

**(Dis-)Empowering offenders of Māori descent through  
restorative justice**

Ariana Whitley Kingi

A thesis submitted to  
Auckland University of Technology  
in partial fulfilment of the requirements for the degree  
of  
Master of Arts (Conflict Resolution)

2016

School of Social Science and Public Policy

---

## Abstract

---

The purpose of this study is to explore whether restorative justice (RJ) has the capacity to empower (or disempower) offenders of Māori descent in the eyes of currently practising restorative justice facilitators. The following three research questions were used to fulfil the purpose of the study: How does the concept of empowerment fit into the paradigm of restorative justice in New Zealand from the perspective of currently practising restorative justice facilitators? How do restorative justice processes enable the empowerment of adult Māori offenders in the eyes of currently practising restorative justice facilitators? What common observable characteristics in adult Māori offenders suggest to currently practising restorative justice facilitators that these offenders feel empowered through restorative justice processes?

This study is grounded in Te Ao Māori, Mātauranga Māori, Kaupapa Māori and Tikanga Māori, to ensure the nature of this research is reflective of the sentiment 'For Māori, by Māori, with Māori'. Additionally, the theoretical frameworks of empowerment theory, desistance theory and reintegrative shaming theory and the conceptual framework of restorative justice were adopted to guide and inform this research. This study highlights how the implementation of these frameworks can facilitate a deeper understanding of restorative justice processes' capacity to empower Māori offenders.

A qualitative, exploratory approach was utilised. Semi-structured interviews were conducted with four currently practising restorative justice facilitators in Auckland, New Zealand, in 2016. Purposeful snowball sampling was used to identify participants through the researcher's personal and academic networks. The participants represent a small sample, consisting of four currently practising restorative justice facilitators situated in New Zealand. A general inductive approach was adopted for the data analysis to identify patterns and themes in the interview narratives.

This study found, that while all participants acknowledged that empowerment is an important component of restorative justice, there was no consensus regarding the definition of empowerment. Nevertheless, the findings corroborate the current literature, which suggests that restorative justice enables feelings of empowerment, by giving offenders the opportunity to

participate and have a conversation with their victims. However, the findings also indicate a lack of consensus in regards to the concept of disempowerment, which in turn, could affect the way in which RJ facilitators assess disempowerment in adult Māori offenders. Lastly, this study found that participation, accountability, willingness to repair harm and offenders narrating a redemption script are offender characteristics which suggest to RJ facilitators that offenders felt empowered through the RJ process.

This thesis contributes to the RJ literature in New Zealand with a specific focus on the empowerment of Māori offenders from the perspective of four currently practising RJ facilitators. Its findings highlight the need for further research to clarify the definition and meaning of empowerment within restorative justice and its implementation into practice. The findings also suggest that further research is required to explore the meaning and effect of feelings of empowerment caused by restorative justice processes from the perspective of Māori offenders. Most importantly, this study indicates that future research should pay more attention to pre-conference consultations between facilitators and offenders and their potential to initiate shifts from condemnation to redemption script in adult Māori offenders.

# Contents

Abstract .....	i
List of Tables .....	vi
Abbreviations .....	vii
Attestation of Authorship .....	viii
Acknowledgements .....	ix
Chapter One: Introduction.....	1
Chapter Two: Literature Review .....	0
Restorative Justice Definition.....	0
Reintegrative Shaming Theory .....	2
Restorative Justice in New Zealand.....	4
Critique of Restorative Justice .....	7
Māori and restorative justice .....	9
Empowerment in the Restorative justice context .....	11
Empowerment in desistance theory.....	14
Summary.....	16
Chapter Three: Methodology .....	18
Ontology – Te Āo Māori (Māori worldview).....	19
Epistemology – Mātauranga Māori .....	20
Axiology – Ethical Considerations.....	21
Methodology – Kaupapa Māori Theory and Exploratory Research.....	22
Research methods .....	24
Participant Recruitment.....	28
Data Collection.....	29
Data analysis.....	30
Limitations .....	31

Chapter Four: Findings .....	32
Interview question one .....	32
Interview question two.....	33
Interview question three .....	34
Interview question four .....	35
Interview question five.....	37
Interview question six.....	38
Interview question seven.....	39
Interview question eight .....	40
Interview question nine .....	41
Interview question ten .....	42
Interview question eleven.....	43
Chapter Five: Discussion .....	45
Addressing research question 1 .....	45
Importance of empowerment within restorative justice processes .....	45
Defining Empowerment.....	46
Distinguishing between victim empowerment and offender empowerment.....	47
Addressing research question 2 .....	48
Enabling Empowerment .....	48
Enabling disempowerment.....	50
Addressing research question 3 .....	52
Participation.....	52
Accountability .....	53
Willingness to repair the harm.....	54
Offenders narrating a redemption script .....	55
Chapter Six: Conclusion.....	57

Glossary of Māori terms .....	60
References .....	61
Appendices .....	68
Appendix A: AUTECH Approval .....	69
Appendix B: Participant Information Sheet .....	70
Appendix C: Consent Form.....	72

## List of Tables

---

Table 1: Reintegration Ceremonies: 14 sequential conditions .....	3
Table 2: Māori theories adopted when resolving conflict.....	11
Table 3. Tikanga Māori and Kaupapa Māori research protocol.....	26
Table 4. Demographic summary of participants .....	29
Table 5. Inductive data analysis procedure .....	30

## Abbreviations

---

Auckland University of Technology	<b>AUT</b>
Auckland University of Technology Ethics Committee	<b>AUTEC</b>
Family Group Conference	<b>FGC</b>
Kaupapa Māori Theory	<b>KMT</b>
Restorative Justice	<b>RJ</b>
Restorative Justice Best Practice	<b>RJBP</b>
Reintegrative Shaming Theory	<b>RST</b>



## Attestation of Authorship

---

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Acknowledgements

---

There are a number of people I would like to acknowledge for going on this journey with me.

Firstly, to the Auckland University of Technology Ethics Committee (AUTEC) for approving my ethics application on the 23<sup>rd</sup> of April 2015. Thank you for allowing me the opportunity to conduct my research. Thank you also to Professor Judy McGregor (Head of School of Social Sciences and Public Policy, Auckland University of Technology) for giving me the chance to finish what I started.

To the four participants who willingly took time out of their lives to share with me their stories and perspectives. This research would not be possible without you! Thank you!

Thank you to my work colleagues for your guidance and support. Special thank you to Prameela Mallireddy and Mirna Pekeur for navigating me through the postgraduate world!

Thank you to my friends for keeping me sane and giving me an escape. Another special thank you to my postgrad brothers and sisters for being extra awesome and supportive during this journey. Eti, Koleta, Tasi, Ally and Guled! I owe you guys! Jazz, you special human being! Thank you, my dear friend, for choosing to walk this journey with me! Thank you for the laughs, cries, rants and talks! Thank you for meticulously destroying my ideas! But most of all, thank you for being you! I am forever grateful!

Dr Antje Deckert (School of Social Science and Public Policy), you once told me that I was capable of undertaking postgraduate studies. Given what I had gone through only a few years' prior, those words meant more than you would ever know. Thank you for your supervision, your guidance and your never ending support. I hope I have done you proud! Thank you also to Dr Ella Henry (Te Ara Poutama) for all our wonderful korero and introducing me to kaupapa Māori and helping me to understand all those "ologies".

My family, I finally have the opportunity, in writing, to tell you how much I appreciate you all for being my whanau. Thank you for your never-ending love and support, but thank you for being proud of what I am doing. That has been my ultimate joy. Nana, thank you for relieving me of my parenting duties at the end so that I could get my work done, and your stern reminders to get it finished! But the biggest thank you goes to my parents. You have allowed me to follow my dreams

these last few years, always sacrificing your time to ensure I could do what I do. Nothing I say can truly express how much I appreciate what you have done and continue to do for me. I dedicate this to you both!

Last, but certainly not least, to my beautiful Lily. I would not be where I am today if it was not for you. You are my greatest gift, my headache, my inspiration, my heart. Thank you baby, for filling my life with love, laugh and kisses and cuddles, and for being my motivator when I needed it the most. Mummy did this always to remind you that nothing is impossible!

**Ehara taku toa, he takitahi, he toa takitini**

*My success should not be bestowed onto me alone, as it was not individual success but  
success of a collective*

## Chapter One: Introduction

---

**Ma te whakaatu, ka mohio, Ma te mohio, ka marama**

**Ma te marama, ka matau, Ma te matau, ka ora.**

*Through discussion comes understanding, through understanding comes light*

*Through light, comes wisdom, through wisdom comes well-being.*

The emergence of RJ occurred across the globe during the 1970s as a viable alternative to traditional criminal justice processes (Mika & Zehr, 2003). RJ focuses on repairing the harm caused to the victim by the offender after an offence has occurred (Maxwell, 2007a, 2007b; Zehr, 1990). The 1990s saw the implementation of the Family Group Conference (FGC) in New Zealand's youth justice system with the passing of the *Children, Young Persons and Their Families Act 1989*. FGCs were the result of a number of pertinent factors during the 1980s, including the failure of the criminal justice system to take into account issues faced by victims and the injustices that had occurred to Māori youth and their whanau (C. Marshall, 2015; Maxwell & Morris, 2006). FGCs provided the opportunity for key stakeholders to play a more central role in the aftermath of an offence (Bowen, 1999; Maxwell, 2007b; Maxwell & Morris, 2006). Overall, RJ addresses victim's needs, provides stakeholders with a voice, holds offenders accountable and is empowering for both parties (Bowen, 1999; McElrea, 1999; Zehr, 1990).

An integral component of RJ processes is the concept of empowerment (Barton, 1999, 2000; Ministry of Justice, 2004; Van Wormer, 2004; Zehr, 1990). Barton (2000) and Bowen (1999) argue that the success of an RJ conference rests on its ability to empower key stakeholders. The literature acknowledges that RJ can empower victims and offenders through active participation and engagement, accountability, discussion and decision-making (Barton, 2000; Bowen, 1999; Braithwaite, 2002; Christie, 1977; Maxwell, 2007a). Thus, giving victims and offenders a sense of power, self-determination, growth, and transformation (Maxwell, 2007a; Ministry of Justice, 2004; Toews & Katounas, 2004).

While empowerment is considered an important component of RJ in most of the literature, limited research has been conducted that identifies the extent to which RJ empowers key stakeholders. Several studies identify that RJ encompasses empowering processes such as participation, involvement in the proceedings and healing for victims (Aertsen, Bolivar, de

Mesmaecker, & Lauwers, 2011; Umbreit, Coates, & Vos, 2002, 2007; Umbreit, Vos, & Coates, 2005; Zernova, 2007a). In contrast, Zernova (2007a) has argued that empowerment is limited for key stakeholders of RJ and that most of the power remains within the criminal justice system which ensures that it meets its agenda. Aertsen et al. (2011) also found that empowerment within RJ is limited, as it focuses on the private dimension of crime but not the public dimension that promotes wider social change.

Given that restorative justice is a victim-centred approach (Wilson, 2005), the literature regarding empowerment primarily reflects on the need for RJ processes to empower victims. Sullivan and Tifft (2005) state that the psychological and emotional needs are met for victims but not for offenders, including their need for empowerment and behavioural changes. Instead, there is a focus on addressing employment, education or housing needs for offenders. This warrants discussion about the impact RJ has in empowering offenders. Hence, this thesis seeks to examine whether RJ processes have the capacity to (dis-) empower offenders of Māori descent. This is explored from the perspectives of RJ facilitators who currently practice in New Zealand.

The rationale for this research derives from the argument that although empowerment is considered a significant component of RJ, little is known about the ability of RJ to empower its stakeholders (Richards, 2011). This discrepancy allows for the concept of empowerment to remain 'invisible' and thus, be rarely critiqued or challenged (Richards, 2011). Furthermore, limited research that seeks to confirm the extent in which RJ empowers Māori has been conducted (Tauri, 1999). Hence there is a need to address this gap in the literature. Following the principle of "For Māori, by Māori, with Māori" this gap is best addressed through the lens of a Māori researcher, such as myself, who conducts research with Māori participants with the aim to improve social outcomes for Māori.

Therefore, this study implements kaupapa Māori as a framework that ensures respect for individuals participating in this research, the community of which this research represents, and myself as a Māori academic. I also sought to implement a framework that reflects my identity, tikanga, and worldview. From a kaupapa Māori perspective, I have positioned myself as an insider in this research. While I am not an RJ facilitator, I am an advocate of RJ, which allows me to conduct research into this topic. Finally, by positioning myself as an insider, I remain accountable to the participants and to the community this research represents, and I am obligated to present the perspectives of the participants in a manner that affords them respect.

This thesis explores whether RJ has the capacity to (dis-) empower offenders of Māori descent, through the perspective of four currently practising RJ facilitators in New Zealand who are currently, or had, previous employment with a Māori RJ provider. Although, this was not part of the selection criteria, all but one participant identified as Māori. Few studies exclusively address RJ's capacity to (dis-) empower Māori (Moyle, 2014; Moyle & Tauri, 2016). Notably, no studies have addressed whether RJ has the capacity to (dis-) empower Māori *offenders* specifically. Given the small sample size and explorative study design, this research does not claim to represent the views of all RJ facilitators. Nevertheless, it seeks to contribute valuable, albeit limited, new knowledge to the RJ literature in New Zealand.

Chapter Two provides a literature review focusing on three key areas: *Restorative Justice in Aotearoa, Māori in the context of criminal and restorative justice* and *Empowerment in the context of restorative justice*.

Chapter Three provides an overview of the research design adopted for the purpose of this study. This section includes discussions on the ontology, epistemology, axiology, methodology, and research methods used, as well as the limitations of this study.

Chapter Four summarises the research findings as presented by the four participants. Participant responses are summarised for each interview question.

Chapter Five provides a discussion of the findings of this research and attempts to answer the following three research questions:

- How does the concept of empowerment fit into the paradigm of restorative justice in New Zealand from the perspective of currently practising restorative justice facilitators?
- How do restorative justice processes enable the empowerment of adult Māori offenders in the eyes of currently practising restorative justice facilitators?
- What common observable characteristics in adult Māori offenders suggest to currently practising restorative justice facilitators that these offenders feel empowered through restorative justice processes?

Finally, Chapter Six summarises the main points derived from this research and draws conclusions about the relevance of this study for RJ in the New Zealand context and makes suggestions for future research.



## Chapter Two: Literature Review

---

### **Restorative Justice Definition**

Whilst the emergence of restorative justice has been linked to the work of Howard Zehr during the 1970s, it has been acknowledged that the concept of restorative justice, in relation to criminal justice, derived from the 1950s-work developed by Albert Eglash (Maruna, 2014; Mirsky, 2003; Van Ness & Strong, 2015). Eglash (1958) argued that the criminal justice system lacked humanity and effectiveness. Thus, by applying the alcoholics' anonymous model, proposed a concept known as creative restitution. Creative restitution, as described by Eglash, aims to provide offenders with the opportunity to make amends to those affected by their actions, whilst also allowing offenders to assist fellow offenders in ensuring they make better life choices (Eglash, 1958). Eglash (1957) also argues, that through restitution, the victim and the damage caused are the first concern and amends are decided through group discussion, as opposed to court-ordered sanctions. However, Eglash (1977) does acknowledge that creative restitution is offender-oriented, and that restoration for victims is a benefit, but not a focus of the process. Furthermore, whilst Eglash's work does not focus on the victim, Maruna (2014) argues that his work was seminal to the development of restorative justice as it is seen today.

During the 1970s, the RJ movement began to emerge as an appealing alternative to the traditional western criminal justice system (Mika & Zehr, 2003). The shift towards a restorative approach grew out of disdain for the criminal justice system's focus on punitive responses to offending, its inability to address the needs of the stakeholders, and reduce reoffending (Braithwaite, 1989; Maxwell & Liu, 2007; Van Ness & Strong, 2014; Zehr, 1990).

Zehr (1990) states that RJ refers to the notion 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" (p. 181).

Marshall (1996) defines RJ as "A process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (p.37).

However, Mika and Zehr (2003) argue that formulating a definition is difficult, and rather than developing a strict and rigid definition, the articulation of basic principles and the implications



may be more useful (p. 138). They propose that RJ operates best on a continuum of possibilities where programmes range from fully restorative to programmes incompatible with restorative principles (Mika & Zehr, 2003). Carruthers (2012) suggests that there is no universal definition of RJ, but rather a tripartite theory of justice encompassing principles, methods and outcomes. While RJ is not a new concept, the work by Howard Zehr allows the concept recognition as a viable alternative to the traditional Western criminal justice system.

The main ideas surrounding RJ are as follows:

- Crime violates people and relationships
- Justice aims to identify needs and obligations
- It is an opportunity to make things right
- Justice encourages dialogue and mutual agreement,
- Gives victims and offenders a central role, and is judged by the extent to which responsibilities are assumed
- Needs are met, and healing is encouraged (Zehr, 1990).

Another important component of RJ is the involvement of the community. Johnstone (2011) explains that “the involvement of the community is vital in regards to monitoring and supporting the victims and offenders” (p.12). Braithwaite (1989), also acknowledges that the ‘community of care’ involves relatives, friends and significant others of the victims and offenders.

As such empirical research pertaining to RJ for both juveniles and adults suggests that RJ reduces reoffending (Bonta, Wallace-Capretta, Rooney, & Mcanoy, 2010; Hayes & Daly, 2003, 2004; Luke & Lind, 2002; Maxwell & Morris, 1993, 2001; McCold & Wachtel, 1998), and increases victim and offender satisfaction (Armstrong, 2012; Crime and Justice Research Centre & Triggs, 2005; Latimer, Dowden, & Muise, 2005). Researchers have also identified a perceived fairness amongst victims and offenders in comparison to traditional criminal justice processes (Barnes, Hyatt, Angel, Strang, & Sherman, 2015; Umbreit et al., 2002; Umbreit, Coates, & Vos, 2006).

However, Braithwaite (2002) argues that a framework needs to be developed to ensure RJ properly meets the needs of the stakeholders, namely, the victim, offender and their respective communities. He argues that avoiding ‘domination’, where stakeholders are prevented from participating or speaking out within the process is vital to its success. Within this framework he identifies constraining standards that consist of, but is not limited to, focusing on non-domination, empowerment, respectful listening, accountability, appealability and equal concern for all

stakeholders (Braithwaite, 2002). Furthermore, he identifies several maximising standards focusing on the restoration of: “human dignity, property loss, damaged human relationships, freedom, peace, compassion or caring, emotional restoration, provision of social support and prevention of future injustice” (Braithwaite, 2002, p. 569).

### **Reintegrative Shaming Theory**

Developed in 1989 by John Braithwaite, RST identifies two types of shaming: disintegration (stigmatisation) that occurs in the traditional criminal justice system, and reintegration in practices such as RJ (Braithwaite, 1998). Disintegrative shaming refers to the division created by society in the process of labelling an offender, thus, creating a class of outcasts (Braithwaite, 1989). Furthermore, Braithwaite (1989) argues that the traditional criminal justice system stigmatises, labels and isolates the offender from the community and runs the risk of promoting rebellious behaviour. However, RJ processes innately generate re-integrative shaming. Instead of condemning the offender, re-integrative shaming condemns only the offender's actions confirming that the offender is fundamentally a good person and encourages reintegration through forgiveness by the victim and community (Braithwaite, 1989; Braithwaite & Mugford, 1994). Reintegrative shaming theory refers to a “disapproval that is respectful of the person, terminated by forgiveness, does not label the person as evil or allows condemnation to result in a master status trait” (Harris, 2006, p. 328).

Braithwaite further developed RST to include reintegrative shaming ceremonies. Developed from his observations of conferences in New Zealand and Australia, these ceremonies comprise fourteen sequential conditions. He explains that there is a necessity to develop a ‘practice’ that not only reduces recidivism and reintegrating offenders, but also provides a platform for the victims to be heard (Braithwaite & Mugford, 1994). The fourteen sequential conditions, as outlined in Braithwaite and Mugford (1994), consist of:

Table 1: Reintegration Ceremonies: 14 sequential conditions

1. The event, but not the perpetrator, is removed from the realm of its everyday character and is defined as irresponsible, wrong, a crime.
2. Event and perpetrator are uncoupled rather than defined as instances of profane uniformity. The self of the perpetrator is sustained as sacred rather than profane. This is accomplished by comprehending that the perpetrator is otherwise a good person, and the act of the perpetrator occurs in a social context for which many actors bear some shared responsibility. Individual and collective shame is brought into the open and confronted.
3. Co-ordinators must identify themselves with all private parties.
4. Denunciation must be both by and in the name of victims and in the name of the supra-personal values protected by law.
5. Non-authoritative actors (victims, offenders, offenders' families) must be empowered with process control. The power of actors normally authorised to denounce on behalf of the victim (i.e. judge) must be decentred.
6. The perpetrator must be so defined by all the participants (particularly by the perpetrator himself) that he is located as a supporter of both the supra-personal values protected by law and the private interests of victims.
7. Distance between each participant and other participants must be closed; empathy among all participants must be enhanced; opportunities must be provided for perpetrators and victims to show generosity toward one another.
8. The separation of the denounced person must be terminated by rituals of inclusion that place them inside rather than outside.
9. The separation of the victim, any fear or shame experienced by victims, must be terminated by rituals of reintegration.
10. Means must be supplied to intervene against power imbalances that inhibit either shaming or reintegration, or both.
11. Ceremony design must be flexible and culturally plural, so that participants exercise their process control constrained by only very broad procedural requirements.
12. Reintegration agreements must be followed through to ensure they are enacted.
13. If a reintegration ceremony fails, additional ceremonies must be scheduled until success is achieved.
14. The ceremony must be justified by a politically resonant discourse.

## Restorative Justice in New Zealand

In New Zealand, a number of factors contributed to the establishment of RJ processes for youth offenders in the 1980s. These included:

a concern for children's rights, the negative impact of institutionalisation on children, the failure of the criminal justice system to take account of issues for victims and concerns voiced by Māori about the treatment of their children within the system (Maxwell & Liu, 2007, p. 47).

Included was also the disproportionate rate of Māori imprisonment (Tauri & Webb, 2012). It is acknowledged that RJ was an unknown concept at the time FGCs were implemented in New Zealand. However, FGCs encompass many of the principles that were later outlined for RJ.

The above concerns contributed to the introduction of *The Children, Young Persons and Their Families Act 1989*. This Act saw a shift in the way that juveniles are treated, as well as assisting as a tool to minimise their involvement within the criminal justice system. There are a number of alternatives that a youth may receive instead of court proceedings, such as a police warning, police diversion, or family group conference (FGC) (Maxwell, 2007a). A child (aged under 14 years) or young person (aged under 17 years) charged with an offence other than murder and manslaughter, are given the right to a family group conference before a plea has been entered before the court, unless the child or young person denies the charges (*Children, Young Persons, and Their Families Act, No. 24., 1989*). The FGC process includes all parties with a stake in the offence. All parties come together to discuss what has happened, how it has affected both parties, and how the young person can repair the harm. Then, the young person and their family discuss a plan of action privately. The plan is recorded if there is an agreement (Maxwell, 2007a).

Family group conferences are an integral part of the youth justice system with the passing of the *Children, Young Persons, and Their Families Act 1989* (Maxwell, 2007b). Early studies were conducted after the implementation of the 1989 Act that sought to examine the procedures implemented under the new legislation and determine the extent the new principles are reflected in practice (Maxwell & Morris, 1993, pp. 13-15). They also identified and defined several key psychological concepts that enable a sense of belongingness needed in a successful RJ conference. They are as follows:

- Respect: the antithesis of shaming

- Fairness and equity (in relation to process, voice, participation and agreement)
- Effective relationships that give support, affirmation and identity
- Responsibility and repair
- Empowerment
- Reintegration, forgiveness and healing (Maxwell, 2007a, p. 18)

Overall, the results of this study found fewer youth offenders were receiving imprisonment sentences. Youth and their families had reported high levels of satisfaction (84% and 85%). Reparation was received in almost all of the cases (94%), and less than half (48%) of the youth offenders who were referred to an FGC reoffended within six months (Maxwell & Morris, 1993). Maxwell and Morris (1993) also state that 41% of victims were not in attendance because they were not informed of the date of their scheduled FGC or were told too late. Of the victims in attendance, a third claimed they felt worse after the FGC because of the offender's lack of remorse, a lack of reparation and a fear of revenge by the youth (Maxwell & Morris, 1993, p. xvii). Finally, a third of the youth offenders claimed they did not feel involved in the process, and the study acknowledged that work needed to be done to ensure the FGC meetings were culturally appropriate for all parties involved (Maxwell & Morris, 1993).

Further studies were conducted by Maxwell and Morris which examined reconviction rates of those in the original 1990/91 study. A total of 72% of the original sample were contacted and interviewed, as well as 98 parents (Maxwell & Morris, 2001). Results found that a third of the original participants had not been reconvicted of a crime within the 6.5 years' follow-up. Whereas just under a third were persistently reconvicted (Maxwell & Morris, 2001). The authors argued that critical variables, such as having a job, partner and stable life, can attribute to a successful FGC which has an impact on future offending (Maxwell & Morris, 2010).

In 1994, the first adult conference convened in Auckland by the Te Oritenga Restorative Justice Trust. From there, government funding from the Crime Prevention Unit supported three pilot schemes in Timaru (Project Turnaround), Auckland (Te Whanau Awhina) and Rotorua (Community Accountability Programme) (McElrea, 2007). In 2001, a court-referred RJ scheme was developed in partnership with four district courts in New Zealand (Auckland, Hamilton, Waitakere and Dunedin) to evaluate the effects of adult RJ. They found re-offending rates for conferenced offenders were lower compared to offenders who had gone to court and that there

was also a higher level of victim satisfaction for those who participated in RJ conferences (Crime and Justice Research Centre & Triggs, 2005).

The success of adult RJ became recognised in the *Sentencing Act 2002*, *Parole Act 2002* and *Victims' Right Act 2002*. With recent changes adopted in December 2014 under the *Sentencing Amendment Act 2014*, the Ministry of Justice and New Zealand Government have made a firm commitment to adult RJ, changing it from an 'opt in' to an 'opt out' approach, meaning that all cases will be referred to a RJ provider if there is a victim, the offender pleads guilty, and a RJ service is accessible and suitable (Ministry of Justice, 2004). The implementation of these three Acts ensures RJ has greater legitimacy and recognition, encourages an increase in use and takes into account the occurrence of RJ in the sentencing and parole of offenders (Ministry of Justice, 2004)

With the passing of the *Sentencing Act 2002*, *Victims' Rights Act 2002*, and *Parole Act 2002*, a need for guidance on the use of RJ processes in New Zealand was recognised (Ministry of Justice, 2004). In doing so, the Restorative Justice Best Practice (RJBP) guideline outlines the principles and values that ensure quality service delivery, as well as flexibility and cultural and contextual variation. Many of these principles and practices also reflect earlier work done by Maxwell and Morris (Maxwell, 2007b; Maxwell & Morris, 1993).

The development of eight key principles occurred following consultations in 2003.

- Restorative justice processes are underpinned by voluntariness
- Full participation of the victim and offender should be encouraged
- Effective participation requires that participants, particularly the victim and offender, are well informed
- Restorative justice processes must hold the offender accountable
- Flexibility and responsiveness are inherent characteristics of restorative justice processes
- Emotional and physical safety of participants is an over-riding concern
- Restorative justice providers (and facilitators) must ensure the delivery of an effective process
- And restorative justice processes should only be undertaken in appropriate cases

Furthermore, RJ in New Zealand is shaped by the following core values: Participation, Respect, Honesty, Humility, Interconnectedness, Accountability, Empowerment, and Hope (Ministry of Justice, 2004).

Finally, under the RJB model, it is argued that RJ processes are truly restorative if they encompass the key components:

“Conferences are guided by competent and impartial facilitators; they strive to be inclusive and collaborative; entails voluntary participation; fosters an environment of confidentiality; recognises cultural conventions; focuses on stakeholders’ needs; exhibits genuine respect for all parties; validates the victims experience; clarifies and confirms the offender’s obligations; aims at transformative outcomes and observes limitations of the restorative justice process” (Ministry of Justice, 2004).

### **Critique of Restorative Justice**

However, there are limitations to the effectiveness of RJ. Firstly, it has been argued that there is no agreed-upon definition of RJ (Gavrielides, 2008; Latimer et al., 2005; Ward & Langlands, 2009). Daly (2006) states that there is no consensus regarding practices, processes or principles that should fall within the RJ scope. Furthermore, she argues that the lack of agreement contributes to confusion in policy, theoretical frameworks and empirical research. Robinson and Hudson (2015) also state that, despite RJ becoming an internationally recognised practice, scholars still disagree on the definition of RJ and whether RJ is a philosophy or set of guidelines. Braithwaite (1999) also discusses the lack of definition in relation to the terms and principles of restorative justice.

Similar sentiments are discussed by von Hirsch et al. (2003), who identify four key concerns relating to the perceived vagueness of what RJ is. Firstly, they argue that the goals proposed by RJ are vaguely formulated and not ranked in order of priority. Secondly, they claim that advocates fail to precisely discuss methods that will ensure the achievement of these goals. Thirdly, they argue that there are no dispositional criteria set out for participants in RJ processes. This lack of criteria allows the decision makers to pursue any aim they wish and allows them to achieve their desired aim in any way (Von Hirsch et al., 2003). Finally, when evaluating RJ programmes, they argue that advocates fail to explain how the chosen criteria, such as victim satisfaction, relate to the achievement of RJ or why these measures are appropriate (Von Hirsch et al., 2003).

Comparable arguments are also presented in New Zealand RJ literature where the Ministry of Justice RJPB guidelines acknowledge the lack of definition. Jülich (2003) explains that the lack of definition can lead to abuse and misrepresentation, which allows programmes that are not restorative, to attain funding by claiming to be restorative. She also argues that the guidelines developed by the Ministry of Justice may not reflect the understandings held by the RJ community, which in turn can create a misperception in the ideals of RJ and reality (Jülich, 2003).

Criticisms also arise in regards to time limitations: in both convening and completing a RJ conference and in measuring reoffending. In their study Vanfraechem et al. (2015) state that two different perspectives regarding time frames emerged. Firstly, they found that interviewees believe time limits allowed a timelier and efficient response for stakeholders than what the criminal justice system provided and that working within timeframes facilitated good work organisation. On the other hand, Vanfraechem et al. (2015) also argue that placing time frames on initiating RJ conferences could place victim participation at risk, as victim involvement is aligned with outcomes of RJ interventions. This also limits flexibility of practice that accommodates to victims, meaning that victims then need to adhere to the pre-established frameworks that may, in turn, be focusing on other objectives such as offenders needs (Umbreit & Greenwood, 1999). New Zealand RJ literature also criticise the time it takes for FGCs to be convened and completed. Maxwell (2007b) recognised that most FGCs conducted by Child, Youth and Family are completed within an appropriate timeframe. However, it has also been argued that within other parts of the youth justice system, it is unnecessarily long for FGCs to be completed and they called for improvements in practice, adequate staffing and appropriate administrative support.

Furthermore, in relation to the discrepancies of measuring re-offending, Hayes (2005) argues that determining the commencement of follow-up periods to measure reoffending is important, as it affects the outcome of reoffending. She suggests follow-up periods should begin after treatment and a standardised option should be put in place so that all participants are assessed over the same time period (Hayes, 2005).

Finally, Wood (2015) argues that RJ will achieve little to address recidivism as long as structural injustice exists. He argues that structural injustice contributes to criminal offending and disproportionate incarceration rates; that it prevents marginalised people from participating in RJ processes; and that it prevents the establishment of pro-social community structures into which ex-offenders could be successfully restored.



## **Māori and restorative justice**

Māori have been disproportionately represented in prison statistics since the mid-19<sup>th</sup> century (Tauri & Morris, 1997). In 1910, Māori made up 5% of the general population but 12% of the prison population, which gradually increased in 1950 to 18% of the prison population, while only comprising 6% of the general population (Pratt, 1992, as cited in, Tauri & Morris, 1997). Today, Māori comprise of 14.9% of the general population (Statistics New Zealand, 2013) but make up over 50% of the prison population, where women represent 58% and men 51% (Department of Corrections & Statistics New Zealand, 2013). Furthermore, Māori are over-represented in all stages of the criminal justice system; with 45% of all arrests and 38% of convictions (O'Reilly, 2014).

Arguments have been put forth in an attempt to identify the causes and issues relating to Māori over-representation in the criminal justice system. However, the most significant to date has been that of Moana Jackson's 1988 report: *The Māori and the Criminal Justice System. He Whaipanga Hou: A New Perspective*. Jackson (1988) outlines the dissatisfaction of Māori with the criminal justice system, arguing that Māori often plead guilty, opting out of the process rather than participating just to get it over with, and that Māori are ignorant of the process because it is alien to them. Furthermore, he argues that the criminal justice system focuses more on punitive punishment and state interests as opposed to reconciliation and healing between the victim, offender and their whanau. His findings further postulate that prison is a counter-productive punishment for Māori and proposes a separate justice system for Māori (Jackson, 1988).

Furthermore, the over-representation of Māori within the criminal justice system stems from two factors: Institutional bias/disproportionality and adverse social and environmental factors. That is, due to the biases evident in criminal justice processes, Māori are more likely to be disproportionately represented in police apprehensions, prosecutions, convictions and that ethnicity could be a contributing factor (Department of Corrections, 2007; Fergusson, Horwood, & Lynskey, 1993; O'Reilly, 2014). This bias and disproportionality result in Māori receiving harsher penalties in comparison to non-Māori (Department of Corrections, 2007). However, it has also been acknowledged that adverse family structures, individual characteristics, development disorders and educational participation and achievement are contributing factors to criminal tendencies within Māori (Department of Corrections, 2007).

It is argued that because the criminal justice system does not serve the best interests of Māori, alternative approaches were needed to address the disparities for Māori going through the

criminal justice system. New Zealand Māori Council (1999) identified the need for an approach that would improve the livelihood of Māori by focusing on the restoration of authority to the community and a transfer from the focus of the individual to the group. In this, they argue, RJ provides a complementary system of justice, that works alongside the criminal justice system, but ensures authority and responsibility is given back to the community (New Zealand Maori Council, 1999). Furthermore they endorse the implementation of RJ, claiming that it encompasses elements of Māori tikanga. Such as:

- Whanaungatanga (relationships between people),
- Manaakitanga (obligation to provide reciprocal and unqualified caring),
- Rangatiratanga (Maintenance of group authority),
- Kotahitanga (Ideal of achieving unity through consensus)
- Wairuatanga (Spirituality at the centre of all actions and relationships)

Therefore, they argue, RJ can benefit Māori communities so long as Māori are given authority to control decision-making processes, RJ community processes are recognised as a complementary system alongside the criminal justice system, and Māori values and views must influence future plans for the justice system of New Zealand (New Zealand Maori Council, 1999)

It should also be mentioned that prior to colonisation, Māori possessed a recognisable system of law (Hakiaha, 1999; Jackson, 1988; Ministry of Justice, 2001; Tauri & Morris, 1997; Webb, forthcoming). As such, Jackson (1988) argues that the failure of Pākehā to recognise Māori law systems highlights monocultural bias that not only tore at the basic fabric of Māori society, but inevitably created racial tension between Māori and Pākehā that still exists today. However, it has been noted by Hakiaha (1999) that Māori, prior to colonisation, had processes put in place to resolve conflict, which reflect elements of the RJ process today. These consist of:

Table 2: Māori theories adopted when resolving conflict.

Māori theories	Purpose
Whakawhanaungatanga (process of establishing relationships)	Focus is on linking and networking person(s) with their whanau, hapu and iwi.
Akoako (Consultation)	Process achieved through a hui or gathering to discuss topic(s)
Munakore (Non-confidentiality)	Confidentiality is not a concept known within Māoridom where everyone is allowed to voice their opinions and it ensures that they are heard.
Aarita/Pangia (Touch)	The concept of touch, particularly hongī, derives from the myth of Ranginui and Papatūānuku, which acknowledges the establishment of new life.
Waiata (Singing)	Waiata is initiated to share people's genealogy, tribal, subtribal and whanau history and allows people to vent their feelings
Whakatakotoranga (Conflict resolution)	Hakiaha relates this theory to decision-making in which the perpetrator has no input into the final outcome and it is decided upon by other parties

As such, it is evident that prior to colonisation, Māori justice processes reflect elements evident within RJ processes implemented in New Zealand. Thus highlighting the advantages of Māori involvement within RJ to ensure the betterment of Māori outcomes within the criminal justice system.

### **Empowerment in the Restorative justice context**

There is no universal definition of empowerment that covers the many contexts in which it is used (Page & Czuba, 1999). Page and Czuba (1999) state that empowerment is a multi-dimensional social process that encompasses sociological, psychological and economic dimensions, while also occurring at various levels between individuals and communities. However, a number of principles summarise its conception: feelings of self-worth and self-determination, capacity to

implement power and gain control, participation in the community and participation in decisions that affect one's life (Bush & Folger, 1994; Lord & Hutchison, 1993; Maxwell, 2007a; McCold, 2004; Page & Czuba, 1999). Empowerment, from an individual perspective, may be defined as "... A process in which individuals learn to see a closer correspondence between their goals and a sense of how to achieve them and a relationship between their efforts and life outcomes" (Mechanic, 1991, p. 641).

Moreover, Bush and Folger (1994) state that empowerment focuses on the restoration of one's capacity to handle life's problems, as well as the ability to communicate one's perspective in conflict. Lord and Hutchinson (1993) also acknowledge that empowerment exists at three levels:

- at the personal level, where empowerment occurs through increased control and influence over one's life and community participation;
- at the small group level, where empowerment consists of shared experiences, analysis and influence of groups;
- and the community level, where empowerment occurs with the utilisation of resources and strategies that enable the enhancement of community control (p. 4).

Also, Rappaport (1984) discusses the simplicity of defining empowerment in its absence. He states that there is a real or imagined sense of powerlessness; learned helplessness; loss of a sense of control over one's life and alienation (p. 3). However, he acknowledges the difficulty in defining empowerment, which is evident in the existence of its many definitions and explanations.

Nevertheless, empowerment is acknowledged as an important value within RJ (Barton, 1999; Maxwell, 2007a; Ministry of Justice, 2004; Van Wormer, 2004; Zehr, 1990). It is argued that the achievement of RJ rests on its ability to empower stakeholders within the process (Barton, 1999, 2000; Richards, 2011).

The literature almost univocally argues that RJ empowers victims by giving them an active role in the process, allowing their needs to be met, having an integral role in the decision-making process, being heard, and returning a sense of power to them (Barton, 2000; United Nations Office on Drugs and Crime (UNODC), 2006; Zehr, 1990).

In contrast, it is often argued that offenders feel empowered when they are held accountable and take responsibility for their actions, repair the harm caused to the victim, participate in the decision-making process and their life experiences are validated (Barton, 2000;

Julich, 2003; Ministry of Justice, 2004; Van Wormer, 2004; Zehr, 1990; Zernova, 2007b). Additionally, Braithwaite (1998), states that restoring a sense of security and empowerment for offenders is often linked with employment, the feeling of having a future, and achieving success through education or sport.

Furthermore, Toews and Katounas (2004) recognise the importance of empowerment for offenders, arguing that they need the opportunity for personal growth and transformation. However, it has not yet been debated whether offenders may need to feel empowered *first*, or whether they may need to have established a sense of self-worth and self-determination *before* they can take responsibility for their harmful actions.

Empowerment is also acknowledged within New Zealand's RJB. Under these guidelines, empowerment is defined as "a degree of self-determination and autonomy [...] Restorative justice seeks to re-empower victims by giving them an active role in determining what their needs are and how these should be met" (p. 34). Furthermore, they argue that RJ "also empowers offenders to take responsibility for their offending, to do what they can to remedy the harm they have inflicted and to begin a rehabilitative and reintegrative process" (p. 34).

Empowerment has been acknowledged as a key concept of RJ (Barton, 1999; Ministry of Justice, 2004; Van Wormer, 2004; Zehr, 1990) and it is claimed empowerment grasps at the heart of restorative ideology (Aertsen, Bolivar, de Mesmaecker, & Lauwers, 2011). However, there is a lack of consensus of the conceptualisation of empowerment and how it is achieved. Scholars have referred to empowerment as a value (Ashworth, 2002; Braithwaite, 2003; Ministry of Justice, 2004), a goal (Barton, 2000; McCold, 1996), an outcome (Dzur & Olson, 2004; Umbreit, 1994; Zehr, 2005) and a fundamental component of the RJ process (Barton, 2000; McElrea, 1996). As such, this lack of clarity in conceptualisation can affect the way in which empowerment is delivered and attained by victims and offenders within RJ processes.

Zernova (2007a) argues that empowerment through RJ is limited by design because empowering processes can occur during a conference only in-so-far as it does not "endanger the achievement of the objectives of the criminal justice system" (p. 506). She argues that victim empowerment is limited to expressing how they felt, their disapproval and asking questions, and offender empowerment limited to providing explanations and reasoning (Zernova, 2007a, p. 503). Zernova (2007) concludes that empowerment of both parties is carefully restricted and impressions are made to participants that allude to their involvement in key decision-making

processes. This allows power and control to be maintained by those in charge within the criminal justice system.

In the New Zealand context, similar criticisms have been made regarding the ability of RJ to empower Māori. For example, Tauri (1999) argues that

“ [...] empirical research on New Zealand family group conferencing, to date, fails to confirm that it empowers its indigenous population, particularly in relation to two key areas of concern for Māori: [...] cultural appropriateness [...] and de-professionalisation and exclusion of Māori cultural expertise” (p. 159)

Tauri (1999) highlights these discrepancies, stating that the majority of FGCs dealt with by the Department of Social Welfare were conducted in their respective offices or facilities; with only 5% of conferences conducted on a Marae. Furthermore, Tauri (1999) states that the conferencing process fails to provide Māori with the opportunity to be more than passive subjects, given the exclusion of Māori justice practices and philosophies and limited jurisdictional autonomy for Māori for colonial knowledge and practices.

Whilst Aertsen et al. (2011) argue that empowerment has become a central concept of RJ because it “grasps the heart of restorative ideology” (p. 8), Richards (2011) criticises empowerment as “an ‘invisible’ concept of restorative justice that is rarely considered, challenged or criticised” (p. 95). She argues that the idea of empowering disadvantaged offenders through strategic action could force them in to taking responsibility and accountability, thereby *disempowering* them. Hence, she recommends a need for scholarly engagement with the concept of empowerment in RJ and encourages investigating whether restorative practices are intended to empower participants and how this is achieved in practice (Richards, 2011).

### **Empowerment in desistance theory**

Restorative justice processes seek not only to restore harm, but also aim to ensure offenders desist from crime after RJ processes are completed (Lauwaert & Aertsen, 2015)

Desistance theories seek to explain why offenders cease offending (Bushway, Piquero, Broidy, Cauffman, & Mazerolle, 2001; Laub & Sampson, 2001; Maruna, 1999; McNeill & Weaver, 2010; Youssef, Casey, & Day, 2016). Desistance from crime is discussed from three different perspectives: ontogenic theories, sociogenic theories and narrative theories (Deckert, 2014).

However, of these three perspectives, narrative desistance theory is the only one that makes strong references to notions of empowerment as a prerequisite for offenders to desist from crime.

Ontogenic theories focus on the link between age and criminal behaviours that contribute to desisting from crime. These theories assert that criminality naturally declines after the age of 25, as offenders 'grow out' of this criminality phase, accompanied with physiologically 'burning out' (Glueck & Glueck, 1940, as cited in, Maruna, 1999). Gove (1985) explains desistance as a natural occurring process of ageing through the development of his biopsychosocial theory. He posits, that as people transition through life, they will shift to more rational beings and will begin to emulate positive societal values and norms (Gove, 1985) As such, this concept has an extensive history (McNeill & Weaver, 2010) and is acknowledged as one of the most influential theories of desistance in criminology (Maruna, 1999). Nonetheless, Dannefer (1984) has highlighted the 'ontogenic fallacy', in which proponents accept that behavioural changes reflect the natural occurrence of the ageing process rather than the influence of social ties, values and roles. In addition, Maruna (1999) also argues that ontogenic theories do little to explain how change occurs, but merely restates the facts pertaining to the age-crime relationship.

Sociogenic desistance theories like social bond theory postulate that informal ties to family, employment or education, developed in adulthood, generates 'turning points' that contribute to a change in an individual's criminality (Lauwaert & Aertsen, 2015; Maruna, 1999). Furthermore, Laub and Sampson (2001) adopted a life-course framework to better understand the extent to which desistance occurs. Their study found that

“[...] offenders desist as a result of a combination of individual actions (choice) in conjunction with situational contexts and structural influences linked to important institutions” (p. 48).

From a sociogenic position, a desister is likely to feel empowered when they have established positive social attachments with someone or something (Lauwaert & Aertsen, 2015) and enhance their perceptions and orientations to the extent that desisting is the only feasible option (McAdams, 2001).

Narrative desistance theory posits that desistance occurs because offenders change their identity narrative. Identity narrative is the story we create over the course of our life through internal conversations. If our script lacks coherence, we cannot make sense of our lives. Therefore, we either distort new events and facts so they fit the storyline, or we reconstruct the past to accommodate the new facts. Although deliberate changes in lifestyle take time and are

achieved gradually, we narrate them as instant 'turning points' to make them plausible (Laub & Sampson, 2001; Leibrich, 1994; Maruna, 2001, 2012; McAdams, 2011; Presser, 2009; Sandberg, 2010). When Maruna (2001) compared identity narratives of desisters and persisters, he found that persisters are no less tired of the criminal lifestyle but they produce a 'condemnation' script that highlights hopelessness, lack of choice and insurmountable obstacles. Desisters, however, narrate a 'redemption' script, which first establishes them as good people who were corrupted by bad circumstances. Then, desisters redeem themselves and narrate a singular event as the 'turning point' that made them 'go straight' (Maruna, 2001, 2012).

Hence, narrative desistance theory argues that desisting offenders have internalised a 'redemption' script and developed a sense of self-worth, which leads them to feel empowered to desist from crime. On the other hand, offenders who maintain an internal 'condemnation' script possess feelings of hopelessness, which, in turn, ensures they have a low sense of self-worth and remain feeling disempowered (Maruna, 2001).

It could therefore be argued that such variations in internal scripts are likely to have an effect on the way desisters and persisters view and enter into RJ processes. As Daly, Broadhurst, & Loh (2013) have argued, offenders who are willing to meet their victims and attempt to repair the harm caused, may already be on their way to change. Whether and how the pre-existing internal script of offenders who participate in RJ processes affects the outcome of RJ processes has not been established yet and may be subject of future research.

### *Summary*

The literature review has highlighted several gaps in research.

Firstly, a large body of literature has evaluated and discussed the effectiveness of FGCs in New Zealand (Julich, 2003; Maxwell, 2007b; Maxwell & Morris, 1993, 2001, 2010; Moyle & Tauri, 2016; Vieille, 2013), but no research has been conducted that specifically discusses the effectiveness of RJ processes for adult Māori offenders in Aotearoa New Zealand. Furthermore, Tauri (1999) argues that RJ processes do little to empower Māori through culturally appropriate means and through de-professionalisation.

Secondly, the literature has recognised empowerment to be a significant component of RJ (Barton, 2000; Braithwaite, 2002; Ministry of Justice, 2004; Van Wormer, 2004; Zehr, 1990). However, despite its significance, the concept remains unchallenged or critiqued (Richards, 2011)



and research is required that investigates how empowerment is defined by RJ practitioners in New Zealand and how RJ empowers offenders.

This thesis seeks to explore the current research gap pertaining to the capacity of RJ to (dis-) empower offenders of Māori descent. The relevant research questions will be outlined in the following chapter.

## Chapter Three: Methodology

---

The purpose of this research is to explore through the eyes of currently practising RJ facilitators the notion that RJ (dis-) empowers offenders of Māori descent. In doing so, this research seeks to answer the following research questions:

- How does the concept of empowerment fit into the paradigm of restorative justice in New Zealand from the perspective of currently practising restorative justice facilitators?
- How do restorative justice processes enable the empowerment of adult Māori offenders in the eyes of currently practising restorative justice facilitators?
- What common observable characteristics in adult Māori offenders suggest to currently practising restorative justice facilitators that these offenders feel empowered through restorative justice processes?

As a Māori researcher conducting research regarding Māori, I have designed this study aiming to respect the voices of the research participants and to honour their mātauranga (knowledge) of RJ. It is important, when conducting Māori research, that Māori ways of knowing, learning and understanding are placed at the forefront to ensure positive outcomes for Māori (Bishop & Glynn, 1999). The subsequent section will outline Te Aō Māori, the ontological approach adopted, and how it informs the methodological approach of kaupapa Māori. Following on will be a description of Mātauranga Māori – the epistemological approach utilised, before moving on to a brief discussion of the axiology underpinning this research. Finally, discussion and justifications of both methodological approaches adopted, namely – kaupapa Māori and exploratory research will be made, before concluding with the methods utilised.

The positioning of myself within this research is significant. I identify not only as being Māori but undertaking research as a Māori researcher. Smith (1999) argues that self-identification as a Māori researcher, conducting research grounded in a Māori worldview, is an essential criterion for carrying out Kaupapa Māori research (p. 303). Furthermore, kaupapa Māori is concerned with sites and terrains, specifically sites that are selected or select themselves because they represent struggle and have strategic importance for Māori (L. T. Smith, 1999). This is of particular relevance to me given that I have chosen to research an area related to the criminal justice system, in which Māori are currently over-represented. It is worth noting that I would not

exclusively claim to be researching from an 'insider' position, given that I do not work within the RJ field. Therefore, the relationship dynamics of Tuakana (elder relative)/ Tēina (younger relative) - which is embedded in Māori social structures, allows me to position myself as the tēina to the participants. The relationship also allocates power to the participants and shows my recognition that knowledge is tapu (sacred) (P. Walker, 2004).

### **Ontology – Te Āo Māori (Māori worldview)**

The ontological approach adopted within my research is that of Te Āo Māori (Māori worldview). Ontology is defined as “a branch of philosophy, focusing on the origins, essence and meaning of being” (Arrowsmith, 2009). The ontological approach adopted within this research also aligns with a kaupapa Māori paradigm. It is stated that this paradigm shapes the researcher's thinking about theories of being and informs assumptions about what is real for Māori (Henry, 2012). Prior to European contact, Māori viewed the world as a three-tiered structure:

The myth of Ranginui and Papatūānuku (The realm of ultimate reality – The spiritual realm encompassing kawai tipuna found within Māori tradition);

Mana- Tapu -Noa (The realm of the human – present day);

The myth of Hinenuitepō (The realm of the dead) (Ministry of Justice, 2001).

It is claimed that the three realms exist alongside one another and the interaction between the spiritual and physical realms are evident in karakia (chant), whakatauki (proverb) and tangihanga (funeral). It is also noted that those who have passed live on through the living generations and that the kōrero tawhito (ancient stories) defines one's aims, aspirations and goals (Ministry of Justice, 2001, p. 11).

The esoteric version of the creation of the world is then described through three phases in which whakapapa originates:

Te Kore (unorganised potential): nothingness, all things developed and created; the unlimited potential for 'being' although not yet organised.

Te Pō (night, darkness): a period of darkness and ignorance; the development of Ranginui and Papatūānuku and their children; inhibited growth, progress and knowledge.

Te Ao Marama (The world of light): emergence; separation of Ranginui and Papatūānuku; acquisition of knowledge; enlightenment (Barlow, 1991; Ministry of Justice, 2001).

It is argued that the korero tawhito of the creation of the world created the principles and values which are still embedded in Māori tradition and govern the way in which Māori have, and still, view the world (Ministry of Justice, 2001; R. Walker, 1990).

Cheung (2008) argues that an individual's worldview serves as both a reference point of interaction with others, and the foundation on which research approaches and interpretations are constructed (p. 1). Furthermore, given that a researcher's worldview is subjective, it is important to recognise its significance, as research is influenced by the way an individual understands the world (Mead, 2003). Therefore, incorporating Te Āo Māori helps guide my understanding, interpretation and analysis and aligns the methodology, epistemology, axiology and methods adopted in my research.

### **Epistemology – Mātauranga Māori**

The epistemological approach adopted in my research is that of mātauranga Māori. Arrowsmith (2009) defines epistemology as “the theoretical study of knowledge; what knowledge is; how it might be assessed; what claims to truth might be made; and whether true knowledge can be achieved”. As such, mātauranga Māori refers to “the knowledge, comprehension or understanding of everything visible or invisible that exists across the universe; this includes Māori knowledge systems or ways of knowing and doing” (Marsden, 1988, as cited in Harmsworth & Awatere, 2013).

Mead (2003) states that mātauranga Māori encompasses all branches of Māori knowledge, past present and still developing (p. 305). Whilst mātauranga Māori refers to ‘Māori knowledge’, Māori academics have argued that defining the concept is complex, given the number of words that are similar in translation and are used interchangeably; such as kaupapa, wānanga, mōhiotanga, tikanga Māori (Edwards, 2012; Mead, 2012; Wiri, 2001). Royal (2007) also argues that confusion arises regarding the terminology because Mātauranga Māori can be categorised within the sociological and epistemological realms. Sociologically, mātauranga Māori is used as a term to refer to a body of knowledge. Epistemologically, mātauranga Māori refers to a type or view of knowledge and its place in our experience of the world (Royal, 2007, p. 8). Royal (1998) argues further that underpinning mātauranga Māori is whakapapa, which is used to generate explanations of the world. It is also acknowledged that mātauranga Māori provides the cultural template from which kaupapa Māori theory is drawn from and asserts a theoretical framework that is culturally defined and determined (Pihama, 2015, p. 8). Tikanga Māori protocols, which are

defined as “practices and procedures that are to be followed when conducting the affairs of the group or individual ... that are held to be ritually correct” (Mead, 2003) are also drawn from mātauranga Māori (Edwards, 2012; Pihama, 2015; Royal, 2012; G. H. Smith, 2003).

Therefore, the reasons as to why I employed mātauranga Māori within my research are two-fold. Firstly, from a personal perspective, this approach has allowed me to understand knowledge, from a Māori perspective, which also aligns with Te Āo Māori mentioned previously. Furthermore, mātauranga Māori assisted in informing my understandings of the importance of appropriately applying tikanga Māori protocols within a research setting. Secondly, the inclusion of mātauranga Māori occurs with the intent to contribute to decolonisation efforts for Māori in research (Pihama, 2015). This is done through the utilisation of an epistemological approach that validates and recognises the way Māori understand and connect to the world.

### **Axiology – Ethical Considerations**

Axiology, as explained by Heron and Reason (1997), focuses on what is intrinsically worthwhile; what, about the human condition, makes it valuable as an end in itself (p. 286). They explain that through a participatory paradigm, for example, human flourishing can be achieved, which enables a balance between people of hierarchy (Heron & Reason, 1997, p. 287). Therefore, the ontological, epistemological and methodological approaches employed seek to decolonize the proposed research and validate the experiences of Māori, whilst also seeking to confirm the notion that the proposed study is with Māori, for Māori, by Māori. From an axiological perspective, in answering the question of value, this study also hopes to assist in the creation of knowledge in regards to the notion of RJ (dis-) empowering offenders of Māori descent.

This study was approved by Auckland University of Technology Ethics Committee (AUTEK) on the 23<sup>rd</sup> of April 2015 (see Appendix A). The application number for this study is 15/68 and the expiration date of this application is the 23<sup>rd</sup> of April 2018. Participant Information Sheets (Appendix B) were given to all participants prior to the commencement of their interviews to ensure they understood the purpose of the study and their contribution. Participants were also given a Consent form (Appendix C) to sign before beginning their interview. This acknowledged the participant’s approval to participate. The researcher also discussed the participant’s right to withdraw from the study at any time during or after the completion of their interviews, until data collection was completed by the end of April 2016. It was also acknowledged that any information

shared by the participant would be disposed of, as per the ethical guidelines outlined in the Consent form.

### **Methodology – Kaupapa Māori Theory and Exploratory Research**

The methodological approach employed in this research is that of kaupapa Māori theory (KMT). Bishop (2003) highlights that the colonising and misrepresentation of Māori knowledge denied Māori authority and voice, and was used to belittle Māori. Kaupapa Māori research emerged in the late 1960s through the development of Te Kohanga Reo, The Waitangi Tribunal and the opening of 'space' for more critical and reflexive approaches to research within the social sciences (L. T. Smith, 1999). Consequently, Pihama (2015) argues that the development of kaupapa Māori as a theory and foundation for research grew from the struggle of Māori in attaining tino rangatiratanga (self-determination) and mana motuhake (autonomy). Walker et al. (2006) argue that kaupapa Māori theory can be used as a strategy of empowerment for Māori.

Kaupapa Māori has arguably been located as a form of critical theory, particularly in regards to the notion of critique, resistance, struggle and emancipation (L. T. Smith, 1999). However, Pihama (2015) and Smith (2012) argue that kaupapa Māori should be viewed as a localised form of critical theory in which elements of critical theory, such as challenging dominant systems of power, are also found in kaupapa Māori theory. Pihama (2015) also mentions that critical theory is grounded on western notions, whereas kaupapa Māori is grounded on mātauranga Māori, te reo and tikanga Māori (p. 13). Furthermore, kaupapa Māori research is a social project which weaves in and out of Māori and western ways of knowing, histories, experiences, education, aspirations, economics and global politics and serves to make a positive difference for Māori (L. T. Smith, 1999).

The following list outlines six principles that encompass kaupapa Māori as articulated by Smith (1997).

- Tino Rangatiratanga (The Principle of self-determination or relative autonomy)
- Taonga tuku iho (The principle of validating and legitimating cultural aspirations and identity)
- Ako Māori (The principle of incorporating culturally preferred pedagogy)
- Kia piki ake I nga raruraru o te kainga (The principle of mediating socio-economic and home difficulties)
- Whanau (The principle of the extended family structure)

- Kaupapa (The principle of a shared and collective vision/philosophy)

Henceforth, the appropriateness of KMT within this thesis is evident for two reasons. Firstly, as mentioned from the outset, I am a woman who identifies not only as Māori but also as a Māori researcher. It was imperative for me, that when I chose to undertake this journey, that this journey reflected my identity, tikanga and worldview. Secondly, the kaupapa of this approach allows me to conduct research, for the first time, within a 'space' that takes for granted my being Māori. By conducting research within a Māori theoretical framework, it possesses within itself its own validity and legitimacy. As such, the inclusion of kaupapa Māori ensures that my research was for Māori, by Māori, with Māori.

Within this research, an exploratory research approach has been aligned with kaupapa Māori theory. Vogt (1999) defines exploratory research as "Research that looks for patterns ideas or hypotheses rather than research that tries to test or confirm hypotheses" (p. 114). Hence, exploratory research is inductive – when little is known about the research topic, exploration is initiated to search for generalizations, which then lead to a more detailed understanding of the area in which the research is focused. Stebbins (2011) also states that adopting an interview method within an exploratory research provides more focus because of the development of an interview guide with items selected through preliminary observations and prior learning.

Despite the advantages of adopting an exploratory research, there are arguments pertaining to the validity and reliability of data collected under this approach. Stebbins (2011) points out that validity within exploratory research can be problematic if the researcher or observer's presence is too distracting; selective perception and interpretation by the researcher distorts the effects of the research; and limitations surrounding the researcher's ability to observe all relevant aspects needed within the research. One way to alleviate the perception of poor validity Stebbins (2011) argues, can be done by consolidating research projects in the same area of study, whilst also acknowledging the notion that the research that is undertaken must be confirmed through countless studies before validity can be guaranteed (p. 49). The issues with reliability also mirror that of validity, hence the argument that concatenating of researchers participating in the same process and area demonstrates that similar or compatible results can be achieved (Stebbins, 2011). Additionally, Reiter (2013) argues that the validity of exploratory research rests on the researcher's ability to provide adequate explanations of the data gathered and its link with theoretical frameworks. Furthermore, he argues that reliability can be attained on

three levels. Firstly, ensuring the research is conducted in a structured, transparent, and honest way. This can then be translated into the researcher acknowledging their limitedness, and biased outlook. And finally, by ensuring the research has an explicitly formulated theory, a clearly formulated hypothesis, and a well-developed research design (Reiter, 2013).

Whilst the question of validity and reliability will also be asked of this research, it should be pointed out that my research serves only to generate ideas pertaining to the notion of RJ (dis-) empowering Māori offenders. Given that little has been said regarding this specific area, adopting an exploratory approach allows me to provide additional knowledge for future research.

### **Research methods**

Several scholars have argued that, because kaupapa Māori theory is concerned with the methodology of research, methods adopted are secondary to the issues and value of the research. Nonetheless, the methods adopted must ensure positive outcomes for Māori (Bishop & Glynn, 1999; Jones, Crengle, & McCreanor, 2006; Moewaka Barnes, 2000). Therefore, several tikanga Māori protocols, as outlined in Jones et al. (2006), Tipene-Matua et al. (2009), and Smith (1999) were adopted to ensure each phase aligned with the approaches of this research. These have been documented in Table 1 and includes relevant research protocols as outlined in Smith (2006).

Semi-structured Interviews were chosen as the appropriate method for my research. The use of interviews aligns with the tikanga approach in recognising the importance of kanohi ki te kanohi (face to face) (see Table 1). Interviews provided the opportunity for the participants and me to come face to face and discuss my research, whilst also strengthening our trust and relationship.

Semi-structured interviews also allow for a more conversational approach, which allows versatility whilst also following an interview guide that enables detailed information to be shared by the participant (Galletta & Cross, 2013; Harrell & Bradley, 2009; Patton, 2002). Galletta and Cross (2013) claim that a benefit of semi-structured interviews is that it focuses on the lived experiences of the participants while also addressing theoretical areas of interest (p. 24). Patton (2002) also explains that by adopting an interview guide approach, it enables the interviewer to explore, probe and ask questions pertaining to predetermined subject areas but also provides the space for other topics to emerge.



Adopting a semi-structured interview approach into my research provided my participants with the opportunity to share their lived experiences within RJ, whilst also providing additional insight into areas not predetermined by myself. Furthermore, Smith (1999) points out that during research, Māori researchers should also adopt the cultural value of titiro, whakarongo ... korero (look, listen ... speak) which also emphasises the importance of observing and listening in order to understand (L. T. Smith, 2006). Through the adoption of semi-structured interviews and by providing the kaupapa, I was able to observe and listen to the information being shared which assisted in the exploration and understanding of the research topic.

The indicative questions developed within the interview guide, provided guidance for the researcher and, as mentioned previously, allowed me to determine the subject areas of relevance.

The questions were as follows:

- What is your understanding of empowerment?
- Do you believe empowerment is important in RJ? If so, for whom?
- In terms of empowerment with offenders, can you see the change in them as you follow them through the process? – follow up – If so, can you describe it?
- How does RJ empower offenders? Have you ever witnessed an offender being empowered through the RJ process? (If yes – follow up – can you describe it? Has their progress afterwards been positive?)
- Within the conference, does the offender discuss any future plans?
- Do you get many offenders being referred back to RJ?
- Have you ever witnessed an offender being disempowered through the RJ process? (If yes – follow up – can you describe it? How has their progress been afterwards?)
- Do you think it is possible for an offender to feel empowered during the RJ process whilst in prison?
- In terms of Māori offenders, in your opinion and from your experience, are Māori more or less likely to participate in an RJ conference/ feel empowered through the RJ process?
- Do you think RJ is a positive alternative for Māori?
- Does RJ have the capacity to empower a Māori offender?

Table 3. Tikanga Māori and Kaupapa Māori research protocol

Tikanga Māori protocol	Definition	Procedure	Application/relevance
<b>Authors: Jones et al. (2006)</b>			
Whakawhanaungatanga	Establishing relationships	Recruitment	Relationships were developed via email for two of the participants. Prior relationships were established with the remaining two.
Manaakitanga	Hospitality, showing respect	Recruitment	Informed consent, appropriate exit procedures, an information sheet and consent form was given to ensure respect was afforded for their participation in my research.
Mana	Authority	Recruitment	Mana was given by allowing potential participants to decide whether they wished to participate and organising their interviews when it was convenient for them.
<b>Authors: Tipene-Matua et al. (2009)</b>			
Whakatau	Welcome	Recruitment	Discussions regarding my research were done prior to my interviews. This allowed participants the opportunity to understand the intent of my research
Sharing of kai	Sharing of food	Interview	Sharing of food removes the tapu between the people and allows issues to become noa (unrestricted). This was done in all but one

---

			interview because that was done via Zoom meeting.
Mihimihi	Introductions	Interview	Mihimihi was conducted at the beginning of each interview to establish connections between the parties, creates a safe space and establishes the context that will be discussed.
Poroporoaki	Farewell	Interview	Each participant was acknowledged for their participation, asked if they had any further questions and reminded of the ethical protocols regarding my research.
Koha	Gift	Interview	Each participant was gifted with a monetary koha to acknowledge their contribution. One participant made an alternative request.
<b>Author: Smith (1999)</b>			
Kanohi ki te kanohi	Face to face	Interview	Interviews were conducted in a face to face fashion to ensure I remain accountable to my research, my participants and the communities this research affects.
Titiro, whakarongo, korero	Look, listen, speak	Interview	It was important for me to sit back and listen and observe the participants as opposed to speaking over them.

---

The inclusion of the tikanga Māori protocols also align with mātauranga Māori, in that it puts into practice the knowledge and protocols embedded within Māori culture. Mead (2003) states that tikanga Māori can also be viewed as a normative system, which deals with what is considered normal and right. This normative system reflected the practices that I had adopted within my research.

### **Participant Recruitment**

Purposeful snowball sampling was used to recruit participants for this study. Purposeful snowball sampling focuses on recruiting individuals that have been identified by others who they believe would be valuable for the research being conducted. Patton (2002) describes how purposeful sampling allows for knowledgeable participants to be studied. Purposeful sampling is also viewed as a strength within qualitative study because it allows for researchers to yield in-depth information and understanding that focuses on a specific area of importance (Patton, 2002). Furthermore, Patton (2002) claims that through asking individuals who else to approach, the snowball expands, as the accumulation of in-depth information occurs. Employing this method allowed the data collection phase to be completed within the allocated four-week timeframe, as discussions with my primary supervisor and within my personal and academic network allowed me to identify my potential participants.

A few selection criteria were pertinent in the sampling stage. Participants were required to:

- Be trained RJ facilitators
- Be currently or previously employed by a Māori RJ provider
- Have experience facilitating RJ conferences with Māori offenders

There were no restrictions on the ethnicity of the potential participants. However, likely as a result of purposeful snowball sampling, three of the four participants identified as Māori.

The initial aim of this study was to recruit ten participants. However, due to time restraints and a low response rate, only four participants could be recruited successfully. The demographics of the participants have been outlined in Table 2.

Table 4. Demographic summary of participants

Participant	Sex	Ethnicity	Years of experience within RJ
Participant One (P1)	Male	Samoan	<5
Participant Two (P2)	Female	Māori	>5
Participant Three (P3)	Female	Māori	<5
Participant Four (P4)	Male	Māori	>20

### Data Collection

Four interviews were conducted within a four-week time frame between March and April 2016. The location of all interviews varied but had been agreed upon prior, between the participants and myself. An interview was conducted at the home of one participant in West Auckland, another had been conducted in an office building in South Auckland and the remaining two had been conducted in an office at AUT's city campus.

Each interview began with acknowledgements of each participant's participation and impending contribution to my research. I then proceeded to guarantee each participants anonymity and confidentiality and reminded them of their right to exit the interview and research at any time. Three of the participants had already received the Information Sheet and Consent Form prior to the interview via email and had already signed their consent forms and were aware of the procedure. Time was allocated to the one participant who had not been given the Information Sheet or Consent Form.

Each interview was then recorded (upon the consent of the participant) using a digital recording device to capture the verbatim responses of each participant. Patton (2002) argues that it is essential to record whilst interviewing, as the data extracted from each interview provides the perspectives and actual words of the individual. This enables the researcher to identify patterns and themes with other data collected and the research becomes nought without the raw data (p. 380).

Upon the completion of each interview, I then proceeded to transcribe the data recorded. Patton (2002) states that transcribing all or some of your interviews, provides the opportunity for the researcher to immerse themselves within the data as they transition from fieldwork to analysis (p. 441). This process allowed me to identify recurring ideas and statements as well as responses that provided alternative insights into the research.

### **Data analysis**

A general inductive approach was used to analyse the gathered data. This involves discovering patterns, themes, and categories in the raw data. Thus, findings emerge through a researcher's interaction with the data (Patton, 2002). The purpose of a general inductive approach is to condense extensive and varied raw data into a brief summary format, establish clear links between the objectives of the research and the raw data, and to ensure the links are transparent and defensible (Thomas, 2006).

The following Table outlines the procedure followed during the data analysis phase which was adapted from Thomas (2006).

Table 5. Inductive data analysis procedure

Step	Purpose
1. Preparing raw data	Formatting raw data into clean data to allow for ease of reading
2. Reading of text	To gain familiarity with the content and gain an understanding of the 'themes' and detail
3. Creation of categories	Identifying and defining categories. General categories derived from research aims. Specific categories derived from raw data
4. Coding and verifying text	Text coded and sorted into categories, some may overlap into other categories. Data may also not be assigned to any category as it is not relevant
5. Revising and refining categories	Identifying relevant and/or contradictory points and quotes. Refining categories.

However, it has been highlighted that the inductive analysis approach also incorporates elements of deductive analysis (Patton, 2002). Thomas (2006) states that data analysis is determined not only by multiple readings and interpretations of the data but also by the objectives of the research – which are deductive.

### **Limitations**

This study is not without its limitations. Given that this research has adopted an exploratory approach, it attempts only to explore the topic at hand and does not claim to provide absolute answers. Because there is no research about the capacity of restorative justice to empower Māori offenders, and limited research examining the extent to which stakeholders feel empowered within RJ processes, an exploratory approach provided the foundation for future research.

It is recognised that this study is not an accurate representation of the views of all restorative justice facilitators in New Zealand, as the sample size of New Zealand RJ facilitators recruited for this research was four. Recruitment of participants proved to be challenging, particularly as the timeframe to complete data collection was restricted to four weeks. The limited timeframe also restricted whakawhanaungatanga (establishing relationships) between the researcher and potential participants.

The most significant limitation of this research is the lack of voice from Māori offenders. This research sought to explore whether restorative justice has the capacity to empower Māori offenders, but has done so from a New Zealand RJ facilitator perspective. While the participants have provided invaluable insight, seeking perspectives of Māori offenders would have been more suitable for this research topic.

## Chapter Four: Findings

---

This section provides a summary of the research findings. Given that Kaupapa Māori has influenced the creation and direction of this research, the research findings reflect the principles of Tino Rangatiratanga (Self-determination); Taonga Tuku Iho (Cultural aspiration); Ako Māori (Culturally preferred pedagogy); Whānau (Family); Te Tiriti o Waitangi (The Treaty of Waitangi); Kaupapa (Collective philosophy) and Ata (Growing respectful relationships). The principles observed during the data collection phase ensures the presentation of participants' responses within this section upholds their mana (prestige) and respects participants as tohunga (experts) in this research. Therefore, the responses are presented as direct quotes. Tikanga Māori (Māori cultural practice) and manaakitanga (hospitality) were also observed during the data collection phase.

This section has been ordered according to the interview questions outlined in the previous section. A summary of the responses is given for each question and coupled with participant's direct quotes. Interview questions are outlined in *italics*, for the ease of the reader.

### **Interview question one**

*What is your understanding of empowerment?*

All participants had varying understandings of empowerment. Participant one related empowerment specifically to victims, Participants two and three discussed empowerment in relation to empowering others and empowering oneself generally, and the Participant four related empowerment specifically to the individual.

Empowerment is, simply put in my opinion, it's returning something that's been taken. So for a victim when there is harm caused something of them has been destroyed and so empowerment would be having the opportunity to gain that back to have a sense of safety, having to feel that there is a bit of normality returned in their lives. I'd say that's what empowerment is; it's about giving something back that was taken from them. It's not something tangible, it's just that feeling that you have. (P1)

I don't know if I can enable someone else to feel empowered. Maybe I can give them some tools or some ideas about what empowerment looks like. The act of empowerment I think has to come from the individual. My idea of empowerment is that I'm the only one that can empower myself to do something



or act on that, act on the tools that provide me. I wanna think I can empower anybody else as such, I think maybe an interaction I've had with somebody or something I said might start a thought process or something like that. But to be empowered or to act on that thought that person has to do that. (P2)

I believe empowerment is if we're faced with diversity is finding a positive strategy to help deal with the situation and in turn empower each individual involved. Empowerment is about your mana, it's about your prestige, it's about moving forward in a more positive way and everything that is a part of that mana strategy, to help empower and strengthen. (P3)

Empowerment for me would be really easy: It's my ability to make the decision to take whatever direction I wish to take to improve, enhance or support mine or my whanau's lives. (P4)

## **Interview question two**

*Do you believe empowerment is important in Restorative Justice (RJ)? If so, for whom?*

Two of the four participants have acknowledged that empowerment is both important in RJ and important for all parties involved. Participant two acknowledges that RJ allows for parties to be open to empowerment and a different thought process to occur and Participant four believes that empowerment is important for all because they all have to make decisions, choices and balance.

I think empowerment or the ability to allow empowerment or to allow that to be open to empowerment is important in restorative justice for everybody because, while it's a victim-centred process, at some stage everyone has to be open to it- to being, I guess not changed, but have a different thought. (P2)

I think empowerment is important for everybody. Not just for this justice world but everybody and while it's relating to the restorative justice world; empowerment is important for all of the participants of the restorative justice world. It's about balance and it's not about blame. It's about the balance between the relationships. Empowerment is important for all participants cause they all have to make decisions, choices, and balance. (P4)

Participant three also acknowledged that empowerment is important within RJ for everyone involved. This participant has also furthered explained their understanding of empowerment, relating the concept back to cultural awareness and understanding.

Yes, definitely for both the offender and the victim. Actually, I forgot to mention that empowerment is also about your cultural background and without having a cultural background, people aren't able to fully understand the extent of somebody else's cultural background. If you have a cultural awareness, that in itself is empowering and it's not about when somebody offends and there's a victim— I do believe that there always has to be a consequence with a condition,

but in saying that, empowerment is also a part of that, so it's about picking both parties up. (P3)

The answer given by Participant one differed slightly in that the response specified empowerment in relation to offenders and the impact empowerment has on offenders during their RJ conferences.

I think that's a natural by-product of RJ, like in terms of a meeting, a face to face meeting. The conference meeting is about having that conversation but all of that just comes after that or comes along during that process. I mean first and foremost we're there for the victims but I think there is a sense of empowerment for both parties as well, because when you're sitting down and you're actually seeing the offender humbling themselves, pouring out their hearts and recognising that they've done wrong. Not so much because you know, by law they've done wrong, but they've obviously impacted on someone else's life negatively. So when you see that; yea there is a sense of empowerment there I think and you see that during that conversation and you hear that from their feedback after, that they feel this huge weight lifted from them just from being able to sit down and just have a conversation. For them to apologise and offer other ways that they can sort of help to mend what's been wrecked. (P1)

### **Interview question three**

*In terms of empowerment with offenders, can you see the change in them as you follow them through the process? – follow up – If so, can you describe it?*

Participants one and two offered similar responses in that the timeframe to complete a RJ conference hinders a facilitator's ability to monitor or measure the occurrence of empowerment. However, one of the participants has also acknowledged that change can occur albeit it is not instantaneous and can take a long time. The two remaining participants offered differing responses. Participant three acknowledges that the marae environment generates feelings of connection and Participant four argues that the environment the offender is in impacts on their ability to change.

I'll just run you through a typical process for an RJ. So we get a referral from the court with about a 4 to 6-week timeline and in that time the offenders plead guilty so the judge has referred it to RJ. So within that timeframe all we could do is actually meet with them, give a bit of a spiel about RJ, explain to them how it works and then they can decide whether they want to participate. The other part of that is that we also have to be satisfied that it's actually going to be appropriate, so we make those assessments in our pre-conference meetings for the offender as well as the victim. And if all goes well then we organise a meeting within that timeframe and then once that meeting occurs we submit a report which goes back to the judge and then from there we basically don't have any further contact. So it's hard for me to sort of measure that. To say well this is how it's empowered them or changed them. You can only sort of go off what you've gained from that meeting and hope for the best. So it's hard for us to measure that because we only have a set time and if there are needs that they

might have, we make a referral to other organisations or to our other services. As facilitators, we're only there for that conference. (P1)

I don't know because we have them for a very brief period of time and we've come to them at a certain point in their journey. I guess the restorative justice process that we work with now doesn't necessarily allow us to see what happens 6 months, a year, 10 years down the track. So the change isn't going to be instantaneous but I have seen a change in people if you meet them say at this point and then you meet them again 6 weeks later and it might be just because you've built more of a rapport with them and you've got over that initial meeting of them trying to look good. But I think you can see – and it might just be a change in thought or even how they present themselves. But I think our brief interaction with them isn't really enough and change takes a long time for some people if that thought might happen for them. Our interaction might have triggered something but I don't know whether it's necessarily a long enough time for us to say yes look at that wonderful change that's happened. (P2)

This is the great thing about having restorative justice in a Marae environment, is that they never leave the marae. Because once they've been introduced to the marae their able to find resolution with the situation that's happening in the restorative justice process that they actually end up finding a connection. It's a way for offenders and victims to connect to a marae inside the city and so they always want to come back and do something to help the marae. So there are some that move into better brighter, positive, beautiful lives and there are others who are also able to join kapahaka, go to te reo classes because then their passion kicks in. They've understood they come from a cultural Māori background they want to widen their knowledge and learn te reo Māori or do mau rākau and be a part of the marae. (P3)

In some, not all. So the answer is yes, but it's a very personal thing. And it also depends very much on the environment in which the offender lives from day to day as well. If the offenders have the opportunity to change where they live and the support to change then many of them will. If the offenders placed in an environment of dysfunction and all the social depravities around, then it's really difficult for them to change because they don't have the support to do it. It's not that they don't want to, they don't have the support and in many cases the opportunities to change. (P4)

#### **Interview question four**

*How does RJ empower offenders? Have you ever witnessed an offender being empowered through the RJ process? (If yes – follow up – can you describe it? Has their progress afterwards been positive?)*

Three out of the four participants shared their personal experiences of witnessing an offender being empowered during a RJ conference. Of these three, Participant one and two shared stories highlighting the offender's accountability and acknowledgement of harm whilst Participant three shared an experience where the parties had been empowered through story-telling.

I had one just recently where I co-facilitated because it was a family violence referral and the incident was between a brother and his two sisters. So what had happened was he plead guilty to a number of charges; threatening behaviour, assault that was against his two sisters and we had an RJ meeting. But before we got to that step, I met with him and the whole time I met with him we had a conversation and he was pretty much tryna justify his actions, so I

was a bit concerned. I was thinking well I don't know if this guy's actually appropriate, sort of minimising his role in all of this. And then when I met with his sisters, one of them had said "aw well we're actually on good terms anyway" so she was quite happy to still have a meeting with him. Whereas the other sister that's where there was a lot of mending that needed to take place cause their relationship had been wrecked because of what had happened. So they were both quite adamant they wanted to meet with their brother, so I met with him again and he said "yea I'm still happy to go through - I'd still like that opportunity", so we went into that conference. I was really cautious thinking man this guy's guna pretty much re-victimise them. But I was really surprised at the turnaround. When he came to the meeting he brought a friend with him and we sat down together and he actually outlined what was happening for him at the time and even though he said that didn't justify his reasons that was what was actually happening and that was reality for him. So, in the end, he pretty much covered everything and he came back around and he said to them "but at the end of the day you know I screwed up, I stuffed up, I did that to you, I hurt you" and all that. So the sister that had a huge conflict with him she was in tears and she said "I can't actually say anything at the moment I'm just really overwhelmed with what he said" and at the back of my mind I'm like yea I'm surprised too. So it was really good, I was really surprised, I was really happy with that. So that case was three weeks to a month ago. So I was really surprised by that in the sense that you know when we met he had all these things to say that just made me a bit iffy about whether a meeting would be appropriate but then when we actually sat down together I mean these guys are family you know, whether RJ was going to go ahead or not they needed to have that conversation but it just so happened that day he humbled himself and he was really open and honest with them and they appreciated that. For me as a facilitator, it just made me aware that things change within the timeframe that you meet with them you can have a think about things and on the day itself I mean he was completely different. It's just at the time he had his own issues that he needed to address before we went into that meeting. (P1)

As an example, me and one of the co-facilitators we meet an offender for a pre-conference and this guy was gang affiliated; in and out of jail; tough- real tough persona; didn't want to answer any questions, didn't want to have to talk about the event and we said ok this probably isn't the most appropriate pathway for you then – restorative justice. This is about you talking to us about what happened telling us your side. He opened up a bit more and then for whatever reason his case kept getting adjourned and he maintained the contact with us, saying what's happening; can I do this; do we need to meet again. Then we pre-conferenced him again the closer it got once we finally got a hold of the victims - cause the victims had moved around quite a bit. We finally got hold of him, of the victims, and we pre-conferenced the offender again. Total change in this guy. He'd lost weight, he was really open about what had happened. Now there might have been some motivating factors about that cause this guy was looking likely to do some jail time and he just didn't want to go back to jail but also, he just recently had a baby and he'd been able to get care of a 3-year-old son he had as well. So I think they were the motivating factors for him. But in our initial meeting with him he had said to us "aw you guys made me think about what I had to do, and not just to put it right with the victim - they were long-time mates - he said but for me you know. But it might just be a small change and I'm not saying we made him change but you can see it over a period of time. (P2)

Yes. There was one particular conference where I was on the panel. It was about a 20-year-old lady who assaulted another woman at a McDonald's food restaurant. She got agitated waiting for this woman to serve her, her food. That young woman was from Rarotonga and the offender was Māori. And, so she jumped over the counter and hit this woman twice and she ended up at

restorative justice with us. While talking to her during the conference we were able to talk to her. I spoke to them about her whakapapa and I explained to this young Māori woman that before, some of our ancestors came here to Aotearoa they had travelled through Rarotonga, where this other young girl had come from. And during those travels some of our ancestors were left in Rarotonga, so in actual fact, they had a whakapapa connection between the both of them. And even though the offender didn't know the whakapapa connection it actually made her think about wow this is actually my cousin that I assaulted, and so it actually empowered her to realise that you know, be careful on what you do out there with anybody, but more so be aware of who you're doing it to because it could be your own cousin, your own sister. And in turn, it helped the victim to understand how closely connected they both were. So it was a really good outcome. And that's what I call empowering. Another way I was able to talk to them was that there's a place over in the Cook Islands called Rangiātea and there's also a place in Aotearoa which is also named Rangiātea and the other place that is called Rangiātea is in the heavens and so our way of empowering both of them was for them to imagine a triangle that starts from the heavens, goes down to where this Cook Island girl came from and across to Aotearoa and back up, and that was the connection for both of them. (P3)

### **Interview question five**

*Within the conference, does the offender discuss any future plans?*

Similar to the previous question, only three out of the four participants provided responses. Of these three, all participants acknowledged that future plans are discussed between the victims and offenders. Also highlighted by all the participants is the involvement of the offender in regards to repairing the harm caused to the victim. Whilst all responses were similar with regards to the previous statements, two of the three participants also provided further explanations. Participant one noted that victims normally initiate the discussion around future plans. Whereas, Participant three acknowledged the involvement of the facilitators to ensure future plans are adhered to. The remaining participant did not offer further explanations.

That question tends to come from the victims themselves. As a facilitator, I'm not there to counsel them or to offer ways that they can help put things right, it needs to come from both participants. I'm just there to help guide the discussion and provide safety. But that tends to come a lot from the victim's side. And more so from people who look past that they've been wronged but they want to get to the root of it to ensure that doesn't happen again. So they do tend to ask, well what are you going to do from now on because I don't want this to happen to someone else, I don't want you to go down this road again, make the same mistake. So they might make agreements amongst themselves and the offender might say something you know they're already starting to put that in place. So they make their own agreements. That conversation is strictly between the parties involved. I can't say well this is what you need to do, that would be stepping outside of my role as a facilitator. (Follow up example). He did because they'd actually wanted their brother to address his anger issues and before they could even get to that question he said Aw, my probations officer has already prepared a report and in that he needed to do a basic life skills course. Then he was also ordered to undertake anger management counselling and he said that's something that really interests me. He said that's something I think I can gain a lot out of and he was quite happy to do that. So

he recognised what he needed to do to help put things right not only with his sisters but with himself. So again it's agreements that they made amongst themselves. (P1)

Yes. I suppose for them to their kind of in a vulnerable situation so they've got to really make it, you know if their plan isn't looking right it's more work for us to do to actually get them into taking responsibility. And just being there as a guiding tool I suppose to help them see what would be better for them you know. But most of them time yea they do. They know they've done wrong and they just want to correct that and the majority of them are working people who have jobs and families to look after so at the end of the day they just want the best outcome for everybody. (P3)

Yep and it was all around his family. So realising that he was more use to his kids out of jail than in, he knew what it was like growing up with this. And the offence he had been charged with had actually split his whole family apart not just his kids but his mother, his siblings and he was working really hard to try and bring that back together. (P2)

### **Interview question six**

*Do you get many offenders being referred back to RJ?*

Responses given by Participant one and three stated that they had no offenders being referred back to RJ, one receiving two referrals and the remaining participant not providing a response. However, further explanations were given by the three participants.

Thankfully no. I'd say I've had probably two that have come back but if I look at it overall no not a lot. That's not a common thing. But it is hard to manage that in terms of follow up because after we've had that meeting with the report you can only keep in touch on our own back but it's hard to manage how they've sort of kept on 6 months down the track. (P1)

For re-offending? Not that I have seen. No actually, they haven't come back. If anything they've actually moved on and doing really well. Whether it's on to education or work or family matters or some have moved away back to their marae, helping out their old people on their marae. So, I think, just coming on to the marae and having to face the kaumātua and kuia it's enough to say sort it out boy, no mucking around or I'm going to screw your ears. And just having them there to feel shy and embarrassed about what's happened is actually enough for them to realise well I don't want to be here again. So I haven't seen anybody come back no. (P3)

Not necessarily – it might be the very same charge. So they might say no or the victim says no and then the judge will send back cause the judge feels that this should be done through restorative justice – which is completely outside the legislation – it's not all judges. But we do see that happening where the judges will strongly encourage people to do it, so if a judge says it, of course, people are going to think oh my god I've gotta do it, even if you're the victim "aw ok well the judge has recommended that I do it so ok" and then we're sitting there telling them it's voluntary. If you don't want to do it you don't have to. The only compulsory part is the judge referring it. But for restorative justice, you can't do it again for someone who's already been through the process, for the same charge with the same victim. But having said that, it is only one small space in time that you're working with them and it is only about starting to put things right.

It might take more than one opportunity to put things right before something sinks in. But usually, we're not the only organisation working with that person. We see the most vulnerable people through this process and clearly, we aren't the only organisation working for them but if we knew who those others were, we could work together then maybe the outcomes long term would be greater. (P2)

### **Interview question seven**

*Have you ever witnessed an offender being disempowered through the RJ process? (If yes – follow up – can you describe it? How has their progress been afterwards?)*

Participant four did not provide an example of witnessing an offender feeling disempowered but provided an explanation of why offenders may feel disempowered. The remaining three participants have provided examples. Of these three, Participant one and two mentioned the facilitator's duty to control conferences while Participant three discussed the inclusion of judge's when the conference does not end successfully.

That happens, it's a matter of expectation and reality don't match. Now the offenders come with a different view to what they want to achieve and their quite surprised at what happens then it might not match. And that's very important, the offenders can also get let up by lawyers. I mean the information they get from them; aw do this you'll get a lighter sentence is crap, it doesn't work like that. There's a perception that's the publics, that's sometimes used by defence lawyers, some of them. (P4)

There's none that spring to mind and that's just because that's something we need to manage to ensure that the very least we don't want to make people feel worse coming out of that than going in cause then that would defeat the whole purpose of holding it. I've had an RJ where a victim has lashed out verbally but it was a family violence thing so there's already a relationship. But no, not from the offenders and I think that's because they're quite aware of what needs to happen and what they need to say and they know that that's not the purpose of the meeting. It's not for them to go there and try and have a go at them and try and say well if you hadn't done this then I wouldn't have done that. So yea, I can't say that that has happened to me. (P1)

I can think of an instance just very recently. I don't know if he felt disempowered but it certainly wasn't a positive interaction for them. He had very strong whanau support with him though so it could have been very disempowering for the whanau. But facilitators are trained to see when that might happen and assess that risk before they go into a conference. So, if you are aware of all those things, and you have identified that this could happen in a conference, you're prepared to facilitate in a way where everyone gets to say what they need to say but people are still safe. Because even though the offender has offended, this restorative justice process is about everyone still leaving with their mana intact and it's your job as the facilitator to make sure that that happens. So I don't know if he felt disempowered. So the offending had resulted in a death, it was a car accident and the offender was brave enough to face the whanau of the deceased. We knew that this would not be a positive interaction where everyone would forgive. And we always let both sides know no-one's obliged to forgive, you don't have to accept their apology but both sides need to be aware that that can happen. I don't believe he left feeling disempowered but I do believe that both sides left still with their mana intact. So I don't know if they

leave feeling disempowered and I think that would be the fault of the facilitator if that happened. (P2)

Yes, I have. The offender we're talking about, in that situation where looking at reparation and the offender didn't want to pay that amount that the victim was negotiating. But the victim was adamant and it was quite a good amount considering the amount of damage that this person had done to his belongings. So the offender actually wouldn't and he ended up standing up and walking out. So when that happens we have to get the boss to come in and then we try and negotiate again. We go visit the offender because that just means that they're not taking responsibility for their actions. (*Was there a resolution that came out of that?*) No, because the victim was adamant that he wanted him to pay that amount, it didn't happen so it ended up in the court for the judge to decide. When there's disagreement it goes straight back to the judge and the judge makes the decision. (P3)

### **Interview question eight**

*Do you think it is possible for an offender to feel empowered during the RJ process whilst in prison?*

Three of the four participants agreed that it is possible for offenders to feel empowered during the RJ process whilst in prison. The Participant two was hesitant to associate feelings of empowerment to an offender participating in a RJ conference in prison.

It is worth noting, that in relation to question eight, one participant has not experienced RJ in prison, but provided a response to the question.

That is a tough question. I'm just thinking about all the ones that we've done in prison. Obviously, you're in a negative place, so you're trying to prepare yourself to go into a meeting that isn't going to be easy, where you've actually got to come to the party and accept responsibility for what's happened. So when you're coming out of that negative environment into this room you're going to have to shift your emotions and then once that meeting is done you're pretty much having to go back. So I definitely think it's possible because at the end of the day they're the ones that are driving it. They're the ones that have put up their hand to say no I wanna make this meeting happen. I can't answer how it would be for them once they leave that meeting but I definitely think it's possible because when they're in that space, sitting down with the other person, that's their opportunity to have that conversation, to let them know what was actually happening at that time. It's not to justify it but to provide a more in-depth explanation of the circumstances and all that. And then the victim can just run off that and they can respond to that and so forth. But I definitely think they still feel empowered because a lot of the conversations their having is from what the victim has shared on, in terms of the impact, the effects, the consequences of their actions. So hearing that it might provide them with a sense of relief knowing that they've started that process of helping to put things right and hopefully, start the process of moving forward. (P1)

Yes, I do. And I think it works very simply like this. If you look at the restorative justice conference as being that opportunity for a conversation, if they don't have that choice for that opportunity then they don't have it. So there is no empowerment. So it's actually about giving them choice. (P4)

I believe so. Yes, I do and I say that because they get a lot of time to think in there and I think it is empowering for them to actually sit down. They have time



to plan, they can work out their goals. If there was a restorative justice conference in the prison definitely it would be empowering. I think it would be because not only just for the offender but also for the victim because the victim is going to realise that this person is paying their deeds right here and actually they might find aroha for that person in there which would, in turn, empower the offender. I think it would work. Being inside gives them time to think about what they plan to do when they get out and that's really important. And by having conferences in there it's called rehabilitation. So I think every little bit helps to rehabilitate and get that person ready for when they get released from prison. (P3)

Maybe, don't know. I mean, there's no empowerment in going through the court process. I would feel completely disempowered going through the court process because you can't talk for yourself, you're relying on somebody else's skill set to talk for you and getting across what you need done. And if you get someone with a useless skill set or can't do it, then you get the worst outcome and then you go to prison. You might feel empowered though through this process. So putting aside all the restrictions you have on you as a prisoner you might feel empowered after a restorative justice or it might just be that sense of relief, because 9 times out of 10, the offenders that we conference in prison are nervous as hell because they've never ever had to face their victims, (yep) never thought of their victims as a person. And you can tell their nervous, I don't believe it's a put on because they come in sweating and "aw, I've been trying to think of what to say the whole time I've been you know". But the ones that I've been involved with there's a certain lift in them you can see a lift, a change – I don't know if that's empowerment but there is something about them when they get up to leave that's different from when they walked in. I mean they have to go back and do everything they're told when they get through the door but, it might be just that little sense of freedom. I don't know what it is but there's certainly a change and it might just be relief. We've had people say "aw I've never thought of it as other people, I was doing it because I needed stuff for my kids" or "aw you know I've had time to think while I've been in here...". I think empowerment is so personal to the person that I don't know if someone's been empowered or whether they can say that's the feeling their feeling but I know you can't be empowered going through the court process and you can't be empowered with a whole lot of restrictions on you. But you might feel a sense of relief or empowered after a restorative justice conference. (P4)

### **Interview question nine**

*In terms of Māori offenders, in your opinion and from your experience, are Māori more or less likely to participate in an RJ conference/ feel empowered through the RJ process?*

Of the four participants, only Participant four stated that Māori are more likely to participate in a RJ conference. Participants one and three made general statements regarding participation and Participant two was unsure. However, Participant two also acknowledged that Māori appear frequently within the RJ process.

I would say more. We're a lot more inclined and understand the concept of Hui and that's what a restorative justice conference is, it's a Hui, where we sort all of this out. (P4)

Putting aside their ethnicity, anyone that pleads guilty in court they will immediately want to do RJ, whether that's for the right or wrong reasons we still have to assess that. And then we also have to differentiate three different types of referrals. So we might get one for a standard, for a family violence or it might

be what use to be a police diversion referral. With the standard ones, those are everyday incidents. Whereas the family violence, there's a relationship. So with all the clients that I've dealt with who identify themselves as Māori absolutely, they want to have a conference. Certainly from the offender's point of view because it involves not just the two people but everyone else around that. And again with the standard cases, I'd say so absolutely, they'd be willing to. (P1)

Well, the majority of the offenders that have been handed to us through court have all appeared so yes. They actually find it a lot more comfortable. It's a lot less intimidating for them to come to a restorative justice conference as opposed to having to settle things in court. (P3)

I don't know actually. I don't know whether they're more inclined to. If they've been told by their lawyer to do it then they'll say yes they want to do it. So that would be their first thing – it's yea I want to do it and then the more we get into it then they suddenly realise what this is actually going to mean for them then they start "aw I don't know". So I don't know if Māori are more inclined to do it, it's just that we have quite a few Māori coming through. (P2)

### **Interview question ten**

*Do you think RJ is a positive alternative for Māori?*

Three of the four participants provided a response to this question. Of these three, all agreed that RJ was a positive alternative for Māori. Participant three mentioned the inclusion of traditional Māori custom whilst Participant one discussed attributes of RJ.

It started off in the community what we currently practice now, so it has come from a community base. And the principles and the practice is changing to suit the modern model of it. But I don't know if the word alternative is right because that would suggest that it's something outside of the norm. I probably would like to think that there's this and this, I don't know why we just have to have one way. Yes, we need some sort of court and justice system but it's that whole thing around prevention. So, restorative justice while I think it's a really valuable system and contribution to our society as a whole, wouldn't it be better if we were doing it before we got to this stage. So lots of schools and other organisations use restorative practices. But I think for Māori anything has got to be better than what is currently on offer for us. It's certainly not about getting special treatment but it is about the issue behind why they're having to do that in the first place. Why are they doing the same thing their father did who their father did and their father did - why don't we stop it when the first father did it or the first mother did something. We're generations down the track and with some of these people that is the only thing they know, but it wasn't always like that. So in a really short space of time, families have become locked in this cycle. It just seems to me like this should be at every point you know. So yes, there should be other options for Māori and this should be one of them. (P2)

Yes, I do, definitely. 120%. Our people have been doing Hui mai ra no. It goes way back to the beginning of time where everything was settled on the marae. That's where all the justice was done with the Iwi, the hapū. You know and it's more comfortable – I suppose if I'm talking about marae restorative justice though. I think that it's important because they will also connect through whakapapa, that's the important one. You go into a court process it's totally different and us Māori, we're used to karakia and settling things, that's what a marae is for, to settle everything. We settled everything out on the marae ātea before people even got into the whare. And out of it all, we were still able to sit

down and have a kai together after. That's why I think restorative justice is important because whakapapa is important. And the other thing is, is you go into the courts – you're dealt with through the court system, you come to the marae, you're dealt with through your people - which is actually a bit more embarrassing, that's what I think. Because it might be a little bit more embarrassing and I wouldn't say intimidating but a bit more whakamā, more shy. There's a light that turns on in there and says "aw k well I don't want to go back there and do this again because I feel whakamā to be here. So it helps, it empowers at the same time. (P3)

Yes. I mean, at the very beginning of the process it's voluntary. So it's not there as a part of a requirement it's there if either party are interested in it. So I don't see how that could be a hindrance in the court process. And again it's allowing those outside of the court system- so outside of the lawyers, the prosecution, and the judge- to have more of a voice. So yea I definitely think so. It's part and parcel with the courts anyway with the legislation. But at the end of the day, it's driven by the people. So it's only going to go ahead if the parties want that. So absolutely, I'm all for it. (P1)

### **Interview question eleven**

*Does RJ have the capacity to empower a Māori offender?*

All participants have acknowledged that RJ has the capacity to empower Māori offenders. Of the four, Participant four argues that whanau involvement is also critical within the empowerment process whilst Participant three discussed the relevance of tikanga during the RJ process. Participant two also mentions tikanga in her decision-making processes.

The answer is yes. Because it provides the offender's opportunity. Restorative justice also works in a lot more holistic way than just providing for the offender. If you don't provide for the offender's whanau and community, then you're not providing the support required for the offender to make adjustments to become better adjusted to accountability for whatever he or she's done. You can't say it's just the offender, we live in a wider world particularly Māori world. We need to support them and that means engaging with his whanau and his community. If you just see the offender and left it at that why don't you just do a Pākehā model? It's not about just the offender, you can't just put down offender you have to empower the community, the whanau around that offender because then they can make the informed choices and decisions that will impact on the whole whanau. If we can have a bit more of those sort of programmes, decisions and actions then you won't have the inter-generational dependence on violence and crime that you have today. (P4)

Very much so, and I'll say that 200%. There is a lot of things out there, there's also a lot of ongoing support and with restorative justice, they're able to do follow-ups, there able to talk to the offender or the victim about the different Māori services out there to support them. You don't get any of this in court what you get is the Māori offender comes in and then sent to some - I'm not being biased but they're sent to a programme that's not actually going to click with them. It could be a pākehā perspective or it could be a Christian programme and again, I'm not being biased about it, it's just that it's not going to sync in here for them because they come from a Māori background. Then again, some of our people to have never been brought up Māori and so for those ones, it's actually a new light for them. Just the pōwhiri process alone some have never been in a pōwhiri process. But once they start to learn the basics of tikanga, of

what happens on the marae, they're just at home. Those that haven't been brought up in Te reo, they find a sense of belonging and grounding on the marae. Restorative justice, hell yea. (P3)

Yea, I guess if it can help, not empower, but help with a process or a way to instigate a change or address some of the other things - because usually, we're addressing more than just the offence. So this is an opportunity, but it does depend on what that person wants to do and what we can do as a result of repairing all those other things. There is a school of thought that we don't do anything about those things because we're actually just here to address the offending. Yes we are, but what are you going to do when you hear all those other things, what are you meant to do with it, other than tell your supervisor. But as Māori, I feel like I've got to do something. Even if it is just, let me give you the number of so and so or let me call someone are you ok if I call this person or this organisation, they might be able to help you out with budgeting. But I think it's not helping the empowerment process if you say "aw ok so that's a lovely background anyway back to the car". I don't know maybe that's my bad practice but I think if someone discloses something to you, you have a very short space of time to decide is this outside of my realm as a restorative justice facilitator? Yes, probably, maybe it is. But as a Māori, can I live with myself as a Māori if I can see that there's another whanau that could benefit. It is quite distressing sometimes when you see or you hear what's going on for them and some people you can just see it as soon as they walk in the door, they are just surviving day to day. (P2)

I've worked in RJ for close to three years now, so in the small time that I have worked in RJ, I'm of the belief that it can. Māori yes, but I just think everyone that goes through that process, Māori included. And that's just from my experience just in the short time that I've been involved with RJ, that's my take on it. I mean you can talk to me 10 years from now and I can provide a more in-depth response but I'd say yes. (P1)

## Chapter Five: Discussion

---

The primary purpose of this research was to explore whether RJ has the capacity to (dis-)empower offenders of Māori descent, from the perspectives of four currently practising RJ facilitators in Aotearoa New Zealand. This research explored the following three research questions:

1. How does the concept of empowerment fit into the paradigm of restorative justice in New Zealand?
2. How do restorative justice processes enable the empowerment of adult Māori offenders?
3. What common observable characteristics in adult Māori offenders suggest that they feel empowered through restorative justice processes?

### **Addressing research question 1**

*How does the concept of empowerment fit into the paradigm of restorative justice in New Zealand?*

Since the RJ literature acknowledges the significance of empowerment within RJ processes, it was pertinent to establish participants understanding of the concept of empowerment and how RJ empowers Māori offenders. A number of patterns emerged from their responses.

#### *Importance of empowerment within restorative justice processes*

The literature predominantly argues that the success of RJ processes rests on its ability to empower all parties involved (Barton, 2000; Richards, 2011). Additionally, empowerment has been acknowledged in the literature as a core value within RJ that all parties are exposed to (Maxwell, 2007a; United Nations Office on Drugs and Crime (UNODC), 2006; Van Wormer, 2004; Zehr, 1990). The findings reflect this as all participants agreed that empowerment is important within RJ and attested that both the victim and offender should feel empowered. However, there was no consensus by the participants as to the definition of empowerment.

### *Defining Empowerment*

Participants provided varying understandings of the concept of empowerment. While most participants acknowledged empowerment as personal to the individual, they did not congruently identify features of empowerment. This lack of consistency reflects the current assessment of the literature. As Page and Czuba (1999) acknowledge, there is currently no universal definition of empowerment. However, two of the four participants discussed characteristics of empowerment, albeit different ones, which are evident in the literature on empowerment in RJ. One participant described empowerment as the return of power, which reiterates the literature pertaining to victim empowerment (see Barton, 2000; United Nations Office on Drugs and Crime (UNODC), 2006; Zehr, 1990). The second participant described empowerment as having the ability to make decisions, which, literature argues, empowers both victim and offender (see Maxwell, 2007a; Ministry of Justice, 2004; Van Wormer, 2004; Zehr, 1990; Zernova, 2007a).

Moreover, when asked what their understanding of empowerment was, three of the four participants were either hesitant to answer or unsure how to answer the question. Only one participant was able to give a concise response in a non-hesitant, confident manner. The hesitant behaviour of the majority of participants suggests that this information is not presented in the foreground of RJ facilitators' minds.

In fact, the lack of consensus amongst participants suggests that RJ facilitators' understanding of empowerment may differ significantly from both the definition prescribed in RJ literature and the definition in New Zealand's RJBPG guidelines. These findings support Jülich (2003), who argues that while government officials develop these guidelines, their understandings may not reflect the understandings of facilitators. Under the RJBPG guidelines, RJ processes empower victims by enabling an active role in determining their needs and how they are met and empowers offenders by allowing them to take responsibility for their actions and remedy the harm (Ministry of Justice, 2004). However, the responses given by the RJ facilitators in this study suggest they view empowerment as an approach that enables the return of normality to the victim, provides empowering strategies and tools, and affords individuals the decision to improve one's livelihood.

It could be argued that if there are discrepancies in regards to the definition of empowerment between the literature and RJ, there are likely to be discrepancies in the assessment of empowerment successes in an RJ process. It could also be argued that the

discrepancies between RJ facilitators understanding of empowerment, may also impact RJ facilitators' practice and, how they assess offender's feelings of empowerment. Barton (2000) emphasises the importance of good practice, stating that the limits and potential of empowerment in RJ is not known until fundamental RJ concepts and distinctions are consistently reflected on and implemented through RJ best practice.

#### *Distinguishing between victim empowerment and offender empowerment*

Participants did not readily distinguish between empowering victims and empowering offenders, despite the distinction between victim and offender empowerment outlined in the literature (Maxwell, 2007a; Ministry of Justice, 2004; Zehr, 1990). While half of the participants mention that RJ is a victim-centred approach, the responses given by the RJ facilitators suggest their understandings of empowerment reflect an all-encompassing perspective, that does not overtly distinguish between victim or offender empowerment. For example, when asked about their understanding of empowerment, Participant one discussed this concept from a victim empowerment perspective and the remaining three participants described empowerment from a general perspective. Participant one, who discussed empowerment from a victim's perspective described the concept as a return to safety and normality for the victim. Zehr (1990) states that victims sense a need for empowerment that includes safety. Participant four described empowerment as the ability to make decisions, which aligns with both victim and offender empowerment. This description also reflects the literature, that claims stakeholders are empowered when playing an integral role in the decision-making process (Ministry of Justice, 2004; United Nations Office on Drugs and Crime (UNODC), 2006; Zehr, 1990; Zernova, 2007a).

Given the nature of their role, RJ facilitators acknowledge that RJ is a victim-centred approach, but recognise the need for all stakeholders to be empowered by the process. It could be argued that this recognition ensures stakeholders have equitable opportunity within the RJ process to be empowered. However, because the findings in this study are limited, it is difficult to ascertain whether the differing perspectives of empowerment affect the way in which RJ facilitators run their conferences.

## Addressing research question 2

*How do restorative justice processes enable the (dis-) empowerment of adult Māori offenders, in the eyes of currently practicing restorative justice facilitators?*

### *Enabling Empowerment*

Several features emerged that highlight the ability of RJ to empower offenders. The findings indicate that New Zealand RJ facilitators view RJ processes as empowering for Māori offenders by providing them with the *opportunity to participate*. Two of the participants recall a case that they had convened, despite feeling the offender may not be ready during their pre-conference meetings. In doing so, this ensured the offender was still given the opportunity to participate, and both participants were able to witness a change in their respective offender's behaviour. One of the two participants explained that the offender had maintained contact and continually expressed their willingness to participate in the RJ conference. The participant also mentioned that during the conference, it was visible the offender had changed and had acknowledged their wrong-doing and was willing to repair the harm caused, recognising their need to make amends and to do right by his children.

The actions of the offender exhibit similarities with the literature regarding RJ processes empowering offenders. Maxwell (2007a), states that the first step to empowerment for offenders is through participation, claiming that through active participation, offenders can acknowledge the harm caused and accept responsibility for their actions. Maxwell (2007a) also explains, that by actively handing back to the offender the responsibility of what has happened and what will happen in the future, can promote feelings of empowerment.

Furthermore, the offender's actions reflect that of sociogenic desistance theories. Social bond theory posits that informal ties to family or employment generate 'turning points', which in turn contribute to a change in an individual's criminality (Lauwaert & Aertsen, 2015; Maruna, 1999). Given that the previous example highlighted the offender's willingness to change, because of his need to be there for his children, it could be suggested that this attachment to his children 'triggered' a positive change in the offender's attitude towards the RJ conference. Furthermore, Lauwaert and Aertsen (2015) suggest that desisting offenders experience feelings of empowerment when positive social attachments are developed. Similar findings were present in Maxwell et al. (2004), where 80% of youth who had participated in an FGC several years prior



had developed personal relationships, and 60% of those interviewed did not want any further involvement in crime.

The findings also suggest that some but not all New Zealand RJ facilitators think that RJ processes can empower offenders by providing the *opportunity to talk face to face with the victim*. One participant reiterated the importance of providing victims and offenders with the opportunity to sit down and have a conversation, mentioning that offenders feel a weight is lifted just from being able to sit down and apologise to the victim and offer ways to mend the harm. The second participant also recognised the importance of giving offenders a choice to participate in an RJ conference, stating that if offenders do not have the opportunity to have a conversation with their victim, there is no possibility of empowerment occurring.

Zehr (1990) discusses similar sentiments, in which he recognises the necessity of RJ processes to enable empowerment of the offender by facilitating interaction and exchanging information regarding the event, about one another and their needs (Zehr, 1990). Zernova (2007a) also states that offenders feel a sense of empowerment when given the opportunity to explain their actions and share their perspectives on the events with the victim. Therefore, the findings imply, that New Zealand RJ processes enable that sense of empowerment for Māori offenders by providing them with the opportunity to sit down and have a conversation with their victim. Furthermore, Toews (2013) argues that engaging in 'story-telling' allows the stakeholders to identify the harms, needs and obligations and determines the possibilities of justice.

Maruna (1999) states that narrative processes allow individuals to retell their stories that help to explain their actions, motivations and feelings, and in doing so allows the new self-narrative to shape and guide future behaviour, resulting in empowerment. Since RJ processes allow both offenders and victims to share their own story about the criminalised event, it can be argued that RJ is a narrative process that allows room for changes or shifts in identity narrative to occur. The findings of this study suggest that, because the offender is given the opportunity to speak with their victim, they also get the opportunity to begin the process of developing a new self-narrative. This reiterates one participant's argument that empowerment is unable to occur when offenders do not get the opportunity to converse during the RJ process. Thus, for offenders, the opportunity to shift their self-narrative from a condemnation script to a redemption script mostly fails to arise within a court room setting where offenders and victims rarely get the chance to interact (Braithwaite, 1989; Zehr, 1990)

### *Enabling disempowerment*

The New Zealand RJ facilitators in this study also provided responses relating to RJ processes disempowering Māori offenders. Half of the participants noted that a facilitator's role is to assess and address any discomfort or disempowerment an offender might encounter during an RJ conference. Participant two stated that if an offender were to feel disempowered, it would fall on the facilitator's lack of ability to mitigate these issues. Participant one also stated that it was a facilitator's job to manage any feelings of disempowerment.

The literature posits that the achievement of RJ rests on its ability to empower stakeholders (Barton, 1999, 2000; Richards, 2011). Also, the New Zealand RJP guideline stipulates that RJ providers, and facilitators, must ensure the delivery of an effective process. It is of importance that a facilitator competently guides stakeholders through the RJ process to ensure they are and remain empowered (Barton, 1999). Therefore, Barton (1999) argues, facilitators who manipulate or coerce stakeholders into 'restorative outcomes' impacts on an individual's autonomy and may, in turn, disempower the offender. While none of the RJ facilitators alluded to the argument outlined by Barton, it does correlate with the necessity of RJ facilitators to competently facilitate RJ conferences, to avoid offenders feeling disempowered.

Furthermore, RJ facilitators in this study were able to observe offenders being disempowered by the RJ process. Participant two observed an RJ conference, where a serious charge had brought the stakeholders together, and she had acknowledged that the conference was not going to be positive but the offender was still able to leave with his mana intact. However, she also mentioned that she was unsure whether the offender had felt disempowered through or after the conference. Participant two was hesitant to use the term empowerment, which could suggest that the concept is not an appropriate term, from the participant's perspective. It may also imply that the concept of disempowerment is not properly described in the literature, therefore, facilitators are unable to attribute their observations to offenders feeling disempowered as it is not clearly discussed.

The second example given by Participant three involved an offender in an RJ conference they had observed, who was refusing to agree to the reparation agreements put forth by the victim. While the victim was adamant on the amount, the offender was not willing to pay and eventually walked out of the RJ conference. Zernova (2007a) found that whilst advocates claim stakeholders are equally involved in the decision-making process offenders have limited input in the rehabilitation plans discussed for them, which in turn limits any opportunity for empowerment.

It could be argued that the offender who had walked out of his RJ conference refusing to pay the reparation amount set by the victim, exhibited feelings of disempowerment because he had limited input in the reparation plans. Feelings of disempowerment may have occurred in the offender because he was not equally involved in the reparation plan. As, Richards (2011) claims, those who fail to conform to 'empowering' processes can become marginalised and rejected, and may be *forced* to responsabilise their actions, thus resulting in disempowerment for the already disempowered. It could be argued that in this example, the offender felt he was being forced to accept the plans put forth by the victim, and because he failed to conform it contributed to feelings of disempowerment for the offender.

Participant four did not provide an example where he had observed an offender feeling disempowered, however, he explained a possible cause of disempowerment in offenders. He argues that an offender can feel disempowered by the RJ process if their expectations of the process do not correlate with the reality of an RJ conference. He further argues that offenders can also feel disempowered if the information they received from their lawyers also distort their perception of the RJ conference. Under New Zealand's RJB guidelines, it is imperative that both victim and offender are well-informed of the RJ process, including their role and rights and reasonable expectations of the process and outcomes (Ministry of Justice, 2004). The findings suggest that offenders may be disempowered when they have not been adequately informed of the process, thus going into their RJ conference, with a distorted perspective of what the conference entails and the conference not living up to their perceived expectations.

Finally, half of the New Zealand RJ facilitators in this study discussed time constraints in regards to witnessing empowerment in Māori offenders. Since there is no follow-up process, RJ facilitators are unable to assess whether empowerment has occurred for the offender post-RJ conference. Although the findings did not stipulate that offenders would feel disempowered because of this limitation, it does affect the way facilitators measure any occurrences of empowerment. At present, no RJ literature has addressed this issue specifically. In their study Maxwell et al. (2004) stated that, from a young person's perspective, the length of time it took for FGCs to be convened and completed is unnecessarily long. Furthermore, Vanfraechem et al. (2015) identified that interviewees in their study believe assigning time limits generates efficiency in RJ conferences and good work practices. It could be suggested that RJ facilitators in this study believe that offenders may feel empowered *after* the completion of their RJ conference. This would indicate a need for follow-up procedures to be put in place that allow RJ

facilitators to assess feelings of empowerment in offender's post-RJ. This also indicates that research needs to be conducted that discusses feelings of empowerment post-RJ from an offender's perspective.

It is also worth mentioning that there is no common understanding of the concept of disempowerment from the perspectives of the RJ facilitators in this study. This finding is similar to the lack of consensus regarding the concept of empowerment. It could be stipulated that there is variation in the responses of the participants because RJ literature does not overtly describe disempowerment in the same capacity that empowerment is discussed. This discrepancy may also affect the way in which disempowerment is interpreted, thus making it difficult for RJ facilitators to identify whether offenders exhibit feelings of disempowerment.

### **Addressing research question 3**

*What common observable characteristics in adult Māori offenders suggest, to currently practising restorative justice facilitators, that these offenders feel empowered through restorative justice processes?*

Participants identified a number of characteristics they observed and considered as signs of adult Māori offenders exhibiting feelings of empowerment. The identified characteristics are 1) Accountability, 2) Participation 3) Willingness to repair the harm, and 4) Offenders narrating a redemption script.

The identified characteristics are discussed below in more detail. Participants did not necessarily state that characteristics in these exact words but they described significant elements of characteristics identified by the relevant literature.

#### *Participation*

Toews (2013) explains participation as an opportunity for individuals to understand the experiences of all those involved, ensures active participation of all stakeholders, and views justice as co-created by stakeholders. It is stated that it is empowering for an offender to actively participate in all aspects of the RJ process as it promotes responsibility and accountability for their actions (Maxwell, 2007a; Zehr, 1990).

The findings show that most of the RJ facilitators in this study believe Māori offenders show a willingness to participate in an RJ conference, thus being able to observe feelings of

empowerment. Participant one acknowledged that some offenders are adamant in participating in an RJ conference – saying that, in some cases, the offenders are the ones “driving it”, “they want this meeting to happen”. Participant two also stated that an offender she had encountered showed a willingness to participate in an RJ conference after explaining the RJ process to him. Participant four stated that Māori are motivated to participate in an RJ conference because they understand the concept of Hui (meeting, conference), which is similar in nature to the concept of RJ.

Based on the literature, it can be suggested that RJ facilitators are able to observe feelings of empowerment in adult Māori offenders because of their willingness to participate. The findings in this study indicate that empowerment is a pre-requisite for RJ conferences, however, the process in establishing feelings of empowerment can be derived through alternate processes. Participant one acknowledged that, in some cases, offenders are the ones who want an RJ conference to occur. This suggests that offenders can feel empowered before the convening of the pre-conference and RJ conference, thus contributing to their willingness to participate in the RJ process. Additionally, Participant two recognised that some offenders can feel empowered if they are given the opportunity to participate in an RJ conference. Maxwell (2007a) reiterates this argument in which the first step to empowerment is through an offender’s participation in the RJ process.

### *Accountability*

Toews (2013) and Zehr (1990) state that the concept of accountability, in relation to RJ processes, promotes an understanding of harm, affords the offender the opportunity to take responsibility for their actions and provides the opportunity for the offender to feel empowered, whilst also repairing the harm they have caused to the victim.

In the current study, most of the RJ facilitators were able to observe occasions where adult Māori offenders were accountable for the harm caused to their victim. For example, participant one stated that offenders can feel empowered hearing and understanding how their offending has impacted on their victim. Participant three, on the other hand, acknowledged that some offenders already know that they have done wrong and would like to have the opportunity to make reparations for their past transgressions.

As such the observations of the RJ facilitators in this study highlight that by participating in an RJ conference and allowing offenders the opportunity to hear, to understand and to be accountable for their past transgressions could encourage empowering offenders, rather than disempowering offenders.

#### *Willingness to repair the harm*

The findings suggest that most of the RJ facilitators recognised that Māori offenders they observe show a willingness to repair the harm caused by their offending. Participant one described how the offender in his example had recognised that he had done wrong and was trying to make things right for his victims. Participant three stated that many of the Māori offenders she had observed know they have done wrong and want to correct it and provide the best outcome for everyone. Participant two also explained that their respective offender, after taking time to reflect on the RJ process, realised that he had to put things right with his victim.

RJ facilitators in this study recognise that offenders understand and acknowledge the harm caused to their victims, and, by actively identifying a solution, it allows offenders to progress towards both empowerment and closure (Zehr, 1990). Furthermore, the literature posits that once an offender participates in a conference, and takes responsibility for their actions, they are then encouraged to repair the harm caused by their offending (Barton, 2000; Maxwell & Morris, 1993; United Nations Office on Drugs and Crime (UNODC), 2006; Zehr, 1990). Moreover, it is argued that an offender feels empowered when they repair the harm caused to their victim (Maxwell, 2007a; Ministry of Justice, 2004; Zernova, 2007a).

The literature alludes to the notion that empowerment is achieved for offenders in the RJ conference. However, the findings in this study suggest that RJ facilitators observe these characteristics during the pre-conference meeting, thereby exhibiting feelings of empowerment before the commencement of the RJ conference. This also correlates with the other characteristics observed in this study. It can be argued that the findings suggest that offenders who willingly participate in RJ processes already exhibit feelings of empowerment. This then allows offenders to be accountable for their actions, thus contributing to their willingness to repair the harm caused to their victims. It is evident then that the pre-conference meeting is significant,

as it provides offenders with the opportunity to foster feelings of empowerment and can contribute to offenders narrating a redemption script – which will be discussed in the next section.

#### *Offenders narrating a redemption script*

The findings in this study presented two instances where RJ facilitators observed Māori offenders exhibiting characteristics that illustrate the narration of a redemption script.

The first participant acknowledged that the offender was initially not suitable for a RJ conference because the offender had not taken responsibility for his actions. However, the RJ conference continued because the victims were adamant on proceeding with the conference. The participant then acknowledged a “turn around” in the offender, when the offender outlined what was happening from his perspective during the offence and explained that while it does not excuse his behaviour, it reflected reality for him at the time and that he had already identified programmes that would assist him in addressing his issues.

The narrative presented above reflects that of an internalised ‘redemption script’ outlined by Maruna (2001). He argues that desisters narrate a ‘redemption script’ that establishes them as good people corrupted by bad circumstances – the offender acknowledging his behaviour at *that* time which implies he is no longer that person. Furthermore, Maruna (2001) states that desisters then redeem themselves and narrate a ‘turning point’ that helps them to go straight. From the perspective of the RJ facilitator, it was the RJ process that provided the opportunity for this ‘turning point’ narrative to occur within the offender. Finally, Maruna (2001) claims redemption narratives forecast a purposeful future – reflected in the offender’s commitment to attend programmes that would assist him in addressing his issues. Robinson and Shapland (2008) also note that, because RJ is a voluntary process, those that are willing to participate are also more likely to be motivated to desist from crime – which also reflects the behaviour of the offender.

Furthermore, Participant two, similar to participant one, described an offender who seemed initially not suitable for an RJ conference, given that he refused to discuss what had happened, and did not respond to any questions asked. However, the offender did open up once rapport was developed between the facilitator and the offender, and the offender maintained contact with the facilitator while the victim was being contacted and pre-conferenced. Participant two then stated that when the offender was pre-conferenced again, a change in the offender was evident by his appearance and willingness to discuss the events. The participant recalls the

offender stating that their discussions allowed him to think about his actions and wanting to put things right, as well as acknowledging he did not want to go back to prison for the sake of his children.

The participant's description also demonstrates all elements of a redemption narrative. As mentioned previously, Robinson and Shapland (2008) state that an offender who is willing to participate in an RJ conference, is more likely to be motivated to desist from crime. The actions of the offender demonstrate that the process of desistance had occurred for him during the pre-conference meeting as he maintained contact with the facilitator and showed a willingness to participate in the RJ conference. Furthermore, Maruna (2001) discusses the need for a 'redemption script' that allows desisters to narrate themselves as good people corrupted by bad circumstances. Whilst it was not discussed whether the offender exhibited this behaviour, it is apparent that this had occurred because of his commitment to make things right for his victim. Maruna (1999) identified that desisters attribute the change in their lifestyle to a person or people that could see past their mistakes. It could be suggested that the offender's children contributed to his 'turning point' narrative as he recognised the need to be present for his children.

Therefore, the findings suggest that RJ processes enable offenders to begin the process of narrating a redemption script. It could be argued that this process occurs before the commencement of an RJ conference, indicating that offenders may have to exhibit feelings of self-worth and empowerment during the pre-conference stage already in order for RJ processes to be successful in the sense that this allows offender to actively participate in the process, take responsibility for their actions, and repair the harm caused.



## Chapter Six: Conclusion

---

The purpose of this study was to explore whether RJ has the capacity to (dis-) empower offenders of Māori descent, through the perspectives of four currently practising RJ facilitators. This thesis also attempted to answer the following research questions: “How does the concept of empowerment fit into the paradigm of restorative justice in New Zealand from the perspective of currently practising restorative justice facilitators”; “How do restorative justice processes enable the empowerment of adult Māori offenders in the eyes of currently practising restorative justice facilitators”; and “What common observable characteristics in adult Māori offenders suggest to currently practising restorative justice facilitators that these offenders feel empowered through restorative justice processes”. The following section will provide a summary of how the research was conducted, the findings and implications of the research and will conclude with a discussion on future directions.

The focus of this study was to explore whether restorative justice has the capacity to (dis-) empower offenders of Māori descent through the perspective of four currently practicing RJ facilitators. This research implemented a qualitative exploratory approach, aligned with a kaupapa Māori framework and was done so to ensure the perspectives of the participants were respected. This research was also governed by Te Āo Māori and tikanga Māori. Semi-structured interviews were conducted with the four currently practising RJ facilitators with a general inductive approach used to analyse the data. The findings were then presented in a manner that ensured the participant’s narratives were not misinterpreted, as well as allowing the reader the opportunity to draw their own conclusions without being persuaded by the primary researcher. The presentation of the findings also align with kaupapa Māori, in that it serves to decolonize this research and empower the voices of the participants. The discussion section of this research was presented in a manner that critically analysed the findings in relation to the research questions developed for this study to ensure each research question was answered adequately.

The findings suggest that the RJ facilitators in this study view empowerment as a broad concept, which could not be univocally agreed upon. The RJ facilitators in this study also have an understanding of empowerment that differs from its definition in the New Zealand literature on RJ. However, while the RJ facilitators in this study provided varying understandings of empowerment,

they all considered the concept to be of importance to RJ. The findings of the research also suggest that New Zealand RJ facilitators understand empowerment from a general perspective, which differs from the distinction between victim and offender empowerment that is reiterated in the literature.

Furthermore, RJ facilitators believe RJ processes are empowering for Māori offenders because they have the choice to participate in RJ conferences and the opportunity to talk with their victim. Additionally, half of the participants also acknowledged that the limited timeframe to complete an RJ conference restricts the RJ facilitator from assessing and measuring levels of empowerment within offenders. However, the findings also identify varying understandings of disempowerment. Because it is not overtly discussed in the literature in the same capacity that empowerment is, this could contribute to the different interpretations of disempowerment, thus providing incongruent assessments of offender disempowerment.

Finally, from the perspectives of New Zealand RJ facilitators several common characteristics suggest that adult Māori offenders feel empowered through RJ processes. Firstly, they noted that Māori offenders demonstrated a willingness to participate in restorative justice conferences either on their own accord or through discussions with the facilitators. Furthermore, the RJ facilitators in this study acknowledged that Māori offenders would hold themselves accountable for their actions which then demonstrated a willingness to repair the harm. These characteristics are often mentioned in RJ literature both internationally and within New Zealand as an integral component of the RJ process.

Further research is envisaged on the basis of this exploratory study. As mentioned in the limitations section of this thesis, the study lacked representation of the perspectives of Māori offenders. Further research could explore whether Māori offenders are given the opportunity to feel empowered through the RJ process and what characteristics do Māori offenders possess that enable feelings of empowerment. Secondly, given that this study is exploratory in nature, further research needs to be conducted to expand on and confirm the findings presented in this study with a representative sample of RJ facilitators across New Zealand. Special attention should be paid to RJ facilitators understandings of empowerment and disempowerment and whether this has an impact on the effectiveness of RJ processes and on the assessment of offender (dis-) empowerment.

Finally, this exploratory study indicates that RJ processes – in particular pre-conference meetings - may facilitate narrative turning points in accordance with narrative desistance theory. If this is indeed the case, it will be subject of future research. The observations RJ facilitators have described in regards to offender identity narratives suggests that RJ processes may be able to facilitate a shift.

Similarly, Lawaert and Aertsen (2015, p. 108) found in a study on RJ process for young and adult offenders in Austria, Belgium, and Northern Ireland that RJ may have the potential to initiate changes in offender identity narratives but that RJ processes mostly acted in support of already occurring change processes.

“That is not totally surprising. RJ processes are voluntary and offenders have often admitted guilt or at least their role in the offence. They chose to participate in the restorative justice process and this suggests a certain openness to look into one’s own behaviour and its effect on others. It is probable that at least a part of the participants were already considering desistance. This is certainly the case in RJ programmes in which the parties themselves request the mediation”.

Admittedly, Lawaert and Aertsen (2015) focused only on the potential of RJ conferences to initiated redemption narratives. This study indicates that future research should pay more attention to pre-conference consultations between facilitators and offenders and their potential to initiate shifts from condemnation to redemption script in adult Maori offenders.

## Glossary of Māori terms

The glossary of terms provides only a basic translation for the ease of the reader. All Māori words identified in this thesis are contained in this glossary, excluding those outlined in Table 2 and 3. Translations found in (Moorfield, 2011).

Māori Term	Translation
Aotearoa	New Zealand
Aroha	Affection, sympathy, love
Hapū	Sub-tribe
Hui	Gathering, meeting, conference
Iwi	Tribe, people
Kai	Food
Kapahaka	Māori cultural group
Karakia	Chant, prayer
Kaumatua	Elder, a person of status
Kaupapa Māori	Māori approach, Māori ideology
Korero Tawhito	Ancient stories
Kuia	Female Elder
Mana Motuhake	Autonomy, self-determination
Māori	Indigenous peoples of Aotearoa
Marae	Courtyard in front of whareniui where formal greetings and discussions take place
Marae ātea	Courtyard, public forum. Open area in front of whareniui where issues are debated
Mātauranga Māori	Māori knowledge
Mau Rakau	Wield weapons
Mōhiotanga	Knowledge, intelligence
Muru	Take ritual compensation – means of seeking justice
Noa	To be free from the extensions of tapu
Pākehā	Foreigner, New Zealander of European descent
Pōwhiri	Welcome ceremony, invitation
Rangiātea	Place in Hawaiki, heaven
Tangihanga	Funeral, weeping
Tapu	Sacred, prohibited
Te Ao Māori	The Māori world
Te Kohanga Reo	Māori language preschool
Te reo Māori	The Māori language
Tēina	Younger brother, sister or cousin
Tikanga Māori	Māori customs and traditions
Tino Rangatiratanga	Self-determination, sovereignty
Tohunga	Skilled person, expert
Tuakana	Elder brother, sister or cousin
Wānanga	Learning, seminar, conference
Whakama	Shame, embarrassment
Whakapapa	Genealogy, lineage, descent
Whakatauki	Proverb, significant saying
Whanau	Extended family, family group
Whare	House, dwelling, residence

## References

---

- Aertsen, I., Bolivar, D., de Mesmaecker, V., & Lauwers, N. (2011). Restorative justice and the active victim: Exploring the concept of empowerment. *Temida, 14*, 5-19.
- Armstrong, J. (2012). Factors contributing to victims' satisfaction with restorative justice practice: A qualitative examination. *British Journal of Community Justice, 10*(2), 39-54.
- Arrowsmith, A. (2009). Critical concepts: Some literary/cultural theory keywords. Retrieved from [http://facweb.northseattle.edu/cadler/resources\\_writing/Critical%20Concepts.htm](http://facweb.northseattle.edu/cadler/resources_writing/Critical%20Concepts.htm)
- Ashworth, A. (2002). Responsibilities, rights and restorative justice. *The British Journal of Criminology, 42*(3), 578-595.
- Barlow, C. (1991). *Tikanga Whakaaro; key concepts in Maori Culture*. Auckland, NZ: Oxford University Press.
- Barnes, G. C., Hyatt, J. M., Angel, C. M., Strang, H., & Sherman, L. W. (2015). Are Restorative Justice Conferences More Fair Than Criminal Courts? Comparing Levels of Observed Procedural Justice in the Reintegrative Shaming Experiments (RISE). *Criminal Justice Policy Review, 26*(2), 103-130.
- Barton, C. (1999). Empowerment and Retribution in Criminal and Restorative Justice. *Journal of Professional Ethics, 7*(3&4), 111-135.
- Barton, C. (2000). Restorative Justice Empowerment. *The Australian Journal of Professional and Applied Ethics, 2*(2).
- Bishop, R., & Glynn, T. (1999). *Culture counts: changing power relations in education*. Palmerston North, New Zealand: Dunmore Press.
- Bonta, J., Wallace-Capretta, S., Rooney, J., & Mcanoy, K. (2010). An outcome evaluation of a restorative justice alternative to incarceration. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice, 5*(4), 319-338.
- Bowen, H. (1999). Making Justice Work. In H. Bowen & J. Consedine (Eds.), *Restorative Justice: Contemporary Themes And Practice*. Lyttelton, NZ: Ploughshares Publications.
- Braithwaite, J. (1989). *Crime, Shame and reintegration*. Cambridge, UK: Cambridge University Press.
- Braithwaite, J. (1998). Restorative Justice. In M. Tonry (Ed.), *The Handbook of Crime and Punishment* New York: Oxford University Press.
- Braithwaite, J. (1999). Restorative Justice: Assessing Optimistic and Pessimistic Accounts. *Crime and Justice, 25*, 1-127.
- Braithwaite, J. (2002). Setting Standards for Restorative Justice. *The British Journal of Criminology, 42*(3), 563-577.
- Braithwaite, J. (2003). Principles of restorative justice. In A. Von Hirsch, A. E. Bottoms, K. Roach, & M. Schiff (Eds.), *Restorative justice and criminal justice: competing or reconcilable paradigms?* Oxford; Portland, Or: Hart.
- Braithwaite, J., & Mugford, S. (1994). Conditions of Successful Reintegration Ceremonies. Dealing with Juvenile Offenders. *British Journal of Criminology, 34*(2), 139-171.
- Bush, R. A., & Folger, J. P. (1994). *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition*. San Francisco: Jossey-Bass Publishers.
- Bushway, S. D., Piquero, A. R., Broidy, L. M., Cauffman, E., & Mazerolle, P. (2001). An empirical framework for studying desistance as a process. *Criminology, 39*(2), 491-516.
- Carruthers, D. (2012). Restorative Justice: Lessons from the past, pointers for the future. *Waikato Law Review, 20*, 1-29.
- Cheung, M. (2008). The reductionist - holistic worldview dilemma. *MAI review, 3*, 1-7.
- Children, Young Persons, and Their Families Act, No. 24*. (1989). Retrieved from <http://legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html?src=qs>.

- Christie, N. (1977). Conflicts as Property. *The British Journal of Criminology*, 17(1), 1-15.
- Crime and Justice Research Centre, & Triggs, S. (2005). *Evaluation of the Court-Referred Restorative Justice Pilot: Technical Report*. Retrieved from Wellington:
- Daly, K. (2006). The limits of restorative justice. In D. Sullivan & L. Tifft (Eds.), *Handbook of Restorative Justice*. New York, NY: Routledge.
- Daly, K., Bouhours, B., Broadhurst, R., & Loh, N. (2013). Youth sex offending, recidivism and restorative justice: Comparing court and conference cases. *Australian and New Zealand Journal of Criminology*, 46(2), 241-267.
- Dannefer, D. (1984). Adult Development and Social Theory: A Paradigmatic Reappraisal. *American Sociological Review*, 49(1), 100-116.
- Deckert, A. (2014). Desistance. In J. M. Miller (Ed.), *The encyclopedia of theoretical criminology*. Hoboken, NJ: Wiley-Blackwell.
- Department of Corrections. (2007). *Over-representation of Maori in the criminal justice system. An exploratory report*. Retrieved from
- Department of Corrections, & Statistics New Zealand. (2013). New Zealand's prison population. Retrieved from [http://www.stats.govt.nz/browse\\_for\\_stats/snapshots-of-nz/yearbook/society/crime/corrections.aspx](http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/yearbook/society/crime/corrections.aspx)
- Dzur, A. W., & Olson, S. M. (2004). The Value of Community Participation in Restorative Justice. *Journal of Social Philosophy*, 35(1), 91-107.
- Edwards, S. (2012). *Na te Matauranga Maori, Ka Ora Tonu Te Ao Maori* Retrieved from
- Eglash, A. (1957). Creative restitution: a broader meaning for an old term. *Journal of Criminal Law, Criminology, and Police Science*, 48, 619-622.
- Eglash, A. (1958). Creative restitution: some suggestions for prison rehabilitation programs. *American Journal of Corrections*, 20(6), 20-34.
- Eglash, A. (1977). Beyond restitution: creative restitution. In J. Hudson & B. Galaway (Eds.), *Restitution in criminal justice* (pp. 91-129). Toronto: Lexington Books.
- Fergusson, D. M., Horwood, L. J., & Lynskey, M. T. (1993). Ethnicity and Bias in Police Contact Statistics. *Australian and New Zealand Journal of Criminology*, 26(3), 193-206.
- Galletta, A., & Cross, W. E. (2013). *Mastering the Semi-Structured Interview and Beyond: From Research Design to Analysis and Publication*. New York: New York University Press.
- Gavrielides, T. (2008). Restorative justice-the perplexing concept: Conceptual fault-lines and power battles within the restorative justice movement. *Criminology and Criminal Justice*, 8(2), 165-183.
- Gove, W. (1985). The Effect of Age and Gender on Deviant Behavior: A Biopsychosocial Perspective. In A. S. Rossi (Ed.), *Gender and the Life Course*. New York: Aldine.
- Hakiaha, M. (1999). Resolving Conflict from a Maori Perspective. In H. Bowen & J. Consedine (Eds.), *Restorative Justice Contemporary Themes and Practice*. Lyttelton, New Zealand: Ploughshares Publications.
- Harmsworth, G. R., & Awatere, S. (2013). Indigenous Maori knowledge and perspectives of ecosystems. In D. J. R. (Ed.), *Ecosystem services in New Zealand- conditions and trends*. Lincoln, New Zealand: Manaaki Whenua Press.
- Harrell, M. C., & Bradley, M. A. (2009). *Data Collection Methods. Semi-Structured Interviews and Focus Groups*. Retrieved from Arlington, Virginia:
- Harris, N. (2006). Reintegrative Shaming, Shame, and Criminal Justice. *Journal of Social Issues*, 62(3), 327-346.
- Hayes, H. (2005). Assessing Reoffending in Restorative Justice Conferences. *The Australian and New Zealand Journal of Criminology*, 38(1), 77-101.
- Hayes, H., & Daly, K. (2003). Youth justice conferencing and reoffending. *Justice Quarterly*, 20(4), 725-764.
- Hayes, H., & Daly, K. (2004). Conferencing and Reoffending in Queensland. *The Australian and New Zealand Journal of Criminology*, 37(2), 167-191.
- Henry, E. (2012). *Te Wairua Auaha: Emancipatory Maori Entrepreneurship in Screen Production*. (Doctor of Philosophy), Auckland University of Technology, Unpublished PhD Thesis-exegesis.

- Heron, J., & Reason, P. (1997). A Participatory Inquiry Paradigm. *Qualitative Inquiry*, 3(3), 274-294.
- Jackson, M. (1988). *Maori and the criminal justice system: He whaipanga hou: A new perspective*. Retrieved from Wellington, New Zealand:
- Johnstone, G. (2011). *Restorative Justice: Ideas, Values, Debates* (Second ed.). New York: Routledge.
- Jones, R., Crengle, S., & McCreanor, T. (2006). How Tikanga guides and protects the research process: Insights from Hauora Tane project. *Social Policy Journal of New Zealand*(29), 60-77.
- Julich, S. (2003). *Critical Issues in Restorative Justice: Advancing the Agenda in Aotearoa New Zealand* Auckland, NZ: Centre for Justice and Peace Development, Massey University
- Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *The Prison Journal*, 85(2), 127-144.
- Laub, J. H., & Sampson, R. J. (2001). Understanding desistance from crime *Crime and Justice*, 28, 1-69.
- Lauwaert, K., & Aertsen, I. (2015). *Desistance and restorative justice: Mechanisms for desisting from crime within restorative justice practices*. Retrieved from European Forum for Restorative Justice (EFRJ):
- Leibrich, J. (1994). What do offenders say about supervision and going straight? *Federal Probation*, 58(2), 41-46.
- Lord, J., & Hutchison, P. (1993). The Process of Empowerment: implications for Theory and Practice. *Canadian Journal of Community Mental Health*, 12(1), 5-22.
- Luke, G., & Lind, B. (2002). Reducing Juvenile Crime: Conferencing versus Court. *Crime and Justice Bulletin: Contemporary Issues in Crime and Justice*, 69, 1-19.
- Marshall, C. (2015). A gracious legacy: changing lenses in New Zealand. *Restorative Justice*, 3(3), 439-444.
- Marshall, T. F. (1996). The evolution of restorative justice in Britain. *European Journal on Criminal Policy and Research*, 4(4), 21-43.
- Maruna, S. (1999). *Desistance and development" The psychosocial process of 'going straight'*. Paper presented at the British Criminology Conferences: Selected Proceedings. Volume 2., Queens University, Belfast.
- Maruna, S. (2001). *Making good*. Washington, DC: American Psychological Association.
- Maruna, S. (2012). Elements of successful desistance signalling. *Criminology & Public Policy*, 11(1), 73-86.
- Maruna, S. (2014). The role of wounded healing in restorative justice: an appreciation of Albert Eglash. *Restorative Justice*, 2(1), 9-23.
- Maxwell, G. (2007a). The Defining Features of a Restorative Justice Approach to Conflict. In G. Maxwell & J. H. Liu (Eds.), *Restorative Justice and Practices in New Zealand*. Wellington, New Zealand: Institute of Policy Studies, Victoria University.
- Maxwell, G. (2007b). The Youth Justice System in New Zealand: Restorative Justice Delivered through the Family Group Conference. In G. Maxwell & A. Morris (Eds.), *Restorative Justice and Practices in New Zealand: Towards a Restorative Society*. Wellington: Institute of Policy Studies, Victoria University.
- Maxwell, G., Kingi, V., Robertson, J., Morris, A., & Cunningham, C. (2004). *Achieving Effective Outcomes in Youth Justice: Final Report*. Retrieved from Wellington:
- Maxwell, G., & Liu, J. H. (2007). *Restorative justice and practices in New Zealand: towards a restorative society*. Wellington, NZ: Institute of Policy Studies.
- Maxwell, G., & Morris, A. (1993). *Family, victims, and culture: Youth justice in New Zealand*. Wellington: Social Policy Agency and Institute of Criminology.
- Maxwell, G., & Morris, A. (2001). Family Group Conferences and Reoffending. In G. Maxwell & A. Morris (Eds.), *Restorative Justice for Juveniles. Conferencing, Mediation and Circles*. Oxford, Portland Oregon: Hart Publishing.
- Maxwell, G., & Morris, A. (2006). Youth Justice in New Zealand: Restorative Justice in Practice? *Journal of Social Issues*, 62(2), 239-258.

- Maxwell, G., & Morris, A. (2010). Restorative justice and reconviction. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 5(2), 133-146.
- McAdams, D. P. (2001). 'Coding Autobiographical Episodes for Themes of Agency and Communion'. Retrieved from [http://www.sesp.northwestern.edu/docs/Agency\\_Communion01.pdf](http://www.sesp.northwestern.edu/docs/Agency_Communion01.pdf)
- McAdams, D. P. (2011). Narrative Identity. In S. J. Schwartz, K. Luyckx, & V. L. Vignoles (Eds.), *Handbook of Identity Theory and Research* (pp. 99-115). New York, NY: Springer.
- McCold, P. (1996). Restorative justice and the role of community. In B. Galaway & J. Hudson (Eds.), *Restorative Justice: international perspectives* (pp. 85-101). New York: Criminal Justice Press.
- McCold, P. (2004). What is the Role of Community in Restorative Justice Theory and Practice? In B. Toews & H. Zehr (Eds.), *Critical Issues in Restorative Justice* Monsey, NY: Criminal Justice Press.
- McCold, P., & Wachtel, B. (1998). *Restorative Policing Experiment: The Bethlehem, Pennsylvania Police Family Conferencing Project*. Pipersville, PA: Community Service Foundation.
- McElrea, F. W. M. (1996). *Rape: Ten Years' Progress? An address to the Interdisciplinary Conference*. Wellington.
- McElrea, F. W. M. (1999). Taking Responsibility in Being Accountable. In H. Bowen & J. Consedine (Eds.), *Restorative Justice: Contemporary Themes And Practices*. Lyttelton, NZ: Ploughshares Publications.
- McElrea, F. W. M. (2007). Restorative Justice for Adult Offenders: Practice in New Zealand Today. In G. Maxwell & J. H. Liu (Eds.), *Restorative Justice and Practices in New Zealand: Towards a Restorative Society* (pp. 95-110). Wellington: Institute of Policy Studies, Victoria University.
- McNeill, F., & Weaver, B. (2010). *Changing Lives? Desistance Research and Offender Management*. Retrieved from Glasgow:
- Mead, H. M. (2003). *Tikanga Maori. Living by Maori Values*. Wellington: Huia (NZ) Ltd.
- Mead, H. M. (2012). *Understanding Matauranga Maori* New Zealand Qualifications Authority.
- Mechanic, D. (1991). Adolescents at Risk: New Directions. *Journal of Adolescent Health*, 12(8), 638-643.
- Mika, H., & Zehr, H. (2003). A Restorative Framework for Community Justice Practice. In K. McEvoy & T. Newburn (Eds.), *Criminology, Conflict Resolution and Reparative Justice*. New York, NY: Palgrave Macmillan.
- Ministry of Justice. (2001). *He Hinatore ki te ao Ao Maori: A glimpse into the Maori world*. Wellington: Ministry of Justice.
- Ministry of Justice. (2004). *Restorative Justice: Best Practice in New Zealand*. Wellington, New Zealand: Ministry of Justice.
- Mirsky, L. (2003). Albert Eglash and creative restitutions: a precursor to restorative justice. Retrieved from <http://www.iirp.edu/eforum-archive/4292-albert-eglash-and-creative-restitution-a-precursor-to-restorative-practices>
- Moewaka Barnes, H. (2000). "Kaupapa Maori: Explaining the ordinary". *Pacific Health Dialog*, 7(1), 13-16.
- Moorfield, J. C. (Ed.) (2011) (3rd ed.). Longman/Pearson Education New Zealand.
- Moyle, P. (2014). Maori social workers' experience of care and protection: A selection of findings. *Aotearoa and New Zealand Social Work Review*, 26(1), 55-64.
- Moyle, P., & Tauri, J. M. (2016). Maori, Family Group Conferencing and the Mystifications of Restorative Justice. *Victims and Offenders. An International Journal of Evidence-based Research, Policy, and Practice*, 11(1), 87-106.
- New Zealand Maori Council. (1999). Restorative Justice: A Maori Perspective. In H. Bowen & J. Consedine (Eds.), *Restorative Justice. Contemporary Themes And Practice*. Lyttelton, New Zealand: Ploughshares Publications.
- O'Reilly, J. (2014). *A review of Police and iwi/Maori relationships: Working together to reduce offending and victimisation among Maori*. Retrieved from Wellington:



- Page, N., & Czuba, C. E. (1999). Empowerment: What is it? *Journal of Extension*, 37(5).
- Patton, M. Q. (2002). *Qualitative Research and Evaluation Methods* (3rd Edition ed.). Thousand Oaks, California: Sage Publication.
- Pihama, L. (2015). Kaupapa Maori Theory: Transforming Theory in Aotearoa. In L. Pihama & K. Southey (Eds.), *Kaupapa Rangahau: A reader. A collection of readings from the Kaupapa Maori Research workshops series*. Hamilton, New Zealand: Te Kotahi Research Institute.
- Presser, L. (2009). The narratives of offenders. *Theoretical Criminology*, 13(2), 177-200.
- Rappaport, J. (1984). Studies in Empowerment: Introduction to the Issue. *Prevention in Human Services*, 3(2-3), 1-7.
- Reiter, B. (2013). The Epistemology and Methodology of Exploratory Social Science Research: Crossing Popper With Marcuse" In B. Reiter (Ed.), *The Dialectics of Citizenship. Exploring Privilege, Exclusion, and Racialization*. East Lansing: Michigan State University Press.
- Richards, K. (2011). Restorative Justice and "Empowerment": Producing and Governing Active Subjects through "Empowering" Practices. *Critical Criminology*, 19(2), 91-105.
- Robinson, G., & Shapland, J. (2008). Reducing Recidivism. A Task for Restorative Justice? *British Journal of Criminology*, 48(3), 337-358.
- Robinson, J., & Hudson, J. (2015). Restorative Justice: A Typology and Critical Appraisal null [article]. *Willamette Journal of International Law and Dispute Resolution*, 23(2), 335-366.
- Royal, T. A. C. (1998). Te Ao Marama - A Research Paradigm. *He Pukenga Korero*, 4(1), 1-8.
- Royal, T. A. C. (2007). *Matauranga Maori and Museum Practice. A Discussion*. Retrieved from Wellington:
- Royal, T. A. C. (2012). Politics and knowledge: Kaupapa Maori and matauranga Maori. *New Zealand Journal of Educational Studies*, 47(2), 30-37.
- Sandberg, S. (2010). What can 'lies' tell us about life? Notes towards a framework of narrative criminology. *Journal of Criminal Justice Education*, 21(4), 447-465.
- Smith, G. H. (1997). *The development of Kaupapa Maori: Theory and praxis*. University of Auckland, Auckland, Unpublished doctoral dissertation.
- Smith, G. H. (2003). *Kaupapa Maori Theory: Theorizing indigenous transformation of education and schooling*. Paper presented at the Kaupapa Maori Symposium, Hyatt Hotel, Auckland, New Zealand.
- Smith, L. T. (1999). *Decolonizing Methodologies: Research and Indigenous Peoples*. Dunedin: University of Otago Press.
- Smith, L. T. (2006). Researching in the margins: Issues for maori researchers - a discussion paper. *AlterNative: An International Journal of Indigenous Peoples*, 2(1), 5-27.
- Statistics New Zealand. (2013). 2013 Census ethnic group profiles: Maori Retrieved from [http://www.stats.govt.nz/Census/2013-census/profile-and-summary-reports/ethnic-profiles.aspx?request\\_value=24705&parent\\_id=24704&tabname=#24705](http://www.stats.govt.nz/Census/2013-census/profile-and-summary-reports/ethnic-profiles.aspx?request_value=24705&parent_id=24704&tabname=#24705).
- Stebbins, R. A. (2011). *Exploratory Research in the Social Sciences*
- Sullivan, D., & Tifft, L. (2005). *Restorative justice: healing the foundations of our everyday lives*. Monsey, NY: Willow Tree Press.
- Tauri, J. M. (1999). Explaining recent innovations in New Zealand's criminal justice system: Empowering Maori or biculturalising the state? *Australian and New Zealand Journal of Criminology*, 32(2), 153-167.
- Tauri, J. M., & Morris, A. (1997). Reforming Justice: The Potential of Maori Processes. *The Australian and New Zealand Journal of Criminology*, 30(2), 149-167.
- Tauri, J. M., & Webb, R. (2012). A Critical Appraisal of Responses to Maori offending. *International Indigenous Policy Journal*, 3(4), 1-16.
- Thomas, D. R. (2006). A General Inductive Approach for Analyzing Qualitative Evaluation Data. *American Journal of Evaluation*, 27(2), 237-246.

- Tipene-Matua, B., Phillips, H., Cram, F., Parsons, M., & Taupo, K. (2009). *Old ways of having new conversations: Basing qualitative research within Tikanga Maori*. Auckland: Katoa Ltd.
- Toews, B. (2013). Towards a restorative justice pedagogy: reflections on teaching restorative justice in correctional facilities. *Contemporary Justice Review*, 16(1), 6-27.
- Toews, B., & Katounas, J. (2004). Have Offender Needs and Perspectives Been Adequately Incorporated into Restorative Justice? In B. Toews & H. Zehr (Eds.), *Critical Issues in Restorative Justice*. Monsey, NY: Criminal Justice Press.
- Umbreit, M. S. (1994). *Victim Meets Offender. The Impact of Restorative Justice and Mediation*. New York: Willow Tree Press.
- Umbreit, M. S., Coates, R. B., & Vos, B. (2002). The Impact of Restorative Justice Conferencing: A Multinational Perspective. *British Journal of Community Justice*, 1(2), 21-48.
- Umbreit, M. S., Coates, R. B., & Vos, B. (2006). Victim offender mediation: an evolving evidence-based practice. In D. Sullivan & L. Tifft (Eds.), *Handbook of Restorative Justice*. New York, NY: Routledge.
- Umbreit, M. S., Coates, R. B., & Vos, B. (2007). Restorative Justice Dialogue: A Multi-Dimensional, Evidence-Based Practice Theory. *Contemporary Justice Review*, 10(1), 23-41.
- Umbreit, M. S., & Greenwood, J. (1999). National Survey of Victim-Offender Mediation Programs in the United States. *Mediation Quarterly*, 16(3), 235-251.
- Umbreit, M. S., Vos, B., & Coates, R. B. (2005). Restorative Justice Dialogue: A Review of Evidence-based Practice. *Offender Programs Report*, 9(4), 49-64.
- United Nations Office on Drugs and Crime (UNODC). (2006). *Handbook on Restorative Justice Programmes*. Retrieved from New York:
- Van Ness, D., & Strong, K. (2014). *Restoring Justice: an introduction to restorative justice*
- Van Ness, D., & Strong, K. (2015). A Brief History of Restorative Justice. The Development of a New Pattern of Thinking *Restoring Justice: An introduction to restorative justice*. Waltham, MA: Anderson Publishing.
- Van Wormer, K. (2004). Restorative Justice: A Model for Personal and Societal Empowerment *Journal of Religion and Spirituality in Social Work*, 23(4), 103-120.
- Vanfraechem, I., Bolivar Fernandez, D., & Aertsen, I. (2015). *Victims and Restorative Justice*: Routledge.
- Vieille, S. (2013). Frenemies: restorative justice and customary mechanisms of justice. *Contemporary Justice Review*, 16(2), 174-192.
- Vogt, W. P. (1999). *Dictionary of Statistics and Methodology: A nontechnical guide for the Social Sciences*. London: Sage.
- Von Hirsch, A., Ashworth, A., & Shearing, C. (2003). Specifying Aims and Limits for Restorative Justice: A 'Making Amends' Model? In A. Von Hirsch, J. Roberts, A. E. Bottoms, K. Roach, & M. Schiff (Eds.), *Restorative Justice and criminal justice: competing or reconcilable paradigms?* Oxford; Portland, Or: Hart.
- Walker, P. (2004). Partnership models within a Maori social-service provider. *International Journal of Social Welfare*, 13(2), 158-169.
- Walker, R. (1990). *Ka whawhai tonu matou = Struggle without end*. Auckland ; Harmondsworth: Penguin Books Ltd.
- Walker, S., Eketone, A., & Gibbs, A. (2006). An exploration of kaupapa maori research, its principles, processes and applications. *International Journal of Social Research Methodology*, 9(4), 331-344.
- Ward, T., & Langlands, R. (2009). Repairing the rupture: Restorative justice and the rehabilitation of offenders. *Aggression and Violent Behavior*, 14(3), 205-214.
- Webb, R. (forthcoming). Maori experiences of colonisation and Maori criminology. In A. Deckert & E. Sarre (Eds.), *Australian and New Zealand Handbook of Criminology, Crime and Justice*. London: Palgrave Macmillan.
- Wilson, J. (2005). Victim-Centered Restorative Justice: An Essential Distinction *Crime Victims Report*, 9(4).

- Wiri, R. K. J. (2001). *The Prophecies of the Great Canyon of Toi: a history of Te Whaiti-nui-a-Toi in the western Urewera Mountains of New Zealand*. The University of Auckland Unpublished Doctoral Thesis.
- Wood, W. (2015). Why Restorative Justice Will Not Reduce Incarceration. *British Journal of Criminology*, 55(5), 883-900.
- Youssef, C., Casey, S., & Day, A. (2016). Desistance: The "other side" of change and implications for maintenance programs. *Journal of Offender Rehabilitation*, 55(7), 443-465.
- Zehr, H. (1990). *Changing lenses: A new focus for crime and justice*. Scottsdale, PA: Herald Press.
- Zehr, H. (2005). *Changing lenses. A new focus for crime and justice* (Third ed.). Scottsdale, USA: Herald Press.
- Zernova, M. (2007a). Aspirations of Restorative Justice Proponents and Experiences of Participants in Family Group Conferences. *British Journal of Criminology*, 47(3), 491-509.
- Zernova, M. (2007b). *Restorative justice: ideals and realities*.

## Appendices

---

## Appendix A: AUTECH Approval



23 April 2015

Antje Deckert  
Faculty of Culture and Society

Dear Antje

Re Ethics Application: **15/68 (Dis-) Empowering adult offenders of Māori descent through restorative justice.**

Thank you for providing evidence as requested, which satisfies the points raised by the Auckland University of Technology Ethics Committee (AUTECH).

Your ethics application has been approved for three years until 23 April 2018.

As part of the ethics approval process, you are required to submit the following to AUTECH:

- A brief annual progress report using form EA2, which is available online through <http://www.aut.ac.nz/researchethics>. When necessary this form may also be used to request an extension of the approval at least one month prior to its expiry on 23 April 2018;
- A brief report on the status of the project using form EA3, which is available online through <http://www.aut.ac.nz/researchethics>. This report is to be submitted either when the approval expires on 23 April 2018 or on completion of the project.

It is a condition of approval that AUTECH is notified of any adverse events or if the research does not commence. AUTECH approval needs to be sought for any alteration to the research, including any alteration of or addition to any documents that are provided to participants. You are responsible for ensuring that research undertaken under this approval occurs within the parameters outlined in the approved application.

AUTECH grants ethical approval only. If you require management approval from an institution or organisation for your research, then you will need to obtain this. If your research is undertaken within a jurisdiction outside New Zealand, you will need to make the arrangements necessary to meet the legal and ethical requirements that apply there.

To enable us to provide you with efficient service, please use the application number and study title in all correspondence with us. If you have any enquiries about this application, or anything else, please do contact us at [ethics@aut.ac.nz](mailto:ethics@aut.ac.nz).

All the very best with your research,

A handwritten signature in black ink, appearing to read 'K O'Connor', is written over a light blue horizontal line.

Kate O'Connor  
Executive Secretary  
Auckland University of Technology Ethics Committee

Cc: Ariana Kingi

# Participant Information Sheet



Date Information Sheet Produced:

07/04/2016

## Project Title

(Dis-) Empowering adult offenders of Māori descent through restorative justice.

## An Invitation

Kia ora koe,

My name is Ariana Kingi (Ngāti Porou/Ngāpuhi). I am a student at Auckland University of Technology (AUT) completing my Master of Arts (Conflict Resolution) qualification. I am conducting research that looks at how restorative justice can empower Māori adult offenders. Your participation in this study is completely voluntary and you are able to withdraw at any time before the data collection is completed. In that case, any information given by you will be destroyed.

## What is the purpose of this research?

I am undertaking this research to fulfil the requirements of my Master of Arts (Conflict Resolution) qualification.

## How was I identified and why am I being invited to participate in this research?

You are being invited to participate in this research as you have experience as a restorative justice facilitator. You have also been identified as you have had experience being a restorative justice facilitator in a Māori provider.

## What will happen in this research?

This research is made up of one interview. The interview will be conducted over a 30-60 minute period and will be recorded on a digital voice recorder. You will be asked a series of questions related to your profession and your views around the research topic.

## What are the discomforts and risks?

There should be no foreseeable discomforts or risks.

## How will these discomforts and risks be alleviated?

You can choose to invite a support person/s with you during our conversation.

### **How will my privacy be protected?**

All information shared by you is completely confidential. If any information shared by you is put into the final research, I will change any details that may identify who you are. Once our conversation has been transcribed, I will send that information to you to look over and confirm or change if need be.

### **What are the costs of participating in this research?**

By participating in this research, a total of 30-60 minutes will be needed to complete the interview process.

### **What opportunity do I have to consider this invitation?**

You have at least a week to consider the invitation. If you do agree to participate please contact me (details below) to organise a time that is convenient for you.

### **How do I agree to participate in this research?**

A copy of the consent form is attached to the participant information sheet for you to sign. Spare copies will be available on the day if you lose or forget your form.

### **Will I receive feedback on the results of this research?**

You have the option of receiving a summary of the findings from this research. If you choose to do so, we can make an arrangement on how you would like it sent to you.

### **What do I do if I have concerns about this research?**

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, *Dr Antje Deckert*, [adeckert@aut.ac.nz](mailto:adeckert@aut.ac.nz), +64 9 921 9999 extn 6852

Concerns regarding the conduct of the research should be notified to the Executive Secretary of AUTEK, Kate O'Connor, [ethics@aut.ac.nz](mailto:ethics@aut.ac.nz), 921 9999 ext 6038.

### **Whom do I contact for further information about this research?**

#### ***Researcher Contact Details:***

Name: Ariana Kingi

Email: [akingi@aut.ac.nz](mailto:akingi@aut.ac.nz)

Phone +64 9 921 999 extn 6275      Mobile: 021-164-9681

#### ***Project Supervisor Contact Details:***

Name: Dr Antje Deckert

Email: [adeckert@aut.ac.nz](mailto:adeckert@aut.ac.nz)

Phone: +64 9 921 9999 extn 6852

Approved by the Auckland University of Technology Ethics Committee on *April 23<sup>rd</sup>, 2015*, AUTEK Reference number *15/68*.

# Consent Form



**Project title: (Dis-) Empowering adult offenders of Māori descent through restorative justice.**

**Project Supervisor: Dr Antje Deckert**

**Researcher: Ariana Kingi**

- I have read and understood the information provided about this research project in the Information Sheet dated 07/04/2016.
- I have had an opportunity to ask questions and to have them answered.
- I understand that notes will be taken during the interview and that they will also be audio-taped and transcribed.
- I understand that I may withdraw myself or any information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- If I withdraw, I understand that all relevant information including tapes and transcripts, or parts thereof, will be destroyed.
- I agree to take part in this research.
- I wish to receive a copy of the report from the research (please tick one): Yes  No

Participant's ..... signature:

Participant's ..... name:

Participant's Contact Details (if appropriate):

.....  
.....  
.....  
.....

Date:

**Approved by the Auckland University of Technology Ethics Committee on April 23<sup>rd</sup>, 2015  
AUTEC Reference number 15/68**

*Note: The Participant should retain a copy of this form*



