

Background report

Report from Thailand

Angkana Boonsit's Report on Restorative Justice in Thailand

by Ron Claassen

My wife Roxanne and I were in Thailand for two weeks from late December 2003 though early January 2004. The primary purpose of our trip was to participate in Angkana Boonsit's successful defense of her doctoral dissertation at Thammasat University, Bangkok. Boonsit studied at the Fresno Pacific University (FPU) Center for Peacemaking and Conflict Studies (CPACS) during the Fall of 2003.

In the late summer of 2003, Angkana's major advisor, Suwatchara Piemyat, a professor in social administration at Thammasat University, inquired about the possibility of Angkana, a senior-level probation officer, coming to study restorative justice. They discovered the CPACS on the Internet and were particularly attracted to our principles, models, and strategies as well as our focus on spirituality and peacemaking. The Thailand Research Fund awarded Boonsit a grant to pay for three months of study in Fresno. Funds also allowed Piemyat to visit Fresno for two weeks to assist Boonsit with her writing and for me to travel to Thailand and to participate in the defense.

Boonsit's work broke much new ground. She was the first person in Thailand to do a dissertation on restorative justice. She focused her research and recommendations on domestic violence. She was the first at Thammasat University to write and defend her dissertation in English, making her work more accessible internationally.

Boonsit even used the composition of her dissertation committee to introduce and/or advance restorative justice with the leaders of Thailand's criminal justice system. Her advisors and committee members included the general directors of the national departments of corrections and probation, which were part of the ministry of justice.

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Restorative Justice and Domestic Violence Resolution in Thailand

by Angkana Boonsit, Ron Claassen and Suwatchara Piemyat

The research findings reported in this article reveal that parents, relatives, and neighbors are the important persons whom the spouses think of whenever they face domestic violence. Traditional Thai proverbs, such as "Don't let inner fire out, don't bring outer fire in," have influenced all responses to domestic violence. Community leaders say that they generally do not intervene in domestic violence situations. They become involved only in cases of physical abuse, and then just to stop the assault. Current criminal justice system responses, while providing initial safety for the abused spouse, are not viewed as satisfying by any of the parties. Justice system officials of Thailand view restorative justice as providing hope for a more constructive response in dealing with domestic violence cases. Intensive training in restorative justice should be available for all persons responding to domestic violence and a cooperative restorative justice center should be established that would be responsible for overseeing the research, training, and implementation of restorative justice in Thailand.

Introduction

In Thai society, since the ancient times, Thai villages have governed themselves and made final decisions in resolving problems by community justice. When problems occur that have to do with family, sexual passion, or job, the community will give a judgment and instruction and individuals must apologize to each other or provide compensation. Finally, the community will discipline them (Natsupa, 1997, p.3). Thai society, as others in the world,

considers that domestic violence is an important social problem that affects the stability of the family (Srisorrachatra, 2001, p.1). Criminal justice agencies have made some attempts to apply restorative justice in cases of domestic violence in which the wives are the victims.

Domestic violence, especially in the case of spousal abuse, has recently received a great deal of attention in the Thai society. The public has started to question the inadequacies of the current criminal justice system in protecting the assaulted wife. In most cases the victims do not want their husbands to be punished. They just want to protect themselves and want their husbands to change their behavior and to stop hurting them. The criminal justice system in Thailand does not have many choices for assaulted wives. When a wife initiates a complaint with the criminal justice system, it is very likely that the wife will later request the police or the prosecutor to withdraw the complaint for fear that the husband will have to be punished, usually incarcerated, a result which will directly affect the wife and her children economically and socially. In the current system, all actions are directed by the state with the offender (most often an abusive husband) whereas the needs of the victim (usually an assaulted wife) are ignored.

Although the criminal justice system is currently designed to think of punishment more than encouraging the offenders to accept accountability for the wrongdoings,

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VOMA Connections

VOMA Connections is published four times a year by the International Victim Offender Mediation Association.

The Mission of VOMA is promoting and enhancing restorative justice dialogue, principles, and practices. Our mission will be achieved only with a commitment to full diversity and equality of participation for all people. VOMA holds this commitment as central in its work.

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VOMA welcomes contributions, including short articles, literature reviews, case studies, program news, and other interesting information. Photos and graphics are also welcome.

Please send submissions to:

Editor Russ Immarigeon
563 Route 21, Hillsdale, NY 12529
Phone: 518-325-5925
E-mail: russimmarigeon@taconic.net

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VOMA Connections

Russ Immarigeon, Editor

Publications Workgroup

Jan Ballard, Bobbie Boland,
Barbara Raye, Ann Warner Roberts,
Duane Ruth-Heffelbower (Webmaster)

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Victim Offender Mediation Association

Administrators:

Barbara Raye (braye@effective.org)

Claire Harris (voma@voma.org)

c/o **The Center for Policy, Planning and Performance**

2344 Nicollet Avenue South, Suite 330
Minneapolis, MN 55404 USA
612-874-0570 Fax: 612-874-0253

- - - - -

voma@voma.org
www.voma.org

2003 VOMA Board Of Directors

Karren Baird-Olson, Ph.D.

American Indian Studies Program & Dept of Sociology
CSUN, 18111 Nordhoff Street
Northridge, CA 91330, USA
818-677-3920, karen.bairdolson@csun.edu

Jan Ballard, Secretary

P.O. Box 5
Wentworth, NC 27375, USA
336-951-3048, jb Ballard@vnet.net

Bobbie Boland, Treasurer

270 Indian Meal Line
Torbay, Newfoundland, A1K 1B4, Canada
709-437-5760,
bobbieb@morgan.ucs.mun.ca

Hans Boserup

Sundmarkvej 20
6400 Sønderborg, Denmark
45 74 42 36 05, boserup@po.ia.dk

Sheri Gatts

Youth Services of So Wisconsin – CAP
Division
1955 Atwood Ave
Madison, WI, 53704, USA
608-245-2550 ext 213
sheri.gatts@youthsos.org

Bruce Kittle, Co-Chair

Department of Correctional Services
951 29th Avenue SW
Cedar Rapids, IA 52404, USA
319 398 3907, bruce.kittle@doc.state.ia.us

Dale R. Landry, Program

1940 Nanticoke Circle
Tallahassee, FL 32303, USA
850-553-4393, drlandry11@earthlink.net

Cornel Loghin

Community Safety and Mediation Center
Moara de Foc 35, 7th-8th levels, 6600
Iasi, Romania
232 353 920, Cloghin@cmssc.ro

Martin McAnallen

Probation Board for Northern Ireland
26 Fort Road, Ballylesson
Belfast, BT8 8LX, Northern Ireland
028-91817778,
martin.tookie@btinternet.com

Shadell Permanand, Co-Chair

Conflict Mediation Services of Downsview
95 Eddystone Avenue, 2nd Floor
Toronto, Ontario, M3N 1H6, Canada
416-762-5074, MarshAndShadell@aol.com

Jane Riese

Family-Child Resources, Inc.
3995 E. Market Street
York, PA 17402, USA
717-757-1227, jriese@f-cr.com

Andrea Verwijver

7 Bluebell Ct
Santa Fe, NM 87598, USA
505-466-6208, dichoso@cybermesa.com

Leslie Young, Membership

Loveland Police Department
810 E. 10th Street
Loveland, CO 80537
970-962-2693, youngl@ci.loveland.co.us

Administrators

Barbara Raye and Claire Harris

c/o Center for Policy, Planning and Performance
2344 Nicollet Avenue South, Suite 330
Minneapolis, MN 55404, USA
612-874-0570, voma@voma.org

Welcome To New Members

Individual

Lou Furman, *Turning Point Partners*, New Orleans, LA

Janine Geske, Milwaukee, WI

Wanda Joseph, Bethren, MI

Cynthia Kaelin, *Victim Offender Conferencing Program*, Elmore, AL

Susan R. Mikesic, *Catholic Community Service*, Lawrence, KS

Kay Pranis, St Paul, MN

Gary L. Schreiner, *Seventh District Restorative Dialogues Program*, Ammon, ID

Agency

Mary Lee Brock, *Concord Center*, Omaha, NE

Texas Department of Criminal Justice, Huntsville, TX

Prison-based Restorative Justice

Restorative Justice and the Prison System: A View from the UK

by Marian Liebman

Introduction

There has been a recent burgeoning interest in Restorative Justice (RJ) in prisons in the United Kingdom (UK), much of it dependent on the enthusiasm of local prison governors and staff, and the particular circumstances in those prisons. In the UK, there are no 'systematic' (i.e., regular, predictable, or thought out) or 'systemic' (i.e., involving the whole prison system) RJ processes that apply to all prisons. Nevertheless, it is possible to categorize different forms of RJ and to develop a framework that relates RJ initiatives to different aspects of the prison system and the criminal justice system in general. Initiatives can be categorized by the amount of interface they have with outside bodies, the criminal justice system in general, or the justice system within the prison. This article is an attempt to do this and to see if such a classification is useful.

This article draws on previous research I have done in this area (Liebmann and Braithwaite 1999; Liebmann 2001), some practical work undertaken in HMP Bristol as part of the Restorative Justice in Prisons Project (Newell 2002) and some reflections on RJ training work undertaken in East and West Africa.

The categories I have developed are arranged in the order in which they impact on the criminal justice system, from "no impact" to "changing the system." And, of course, the more change that is required in the system itself, the harder it is to implement, but also potentially the more far-reaching it is in its implications. Resources in prisons are notoriously fickle because prisons have to react to crises first. They are the only organizations not allowed to turn people away. So many good projects are undermined by overcrowding, staff shortages, and security crises that often prisons can do no more than house and feed prisoners, as well as attend to security and court appearances.

Categorizing Restorative Justice Relations with Prisons

When we think about prisons and their relationship to the criminal justice system, there are two systems to consider:

- the criminal justice system as a whole, of which the prison is a part, but a part where few criminal justice decisions are taken because most prisoners are there post-sentence (remand or pre-trial prisoners are awaiting a decision from the court, not the prison where they are temporarily housed); and
- the internal prison system, which has its own rules, disciplinary code, sanctions, and punishments (in this way prisons are similar to schools, which also have their own discipline systems).

Initiatives that are part of the traditional prison system, but do not involve outside liaison

Such initiatives, which can be carried out within a normal prison regime, or as far as resources allow, include:

- victim awareness and empathy courses;
- courses with sessions on victim awareness, such as *Offending Behavior* courses, *Thinking Skills* and the *Sex Offender Treatment Program*;
- prison-based drama work, both performances and participative role play; and
- staff training in restorative approaches, e.g., *Non Violent Communication*

Initiatives that do not interact with the prison or criminal justice systems, but may involve liaison with organizations outside the prison

These initiatives, which do not impact on the criminal justice system, but nonetheless require liaison with outside organizations, can be achieved inside or outside the prison and include:

- community service projects undertaken in prison workshops, such as producing braille texts for blind people, mending bicycles or wheelchairs for use in the Third World, and making items to be sold in aid of Victim Support;
- community service projects using prison facilities, such as helping learning disabled adults to use the prison gym or holding a fair in aid of Victim Support;
- community service projects, undertaken by prisoners outside in the community, that include making a playground for disabled children and joining community volunteers in a va-

- riety of projects; and
- inviting the community into the prison, either in the variety of forms mentioned above, but also in a more general way, for an open day or for a play produced by prisoners.

Clearly the last three of these require not just liaison, but also security arrangements. Several organizations are involved in such initiatives, notably the Inside Out Trust (International Centre for Prison Studies 2002).

A different kind of initiative, which requires even more sensitive liaison, includes the following:

- victim/offender groups;
- Sycamore Tree Project (Prison Fellowship International); and
- bringing victims into prison to talk to prisoners.

Victim/offender groups involve victims and offenders, not of the same crime, but often of the same kind of crime. They were pioneered by Gilles Launay, a prison psychologist in Rochester Youth Custody Centre (Launay 1985 and 1987; Launay and Murray 1989) with offenders and victims (recruited through Victim Support) of burglary. Evaluations gave positive results for victims and offenders. This model has been used widely around the world. The Sycamore Tree Project has also been extensively evaluated and is in use in many countries.

Initiatives that interact with the criminal justice system outside the prison

Such initiatives, which require considerable sensitive liaison with external organizations and, in addition, can influence, and be influenced by, parts of the criminal justice system outside the prison, include the following:

- Victim/offender mediation. When victim/offender mediation takes place in prison (or on special day release), it is possible that the outcome can affect the future. Although the sentence given will not change, the effect on the offender may result in changed behaviour, which in turn might lead to a recommendation for parole (it is important to stress here that the mediation itself would not be seen as sufficient reason for this, indeed victim/offender initiatives would be wary

Restorative Justice and Prisons

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of such motives). And although victims would not influence the date of release, they might influence the conditions and location.

- **Victim inquiry work.** It is a statutory duty of the probation service to contact victims of violent or sexual crime, where the perpetrators have received prison sentences of one year or more. The purpose is to ask whether victims would like any information about the sentence, but of course such contacts often bring up other concerns. On occasion they lead to victim/offender mediation, where this service is available.

Initiatives that interact with the justice system inside the prison

These initiatives, which focus on what happens inside the prison, especially in terms of infringements of prison rules and methods for handling these, include:

- restorative handling of adjudications, using mediation; and
- mediation for staff disputes.

Several initiatives concern these approaches. In some prisons, staff have been trained to handle adjudications in a restorative way something that applies to the prison as a whole and to its relationships with outside organizations and the community. Such prisons look at what they can do to restore and reintegrate offenders, victims, and communities. As far as resources allow, they try to implement as many as possible of the above initiatives.

African experience

My experience in East and West Africa (while training groups in victim/offender mediation) showed me that criminal justice professionals in those countries were more interested in RJ and mediation where there was a possibility of diversion. They were not as cautious about offenders' motives as their counterparts in the UK, and were keen to get offenders out of prison if the victim could be satisfied. Prison was seen as destructive for offenders (life-threatening often) and offering nothing to victims. Thus they were keen to use mediation if prisoners were on remand, but could not see much point once they had been sentenced. So in these countries RJ in prisons would have a different relationship with the main criminal justice system from that in the UK.

Conclusion

Although RJ in prisons does not have a big impact on the criminal justice system in the UK, there are some places where it has an influence. However, there are several ways in which it links with outside organizations and the community to provide a positive contribution. Prisons also have their internal judicial systems and here RJ can suggest changes to achieve more constructive outcomes. The concept of a 'restorative prison' aims to work with offenders, victims and the community.

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Marian Liebmann has worked with offenders and victims in the criminal justice field for over 20 years. She was director of Mediation UK for four years and now works freelance in restorative justice and mediation training, both in the UK and abroad. Recent work has included training and workshops in several countries in Africa and in Bristol prison. She has written or edited several books, including Mediation in Context (Jessica Kingsley Publishers, 2000). She is also an art therapist and runs 'Art & Conflict' workshops. She can be reached at

VOMA Administration

2004 VOMA Conference

by Claire Harris

VOMA is to join with the biannual conference of the Fellowship of Reconciliation for 2004.

The Fellowship of Reconciliation (FOR), is an organization committed to a world of peace, justice and nonviolence. We think VOMA members will feel a real affinity with FOR. The executive director of FOR, Pat Clark, was a keynote speaker at our conference in Tennessee, and the dialogue with her has encouraged greater long-term collaboration between VOMA and FOR.

The FOR conference will be held August 5-9th at Occidental College, Los Angeles, California, and we hope you can join us there. VOMA will hold its annual membership meeting at the college on Monday August 9th, please mark your calendars and look for more details in the coming weeks. On August 5th there will be a VOMA sponsored one day training on Mediation and Reconciliation in the Context of War. Presented by David Gustafson and Martin McAnallen, this training will explore the application of mediation processes and restorative justice principles in the context of political aggression and war and will provide participants with practice in basic skills related to the process and practice of restorative justice dialogue on personal, community and political levels. More detail on this training can be found on the insert in this Newsletter. In addition there will be two VOMA sponsored, restorative justice workshops during the FOR conference, presented by Bruce Kittle and Sheri Gatts. More information on the conference can be found at www.forusa.org or the VOMA website at www.voma.org.

Training & Technical Assistance Program
VOMA is continuing its Training & Technical Assistance program during 2004. If you have specific training needs please contact us, as through the program we can arrange for on site training. A brochure on the Training & Technical Assistance program is included in this Newsletter.

52 St Albans Rd., Bristol BS6 7SH, England.
(e-mail) MLiebmann@compuserve.com.
This article was originally delivered as a workshop presentation at a Workshop on Restorative Justice and its relationship to the criminal justice system, held at the European Forum Conference 10-12 October 2002.

Robson Collection

New Zealand City Establishes Restorative Justice Library Collection

by Leslie Clague

For the past few years, a New Zealand public library has been amassing a collection of articles, books, reports, and videos that focus on the theory and practice of restorative justice.

The City of Napier, situated by the sea in Hawke's Bay, New Zealand, has a population of just over 55,000. Virtually destroyed in an earthquake in 1931, the city re-built itself in Art Deco style and is now developing a thriving tourism industry based on this special architecture.

Pilot City

The town has a leftist heart with a solid working class sentiment. Median family income is just over \$40,000 per annum, according to the 2001 New Zealand Census. For over 20 years the city has also promoted itself as a Pilot City, a city that is not too big that it can't make a difference. The organizers of this view have banded together in the Napier Pilot City Trust.

The Pilot City concept developed out of a speech by a visiting dignitary – John Robson, who had served as Secretary for Justice, working with the Minister of Justice throughout the 1960s. Robson believed his function as a senior public servant was an activist one. He worked closely with the Minister of Justice, J. R. Hanan, for a decade of achievement in penal administration and policy and in law reform, possibly without equal for this island nation. One of their greatest successes was the abolishment of capital punishment for murder. Robson was also an active campaigner for the creation of an ombudsman in New Zealand.

After retiring from public service in 1970, Robson became a visiting fellow at Victoria University in the nation's capital of Wellington, where he played an important role in establishing criminology as a university discipline. It was a visit by Robson to Napier in 1977 that started the Pilot City Concept. On his death, nine years later, his private library was given to the Napier Pilot City Trust, who approached the public library to house the collection.

Mobilizing Community Support

Enter Pat Magill, a local retired businessman with a heart of gold and an extraordi-

nary ability to make people say yes. He has led the Napier Pilot City Trust in its quest to make the Robson Collection on Restorative Justice the best that it can be. Through travels overseas and throughout New Zealand he has encouraged all sorts of people to donate books to the collection.

Academics, government ministers, the Chief Justice of New Zealand and the Governor General have all made donations to the Robson Collection. The general public has also donated books or money. Local support comes from across the Napier community, including local politicians, solicitors, teachers and academics.

As a public library, it is important for Napier Public Libraries to present all sides of intellectual debate. But it is also important that the library reflects and supports the culture of the community in which it resides. The Robson Collection grows because the community wants it here.

The Napier Pilot City Trust is now approaching high schools in the community to see if the Robson Collection can become part of the social studies syllabus. Students are using the Internet to find additional resources to supplement the book collection. A series of papers on restorative justice are also available on the library's web site: www.library.napier.govt.nz.

The collection now numbers about 800 books, papers, and other resources. To see what is included, use the catalogue on the web site and type in the words "Robson Collection." Materials in the collection are available to people throughout New Zealand through the national interloan system.

[Editor's note: In recent months, the Napier Pilot City Trust has taken on the new responsibility of publishing quarterly issues not only of its own newsletter, but also of the Movement for Alternatives to prison (MAP) newsletter. MAP is New Zealand's leading prison reform lobby group. MAP organizes an annual lecture from national and international scholars, practitioners, and activists on key prison reform issues; it also operates a post-release community center for ex-offenders. To contact the group, write to MAP, PO Box 264, Hastings, New Zealand, (e-mail) info@sharingthecaring.org.nz.)

Leslie Clague is manager of Napier (New Zealand) Public Libraries. The Robson Collection can be viewed at www.library.napier.govt.nz.

Book Review

Criminal Justice: Retribution vs. Restoration

edited by Eleanor Hannon Judah and Michael Bryant. *The Haworth Press* (2004), \$29.95, 265 pages

Reviewed by Russ Immarigeon

In a newly published volume, Eleanor Hannon Judah and Rev. Michael Bryant collect a dozen articles that highlight the differences between retributive and restorative justice that are at the center of the restorative justice movement. Moreover, these articles serve the further purpose of distinguishing a central difference in conflicting definitions of restorative justice, those focusing on material/ economic versus spiritual/ healing changes.

In **Criminal Justice: Retribution vs. Restoration** Hannon Judah and Bryant gather a distinguished group of articles: Marc Mauer, Michael Coyle, Donald Braman, and Eric Sterling describe the destruction and social costs of our over-reliance on incarceration, its impact on families, and the disingenuousness of current drug policies. Daniel Johnson and Dan Van Ness describe the potential of restorative practices that constructively shift impersonal to personal justice. Daniel Misleh and Evelyn Hanneman offer an overview of what different denominations and religious groups are doing in the U.S. with restorative justice themes.

Marietta Jaeger Lane gives a personal account of how she evolved after the murder of her daughter. Kay Pranis discusses the practice and efficacy of restorative justice. And, in two especially useful articles, Susan Galbraith discusses specific concerns in the importance of identifying and addressing women's circumstances and needs in criminal justice (or restorative justice) processing. She places emphasis on social reparation, a matter that Frederic Reamer says social workers should become more involved with. Reamer rightly observes that social workers have abandoned much of their emphasis on social justice when it comes to their involvement with the criminal justice system.

Overall, these articles cover an important and wide range of critical issues for the practice of restorative justice.

Copies of this volume are available from The Haworth Press, Inc., 10 Alice St., Binghamton, NY 13904-1580, 800-429-6784; (website) www.HaworthPress.com.

VOMA Administration**Welcome! New VOMA Board Members***by Claire Harris*

VOMA welcomes three new board members, and two returning members to its board of directors. In the recent elections Sheri Gatts, Cornel Loghin and Andrea Verswijver were elected as representatives and Hans Boserup and Martin McAnallen were re-elected.

Sheri is the Coordinator of the Victim Offender Conferencing Program and the Community Peer Court with the CAP Division of Youth Services of Southern Wisconsin. For the past fifteen years Sheri has provided local, statewide and national training on a variety of topics including restorative justice and cultural awareness. Sheri will represent Region C.

Cornel is from Iasi in Romania and will represent Region I-B. Cornel is currently a Senior Manager of the Mediation Department for the Community Mediation and

Safety Center. Having received training in a variety of mediation models, he currently coordinates and provides mediation in areas such as VOM, group conferencing and workplace.

Andrea has worked in the field of restorative justice for the last eight years and began as a volunteer mediator in juvenile probation. Andrea is currently working to create a forum for victim offender mediation in cases of severe violence in conjunction with victim advocacy groups and the New Mexico Department of Corrections. Representing Region D, Andrea has a deep connection with the culturally diverse population of Santa Fe, New Mexico.

In welcoming new board members we also have to say goodbye to David Doerfler and Annie Warner Roberts. David and Annie have served on the board since 1998 and will be sadly missed. They have brought leadership as co-chairs of the board, and with great energy have worked on moving forward the mission of VOMA. We wish them the best with future opportunities and look forward to seeing them at future VOMA events.

Angkana Boonsit

Continued from page 1

Piemyat and Boonsit also arranged several meetings and three restorative justice presentations for Roxanne and me. Nathee Chitsawang, director general of the dept. of corrections, met with us and arranged a tour of the Central Women's Correctional Institution in Bangkok. Kittipong Kittayarak, director general of the department of probation, hosted a dinner to honor Angkana. He also invited me to be a consultant to help them evaluate their progress toward implementing restorative justice.

Jitsawang and Kittayarak arranged for me to lecture to approximately 80 senior corrections and probation staff members and several members of the judiciary. Both said they will begin implementing restorative justice and peacemaking into their departments as soon as possible.

Professor Emeritus Khun Duangduen Bisaljustra hosted a gathering at Bhdungsit Pittaya, a private K-12 school of about 1,200 students located in a very poor district of Bangkok. Roxanne and I spoke to leaders of that school and 20 other schools on restorative justice in education, with a focus on discipline that restores. Roxanne and I also lectured in a social work class at Thammasat University.

We were treated with honor and respect throughout our stay. We received guided tours to such places as the Royal Palace, Ayutthaya (the old city capital), several beautiful palaces and both campuses of Thammasat University. We enjoyed New Year's Eve with thousands of Thai in the streets at their World Trade Center. We learned again of the rich history of Thailand, which used peacemaking strategies to prevent colonial takeover. For example, they demonstrated their acceptance of potentially hostile countries through the architecture of the king's palaces, even building a Buddhist temple in the style of a Christian cathedral.

I look forward to more work together. In 2005 Thailand will host the United Nations Crime Congress, which may recommend that member nations implement restorative justice. I suspect we have much to learn from the emerging efforts in Thailand.

Ron Claassen directs the Center for Peacemaking and Conflict Studies and teaches in the MA Peace and Conflict Studies Program at Fresno Pacific University, Fresno, CA. Roxanne Claassen teaches junior high school at Raisin City School and is actively implementing restorative justice at her school.

Regional Representation**USA Region A** (CT, IL, IN, MA, ME, MI, NH, NY, OH, PA, RI, VT)

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Sheri Gatts

Bruce Kittle

USA Region D (AR, AZ, CA, CO, HI, KS, LA, MO, NM, NV, OK, TX, & Territories)

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International Region I-B (Africa, Asia, Australia, Central America, Europe, South America)

Hans Boserup (at large)

Cornel Loghin

Martin McAnallen

Resources

Tools for Restorative Justice

by Russ Immarigeon

Last issue, mention was made that more and more books are being published on restorative justice topics. Now, some empirical evidence is available. Kathleen Daly and Brigitte Bonhours of Griffiths University in Australia conducted some research on this matter and found that over a ten-year period, January 1994 to December 2003, 64 books were published about restorative justice. This figure, they note in their report, "Books and Edited Collections on Restorative Justice," does not include articles, pamphlets, research reports, or special journal issues. The Daly-Bonhours figure is a conservative one, as they readily admit that other volumes may have escaped their count. This short report can be downloaded at www.griffith.edu.au/school/ccj/kdaly_docs/daly_rj_booklist.pdf.

Critical Issues

Open University professors Eugene McLaughlin, Ross Fergusson, Gordon Hughes, and Louise Westmarland have compiled a valuable reader, **Restorative Justice: Critical Issues** (Sage Publications, 2003, \$32.95), consisting of 17 articles, most previously published, that trace the development of restorative justice from the local community to the global landscape. "Restorative justice is rapidly becoming the focal point for debates about the future of criminal justice among academics, practitioners and politicians," they assert. "Its central demand that the harms and disputes covered by the concept of 'crime' be removed from the criminal justice system and restored to the community is also contributing to political debates about the immediate concern of criminology." Accordingly, the volume centers on four main themes: the theoretical and ideological origins of restorative justice; key principles and substantive practices associated with restorative justice; controversial issues and debates; and future directions and possibilities. The articles themselves are divided into three categories: conceptualizing restorative justice; institutionalizing restorative justice; and contesting restorative justice. The editors open the volume with an insightful introductory essay. The international cast of leading restorative justice writers contributing to this volume comes from Australia (Christine Adler; John Braithwaite, Kathy Daly), Canada (Curt Taylor Griffiths), New Zea-

land (Juan Tauri, Allison Morris), Norway (Nils Christie), the United Kingdom (Andrew Ashworth, Adam Crawford, Richard Young) and the United States (Gordon Bazemore, M. Kay Harris, Mark Umbreit, Howard Zehr). Key topics include: conflicts as property, indigenous processes, reintegrative shaming ceremonies, sentencing circles, feminist visions of justice, and practice guidelines. Australian Chris Cunneen contributes an original essay on thinking critically about restorative justice. Cunneen is cautious about restorative justice, believing that there is nothing inherent in restorative justice that prevents it from being co-opted by repressive crime-control strategies. The long-term future of restorative justice is, of course, unknown at this time, but this volume is a helpful guide not simply for learning the parameters of this field of practice but also for providing some of the sharp analytical skills that may be useful for assuring healthy future prospects. Copies of this volume can be purchased at Sage Publications, Inc., 2455 Teller Rd., Thousand Oaks, CA 91320, (805) 499-0721, (website) www.sagepub.org.

FGCs

Allan MacRae and Howard Zehr have written an informative and helpful guide to New Zealand-style Family Group Conferences, which focus mainly on juvenile offenses and offenders. **The Little Book of Family Group Conferences/ New Zealand Style** (Good Books, \$4.95), is the third volume in the book series, *The Little Books of Justice & Peacebuilding*, published by Good Books. Previous volumes examined Restorative Justice and Conflict Resolution. In separate chapters, MacRae, a New Zealand social worker, and Zehr offer an overview of conferencing, the seven goals of principled practice, the organization of FGCs, and concluding comments. MacRae and Zehr view FGCs as part of community-wide efforts. Narratives of conferencing experiences illustrate the volume. New Zealand-style FGCs are notable for their efforts to divert youth from courts or confinement. Four types of FGCs for young people are described: intention to charge conferences; custody conferences; charge not denied conferences; and charge proven conferences. Brief appendices summarize the benefits of FGCs for victims, young people, young people's families, police, and communities, as well as research results from several empirical studies of the impact of FGCs in New Zealand. Copies of this volume can be purchased at Good Books, Intercourse, PA

17534, (800) 762-7171, (website) www.goodbks.com. Multiple volumes are discounted up to 20 percent.

Special Journal Issues

The **Contemporary Justice Review** is probably the best academic/ activist journal for research and debate on criminal, social and restorative justice issues. At the center of its March 2004 issue is an article by Paul McCold, who dissects the muddling of two emerging paradigms of justice, i.e., differences and disjunctions between community justice and restorative justice. For McCold, community justice shares superficial similarities with restorative justice, but maintains authoritarian assumptions and relies on processes that exclude many of those directly affected by criminal activities. McCold is especially hard-hitting about what he sees as negative implications of the Balanced and Restorative Justice (BARJ) project sponsored by the U.S. Department of Justice. BARJ proponents Gordon Bazemore and Mara Schiff offer counter comments to those of McCold, and eight other articles assess various aspects of the issues and matters raised in these papers. McCold ends the volume with some final comments. This collection is required reading for practitioners as well as academics. If nothing else, it cements the fact that restorative justice is a field not shy about self-examination. Copies are available from Taylor & Francis, 325 Chestnut St., 8th Fl., Philadelphia, PA 19106, (215) 625-8900.

The March 2004 issue of the **Journal of Sociology & Social Welfare** focuses on "Restorative Justice and Responsive Regulation." Eleven articles apply aspects of John Braithwaite's 2002 volume **Restorative Justice and Responsive Regulation** to social work, domestic violence, managing social conflict, and the use of family group conferences in child protection and youth justice cases. Copies are available from Frederick MacDonald, Managing Editor, JSSW, School of Social Work, Western Michigan University, 1903 W. Michigan Ave., Kalamazoo, MI 49008, (e-mail) frederick.macdonald@wmich.edu.

VOMA members and readers of this publication are urged to order these and other restorative justice resources through the amazon.com link available on VOMA's website at www.voma.org. Items purchased in this way return a small percentage to support VOMA's work.

*Book Review***Compulsory Compassion: A Critique of Restorative Justice**

by Annalise Acorn

UBC Press (2004), \$85.00/ \$29.95, 224 pages

Crime, Victims and Justice: Essays on Principles and Practice

edited by Hendrik Kapstein and Marijke Malsch

Ashgate (2004), \$79.95, 161 pages

reviewed by Russ Immarigeon

Restorative Justice has its true believers, but many, if not most, of its proponents also have an active sense of the utility of self-criticism, especially as the field develops its vision(s) and struggles to ward off poorly conceived or implemented initiatives. Plus, Restorative Justice is not an entirely unified field and, as has been noted in this publication previously, an extremely active and lively debate exists within the field on various topics central to the development and use of Restorative Justice.

Annalise Acorn, a Canadian law professor at the University of Alberta, was initially enthusiastic about Restorative Justice. Her perspective changed, however, and she now has deeply felt concerns about Restorative Justice. In **Compulsory Compassion**, she describes and explores these concerns in great detail.

Specifically, she felt, "Restorative justice seemed to hold a credible promise of something that had always appeared too illusive to hope for: a reconciliation of meaningful – and even strict – accountability for wrongdoing with compassion for both victim and offender." She was especially concerned about the conjoining of punishment with imprisonment.

Restorative justice speaks very personally to people, she says, and her disenchantment lies in the shadows of this intimacy. Notably, the "success stories" of Restorative Justice started giving her "twinges of doubt."

Acorn observes, "The rhetoric of Restorative Justice was evoking a fantasy of idealized harmony in relationships between victims and perpetrators of crime – often

purely injury-generated relationships – and not even remotely desired by either party, least of all by the victim. But the rhetoric of transformation, healing, repair, love, compassion, equality, and respect in the context of relationships marred by big wrongs and serious violations *have* to be more difficult to fix than relationships marred by petty wrongs and trivial insults and annoyances. Moreover, this rhetoric was bypassing the perhaps even more incontrovertible fact that harmony, mutuality, equality, reciprocity, and respect are hard won even in our most significant and well-intentioned relationships."

Overall, this is an intriguing, challenging study that merits a wide readership, less because of any agreement that ensues than the differences that get raised.

In **Crime, Victims and Justice**, co-editors Kapstein and Malsch present eight lively essays that were originally given as papers at a conference held in Amsterdam in December 2000. The conference, sponsored by the Law Faculty of the University of Amsterdam and The Netherlands Institute for Research on Crime and Law Enforcement, Leiden, brought together scholars and activists from Canada, the United Kingdom, and The Netherlands to examine, with divergent perspectives, the interrelationships between criminal justice systems, restorative justice approaches, and victims and offenders.

The articles in this volume come from the fields of law, psychiatry, philosophy and the social sciences. While all the articles raise critical concerns about Restorative Justice, a few look upon it unfavorably.

Perhaps the best-known authors, at least to readers of this publication, are Ezzat Fattah and Martin Wright. Fattah's article examines the use of Restorative Justice in Canada. He finds that the situation of most victims has hardly changed in recent years as the result of either expanded victim rights or restorative programming. In fact, he suggests that the more obvious "victim victories" have to do with increased punitive toward offenders, not better services or responses to victims themselves. Fattah argues that only a complete paradigm shift from retributive to restorative justice will satisfy victim needs. He discusses some rarely mentioned benefits of Restorative Justice, including avoiding the arbitrariness and disparities of retributive justice, avoiding the vagaries of punitive systems, ending the "unfair and shameful" practice of plea bargaining, enhancing victim

reporting, minimizing retaliation and risks of revictimization, and being an appropriate measure when offenders are not caught or convicted. He also identifies a few dangers of Restorative Justice, including hasty and faulty implementation, failure to gain community support, cooptation by existing criminal justice agencies, development into a victim- or offender-centered option rather than an option with both a focus on victims and offenders, and even becoming a victim of its own success.

Wright's article cautions that Restorative Justice cannot be applied in all cases, but it can be used more extensively for the transformation of society. Wright says that the use of Restorative Justice for adults as well as juveniles raises the hope that it can be used to reduce prison populations.

Other articles include Ybo Buruma's contrary view that punishment should be about inflicting pain on offenders and criminal law is ill suited for redistributing costs. Ian Frechilton examines the Australian experience of compensation, noting that funds for compensation decrease as more funds are assigned victim needs. Dutch scholar Marc Groenhuijsen urges piecemeal reform because the criminal justice system is unlikely to give up its hold on criminal procedure and punishment. On the other hand, co-editors Kapstein and Malsch suggest, in separate articles, that penal servitude replace punishment (a dubious objective if ever there was one) and victims remain reluctant to appear in open court to testify or speak against those who have offended them. Lastly, Asa Rydberg looks at the role of victims in recent tribunal efforts in the former Yugoslavia.

These volumes are available from the University of British Columbia Press, 2029 West Mall, Vancouver, BC, Canada V6T 1Z2, 604-822-4546, (website) www.ubcpres.ca, and from Ashgate Publishing Co., Suite 420, 101 Cherry St., Burlington, VT 05401-4405, 802-865-7641; (website) www.ashgate.com

If you've found a good book, website or other resources that you think would help other *Connections* readers, please let us know. Contact the editor at:

Russ Immarigeon
563 Route 21, Hillsdale, NY 12529
Phone: 518-325-5925
E-mail: russimmarigeon@taconic.net

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criminal justice officials agree that restorative justice would be suitable for healing and harmony between victim and offender more than current criminal justice system practices. They suggest empowering communities to take this responsibility as much as possible.

Research Objectives and Methods

This research conducted in this study aims to study:

- current opinions and practices of the community in cases of domestic violence;
- opinions and roles of community leaders as they relate to intervention in domestic violence;
- if restorative justice principles and practices could be applied to domestic violence in Thailand; and
- opinions of personnel whose jobs relate to justice about the possibility of restorative justice and its application in domestic violence.

The site of the study was To-long village, which is in Suan-luang sub-district, Kratumban district, Samut-sakorn province, Thailand. There were several reasons to choose this area. First, an earlier study (Srisorrachatr, 2001) showed that there was domestic violence in the Suan-luang sub-district. Second, interviews with important persons in the Suan-luang sub-district, the president and the members of sub-district administrative organization and the monk, found that To-long village was a strong village because there were active community leaders and group organizations working in cooperation. For example, these leaders and organizations cooperated successfully to resolve a drug addiction problem in the village and there were many other activities designed to enhance the well-being of the community. Third, preliminary discussions and prior surveys indicated that there was a problem with domestic violence in To-long village.

This study used data collected through surveys, face-to-face interviews, in-depth interviews, focus-group interviews, and observations. Research instruments included a questionnaire for surveying the domestic violence situation and the perceptions and opinions about domestic violence in the community; structured interview guidelines for individual interviews; and simulation-situation structured interviews for focus-group interviews. The target population included 1,751 people (842 males, 909 females) in To-lung

village, Tumbon Suan-luang, Kratumban district, Samutsakorn province. Samples consisted of 228 people at 95% level of significance (Hendel 1976) for the survey and five groups of people were selected and on voluntary basis for interview : Those selected were single and married people (registered and non-registered married), community leaders of the community committee, and criminal justice personnel (including the police and the prosecutors in Kratumban district, Samut-sakorn province), and the director of association for the promotion of the status of women under the Royal Patronage of Her Royal Highness Princess Somasawali (APSW).

The sample consisted of young people, mostly 25 years old and younger, who worked in factories (49.1% were male and 50.9% were female).

Research Findings

Survey results show that there is domestic violence in the community and that the villagers perceive this situation as follows: 5.3% often heard community members talk about spousal physical abuse and 68.4% occasionally heard about such behavior. This meant that 73.7% of the sample knew of a domestic violence situation in the community. In the case of *quarrelling*, which led to assault, 14.0% answered they heard of it frequently and 61.8% heard of it occasionally. This meant 74.8% of samples perceive serious quarrelling as a violent situation. In the case of *observing physical abuse*, 5.3% answered frequently and 59.6% answered occasionally. This implied that 64.9% of samples perceived there was spousal abuse in the community. The evidence shows that there is real domestic violence in the community. The data shows that 31.6% of the samples heard males in the community talk about causes for assaulting their wives. On the other hand, 46.0% heard women talk about cases of assault by their husbands. This data shows that females disclose the evidence of spousal abuse more than male.

When asked about their own experience, 42.1% of the samples said that they used to quarrel with their spouse and 25.0% used to assault their spouse. However, most females answered that they never quarreled with their husband (53.9%) and 75.0% had never been in a quarrel that lead to an assault situation. When asked about feelings after the situations of spousal abuse, most of them feel guilty: 28.1% of them feel very guilty and 46.1% feel a little guilty. Another interesting issue

was that 44.2% of them said that they did not know what to do when it occurred. When asked about the important person whom the female spouse thought of when faced with domestic violence, they indicated their own parents, their relatives, and their neighbors. The kinship system seemed to be the primary helping resource in a case of domestic violence.

Interviews with community leaders revealed that most would intervene only when asked. They thought that a domestic violence situation was a private problem that should be resolved by family members. They said, "Nobody is able to intervene because it is family problem. Domestic violence is a family issue. Only the spouses know the truth, what happened, and nobody else knows." In an in-depth interview, one community leader said that he used to intervene without being asked in cases where it was a serious quarrel with a tendency to becoming an assault. This meant he intervened to stop physical abuse only, not to help them reconcile. He said, "I intervened without being asked only one time. I did it because the spouses were quarreling and the husband was going to assault his wife. According to my position as a community leader, I have been asked for mediation by assaulted spouses from time to time. I can mediate a compromise in a lot of cases. Some cases I cannot. Sometimes they take their accusation to the police. However, in those cases where I mediated, most of them were able to remain married. But I don't know if they still have problems or not."

All community leaders said the best way to solve this problem is for the spouses to talk together about every issue. They said, "The spouses should talk together for understanding. To talk or debate for understanding is the best way for domestic violence resolution." To keep quiet or to walk away is not suitable for conflict resolution because the problems still remain. These data show that open communication is necessary and useful for domestic violence resolution. To accuse the spouse in a complaint to the police cannot solve the problem and leads to a broken home or divorce. Community leaders said, "Police are not able to resolve the family problem. If the police intervene, that leads to divorce. In cases where the accusation is taken to the police, it is difficult to reconcile because it destroys the honor of the husband." Only one person said it might be resolved if police mediate. The

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people are afraid of the police. All of them said spouses must give honor to each other. The most important role would belong to the female who must always take care of her husband and children. The male must always trust his wife. They said, "The spouses must give honor to each other. Wives must do everything for husband's satisfaction. One of the important causes of family violence is unfaithfulness."

In Thai tradition, there is a proverb ("Don't bring inner fire out; don't bring outer fire in") for socializing the younger generation. It means that one does not tell about family issues or family problems to an outsider and one does not bring another's family business into their own family. From interviews, all villagers who are male believe this proverb. They said that following it leads to family happiness. But for the female, almost all of them said it is not suitable for all situations. Sometimes they need someone for listening and/or counseling. This data is in accord with the results from the survey in which females disclose the fact of spouse abuse more than male.

Another proverb ("Males are elephant's front legs; females are elephant's posterior legs") leads to the belief that the husband should be the leader, and wife should be subordinate, or a follower. But, in fact, the spouses said that the elders teach them to trust, to give honor, to be enduring, to be tolerant, and to sacrifice for the sake of the family. So, when the spouse must be tolerant or sacrifice for protection of the other's honor, and when this is combined with the proverb, "Don't bring inner fire out; don't bring outer fire in," it is clear domestic violence is to be known by family members only and is a family problem. No one outside should intervene or become involved, except in cases of serious physical abuse. When it becomes serious, they want someone to help them stop the dangerous situation. The female needs her husband's parents to help warn her husband to stop beating her. But the important issue is that the female usually comes back to her own parent's home when she has conflict with her husband. She does not look to her husband's parents for help to reconcile because she is afraid that his parents could take the side with their son.

In the community, many people are relatives and others are good neighbors. They join activities and help each other all of the time, and for almost all problems. How-

ever, from the Thai tradition, they don't want to intervene in case of domestic violence. They perceive that domestic violence is a private family issue in which nobody is able to intervene. If someone does intervene and after that the spouses reconcile, that mediator may be considered a disgusting person because of poking his/her nose into the other's business. They are able to intervene only when requested for counseling, advice, and/or mediation.

Discussion of Findings

In the dimension of gender analysis, results show that there is no difference between males and females in defining "domestic violence." Males and females define the same meaning of domestic violence in five situations:

- conflict is present in the house and verbal aggression, such as shouting, or scolding, or bawling, is used between the spouses;
- spouses use verbal aggression and threatened each other, which could lead to intimidation by assault;
- unintentionally physical assault (e.g., to push the other in order to defend him/herself) occurs;
- intentional physical assault (e.g., to hit, to punch, to trample the spouse) occurs; and
- one spouse detains the other to stay inside the house, having no social contact with other people.

All of these situations affect their physical and psychological life.

However, there are some differences between males and females in defining the domestic violence. A female definition includes when her husband directly puts blame on her and/or tells other people about her faults. Such actions are domestic violence because she thinks that these actions make her lose her face, her dignity, and hurt her feelings. Other actions of the spouse, such as being or keeping silent, not talking to the spouse, and rushing away or walking away from the conflict events without talking, would also be included in the female spouses definition of domestic violence because there is no conflict resolution and these actions cause her to feel bad. Most females include verbal abuse as domestic violence. This evidence shows that females pay more attention to emotional and psychological consequences the same as, or not less than, physical abuse. Meanwhile, males do not consider females' hurt feelings or psychological effect as domestic violence.

Males think that to be quiet and/or to walk away or to rush away from the conflict occurrences is a good way to manage the situation for conflict resolution. At that moment, to stop the family conflict and not allow it to escalate to family violence is considered good management. Males express concerns more about how to stop arguments and conflict. In fact, males said that they were afraid of getting into physical assaults because of losing their self-control, and that is why they need to rush away. Meanwhile females think that to be quiet and/or to rush away can stop only the crisis situation, but it cannot resolve the family conflict. The conflict still remains, and much more than that, walking away seems to begin the atmosphere of stonewalling between them. This means that both want to preserve the marriage. But males walk away to prevent physical violence and females want to discuss or to talk together in order to resolve their conflict and/or their problems.

This evidence shows that this conflict occurs and escalates due to different understandings. Therefore a conference or mediation for re-education is necessary to conflict resolution.

There are also differences in understanding the management of conflict in the house using the social values of the proverb, "Don't bring inner fire out/ don't bring outer fire in." This proverb means that the family members should not tell someone, who is not a family member, about their own family problems. And, at the same time, the family member should not tell the other family members about stories or bad things heard from outsiders that may ruin the relationship between husband and wife.

The research shows that males agree with this proverb. They believe that only the family members, inside the family, could resolve the family problems. They think that if they tell their family issues to other persons, their spouse may be angry with them. In addition, if their marriage follows this proverb, they will have a happy marriage. Meanwhile, females also think that this is a good proverb, but they think that they can use it in some situations, but not all situations. In some situations, females need to reduce their tension by telling the problem to someone from whom they can have counseling.

However, females think that the best way to resolve the conflict between spouses is

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to discuss, or to talk together about, that family problem. They also believe that only the family members should resolve family problems. This belief was supported by the opinions of the community leaders. Their view is that nobody is able to intervene in family problems of others unless they are invited. They can intervene if, and, only if, someone asks them to help. If no one is asking for help or involvement, the community leader is able to intervene only in the case of assault, or immediate threat of physical assault. Outside helping and/or involvement is necessary for stopping the crisis situation, but the problem is that it does not lead to reconciliation.

Taking these opinions together, the family conflict or family violence is managed best by the spouses within the family. Females want help and/or involvement from their parents, relatives, or perhaps a good neighbor. They want helping to stop the crisis situation especially in the case of physical abuse. Sometimes they only want to seek advice. But they do not want help from the parents-in-law for reconciliation because they think the parents could take sides with their own son. Who is going to believe a daughter-in-law? A female needs the parents of her husband to warn him to stop abusing her or to stop having these bad behaviors. They need help from their own parents too because they want to come to stay in their parents' home for their own safety and/or to calm down her feelings due to having conflict with the husband.

It is interesting that the socialization processes, which elders teach the spouses for a happy married life, are: *to trust, to honor, to be equal, to be enduring, to tolerate, and to sacrifice*. These are similar to restorative justice, which aims to resolve the imbalance of power between the parties. These are also similar to the three important concepts in Peacemaking Model; *love-agape, forgiveness, and trust* (Claassen, 2002).

Even after family conflict occurs, the spouses want to maintain their married life, and each hopes that his/her spouse could change their behavior. Research indicates that they use time to "heal" the conflict, but they do not incorporate any strategies for improving their relationship. This is why the principles of Restorative Justice are so important and why the Peacemaking Model (Claassen, 2002) and the Four Options Model (Claassen, 2003) provide hope for

reducing both the amount and the impact of domestic violence in Thailand.

Review of Related Literature: Restorative Justice Principles and Models

Restorative justice has been rising from a paradigm shift related to crime and victimization. Howard Zehr (1990) presented a paradigm of restorative justice that focuses on accountability, healing, and closure, whereas retributive justice focuses on punishment. Restorative justice focuses on meeting the needs of the all of the parties while retributive justice focuses on identifying the offender and punishing the offender. Mark S. Umbreit (2001) points out that restorative justice elevates the importance of the victim in the criminal justice process, and encourages the entire community to be involved in holding the offender accountable, and promoting a healing response to the needs of victims and offenders. Ron Claassen (1996) says one of the foundation principles of restorative justice is that crime, (while a violation of a law is also a violation of person and relationships), is wrong and should not occur and, after it does, there are dangers and opportunities. The danger is that the community, victim(s), and/or offender emerge from the response further alienated, more damaged, disrespected, disempowered, feeling less safe, and less cooperative with society. The opportunity is that victim, offender, and/or community have opportunity to cooperate to make things as right as possible, to create an atmosphere that allows for forgiveness and restoration of relationships. In other words, the restorative justice paradigm is rooted in, and requires a peacemaking perspective.

Peacemaking is a complicated concept because peace can be defined as both positive and negative peace. Doug Noll (2003 p.50-51) says the concept of peacemaking in restorative justice is positive peace, which implies the use of cooperative, constructive processes to provide safety and resolve human conflicts, while restoring relationships. Understanding and doing peacemaking related to crime must be multi dimensional and include the people from the community as well as the social and criminal justice domains (Braswell et al., 2001, p.3). In the context of a criminal justice system, law is used as a tool to govern what people can do to others. In places where people are peaceful and their community is at peace, criminal justice takes a role primarily as a warning. But in cases of crime, the criminal

justice system attempts to mete out justice and punish the offenders on behalf of the victim and the rest of the community. The goal of peacemaking and restorative justice would include restoring both the victim and the offender to the community (Braswell et al., 2001, p.5). Peacemaking and restorative justice must include reintegration of the offender in the community (Braithwaite, 1989).

The principles of Restorative Justice -- and the Peacemaking Model and the Four Options Model created by Ron Claassen to help implement restorative justice -- have the potential to address the concerns raised by this research regarding domestic violence in Thailand. The following is a brief introduction to each of the models. Application of the models to domestic violence in Thailand will be presented in a following section.

Peacemaking Model

The Peacemaking Model presented by Ron Claassen (1996, 2002) focuses on three important words: love-agape, forgiveness, and trust. These are spiritual concepts. For Claassen, they are based primarily on the Christian Bible. Both Boonsit and Suwatchara, the other authors of this article, value these same ideas from a Buddhist perspective. After a brief introduction to the basic concepts, a five-step process will be presented as one way to implement the model:

- *Love*, as it is used in the Peacemaking Model, carries the meaning of a *commitment to be constructive*. The word *love* is translated from the Greek word *agape*. In the Greek language there are several words that are translated into the English word *love*. *Eros* refers to romantic or passionate love. *Philia* refers to brotherly or sisterly love. Both *Eros* and *Philia* are two-way in that they expect and to some extent depend on reciprocation. *Agape* is the kind of love that one can offer and does not depend on what is coming back. This one-way commitment to be constructive (*agape*) is a basic starting point prior to forgiveness and provides the basis for forgiveness.
- *Forgiveness* is a process toward the Mutual Recognition that Injustices are Recognized, Equity is Restored, and Future Intentions are Clear and Constructive. To the extent these are completed, Forgiveness is discovered. The Bible describes forgiveness as the process that transforms

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a relationship that has been damaged by a hurt, violation, or injustice, into a new and constructive creation. True forgiveness means that destructive power imbalances are corrected and agreements are made that change the relationship.

- *Trust* grows when people make constructive agreements between them. When they keep the agreements that have been made, trust grows even more. When someone is unwilling to make agreements with another, trust diminishes. If agreements are made, but one side doesn't keep them, trust diminishes. It is very predictable. Finally, it is when the agreements that have been made are kept, and acknowledged as having been kept, by all parties, that the trust increases most dramatically.

The first step to implementing "A Peacemaking Model" starts with a *commitment to be constructive*. While written as a five-step process, it is actually more complicated, and often the steps are not completed in a linear sequence. It may be helpful to think of the steps as a checklist. Peacemaking starts when someone is willing to at least consider the idea that it is possible to respond to an injustice in a way that is constructive, and does not just perpetrate another injustice. That means someone has to take the initiative by making a decision to be constructive even though what was done to them was not constructive. Once one makes this decision, the next step is to extend an invitation to the other(s). At the time the invitation is offered, one can never know how the other person(s) will respond. In the Victim Offender Reconciliation Program (VORP), the first invitation usually comes from the VORP mediator who meets individually with the victim and offender to listen to their experience, to describe a Peacemaking Model process, and to extend an invitation. Actually, it seems that when both victim and offender decide voluntarily to be constructive, they are both freer to fully describe and understand what happened, the damage, the hurt, and its ongoing impact.

The second step, *Recognizing the Injustice*, is the part when all of the parties describe their experiences and feelings, and have them recognized by the other(s). There are many ways to do this; some that are more direct than others. What is critical is that a time comes when all parties freely agree that the injustices have been recognized.

The third step and fourth steps are focused on "making things as right as possible." The third step is *Restoring Equity*. After recognizing the injustice, one question is related to repairing the damage as much as possible. For a relationship to move from being damaged to where things are good, something is done to restore equity as much as possible. Restoring Equity is usually a combination of restitution, something the offender can do, and grace, the "letting go" part by the victim. The amount of and timing on the "letting go" part is completely determined by the victim. (Some people call this "letting go" part forgiveness.)

The fourth step, *Clarifying Future Intentions*, includes turning to do things in a different way in the future. It means changing the way things were done in the past so that the violation or injustice will not happen in the future. This step includes addressing any ongoing needs of all parties related to, and created by, the violations or injustices.

The fifth step, *Follow-up and Accountability*, is a process of discerning if the agreements that have been made, have been kept. If they have been kept, it is a time for acknowledged that they have been kept. If they have not been kept, it is a time to decide again if all want to be constructive, recognize the violations, restore equity, and clarify future constructive intentions. Follow-up should continue until all parties are satisfied that the agreements are being kept or a decision is made to pursue another option. (Claassen, 2002)

Four Options Model

The second model, Ron Claassen's Four Options Model, helps one to understand and prioritize the options for responding to a conflict or violation. It is a very helpful tool for those implementing restorative justice. Application of the model for responding to domestic violence in Thailand will follow this general introduction:

Definitions

The "I's" are the people in the conflict and/or the ones needing to make a decision. The "X's" are people (or perhaps outside objective criteria) who get involved but are not part of the conflict or one of the ones who need or want to have a decision made.

The circle or oval is around the one(s) who have the ability (for some reason) to make the decision or control the situation. The circle relates to power.

The lines between the options serve the purpose of helping clarify that when moving along the continuum between options there is a place where the decision-maker changes:

- Option #1 is where one "I" (one of the parties in the conflict) has ability (for some reason) to control the situation or decision and the other "I" goes along. The ability to control the situation is often based on position that may or may not be seen as giving legitimate authority to the "I" in the circle over the "I" outside the circle. Other factors may or may not include a high degree of respect, the ability to threaten and hurt another, or a substantial physical size, or verbal advantage. If this option has been used, when a trusted person, one not involved in the conflict, talks to the "I" who is not in the circle, the "I" outside the circle will say something like, "it was not my decision to make," or "I had no choice," or "I had to go along." Sometimes the "I" outside the circle will be upset or even very angry and sometimes will accept this arrangement or even thankful.

- Option #2 is where the "X," (the outside party or objective criteria) makes a decision for the "I's," the ones in the conflict or the ones needing to make a decision. The "X," may listen to the experiences, concerns and preferences of the "I's," the parties in the conflict, but the decision is made by the "X." The "I's" may both like the decision or at least accept it. But sometimes one may like it and the other not like it, and sometimes both don't like it. Sometimes the "I's" have mutually chosen a trusted person to be the "X" and asked for a decision. Sometimes the "X" is an unknown to both parties. Sometimes one of the "I's" has chosen this way and the other has little or no choice. One can know if it is really a #2, if when a trusted person, one not involved in the conflict, talks with the "I's" individually and in a very safe setting, and each says that the "X" made the decision.

- In Option #3 the role of the "X," is to assist, in some way, the "I's" inside the oval to arrive at that point where they say they agree on the decision or the action to be taken. The role of the "X" may range from presence to very active involvement in both process and content. If in a safe setting the "I's" say, we didn't really make the decision, it was really made by the "X," then it wasn't really a #3, it was a #2. Or, if in a safe setting, one of the parties says I didn't really have a choice because the "X" teamed up with the other "I" and they

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made the decision, then instead of a #3 it was really a #1 (the "X" and "I" in one circle and the other "I" outside the circle). Or, if in a safe setting, one of the parties says I didn't really have a choice because the other "I" was the one who made the decision then it is a #1 with both the "I" and the "X" outside the circle.

• Option #4 does not include an "X" meaning the decision made, or the action taken, is something that is agreed on by both "I's" with no outside involvement. It may not be the first choice of one or the other or both but it is something they voluntarily and cooperatively agreed on. It does not mean that their power was equal (two parties never have equal power and their power might not even be close) but it does mean that in a safe setting both would say, "yes, I know that I have other options but I decided to voluntarily go with our decision, we have an agreement." If in a safe setting, one of the parties says, I really had no choice, then it was not really #4, it was a #1. (Claassen, 2002).

Restorative justice prefers to use Options #3 and #4 as much as possible and reserve #1 and #2 as back up options. However, there are times when the first steps of conflict resolution may be started at Option #1 or Option #2 and later move to Option #3 or Option #4. The four spiritual elements of restorative justice noted in the Peacemaking Model above will most completely occur when using Option #3 or Option #4. These restorative justice models and preferences are consistent with Thai culture and Buddhist values.

Application to Domestic Violence in Thailand

Males and females want his/her spouse to apologize by sincerely saying sorry and promising not to do something like that again. However, the female thinks it is very difficult for Thai male to say sorry to his wife directly. Thai males want to apologize indirectly by doing something that will show their remorse. Some examples might be: doing housework that is usually the wife's duty or taking his wife shopping or going for a picnic together. Such evidence implicitly shows that wrongdoers of domestic violence desire to live together and try to make a *Commitment to be Constructive* in order to maintain their married life. The Peacemaking Model raises the question, "What will happen if the spouse does not recognize their wrongdoing?" The Four Options Model raises the question, "If they need help, who will be a mediator to

facilitate the process?" Because Thai people believe in the proverb mentioned previously, there is little information available about domestic violence. People generally do not tell or give information to the others and constructive processes for dealing with it have not been openly discussed.

Consider the Process of Recognizing Injustice from the spouse. One important issue is how recognizing the injustice can happen. The evidence shows that females want the parents of her husband to warn him to stop abusive behavior. This was supported by the results of a survey showing that the important person the spouse thinks of when they face with domestic violence, and need help, are the parents. According to the Peacemaking Model, injustice recognition must occur by the necessary person(s). In this case, the spouses' parents are always an influence and dependable to their children. This means the spouse of males could intervene and take the role as mediator for recognizing injustice. However, this is currently a problem since females are not sure they can trust the male's parents. They are afraid that male's parents may take the side with their son.

Thai socialization and belief, which influences both males and females, calls for a family problem to be resolved only by family members.

This information shows that we should consider the role of the spouse's parents as mediators. They are always important persons for the spouse. They are the first who the spouses think of when they are faced with some problem or crisis situation. There are some issues that must be considered and dealt with, especially since each spouse is generally afraid that the parent will side with their own child. But this is an issue that can be resolved by direct and indirect educational program.

The Peacemaking Model suggests that if recognizing the injustice does not happen by the necessary people, *Restoring Equity*, which is the next step, also cannot happen. The evidence shows that there are three situations after family conflict: the victim keeps silent, the victim goes back to her parents' home waiting for her husband to reconcile, or the victim asks the offender's parents to warn her husband. In the last one, since the process is done by the parents, there is no family group conference, there is no mediation process, and there is no agreement for family conflict

resolution. When the conflict begins, most victims (females) accept the situation of domestic violence and stay in the marriage because they don't think they have any good options. They think that they will lose their face if they divorce. They have been socialized to tolerate and sacrifice for the honor of the family clan and for her husband's honor. So they hope that the wrongdoers will change their behavior by themselves and not do those abusive behaviors again. There are many cases where the wife, after tolerating and being patient for a long time, comes to the point that she becomes an offender herself.

Currently, there is no vision or structure in the informal or criminal justice process that can help the wrongdoers to recognize the injustice, an essential step on the way toward reconciliation. One way to resolve or to prevent this problem would be to implement restorative justice. Restorative justice includes victims' empowerment, which would help to address the problem of power imbalances between males and females created by domestic violence.

The evidence shows that, in females' opinion, she is able to forgive her husband in case of minor quarrel and ignore it, provided that, if her husband changes his behavior and/or if the spouses can talk together for understanding (#4 of the Four Options Model). This evidence is consistent with the Peacemaking Model which indicates that if in addition to recognizing the injustice and restoring equity, repentance occurs, which relates to "clarifying future intentions," they will discover forgiveness.

But it is difficult to forgive in case of physical abuse. Females said physical abuse usually means the ending of the marriage. Some may use civil law to divorce. However, physical abuse usually leads to involving the criminal justice system. However, there are several problems in the current criminal justice system in dealing with a domestic violence case. The first is the meaning of "victim." In the criminal justice system a "victim of domestic violence" is treated like a "victim of crime." The criminal justice system focuses on punishing the wrongdoers like criminals and ignores the victim. But, from the women's perspective, she is the victim of domestic violence and she doesn't want her husband punished. She only wants him to stop the abusive behavior. So, the definition of "victim of domestic violence" should

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different from the definition of victim in criminal justice.

The other problems include impediments to securing legal protection against assaults by a husband are immunity from suit, the failure of police to act against husbands, the "cooling out" by police, prosecuting attorneys and judges of wives who attempt to bring complaints, and the denial of compensation by public compensation review boards.

In the case of physical abuse and the victim needs to divorce, restorative justice could provide for divorce mediation. A *commitment to be constructive* can occur when the spouse wants to divorce as friend, not enemy, and wants to find out the best way for their children and ongoing their life. A restorative justice process would be helpful for the *process of recognizing injustice, restoring equity, and clarifying future intentions*, which, if completed *leads to forgiveness*. In divorce mediation process, ending the personal relationship, redefining what continues, taking on new life patterns, making urgent or temporary changes, and making long term plans, is very helpful for their post divorce life including children issues, parenting issues, and financial issues.

One of the goals of restorative justice is to restore right relationships. Domestic violence is the problem of a family's relationship. Restorative justice can be applied to respond to all violation conflicts from home to legal justice. Therefore, restorative justice can be applied to domestic violence.

Proposed Model

We would like to propose a model, based on the data collected for this article, that uses the Four Options Model for conflict resolution in dealing with domestic violence.

There is a critical problem with using Option #1. This is the option being used when domestic violence occurs and so a constructive response is not likely using this option. Considering this option raises an important question. Which one of the spouses has the ability and the power to control the situation and make a decision? It is probably the male in the circle who has the power, and it is an abuse of this power that led him to abuse the wife. Therefore, Option #1 should not be used as a response in the case of domestic

violence because it would just perpetuate the power imbalance.

The options #2, #3, and #4 should be considered in the case of domestic violence.

In Thai society, domestic violence is a family issue, which should be resolved by family members. Actually, female spouses would most likely to choose options #3 and #4 rather than #2, because these two options present a power balance. Even if it is necessary to start at Option #2, they can move to use #3 and/or #4 at a later time. It depends on the spouses' decisions.

This proposal will apply the model to five situations of domestic violence: argument, neglect, verbal abuse, physical abuse/no weapon, and physical abuse with weapon.

In the case of argument, if it is not too serious the preference of the female spouse is to discuss it and make new agreements using #4. If both are educated and willing to use this model, most arguments could be resolved. If it is a more serious or ongoing, the female thinks his parents can help her husband to change his behavior by warning him. In that case, his parents might be "X's" in #2. If the arguing does not stop with a warning the female spouse would prefer #3, the parents the "X" to assist the family members, and the spouses and their children are in the circle to make agreements. Inclusion of the children is optional but might be helpful because after an argument is recognized and new agreements are made, the male generally feels even more sorry because of knowing the pain it also caused their children. So, the children can be helpful by explaining or telling about their feelings and their thoughts also. Therefore, the children might be involved in the circle. And #4, where everyone is in the circle, including the leader, will depend on seriousness of the argument or family tradition. A #4 could mean just the spouses as indicated above. Or it could include the children and include the parents also. It depends on the situation and on family members' needs to determine who should be involved in the agreement making.

In case of neglect, the female spouse thinks the husband's parent can be most effective in helping the husband to change his behaviors. So the husband's parents are "X" in #2, the ones telling them how it should be and doing the decision-making. If simple telling does not resolve the

problem of neglect, #3 would be the next most likely option. The family members, the spouse and perhaps their children, would be in the circle. The husband's parents would be the "X" to assist those in the circle to use the Peacemaking Model and make agreements. And #4 may be the preferred option including the parents inside the circle with the others.

In case of verbal abuse, the situation has increased in seriousness so that it is necessary not only to change the behavior, but also to reconcile. The parents can help them not only to stop the crisis situation but also to reconcile. The starting point is a #2 with the spouse's parent as "X" in #2 since the spouses need to have a decision made and communicated to stop the abuse. Once the abuse has stopped, it is necessary to work at reconciliation using the peacemaking model. Again, it might be a #3, with the parents as the "X." It might include only the spouses in the circle or it might include the children or even other family members. Generally, the spouse's parents are the "X" to assist those in the circle to make agreements. And again, it might be helpful to use #4 with everyone concerned, the spouse, their children, their parents, and perhaps also other family members in the circle to make agreement together. The children are able to be in the circle as secondary victims, because they were affected emotionally by the violence situation. So, they can express their emotion, feeling, and thoughts about the situation.

In case of physical abuse without weapon, Option #2 is necessary and there are several persons who might be in the circle: the spouse's parent, the spouse's elder relatives, community leaders, the criminal justice officials. If safety continues to be a concern, then it should be a #1 with all of the above in the circle with the victim. Once safety has been assured for the victim, options #3 or #4 might be appropriate provided that enough persons are involved to balance the power and to assure ongoing safety. The children are secondary victims who were affected by the situation. However, their involvement should be carefully considered relating both to safety and the children's thoughts and feelings. Because this is crisis situation, it depends on individual children and the situation also.

In case of physical abuse with weapon or objects, Option #2 is necessary. The

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persons in the circle to make decisions are criminal justice officials. If the female spouse chooses #3 (or perhaps #4), a criminal justice official (trained as a mediator) becomes "X" to assist those who are in the circle to make agreement. Those in the circle should include: the spouses' parents, the spouses' elder relatives, community leaders, police and other criminal justice officials. Inclusion of children should be carefully considered as mentioned above. Safety of the victim and children are priority and peacemaking can only happen in a safe context.

(Clarification of the term "mediation:" There are some misunderstandings in the criminal and civil legal arenas regarding the meaning of the term "mediation" because in Thai to mediate means to compromise. Therefore they think restorative justice cannot apply to criminal issues, or at best only to some non-felony cases and some types of domestic violence cases. It would be helpful if mediation simply referred to a #3 process.)

In the above proposal, domestic violence cases that include assault with a weapon are the only case that must include the criminal justice system. In Thai society, the family should resolve domestic violence because it is family issue. Criminal justice officials agree that restorative justice leads to healing and harmony between victim and offender more than the current criminal justice system practices. They suggest that communities must be empowered to take on this responsibility. However, a community's ability to assume this important role will also depend on the community's competence.

Community leaders, they agree that mediation is one of their responsibilities for well being of the community. They think that they should do this in even more community situations, but they think domestic violence is family issue and best resolved by the family members. They recognized that there are situations that will need a community leader's involvement.

For many government and non-government organizations, restorative justice seems to be a hopeful kind of justice for domestic violence and especially when spouses, and especially the victim, want to reconcile or maintain the marriage.

Give the proposal above, when restorative

justice is launched in Thailand an extensive training course will be necessary both in the criminal justice system and in the community. The training course is necessary for both clearly understanding a restorative justice perspective and ability to use the models efficiently and effectively. In the case of domestic violence, it is necessary to train both for maintaining the marriage and for constructive divorce mediation.

Recommendations

The recommendations are separated into two parts: those applicable for running restorative justice in Thailand and those for further study.

Running restorative justice in Thailand

Establish a restorative justice center as an independent organization under the ministry of justice. This center must have responsibilities for the following:

- initiating and conducting restorative justice training including academics and practices for personnel in all organizations or communities responsible for implementing restorative justice;
- studying and researching all restorative justice practices; and
- communication and cooperation between organizations that have responsibility for running restorative justice programs or projects.

There are several reasons for establishing a center:

- Restorative justice is not confined simply to legal justice. Restorative justice is for everyone who has responsibilities for working with people. The heart of restorative justice is to make things right through conflict resolution. There are needs for restorative justice to be implemented in many arenas, including criminal justice system, school systems, social service organizations, business organizations, and community organizations. Therefore, the restorative justice center should become the center of academics, experts, knowledge, and resources in restorative justice programs or projects.
- Several organizations in legal system are interested in restorative justice. There are restorative justice programs within several organizations, such as the Department of Probation, which is already running the husband rehabilitation clinic project and the community justice network project, and the Juvenile Observation and Protection Department, which is running family group conferences for detained juveniles.

A restorative justice approach can work in every part of the legal system when organizational responsibilities concern dealing with violations and conflict resolution. Other legal organizations that might want to cooperate with a restorative justice center include the Royal Thai Police, the Judiciary of Thailand, and the Administrative Court.

Develop and offer training courses about the principles and practices in restorative justice, not only for criminal justice officials, but also for community leaders and community members. This is especially important for implementing restorative justice in the case of domestic violence. Leaders must understand the difference between the role of "X" in #2 and #3. Leaders must understand how to work at restorative justice in all four options. They must understand the difference between negative and positive peace. They need to understand all of the components of the Peacemaking Model. They must understand the dynamics of abusive and violent relationships and power imbalance.

Insure that those organizations that are giving leadership to programs offering assistance to people working with family violence from a restorative justice perspective develop professionals who are knowledgeable about and have experience with restorative justice and peacemaking and understand the dynamics of abusive and violent relationships and power imbalances.

Encourage greater use of restorative justice practices to stop family abuse and violence in order to reduce the amount of violence throughout Thai society. Studies show that children who grow up in a violent family are inclined to be aggressive adults. When they have a family, they are inclined to repeat the violence against their own family members.

Further study

Victim needs and victim voices must be studied further. Restorative justice is justice for peace, which focuses on victim voices. The criminal justice system must perceive and response to victim needs. Therefore, research about victim voices and victim needs must be done and results should be used to shape restorative justice in Thailand.

Family dispute resolution and divorce mediation implemented from a restorative justice perspective should also be studied

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further. If family dispute resolution could be better understood and promoted, it has the potential to significantly reduce the amount of domestic violence. While reconciliation is a preferred outcome, not all persons will be willing to reconcile, and divorce mediation from a restorative justice perspective offers the possibility of preventing future ongoing violence. Study in these areas should encourage and shape programs in these areas.

Research in restorative justice and domestic violence in urban areas must be continued and expanded. This study was done primarily in rural areas with strong family connections. Studies need to help shape how restorative justice can be implemented in cases where people are living as nuclear families, not living close to their extended family and without community leaders.

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Angkana Boonsit is a senior probation officer, who recently received her Ph.D. from the Faculty of Social Administration, Thammasat University, Thailand; Ron Claassen is Director of the Center for Peacemaking and Conflict Studies, Fresno Pacific University, California; and Suwatchara Piemyat is Head, Department of Social Work, Faculty of Social Administration, Thammasat University, Thailand. This article is based on a dissertation that was supported from the Thailand Research Fund through the Royal Golden Jubilee Ph.D. Program (Grant No.PHD/0037/2546) to Ms.Angkana Boonsit (student) and Dr.Suwatchara Piemyat (advisor).

**VICTIM OFFENDER MEDIATION ASSOCIATION**

c/o Center for Policy, Planning and Performance
2233 University Ave W, Suite 300
St Paul, MN 55114 USA