated through captions and participant confirmations as well as verifications and affirmations provided by experts, academics and administrators are intended to confirm to the audience that crime will be more effectively dealt with through restorative justice rather than current punitive and retributive practices.

“To incarcerate someone for a year cost anywhere, conservative figure, \$15-22,000...it does not make sense to spend millions of dollars incarcerating people and run a 65% recidivist rate.” Charles See, Director, Cleveland Re-Entry (RJVCO)

To a much lesser degree, material inducements provided the second tool for demonstrating the need and utility of participant motivation. BZT points to the cost of increased disciplinary measures as well as the loss of schools:

When I first took over the school nearly three years ago, the school was in special measures, which means that the government had deemed it needing very special attention; at risk, really, of being closed down because things were so bad (Estelle MacDonald, Head Teacher, BZT).

MacDonald later provides the utility aspect of motivation as she explains that after implementation of restorative practices the school was not only brought out of special measures it was, in fact, judged to be outstanding and in the top ten percent of schools in the country.

Demonstrating the material need for motivation, RJVCO points to the cost of criminal justice system sanctions, particularly prison, as compared to their effectiveness:

In the United States we now hold more people in prison than ever before, yet crime and fear are still rampant and the cost of building and operating more and more prisons is bankrupting more and more vital public policies (Jim Hart, Narrator RJVCO).

RJVCO and HW both demonstrate the utility of restorative justice in addressing this need by emphasizing its financial success:

...the National Forest Service...management, municipal governments, they give us money. That money goes to offset the cost of programs and pay victim restitution. Our budget for our work program is \$500,000. The revenue we take in from our work is \$485,000. We are \$15,000 away from being self-sufficient. When we go into the black we are going to take the earnings and invest them in prevention somewhere in the community (Dennis Maloney, RJVCO).

As a collective, the films clearly engage in the three core framing tasks offered by Snow & Benford (1988). Through diagnostic framing they provide multiple causes of crime, while prognostic framing within the films identifies a variety of strategies and tactics to address these causes and mobilize potential participants. Finally, through motivational framing, the films provide material and moral inducements, demonstrating the need and utility of action, in an attempt to generate movement participation.

CHAPTER 4: FINDINGS & ANALYSIS II: FRAME ALIGNMENT PROCESSES

Frame alignment processes of one variety or another are a necessary condition for movement participation. Snow et al (1986, 467) stress however, that the nature and intensity of particular frame alignment processes vary among movements. Inasmuch as it is critical that a movement conduct at least one alignment process, it is not necessary that it apply all processes of frame alignment to mobilize potential participants. While all films utilize at least one frame alignment process, some films demonstrate extensive use of particular processes, while employing others to a lesser degree.

4.1 Frame Bridging

Film, itself, is a key mechanism for frame bridging, as it enables social movement organizations to disseminate information to potential participants and sentiment pools. The data illustrates how the contemporary restorative justice movement in particular, utilizes this mechanism as it engages in dissemination of information to particular sentiment pools, including stakeholders, third parties and governing authorities.

Bridging with stakeholders such as victims, offenders, families and community members, as well as stakeholder movements, occurs through provision of movement goals and interests and through prognostic and motivational framing. All films include victims and many include victim advocates such as Sandi Bergen and Sandy Bryce (Victim advocates [HR], Yvonne Smarch, Victim Coordinator [C]). All include offender affirmations and many include offender advocates (Charles See, Cleveland Re-entry Program [RJVCO], Men's Support Group [HW]).

Community members advocate community healing as well as satisfaction with the process, while community mediation initiatives (CVOM, IC) encourage other communities to embrace restorative practices.

The films are a method of information dissemination to, and an attempt to engage in dialogue with, third parties such as academics, restorative justice and youth practitioners, volunteers and youth educators. These third parties, together with professionals included in the films (HR, IC, HW, BZT) provide frame bridging with other professionals as well as various academics, researchers and students studying across disciplines, including trauma and psychiatry, criminal justice, sociology, social work, peace and conflict studies and Aboriginal studies.

Finally, several films engage in frame bridging with corrections and/or justice staff and officials, thus encouraging movement participation by other justice officials and staff. IC and FD include police-led conferences while RJVCO, IC and BB include police testimonials as to the effectiveness of restorative processes. BB, C, IC, HR, HW and RJVCO engage in frame bridging activities through interviews with specific governing authorities, including judges (Barry Stuart, [C, HR, HW], Fred McElrey [HW]), as well as justice and public officials (Kathy Louis, Vice-Chair Parole Board of Canada [HW], Public Prosecutor [BB, IC], Paul Carlile, Primary Advisor, Hull City Council [BZT] and Kay Pranis, Restorative Justice Planner, Minnesota Dept. of Corrections [RJVCO]). Bridging between the restorative justice movement and the criminal justice system is further evident through captions that demonstrate current and encourage future partnerships. For example, C contains the following caption:

1991: Circle sentencing evolves into a partnership between the formal justice system and 5 Yukon communities.

Several films demonstrate the process of frame bridging as they bring together various organizations and individuals within the overall movement, networking restorative justice agencies and visionaries. This process emerges most strongly in HR, which includes universities, youth and offender advocates, professionals in the area of trauma and psychiatry, victim services, community mediation initiatives, practitioners, Aboriginal groups and governing authorities. In demonstrating not only the networking within the movement, but the necessity of *further* networking to include various historical as well as various contemporary contributions, Dave Gustafson (HR) uses the analogy of restorative justice as a river with many tributaries, explaining that:

The river has got a lot of tributary streams. Our interest is not in downstream amalgam, kind of a muddy Fraser River, so much as our interest is in following those tributaries to their head waters. What's the bedrock that gives it force and motivation and guides it? Whether that tributary stream is criminology or victimology, whether it is JudaoChristian ethic, whether it's First Nation values and teaching; our hope is that we will be sufficiently wise enough that we would gather up all those little tributary streams into kind of this healing river that's informed by many, many wiser people than ourselves; back as many generations as we can even imagine. That we must bring to bear the collected wisdom of those people.

To this end, seven of the eleven films present a specific history or origin for a particular practice or the movement itself. For example, in BZT, restorative practices are presented as developed by Ben and Susan Wachtel, who "started an alternative school for juvenile court kids (and) called it the Community Service Foundation." Throughout the film these hosts refer to restorative practices, and other speakers refer to the practices that "the Wachtels have implemented." Three films, C, HR and HW, present as primarily Aboriginal practices. C, HR and HW present Aboriginal cultural images including drummers, singers and symbols such as the eagle, fire and sweat lodge. C and HW discuss circles as an ancient

traditional Aboriginal practice now being revived and accepted. HW presents as sharing successful practices with Judge McElroy from New Zealand. Although HR primarily presents images that are Aboriginal in nature, the above quote by Gustafson in HR specifically emphasizes various distinct and concurrent contributions to contemporary restorative justice practices.

Two films, including FD and IC, present conferencing as having originated in New Zealand, based on the indigenous Maori tradition. Captions (IC), Braithwaite (IC) and O'Connell (FD) explain the Maori history of conferencing as well as shaming ceremonies. RJVCO presents restorative justice as having religious roots. The opening caption introduces this film as an adaptation of "Restoring Justice," produced by the Presbyterian Church, and Hart explains that restorative justice practices originated out of growing concerns arising "out of the faith community," as the image of a Mennonite Central Committee U.S. sign is shown, followed by images and sounds of a church congregation and choir singing. This film bridges with the Maori community, through a very brief reference to the Red Lake Chippawa Reserve which applies the "Maori traditional judicial process." Finally, while GH presents as having no religious or indigenous affiliation and being associated with the Center for Restorative Justice at the University of Minnesota, it does contain a faith based component as family members of the victim refer to their own religious beliefs, praying and "working things out with God" (Mary & Don, GH). Three films, including BB, CVOM and WW make no representation as to the origin of a particular practice or the movement itself, nor do they affiliate with any religious or indigenous practice.

In addition to the variety of historical and contemporary contributions, the data

demonstrates the bridging of types of restorative practices. To this end, eight films exhibit one particular type of restorative practice and two films include two specific practices. James Scott (HR) engages in frame bridging as he attempts to bring all practices together, explaining that:

Restorative justice is not mediation, it is not circle processes. I'm not saying those things aren't a *part* of restorative justice but...it is an *approach* that is centered on things like accompaniment, being with people through the process (emphasis added).

Visual effects within the data portray an important aspect of bridging. Firstly, professionals, academics and justice officials were often interviewed in non-professional or casual settings (BB, C, HR, HW, and GH). They were shown in sofa chairs, in kitchens and living rooms or other every-day backgrounds which included natural scenery, plants, lamps and fireplaces. They were also shown in parks or other casual outdoor environments. Often, clothing was casual and body language was very relaxed. This creates a sense of approachability and similarity to laypeople, exhibiting the ability of these speakers to connect with all types of people, from parents, victims, offenders and community members to other experts and professionals. At other times (BB, RJVCO, BZT, and FD), interviews were conducted in more formal settings such as professional offices, police stations, courthouse steps and judicial offices. For example, police officers interviewed all participating parties and conducted police-led conferences (IC, FD) in full uniform, indicating the bridging between the justice system and the restorative justice movement. In BB and RJVCO, while conference leaders as well as participants were interviewed and participated in casual clothing and settings, defence and district attorneys, the prison warden and other professionals were presented in professional attire outside of courthouse buildings and in offices, prisons and other professional settings. This professionalism, together with the fact that RJVCO is presented in documentary

style, lends credibility to claims and explanations made, thereby bridging with other officials. Specifically, because the public has come to rely heavily on professionals to apprehend, prosecute and punish offenders (Garland 2001), presentation by professionals is a method of frame bridging with the public.

Further, the language used by presenters in all films was practical and understandable. Being neither technical nor highly specialized, this language ensures and encourages access and bridging with people of varying backgrounds, such as victims, offenders, families, practitioners, professionals, and academics. Specifically, in HR, Joe Solanto, PhD, and Donald Nathanson, M.D. and Psychiatrist, both highly trained experts in their fields, use common and easily understandable language in their presentations regarding the technical issues of brain chemical responses, trauma effects and psychological affects. Judges and professors in C, HR, HW and RJVCO, as well as other professionals, speak with knowledge and professionalism, yet without technical or specialized terms.

While the primary focus in the films was crime and criminal offences, HR, IC and BZT conduct frame bridging through demonstrating and encouraging the use of restorative practices in schools. Specifically, HR and IC recommend implementation of restorative practices in schools, and BZT recommends as well as models this implementation. BZT further engages in frame bridging as it extends restorative practices across schools and nationalities, “It doesn’t matter whether you’re teaching at a regular school,³ in an urban area, a suburban area, it doesn’t matter who you are or where you are” (Tonya Featherston, Educational Consultant). This film and IC also emphasize the effectiveness of restorative practices across all ages,

³ This refers to Ben Wachtel’s earlier explanation that restorative processes were initially implemented in an “alternative school for juvenile court kids as well as the kids who were in trouble in public schools.” (BZT)

presenting cases and interviewing administration and students in elementary, middle, high schools and colleges.

Several films, including C, GH, HR, HW, IC and RJVCO emphasize the effectiveness of restorative justice across various types of crimes. Four films (C, GH, HW and HR) present violent crimes, including murder, sexual and physical assault, and explain that while restorative justice practices are primarily used for less violent crimes, they are also effective with violent crime. The other two films, IC and RJVCO present primarily non-violent crimes while stressing the effectiveness of restorative justice in cases of extremely violent crime. The result is dissemination of information amongst practitioners, advocates and stakeholders of various types of criminal involvement, or between various organizations within the restorative justice movement.

Finally, four films (CVOM, IC, RJVCO and WW) end with captions which provide contact information, including phone and fax numbers, email addresses and websites, and offer further information regarding restorative justice. For example, CVOM and RJVCO provide the full address for the Center for Restorative Justice and Mediation at the University of Minnesota, while a narrator explains:

For those interested in receiving more information about restorative justice, including articles, information packets, research reports, books, video tapes and training and technical assistance that's available, contact the Center for Restorative Justice and Peacemaking at the University of Minnesota.

WW invites the audience to contact a victim advocate organization website set up by the victim in the film in conjunction with other crime victims, and invites the audience to purchase a book written by the offender, also providing a website for this purpose. By providing this information these films invite future networking or bridging.

4.2 Frame Amplification

Frame amplification refers to the clarification and invigoration of the interpretive frame of a problem or issue (Snow et al, 1986: 469). Themes regarding value amplification as well as belief amplification emerged from the data, and are presented separately.

Values

Films employ value amplification as a springboard for mobilization through interviews, statements, modelling, captions and images. Values of safety, respect, autonomy, inclusion, responsibility, family and community connectedness, accountability and justice are amplified within the data.

“Humans no longer remember how to be interconnected. We have made ourselves above it all. Because we can’t remember, that’s why we can so easily damage and destroy life, people....” Phil Gatensby (HR)

Films highlight the importance of respect and connection. In HR, Phil and Harold Gatensby emphasize respect for and connection to the environment, community and world, arguing that the disconnection between humans and the greater world has caused the loss of respect for one another. Nathanson and Solanto (HR) echo this by explaining that the greater the connection and strength of relationships within the community or society, the less likely it is that people will harm one another. BZT, C, IC, RJVCO and HW reaffirm this. These films emphasize that “what is being restored is relationship” (Susan Wachtel, BZT) and that the “key and fundamental part of restorative justice is building the sense of community,” (Kay Cawley, BZT) whether that occurs within the family, (C, HR, HW), the school (BZT, IC), or the community (BB, C, HR, HW, RJVCO). According to these films, the sense of community plays an integral role in building respectful relationships, with disconnection causing disrespectful or harmful

behaviours. For example, the destruction of family and community through residential schools created hardened individuals who would “kill somebody without thinking about it” (Phil Gatensby, C). Alternatively, prevention of criminal or offending behaviours occurs through connection which builds respect, thus the need for community programs (HR, RJVCO) and connection, “you can’t eat someone you’ve been introduced to” (Nathanson, HR).

Three films, FD, IC and HR enmesh the value of shame with connectedness. O’Connell (IC, FD) explains that shaming ceremonies have evolved from the Maori indigenous culture and that according to this culture, “whakama is the shame that you feel in the eyes of your community” (IC). Stressing that people must be allowed to experience a “due sense of shame,” (FD) in order to fully heal and feel good about themselves again, O’Connell explains the importance of community connection and involvement as “those are the people who can shame effectively,” allowing the shame to be experienced. In contrast, Nathanson discusses shame as a natural affect which occurs following inappropriate or harmful behaviours, rather than a process “where people try to shame, humiliate or make (offenders) feel horrible” and that actually, “it’s the opposite that happens” (HR). According to him, providing a safe and loving environment is the key to allowing the perpetrator to express these naturally occurring affects and therefore facilitates the process of healing.

“And the ground rule is respect at all times” Richard Powell, Co-mediator, CVOM

The importance of respect for one another includes the value of physical and emotional safety, and was further illuminated in all films in three primary ways. First, in both CVOM and RJVCO, facilitators and mediators explain “ground rules” for the restorative process. These ground rules include listening respectfully without interrupting, and speaking respectfully to

one another throughout the process. One explanation of ground rules includes, “there’s no threats or name calling, things of that matter” (Al Thunder, Member Red Lake Chippawa Nation, RJVCO). The value of respect is also highlighted through demonstration of restorative processes. All films clearly demonstrate respectful speaking/listening behaviours during the processes modelled. C and HW include images, as well as modelling, of circles where the feather, a traditional Aboriginal talking piece, indicates whose turn it was to speak. Language used throughout the processes was mainly respectful and age appropriate in all films, with one exception. In FD, although respectful behaviours and language are displayed through interviews and explanations, several instances in the film were indicative of disrespect, including name calling, towards offenders. During this film’s conference offenders are referred to as “maggots” (Ken), “cowardly things” (Ken) and “cowardly little turds” (Joan). Statements such as “I suppose one day, *unfortunately*, you are going to get out” (Joan) were reinforced by threats including, “yeah...(and) I’m going to be your nightmare for the rest of the time you’re in jail” (Ken). Finally, the victim’s mother brought a bag of dirt from her son’s grave and threw it to the offender as a “Christmas gift.” The disrespectful behaviour at this conference however, was not representative of the behaviours in any other film.

“We bring together the people who have been affected by that, everyone who is involved; people who did it, the people who saw it, people who are affected; and we give them the opportunity to talk about what happened.” Bob Costello, Facilitator, BB

Values of inclusion and autonomy were also highlighted in the data. All films demonstrate the importance of victim and community inclusion in the justice process. Scott (HR) explains that the traditional criminal justice system disempowers people, particularly victims, by not allowing any control over the process or input insofar as their stories or needs

are concerned. He, and other speakers, further explain that even if they choose not to participate, inclusion of the victim provides empowerment, choices and information and that they “have had the opportunity to recognize and address (their) needs” (Scott, [HR], Umbreit [GH], Bailie [BB]). Kay Pranis (RJVCO) explains that the exclusion of victims from the process by the current criminal justice system, as well as the exclusion of the offender from society (prison) “insulates offenders from understanding the human consequences of their behaviour,” which is reiterated by O’Connell (FD), Stuart (HR, C), Umbreit (GH, CVOM), the Police Youth Advisor (IC) and Heffernan (BZT).

Inasmuch as inclusion is elevated as an important value, autonomy is simultaneously emphasized. Six films (BB, C, CVOM, HR, HW, FD and GH) stress the voluntary nature of restorative justice. For example, in FD, only two of the four offenders chose to participate, and in GH, Mary Streufert participated in mediation with one offender, but decided that because the second offender’s viewpoint was “so different” she would protect herself by not participating. In the same film, the victim’s sister, Emily, attended but sat in the background rather than actively participating in the process. Inasmuch as each party was advised that their own participation was voluntary, mediators in CVOM and FD also stress to individual parties that the other party’s participation is his or her individual choice, “just as you have a choice, she has a choice too and it’s very important that it be as voluntary as possible” (Umbreit, CVOM).

Community autonomy is further demonstrated as Stuart (HR) states his belief that many spousal assault as well as sexual assault cases should only go through court, but points out that ultimately it is the community that must make the decision as to what case or parties they consider suitable for restorative practices.

Finally, this quotation from Michael Ignatieff, cited in the film HR, speaks to inclusion, respect and autonomy:

There are few presumptions
In human relations
More dangerous than
The idea that one knows
What another human being
Needs better than
They do themselves.

“It restored the sense of safety that I had lost.” Celine Lee, Victim, HR

Two types of safety, including individual and public safety, emerged from the data. Several films discuss physical and emotional safety of the victim and the offender, emphasizing that this is a necessary prerequisite for individual as well as community healing. An important component of physical as well as emotional safety was respect, which was emphasized during all restorative processes, as discussed above. Part of the healing process for victims of crime was regaining their sense of safety, with many victims indicating that this was more important than recovery of financial or material losses. For example, Sarah, in CVOM indicates:

I don't feel safe. My mother talks about moving. I can't afford that and don't want it. My safety and security has been taken away and I don't know how to get that back. I don't know how to help my mother feel safe again. I can put locks on doors, locks on windows, burglar alarm, but those things still won't make her feel safe because there's something a lot deeper than those mechanical/hardware pieces.

This feeling was shared by other victims, such as Rachel (CVOM), Lee (HR), shop owner (IC), and Riley (WW).

The sense of personal safety also applied to offenders, particularly in C, HR, and HW. Elliott (HR) explains that punishment is based on unequal power relationships, which create distorted, damaged relationships and eventually, crime and particularly violent crime. Solanto

explains the chemical effects and transformation on the brain experienced by people in trauma, which result in a physiological inability to deal with situations logically, rationally or using good judgment. According to Solanto, it is only when these youth feel safe, secure and supported that they are able to heal and learn new methods of behaviour. Kay Pranis (HR) reiterates this, emphasizing that we must “keep trying to create safe spaces” because lots of kids feel that “it is not even a possibility to feel safe in the world” and therefore, they are unable to heal, which is a prerequisite to changing behaviours. This perspective is reaffirmed in C and HW as youth and adults struggle to heal from atrocities of residential school systems and also in C, HW, HR and RJVCO where offender support groups and programs were encouraged.

Finally, to a lesser degree, the value of safety as public policy is discussed. Five films, including BZT, C, HR, HW and RJVCO discuss an overall reduction in crime and other offences. These films point out the necessity for addressing criminal behaviours more effectively because they impact more than the directly affected parties. Mostly notably, RJVCO points out that the current criminal justice system is “unable to make our streets safe” (Hart), that increased incarceration has been ineffective in crime reduction but is “bankrupting more and more vital public policies,” (Hart) and finally, that:

We can line up service projects where our people (offenders) are helping to ease the suffering of others by building shelters, taking care of the poor, making sure seniors have warm safe homes with firewood, (and) they start to build that bond. And you know what? If we get an offender to have a bond with their neighbour and community, that is safer than a 10 foot thick prison wall. (Dennis Maloney, RJVCO)

“Part of the teachable (moment) is for them to take responsibility and for us to hold them accountable.” Rich Heffernan, Assistant Principal Palisades High School (BZT)

Individual and community responsibility and accountability are articulated and highlighted within the films. All films present direct responsibility and accountability for offences as belonging to the person who caused harms. However, within the data there were two methods of portraying this. First, all films emphasize the importance of offenders assuming responsibility for their behaviours from a restorative justice perspective. This means that they must admit their participation and accept blame for the incident as well as its consequences. Taking responsibility also means offenders facing those harmed, explaining the incident and being held accountable. In being held accountable, they must attempt to repair harms arising from their behaviours, wherever possible. For example, in CVOM, Rick apologizes to the victim, returns a stolen television and carries out yard work to replace stolen cash, while in the same film Lynn apologizes to her victim and repairs damage she had done to the victim’s fence. In BB, six offenders apologize to their community and pledge to do whatever they could to try to repair the damage done to the bridge and community. This includes physically and financially contributing to the reconstruction of the bridge as well as rebuilding relationships within their own families and the community.

The second method of portraying individual responsibility and accountability is the establishing or finding of guilt and assigning a particular punishment, most often prison. This portrayal of responsibility and accountability is evident in BB, C, FJ, GH, HR, HW and WW. For example, the reporter in BB explains that responsibility has been established as, “all six pleaded guilty” and how they would be held accountable:

For that they'll spend the next 18 days to 23 months behind bars...then each will be on probation for 5 years during which time they'll have to pay full restitution... (Reporter, BB).

Captions were also used to reaffirm this perspective, for example:

Karl Kramer
Sentence – Murder
15 years – 11 years minimum

The above caption appears at the bottom of the screen while Karl Kramer spoke. The word “sentence” indicates that Karl was held responsible for the murder, and the length of time indicates that he was held accountable. That is, he will be punished by spending a length of time in prison. Similar captions appear for the other offenders, indicating their level of responsibility, i.e. murder vs. manslaughter, and the extent to which they have been held accountable, i.e. the length of prison time assigned. The value of justice was also intertwined with individual responsibility and accountability in CVOM, FD and GH. For example, in FD, following the sentencing of the offenders to various prison terms, Ken explains that “they’ve caught the people who have done this terrible crime to my son and justice has been done.” Type of crime and length of sentence also symbolizes justice, as Markus, in CVOM explained that the result of reducing a charge from a hate crime to vandalism was that his “sister isn’t getting any kind of justice.”

The value of community responsibility and accountability is also portrayed in seven films, including BB, BZT, C, HR, HW, RJVCO and WW. The primary responsibility for inappropriate behaviours of youth was particularly assigned to adults in society. For example, “We, as adults, are responsible for the world they are growing up in” (Pranis, HR), is also the perspective reflected in BB, C, HR and HW. C and HW, together with RJVCO and WW, also

extended this community responsibility to adult offenders. For example, regarding the imprisoned offender that broke into his house and assaulted him, Will Riley states, “You can’t just leave him there, you’ve got to help him help himself” (WW). C, HW and RJVCO emphasize the need for offender support and programs facilitating healing and reintegrating into society as a preventative measure, as well as during and following incarceration and BZT, C, HR, HW, RJVCO emphasize implementation of and maintaining community connectedness as a responsibility of adults.

Beliefs

According to Snow et al (1986), social movements amplify five kinds of beliefs, as follows:

1. Seriousness of the problem;
2. Locus of causality or blame;
3. Stereotypic beliefs about antagonists or targets of influence;
4. Probability of change or efficacy of collective action; and
5. Necessity of mobilization.

Findings regarding the causality of the problem (#2) were presented in the previous diagnostic framing section. Efficacy of collective action (#4) and necessity for mobilization (#5) were presented in the previous utility of mobilization section, and need for mobilization sections, respectively. Therefore this findings section will focus on seriousness of the problem (#1) and stereotypic beliefs about antagonists (#3).

Seriousness of the Problem

“Are we going to wait until they (communities) are so weak that nothing’s going to turn them around?” Barry Stuart, HR

Five films, including BZT, C, HR, HW, RJVCO and WW portray crime as an extremely serious societal problem. Gatensby (HR) claims “the world is dying” and that change is necessary for children to have “some hope for the future.” In the same film, Bergen explains that until society deals with the rage of youth trauma, “the prisons will be full” and Solanto warns that through trauma and disconnect, which cause physiological changes in the brain of the traumatized, “even normal people could become physiologically incapable of rational and logical behaviours.” Ben Wachtel (BZT) warns that “loss of community and appropriate behavioural boundaries is something that (is) happening all over the world,” and Joyce Bushie (HW) claims that “the entire community was very dysfunctional...they don’t know how to be functional.” Finally, the following caption indicates the seriousness of the issue insofar as the Aboriginal community is concerned:

At most, 4% of Canada’s population is of Aboriginal descent. Some 16% of all inmates in provincial and territorial jails are aboriginal...as high as 55 to 90% in four locations. (C)

Three films, CVOM, FD and GH, portray crime as a serious problem insofar as the victims are concerned. Specifically, the victims in these films indicate that they were unable to function, with Don no longer able to continue professionally (GH), Joan requiring doctor’s care (FD), and Sarah explaining the most difficult aspect as, “it’s not losing *things*, it’s the physical and emotional hardship” (CVOM).

Stereotypic beliefs about antagonists

One of the criteria for film selection in this study was a target audience of contemporary restorative justice movement participants, potential participants, stakeholders, funders,

politicians or the general public. Therefore the target sentiment pool was extremely large, including community members, students, academics, youth workers, educators, parent groups, justice officials and politicians. The list of antagonists, however, which is less specific, consists of the dominant criminal justice culture of society, including politicians, justice officials, the general public, and in the case of BZT, school administrators. Ten films engage in belief amplification regarding these antagonists. CVOM is primarily a training film targeting restorative justice practitioners or potential practitioners, and therefore does not provide information as to stereotypic antagonist beliefs. Two categories emerged from the data regarding this belief. The first category is stereotypic beliefs regarding the antagonists themselves, and the second is the stereotypic beliefs regarding antagonists' perspectives on offenders and crime.

“We’ll make the decisions. We’re going to sort everything out. We’re going to do it all in a day and we’re gone.” Barry Stuart, C

Seven films, including BB, C, FD, GH, HR, HW and RJVCO portray justice officials as the decision makers and all powerful authority figures. These films point out that police and courts establish legal facts and answer legal questions. They make decisions regarding guilt or innocence as well as punishment. These films include statements indicating that justice officials are responsible for public safety and administration of justice. This perspective was demonstrated through narration, interviews and captions. For example, the narrator in GH explains:

What she got were some bare, emotionless facts. Guy Sullivan was 24. A local man with infant child and a history of petty run ins with the Law. Swanson was also 24. He was a loner, with a short fuse and a fascination with weapons. Both were found guilty and received life in prison with no chance of parole for 30 years. The courts had done their job. Facts were established, legal questions had been answered.

Captions include offender names followed by their charges, i.e. murder, manslaughter, arson, and the decision as to punishment, specifically length of prison time to be served. Court buildings are large and intimidating images of judges seated at the front of the courtroom, raised above everyone else, are shown. Offenders in FD, GH and BB were shown in handcuffs and surrounded by numerous guards as they entered and left justice buildings.

C contains the most poignant portrayal of the power and decision making status of antagonists, as Barry Stuart explains:

What we do in the criminal justice system, especially in circuit communities – we fly in, arrive the day, tell everybody to step back, rearrange their community halls and take over! We don't live in the community, we don't understand their values, we don't understand the history of their conflict and we don't understand most of the families affected. And yet we go in there and try to resolve their problems with our values, with our understanding of what we think is best for them.

This explanation is followed by black and white images of numerous RCMP in full uniform entering a community building. Immediately following is an image of the RCMP seated and appearing to be conducting a formal meeting around a picnic table outside of the same building, with a judge dressed in judicial robe. Formalities seemed to be observed as they rise and conclude. This is an extremely powerful image representing the power of the criminal justice system and portraying an eerie feeling of invasion and forced governance.

The second group of antagonists within the films are the general public, or dominant society. These antagonists are presented as having given up authority in their own lives and as being reliant upon professionals to solve problems in their communities (HR, RJVCO, HR, and C). For example, Gatensby states, "oh boy, we caught him. Everybody was – we're gonna get this guy now. We'll bring in the RCMP because they'll really be the hammer!" Stuart explains, they "have a 911 mentality...thinking that problems can be solved by professionals" (HR). C, HR and

HW represent the public as disconnected from families and communities, through statements such as Solanto's, "We hear sirens day and night but we have no idea what is going on" (HR).

"Our criminal justice system works in courtrooms like this to answer three basic questions: What laws were broken? Who broke them? And how should we punish the lawbreaker?"

Jim Hart, RJVCO.

The data indicates that antagonists stereotypically accept crime as defined from the perspective of the criminal justice framework. This framework dictates that crime is a violation of a law, for which punishment is imposed on conviction. The offender is considered to have violated a "state" law and is therefore prosecuted by the state, with the (possible) assistance of and on behalf of the victim. Once the perpetrator is established and guilt determined, the primary question is what punishment should be assigned as a response. In RJVCO, Hart's explanation provides the criminal justice perspective on crime, as follows:

"With retributive justice the courtroom is a battleground. Over here, the state fights to establish guilt. Over here, the defence tries to beat back that challenge. The community, represented by the judge and jury, declares and victor...Victims are seated behind a barrier, separated from the action. If involved at all, and by no means is this certain, it is to assist the state."

Dominant society *expects* "the system" to apprehend and prosecute offenders and ensure responsibility and accountability through conviction and punishment.

"Trail 'em, nail 'em, jail 'em" Mark Umbreit, RJVCO

Dominant society was presented as vengeful and punitive. This was demonstrated through statements such as "In the old days where they used to let the family stone them to death, I think that was very just punishment for people" (Joan, FD), "victims want revenge...and revenge means prison" (Hart, RJVCO) and especially, Don Streufert's question, "What else can there be besides retribution and revenge?" Also, according to these films, dominant society

highly values accountability and responsibility. They equate these with punishment, which is imposed upon offenders by the courts through a finding of guilt and assignment of punishment. Further, punishment is synonymous with prison time. For example, in HW, Janet Cook states that “people see jail as punishment,” and BB demonstrates the strength of the societal belief in prison and punishment. After burning down an historical covered bridge in town and being criminally charged, six young men took responsibility for the incident, participated in a conference apologizing to family and community members, and agreed to contribute financially and participate in the reconstruction of the bridge. Following this, they were sentenced to a period of time in prison, albeit short, and led from the courthouse in handcuffs, as a member of the Pennridge Police Force, was quoted as saying, “the sentence was a good sentence. It shows there should be some punishment for the burning of the bridge” (BB). Finally, in response to offenders in GH being sentenced to prison time, images of barbed wire on top of prison fences are shown, and while this image appeared on screen, the statement “I guess I felt that justice had been done” (Mary Streufert, GH) was made.

“For 20 or 30 years politicians have been falling all over themselves to get tough on crime. We seem to engage in a debate every election to see who can be tough with crime” Attorney General, Australian Capital Territory, IC.

Antagonists were presented in the films as stereotypically valuing a tough response to crime. Prison sentences, particularly lengthy periods, were equated with tougher penalties (BB, FD, GH, and RJVCO). In particular, FD and GH equate length of prison time with harshness of sentencing. Harold Gatensby in HR, and Barry Stuart in both C and HR, refer to the criminal justice system as “hammering” offenders by sending them to jail.

To this end, antagonists were presented in the films as stereotypically viewing restorative practices as “soft” and therefore rejecting them. For example, in IC a patrol commander states “when I first heard about it I thought it was a bit too airy fairy.” Regarding offenders sentenced to a probationary period which included circle process requirements, Lloyd Bushie (HW) explains that society “say(s) that probation lets them off easy.” In FD, Joan, as well as one of Michael’s co-workers, express concern regarding conferencing, stating, “If it’s going to make it easier on them I don’t want any part of it.”

“He doesn’t see that. All he sees is a burned down bridge, and he thinks that these guys that did it are just hooligans!” Father of Offender, BB.

Seven films, including BB, C, FD, GH, HR, HW and RJVCO, present stereotypic beliefs of antagonists regarding offenders. To this end, dominant culture is presented as considering offenders to be hooligans (BB), monsters (HR) and animals (GH). Ken Maslow refers to offenders as “maggots,” while Joan referred to them as “cowardly little turds” (FD). Offenders are viewed by antagonists as uneducated, unemployed, and having low or no moral values. A mother of one of the offenders in BB explains:

I heard juveniles (had done this) and I thought it was going to be the kids that are always in trouble that did something like that. And then the shock of finding out that my son, and the friends that I was always pleased that he had...I was baffled and I still am, how they made the choice like that because they’re all good guys, all intelligent.

The above quote, together with data from FD and GH demonstrate that stereotypically, antagonists believe that crime occurs in bad areas, by bad people. For example, Terry O’Connell opens FD with the statement, “it’s one of those quiet little suburbs, leafy little suburbs, out of harm’s way, where nothing like this...no one would ever imagine this would happen,” and Joan, in the same film, tells offenders that her son “wouldn’t even know that

people like you exist.” Harold Gatensby (HR) explains, “My probation officer called me incorrigible. I was pegged as useless and worthless.”

This selection of films clearly engages in the process of frame amplification. In doing so, values of the movement as well as those of dominant society are clarified. In addition, beliefs regarding antagonists, causes and seriousness of the problem of crime, as well as the necessity and efficacy of mobilization and collective action are clarified and invigorated. Having established these values and beliefs, it is possible to examine how the movement attempts to include values of dominant society in its primary frameworks in order to attract potential participants and funders.

4.3 Frame Extension

Social movements often extend the boundaries of their primary frameworks to include interests or points of view that are incidental to the movement, but salient to potential sentiment pools, in order to attract and mobilize otherwise uninterested individuals or groups. In effect, the social movement is attempting to enlarge its adherent pool by portraying its objectives or activities as being congruent with potential participant values (Snow et al: 1986). Two frame extension activities were evident within the data.

“Come and watch some serious butt being kicked because that’s what happens” Deputy Principal, IC.

The primary frame extension activity is the alignment of the restorative justice activities with the dominant cultural value of being tough on crime. Eight of the eleven films, including BB, C, FD, HR, HW, IC, RJVCO and WW, accentuate this value in varying degrees.

Four films include direct statements as to how arduous the process of restorative justice is. For example, the guidance officer in IC declares that “no one who has ever experienced a conference would ever agree that it was anything but an excruciating process,” while Mark Umbreit explains that “Restorative justice is not about being soft on crime” (IC). Lloyd Bushie’s statement “You say probation lets them off easy? Put them in a circle. *That’s* where they started learning to be honest” (C), emphasizes that circles are tougher on criminals than the criminal justice process, and Judge Barry Stuart reiterates this by warning offenders, “Don’t take circle sentencing if you think this is the easy road, because if you don’t make it...I’m going to hammer you” (C). Narrators emphasize the tough aspect of restorative justice practices through comments such as RJVCO’s introduction to a conferencing process, which includes “Bemidji’s response to crime forcefully brings that home,” and Terry O’Connell’s, “confronting the victims is the hardest thing the offenders have done” (FD). Finally, in WW, the victim explains the offender’s reaction to the process as, “I mean it was like a train hit him!”

Images of offenders pacing nervously in their cell prior to the conference (FD), their reluctance to participate at all (FD, GH, WW) and their body language during the conferences (BZT, C, CVOM, HW, FD, GH and IC) also attest to the tough aspect of restorative justice. Several verbal and nonverbal behaviours indicate offenders experiencing feelings of shame. Nonverbal indicators include averted and downcast gaze, facial movement, fidgeting or crying, and postural construction such as neck and shoulder slumping or lowered head (Nathanson 1992: 136; Keltner & Shiota 2003: 87). All films included in the study demonstrated the experience of shame during the restorative practice within the film. Mediation and conferences in BB, BZT, CVOM, FD, GH, IC and RJVCO, as well as preparation meetings in BB and

CVOM included images of offenders nonverbally displaying shame. Offenders often and obviously held their heads down, maintained slumped shoulders, avoided eye contact and fidgeted as they explained their version of the incident, and especially as family and community members explained their experience insofar as the impact of the incident.

“The notion of shaming ceremonies historically goes back hundreds and hundreds of years...”
Terry O’Connell, IC.

A particular form of shaming is presented in some films to extend the restorative justice framework to include a tough on crime perspective. Although three films include some amount of discussion regarding shaming, only two of these, FD and IC, were construed as engaging in frame extension. These films include humiliation and degradation of the offender which are intended to induce shameful feelings in the offender, contrasting with reintegrative shaming, which allows for expiation of a sense of shame naturally experienced by offenders as they learn the impact and effects of their inappropriate or harmful behaviours. In FD, Terry O’Connell explains:

The notion of shaming ceremonies historically goes back hundreds and hundreds of years. It’s often seen in indigenous terms as a very strong cultural dimension. If you think about the shame associated with this particular incident, which is an extremely horrific incident; unless we allow people to experience a due sense of shame about what it is they’ve done...they can’t ever begin to feel good.

The connection to tough on crime is made through the interpretation of how this shame is experienced. In this film, shame is *inflicted upon* the offenders in the conference itself through name calling, derogatory comments and aggressive behaviours, which is consistent with a tough on crime approach. Further, immediately following O’Connell’s explanation, the image of a barbed wire topped prison fence is shown, insinuating that it is through punishment and other methods that shame is instilled upon offenders. Inasmuch as the dominantly

punitive public has revived shaming tactics and values the sight of suffering individuals as an expression of non-tolerance of criminal behaviours (Garland 2001; Pratt 2000), engaging in this type of shaming process extends the boundaries of restorative justice to include a form of stigmatic shaming which is salient to potential movement participants, specifically the general public.

“The world is dying around us...the water is contaminated, the air is contaminated, the food is contaminated, animals are contaminated, plants are contaminated...” Harold Gatensby (HR).

To a very limited degree, three films connect the movement’s primary frame work to social responsibility, particularly regarding the environment. In HR, Phil Gatensby refers to this as he discusses the interconnection of everything in nature and calls for a united effort for healing. Imagery presented throughout this film includes that of healthy environments such as rivers, lakes, mountain ranges, trees and birds. A substantial portion of the film as well as C and HW includes these images, and various speakers present with healthy scenic imagery in the background. All quotes are presented against environmental images, drawing attention to the physical aspect of community, as well as attempting to appeal to environmental and animal activists and other socially responsible groups. In C, Gatensby connects the healing of the environment to the healing of people, as he is presented overlooking a desolate and barren section of land, and explains:

This is over 25 years old and not a blade of grass grows in there. Nothing. It’s waste from a mill site. This land is our life. This used to be one of the best moose hunting places close to our community and people still do come up here. This stuff flows into the water and then it goes into the willow and the moose eat the willow. We eat the moose. Is this what we’re eating here? This arsenic poison? Of course, the mining companies say ‘this isn’t, there’s nothing wrong with this.’ It’s absolutely environmentally friendly!

While this imagery is more likely conducted with the intent of engaging in value amplification insofar as the restorative justice movement as a whole, it is consistent with the process of frame extension.

4.4 Frame Transformation

According to Snow et al (1986: 474), values of a social movement may not resonate with, or may even appear antithetical to conventional lifestyles. When this occurs, social movements often plant new values or reframe old values which they consider erroneous, so that they come to be “seen by participants to be something quite else,” thus garnering participant support and motivation. According to these authors, frame transformation involves two processes. One includes the promotion of an injustice frame, which involves altering participant perspectives such that what was previously viewed as unfortunate but tolerable, becomes inexcusable, unjust or immoral. The other involves the provoking of a shift in attributional orientation, or blame for the problem, generally from individual blame to systemic or structural blame. Within the data, the contemporary restorative justice movement engages in both processes in order to reframe activities and values that are already meaningful from the dominant cultural framework in order that they may be seen through the restorative justice framework. By doing so, these films provoke a shift from individual, offender blame to systemic and societal blame for crime.

Domain Specific Frame Transformation

Lofland (1977) described frame extension as a “hooking” technique that attracts potential constituents to the movement. Once constituents are interested, the social

movement is then able to engage in the more important frame alignment process of frame transformation. In this case, the extension of tough on crime emerged from the data as the value utilized to engage potential constituents, allowing for the reframing of important values including responsibility, accountability, justice and tough on crime. Through the reframing of these values, the films demonstrate domain specific transformation, reframing relationships and practices within the domain of crime.

Stereotypic antagonist beliefs regarding methods of handling crime were presented as unjust through motivational framing, particularly the moral need for motivation. In this section, the seriousness of crime was emphasized, as well as the moral need for action. It is this moral aspect of motivational framing that transforms the dominant criminal justice response from ineffective to unjust. For example, criminal justice system activities include or result in ethnocentric (C) and ineffective (all) methods, increasingly large numbers of youth who have been traumatized resulting in their physiological inability to alter their own (criminal) behaviours (HR), prisons that result in increased and more violent criminal behaviours (HR, V, HW, WW, RJVCO) and unhealed victims, offenders and communities (all). More importantly, not only do more effective and moral options exist, as Stuart explains “circles are not a new idea at all” (C, HR, HW), O’Connell adds that traditional indigenous practices “(go) back hundreds and hundreds of years” (O’Connell FD), and Solanto points out that by 1980, effects of traumatization were well known, yet methods of dealing with these individuals remain unchanged.

“Open up the dialogue between (those) who have been injured and those doing the hurting and truly come to reparation of harm, come to agreement on how to repair the harm and make things better for everybody.” Guidance Counsellor, IC.

Belief amplification demonstrated that from the dominant societal framework, justice is intertwined with accountability, responsibility and especially punishment. In contrast, through the restorative justice framework, crime and justice are equated with healing and reparation of harm. For example, Howard Zehr describes crime from a restorative justice framework, as follows:

Restorative justice says that crime is basically about harm. It's a violation of people and relations about people. So instead of defining crime as breaking the law, it defines crime as violating people. Instead of saying the state is the victim, restorative justice understands that people and communities are the victims. That real people are hurt. So justice ought to be about establishing needs and obligations so things can be right in some way. (RJVCO)

James Scott (HR) reiterates this, explaining that because restorative justice sees crime differently, it focuses on different aspects of what's happening and so its response is different.

He explains that:

It sees crime as harm done to people. And its response is then to say 'so who is harmed? What do we do about it? As opposed to establish(ing) who broke a law and punish(ing) them.

From this perspective, justice involves healing. Gustafson (HR) states "We are advocates of healing," and James Scott (HR) confirms, "That is the way someone takes a step toward healing and personal health and wellbeing" (HR). All films stress the importance of healing, either through interviews or modelling healing processes. According to restorative justice, healing of victims is facilitated through inclusion, provision of information and repair of harm. All films demonstrate victim inclusion. The data illustrates victims receiving apologies (BB, BZT, CVOM, FD, HW, and IC), being provided with information and opportunities to heal (BB, CVOM, HR, FD, GH, IC, and WW) and having harm repaired (BB, BZT, CVOM, HW, IC). Even in extremely violent crimes where harm could not be repaired (murder), victims were provided

with answers to questions, which facilitated their healing processes (FD, GH). Through a restorative justice framework, healing of the offender involves learning the impact of their behaviours (all films), being provided with the opportunity to apologize and/or repair harm (all films) and learn new ways to behave in safe and supportive environments (BB, BZT, C, CVOM, HW, HR, IC, RJVCO, WW). The films also portray justice as involving and facilitating community healing (BB, BZT, C, CVOM, HW, HR, RJVCO) through inclusion, connection and program development. For example, Hart (RJVCO) explains that through a restorative justice framework, “justice means restoring peace to our communities.”

Justice is displayed through visual and auditory presentation, within several films, including BB, C, FD, HW and IC, as participants are shown after circles and conferences to be relaxed, smiling, conversing and shaking hands with one another as well as offenders, while background music is light and cheerful. In C, Wedge explains that the pot luck lunch held after a circle sentencing is symbolic of the beginning of healing within the community, while in IC, a caption explains that refreshments which are always served after a conference, are a symbolic “breaking of bread” which allows “for further reintegration, healing and closure.”

Captions also further facilitate transformation of the meaning of justice. IC contains the following captions:

REAL Justice meets the needs of victims more than courts or school disciplinary procedures.

REAL Justice teaches empathy so that offenders begin to connect their wrongdoing to other people’s feelings.

These captions emphasize victim healing as well as offender obligation and learning

as important components of justice. In addition, the name “REAL Justice” itself reinforces that the current dominantly accepted value of justice is erroneous and requires reframing, which occurs within this and all films included in the study.

Overall, the value of justice is reframed within the data as including healing through connection, responsibility, accountability, respect, and inclusion. The following quote from Socrates, in HR, powerfully demonstrates this:

“JUSTICE”
 Is what we discover,
 You and I,
 When we walk together,
 Listen together,
 And even love one another,
 In our curiosity about
 What justice is and where
 Justice comes from.

“Justice as retribution or revenge is not only failed policy but also conflicts with basic beliefs.”

Jim Hart, RJVCO

The creation of an injustice frame includes the reframing of responsibility, accountability, justice and tough on crime. As discussed in belief amplification, dominant society equates the values of responsibility and accountability with punishment, which is synonymous with prison. Responsibility may be assigned by a court even in the absence of the offender’s declaration of blame or fault. For example, in GH, Guy Sullivan was found guilty of murder even though he denied any responsibility, pleading not guilty. Accountability, being type and length of punishment (prison) is then also assigned by the court. Reframed through the restorative justice framework, these values are remarkably different. Responsibility refers to the acceptance by the offender of blame for an incident, while accountability requires the offender to repair the resulting harm, to the extent possible. Zehr (RJVCO) explains that crime

creates obligations for the offender to make things right, rather than an opportunity for punishment. Lloyd Bushie points out that this process takes time and patience (C), a perspective shared in BB, CVOM, HR, and GH. Rich Heffernan (BZT) refers to “teachable moments” which provide the opportunity for offenders to learn how they affected other people, to find ways to repair the damage, and the reason such behaviour is unacceptable. All films emphasize that this includes facing their victim in order to learn the impact of their behaviour and begin the process of reparation of harms. Various offenders throughout the data apologized to the victim, promised to change their behaviour to ensure the incident was not repeated, returned stolen items or cash, and repaired damage. In IC, the police youth advisor explains that it is not only an *opportunity* for (youth) offenders to learn about the consequences of their behaviours it is their *right* to be educated from the experience in order to “develop as full human being(s) through this process.” Accepting responsibility and being held accountable facilitates that development in adults as well as youth. For example, in several films (BZT, IC, CVOM) offenders are asked what they think should happen in order to repair harm, “I have a good amount of say in what we’re going to do to try and solve the problem” (BZT). Further, in CVOM, Lynn painted what she considered to be an artistic mural on the fence of a neighbourhood resident, who construed the painting as a hate crime personally directed at herself. On learning the victim’s fears and feelings, Lynn states, “I didn’t think about that, that there’s a (black) person who lives behind that fence,” and:

I learned something through this process. I see things one way but...I don’t always see things from the adult eye and maybe what I needed to learn...is that my art is going to affect people in different ways. I’m sorry.

BZT emphasizes the reframing of accountability through the assistant principal's statement, "You can deal restoratively and you're still holding people accountable," which is echoed in C, HW and HR and modelled in all films.

"It's fearful to be totally exposed and you're naked in your responsibility." Karl Kramer, FD

Being tough on criminals has been demonstrated in belief amplification as well as frame extension, to be important to antagonists, and therefore to restorative justice. Through the process of frame transformation, the old meaning of tough on criminals, being primarily associated with lengthy prison sentences, is discarded and a new meaning is created. In an attempt to discard old beliefs, Umbreit states, "Hard time ain't hard to do" (RJVCO) and this is affirmed in several films (C, HR, HW, WW) by offenders who state, for example, "I can't wait to get to prison because get(ting) to prison means I'll get some drugs" (WW), and "I almost enjoyed it in there because all you had to do was just sit around and drink coffee and play cards and shoot the breeze with the rest of the guys...brag about your charges" (HW).

In contrast, all films demonstrate how strenuous and gruelling the restorative process is. BB, C, CVOM, FD, HW, IC, RJVCO and WW indicated that meeting with the victims was extremely difficult for offenders. These films indicate that preparation for the conference was the first area of difficulty for offenders. In CVOM, when considering whether to participate in a conference, Lynn states "It's going to be all adults in the room and I'm the offender, and everyone will be looking at me. I don't know – that's tough." This hesitation is shared by numerous offenders prior to their conference. For example, as Karl is shown pacing back and forth nervously in his prison cell, he states,

I'm confronting people whose pain I'm responsible for...The closer it gets the more real the fear level is increasing. Fear of pain, fear of hurt. It's fearful not to have any excuses to hide behind. It's fearful not to be able to say because I wasn't given the right toys at age 3 or I didn't go to the right school or I didn't have a perfect father. Once you take away all the excuses it's fearful! It's fearful to be totally exposed and you're naked in your responsibility (FD).

According to Umbreit, this fear is widespread among offenders:

The notion of going eyeball to eyeball with the people you violated is not easy. I have seen tough, strutting around felons who are tremendously nervous and anxious as they walk up to the home of the victim as me with the mediator (RJVCO).

The actual meeting is also very difficult for offenders as they learn the impact of their behaviour from victims and community members:

I want you to know what you did, not only to the fence that I saved a long time for, and worked on myself, (and) finished myself to be a part of the neighbourhood. That's part of it and the other part that is equally or even more important, is my feeling when I saw (the damage) (Rachel, CVOM).

In BB, the offenders' body language indicate stress and shame as a community member encourages the young men who committed arson to think about the loss of the bridge, as well firefighters who were "not much older than (you) fellows, fighting that fire and the jeopardy they were placed in" (John, BB). In addition to facing the reality of the impact of their behaviours, offenders must face the impact of their behaviour on their own families. For example, one offender expresses shame after learning that as a role model, he had let down his little brothers (BB). Others struggle as they see emotional sides of their parents that they have never before seen (BB, IC), and the mother of a theft victim explains that "the response from the young people, when their parents, brothers and sisters were saying how they felt, was the point that made me feel like they were really taking something in" (IC). More violent offenders learn, "I didn't know at first that they feared me...As time went on I really started knowing what

women were all about. That they have feelings, they hurt” (HW). Others hang their heads and fidgeted as friends or family of a murder victim describes “the feeling when (their) friend was killed, seeing your mate in a coffin” (Brendon, FD), and “going to the morgue, Michael’s eyes, the bullet hole...My little boy lying there in the morgue, I died that night with my son” (Joan, FD). Offenders struggle to provide explanations, such as, “I wish I could offer up a reason as to why I did what I did. But I cannot. None of us grasped just how horrible and serious what we were doing was” (BB), “It wasn’t *your* fence, it was a fence. It wasn’t *yours*. Like it was just a fence, not *your* fence...I didn’t think about you, I didn’t think about the person who lived behind the fence,” and “There’s nothing I can say to you people. I have no excuses, none whatsoever...I am not justifying what I did...because the fact is you’ve lost your son to a selfish act, which I’m responsible for” (Karl, FD). Finally, offenders determine ways to repair harm, including providing often tearful apologies (all films), writing letters of apology (BB, IC, GH), repairing damaged fences (CVOM), returning stolen articles (CVOM), providing transportation to victims (IC), participating physically and financially in rebuilding destroyed property (BB), and even working with victims of serious crime (FD). In RJVCO, offenders participate in what Dennis Maloney refers to as “earned redemption” whereby offenders “earn their way back into the good graces of their community” through work and reintegration programs which allow them to earn the trust of their community.

Images of offenders fidgeting, crying, shifting nervously in their chairs, and avoiding eye contact attest to the difficulty and emotional struggle they experience during restorative processes (BB, BZT, CVOM, FD, GH, and IC), and perform the work of frame transformation by showing the rigours of restorative justice. The title of one film, *Facing the Demons*, provides a

metaphor for the offenders facing a horrid and traumatic situation through a very difficult process which requires courage.

“If someone punishes me he punishes me because his argument is weak” William Godwin as quoted by Liz Elliott (HR)

Finally, in addition to being tough on offenders, two films present restorative justice as a more difficult process to execute. For example, Stuart explains that he finds circles “difficult and emotionally draining” (C) while Elliott explains that punishment is required only when one’s argument or ability to convince is weak:

“If he was able to convince me of the validity of his position, he wouldn’t have to punish me. I would be convinced and I would comply, (and) do that which he wanted me to do. But if I am unable to do that, I punish you” (HR).

This quote implies that it is much more difficult to convince one to comply than to “be the one holding the stick or the power” (Elliott, HR) in order to force compliance.

“It was time they (the elders) took responsibility again” Tina Mason, HW.

At the conference in BB, community member John reminds others that “It takes a village to raise a child.” Because crime has been redefined as relational rather than solely legal harm, and because it creates obligations for reparation and healing rather than opportunities for punishment, as discussed in the previous prognostic framing section, several speakers in BZT, C, HW, HR, IC, and RJVCO point out that it is the responsibility of communities and adults to provide safe environments where youth and adult offenders can learn and grow, rather than be excluded and punished. Relationships within the domain of crime are thereby redefined within the films as adults and community members are called to provide safe environments, as well as to encourage and engage in educational rather than punishment based strategies to deal with

crime. Through prognostic and motivational framing adults and community members are encouraged to teach, guide and facilitate learning experiences for young and adult offenders.

Kay Pranis, emphasizes that the court process “insulates offenders from understanding the human consequences of their behaviour,” preventing them from facing the “intimate human consequences” (RJVCO). Edzerza (C) and several other offenders (C, HW, HR, RJVCO) reaffirm this, explaining that despite the numerous court appearances, “I don’t think I ever did understand what they were asking me in there, ever” (Edzerza, C). Finally, Gatensby points out that for these reasons, a change in relationships is of utmost importance, from being judgmental and punishment oriented to educational, guidance and support based, as follows:

We take young people when they have a life experience to learn and grow and we punish them. We say there’s something wrong with them and they believe it. They carry that with them for the rest of their life. Not one of us hasn’t made mistakes in this world. Yet we jump on the mistakes that young people make.

Overall, these films indicate that the restorative justice movement supports the dominant societal values of justice, accountability, responsibility and being tough on crime and criminals. However, they reframe these values to “something quite different” in order to promote new activities and relationships within the domain of crime. In addition to domain specific transformation, a number of films engage in global interpretive frame transformation.

Global Interpretive Frame Transformation

While domain specific frame transformation emerged from the data as films reframed values and relationships within the particular domain of crime, several films also engage in broadening the scope of frame transformation whereby the new framework “functions as a

master frame, that interprets events and experience in a new key (Snow et al 1986: 475). According to Snow et al, this is referred to as global frame transformation and involves a thorough conversion that changes “one’s sense of ultimate grounding” (1986: 475), and therefore, replaces one entire discourse with another.

“Restorative justice is a substantial paradigm shift.” James Scott, HR

Four films, including BZT, HR, IC and RJVCO specifically emphasize the broad scope of restorative justice. While all films emphasize the values of accountability, responsibility, connection and justice from the restorative justice framework, these films point out that these values pertain to more than criminal behaviours. For example, Jim Hart states that “a new way of thinking is beginning to emerge” (RJVCO) and James Scott explains that:

Restorative justice is a substantial paradigm shift because right from the beginning it focuses on different aspects of what’s happening. It sees crime as harm done to people, and therefore its response is then to say who was harmed? What do we do about it? (HR).

Barry Stuart broadens this even further, explaining that restorative justice “is a fundamental change in society, not a different way of dealing with criminal behaviour” (HR), and Dr. Francis Barnes (BZT) echoes this, explaining that restorative justice “speaks to the manner in which you interact, communicate, develop respect and ultimately a relationship that can influence an entire building or culture,” because it is about building relationships, connections and strong families and communities.

Language is an important aspect of this fundamental shift. For example, in BZT, C, CVOM, HR and IC, language is very specific. In CVOM, offenders are referred to as “the person who broke into your home” and “the person who did this to your fence,” while victims are referred to as “the person whose home you broke into” and “the person whose fence you

damaged.” Many stories are conveyed in C using specific names and describing offences, or referring to “the person in trouble,” while only once throughout this film was the term offender used.⁴ In HR, captions used to identify speakers throughout the film are strategically chosen to avoid labelling and the assigning of offender and victim as master status. For example, in this film, Celine Lee, who lost two family members in a fire started during a robbery, is referred to as “participant, victim offender mediation program,” Deltonia Cook, who is interviewed in prison, is referred to as “human being serving life” and Warren Glowatsky who speaks about his time in prison is referred to as “human being, learning life.” Two ex-offenders are referred to as “Member, Raven Clan Inland Tlinget Nation.”

While the contemporary restorative justice has primarily focused on criminal offences, BZT is an example of extending the concept first to “alternative schools” and then to public schools, in order that the fundamental values and activities of restorative justice can be learned and implemented. C and HW demonstrate that these values are a way of traditional Aboriginal culture rather than simply a way of addressing crime. Further, IC points out that restorative justice practices should be extended to colleges as well as workplaces, while Ben Wachtel explains that the concept of restorative justice is being extended even further:

We’re working in Hull, one of the most disadvantaged cities in the UK, to bring about a restorative city. We’re training across all human service disciplines to use restorative practices in their work (BZT).

Finally, according to Snow et al (1986), through global frame transformation other domain specific experiences are reframed in accordance with the new master frame. This is most poignant in HR, as Dave Gustafson explains, “It’s not so much what you do, it’s who you be.”

⁴ The only use of the term “offender” in C occurred was by Judge Barry Stuart, referring to an individual participating in a circle.

In summary, while their nature and intensity varies within the films, the contemporary restorative justice movement clearly engages in each of the four frame alignment processes in its attempt to attract and mobilize potential movement participants, stakeholders and funders.

CHAPTER 5: INTERPRETATION AND DISCUSSION

There is enormous variability in subjective meanings attached to particular situations and events (Snow et al 1986). Through core framing tasks and frame alignment processes the films in this study confirm that the contemporary restorative justice movement addresses these subjective meanings by engaging in the production of meaning for participants, antagonists and observers in order to attract and mobilize potential constituents.

Due to the diverse history and developmental processes of restorative justice, as well as the variety of practices across cultures and societies, substantial variation in presentation was expected throughout the films. Its situation within a dominantly punitive and retributive society, as well as the movement being in a constant state of negotiation regarding its meaning or master identity were also expected to compound the variation in presentation. Despite the fact that there is no universally accepted definition or fundamental principles and values of restorative justice, the films did display substantial variety in some areas of their presentations, but there was general consistency in most areas. While this consistent and coherent framework is crucial, fragmentation in even one area can and does seriously hinder movement acceptance and implementation in several ways.

5.1 Fragmentation and Consistency

The collective identity of a social movement is the “precarious and temporary outcome of a bargaining process between actors who embody quite different and heterogeneous beliefs” (Diani 1992: 19). Diani argues that while a collective identity is crucial to a social

movement, it does not imply homogeneity of ideas or orientations within a movement. Rather, it is continuously under construction, being negotiated and debated by movement networks (Snow 1986, Woolford 2009, Zehr 2005), engaging in, what Hirsh refers to as, “a contradictory battlefield in the struggle for a new hegemony” (1988: 51 in Carroll 1992). Partially due to this heterogeneous nature of movement networks and participants, and their constant negotiation and debate, framing efforts may leave the movement vulnerable to fragmentation, confusion and discounting.

Consistency, insofar as frame amplification is concerned, is particularly important for two reasons. First, a lack of clearly identified principles and values produces variation in training and education of students and practitioners, as well as subsequent confusion as to acceptable and required practices. This is particularly detrimental as students and practitioners who are generally members of dominantly punitive society. When these students and practitioners may find themselves in positions of practice requiring them to fill in gaps in training or education, they will rely on their own personal and familiar beliefs and values to fill in gaps. In such situations, it is reasonable to expect that these familiar beliefs and behaviours may be punitive or retributive. The potential result is absorption of retributive into restorative practices, and the subsequent compromising of restorative justice values.

Secondly, according to Snow et al, inconsistency of frame amplification may result in the movement being perceived as neglecting to uphold its own core values and beliefs. If one value or belief is inconsistently amplified or contradicted by the movement itself, through practice or representation, this value or belief then becomes vulnerable to being discredited or less salient, and potentially “drag(s) associated frames down with it” (Snow et al 1986: 477). This calls into

question the credibility and efficacy of the movement itself by funders and potential participants. Further, these authors emphasize that participation in a social movement is contingent upon participant assessment and reassessment over time, with actors coming and going over the life of the movement. In addition to hindering acceptance by potential participants and funders, the inconsistency and discrediting of core values and beliefs may also result in the loss of current movement members due to practice frustrations and difficulties, frustrations regarding lack of successful implementation, or due to loss of resonance of the movement with their own life beliefs.

Frame bridging is, generally, the primary form of frame alignment (Snow et al 1986). Excessive frame bridging may, however, hinder movement acceptance by inundating potential participants with competing perspectives, values and claims. This presents an area of particular significance within the contemporary restorative justice movement, particularly in light of the framing of its diverse and complex history. While acknowledgement of various contributions to the contemporary movement is important, ownership by any one or competing interests of several contributors reduces the overall attractiveness of the movement, hindering its acceptance and implementation.

Frame resonance is an additional area where consistency is crucial, as resonance with potential participants may be sacrificed when framing efforts are inconsistent or contradictory. According to Snow et al (1986), one of the key determinants of success or failure of framing efforts is the degree to which these efforts resonate with potential constituents. According to these authors, framing which is too abstract or too contradictory is less compelling and believable, and therefore resonates with potential constituents to a lesser degree. Greater

frame resonance results in higher probability of successful framing efforts, translating into greater acceptance by and mobilization of potential participants, stakeholders and funders. Inasmuch as the contemporary restorative justice movement relies heavily on the support and funding of the criminal justice system, consistent and unambiguous framing efforts are critical to enhance its acceptance and implementation.

Finally, Snow et al (1986) warn that movement acceptance may be hindered by frame extension efforts that extend primary goals too far, clouding the original movement frame and resulting in the questioning of the sincerity of movement objectives. For example, while the extension of the restorative justice framework to include tough on crime may attract potential constituents, it is possible that this extends too far, allowing for punitive values such as stigmatic shaming to be encompassed, advertently or inadvertently, into movement objectives and practices, or resulting in inconsistent practices. In doing so, this may bring into question the sincerity of the movement's claim to embrace values of respect, safety and inclusion, deterring potential as well as existing constituents from supporting or participating in the movement.

What follows is a discussion of the dominant patterns and areas of disparity emerging out of the categorical data. An examination of challenges arising from the framing of restorative justice, particularly as it is situated within a dominantly punitive and retributive society, as well as the manner with which the films address these challenges, also follows.

5.2 Causes of Crime

Diagnostic framing presents three primary patterns with regard to the causes of crime, with an ineffective criminal justice system arising out of the data as the most dominant pattern.

The dominant criminal justice system is consistently presented as ineffective from offender, victim and community perspectives. Not only are offenders presented as failing to understand the criminal justice system process itself, they fail to learn the human impact of their criminal behaviours, learn increasingly deviant behaviours in prison and in some cases indicate prison to be a welcome experience, offering drugs, companionship and recreational activities such as cards. All films emphasize the exclusion of victims and community from the dominant criminal justice process, with victims being the most affected and least involved in the process. Zehr (2002: 14) explains that victims require information rather than speculation in order to understand the incident and feel confident that it will not occur again, as well as an opportunity to tell their story, which is an “important element in healing or transcending (their) experience.” This perspective is well presented. Victims as well as community members within the films experience a lack of control over their own lives, safety and the process itself following the incident and its progression through the dominant criminal justice system. They further indicate that despite justice having been done through the criminal justice system, they feel excluded, unsatisfied and unhealed.

Professionals within the criminal justice system are presented as decision makers and all powerful authority figures having the ability to “hammer” offenders and make decisions as to guilt and punishment. These decisions most often include prison, even though, as previously discussed, prison is demonstrated to be ineffective. As well, one film demonstrates that increasing incarceration rates and costs associated with this increase are resulting in the bankrupting of other necessary public policies.

There is consistency within the films insofar as the presentation of the criminal justice system as ineffective, and the primary cause for crime, whether this presentation occurred through direct statements pertaining to the system, statements pertaining to their personal experiences within the system, captions or modelling of restorative practices.

Lack of community and societal bond, together with a reliance on professionals emerged as another important pattern regarding the cause of crime. Several films indicate that the world is increasingly disjointed and disconnected, dysfunctional and unhealthy, and claim that this lack of connectedness to one another and to our communities results in an erosion of values and norms, and therefore an increase in crime. For example, Elliott explains that

If we all feel interconnected and accountable for what we do to each other and what we say to each other, then we probably will quantitatively reduce the number of harms (HR).

According to Christie (1977) the ability to handle crime and conflict was “stolen by the state” leaving individuals and communities unable to participate in the process. However, Garland (2001) argues that the public is perfectly content to have the state provide crime control, and that it is this unwillingness to participate that has created an increasing disconnection from and reliance on the criminal justice system. Whatever the cause, this disconnect is reflected as a dominant pattern in the films. Stuart (HR) explains that communities have adopted a “911 mentality,” bringing in professionals to handle problems that ought to be the responsibility of the community and individuals within the community, and that this reinforces community disconnect and increases crime. Elliott explains that individuals have lost the capacity to handle conflict and crime, specifically, to be “working, viable agents in their own communities” (HR). Several other speakers in various films maintain this point of view.

The 911 mentality, however, was not reflected across all films, as several films demonstrated community desire and willingness to participate in the process, blaming the criminal justice system entirely for their exclusion. Nevertheless, all films emphasize, through interviews and modelling, that adults and communities are responsible for the world offenders live in and therefore are responsible for their experiences as well as their well being, particularly, although not only, with respect to youth.

Finally, *The Indian Act* and its residential school system was a less dominant and consistent, although equally important contributor to criminal behaviours. Only two films referred to these schools and their consequential breakup of families and communities, traditional values and way of life, as well as the inappropriate and criminal behaviours experienced at mission and residential schools. These films emphasize that while individual and community disconnect clearly contributes to high crime rates, the inability of the current criminal justice system to handle conflict and crime combined with ethnocentric methods and lack of cultural and situational understanding maintains this disconnection and prevailing high incidents of crime.

5.3 Practice and Implementation

While causes of crime are relatively consistent across films, with the exception of implementation of restorative justice processes, strategies to address the problem are less so. For example, images of teachers and principals intermingled with students in crowded hallways and police officers on bicycles and street corners engaging in casual conversation with citizens represent a call for individual and community interconnection required to reduce and prevent crime according to many films. In one film, two psychiatrists attest to the value of

connectedness as a method of preventing and reducing crime, and particularly facilitating healing. Further, returning the responsibility for dealing with crime to the community was a perspective widely shared throughout the films, with two films strongly recommending a return to “traditional practices” (C, HW) which involve circles. Inasmuch as community connection is of utmost importance in reducing criminal behaviours, this is a broad strategy which, one might argue, may lead potential movement participants to understand that all communities should be “connecting” and “dealing with” violent as well as nonviolent offenders independently and outside of the criminal justice system (even though, with the exception of C and HW violent offenders experience restorative justice while in prison). Insofar as youth, particularly first time or non-violent offenders, this approach may be reasonable and practical. However, in the case of repeat or violent offenders one might find such a portrayal unrealistic, impractical and, in some cases, possibly dangerous. While it is possible that some, particularly Aboriginal communities, are willing to and capable of tackling such grand responsibilities, it is imperative to note that this is not the case in dominant urban society (Daly, 2003) and therefore, this framing may actually present a hindrance to the acceptance of restorative justice at a community or student level as well as at stakeholder and funder levels. Community connection and assumption of responsibility is, however, practical in addition to other, more focused strategies, and does reflect interconnectedness with diagnostic framing, which portrays an ineffective criminal justice system and lack of community connectedness as dominant causes of crime. This point requires movement clarification to enhance its presentation to potential participants.

There is considerable variation even within more focused strategies, which range from victim offender mediation, conferencing and circles, to addictions and abuse counselling, victimology training, victim as well as offender support groups, supervised offender employment and service based programs during incarceration, community re-entry programs, and crime prevention programs. In addition to these, several films recommend a shift from punishment-based to educationally-based strategies to deal with crime, including life and employment building strategies and other alternative to prison programs. Inasmuch as this variation promotes networking of various restorative justice strategies and allows for flexibility among various cultures, one of the potential consequences of this variation in strategies is the inundation of competing interests, and subsequent confusion as to the identity of restorative justice and what practices reflect a restorative approach. This variation in presentation is potentially overwhelming and competitive, providing a possible hindrance to the acceptance and implementation of restorative justice. Further, although a pattern of encouraging interpersonal, community and societal connection emerges within the wide range of recommendations included in prognostic framing, which could indicate a robust prognostic framework when films are analysed individually, the interconnection with diagnostic framing is weak when films are analysed as a collective.

Further, as restorative justice becomes more widely accepted it becomes financially viable and trendy for programs to be associated with and present themselves as part of the restorative justice movement. This raises the concern of such a robust prognostic framework resulting in punitive practices being presented as restorative, and presenting a potential threat to the principles and values of restorative justice. Therefore, while a robust prognostic

framework enhances movement attraction, it creates a disconnection with diagnostic framing, while it also indicates the need for increased program evaluation and monitoring.

5.4 Motivational Framing

Motivational framing is consistent within the films, although it varies from youth to adult offenders. For example, the moral need is demonstrated for adults and communities to assume responsibility regarding young offenders, to provide environments conducive to safety, learning and growth, and to provide opportunities for their learning, growth and development. In addition, moral need is demonstrated through provision of information as to the physiological inability of youth to change their behaviours without interventions. Insofar as adult offenders are presented, moral need primarily involves community responsibility for reintegration following incarceration, as well as support and educational programs. Moral utility for youth and adult offenders is similar and involves demonstrations, captions and verbal claims regarding the successes of restorative justice initiatives and practices and a reduction in criminal behaviours. Insofar as a material need for motivation a reduction in prison costs for adults is cited. Overall, motivational framing is consistent across films and enhances movement acceptance.

5.5 Summary of Core Framing Tasks

According to Snow & Benford (1988), success of participant attraction and mobilization depend greatly upon the degree to which these three core framing tasks are interconnected. According to these authors, the more rich and robust the interconnection between these tasks, the more successful mobilization of the movement may be. In addition to consistency within each task, then, interconnection between tasks provides important insight into the potential

success of the movement. Reflection on the data clearly indicates variation in diagnostic framing, while motivational framing was relatively consistent across films. The variation insofar as diagnostic framing, i.e. residential schools, presented some concern regarding consistency, which is further discussed in frame alignment process section which follows. As indicated, prognostic framing presents a wide variety of strategies to address the issue of crime and this indicates a significant area of concern as a variety of strategies and practices are presented.

Only one film (HR) addressed the variation. Specifically, James Scott explained:

Restorative justice is not mediation. It is not circle processes. I'm not saying those things are not a part of restorative justice, but I'm coming to see that restorative justice is an approach that is centered on things like accompaniment, being with people through the process, inclusion, empowerment...

As previously discussed, scholars stress that it is the principles and values with which we address crime rather than the master definition of restorative justice, that are of utmost importance and must guide decision making and practice. Still, due to the inconsistency in diagnostic framing and the variability in prognostic framing, the interconnection of these tasks within the films was weak. Core framing tasks within these films indicate a need for greater consistency and interconnection in order to arrive at a more coherent identity and increase its potential for acceptance and mobilization. Presenting multiple causes of crime and an overwhelming number of recommendations regarding practice and implementation, some of which are specific to particular cultures (circles) or situations (offender employment strategies during incarceration), raise concerns regarding resonance as well as competing interests. However, cultural and societal specificity, seeing crime in its social context, flexibility of practice and involvement of all parties in the collective resolution of harms (Zehr 1990; Woolford 2009; Marshall 2003; Van Ness & Strong 2002, 2006) present difficulty in consistent and practical

prognostic framing, and therefore the movement may be reliant upon its ability to clarify this inconsistency and enhance mobilization efforts through framing alignment processes.

5.6 Frame Alignment Processes

As a collective, the films engage in extensive frame bridging across movements (victim rights, offender advocates and community initiatives), within the movement (restorative justice agencies and visionaries, practitioners, universities, professionals and academics from various disciplines, Aboriginal groups), between the movement itself and third parties (academics, volunteers and educators) and between the movement itself and corrections and/or justice officials (police, judges, justice and public officials). While the movement disseminates information to and networks with a vast array of participants, potential participants, stakeholders, funders and governing authorities, through this particular framing activity a potential threat to the advancement and implementation of restorative justice arises.

“Restorative justice is in a constant process of negotiating its meaning, or identity.” Woolford (2009: 16)

According to Diani (1992), one of the goals of a social movement is to engage in political or cultural conflict on the basis of a shared collective identity. However, as previously discussed, Woolford (2009: 16) points out social movements constantly negotiate their identity and therefore, ongoing debate and discussion continue regarding collective identity formation. This debate was evident within the data.

Frame bridging revealed an ongoing debate with respect to claims about the origin or ownership of the movement and/or particular practices. Origins of restorative justice as presented within the data include indigenous Maori traditions, ancient traditional Aboriginal

practices, and religious roots originating out of the faith community, particularly Mennonite and Presbyterian. BZT presented restorative practices as having been developed by “the Wachtels.” While seven films present a specific origin to the movement or practices presented within the film, only one clearly presented contemporary restorative justice as an amalgamation of various traditions, practices, and evolutionary processes. Specifically, Gustafson’s (HR) analogy of restorative justice as a river with many tributaries, explains:

The river has got a lot of tributary streams. Our interest is not in downstream amalgam, kind of a muddy Fraser River, so much as our interest is in following those tributaries to their head waters. What’s the bedrock that gives it force and motivation and guides it? Whether that tributary stream is criminology or victimology, whether it is JudaoChristian ethic, whether it’s First Nation values and teaching, our hope is that we will be sufficiently wise enough that we would gather up all those little tributary streams into kind of this healing river that’s informed by many, many wiser people than ourselves; back as many generations as we can even imagine. That we must bring to bear the collected wisdom of those people.

The result of these various presentations is potential fragmentation rather than coherent presentation of the movement.

Kay Pranis, offering six recommendations regarding the generation of support for restorative justice, stresses the importance of avoiding affiliation with particular political, ideological or sectarian labels (Van Ness & Strong 2006: 140). According to her, strongly associating with particular labels reduces chances of building broad-based support because potential participants may assume that restorative justice pertains only to particular groups, and also because people that disagree with collateral matters will refrain from joining the movement or participating in its activities. Her advice, then, is to use terms and highlight concepts that appeal to multiple groups without too closely associating with any one of them. Insofar as framing of restorative justice within these films, the majority of these films present

religious (Mennonite, Presbyterian) and cultural (Aboriginal, Maori) groups and even individuals (Wachtels) as having ownership over the origin of particular practices and/or utilize vernacular, symbols and images associated with a particular group. This creates a serious threat to the acceptance and advancement of restorative justice, and it is recommended that this be addressed simply at the beginning of films, through clear statements indicating that the process to be demonstrated forms a *part* of restorative justice movement, or through more comprehensive explanations of restorative justice, such as that contained in HR.

5.7 The New Tough on Crime

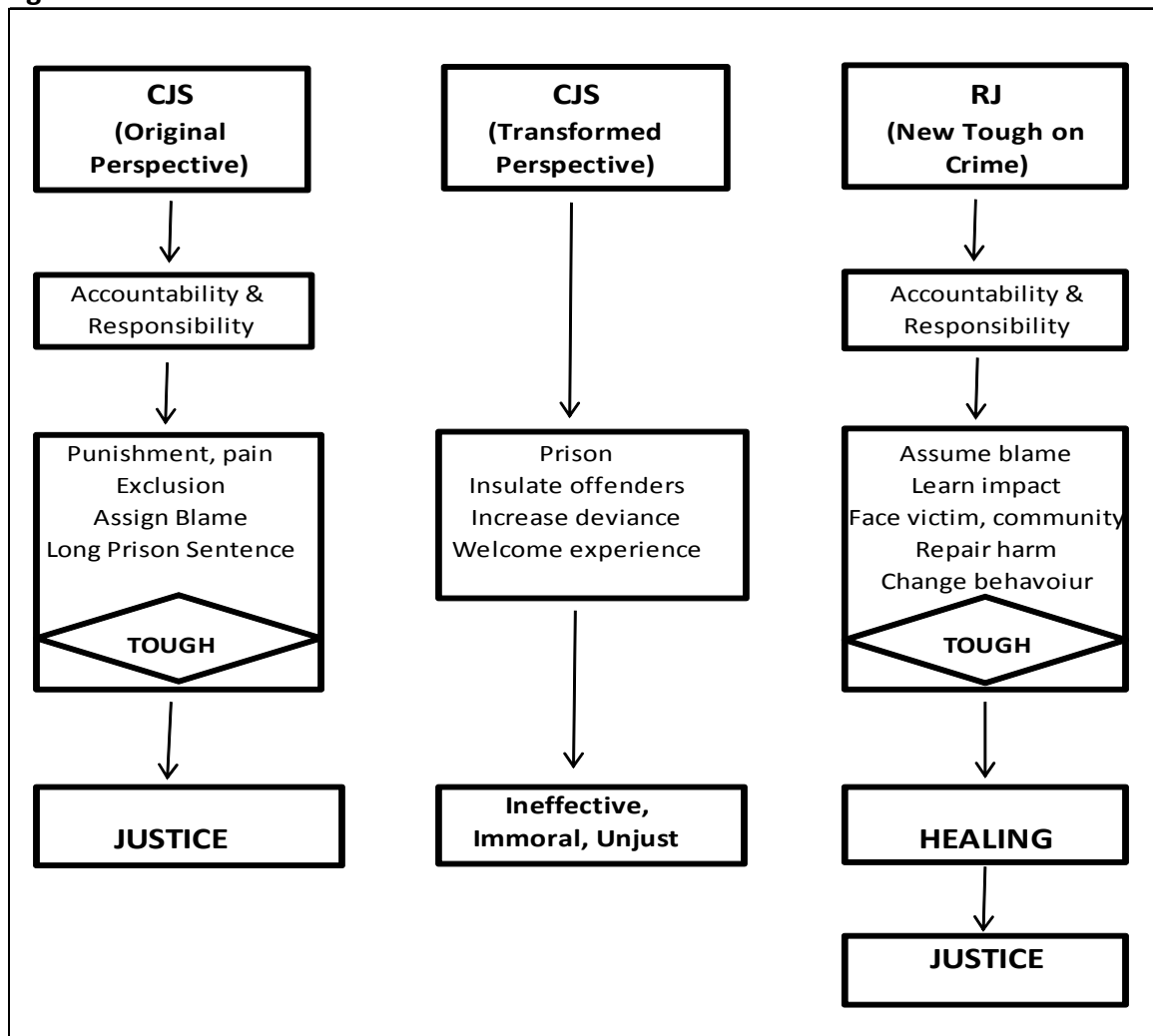
According to Snow et al (1986), in cases where there is little overlap between perspectives of potential adherents and perspectives of the social movement, such as the case of the restorative justice movement and dominant society, frame transformation becomes critical in the attraction and mobilization of participants and advancement of the movement. In this case, frame amplification, extension and transformation were forcefully portrayed in the films, providing a complete frame conversion from a criminal justice to a restorative justice perspective.

Frame amplification was consistent throughout the films, articulating and elevating values important to the movement, and demonstrating that these values are also highly important to dominant society. The primary values amplified include safety, respect, responsibility, accountability, family and community connectedness and justice. With the exception of family and community connectedness, all of these values were transformed. Transformation, which occurs through the extension of the value of tough on crime, was very powerfully achieved within this set of films through interviews, images and modelling of

restorative justice practices. Ten of the eleven films engage in frame extension, connecting restorative justice to the dominant society through alignment with this value in varying degrees.

Figure 1, below, provides an illustration of the frame extension and transformation processes.

Figure 1: Frame Extension & Transformation Process



Members of dominant society, including the public, politicians, justice officials, stakeholders, funders, and other potential participants are shown to hold the previously noted values as important, although meanings assigned to these values from the restorative justice

and criminal justice perspectives were clearly distinct. Extending the value of tough on crime to the restorative justice practice allows for previously amplified values to be redefined through the movement. As shown in Figure 1, being vengeful and punitive, antagonists equate accountability and responsibility with punishment, which is determined by the courts. From this perspective punishment is synonymous with prison time, and prison time is tantamount to justice. In fact, the lengthier the sentence, the tougher and more just the penalty is generally considered to be. Showing and treating offenders as hooligans, animals, uneducated, unemployed and having low or no moral values by antagonists, strengthens the need for tough sanctions against criminals.

Eight of the eleven films consistently accentuate the value of tough on crime through statements, images and captions, representing restorative justice as being tough on crime and criminals. Images of offenders pacing nervously in cells prior to conferences, their reluctance to participate at all, body language during restorative practices combined with interview statements as to how “excruciating” the restorative process is, all attest to the tough aspect of restorative justice. Two films emphasize the notion of shaming as part of the extension of being tough on crime.

Frame transformation activities demonstrated criminal justice system activities to be ineffective, with offenders shown to learn increasingly deviant behaviours, welcome the prison experience, failing to understand the criminal justice process. The criminal justice system is also shown as insulating offenders from learning the human impact of their actions, and in some cases, punishing youth who are physiologically incapable of a change of behaviour

through punishment. Thus, the tough response as viewed through dominant society is rendered ineffective and unjust.

Finally, a new meaning for tough on crime is skilfully presented throughout the films. Through the restorative justice lens, accountability and responsibility remain equated with tough on crime. However, they refer to the difficulty of accepting blame for the incident, facing the victim and the community, “being naked in (their) responsibility” (Karl, FD), learning the impact of their harmful behaviours and repairing the resulting harm to the extent possible. Safety extends to victims, offenders and communities throughout the process as well as a long term venture and becomes a concept that society as a whole has input and control over, rather than remaining a disconnected concept that only professionals and authorities are able to provide. Finally, and most importantly, rather than lengthy prison sentences representing justice, healing becomes the new representation of justice, with the transformation becoming complete.

Snow et al (1986) indicate that the radical and extensive scope of frame transformation is most effective and most associated with movements that have “world-transforming” goals and aspirations, seeking a total change of society across all cultures and institutions (Bromley & Shupe 1979 in Snow et al 1986), and that are extremely “greedy” in terms of time, energy and orientation (Coser 1974 in Snow et al 1986). This is certainly the case insofar as the contemporary restorative justice movement is concerned, as the films call for a complete paradigm shift, or fundamental change in society rather than (only) a different way of dealing with criminal behaviour. They demonstrate this shift through the application of this new

perspective, not only to criminal, but also other inappropriate and harmful behaviours across all areas of society, specifically schools, colleges and workplaces.

Further a key determinant of success of framing efforts of social movements lay in the degree of resonance of framings with the life situation and ideology of potential constituents (Snow et al 1986). This is likely due, at least in part, to the fact that this transformation requires such a high degree of energy and orientation. In any event, the use of tough on crime in frame extension and transformation is exceptionally skilful and perceptive on the part of the movement. High visibility of crime in the media, particularly violent and youth crime, have created public outrage and the belief that crime is out of control (Linden 2009: 130; Kendall, Murray & Linden 2000: 24) and that tough measures are required to regain control and societal safety (Garland 2001). Newspaper headlines and television media reports are saturated with incidents of youth crime as well as increasing youth and adult crime rates and emphasize a combination of light or non-existent sentences and high recidivism rates. Politicians are continually calling for and promising new “tough on crime” legislation, particularly during election campaigns. Discussions “around the water cooler” at places of employment and other public places indicate the dominant desire for tough sanctions and translate it into lengthy prison terms. Given the strong and prevalent belief in the necessity for tough strategies to deal with crime, resonance with dominant society is most effective through this extension.

Further, in order to garner support for restorative justice, Kay Pranis (in Van Ness & Strong 2006: 140) recommends listening to the concerns of allies as well as opponents, learning their language, demonstrating similarities between the two approaches and incorporating opponents’ points of view into proposals for change. Woolford emphasizes the need for

“strategic political engagement” rather than simply an “overthrow(ing) of the ruling powers” (2009: 23). The use of tough on crime as a frame extension technique distinctly demonstrates adherence to these recommendations and will enhance the acceptance and implementation of the restorative justice movement in the dominantly punitive and retributive society.

Notwithstanding the skilful and effective engagement in frame extension and transformation, it is evident within the films that the heterogeneous nature of the contemporary restorative justice movement presents challenges in the development of a collective identity as well as the presentation of coherent and consistent practices. Fragmentation, competition and contradiction between core framing tasks or within frame alignment processes raise potential threats of confusion, movement credibility and lack of resonance, hindering movement acceptance and implementation.

CHAPTER 6: ADDRESSING THE CHALLENGES OF RESTORATIVE JUSTICE IN RETRIBUTIVE SOCIETY

LOSS OF PRINCIPLES & VALUES

With the contemporary restorative justice movement having been in existence in varying degrees for almost four decades, scholars and practitioners have now had an opportunity to reflect on general movement mobilization and implementation efforts, and consider practices, obstacles, outcomes and consequences. In doing so, some critics have argued that attempts to enhance the movement and its practices in a dominantly punitive and retributive society have resulted in several challenges, some of which become evident through the framing of restorative justice within films included in this study.

According to Elliott and Gordon (2005, xiv) the result of over three decades of implementation and development is:

A continuing exploration of the challenges posed by both the coexistence and conflation of restorative justice practices and criminal justice system and the potential co-optation of the former by the latter.

Co-optation is the absorption of one system into a more dominant or mainstream system. As both systems attempt to influence one another, there are several ways in which the criminal justice system dominates and restorative justice becomes co-opted, including net widening, loss of restorative vision, values and principles, professionalization, and revival of shaming tactics.

“The probability of it ‘losing its soul’ is increased.” Mark Umbreit (1999: 214)

According to Umbreit (2009: 226), the greatest threat to restorative justice is loss of vision, referring to the loss of focus on restorative justice principles and values. Bazemore refers to this as the “watering down of restorative justice” (2000 in Masters: 2004), which occurs in various ways. Restorative justice literature points to increasing net widening and professional involvement as potential threats to maintaining restorative justice principles and values.

What follows is a discussion as to whether the particular presentation and framing techniques within the data support or refute claims of cooptation, and therefore whether they enhance or hinder movement acceptance and implementation.

6.1 Net Widening

“The problem of net widening...happens in subtle ways” Van Ness & Strong (2002: 166)

As early as 1979, Stanley Cohen warned that community and diversionary processes may result in “thinning the mesh and widening the net” (1979: 346). According to Cohen, net widening refers to subjecting a wider population to control, meaning that restorative justice programs deal with shallow-end offenders who would not otherwise normally be sent through the formal process, while thinning the mesh refers to the process of actually diverting individuals into the system that would otherwise be screened out. In other words, those with offences which are considered relatively minor, such as vandalism, theft or public mischief, and those who may have previously simply received warnings or other informal sanctions may now be charged or required to complete restorative processes.

Since it was first expressed by Cohen, this concern has been echoed and experienced by many restorative justice scholars and practitioners (Llewellyn 1999; Pavlich 2005; Van Ness

2006; Woolford 2009), and it remains a concern today. For example, Llewellyn and Howse (1999: 107) explain that restorative justice remains “at the mercy of the pre-existing system,” with the dominant system allowing restorative justice programs to deal with “castoffs from the current justice system.” Pavlich (2005: 18) explains that although restorative justice may be seen as an alternative to courtroom procedures and penalty regimes, it operates as a “subordinated component...housed *within* criminal institutions,” rather than as an alternative to the criminal justice system itself, and Woolford refers to contemporary restorative justice becoming “little more than an add on to the machinery of criminal justice” (2009: 17).

According to Griffiths & Corrado (1999: 251), prosecuting counsel and judges are responsible for the determination of how far restorative justice principles and programs will penetrate into the Canadian (youth) justice system. What cases are eligible for diversion to restorative justice programs, proceed to charge and are ultimately stayed are decided by Crown prosecutors. In Canada, these policies generally include those cases that involve first or second time, non-violent offenders and crimes of theft under \$5,000, possession of stolen property, mischief/damage, break and enter, failure to appear and failure to comply (Department of Justice 2000). Woolford (2009) and Llewellyn et al (1999) argue that because professionals within the criminal justice system continue to be gatekeepers that initiate and oversee restorative processes, they maintain responsibility for decisions as to what cases will remain within the system and what criteria will be applied to the decision making process. Woolford further argues that due to this situation within the dominant system the “threat of the punitive system always looms” (2008: 88) and influences discussions within the restorative context.

Further, these scholars argue that the result of this situation is a continued failure to recognize the effectiveness of restorative programs, resulting in an unwillingness to refer more serious offenders to restorative practices and the diversion of cases that might otherwise have been dismissed (Woolford 2009; Llewellyn & Howse 1999; Van Ness & Strong 2002). Masters (2004: 230) agrees, arguing that situating restorative justice within the criminal justice system has resulted in restorative justice being restricted to dealing with offenders who might otherwise have “escaped any formal attention,” actually drawing more youth into the justice system and thereby criminalizing a larger number of individuals rather than reducing overall cases processed through the courts (Muncie 2006; Llewellyn & Howse 1999; Morris 2003; Woolford 2009). These contemporary authors reinforce Cohen’s concerns of widening the net and thinning the mesh voiced over three decades ago, and the claims of these authors are clearly supported within the films.

Net widening is acknowledged within the films, as Barry Stuart (C) explains that the majority of (circle) cases are impaired driving, B & E’s and assaults against other men, and Umbreit (GH) explains that victim offender mediation is typically used for crimes such as burglary or vandalism. CVOM, IC and HR present offences which might normally be diverted out of the system, including B & E, shoplifting and school offences, assault, and vandalism. This framing technique allows the audience to learn that while net widening is a challenge to the movement, these cases do, in fact, require and benefit from restorative justice attention.

Frame bridging processes within the films address the practice of net widening by demonstrating the success of restorative justice in dealing with more serious offences, including sexual assault, assault with a weapon, murder and arson. Frame bridging thereby

demonstrates that restorative justice is not restricted to net widening practices and can indeed contend with the more serious criminal offences. Further, in addressing this concern, Umbreit explains that a growing number of victims of very severe violence have indicated a desire to participate in and experience the process (RJVCO). Prognostic and moral motivational framing specifically emphasize the necessity of healing, connection and community responsibility in dealing with *all* offences and not only those committed by young, first time, non violent offenders. Through motivational framing attestations of repeat and violent offenders refute the notion that restorative justice is an effective tool only for dealing with first time, non violent offenders. Finally, prognostic and motivational framing encourage a fundamental change in the way all crime and conflict is viewed, from a dominantly punitive and retributive framework to a restorative justice framework. Transformational framing facilitates this paradigm shift through a comprehensive redefining of justice, responsibility and accountability, emphasizing the necessity of restorative justice application across all types of offences, situations and cultures.

One reason that net widening is alluded to in the films is that restorative processes are unable to facilitate the handling of more serious offences within time limits imposed by the criminal justice system. Bushie (C) emphasizes that restorative justice requires time and patience, and Scott explains that we must continuously remind “people in the system that restorative justice is different and must be given the space and the time to do something that is fundamentally different” (HR). Conferencing in FD occurred four and a half years after court sentencing and GH indicates that the restorative process began some time after sentencing, and involved preparation time of one and a half years. After Mary’s first meeting with the offender, eighteen months passed before her second.

6.2 Gatekeeping, Decision Making, Professional Involvement

The films included in this study clearly demonstrate that gatekeeping and decision making processes are maintained within the dominant criminal justice system. Specifically, the majority of these films support claims by scholars and practitioners that restorative justice is a subordinated component housed within, and operates as an addition to rather than an alternative to, the criminal justice system, particularly in cases of violent crime. For example, while films present restorative practices dealing with offenders of violent crimes, these offenders experience restorative justice within the criminal justice system. Offenders have either been sentenced to participate in circle and community processes, or circles are used in conjunction with the criminal justice process. Offenders attesting to the effectiveness of restorative justice in various films, do so within the confines of the prison and the majority of restorative practices dealing with violent offences occur after offenders have been sentenced by the court and are serving prison sentences (IC, FD, GH). Offenders clearly indicate the effectiveness of the restorative practice as having “provided the kickstart” (WW) for them to initiate positive change in their lives, although restorative justice occurs while serving their prison sentence. Two films which specifically presented cases of violent crime (murder) indicate limited victim (family) satisfaction and there was no indication that this process was intended to replace current criminal justice system processes. Furthermore, victim’s families in both films emphasized that they felt “it’s appropriate that they (offenders) remain in prison” (Don, GH). Where participating offenders were not already in prison, as Woolford notes, the threat looms. In HW, the offender was given a probationary sentence under which participation in the circle process was mandated, and it was only as the probationary period

approached the end of this sentence and a return to the criminal justice system was imminent that the offender fully participated in the process. This was further evident in BB where all offenders voluntarily participated in conferencing, apologized to the entire community and indicated a desire to financially and physically contribute to rebuilding the bridge. Their apologies and offer to work toward reparation were accepted by the community, yet each still received a sentence which included restitution, community service (which involved physically contributing to rebuilding the bridge), and a “token” prison sentence.

According to current literature and practice, gatekeeping and decision making of the dominant criminal justice system present a hindrance to the implementation and acceptance of the contemporary restorative justice movement. Through frame bridging however, the movement attempts to counteract this practice by presenting itself as capable of dealing with violent and non violent offenders. Notably however, this occurs while framing itself as part of the criminal justice system. No films call for restorative justice to be practiced entirely outside of the realm of the criminal justice system, particularly in the case of violent crime. In addition to involvement as gatekeepers and decision makers, professionals are also increasingly involved in the restorative justice process itself, as is evident in the literature and portrayed in the films.

Professionals are involved at every step of the restorative justice process.” (Woolford 2009: 74)

Involving criminal justice system professionals in the restorative justice process itself, is argued to result in a loss of restorative justice principles and values. To this end, many family group conferences are led by police officers, therefore raising the question of partisanship in the conducting of proceedings. McCold & Wachtel (1998) claim that “conscientious police officers have always used soothing and smoothing techniques in the vast majority of

encounters with citizens” and that police officers are “quite capable of assuming the non-directive, empowering role of the facilitator” in restorative justice processes. However, in a dominantly punitive and retributive society, this is not always so. For example, Ford (2003) explains that an enormous amount of time at police academies is devoted to mechanical techniques such as firearms handling and pursuit driving, while little time is allotted to problem solving and interactional skills. Further, by the end of their first year of socialization into the police subculture at the police academy, recruits adopt the working personality of the police officer, which includes cynicism, isolation from the general public, alienation, authoritarianism and general distrust. Griffin & Bernard (2003) explain that the police subculture dictates that police operate on the assumption that people have already committed a crime and are to be dealt with accordingly, that police must demonstrate who is in charge at all times, and that an ‘us versus them’ mentality is to be maintained. It is, therefore, incomprehensible that current training and socialization can result in police officers who are anything less than intimidating and dominating to offenders as well as victims. Particularly, it is highly unlikely that this training can produce professionals with the ability to use “soothing and smoothing techniques” and fulfill neutral, empowering roles as required of restorative justice facilitators. Even in situations where police officers and other corrections professionals such as probation officers (who have similar training) appear to resist the pressures of their subcultures, scholars argue that the restorative justice framework and values is contrary to their belief system and it is not possible for them to embrace and practice its values to the extent necessary in all situations. Dignan et al (2007: 14) refer to this as the “conscious or unconscious partisanship” which compromises the impartiality and neutrality of a facilitator, while Woolford points to

professionals falling “prey to hegemonic presuppositions” of the dominantly punitive and retributive society (2009: 84). Nevertheless, the Australian Wagga Wagga model of conferencing has been implemented in several countries of the world including the United States (McDonald 1995: 2; Wachtel 1997: 23).

Two films, FD and IC, model police led conferences. In both films, the facilitator conducts preparatory interviews as well as conference facilitation in full uniform, supporting the importance of demonstrating who is in charge and placing a visual barrier between facilitator and participants. While facilitator language and behaviour within the data can be interpreted as “soothing and smoothing” during interviews, it is important to note that only victim interviews are held on camera while offender interviews are not shown and therefore the manner with which police deal with offenders is not evident within the films. In addition, the film conference presentations include statements made by participants rather than the facilitator, making it impossible to observe the complete facilitator/offender interaction. For example, in IC, the facilitator speaks only during introductions, and speaks only very slightly more, asking two questions during the FD conference. Therefore, it is not possible to determine whether this soothing and smoothing mannerism is extended to offenders as well as victims. However, the absence of facilitator/offender interaction is crucial and raises concern in assessing and evaluating the consistency of previously amplified restorative justice values such as respect and safety.

More particularly, one of the values highlighted in value amplification is respect, especially as it is considered an important component of physical and emotional safety of all parties during the restorative process. Because frame amplification highlights the values of

inclusion and respect, and because all parties are treated respectfully in the majority of the films, the audience assumes that offenders are treated with respect in all cases, similar to all other parties. This, however, is not always the case. Within the police led conference of FD offenders are clearly treated with disrespect as victims engage in name calling, threats and other aggressive behaviours during the conference, without facilitator intervention. This may occur because victim participants are part of a vengeful and punitive society (discussed below) or because police training and subculture support this behaviour. However, as Snow et al (1986) point out, discrediting or discounting of one amplified value leaves the movement vulnerable to discrediting of other values and beliefs presented by the movement as part of its framework. This concern is significant within the films as RJVCO clearly the values of inclusion and respect through the rule of “no namecalling or threats of any kind,” while FD clearly demonstrates an endorsement, or at least allowance, of these specific behaviours. The following discussion raises concern of a particular area where this may occur, as well as why this area presents the danger of loss of restorative values.

6.3 Revival of Shame Tactics

“The possibility of a return of the Wheelbarrow Men and their penal accoutrements is a repositioning of the relationship between shame and punishment.” John Pratt (2000: 142)

While John Braithwaite’s theory of reintegrative shaming was instrumental in the development of early contemporary restorative justice values and continues to influence practitioners and scholars today, it is a topic of controversy and debate, particularly due to the situation of restorative justice within a retributive and punitive society. This controversy was reflected in the films.

According to Braithwaite (1989) disintegrative shaming is the result of the traditional retributive system and involves labelling, exclusion and punishment, and the creation of a class of societal outcasts. After serving their sentence, offenders re-enter society as what Goffman (1963: 3) refers to as “stigmatized individuals,” meaning that they are tainted or discounted. Because little or no attention is paid to de-labelling or reintegration, the individual remains a stigmatized person, and this discounted and tainted identity becomes the individual’s master status, leading to further or secondary deviance (Becker 1966 in Macionis and Gerber 2009; Lemert 1951 in Kendall, Murray & Linden 2000; Goffman 1963). Reintegrative shaming, on the other hand, seeks to acknowledge the shame of the wrongdoing, but then offers ways to expiate that shame and earn the right to reintegration, through expression of remorse, apology and reparation of harm. Particular attention is given to separation of offence and offender, and through reintegration, the individual is welcomed back into the community as a whole, unstigmatized person. Gestures of reacceptance into the community of law abiding citizens decertify the individual as deviant, and therefore the label does not become a master status (Braithwaite 1989: 55).

There is extensive support for Braithwaite’s theory, as well as a wealth of literature demonstrating the positive value of shame in the development of empathy and conscience (Nathanson 1992; Petrucci 2002; Fercello & Umbreit 1998). Further, psychological literature indicates that offenders generally experience an initial sense of shame and that as they learn the impact of the inappropriate or criminal behaviours, negative self-attributions result in further shame regarding the act. In providing apology offenders feel less negatively toward themselves and are able to separate the inappropriate act from their master status (Petrucci

2002: 358). Despite an abundance of support for the affect of shame as contributing to development and growth, implementation of Braithwaite's theory into restorative justice practice within a retributive and punitive society has resulted in numerous challenges, including loss of vision and values, which is evident within the films.

All films included in the study demonstrate the experience of shame during the restorative practice within the film. Mediation and conferences as well as preparation meetings include offenders exhibiting verbal and nonverbal displays of shame. However, according to Braithwaite, three traits must be present for shaming to be reintegrative. These traits include mutual respect for one another, mutual commitment to one another, and an intolerance for – but understanding of – the deviant behaviour (Van Ness 2002: 109). An important component of reintegrative shaming also involves the offender learning the impact of their inappropriate behaviour on others as was evident in frame transformational processes within the films. Learning that others have been hurt, and how, together with disappointment towards the behaviour expressed by significant others triggers a feeling of shame and remorse (Braithwaite 1989: 57; Sharpe 1998: 34). However, offence and offender must be separated, and while expression of personal disappointment in the behaviour is important, reaffirmation of the morality of the offender is also essential.

The majority of films contain all of the traits required to facilitate Braithwaite's reintegrative shaming process within the restorative justice practices. Specifically, frame amplification emphasizes that values of inclusion, responsibility and accountability facilitate the learning aspect of restorative justice within the films. All films demonstrate this and point to the necessity of offenders facing the victims in order to learn the impact of their behaviours, as

well as to determine appropriate avenues to repair harm. Family members are present and supportive during conference and mediation sessions, expressing disappointment in the behaviours while reaffirming offender morality and assisting in the learning process. Further, the value amplification section emphasizes the requirement of respectful behaviours during all restorative processes, including listening, language and behaviour, providing the mutual respect necessary for understanding and open dialogue to occur. While these films contain all the elements required to facilitate reintegrative shaming, and effectively demonstrate Braithwaite's theory, only one contains a discussion regarding reintegrative shaming. In HR, Nathanson explains the natural affect of shame and the importance of family and community connection and respect in creating a safe environment where expressing shame facilitates the healing process. In this regard, these films provide support for the claim that restorative processes must make room for shame to take its natural course (Nathanson 1992; Sharpe 1998; Van Ness 2002). Two films demonstrate and emphasize the challenge of implementation of reintegrative shaming in contemporary society, particularly in professional or police-led conferences, as well as in a generally and dominantly punitive society.

6.4 Bastardization of Reintegrative Shaming

“They have bastardized the theory” Dave Gustafson, HR

Numerous scholars argue that restorative justice practices that support reintegrative shaming subject offenders to shaming rituals, purposeful infliction of harm and punishment, ceremonies of public shaming and other processes that involve stigmatic shaming of offenders (Pavlich 2005; Morris 2000; Muncie 2006; Young 2003 in Woolford & Ratner 2008). While Braithwaite's theory clearly rejects any explicit acts or behaviours done *to* the offender in order

to “shame, humiliate or make them feel horrible” (Nathanson, HR), Garland (2001: 75) points out that shaming tactics have been revived and the need for “the sight of suffering individuals” is prevalent in contemporary society. Therefore, particularly in a culture where retribution and punishment are hegemonic, any suggestion of shaming is apt to conjure up notions of humiliation and degradation, fragmenting and endangering the vision, principles and values of the restorative process. Zehr (2005) argues that misinterpreting the theory of shaming may result in attempts to instil a sense of shame rather than focusing on removing and transforming shame that is already present. According to Zehr, “shame happens” (2005: 300) and it is what we do about the shame that determines whether we are adhering to restorative justice principles and values. To this end, Gustafson, in HR, explains:

I am nervous about processes that shame people so that their behaviour will change. I have little or no patience with any of that kind of talk. There is far too much shame. We don't need any more of it. People who use it in criminal justice or conferencing processes to – even if called reintegrative shaming – I am concerned that they have bastardized the theory of the people who first articulated that. They are using shaming as a punishing process rather than an integrative process, and that needs a lot of unpacking.

Two films, IC and FD, justify concerns raised by Zehr and Gustafson. Through value amplification both films emphasize the value of shaming and discuss shaming as something done *to* the offender. One of those films is presented primarily in interview style, and therefore the element of shaming is discussed rather than demonstrated making it somewhat difficult to analyse. The other film clearly demonstrates attempts to instil shame rather than transform existing shame. While the value of respect was amplified as important to the restorative justice movement, respect for the offenders is not maintained throughout the process in this film as threats, derogatory comments and aggressive behaviours were directed at offenders.

Separation of offender and offence does not occur in this film, as offenders are referred to as “maggots” (Ken), and “cowardly little turds” (Joan). Kenny & Clairmont (2009) refer to this as using the “victim as a sword” in an effort to instil shame upon the offenders. Both of these films involve police led conferences, supporting claims such as those made by Kenny & Clairmont (2009) and Young (in Woolford 2008: 78), who argue that strong links to the justice system may result in an emphasis on stigmatizing shaming, in unresolved shame, anger and resentment, or in an inability to protect offenders from stigmatic shaming, particularly within a punitive and retributive society. Kenny & Clairmont argue that these results tend to serve institutional rather than reintegrative ends, and therefore, an examination of “how all parties dramaturgically employ the victim role is warranted” (Kenny & Clairmont 2009: 281). At least one film strongly supports these claims.

Frame extension within the data connects restorative justice with the dominant societal value of being “tough on crime.” As previously discussed, doing so strategically enhances the attraction of restorative justice within contemporary society. However, it also reinforces the public view that interests of offenders are fundamentally opposed to those of the general public (Garland 2001), increasing the risk of misuse of Braithwaite’s reintegrative theory. For example value amplification within the films emphasizes community connectedness and responsibility, and through prognostic framing films call for communities to assume increased responsibility for responding to harm. At the same time, belief amplification demonstrates that it is punitive and retributive antagonists who comprise the community. In addition to participating in restorative processes as victims or community members, many restorative processes are facilitated by community members who receive little or no restorative justice

training. All modelling of restorative practices within the films utilized professional or police led conferences, and therefore the issue of community member facilitated processes is notably absent in the films. Nevertheless, Snow et al (1986) stress that it is particularly important for movements to consistently uphold and protect the core values and beliefs highlighted through frame amplification, or run the risk of becoming discredited, dragging down other frames along with them. One film clearly demonstrates fragmentation insofar as shaming practices within the movement are concerned. It also calls attention to the necessity of ensuring and monitoring training and restorative practice facilitation by professionals and community members within a dominantly punitive and retributive society. In addition, it specifically demonstrates the need to heed scholarly and practitioner cautions regarding the practice of shaming, recognizing the potential for abuse, the subsequent loss of values and vision in the practice of restorative justice and hindering the acceptance and implementation of restorative justice as a movement.

6.5 Master Identity and Life Cycle of the Movement

Finally, Snow et al (1986) explain that cycles of protest and the particular stage in the life of a social movement play critical roles in the type of frame alignment processes required by the movement. According to these authors, frame transformation is generally predominant in the early stages of growth of a social movement, followed by amplification and bridging. However, as new technologies of protest are developed, new interpretive frames are inspired, rendering original master frames to be ideational anchors for new cycles of the movement which require increased negotiation regarding the collective identity of the movement.

The contemporary restorative justice movement has experienced substantial growth and development since the 1970s, and technologies of protest have rapidly increased bridging activities between various cultures and societies. Therefore, original master frames which include the originally theorized principles and values of restorative justice have become ideational anchors which have since continuously been negotiated and potential new master frames are currently being discussed, debated and considered by movement participants and leaders. The result is fragmentation in some areas of the movement, which stifles the growth of the movement and prolongs the duration of time where frame transformation is the most effective strategy for growth. Framing processes within these films reveal fragmentation of the contemporary restorative justice, particularly in the area of origin or ownership and shaming process interpretation and usage. This weakening of the movement through fragmentation requires further and serious consideration and attention, as is evidenced in the films, in order to enhance growth of the movement.

CHAPTER 7: LIMITATIONS, SUMMARY & CONCLUSION

LIMITATIONS

Due to the nature and scope of this study, films included were selected in accordance with specific selection criteria rather than through scientific sampling procedures. Therefore, findings and conclusions pertain to the films in this study and are not generalizable to a larger population of films. Further, although specific attention was paid to include films from various countries and/or regions, including Australia, Canada and U.S.A. and UK, films from New Zealand were unavailable and are therefore not included in this study.

In addition, although examples and representations from individual films are presented throughout the findings and analysis, the films included in this study are analyzed as a collective. Therefore although individual films may prove to indicate greater interconnectedness between tasks and processes resulting in increased mobilization value in the particular area with which the film is focused, this is beyond the focus of this study and was therefore not analysed.

SUMMARY & CONCLUSION

How does the contemporary restorative justice movement frame itself, its values and its beliefs through training, educational and informational film, in its attempt to broaden the appeal of the movement and advance its acceptance and implementation, particularly within a hegemonic culture of retribution and punishment? The data and analysis demonstrate that some films engage in core framing tasks while others did not. Further, some films engage in

particular frame alignment processes while others did not, and in fact, some films engage extensively in several alignment processes while others engage in fewer processes or several processes to a lesser extent. Following is a summary of the framing of restorative justice within the films. Within the collective of films, restorative justice is framed as:

1. A variety of alternatives to the criminal justice system, with its own processes, practices and values but primarily housed and working in conjunction with and under threat from the criminal justice system;
2. Capable of dealing with parties to all types of offences, including violent and non-violent;
3. Separate and individual practices performed in various areas and cultures throughout the world, in an attempt to address inappropriate and criminal behaviours;
4. Consisting of values important to the movement, which consistently include safety, respect, inclusion, responsibility, accountability, healing and justice;
5. Being tough on crime, criminals and wrongdoers and therefore aligning and resonating with values of dominant society;
6. Comprised of an overwhelming multitude of strategies, practices, and programs designed to effect healing, reparation of harm, and prevention of harmful and criminal behaviours;
7. An opportunity to address serious and urgent inefficiencies and injustices within an ineffective and costly criminal justice system;
8. Flexible and adaptable to particular cultural and situational social contexts;
9. Supported by victims, offenders, communities and their respective representative agencies and visionaries, professionals and academics across disciplines, corrections and justice officials, and governing authorities;
10. Fragmented insofar as the origin and ownership, affiliating with particular sectarian labels and subject to claims to individual development;
11. Fragmented insofar as shaming processes, and in this regard particularly subject to hegemonic presuppositions;
12. A fundamental or paradigm shift in the way crime and inappropriate behaviours are viewed, and therefore addressed, having world transforming goals and aspirations.

This study indicates that there is consistency as well as variation in the framing of restorative justice within training, informational and educational films. It demonstrates that these consistencies and variations which are reflected in practice at different points both enhance and hinder the acceptance of the contemporary restorative justice movement. Further, it demonstrates that the framing of the restorative justice movement is significantly influenced by its situation within a hegemonic culture of retribution and punishment. Specifically, bridging efforts enhance movement acceptance by demonstrating its broad application, cultural and situational flexibility, and ability to address all types of harms. Bridging efforts also demonstrate the ability of the restorative justice movement to work in conjunction with the criminal justice system in situations where restorative processes alone are not appropriate or where parties choose not to participate. However the extensive bridging activity also hinders the advancement of contemporary restorative justice by conflating the identity of restorative justice and the practices that reflect a restorative approach, and by inundating potential constituents with conflicting or competing perspectives. Frame amplification enhances the movement through the identification and articulation of a master set of values and by demonstrating an understanding of beliefs and values of dominant society, thereby facilitating the ability to develop proposals which resonate with and appeal to potential participants, practitioners, funders, politicians, stakeholders and the general public. Frame extension within the films skilfully and effectively connects to a value which is salient to potential participants, providing a powerful incentive to consider the redefinition of values and terms which are proficiently effected through frame transformation. Together, the frame amplification, extension and transformation processes employed in the films are an exceptional

strategy, enhancing the possibility of paving the way for continued international acceptance of an entirely new paradigm based on long-standing and dominant, but redefined values.

On the other hand, framing processes reveal two particular areas where weakening of the movement occurs, and where remedial strategies are imperative. Debate regarding the origin and ownership of restorative justice and/or particular practices as well as the debate regarding the use of shaming processes must be effectively resolved in order to strengthen movement acceptance. Each of these debates results in fragmentation of movement insofar as practice and presentation, and are seriously undermining its appeal and acceptance.

Recognizing that social movements continuously negotiate and debate a master identity, such a debate must be limited to principles and values of the movement. Agreement must be reached insofar as providing a vision for future identity while affirming and recognizing concomitant contributions of distinct historical roots, in order to advance acceptance of a broad nature such as that required by this movement. The debate regarding shaming processes is particularly problematic in light of the situation of restorative justice within a dominantly punitive and retributive society, and in light of stereotypic beliefs of antagonists towards offenders. Given that it is a very slippery slope from reintegrative to stigmatizing shaming, particularly as members of a retributive society gain increasingly important roles in restorative practices, it is imperative that this theory as well as its practice be clarified and refined in order to enhance framing and practice, and subsequently further acceptance and implementation.

While framing processes alone do not necessarily determine success or failure of a social movement, they play a considerable role in its mobilization and growth. According to

Snow et al, management of framing processes and their consequences are as crucial to the success of a social movement as “acquisition and deployment of more tangible resources” (1986: 478). This study provides the application of these processes within a film collective, and also provides a clear demonstration of the ability and critical nature of these processes to guide and motivate current and prospective activities of participants, leaders and contributors to the movement. Further, this study clearly demonstrates the successful framing of restorative justice, while pointing to potential areas of concern.

With almost four decades having past since the contemporary restorative justice movement began, many obstacles have been encountered, successes celebrated and lessons learned. In 2005, Zehr emphasized a desperate need for evaluation; multi-method and multi-focused evaluation. It is my hope that this analysis and evaluation provides avenue and insight for future direction, thereby contributing to the continued growth, acceptance and implementation of restorative justice around the world.

APPENDIX A: Preliminary List of Films

<u>Experienced (training) / Purchased at Conference</u>	Length (min)
1. <u>Facing the Demons</u> , (1999)	57
2. <u>Commentary on Facing the Demons: The Facilitator's Perspective</u>	30
3. <u>Burning Bridges</u> (2005), IIRP and Real Justice	35
4. <u>The Woolf Within</u> , Level Films Co., UK.	10
5. <u>Hollow Water</u>	50
6. <u>The Worst School I've Ever Been To</u> (2004) IIRP	62
7. <u>Beyond Zero Tolerance: Restorative Practices in Schools</u> , (2008) IIRP	25
8. <u>Managing Shame, Preventing Violence</u>	71
 <u>IIRP Website</u>	
9. <u>Introduction to Conferencing</u>	18
10. <u>Featured Speakers Series: John Braithwaite – Democracy, Community & Problem Solving; John Blad – Against Penal Instrumentalism</u>	60
 <u>U/M and Recommended</u>	
11. <u>A Healing River</u>	85
12. <u>Community Mediation: Two Real Life Experiences</u> (2003) National Film Board	87
13. <u>Concrete, Steel & Paint</u> approx	60
 <u>Mediation Services</u>	
14. <u>Glimmer of Hope</u> , (1997) NFB	53
15. <u>Victim Offender Mediation</u> , Saskatchewan Justice M.S. & Saskatchewan Dept. of Justice (RCMP)	21
16. <u>Mediation and the Dynamics of Conflict</u> (1994) CDR Associates	48
17. <u>Mediation: Restorative Justice</u> (1987) Mediation Services and Ed Franz	16
 <u>CMU</u>	
18. <u>Restorative Justice: For Victims, Communities, and Offenders</u> (1997) Center For Restorative Justice & Peacemaking	25
19. <u>Community Justice and the YCJA</u>	90
20. <u>Palaver with Howard Zehr: Critical Issues in Restorative Justice</u>	97
21-24. <u>Complete Victim Offender Mediation and Conferencing Training</u>	117
25-26. <u>Seminar on the Psychological Foundations of Restorative Processes with Donald Nathanson, MD.</u>	150
27-28. <u>Trauma & The Effects of Victimization</u>	175
29. <u>Youth Justice: A New Approach</u>	45
30. <u>Circles</u> (1997)	58

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