

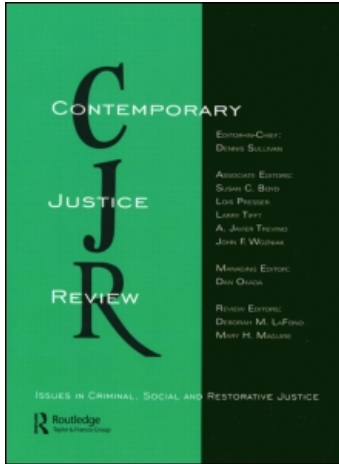
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### What restorative justice might learn from administrative theory

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## What restorative justice might learn from administrative theory

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Two administrative ideal-types related to competing forms of justice: retributive and restorative include ontological and epistemological foundations and associated organizational theory. The alternate understandings are coherently linked with the principles of justice informing retributive and restorative practices. Retributive justice is linked to formal organization based on instrumental rationality and individualist ontology, while restorative justice is linked to substantive organization based on ethical reasoning and relational ontology. Once constructed, ideal-types can be used both to assess actual conditions on key characteristics as well as to make recommendations for organizational design. Therefore, conclusions are drawn about the importance of matching context to purpose, pointing toward further empirical research that will inform system design for restorative justice practices.

**Keywords:** restorative justice; administrative theory; organizational structure; ideal-types

### Introduction

The maxim that form follows function has been widely accepted in many fields, including biology, architecture and design, and organizational theory, and in some cases has even been accepted in reverse – that function follows form (see for example, Catlaw, 2009; Duany, Plater-Zyberk, & Speck, 2000; Katz, 1994; Mintzberg, 1979; Sorensen, 2002; Sorensen & Torfing, 2003; Thompson, 1967/2004). Here, we consider the relationship between form and function in the organizational contexts of criminal justice, with a focus on restorative practices. However, we also pull the viewfinder back from specific practices to administrative and justice theory to identify foundational characteristics that link or differentiate those practices and to match them with corresponding organizational types. From there, we will explicate a theoretical model that describes the institutional elements that might best foster restorative justice practices.

McSwite (2007) asserts that robust administrative theory must include foundational assumptions about the meaning of individualism, democracy, and markets both in terms of ideology and its manifestations. This provides a more complete theory of social systems including organizations and their contexts. Similarly, Schon (1971) suggests that social systems consist of structure, technology, and theory. Structure comprises roles and relations. Technology is a set of procedures and practices. Theory is the set of epistemological rules by which reality is interpreted.

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Following suit, we suggest that a theoretical model of justice should explicate the ontological foundation that guides organizational structures and practices. In other words, we assume that particular views of reality and human nature are linked to particular types of social institutions, and those institutions shape action in a logical fashion (see for example, Catlaw, 2007a; Howe, 2006; McSwite, 2006; Stivers, 2008; Stout, 2007, 2010a). Ontological assumptions undergird the social institutions we create (form follows function), and they in turn reproduce themselves by channeling human behavior (function follows form) – a process known as reflexive social construction (Giddens, 1984). Altering these social institutions is not easy, but they are not immutable (North, 1990). Indeed, this is the type of ‘transformational administration’ (King & Zanetti, 2005) being called for by public administration theorists in search of a more genuinely democratic approach to governance practices of all types. When practice is mismatched to organizational context, effectiveness is lessened. In other words, institutions are relatively stronger than practices, so the causal flow is stronger on the function follows form side of the equation.

To construct a robust theoretical model, we conceptualize profoundly different approaches to justice as accentuated ideal-types (Weber, 1949). Each ideal-type includes: (1) organizational type; (2) ontological perspective; (3) epistemological approach; and (4) justice practices. Together, these ideal-types provide a comparative lens through which to consider the reflexive relationship between organizational form and administrative function. Furthermore, by linking principles of justice to ontological assumptions, we can more adequately consider their implications for individuals and society. The ideal-type method was chosen because once constructed, ideal-types can be used both to assess actual conditions on key characteristics as well as to make recommendations for organizational design in a normative fashion (Stout, 2010b).

### Retributive justice and its institutional context

In modern western society, criminal justice is executed through a legal system that includes police, courts, probation officers, and prisons of various types. As Durkheim (1933) suggests, ‘We now live within a developed division of labor, and in a contested moral order where collective public ritual no longer has a very prominent place. “Society” no longer punishes – if it ever did – but instead delegates this function to a state apparatus and to specialist institutions on society’s margins’ (Garland, 1990, p. 27). Punishment is now carried out by a ‘legal process whereby violators of the criminal law are condemned and sanctioned in accordance with specified legal categories and procedures’ (Garland, 1990, p. 17). Because of this focus on punishment and sanction, some suggest that this system is designed ‘specifically to execute a retributive, coercive form of justice’ (Zehr, 2002, p. 21).

Retributive justice is based on the notion that punishment will right wrongs and deter future wrongdoing. In ancient times, as in Hammurabi’s Code, the *Iliad*, or stories of God’s wrath in the Old Testament of the Bible, retributive justice was meted out in a vengeful manner greatly exceeding the original infraction (Solomon & Murphy, 2000). For example, if someone dared to infringe upon someone’s property rights, retribution came in the form of annihilating that person’s family, clan, or even city. If someone dared to infringe upon God, she/he is thrown out of paradise and all generations to follow were made to live hard and painful lives.

As history rolled forward, retributive justice was moderated toward what we would now call ‘proportionate response’ or fair repayment of a debt to society. For example,

the New Testament and the Koran describe justice as giving an eye-for-an-eye and a tooth-for-a-tooth, or a hand for stealing rather than a life. These writings temper vengeance and retribution with mercy, also highlighting the concepts of forgiveness and atonement as a way to restore peace. The Greeks extended these moderated retributive concepts of justice by adding the notion of human virtue. As Solomon and Murphy (2000) point out, the better translation of the term used by them for justice (*dikaiousune*) would be 'righteousness' (p. 21), which reflects a moral and ethical aspect of action or character. While Plato maintained (in the story of Er) the possibility of retributive justice made by God (Plato, 1991, p. 389), he also refuted the cynical and brutal interpretations of justice and pointed out that 'the injuring of another can be in no case just' (Plato, 1991, p. 16). Therefore, he recommended that justice should be measured as a mean between being allowed to do injustice without punishment and having to accept injustice without the power of retaliation (Plato, 1991, pp. 46–47). The precise location of this point would be determined by a society using the virtue of justice. Aristotle (1998, pp. 76–97) had a different, yet complementary view. He envisioned justice as an individual moral virtue that ensures fair dealings among citizens, thus creating a just society in aggregation through fair distribution and correction of injustice under a system of law. Therefore, the role of the judge is to determine what is fair and what correction is required to restore equality – hence the common label 'Department of Corrections' given to law enforcement agencies.

Despite these moderations, notions of retribution and coercive correction still underlie these understandings of justice and have been carried forward in modern criminal justice. 'Justice requires the state to determine the blame (guilt) and impose pain (punishment and sentence). The central focus is on the offender getting what they deserve' (Zehr, 2002, p. 21). This model of justice is 'based on, and motivated by, a mixture of feelings of anger, revenge, guilt, and shame on our part, and around our personal victimization issues' (Ross, 1996, p. 37). Therefore, the stigmatization of being a 'criminal' usually entails a sense of repulsion and hostility and exclusion of that offender (Hanson & Scott, 1995; Hudson, 1998). Indeed, social constructions asserted by interest groups, the media, and religious and political leaders frame such individuals as deviant (Schneider & Ingram, 1997) and undeserving (Andrade, 1997; Schneider & Ingram, 2005).

The other principal characteristic of the contemporary western context of criminal justice is that crimes are conceptualized as lawbreaking. 'This form of justice is a violation of the law and the state' (Zehr, 2002, p. 21). While victims may be named, crimes are against the state, which has legitimate authority to restrain and punish. Therefore, the criminal justice system, as a formal organization based on a legal rationale, is concerned with 'what laws have been broken, who broke the laws and what they deserve' (Zehr, 2002, p. 21). Therefore, criminal justice, as a highly formalized system of punishment, is enmeshed in government and fully under its purview. 'It can be seen as a coercive relationship between the state and the offender, which is the central image underlying many critical studies of penalty' (Garland, 1990, p. 281).

As was noted by Foucault (1977), the modern penal system follows patterns of power more broadly present in society. Indeed, this general form of disciplinary power and authoritative 'governmentality' (Foucault, 1991) of command and control is pervasive in the hierarchical power relationships present throughout modern society. It is well-matched with other organized practices and rationalities through which citizens are governed – a 'technical apparatus which forms an instrumental means to an end' (Garland, 1990, p. 281). However, being based on coercion, these institutions

tend to dominate and oppress in a variety of ways. Restorative justice scholar Rupert Ross (1996) queries:

To what extent have we been trained into adversarial stances and away from mutual support? To what extent do all our adversarial and competitive institutions require us to act in that way and so quash whatever generous impulses may lie within us? ... Can our institutions be forcing us to deny who we really are? ... Once we confer the status of law on any world-view, we immediately start building it into all the institutions that surround us, and every time they touch us, they teach us as well. (p. 84)

In other words, these institutions make alternatives quite difficult to produce. Christie (1977) asserts that retributive justice has created a process where the people involved in the conflict have no room for learning responsibility, expressing forgiveness and engaging in dialogue. 'My suspicion is that criminology to some extent has amplified a process where conflicts have been taken away from the parties directly involved and thereby have either disappeared or become other people's property' (Christie, 1977, p. 57). This system is designed 'specifically to execute a retributive, coercive form of justice rather than looking at crime as a behavior which violated people and relationships and a person or many persons need to be responsible for that behavior, repairing harm and bringing back the harmony which once existed in the community where those relationships existed' (Zehr, 2002, p. 21). Indeed, what is missing from this approach to criminal justice is 'the healthy resolution of the victimization we were trying to address' (Ross, 1996, p. 37). For this outcome a more humanistic paradigm of justice is needed; an approach called *restorative justice*.

## Understanding restorative justice

### *The principles of restorative justice*

Going back to Plato's (1991) analysis of retribution, he asserted that 'the injuring of another can be in no case just' (p. 16). Taken to its logical end, this would mean that no punishment could be both injurious and just. Along these lines, both the Koran and the Bible speak extensively of atonement and forgiveness. Thus, the notion of mercy was introduced to the concept of justice (Solomon & Murphy, 2000). In fact, political theorist Hannah Arendt (2005) insists that as noted in Christian philosophy based on New Testament writings, forgiveness is necessary for human action itself: 'since we cannot stop acting as long as we live, we must never stop forgiving either (Luke 17:3–4) ... God's mercy for the sins of men may ultimately depend upon man's willingness to forgive the trespasses of others (Matthew 6:14–15)' (p. 57). In essence, forgiveness offers a political principle that allows human beings to act, inevitably fallibly, within their human condition.

It could be argued that restorative justice draws forward this alternative stream of thinking about bestowing mercy instead of meting out retribution. Restorative justice has been conceptualized by a vast number of scholars as well as practitioners of conflict resolution, Howard Zehr being one of the field's seminal scholars. In his *Changing Lenses: A New Focus for Crime and Justice*, he elucidates the concept of restorative justice by explaining that 'crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance' (Zehr, 1990, p. 181). This alternative paradigm is deeply embedded in

the ideal of compassion and forgiveness and focuses on the restoration of social harmony and healing of relationships damaged by conflict. Indeed, this new paradigm may require reinvention of terms to replace those that construct permanent identities (criminal, offender, victim, punishment, etc.). New terms are needed that fit alternative social arrangements for dealing with conflict and its resolution (Christie, 1977). We offer such language here.

From a broader institutional perspective, Farmer (2005) calls for an opening up of democracy and an elimination of hierarchy in all administrative and political practices. In what he refers to as 'justice as seeking' (p. 73), such practice is particularistic, empathetic, and attentive to cultural principles, traditions, and wisdom. To apply these characteristics to justice, we point to five main principles: (1) conflict viewed as a potentially creative opportunity; (2) deliberating and administering justice invites full participation and consensus; (3) actions meant to heal relationships and restore harmony; (4) full and direct responsibility; and (5) actions strengthen the community and help prevent future harm. Each principle of restorative justice will be explicated in turn.

#### *Conflict as creative opportunity*

Conflict is inevitable in social life and crimes ultimately are a matter of conflict and difference. Indigenous people of Canada view conflict as waves that cannot be controlled, therefore, humans must learn to confront and ride them (Ross, 1996, p. 78). Indeed, conflict need not be something that is suppressed (Follett, 1995a). Rather, when differences emerge, they offer an opportunity to learn that should be explored and addressed through a collaborative process. Progressive era political and organizational theorist Mary Parker Follett provides guidance on this point: 'The test of our progress is neither our likenesses nor our unlikenesses, but what we are going to do with our unlikenesses. Shall I fight whatever is different from me or find the higher synthesis?' (1998, p. 96). Follett asserts that through a collaborative consensus-building process, differences are integrated in a manner that is unique to each context. It is not homogeneity that is achieved, but rather harmonization and integration through ongoing mutual adaptation (Follett, 1995d).

#### *Justice as collective process*

Rather than a fixed code guiding judgment and punishment, an open democratic process is used to deliberate and then administer justice. For example, the Ojibway people believe that healing processes should not occur in separate specialized contexts because isolation and alienation from community are seen as a disease themselves (Ross, 1996, p. 66). Parties affected by the conflict engage in dialogue, a process involving exposing oneself to different opinions and ideas, actively listening to the people involved, and reflecting on the relational process itself. Cooperation and collaboration create more fruitful outcomes because they enable synthesis, which is 'the method of social progress' (Follett, 1998, p. 97). Synthesis results from a co-creative process through which people decide together what they want to do. Synthesis is much more effective than the compromise and concessions of adjudication. Agreements based on the latter will not last long because not all parties are satisfied and the original difference emerges in some other form later. Synthesis produces genuine and therefore more lasting agreement.

### *Healing action*

Unlike the criminal justice system, restorative justice does not focus on the offenses to the state and punishment for lawbreaking. Instead, harm is suffered by community members and damage is done to community beliefs. 'The focus on harm ... may require us to address the root causes of crime. The goal of restorative justice is to provide an experience of healing for all concerned' (Zehr, 2002, pp. 22–23). Thus, the action goal is to restore harmony and heal any harm done throughout the community, not to punish.

### *Holistic responsibility*

Accountability and restitution figure prominently in all forms of justice. Where possible healing action should be taken to make whole the people harmed, and those responsible must take full and direct responsibility. However, the manner in which both harm and responsibility are analyzed and attributed is much more holistic in nature, including both the individual and the collective. While a crime may have a primary impact on specific individuals, broader harm is done to relationships and interpersonal connectedness within the community. All affected parties must be considered. Furthermore, not only the individual 'offender' is responsible for her/his behavior, but her/his family, friends, and community members also carry responsibility. This is analogous to structural family therapy approaches that understand individuals who display mental health issues as symptom carriers for the family system (Minuchin, 1974). This understanding of responsibility shifts the focus from the individual to healing of the individual *and* her/his social network. All must be given the opportunity to understand what occurred, its consequences, the harm felt by others, and be supported in taking appropriate responsibility. It is through taking responsibility that punishment is reinterpreted in restorative justice. This process is essential to maintaining social solidarity when a social bond has been broken or a moral rule of the community has been violated (Durkheim, 1933; Garland, 1990).

### *Community building*

Justice cannot take a discrete, short-term perspective to achieve lasting healing. The actions taken must strengthen the community and help prevent future harmful conflict. These practices rely on social bonds and norms of behavior by allowing shared expression. However, these practices of shaming are not made permanent in the manner of retributive justice and its stigmatizing identities (Braithwaite, 1989). Instead, the shame of wrongdoing is acknowledged and atoned. The divided get a chance to vent and listen to one another's stories, giving the community an opportunity to share grief, pain, and suffering, as well as offer forgiveness, empathy, and begin the healing in a process of mutual promise. This venting and listening is combined with contemplation – as the Navajos say, 'sleeping on it' – and community support for not recommitting the bad behavior. This process builds community and prevents future harmful conflict. Indeed, this is the very sort of covenant that strengthens the social bond – the humanistic version of social contract (Stivers, 2008).

### *Restorative justice principles in practice*

The principles of restorative justice have been put into practice and categorized in many different community and institutional initiatives all around the globe. Bazemore

and Griffiths (1997) identify four basic forms of practice: community mediation, victim–offender mediation, circle remedies, and family group conferencing. These applications suggest the five principles are reasonably comprehensive.

### *Community mediation*

Community mediation was initiated in the United States in the 1970s. It is a practice of minimal intervention based on the principle that the disputants are responsible for resolving their own conflicts (Dubow & McEwen, 1993). This alternative dispute resolution (ADR) strategy aims at building a justice system under the authority and normative order of the community rather than that of the state (Merry & Milner, 1993). In other words, it is a grassroots movement that seeks to create a system free from what are considered major flaws in the legal system and the dominance of state regulations and the courts over the lives of citizens. Community mediation allows community members themselves to have control over decision-making and responsibility for the outcomes of conflict resolution. This empowers the community to express its own particular values. Advocates of this approach hope to strengthen local self-governance and rejuvenate self-reliant communities of the past (Merry & Milner, 1993). This approach is particularly focused on the principles of conflict as a creative opportunity, justice as a collective process, and community building.

### *Victim–offender mediation*

Victim–offender mediation is known to be the oldest and most common restorative justice practice. Today there are more than 1200 such programs around the world (Bazemore & Umbreit, 1994, 1995, 1997, 2001). Victim–offender mediation consists of a meeting among the victims and offenders and is facilitated by one or more mediators. In some of these meetings family, community members, and other parties interested in the conflict will participate, inviting full participation and consensus. During these meetings, the offender and the victim can engage in an open and sincere dialogue in which they share their perspectives on what happened, the consequences of what happened on their lives, and how they feel about it. The parties might come to a mutual agreement to repair any harm that occurred as a result of the crime. These conversations seek full and direct responsibility, but also aim at healing and restoration of harmony. This approach emphasizes healing action and holistic responsibility.

### *Circle remedies*

Circle remedies are designed as more than mechanisms for bringing victim and offender together. For the indigenous peoples of North America this practice is seen as an opportunity for healing relationships and achieving harmony with one another and their cosmological order. ‘It is living in accordance with the traditional teachings, and retaining balance by respecting and protecting each other and the rest of the natural world’ (Gray & Lauderdale, 2007, p. 217). As such, circle remedies are merely part of the circle of life, where the multidimensionality of emotional, spiritual, physical, intellectual, and social aspects of life can flourish. Because the entire community is involved, discussions within the circle are often more wide-ranging than in other restorative models. Participants may address situations in the community that give rise to the offense, the support needs of victims and offenders, the obligations that the community



might have, community norms, or other related community issues (Bazemore & Griffiths, 1997; Zehr, 2002). This approach emphasizes the principles of conflict as a creative opportunity, justice as a collective process, holistic responsibility, and community building, the sum of which are viewed as essential for healing action.

### *Family group conferencing*

Family group conferencing is a common practice among New Zealanders used to address the issue of youth delinquency (Vaes, 2002). This mediated or facilitated process involves the offender, usually a youth, members of her/his family, those the family finds important and relevant to helping with the conflict (such as educators, religious leaders, and friends), the victims, a support for the victims, and a police representative. Family group conferencing aims at building consensus and formulating a plan about how best to deal with the offender. Once everyone has discussed what happened and the options for redress, the family and the young offender are left to meet privately to determine plans for repairing the damage and preventing any recurrence of the offense. When the family is ready, the others return and the meeting is reconvened. This approach emphasizes the principles of justice as collective process, healing action, and holistic responsibility.

### *Competing assumptions and contexts*

In this section, we will define two ideal-types, or coherent sets of principles and practices, including ontologies and associated epistemologies and organizational forms that fit the two differing approaches to justice: retributive and restorative. We will call the organizational forms formal and substantive, respectively. We will refer to the corresponding epistemologies as instrumental rationality and ethical reasoning. We will label the foundational ontologies individualist and relational, respectively. Thus, the two ideal-types are: (1) retributive justice in formal organizations based on instrumental rationality and individualist ontology; and (2) restorative justice in substantive organizations based on ethical reasoning and relational ontology. In this discussion, we will rely heavily on the work of Brazilian sociologist, political philosopher, and public administration scholar Alberto Guerreiro Ramos.<sup>1</sup>

In *The New Science of Organizations: A Reconceptualization of the Wealth of Nations*, Ramos (1981) presents a preliminary theoretical statement of what he hoped would become 'a tool for social reconstruction' (p. 169). At its center is his theory of Social Systems Delimitation which conceives of society as multicentric, or composed of multiple enclaves that should be delimited for the good of human beings. Ramos asserts that 'reason is the root concept of any science of society and organizations. It prescribes a design according to which humans ought to order their personal and social life' (p. 23). Following more contemporary scholars who are considering political ontology and its relationship to theories of organization and governance (Catlaw, 2007a; Howe, 2006), we suggest that ontological assumptions frame the understanding of reason and are therefore a more appropriate source of guidance.

Ramos believes society's various enclaves are governed by differing forms of reason: instrumental and substantive. Because 'human beings are more than economic reckoning creatures, society requires multiple settings in which the human being can (importantly) realize personal fulfillment, and enjoy (non-economic) human associated life, yet while also participating in economic or market activities' (Salm, Candler,

& Ventriss, 2006, p. 523). Therefore, society is conceptualized in several delimited contexts for behavior and action: anomy, economy, phenomy, and isonomy. In brief, anomy refers to ‘normless individuals who lack a sense of relationship with others’ (Ramos, 1981, p. 128). Such individuals are unable to care for themselves or participate in social life so must be helped by social institutions. Economy refers to ‘a highly prescriptive organizational setting established to produce goods and/or deliver services’ (Ramos, 1981, p. 129). Its survival is based on effectiveness and efficiency and it is guided by instrumental rationality. This setting is common to monopolies, competitive firms, non-profit organizations, and government bureaus alike. Thus, ‘the market tends to become an all-inclusive category for ordering individual and social life’ (Ramos, 1981, p. 129). Phenomy is a social setting that provides the maximum degree of personal choice and a minimum degree of subordination to formal operational prescription. Its focus is personal actualization, and it enables one to share in a community as well as to engage in ventures that express personal uniqueness. Isonomy is ‘a setting in which its members are peers. The polis, as conceived by Aristotle, as an isonomy, an association of equals constituted “for the sake of a good life”’ (Ramos, 1981, p. 131). The suffix *nomos* indicates that there is no ruler as inferred by *archy* or *cracy* – it is egalitarian and self-organizing. Illich (1973) called it ‘conviviality’ or convivial association (friendly living together) and it is most commonly found in community organizing. As we will find, these spheres or contexts of social action are associated with either the individualist-formal type or the relational-substantive type.

### ***Individualist ontology and instrumental rationality***

Most contemporary theories of politics and administration are associated with liberalism in either its classical or modern form. Liberalism assumes either a Hobbesian or Lockean utilitarian human nature that causes self-interested, atomistic individuals with rather static preferences to compete in an effort to maximize their own benefits while minimizing their own costs, with little or no regard for the implications to others. This ontological assumption generates a particular form of political economy. As described by Adam Smith, “‘political economy’ conceives of order in human associated life as a result of the free interplay of its members’ interests’ (Ramos, 1981, p. 31). When these transactions fail to produce the common good, the state must step in to moderate, guide, or control outcomes, mitigating greed and quelling conflict. In this way, government represents what is right and good and must be empowered to limit the bad. Thus, rational actors will voluntarily enter into a social contract with the state to protect their freedoms to the greatest degree possible (Hobbes, 1968).

This utilitarian logic and its associated fear of human nature undergirds pluralist political thought and market theories that weave themselves throughout organizational theory (Ramos, 1981). Indeed, ‘fear, not faith, suspicion not trust, were the foundation of our early government’ (Follett, 1998, p. 165); our theory of the state is ‘founded both on fear of others and fears of the government’ (Catlaw, 2007b). Unfortunately, like a self-fulfilling prophecy, the fears and mistrust embedded in our founding institutions have exacerbated the very self-interest meant to be controlled (Denhardt, 1981; Harmon & Mayer, 1986; Reich, 1988; Ross, 1996; Will, 1983). The social contract commodifies the social relationship by turning it into transaction rather than an authentic sharing of experience (McSwite, 1997, 2006). Buber (1986) described this as the I-It relationship in which human beings treat one another as objects. In other words, social *action* – a concept differentiated by the characteristic of having subjec-

tive meaning assigned to it by the actor (Weber, 1994b) – is replaced by habitual or reactive *behavior* that has no subjective meaning (Weber, 1994c), let alone some form of *shared* subjectivity.

Because of this ontological foundation and the behavior it engenders, it has been suggested that complex social institutions cannot produce anything other than the extremes of centralized hierarchical authority or decentralized competitive chaos (Thayer, 1981). In a context of atomistic individualism, competition demands hierarchy as a solution to its excesses, while hierarchy demands competition as a solution to its own inefficiencies and undemocratic nature. Therefore, while early forms of modern organization were predominantly hierarchical in nature, contemporary management theory has sought to redesign hierarchies using market strategies like Total Quality Management and democratic strategies like participatory management and workplace democracy to improve outcomes. However, these social interactions are bent solely toward improving organizational outcomes and are thus based on the same old instrumental calculation of efficiency. Marcuse (1964) describes this pervasive condition as ‘one-dimensional’ and Ramos (1981) calls it ‘unidimensional’. All three – Thayer, Ramos, and Marcuse – argue that because domination is ultimately the result of both hierarchy and competition, formal organizations of all types limit social action to self-interested behavior.

### ***Formal organization***

Following these ontological and epistemological foundations, most formal organizations – even those participating in competitive activities – rely upon hierarchical structures to organize complex tasks. Weber (1994a) studied such organizations across historical societies, developing an ideal-type called ‘bureaucracy’. A bureaucratic organization is created deliberately to perform complex, large-scale tasks and is characterized by: (1) the basis of legitimate authority is an accepted formal-legal rationality (what Weber called an imminent character); (2) authority exercised through hierarchical super- and subordination; (3) a system of rank or hierarchical position based on expertise; (4) a system of accountability to ensure conformity, audit, review, and oversight; (5) decision-making via formal written rules and procedures, routines, and precedent; (6) a division and specialization of labor; (7) discharge of duties through a life-long career, regular compensation, and merit-based advancement; and (8) an impersonal, objective relational quality among administrators and those they serve (Weber, 1968). The bureaucratic organization is therefore described as a legal-rational system in which domination of the individual member by law, rules, and hierarchical order is legitimate and ethical reasoning is delegated to an overarching legal system.

Because of this legitimate use of domination, hierarchy causes ‘alienation and repression’ (Thayer, 1981, p. 114) in the individual, resulting in a loss of identity (Ramos, 1983). Sociologists have long critiqued formal organization because of these effects on people. For example, Weber (1993) himself warned of excessive bureaucratization of society, claiming it would become an ‘iron cage’ of rationalization. Merton (1968) believed that human beings in bureaucratic structures develop ‘dysfunctions’ of trained incapacity and occupational psychosis. The first relates to the state of affairs in which one is conditioned to systematically overlook issues resulting from following rules and procedures. The second refers to how people in bureaucracies develop particular preferences, antipathies, discrimination, fear, suspicion, and emphases. Indeed, human beings existing in the ‘shadow’ of formal organization ‘take on, in

their most perverted form, the characteristics which that reality prescribes for us – to be docile; to be technically competent; to be practical, objective, and impersonal; and to be limited in our vision’ (Denhardt, 1981, p. 6).

As noted by Milgram in reference to his 1961 Yale experiments on obedience to authority, ‘something far more dangerous is revealed: the capacity for man to abandon his humanity, indeed, the inevitability that he does so, as he merges his unique personality into larger institutional structures’ (as quoted in Denhardt, 1981, p. 13). Indeed, this is precisely what occurred in Nazi Germany through what Arendt (1963) described as the ‘banality of evil’ – the administrative evil justified by following orders (Adams & Balfour, 2004). These characteristics have been shown to be particularly evident in the criminal justice system. Zimbardo’s (2007) infamous 1971 Stanford prison experiments show that formal organizational settings bring out domineering, authoritarian behavior and the hidden dangers of human nature as unethical animals – anomic beings who have lost the moral compass of social norms. This is particularly exacerbated in the legal system because of its basis on legal-rational legitimacy and authorized use of force. Indeed, no one is above the law and those who are empowered to enforce it are beyond immediate reproach. ‘In short, it does seem possible that the structure of the system we have designed creates its own unique need – the need for powerful measures to protect citizens from abuse by those who operate that system’ (Ross, 1996, p. 216).

### ***Relational ontology and ethical reasoning***

Ramos (1981) suggested ‘it is essential to release the conception of human nature and related human endeavors from structures implied by the behavioral syndrome [the results of formal organization]’ (p. 85). In an attempt to theorize an alternative to individualist ontology, some scholars assume a wholly different notion of human ‘nature,’ or more appropriately human ‘potentialities’, starting in part with a Heideggerian ontology of subjective becoming and the social character of human existence described by Rousseau (1762/2000) in *On the Social Contract* (Stivers, 2008). This process-oriented perspective can be broken down into two basic conceptual components: multidimensionality and social embeddedness.

Multidimensionality refers to humans as physical, emotional, intellectual, and spiritual beings (Ross, 1996, p. 152). Thus, ‘each and every individual is [must be] treated in her fullest human dimensions (psycho, socio, bio, spiritual, and other dimensions)’ (Farmer, 2005, p. xiv). Furthermore, human beings engage in many types of social action, including economic, political, and civic endeavors. Therefore, all of these types of action must be considered by social theory. As Mannheim (1940) explained, substantive rationality enables us to think in a way ‘which reveals intelligent insights into interrelations of events in a given situation’ (p. 53). Life is more complex than rational calculation can explain. Ramos (1981) suggested that we must expand phenomenology and ontology and delimit anomy and economy in order to foster such a multidimensional life.

Social embeddedness refers to the notion that human beings are not (indeed *cannot* be) atomistic individuals. In Follett’s (1998) organizational theory, a more accurate depiction of individualism is one in which each unique person is always in a social milieu. ‘The fallacy of self-and-others fades away and there is only self-in-and-through-others’ (p. 8). In this view, there is no objectified individual or society: there is only an ongoing reciprocal interplay among individuals and groups that creates

them both. Dewey (1957) similarly rejects liberal interpretations of individualism: ‘Men [*sic*] have always been associated together in living, and association in conjoint behavior has affected their relations to one another as individuals’ (p. 97). We are at all times *socially situated selves* (Dudley, 1996). This is precisely how Ramos (1981) understood phenomenology and isonomy: human beings are in relationship with one another and have mutual respect for one another’s self-actualizing nature.

This social embeddedness leads to a form of mutual obligation and responsibility. Buber (1986) described this as the I-Thou relationship as opposed to the I-It relationship: ‘The primary word *I-Thou* establishes the world of relation’ (p. 21). ‘In the beginning is relation – a category of being, readiness, grasping form, mould for the soul; it is the a priori of relation, *the inborn Thou*’ (Buber, 1986, pp. 38–39). Rather than requiring the formation of a contract, this notion of the situated self is based on an innate social bond. The social bond is conceived as a natural life force or psychological phenomenon that is expressed through relationship, thought, and deed (Dewey, 1934; Follett, 1998). It is an inborn ‘sense of the common’ (Stivers, 2008). As Heidegger described it, we are born into a social context and because of our fundamental understandings of one another as fellow human beings, forms of social interaction become possible (Hummel, 1987). Catlaw (2006) depicts this social bond as love, or some form of resonance (Catlaw, 2007b).

Unlike the individualistic ontology, there is no pre-social state of independence that must be given up in exchange for social order and its material benefits. Instead, there is only a social state of mutual interdependence that is in a constant process of becoming. Through this relating, the individual and society are ‘forever a-making’ one another (Follett, 1995c, p. 256). When enacted, the social bond is more like a covenant or a mutual promise made consciously and actively by actual people (Arendt, 1977). It is based on the assumption that humankind is inherently capable of being other-regarding, socially responsible, trustworthy, and cooperative. As social beings, humans pursue both a personal and a general will as mutually regarding citizens, rather than as private individuals (Follett, 1995c).

These assumptions lead to different conclusions about multicentric social life. Whereas the individualist ontology privileges economic principles and practices, the relational ontology suggests a shift in prioritization of political life (whereby political means meaningful social action rather than transactional behavior). In classical Greek philosophy, human beings are considered essentially political in nature because they are part of a community and are capable of ethical reasoning and collective deliberation. Therefore, the ultimate expression of humanity is political participation. In fact, Arendt (1958) suggests that as political beings (*zoon politikon*), the most important aspect of human life is political action. She describes this as ‘venturing forth in speech and deed in the company of one’s peers, beginning something new whose end cannot be known in advance, founding a public realm (*res publica* or republic), promising and forgiving other’ (Arendt, 2005, p. viii). It is through political action that human beings pursue the common good, as opposed to personal interests. Furthermore, this process is based on ethical reasoning with one another, as opposed to independent instrumental calculation.

### ***Substantive organization***

Ramos (1981) hints toward a new type of substantive organization in his idea of ‘mutuality-oriented systems’ that would operate under substantive rather than instrumental

values (Ramos, 1981, p. 162). He believes nascent theories and practices exist but have not been pulled together into a coherent model for contemporary society. One barrier to such explication is that substantive reason is a *process* of ethical reasoning and therefore can 'never be captured within a definitional statement. It is only through the unobstructed experience of reality and its articulation that substantive reason can be understood' (Ramos, 1981, p. 167). Substantive organizations support isonomy and phenonomy by fostering creative production and self-actualization that are free from superimposed prescriptions. They are self-organizing, inclusive, and egalitarian based on Follett's (1995b) understanding of the 'law of the situation' (Ramos, 1981, p. 136). For example, to the Ojibway, 'hierarchies of power' do not exist (Ross, 1996, p. 56). Instead everyone has a gift or vocation, each of which is important and cannot be compared to the others: they are 'all sacred' (Ross, 1996, p. 56). Substantive organizations are qualitatively different from formal organizations because they: (1) are based on ethical reasoning rather than instrumental rationality; (2) operate within a different sense of time (convivial as opposed to linear); and (3) encourage 'sociopedal' as opposed to 'sociofugal' (Sommers, 1969) relational spaces. In short, they are value-based social systems oriented toward meaningful social action. Therefore, rather than an external source of legal authority prescribing social action, those involved in the situation itself must participate in ethical deliberations about action. In this way legitimacy is established through direct participation rather than by state authority or social contract. In this sense, restorative justice literally *restores* the practice of justice-seeking to society – to institutions outside the formal criminal justice system. It reclaims 'a range of purposes and a stored-up depth of historical meaning' (Garland, 1990, p. 17).

### ***Pulling the ideal-types together***

The two ideal-type approaches to justice can be summarized in the set of opposing characteristics presented in Table 1. Each set of characteristics is logically coherent within itself in a mutually reinforcing manner. In other words, attempts to mix and match would have the effect of diminishing the strength or integrity of the whole. As Ramos (1981) noted, trying to pursue self-actualization within an economic hierarchy is difficult or impossible; therefore, *context matters*.

What the ideal-type model makes clear is that the ontological assumptions, prominent form of rationality, and characteristics associated with formal organizations all push against the principles of restorative justice, as has been found in empirical research (Salm, 2009). Therefore, we propose finding ways to create substantive contexts that foster and enable logically related activities. The challenge is to provide a clear rationale *why* we should do so and then sorting out *how* to do so.

### **Conclusions: why should we change?**

At the societal level, Ramos (1981) argued that formal organizations are necessary to order complex economic tasks. However, because of their inherent dangers and dysfunctions, he was particularly critical of the migration of economic behaviors into other forms of organization (Salm et al., 2006). In short, not everything in society can be decided based on rational calculation and authoritative prescription. In his theory of Social Systems Delimitation, Ramos (1981) notes that reason, once a method through which right and wrong were determined, has been reduced to a mere 'reckoning of

Table 1. Ideal-type approaches to justice.

Type of characteristic	Individualist ontology Instrumental rationality Formal organization	Relational ontology Ethical reasoning Substantive organization
Justice principles	Conflict as harm Authoritative justice Punishment Blame Separation and alienation	Conflict as creative opportunity Justice as collective process Healing action Holistic responsibility Community building
Organizational characteristics	Social contract Competition/hierarchy Formal prescription and control Linear time Sociofugal (separating) spaces Authoritative control Selective Economy/anomy	Social bond Collaboration Self-organizing freedom Convivial time Sociopedal (associational) spaces Law of the situation Inclusive Isonomy/phenomeny
Rationality	Behavior (reactive/habitual) Material self-interest Instrumental calculation	Action (meaningful) Self-actualization Moral and ethical deliberation
Ontological assumptions	Atomistic individual Unidimensional Transaction (I-It) Economic	Socially embedded individual Multidimensional Relationship (I-Thou) Political

consequences' (Hobbes, 1968, p. 41). Ramos calls this the 'transvaluation of reason' (p. 5) – from determining the meaning of good (ethical reasoning) to the functional purpose of calculating cost-benefit (instrumental rationality). This process results in the diminution of meaningful social action to mere transactional behavior. Therefore, he asserted that economically oriented organizations must be delimited to allow other forms of social action to emerge and to take precedence again over social life.

This same basic theory can be found in the work of the Frankfurt School of Sociology's critical theorists. Most particularly, Habermas (1989) claims that the social sphere has been transformed by the expansion of instrumental rationality from economic transactions into other arenas of social action. While we have come to accept self-interest in economic transactions, these assumptions and associated behaviors have even inserted themselves throughout other spheres of association in political and civil society through what has been called a 'refeudalization' or 'colonization of the life-world' (p. 54). Through the 'economization of the world' (Waldo, 1988, p. 931), all forms of social relationship have become behavioral transactions with a market-like character. Only through the reassertion of substantive reason into collective decision-making can social action be recovered.

As noted earlier, Marcuse (1964) conceptualized this as one-dimensionality. Human beings in modern western society have been socialized to pursue only private interests and passions and to ignore emotional, spiritual, social, and political condition, thus ignoring the pursuit of the public good (Arendt, 1958; Hirschman, 1977). When aspects of the personality are repressed, dysfunctional behavior results. At the individual level, Ramos was concerned that modern organization was distorting the

human psyche (Salm et al., 2006). At the societal level, the citizen's role in government has almost disappeared – governance has been de-politicized (Stivers, 2008). Ramos (1981) described these associated conditions as anomy and economy. The result of individualistic ontology and formal organization is either intense normlessness (anomy at the individual level and mob at the societal level) or a prioritization of efficiency and prescription over self-actualization and freedom. Furthermore, these conditions of a non-delimited economy have crowded out isonomy and phenonomy, creating 'the unidimensional character of current organizational theory and practice' throughout society (p. 125). Indeed, these institutional arrangements perpetuate and expand self-interest even while seeking to control its negative outcomes. With all aspects of social life now being predicated on self-interest, 'thinking political life beyond fear is a huge challenge – perhaps *the* challenge for us' (Catlaw, 2007b).

Nevertheless, Ramos (1981) claimed that if we hope to survive as a species, 'the time is ripe for the practice of an unprecedented kind of organizational science which is sensitive to the diverse issues of human life, and which is able to deal with them in settings where they appropriately belong' (p. 74). He asserted that we must develop a substantive political theory that would have 'an ethical superordination ... upon any eventual discipline bearing upon human associated life' (p. 27). Therefore, this rationale is applicable to all areas of social action that have a purpose beyond economic exchange.

Because the aim of justice is to determine right from wrong and to help society seek good, its practices are clearly beyond instrumental transaction. However, based on both moral and instrumental grounds, we assume that there is great value to restorative justice. Braithwaite (2002) reviews extensive empirical evidence on the effectiveness of such practices taken from the United States, Canada, Australia, New Zealand, Newfoundland, and South Africa in restoring victims, offenders, and communities and reducing reoffending rates. He concludes that restorative justice 'works' in the practice of healing communities from workplaces and schools to entire nations, as well as in the more basic goal of crime reduction.

We suggest, however, that efficacy may depend somewhat on the degree to which the organizational context fits the purpose of the practice. This may require, as Braithwaite argues, transforming the legal system fundamentally 'through a radical remake of the legal process according to the principles of restorative justice and responsive regulation' (p. 239). Based on the ideal-type model presented herein, it is clear that these principles are in fundamental disagreement with the formal organizations of the modern legal system, and that it is in no way designed to be directly responsive to the citizenry it regulates. Indeed, Braithwaite (2002) questions whether or not increased use of ADR is changing the legal system, or if the system is altering the nature of ADR into its own form of human suffering.

Based on international data, three main hindrances to the successful implementation of restorative justice principles have been identified: (1) cooptation or diversion from its core mission and the unintended consequences that may accompany reforms; (2) application being relegated primarily to 'minor' crimes or conflicts, and thereby having minimal impact on the overall system of justice; and (3) inherent barriers such as its possible cultural or gender biases, or inability to address underlying social problems that breed interpersonal conflicts (Zehr & Towes 2004). All of these barriers are linked to the organizational context we have described. Unmatched purposes engender a competition in which formal structures are almost assured to win – thus cooptation



occurs. Limiting the responsibilities of the substantive context keeps it marginalized, serving to maintain the integrity of the formal context – thus it does not change. Cultural and gender biases are linked directly to ontological assumptions (Stivers, 2000, 2002) and interpersonal conflicts simply cannot be resolved through instrumental rationality – thus the formal system undermines the substantive character of restorative justice.

It follows that trying to implement restorative practices within a formal justice system may be ineffective. Indeed, Boyes-Watson (2004) believes that there is an inherent incompatibility between the state system of doing justice and the principles of restorative justice, in the same way that indigenous and western forms of consciousness are fundamentally different. As noted by other scholars in *Critical Issues of Restorative Justice* (Zehr & Toews, 2004), there are specific implications for maximizing and minimizing state involvement. The state enables restorative justice by authorizing its actions, provides resources for operations, and can be an implementer of programs or guarantee their quality (Jantzi, 2004; Masters, 2004). Similarly, it can ensure the guarantee of constitutional rights (Skelton & Frank, 2004) and provide critical protections from dangerous criminals (Zehr, 2002). However, the state can also be an offender itself by imposing justice in a manner incongruent with the values of the people themselves (Jantzi, 2004). Therefore disconnecting restorative justice from civil society is problematic. While none of these scholars recommend eliminating the safeguards provided by the formal justice system, they do call for a larger role for restorative practices which may require a different organizational context. Accepting these arguments that it is desirable to transform or create more substantive organizational contexts for both the betterment of society at large and for more effective implementation of restorative justice principles in specific, the question remains of how to do so.

### **Recommendations: how do we change?**

Ramos closed his book with the reminder that substantive organization is ‘as old as common sense. What is new are the circumstances under which we must once again begin to listen to our innermost selves’ (1981, p. 172). It is our misfortune that our inheritance is nearly two centuries of western history in which formal organizations have overtaken nearly every aspect of modern life. The goal is to create settings that fulfill needs to build emotional relationship, practice spiritual beliefs, and engage in political action. Formal organization has a low tolerance ‘for those types of relationships defined by Buber as *I-Thou*’ (Ramos, 1981, p. 64). Therefore, we must create substantive organizations where isonomy and phenomeny are fostered – a process of recreating social order described by Ramos as ‘social systems design’ (1981, p. x). It has been argued that such a system must be based on generative principles that replace fear with love, the assumption of scarcity with the potential for abundance, self-interest with shared-interest, and dialectical competition/hierarchy with collaboration (Stout, 2010a). This is not an easy proposition. As Box (1999) suggests, the more pervasive the market model becomes, the less possible it is to even conceive of alternatives. Yet this type of ‘transformation’ (King & Zanetti, 2005) or ‘revolution’ (Stout, 2009) is precisely what we must attempt – we must create substantive space within or beyond formal institutions.

As the old saying goes, you can’t fix something with the tools used to build it. Denhardt (1981) suggests that institutional reconstruction of formal organizations

cannot occur through the regulation of purposive-rational action, but rather through communicative interaction that generates new decisions about social structures. 'In the notion of praxis we find a conjunction between reflection and action directed toward the transformation of social structures ... that which we may describe as enlightened action' (p. 76). He suggests that because we are essentially spiritual beings seeking creative opportunities, we are driven to seek new social forms that support, rather than hinder those efforts. Thus, it is up to individual practitioners and citizens to build awareness and advocate for transformation of social structures using techniques that fit the goal – what we would suggest as being community organizing and participatory democracy.

There are two basic approaches to institutional change of this nature. First, we can seek to transform formal organizations by making them more substantive. Following this line of thought, efforts to reestablish firm barriers between spheres of social action, types of human relationship, ways of knowing, and the ontological commitments on which they are based are futile. Rather, 'it is the system which must be changed' (Follett, 1998, p. 167). In this approach we would stop resisting the collapse of social spheres that has already occurred in postmodern society, and seek to change ontological assumptions from an individualist to a relational character (Stout, 2010a). Since this has already occurred in one direction (from substantive to formal), it is logically feasible to move back in the other direction (from formal to substantive).

It is important to remember that the organizational forms described here are ideal-typical in nature. In actual practice, it is not likely to find either purely formal or purely substantive organizations. Instead, we see a combination of characteristics that are either more formal or more substantive. We might therefore conceptualize this approach to transformation as a movement along a continuum whereby formal organizations take on increasing characteristics of substantive organizations in order to better accommodate and implement restorative justice. This approach would require that restorative justice principles and associated characteristics become strong enough to supplant the opposing formal alternatives. Indeed, this would be reversing the trend critiqued by so many administrative and social theorists – it would represent a re-colonization of the formal life-world by substantive communities. We describe this transformation through movement along the continuum as co-production (Whitaker, 1980) through collaborative hybridization.

The other main alternative to institutional change is to carve out spaces from formal organizations in which to create substantive organizations. This approach follows the thinking of Habermas (1975) and Ramos (1981) who support a multi-centric view of social action. From this perspective, we should fight the collapse of social spheres and reassert a firm separation among them. If the polity can be reclaimed from the economy, hindrances to democracy and social justice can be overcome. In other words, 'if we can oust the colonizing economic attitudes from civil and political society, citizens can reclaim control over a market economy run amok' (Stout, 2010a, p. 7). In short, we would reclaim spaces that have been overrun by characteristics designed to fulfill needs to survive and remake them as settings for political and personal life. However, we would leave the economic sphere untouched. The challenge is to sort out how to prioritize and expand the political and civil spheres while delimiting the market.

This approach can be conceptualized as transformation by virtue of migrating functions out of the formal organization into the substantive organization. In other words, the formal organizations create a space for substantive organization, authorizing and

legitimizing its action by giving it responsibility for particular cases or types of cases. The logic behind this sort of approach follows the familiar ‘separate but equal’ argument. In this approach, formal organizations or bureaucracies such as the courts, the police, and other criminal justice institutions support and work with community-based initiatives. Therefore, we call this co-production (Whitaker, 1980) through partnership. In this approach, the formal organization does not change, but its scope of action is reduced by delegating action to the substantive organization.

This approach is a common practice in restorative justice. For example, Merry and Milner observe that the manner in which communitarian traditions of popular justice are implemented mirrors that of indigenous social ordering – they ‘operate entirely outside the state and its institutions’ (1993, p. 45). Sometimes this is enacted as a religious or utopian social order like Amish and Mennonite communities in the United States, kibbutzim (communes) in Israel, Jewish conciliation courts, and Chinese family-association courts (Merry & Milner, 1993). Indigenous approaches are similarly independent, yet tend to link with the formal legal system. As an example, the Hollow Water village on Lake Winnipeg in Canada operates a Community Holistic Circle Healing program that acts as somewhat of a precursor to the criminal justice process as soon as allegations are made (Ross, 1996). Throughout operations, police backup is available, but is not used unless necessary.

The risk in both approaches to establishing substantive contexts is cooptation (Selznick, 1949). In the former, as substantive organizations begin to influence or even alter formal organizations, there tends to be a push back in which domination by the status quo is reasserted. In the latter, the principal-agent relationship that is created between formal and substantive organizations tends to undermine true partnership among equals. However, these are challenges to be aware of, not to hinder action.

Given these two basic alternatives, it may be easier to create space for substantive organization than to transform formal organizations themselves. Furthermore, this approach may be the necessary transition phase for overall transformation of social spheres through a process of attrition rather than change. In this transitional process, we must learn to ‘facilitate multiple types of micro social systems within the overall social fabric, turning the formal economizing organization into a restricted and incidental enclave in the human life space, and thus leaving room for interpersonal relationships free from contrived organized pressures’ (Ramos, 1981, p. 101).

In this approach we are charged with creating distinct enclaves in the social fabric for isonomy and phenomeny. Furthermore, we are responsible for determining how these enclaves will be linked and delimited through conscientious design:

The multicentric society is a deliberate undertaking. It implies design and implementation of a new kind of state empowered to formulate and enforce allocative policies supportive not only of market-oriented pursuits, but of social setting suited for personal actualization, convivial relationships, and community activities of citizens as well. (Ramos, 1981, p. 135)

This suggests a very powerful state, which, rather than exercising its authority in the form of dominance over political and civil spheres, will instead act as ‘an authoritative convener of social systems’ (Ramos, 1981, p. 169) and focus its attention on protecting the political and civil spheres from ‘the distortive penetration of the market system’ (Ramos, 1981, p. 157).

Unfortunately, Ramos (1981) did not provide instructions for so doing: ‘How, institutionally, it [the state] will accomplish this role is a matter for further investigation.

Moreover, no operational guidelines for designing, implementing, maintaining, and linking the variety of complementary social systems were presented in this book' (p. 169). At the time of his death he was studying nascent examples of substantive organization in movements like environmentalism and community organizing. Thus, it is up to us to carry this work forward in these and other social movements like restorative justice.

Preliminary formative work in restorative justice has already been completed through a dissertation inquiry exploring practices in southern Brazil in both government and grassroots contexts (Salm, 2009). However, because ideal-types do not exist in actuality, such contexts are either more or less substantive and are therefore more or less supportive of restorative justice practices. It is difficult to develop analytical models from just a few cases, so we have made the effort to construct and clarify the ideal-types for future research across many cases.

We have extended the organizational theory provided by Ramos 'back' to its ontological foundations and 'forward' to its application in one important arena of governance: justice. We have also sought to clarify the related concepts in a manner that provides a useful model for empirical research. The ideal-types presented can be used to analyze case data to understand the relationship between restorative justice and its organizational context. From there, hypotheses can be formed regarding the causal relationship between context and effective implementation of practices. Ultimately, this type of empirical research will help identify the most effective ways that government and communities can co-produce contexts that facilitate rather than hinder restorative justice practices.

## Note

1. Alberto Guerreiro Ramos was a 'Nordestino' (born in the northeastern region) from the Brazilian state of Bahia. He was 'a self-described in-betweener and his work tended to be intellectual bridge-building. As a poor Afro-Brazilian educated in the European (especially French) intellectual tradition, he was attracted early on to the empiricism of the Chicago School of American sociology, and subsequently spent the last 15 years of his professional career in the United States, much of which at the University of Southern California. Guerreiro Ramos linked a wide range of both geographical and intellectual worlds that contemporary social science still struggles to integrate' (Candler & Ventriss, 2006, p. 496). Ramos' deep philosophical discussions on reason, ethics, freedom and the political pursuit of truth have informed important intellectuals, sociologists, philosophers, public administrators, and educators. An exemplar is Paulo Freire's (2001) theoretical framework.

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