

**USING CIRCLES OF SUPPORT AND ACCOUNTABILITY
IN CHINA: PROSPECTS AND PROBLEMS**

by

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ABSTRACT

Sex offenders are a major focus of both current crime control policies and public concerns about crime. Using the philosophy of restorative justice, a program in Canada, Circles of Support and Accountability, was created to endeavour to reintegrate sex offenders back into the community in a productive, and supportive fashion while still holding the ex-offender accountable. Rather than responding to crime as a violation of laws that requires the use of formal court proceedings to dispense punishment, restorative justice treats crime as a violation of people and relationships. In China, higher-risk offenders are frequently detained until the end of their sentences, resulting in many being released with little or no community support. By reviewing the characteristics and social control mechanisms in contemporary Chinese society, the current study examines whether Circles of Support and Accountability can be adopted in China.

Keywords: restorative justice; sex offender; China

DEDICATION

To my families.

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CHAPTER 1 INTRODUCTION

Sex offenders are a major focus of both current crime control policies and public concerns about crime. Various treatments have been available for many years to modify the behaviour of sex offenders (Launay, 2001), while community notification laws have been more recently passed to increase public awareness of the presence of offenders in the community (Finn, 1997). Zimring (2004) has identified four assumptions underlying current law and policies that project an image of sex offenders. Elements of this image of sex offenders include (i) pathological sexual orientation, (ii) sexual specialization, (iii) fixed sexual proclivities, and (iv) a high level of future sexual dangerousness. Both traditional treatment practices and current public policy are predicated on the assumption that most sex offenders are specialists who persist in sex offending across their criminal careers.

Although a number of programs have linked sex offender treatment with reduced recidivism, Seager, Jellicoe and Dhaliwal (2004) have noted that sex offender programs are not changing the psychological characteristics that affect recidivism. That is, promulgating current sex offender programs as effective treatment that reduces sexual offending could be deemed deceptive. Some sex offenders pretend to be model prisoners, but following release, they show their true colours. Therefore, preventing sex offenders from reoffending continues to be a challenge.

Contemporary public policy affecting sex offenders includes offender registries, community notification campaigns, civil commitment laws, chemical castration, and increased sentences for sexual offenses (Wood, Grossman and Fitchner, 2000). During the past two decades, the U.S. Congress passed three laws¹ that collectively require states to strengthen the procedures they use to keep track of sex offenders. All three statutes require states to establish registration programs so that local law enforcement and community officials will know the whereabouts of sex offenders released into their jurisdiction, and enforce notification programs so the public can be warned about sex offenders living in the community (Chaiken, 1998). These legislatures taken by the criminal justice system were based on the assumption that individuals having committed a sexual offence tend to specialize in sexual crimes (Lussier, 2005). However, a study of prior criminal records and recidivism measures has shown that sex offenders do not restrict themselves to sexual crimes (Lussier, 2005).

Although not all sex offenders are violent, in recent years highly publicized, brutally violent attacks were perpetrated by convicted but released sex offenders on young, vulnerable victims (Willis and Grace, 2009). In China, it is not uncommon for sex offenders to repeat their offenses. For instance, on March 12, 2008 in the city of Fushun a released sex offender, Qi Jun, brutally attacked a young woman while under the influence of alcohol. The victim was subjected to sadistic acts like biting, cutting, and tearing, and was saved only when the villagers arrived on the scene and interrupted the attack. Qi was

¹ The laws were (i) The Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act (enacted in 1994), (ii) the federal version of Megan's Law (enacted in 1996), and (iii) the Pam Lychner Sexual Offender Tracking and Identification Act (enacted in 1996).

arrested and sentenced to death. He had been sentenced previously for sexually assaulting teenage girls, and had even dumped a girl into a landfill. There is no legislation in China that requires the state to notify the public where a released sex offender will be located when he has completed his sentence, and there are no support systems to assist sex offenders in the community².

Generally, most communities reject a sex offender when he is released from prison after serving his entire sentence. Also, there are few community resources to help him deal with the many psychosocial problems that put him at risk to re-offend (Hannem and Petrunik, 2004). Moreover, with the prevalence of computers, some countries have recently established a system of sex offender registries and the public are able to get information about sex offenders through the Internet. However, some have argued that this is a violation of the sex offender's privacy and that sex offenders are punished twice for their sexual offenses (Li, 1992). The released sex offender should get a chance to reintegrate into society. It is possible that many sex offenders do not intend to reoffend following their release from prison, but the support networks and resources to follow through on those intentions are inadequate once these offenders are released back into the community.

Lussier, LeBlanc and Proulx (2005) argued that for rapists the propensity to engage in sexual behaviours could be because of low self-control or difficulties in resisting the temptation that deviant opportunities present. According to

² March 15, 2008. Fushun Daily.China.

Marshall (1996), sexual offenders have deficits in adaptive coping skills necessary to fulfil their emotional needs and to deal with stressful situations. They tend to use deviant sexual activities as coping strategies to deal with the high-risk situations (Looman, 1999). The high-risk situations most frequently observed are negative emotional states (e.g. anger, loneliness, and humiliation) and interpersonal conflicts (McKibben, Proulx and Lussier, 2001). Pithers and colleagues argued a treatment program to sex offenders “is specifically designed to help clients to maintain control of a problem behaviour over time across situations” (as cited in McKibben et al., 2001, p. 259). The aims of such a treatment program are to help a sex offender to identify his offense precursors, and to teach him coping strategies to deal with a high-risk situation (e.g., social skills, negative emotions management skills) and lapses (e.g., covert sensitization, cognitive restructuring) (McKibben et al., 2001).

An approach has existed in Canada for ten years that is designed to support and reintegrate sex offenders who are released back into the community. This approach, known as Circles of Support and Accountability (CoSA), starts with the premise that community protection can be enhanced by taking a restorative justice approach that combines both the concerns of public safety and offender reintegration (Hannem and Petrunik, 2004). Restorative justice is increasingly becoming a popular alternative to retributive approaches within the Canadian criminal justice system.

The paper begins with a review of the theoretical framework of the program – restorative justice – followed by a description of the functions of

Circles of Support and Accountability. The next section addresses the sex offender crime rate in China and reviews the characteristics and social control mechanisms in contemporary Chinese society. The paper closes with a discussion of the extent to which CoSA could be utilized in China.

CHAPTER 2 RESTORATIVE JUSTICE

2.1 Philosophy of Restorative Justice

Circles of Support and Accountability are committed to the principles of restorative justice. To discuss the influence of restorative justice on the program, we first review the restorative justice principles and models that are the conceptual foundation of the program.

Rather than responding to crime as a violation of laws that requires the use of formal court proceedings to dispense punishment, restorative justice treats crime as “a violation of people and relationships. Crime creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance” (Zehr, 2002, p.19). In short, restorative justice is a theory that focuses on crime as an act against another individual or community rather than the state. Unlike the retributive justice focuses on punishing the crime, restorative justice emphasizes fixing the harm that resulted from the offence. Also, this approach aims to treat all the parties involved equally and to let everyone involved participate in the resolution of conflict (Pranis, Stuart and Wedge, 2003).

One of the most compelling and promising ideas of restorative justice is that conflict is seen as an opportunity for growth and development, as opposed to a problem. To be pragmatic for a moment, conflict is virtually impossible to avoid or prevent and will always exist on some level and between certain people. So

perhaps finding ways in which we can successfully overcome something we cannot prevent is a feasible approach. Restorative justice is therefore “justice that allow us to re-build from the ground up, not only the way we relate to others but also the way social arrangements through which we live with and among others in our everyday lives” (Sullivan and Tifft, 2005, p. 196).

The fundamental principle of restorative justice is that private citizens be given the opportunity to be actively involved in the justice process (Prison Fellowship International Centre for Justice and Reconciliation, n.d.). In practice, this means that victims, offenders and their support persons are invited to participate in the process of finding a resolution to an offence, often with other community members functioning as coordinators of restorative programs and facilitators of restorative processes (Walgrave,2005). Victims have an opportunity to express the full impact of the crime upon their lives, to receive answers to any lingering questions about the incident, and to participate in holding the offender accountable for his or her actions. Offenders can tell their stories of why the crime occurred and how it has affected their lives. They are given an opportunity to make things right with the victims, that is, to heal the damage they have caused to the injured parties.

The second core element of restorative justice emphasizes that government’s role is to preserve public order, while the community's role is to build and maintain peace (Prison Fellowship International Centre for Justice and Reconciliation, n.d.). The current retributive correctional system is failing to reduce recidivism rates amongst many offenders. In the punitive system, jails are

used as a way to satisfy the public that criminals are being punished; however, a jail sentence does not heal anyone (Herman, 1997), and sometimes angers offenders even further, causing them to turn to more violent crimes once released. Restorative justice transforms the traditional relationship between communities and their governments in responding to crime. People involved in restorative practices must work together to figure out what works best for everyone. These are usually the victim, the offender, their individual support people (family, friends, others) and the community (Zehr, 1990). In practice, community is where people live and interact with each other, but there are also networks of relationships that are not geographically defined (Zehr, 1990). Restorative justice has tended to focus on the micro-communities of place or relationships which are directly affected by an offense but are often neglected by state justice.

Unlike the adversarial justice process, the community has the power to address justice issues in ways that are adjusted to the special needs of that particular community. Restorative justice requires elevating the roles of those traditionally excluded from the process, particularly the victim and the community (Umbreit, 1996). Community members have important roles to play and may also have responsibilities to victims, to offenders, and to themselves. Government, criminal justice professionals and society in general also need to be included in appropriate ways within these processes (Van Ness and Heetderks, 2002).

The third principle is that justice requires that we work to restore those who have been injured (Prison Fellowship International Centre for Justice and

Reconciliation, n.d.). The goal of restorative justice is to repair the harm to the victims, the offender, and the community. Instead of asking who deserves to be punished and for how long, restorative justice asks how to repair the harm and prevent a similar event from happening in the future. As Sullivan and Tifft (2005) have stated “we have a collective responsibility to see that those harmed directly and indirectly have their needs met” (p. 136). The restorative justice perspective argues that those directly harmed should have decision-making authority with respect to the resolution of the crime. It assumes that a consensus approach to justice is the most effective response to crime. Therefore, a core value of restorative justice is that there should be a balance among the victims, offenders, and the community that constitute the three so-called “customers” of the criminal justice system (Koss, Bachar, Hopkins and Carlson, 2004).

In the face of conflict, restorative justice is an approach that views misconduct and crime as a violation of people and relationships. It strives to provide supportive and safe opportunities for the voluntary participation and communication between the stakeholders – victims, offenders, and community – to encourage accountability, reparation, and a movement towards a common understanding (Zehr, 2002). With community involvement, restorative justice encourages a community to build safe relationships among its members in order to prevent crime. Furthermore, safer communities are built through co-operative efforts by victims, offenders, communities, and governmental sectors. In contrast to the traditional criminal justice system which tends to be more exclusionary with respect to the individuals involved, restorative processes view criminal actions

more comprehensively and involve more of the parties impacted by crime. Most importantly, it does not view crime as simply a breach of the law.

Restorative justice is a way of thinking about harm and conflict, and a way of acting on that thinking. Restorative justice challenges us, as a community, to examine how we respond to and resolve conflict and deal with the results of harmful behaviours. It seeks to find a resolution that does not invoke the full force of the criminal justice system, and provides opportunities for the reintegration of the individual into the community. The victims, their families and friends, and the broader community are viewed as the recipients of the harm caused by an offender's behaviour. With restorative justice, the current criminal justice and corrections systems are transformed to make victims central to the way in which crimes are resolved and in decisions about how the damage from the crime is repaired. Community is involved in preventing crime, improving neighbourhoods, and strengthening the bonds among community members. Offenders voluntarily take accountability for their criminal behaviours, which means taking personal responsibilities for their actions and becoming a positive part of the community. The state has the responsibility to ensure that the offender is held accountable to the victim and community and that the process of accountability is fair (Umbreit, Coates and Kalanj, 1994).

2.2 Values and Processes

Restorative justice is “a theory that emphasizes repairing the harm caused or revealed by criminal behaviour” (Van Ness and Strong, 2002, p.39). As a peacemaking tool, restorative justice takes a needs-based approach and

considers all the participants involved in an inclusive and cooperative process. At the center of the process is a focus on building, repairing and reinforcing relationships (Van Ness and Strong, 2002). As Sullivan and Tifft (2005) have stated, “the principle concern of needs-based justice is encouraging the full development of each individual in accord with each individual’s intelligible life plan and to simultaneously meet the needs of others so as to support the equal well-being of everyone at a satisfying level” (p. 112).

During a restorative justice healing process, such as a peacemaking circle, constraining values such as non-domination, respectful listening, equal concern, and respect for fundamental human rights, all exist to help heal the harm experienced by the victim and attach accountability to the offender (Van Ness and Strong, 2002). The maximizing values of restorative justice are the restoration of property, emotional restoration, restoration of dignity, compassion, and social support (Sullivan and Tifft, 2005). Compared to retributive justice, which is concerned only with punishing offenders, restorative values are positive and beneficial.

The values expressed by the criminal justice system are lacking in regards to helping the victims. Victims are peripheral to the process of responding to and resolving the criminal incident. Alternative processes that include the values necessary to help offenders and victims can be in the form of peacemaking circles, victim-offender mediation, family group conferencing, and sentencing circles. Victims, whether individual or community, have a key role to play in the process of resolving the crime. Values such as respect, healing, empathy,

honesty, collective action, cooperation, and communication are required for restorative justice skills and processes to be utilized.

Normative values are the values the world should live by. These values can include; solidarity, peace, active responsibility and respect. Our world, however, lives largely by the values of punishment and pain. Our current values are not helpful to offenders, victims, or the community. When these values are acted on by individuals, they often amount to crimes in themselves. In restorative justice practice, everyone needs to recognize the needs of others, assist each other in the healing process following a crime, and be willing to work together to find the best solution. The operational values restorative justice uses to help heal the pain after an offence are collaboration, empowerment, moral education, assistance, and amends (Sullivan and Tifft, 2005). All of these values are important in restorative justice and exist to help find a solution to a problem.

It is true that “we can see that adopting a needs-based restorative perspective on justice, which includes making a commitment to its practices, does not occur without a transformation in our lives, oftentimes a significant transformation”(Sullivan and Tifft, 2005, p.150). This is because changing from retributive values to restorative values would change a person from thinking about punishment and harm to forgiveness and peace. Restorative justice values resolution and inclusion; therefore, “those who wish to embrace restorative justice principles as a way to respond to harm must feel at home with social arrangements that are structurally inclusive and that foster the expression of voice, rather than dismiss or muffle it”(Sullivan and Tifft, 2005, p.149).

Restorative justice values are very powerful in the sense that they can change the lives of many people in a beneficial way.

Restorative approaches attempt to repair the harm done by direct contact between victim and offender rather than impose a resolution mandated by the state. The main elements of restorative justice are participation, by bringing people together; and consideration, by actively listening; and respect, by mutual actions (Van Ness and Strong, 2002). The process of reparation involves bringing the offender, the victim and representatives of the community together to problem-solve and look for outcomes that are satisfying to all parties (Elliott, 2002). This process of mediation would negotiate a settlement and initiate a process of understanding that would culminate in forgiveness and healing for both the victim and the offender (Elliott, 2002).

Restorative justice also involves individual community members, community agencies, police, schools, organizations, religious communities and businesses in a variety of preventive and responsive programs to bridge gaps between people and organizations and strengthen community bonds (Elliott, 2002). Communities have a right to feel safe and secure, and restorative justice helps communities build their sense of safety and capacity for collective action by having community members be active in peacemaking.

2.3 Restorative Justice and Trauma

Since restorative justice is designed to heal the harm inflicted upon victims, it is a way to help both the traumatized victims and the offenders who feel shame about what they have done. It is important to show respect to those

who are harmed, especially traumatized victims. The restorative justice model considers trauma to be an integral part of the system. It recognizes that trauma shatters our beliefs about safety and trust, and that it breaches simple, basic human relationships with family and friends.

Trauma is like the unpredictable aftershock that occurs following an earthquake. Sometimes, the damage caused by the aftershock is greater than the actual incident. Trauma can involve exposure to a life-threatening experience or can occur in non-life threatening situations especially when a person is exposed to violations by people or institutions they depend upon or trust greatly. Herman (1997) has argued that “traumatic events have primary effects not only on the psychological structure of the self but also on the systems of attachment and meaning that link individual and community” (p.51).

The psychological effects of trauma have only recently been acknowledged, and then usually in non-criminal justice contexts. Psychological trauma is a feeling of intense fear, helplessness, loss of control, and threat of annihilation (Herman, 1997). Traumatic events overwhelm the ordinary systems of care that give people a sense of control, connection, and meaning (Herman, 1997, p.33). At the moment of trauma, the victim is rendered helpless by overwhelming forces. Traumatic events shatter a person’s view of the self in relation to the outer world and one’s personal systems of meaning, control, and connectedness (Herman, 1997). When escape or resistance is impossible, when action proves to be of no avail, helplessness and horror simply overwhelm all human self-defense mechanisms (Gustafson, 2003). Traumatic symptoms have

a tendency to become disconnected from their source and to take on a life of their own (Herman, 1997). The traumatized person may experience intense emotion but without a clear memory of the event, or may remember everything in detail but without emotion. The traumatic memories are preserved in an abnormal state, set apart from ordinary consciousness.

Those who have been exposed to life-threatening experiences may experience trauma and suffer from post-traumatic stress disorder. The symptoms of post-traumatic stress disorder fall into three main categories: hyperarousal; intrusion; and constriction (Herman, 1997). Hyperarousal reflects the persistent expectation of dangers; intrusion reflects the victim's feeling of guilt and anxiety (he or she relives flashbacks); and constriction reflects the victim's experiences with denial, loss of control, or emotional numbness. First, after a traumatic experience, the human system of self-preservation seems to go onto permanent alert, as if the danger might return at any moment (ibid). In this state of hyperarousal, the traumatized person startles easily, reacts irritably to small provocations, and sleeps poorly (ibid). Herman (1997) has interpreted the irritability and explosively aggressive behaviour of traumatized men as disorganized fragments of a shattered fight or flight response to overwhelming danger. People with post-traumatic stress disorder take longer to fall asleep, are more sensitive to noise, and awaken more frequently during the night than those who have not experienced trauma. Thus, a traumatic event appears to recondition the human nervous system.

Second, long after the danger is past, traumatized people relive the events as if they were continually recurring. The traumatic moment becomes encoded in an abnormal form of memory, which breaks spontaneously into consciousness, both as flashbacks during waking states and as traumatic nightmares during sleep (Herman, 1997). Traumatized people cannot resume the normal course of their lives because the trauma repeatedly interrupts; it arrests the course of normal development by its repetitive intrusion into the survivor's life. The trauma is resolved only when the survivor develops a new mental scheme for understanding what has happened (Herman, 1997).

Last, when a person is completely powerless, and any form of resistance is ineffective, he or she may go into a state of surrender. The powerless person escapes from the real world by altering his or her state of consciousness. These alterations of consciousness are at the heart of constriction or numbing, the third crucial symptom of post-traumatic stress disorder (Herman, 1997). The person may feel as though the event is not happening to him or her, or as though the whole experience is a bad dream from which he or she will shortly awaken. Traumatized people who cannot dissociate from traumatic events may attempt to produce numbing effects by using alcohol or drugs. The constrictive symptoms of the traumatic neurosis apply not only to thought, memory, and states of consciousness but also to the entire field of purposeful action and initiative (Herman, 1997). In an attempt to create some sense of safety and to control their pervasive fear, traumatized people restrict and deplete their lives, and ultimately perpetuate the effects of the traumatic event (Herman, 1997).

2.4 Trauma and Stakeholders

Traumatic injury persists over an even longer period. When victims and communities are afflicted with serious crime such as a sexual offence, emotional trauma is a likely result. It may be worsened by financial losses, physical injury, or the death of a loved one, but the impact of sudden, random, arbitrary violence is, in itself, crisis-producing. In the current criminal justice system, practices and processes do not address these traumatic injuries and leave people feeling dissatisfied with the criminal justice system. Trauma can directly and indirectly affect the various stakeholders – victims, offenders, and the community. As a result, it can damage the relationships between the stakeholders, and victims and offenders alike do not know how to properly cope with their experiences.

For the victim, trauma can trigger feelings associated with the initial criminal event. Victims with post-traumatic stress experience constant feelings of fear, helplessness, and horror (Herman, 1997). This can result in a withdrawal from society which creates a barrier to enjoy basic pleasures of life. Also, victims feel considerable frustration at having no place in the criminal justice process to personally express their hurt and anger to the offender or to ask questions that continue to afflict them for a number of years following the offence. For the person who has been sexually abused, the questions would include: why is it that I feel such enormous shame when I am the innocent victim and all the shame ought to be on the shoulders of the perpetrator; why did he choose me; is it my fault; and is there hope that I will ever be free of this burden, and experience freedom and well-being once more? Victims also felt that the state's retributive

system did not provide meaningful therapy to alleviate their loss. Rape victims report more nervous breakdowns, more suicidal thoughts, and more suicide attempts than any other group (Herman, 1997). All of this suggests that it is necessary to involve victims in the processes of decision-making because involvement in decision-making helps victims seek justice in their own sense of the word. Zehr (2002) has stated that victims need to be re-empowered and regain control of the situation and their lives.

In regards to the offenders, trauma can be experienced by them but often this is completely ignored. For the offender, we sometimes need to approach them as if they were victims. The best predictor of future criminal behaviour is earlier victimization. As Zehr (2002) points out, studies have shown that “many offenders have indeed been victimized or traumatized in significant ways” (p.30). Their actions may result in violence due to a re-enactment of trauma that was experienced in their childhood. Trauma needs to be responded to adequately otherwise offenders may, once again, respond through violent means. Sadly, our current justice system responds to crime by delivering more traumas in the form of punishment (Zehr, 2002).

Sometimes the victim is not willing to be present during the trial especially in the case of sex offenses, and, therefore, the offender is sentenced without even confronting the victim and the victim’s family or friends. Considering the fact that many offenders do feel remorse, offenders should be given a chance to talk to those whom they have hurt. In a victim-offender mediation process the offender has the chance to clear his conscience and apologize to the victim.

Herman (1997) has stated that “a supportive response from other people may mitigate the impact of the event, while a hostile or negative response may compound the damage and aggravate the traumatic syndrome” (p.61). Thus, it is very important to manage and deal with trauma very carefully. One of the strategies for coping with trauma is to build sustainable relationships, where individuals can speak and listen to each other respectfully. Through the construction of relationships, individuals can rebuild a support system including family, friends, and the community in an effort to regain what has been lost, and connect with others, especially those who may have shared the traumatic event. The social supports recover and rebuild a positive view of the self, which can promote healing and value creation.

Furthermore, the community is affected indirectly by the actions of victims and offenders. These actions can affect the community’s feeling of safety and the relationships between community members. For this reason, the role of the community is very important when dealing with traumatic events. Community empowerment can shift attention away from state systems and controls to the community, so that a return of the ownership of crime problems and their solutions to those individuals and groups who are most affected can promote working together to find a solution. As Herman points out, “sharing the traumatic experience with others is a precondition for the restitution of a sense of a meaningful world” (1997, p.70). It is very important to work in collaboration with a diverse group of community partners to provide a comprehensive level of care. By maintaining contact with family physicians, case managers, rehabilitation

specialists, employers, and family members, effective listening and supportive relationships can be formed.

On the whole, the best solution for dealing with trauma is the creation of relationships because “traumatized people feel utterly abandoned, utterly alone, cast out of the human and divine systems of care and protection that sustain life” (Herman, 1997, p.52). In the restorative justice setting, the different stakeholders are asked to talk positively about the criminal event in order to repair the harm that has been done. After a traumatic event most victims feel violated and angry. This trauma leaves them two options: either to live in anger for the rest of their lives; or to accept the fact they have been traumatized and find a solution to help them heal. Restorative justice is not asking someone to forget what has happened to him or her; instead, it allows for victims to move on and return to their normal lives. If society can understand the pain felt by traumatized victims, the healing process for victims and offenders can be improved.

2.5 Restorative Justice and Shame

Victim offender mediation and other pro-active restorative justice programs address the shame and humiliation experienced by the participants. Gilligan (2003) notes that “shame can be conceptualized as a motive of defense against wishes to be loved and taken care of by others” (p.1167). Tomkins defined shame as occurring any time that our experience of the positive affects is interrupted (Tomkins, 1987) so an individual does not have to do something wrong to feel shame. The individual just has to experience something that interrupts interest-excitement or enjoyment-joy (Nathanson, 1997).

Figure 1 The Compass of Shame



Source: Nathanson, 1992, p. 132.

Nathanson (1992, p. 132) has developed the compass of shame (Figure 1) to illustrate the various ways that individuals react when they feel shame. There are four different modes of response to shame. The first mode is withdrawal which involves isolation, insecurity, the feeling of being lost, and having no connection with anyone. The second mode is attacking oneself which does not have to be in connection with isolation. The third mode is attacking others; this is a product of reduced self-esteem. With low self-esteem, attacking others' self-esteem can make the person feel better about himself. The last mode is avoidance; this can involve abuse of drugs or alcohol.

A needs-based concept of justice "does not demand that each person receive the same physical treatment; rather that each person should be treated in

such a way that he/she achieves the same level of well-being as every other” (Sullivan and Tifft, 2005, p.115). Relating this to shame, individuals may all need different ways to address shame. An example of a way to treat shame is to have a conference with the offender, the victim, and the community to help the offender address their shame by understanding the suffering they have caused; this can be done by listening to both the victim’s story and their feelings. A way to help address shame is to understand that the person feeling the shame has the fear of being abandoned, rejected, and ignored. He or she may feel weak, helpless and unworthy of love (Gilligan, 2003). When people experience these effects of shame, they need to be addressed so they do not lead to self attack or to violence against others. To help these people with their shame it is important for them to understand that they are supported by the community.

Knowledge about the effect of shame can help lead to successful crime prevention; this is known as reintegrative shaming. This can help prevent crime and respond to crime after it has occurred, unlike disintegrative shaming, also known as stigmatization, which can make the problem worse. Reintegrative shaming is beneficial because “it communicates disapproval of an act while conferring respect on the offender and reintegrating them back into their community of care”(Harris et al., 2004, p.192). It also emphasizes the significance of understanding “the effects of social disapproval and implies that emotions like shame and guilt are of critical importance” (Harris et al., 2004, p.192).

When people feel shame they may “wipe out shame only by shaming those who they feel shamed them” (Gilligan, 2003, p.1163). This can lead to a continuous cycle of crime and without addressing the initial shame, violence will never stop. The best way to prevent another criminal act is for the community to understand that if they help the offender back into the community, less crime will occur. This is because when people feel isolated they are more likely to commit crime; as well, if they are being actively shamed they are more likely to be provoked to commit violent acts.

In an effort to use the concept of shame as a crime prevention mechanism, offenders need to know that what they did is unacceptable but they need to be supported as a person, while censuring the act itself (Gilligan, 2003). This is an important distinction that is made by the restorative justice process. Furthermore, it is often said that we are all affected by shame and that shame creates a sense of collective vulnerability as opposed to an individual one. One of the most promising features of restorative justice is the real inclusion of community in its processes. Walgrave (2002) suggested that “there seems to be an intrinsic link between restorative justice thinking and practice, and an ‘ideal’ of community” (p.72).

Peer support and empowerment of individuals can help to battle the feeling of shame that often occurs after a crime. The quickest way to manage shame is to discuss it with a confidant or someone whom the person trusts. Scheff (2000) has stated that individuals who are in a shame discussion “can help each other learn to identify and acknowledge shame in the self and other,

[which] is a giant step toward awareness of the emotional/relational world” (p.12). By sharing with each other, trust and emotionally healthy relationships are created. With a restorative approach to problem solving, the emphasis is on exploring the harm that has been done. In particular, relationship development is crucial in promoting compassion and empathy within a group. As mentioned by Harris (2004), compassion and empathy allows “those of us who commit the most evil of deeds to have a socially responsible, compassionate self in addition to the exploitative self that guided the hand that committed” the wrongdoing (p.204). Through active communication, victims, offenders, and members of the community are encouraged to tell their stories, take responsibility for their part in the reparation of damage, and eventually cooperate with each other to develop a way to repair the harm and minimize the likelihood of a re-occurrence in the future.

Scheff (2000) has explained that “shame is a crucial component of core processes in the self and in social relationships”(p.12). Our connections with each other are critical to our sense of belonging and to our survival. Through a needs-based perspective, shame lets us know that connections are damaged. Feelings of shame are uncontrollable and violence is often used as a medium for restoring power and pride. A needs-based justice process can decrease the impact of shame by building steady relationships, help stop the cycle of victimization, and act as a means of crime prevention. It also gives those who experience shame an avenue to restore their sense of self respect and to attempt to fix the harm they have inflicted.

2.6 Models of Restorative Justice Practice

Within the Canadian criminal justice system, there are three stages at which formal restorative justice programs are generally applied. The first stage is pre-conviction. The programs operate when the defendant does not deny guilt or has indicated that they do not intend to defend the case (Prison Fellowship International Centre for Justice and Reconciliation, n.d.). The second stage is pre-sentence. Once guilt has been admitted or proven, a court may refer the case for a victim-offender mediation (ibid). The last stage is post-sentence. Some victim-offender mediation programs work with offenders who have been sentenced, either to community-based sentences or to imprisonment (Shadbolt, 1994). They may operate between victims and offenders who have a direct relationship, or between groups of victims and offenders who are not connected by a specific offence. Mediation between an inmate and the community into which he or she will be released has also been used to assist integration (Prison Fellowship International Centre for Justice and Reconciliation, n.d.).

There are three basic models of restorative justice practice: victim-offender mediation, family group conferences, and circle peacemaking. Victim-offender mediation is usually a face-to-face meeting, in the presence of a trained mediator, between the victim of a crime and the person who committed that crime (Elliott, 2004). With the assistance of the mediator, the victim and the offender begin to resolve the conflict and to construct their own approach to achieving justice in the face of their particular crime. This system generally involves a small number of participants, and often is the only option available to

incarcerated offenders, due to limits on access to visitors. After meeting the offender and realizing how remorseful he is, the victim can think clearer than at the trial and agree on a more beneficial and fair solution. The meetings conclude with an attempt to reach agreement on the steps the offender will take to repair the harm suffered by the victim and to "make things right".

Family group conferences have a much wider circle of participants than victim-offender mediation. In addition to the primary victim and offender, participants may include people connected to the victim, the offender's family members, and others connected to the offender. Family group conferences are often the most appropriate system for juvenile cases, due to the important role of the family in a juvenile offender's life. The purpose of the meeting is to recognize the harm caused and to decide as a group how the harm will be repaired (Elliott, 2004). This meeting may occur before or after sentencing or as an alternative to going through the criminal justice system.

Circle peacemaking³ is strongly rooted in indigenous cultures, and was brought to broader North American societies from the Canadian North (Elliott, 2004). Each circle is led by a "keeper", who directs the movement of the talking piece⁴. Participants sit in a circle and pass a talking piece around. Only the person holding the object is allowed to speak, ensuring that each person has an opportunity to be heard (Coates, Umbreit and Vos, 2002). As the talking piece

³ The Navajo in the Southern US are doing their own circles in a peacemaking division. The Navajo Nation exercises the degree of control over both the Peacemaking process and over *entry* into that process. Programmes such as family group conferencing in New Zealand and Australia and sentencing circles in Canada are typically run by non-Indigenous authorities (Coker,2006).

⁴ The talking piece is usually an object of special meaning or symbolism to the group.

makes the rounds of the circle, the group discusses different topics. In addressing the crime, participants describe how they feel. For the offender, this includes why he or she committed the crime. For the victim and each of the community participants, the circle provides an opportunity to explain the impact the crime has had economically, physically, and emotionally. Through this process of sharing, the participants are able to develop a strategy for addressing the crime (e.g. restitution, or community service) and the causes of the crime (Coates et. al., 2002).

There is a strong emphasis in circle peacemaking on values, such as respect, integrity, and truth telling, which are emphasized during the process (Elliott, 2004). Crime does not just affect the offender and the victim but the community. The circles include the victim, the offender, their supporters, and other community members. Circles are used for sentencing and are practised for a number of other purposes, such as healing and general community dialogue. In circle sentencing, the community and the victim are given active roles in the offender's hearing, with an emphasis on building connections to and within communities and expanding the scope of the issues under consideration (Elliott, 2004). Including the victim in the circle can also provide valuable insights for monitoring relapse prevention strategies (Dyck, 2005).

All these basic programs involve the victim, the offender and the community, but they have some drawbacks. Victim-offender mediation may be inappropriate for crimes against women including sexual assault because it assumes the issue is a conflict, whereas such crimes may not involve a conflict.

It also fails to acknowledge the structural inequalities between the victim and the offender in gender-based crimes, has no explicit processes to address these imbalances, and does not involve other stakeholders except the primary victim (Koss, Bachar, Hopkins and Carlson, 2004). Furthermore, family group conferences emphasize the importance of involving and serving victims. The offender's needs are not recognized. Finally, although qualifying as a fully restorative model, sentencing circles have been criticized on several grounds including reliance on court processes and deference to criminal justice personnel by the circles (Koss et al., 2004, p.1444).

Restorative justice aims to heal the harm and recognize the needs of the victim, the offender and their community; however, the needs of the three parties are different and sometimes it is impossible for the restorative justice program to involve the three groups, since offenders and the victims have needs and obligations that have nothing to do with the encounter (Zehr, 2002). Also, not all the victims of crimes want to face the offenders again, even though the offenders, such as sex offenders, often have needs that could be healed through such a meeting. To this end, there exists a new area of transitional restorative programs focused upon offender transitions after prison. One of the most interesting programs of this type is the Circles of Support and Accountability (CoSA) Program developed in Canada to address the needs of released sex offenders.

CHAPTER 3 CIRCLES OF SUPPORT AND ACCOUNTABILITY

The history of CoSA is of interest. In Canada, all offenders who do not receive parole as part of a sentence are normally released from prison under parole supervision after serving two-thirds of their sentences. The purpose of such statutory release is to help manage the offenders' risk of recidivism by allowing for a monitored re-entry into the community. However, legislation⁵, passed in 1986, resulted in some offenders not only being denied parole but also being denied statutory release, requiring them to serve their full sentences on the basis that they were considered to be at a high risk of committing an offense causing death or other serious harm, including a sexual offense against a child (Hannem and Petrunik, 2004). As a result of this legislation, high-risk sex offenders were released into the community once their full sentence was served without supervision. Prisoners who were considered too dangerous for release before the end of their sentences were given no support or supervision after release. There was also a sense of powerlessness within the community when dangerous prisoners were released.

⁵ In 1986, amendments to the Corrections and Conditional Release Act allow the National Parole Board of Canada to detain individuals convicted of a serious violent offence until the end of their sentence if there are reasonable grounds that they are likely to commit an offence causing death or serious harm.

The release of sex offenders into the community has been a particular concern for the public, and hence a particular focus of community protection legislation. When a sex offender is released from prison into the community at warrant expiry, the law requires him to register as a sex offender and he may come under surveillance or be subject to community notification as a consequence. Community protection legislation includes a sex offender registry, community notification of the whereabouts of sex offenders, and residency restriction.

The basic message of community protection legislation in Canada is that many sex offenders are at a high risk to re-offend and that they should either be detained longer in prison or be subjected to special levels of community control such as registration, community notification and restricted access to public places (Hannem and Petrunik, 2004). The exclusive use of these types of community protection approaches to sex offenders does not seem to offer an effective means of protecting the community from further victimization. By reporting his contact information to the sex offender registry in a jurisdiction with community notification, the offender is effectively “outing” himself to the community in which he wishes to reside. The result is that the sex offenders find they must relocate to another community where they are not known, and they stop reporting their locations and go underground; that is, police are no longer able to maintain contact with the offenders. This makes attempts at rehabilitation and reintegration extremely difficult and leads to an increase in the risk of recidivism (Hannem and Petrunik, 2004, p.99).

Although these legislative attempts at enhancing community safety and reducing sex offender recidivism clearly reflect a general intolerance of sexual offending, they cause the ex-offender to feel emotional loneliness, isolation, and shame about who he is and what he has done. Job loss, housing disruption, social isolation, and stress have been associated with community notification (Levenson and Cotter, 2005a). Likewise, residency restrictions have been shown to prevent sex offenders from living with supportive family members and to increase social isolation (Levenson and Cotter, 2005b). Thus, community safety legislation may hinder quality reintegration planning. In addition, prior to 1994 there were no services that explicitly targeted high risk, high needs, warrant expiry sex offenders. Many of these offenders were released without any form of meaningful community-based support or accountability networks apart from police surveillance.

In the absence of any alternative support systems, the Mennonite Central Committee⁶ (M.C.C.) of Ontario played a key role in developing a unique community reintegration program to assist sex offenders in Ontario in 1994. This project is funded by the Correctional Service of Canada. Using a restorative justice approach, M.C.C. try to reintegrate sex offenders back into the community in a productive, supportive way. Also, the M.C.C. endorses the goal of holding the ex-offender accountable, and providing the public with a sense of safety (Hannem and Petrunik, 2007). In essence, the M.C.C. fulfills a supervisory role for the Correctional Service of Canada. The CoSA mission statement is “to

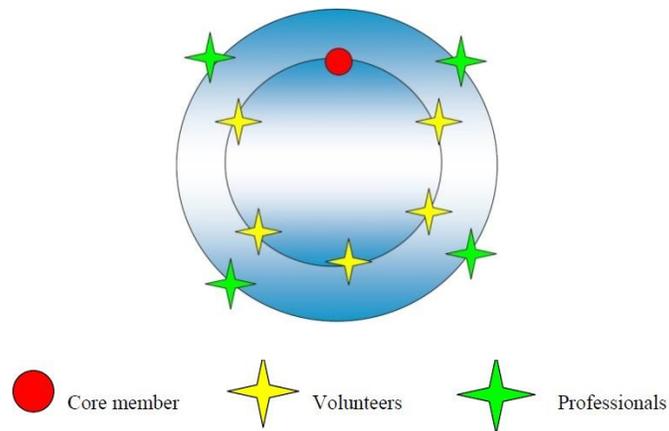
⁶ Mennonite Central Committee is a relief, development, and peace agency of the North American *Mennonite* and Brethren in Christ churches.

substantially reduce the risk of future sexual victimization of community members by assisting and supporting released men in their task of integrating with the community and leading responsible, productive, and accountable lives” (CSC, 2002). The purpose of the program is to more systematically develop and promote ‘circles of support and accountability’ and implement the scheme across Canada (CSC, 2002).

While in prison, offenders who are identified as having low levels of support in the community, high levels of need, and are at high risk of re-offending are matched with a “Circle”. This individual then becomes the Circle’s core member after leaving the Federal prison on warrant expiry. Volunteers primarily from the faith community form a “Circle of Support and Accountability”. A CoSA is a group of four to seven trained volunteer members who enter into a covenant with a high-risk sex offender (the core member). These community volunteers help the high profile or potentially high profile sex offenders who are re-entering the community.

Since the volunteers are not intended to replace therapeutic or other formal means of accountability, professionals provide advice or services when questions arise (Wilson, Cortoni and Vermani, 2007). Having a pool of knowledgeable and supportive professionals is also a key to the success of the model (see Figure 1).

Figure 2 Graphic Representation of a CoSA



Source: Wilson et al., 2007, p.9.

In addition to the inner Circle comprised of the core members and the volunteers, there is an outer Circle of supportive community-based professionals, typically correctional staff, police, psychiatrists, psychologists, lawyers, and social service workers (Cesaroni, 2001).

There is a high degree of emotional loneliness and isolation experienced by offenders who have just been released. These feelings are thought to be more likely to make them re-offend (Evans, 2004). But the ex-offender must want to be helped and not want to reoffend. CoSA has the dual objectives of preventing further victimization and helping the core member function in the community. According to CoSA objectives, 'Circles' provide support in finding employment and housing, and assisting with financial difficulties; helping the core member follow his relapse prevention plan; providing him with company and listening to his concerns; and being available should there be a crisis. 'Circles' act as a support and safety mechanism. Circle volunteers commit to being a part of a circle for a minimum of one year. They do not act in a supervisory role; but they

should develop a trusting relationship with the core member, be aware of the core member's particular situation, and be willing to assist him in negotiating the process of building a new life and integrating into the community (Hannem and Petrunik, 2007).

Core members enter the program voluntarily. The ex-offender must admit that his past behaviour was unacceptable and caused harm, he must demonstrate a commitment to not re-offend, and recognize that he will be held accountable by his Circle (Cesaroni, 2001). This accountability comes in the form of a covenant signed by the core member and the volunteers and specifying the obligations that each has to the other as well as the principles to which each must adhere. All decision making is by consensus. The core member also promises that there will be no more victims by his hand and that he will follow the release plan (CSC, 2002).

Initially, the Circle meets weekly to set up a schedule for the forthcoming week and discuss the core member's activities during the previous week. Individual volunteers meet with the core member on a daily basis to assist him in various ways or just talk about how he is doing. This daily contact is usually a phone call from one or more members of the Circle, but may also be an informal meeting for coffee or a walk. Circle participants listen to the core member's concerns, help him to develop constructive solutions, support him in maintaining an appropriate routine, and help him deal with feelings of discouragement and celebrate successes (Cesaroni, 2001). As the core member progresses, meetings may take place less often and then only as needed. At the end of the

first year, it may be decided that a CoSA is no longer needed. The CoSA may then decide to disband. However, if the core member continues to have major needs, the Circle may continue to meet indefinitely. The Circle lasts as long as there are risks to the community and the offender is assessed as being at a medium to high risk of re-offending (Cesaroni, 2001).

To evaluate the effectiveness of the CoSA pilot project in South-Central Ontario, Wilson, Picheca and Prinzo (2005) have conducted two studies. The first study examined the experiences of various CoSA stakeholders. Sixty-five percent of core members reported the Circle provided them with an opportunity to socialize. In addition, the vast majority of the respondents reported that without help from CoSA they would have become lonely, isolated, and powerless, and had difficulty returning to the community and would have turned to crime (Wilson et al., 2005).

Circle volunteers reported that they believed the core member felt supported by the Circle, and if the core member had not been involved in a Circle, the core member would have re-offended (Wilson et al., 2005). In terms of benefits to the community, most circle volunteers felt the community experienced an increase in safety.

The professionals and agencies surrounding a CoSA include police officers, social service professionals, psychologists, administrators, and the members of other similar professions. Most of the professionals and agencies believe that core members felt supported by others, and experienced increased self-worth and a sense of acceptance by others (Wilson et al., 2005). Most of the

professionals and agency respondents reported that the community-at-large would experience an increase in safety in knowing that a high-risk sexual offender participates in a CoSA, and the fear of re-offending would be reduced (Wilson et al.,2005).

Finally, the results showed that the majority of community members felt relieved that the released sex offenders received extra support and help (Wilson et al., 2005). Knowing that a high-risk offender had moved into their community/neighbourhood, community respondents indicated that the negative feelings would change in a positive direction if they knew that the offender in question was involved in a Circle (Wilson et al., 2005).

The second study conducted by Wilson and his colleagues (2005) was designed to assess the impact of CoSA on the recidivism rate of high risk sexual offenders. They compared a group of core members to a matched group of high risk sexual offenders who were not involved in CoSA. The study showed that the rate of sexual recidivism is 70 percent lower than the rate of sexual recidivism committed by the matched group, the rate of all types of violent recidivism is 57 percent lower, and the rate of all types of recidivism is 35 percent lower (Wilson et al., 2005). The result indicated that offenders who participated in CoSA had significantly lower rates of re-offending for any type of offenses than did the offenders who did not participate in CoSA.

Two years later, Wilson and his colleagues (2007) conducted another study to assess the national impact of CoSA on recidivism rates across Canada. The study of 47 core members and 47 matched controls supported the earlier

findings. Core members involved in CoSA have an overall reduction of 72 percent in all types of recidivism in comparison to the matched controls (Wilson et al., 2007).

To date, CoSA projects exist in every Canadian province and every major urban centre. There are 18 CoSA programs across Canada. Two CoSA programs and seven circles have been undertaken in British Columbia (Church Council on Justice and Corrections, 2008). In Southern Ontario, there are six CoSA programs and 100 circles operating (Wilson et al., 2007). Similar projects have appeared in the United States of America and the United Kingdom, and interest has been stimulated in the Netherlands, South Africa, and Bermuda (Wilson et al., 2007). This is a significant achievement and the current study examines how this restorative justice program could be adopted in China to deal with released sex offenders.

CHAPTER 4 SYSTEMS OF SOCIAL CONTROL IN CHINA

4.1 Official crime statistics in China

China does not maintain a sex offender registry, and information about an individual's past criminal history is not made available to the public in China. There is no community protection legislation or programs specifically for sex offenders and the community members feel unsafe when they discovered that a sex offender has moved into their neighbourhoods (Li, 1992; Liu, 2005b; Lung and Huang, 2004). Moreover, for those who are considered at high risk of re-offending, the support system is crucial to help them reintegrate into the community. The resources available to offenders play an important role in their decisions to further offend or to cease to offend (Cesaroni, 2001). Interactions with support systems such as family, community, and employment might prevent recidivism (Willis and Grace, 2009). Since there are few resources to help released offenders, the recidivism rates in China are deemed to be high.

On the other hand, it has been observed that China has low recidivism rates compared to the United States (Deng, Zhang and Cordilia, 1998). The 1992 national recidivism study indicated that China's overall recidivism rate was 8.28 percent (Li, 1992). The recidivism rate for those originally arrested for rape was 2.75 percent.

Table 1 Recidivism Rates for China by Offenses

	<i>Original Offense</i>						
	<i>Theft</i>	<i>Fraud</i>	<i>Robbery</i>	<i>Rape</i>	<i>Hooliganism^a</i>	<i>Murder</i>	<i>Others</i>
Recidivism rate	6.62 (3,864)	6.50 (348)	4.78 (456)	2.75 (388)	3.27 (448)	1.59 (40)	2.52 (625)
Total number of released offenders	58,394	5,352	9,541	14,111	13,699	2,517	24,762

Source: Li, J. 1992, p. 44-45.

a. Hooliganism mainly includes assault, gang fights, and indecent exposure.

Many are skeptical when it comes to official statistics in a country, where they are being generated by a political system that has consistently been unwilling to provide such data for international comparisons. It is not the purpose of this study, however, to present China's crime rates as necessarily accurate.

Nonetheless, we should be aware of whether official statistics reflect the actual amount of crimes in a country. For one reason or another, people sometimes do not report criminal offenses to the police in China. In rural areas, crime is often handled informally within groups, without involving law enforcement agencies. Only in the case of serious offenses, such as homicide, is a crime likely to be reported to the police (Li, 1992). Various features of the legal system, as viewed by the victim, may also inhibit the reporting of the crimes and police discretion also affects the accuracy of crime statistics. The more unlikely the case would be solved, the more unlikely it would be recorded in the file because the solution rate of the cases registered demonstrates police efficiency,

which, in turn, would affect promotions or other economic interests, such as wages. Therefore, the official statistics of cases registered in the public security systems are normally lower than the real amount of delinquency and crime.

4.2 Characteristics of Chinese Society and the Chinese Social Control System

China seems to be the prototype of a communitarian society and is known for its unique style of social control (Liu, 2005a). Social and legal control takes place in all societies, because in every society, a normative order must be accompanied by institutionalized and noninstitutionalized structures for maintaining the order (Feng, 2001). Chinese society and Western societies may represent two different extremes with respect to the nature of social and legal control. Chinese society exercises a cultural perspective when it develops a specific way of looking at crime and a characteristic mechanism for controlling it (Feng, 2001). Its unique cultures and traditions are such that social and legal control in Chinese society generally reflects Chinese cultural values and ongoing, changing political situations.

China's traditional value system is a complex amalgam of ideas that evolved over centuries and was shaped by Confucianism, Legalism, Daoism, Buddhism, and other influences; however, Confucianism has remained the dominant Chinese philosophy that has influenced Chinese society and provided the basis for the social order since the Han dynasty (206 B.C. to 221 A.D.) (Friday, 1998). China has experienced nearly two and a half millennia of a Confucianist informal control ethos. The Confucian School adhered to the

premise that humans are basically good by nature and that their good qualities can be brought out through education and eventually lead to virtue, because people are willing to perfect themselves (Woodward, 1984). Confucius refused to accept any notion that individuals are driven by an uncontrollable force, which would suggest that, in his view, crime was endemic to human society (Woodward, 1984).

Braithwaite (1999) explained the source of Chinese tradition of “Confucian Communitarianism”. He has maintained that Confucius was “arguably the most influential thinker about restorative justice the world has known” (Braithwaite, 1999, p. 12). Braithwaite argued for restorative justice, explaining that the Western impression of the punitive aspect of Chinese formal criminal justice often fails to grasp the whole picture; it does not see the essence of the social control processes that rely heavily on informal and community mechanisms, whose results are largely reintegrative in nature (Lu and Drass, 2002; Zhang, Messner and Zhou, 1999). Confucianism viewed formal law as an inferior form of control, in that it “could only force people to obey the law involuntarily while a moral code could help develop a sense of shame so that people could obey the law from the bottom of their hearts” (Feng, 1994, p. 72). Confucius downplayed formal law and punishment and emphasized an informal mechanism of control. This mechanism relied on the unwritten rules of social conduct, enforced through ever-increasing levels of “patient persuasion” from other members of society.

The Confucian paradigm stressed that criminal tendencies are not innate and can be cured. The proper societal response to such deviation is education,

persuasion, and salvation (Troyer, 1989b). Education has been the key ingredient for maintaining order in China and was to be used to return the deviant to his or her original nature. It was not simply to get people to accept social norms in the abstract but also to make the law clear and to show people concretely how social norms should be applied in particular situations (Deng et al., 1998). Contrarily, punishment did not necessarily make people learn or induce them to be good. The primary aim of education was to cultivate and correct mental attitudes toward social norms (Anderson and Gil, 1998).

In Chinese society, the internal personality dynamics of the individual are not emphasized, and the external environment is regarded as having the greatest responsibility for an offence (Troyer, 1989b). Thus, rehabilitation has been conceptualized within a Marxist context that locates the causes of deviant behavior in the society rather than in the individual. In this view, the offender is not looked upon as a deficient person but as a victim of certain negative influences in the environment. Therefore, the offender should be reformed and reintegrated into society as a useful member of that society. Each of society's members was responsible for exercising this communitarian and educative approach; collectively, it became the epitome of "reintegrative shaming" (Braithwaite, 1989).

Since 1949, the communist government has gradually developed formal control institutions, including the criminal justice system, criminal law, and correctional policies that are consistent with Chinese cultural traditions in social

control. For the purpose of this discussion, the focus will be upon the reformation of criminal offenders.

The goal of the unique Chinese system of reforming criminal offenders is to reform inmates mainly through labour and education and make them become new people rather than simply to apply punishment to inmates to make them pay for their crimes (Troyer, 1989b). The concept of rehabilitation is still embedded deeply in the current Chinese theory and practice of reforming offenders.

Dramatized throughout the Chinese correctional program is the paternalistic dictum that the individual can and should be reasoned with and guided toward positive ends and, therefore, that correctional officials must be to inmates as parents are to their children, as doctors are to patients, and as teachers are to students (Feng, 1994).

According to the policy of the state, every correctional institution is established just like a factory, a farm, or a school. They are conceived of as places to re-educate and reform people (Feng, 1994). The Chinese correctional system has stressed “reform through work”, education, and persuasion – a resocialization and indoctrination process (Situ and Liu, 1996). A reformed offender means a changed person—a new person. Every institution should help to educate offenders with practical means and in ways that relate to the environment to which offenders will have to return upon their release. Chinese correctional officers tend to attribute the causes of recidivism either to themselves or to the failures of the correctional system, rather than to individual intractability (Bracey, 1989). Despite the recent interest in community based

sentencing and reintegrative shaming, behavioural compliance rather than repentance and moral re-education are the main goals of the Chinese criminal justice system.

Reform through labour is one of the essential parts of Chinese correctional policies (Xu, 1990). It is believed that through manual labour, offenders “can gradually establish a sense of self-reliance through work, learn necessary skills to become productive citizens after leaving prison, and forsake the selfish, parasitic habit of reaping without sowing” (Xu, 1990, p. 9). Although manual work is necessary, it is “only a means and the main goal is to reform” (Xu, 1990, p. 11).

China is a large agricultural country with 70 percent of its population living in rural areas. The “second revolution”, initiated by Deng Xiaoping, precipitated a period of unprecedented social and economic change. An open door policy was initiated with a clear and precise focus: develop a socialist market economy with Chinese characteristics (Anderson and Gil, 1998). Along with economic reforms, the developmental gap between city and countryside, industry and agriculture, and inland areas and coastal regions is gradually widening (Zhang, 1992). For example, the 1994 average annual net income per person in peasant families was nearly five times greater in Shanghai City than in Guizhou Province (China Statistical Year Book, 1996). The comparative advantages offered by the richer regions and the productive sectors have enticed millions amongst the rural population, especially the young, to leave the farmlands for what they hope will be a better life in the cities. This culminates in a so-called “labour-tide”, in which

millions of rural labourers relocated in urban areas either temporarily or permanently. Between 1990 and 1994, about 160 to 170 million rural labourers transferred from the agricultural sector to the non-agricultural sectors including the secondary and the tertiary sectors of China (Liu, 2005a). In the last two years, there were approximately 200 to 250 million rural labourers relocated into cities.

The national and local regulations affecting residents' mobility have been greatly loosened. This means that rural residents are no longer restricted to their farmlands. They can either be peasants themselves or hire somebody else to farm their lands, while they themselves go to cities searching for non-agricultural jobs. This large migrant population has a substantial impact on the household registration system (*hukou*)⁷ and grassroots social control mechanisms. Since most migrants cannot be formally registered in their new communities, it could enable them to move about quickly and freely. But, on the other hand, as population mobility increases, social anonymity also increases, and the protection and social control functions of a less transient population decrease (Friday, 1998). It creates many difficulties for both city police and government agencies and departments to manage or control population movement.

Tight control over community organization and neighbourhood life has been a characteristic of the Chinese social control system. In China, community is usually defined as an area in which a bounded territory is named and identified

⁷ The Chinese household registration system (*hukou*) is used to restrict the population mobility to urban areas, and the local police can ensure the stability of the neighbourhood, make it easy to identify outsiders, and hence enhance conformity.

by residents. The number of households and people in a community fluctuates depending on different factors within a community such as residential areas, business, factories, markets, hotels, and so on (Lu and Miethe, 2001). The whole of Chinese society is organized through the basic units of family, neighbourhood, and work units (*danwei*), with the household registration system (*hukou*) playing a pivotal role (Zhang and Messner, 1999). Therefore, Chinese crime control does not just work from the top down through the formal criminal justice system but from the bottom up.

The strong emphasis on a communal existence with powerful neighborhood committees produces throughout the country a social control net that is much different from that present in western countries (Troyer, 1989). In China, neighbourhood committees⁸ are both proactive and reactive in identifying potentially troublesome social situations, preventing crime, resolving conflicts, and dealing with offensive behaviour. The neighborhood committees are government organized and controlled entities (Troyer, 1989). A neighbourhood committee is responsible for maintaining social order, mediating family disputes, and rehabilitating offenders. It is a social organization with semi-government functions. In addition, police officers have frequent contacts with members of neighbourhood committees because they are also responsible for public safety and the well-being of the neighbourhood. Therefore, they may be regarded as the first level of the governmental structure or an arm of a higher level of control.

⁸ In any Chinese city, a neighbourhood is managed by the neighbourhood Committee, which is under the leadership of the City Street office.

Although the economic reform that started in 1978 did weaken community bonds, the informal organizations will certainly continue to exist and constitute the basis of the social control system. Communitarian societies, according to Braithwaite (1989), tend to provide the social support needed for offenders to return to conventional life and be reintegrated back into the community.

In Chinese urban communities, institutional resources play very important roles. Many communities have organizations and programs regularly available to residents. Many of these organizations and programs are quite formal, have government support, and therefore have become long-standing community resources (Rojek, 2001). In many urban Chinese neighbourhoods, a number of community organization programs offer important resources to prevent released offenders from re-offending. For example, some communities offer legal education programs to the public. These programs organize lectures by legal personnel to publicize and explain the law. Dispute arbitration is another common community program; it promotes the informal resolution of disputes among neighbours by an arbitration team consisting of neighbours elected to the committee. Timely solutions are believed to be important in preventing disputes from developing into violent confrontations. Some communities offer job arrangement programs, which arrange employment for offenders released from correctional facilities after they have served their sentences. The Chinese believe that being without a job constitutes a major source of crime production and recidivism. More detailed descriptions of these community programs are offered in many articles about Chinese social control (Lu, 1998; Liu, Zhang and Messner,

2001; Troyer, Clark and Rojek, 1989; Zhang and Messner, 1999; Zhang et al., 1996).

More than any other country in the world, China places a special emphasis on the participation of a wide range of people in combating the crime problem. For the Chinese cultural tradition, because offenders come from society and will eventually go back to society, the participation of the whole society in reforming offenders will greatly accelerate the process of socializing offenders (Rojek, 2001). Therefore, different levels of government and other organization, such as labour unions, the Youth League, women's associations, schools, and communities all assist correctional institutions with reforming offenders. The purpose of all these efforts is to enable inmates to realize that society has not forgotten and deserted them and to strengthen their confidence when they return to society (Zhang et al., 1999). Mass involvement in reforming offenders is one of the most striking aspects of the Chinese justice system and differentiates it from Western models.

At the lowest levels, the system includes parents and other family members who have the basic responsibility for social order. In contemporary Chinese society, although the family system has undergone significant transformations including changes in its composition, type, and its role in the life of the individual, family ties still remain relatively strong (Feng, 2001).

Since Chinese society has developed no other forms of social control that would operate effectively and stably in the absence of family control, the family is still the principal institutional locus for a highly effective form of social control,

which Braithwaite (1989) has labeled reintegrative shaming. Reintegrative shaming represents a societal response to deviance that affirms wrongdoing while encouraging the reacceptance of deviants back into society. According to Braithwaite (1989), families are usually the most effective agents of social control precisely because they are oriented toward reintegrative forms of shaming. Societies in which the family is the dominant social institution can therefore be expected to exhibit low overall rates of crime.

According to Heilig (1996), China has experienced massive migrations, smaller families, liberalization and decentralization of state power, and a “globalization of tastes and lifestyle” (p. 40). Collectively, these trends have effected a devaluing of the responsibility of individuals to monitor the action of others.

All the basic institutions, including hukou, neighborhood committees, danwei, and the police, still play a vital role in social control and crime prevention but have undergone changes. Hukou, and its association with social welfare, has become less comprehensive in the process of economic reform; however, it still functions to identify migrants as “outside workers.” The identification as an outsider leads to exclusion at all levels (Taylor, 1999): economic exclusion from labor markets, social exclusion between people in civil society, and the ever-expanding exclusionary activities of the criminal justice system and private security.

Neighborhood committees still function as an important part of the grassroots organization but are financially restrained and under challenge from

newly emerging organizations. The danwei system has also undergone the most marked change. Previously danwei, as a social welfare provider, played an essential role in social control. However, with the opening of the labour market, the state-controlled job assignment structure has collapsed. Danwei, in foreign-owned, private, and joint enterprises, no longer has to shoulder a heavy “iron rice bowl” burden (i.e., taking responsibilities for the employee’s social welfare). Previously, in danwei, social welfare and social control depended on each other. Now this kind of interdependence has been broken. Thus, to take neighbourhood committees and danwei together, Troyer et al. (1989) were right in stating that “neighbourhood-level structures appear to be losing their influence” (p. 32).

Bang-jiao is one of the important strategies of community crime prevention in contemporary Chinese society. It refers to community efforts to reintegrate offenders into the community (Zhang et al., 1996). In bang-jiao, literally “assisting, helping, educating, guiding, directing offenders”, the aim is the heavy involvement of the community in rehabilitating the offender, by accepting them back into the community and providing basic services (Zhang et al., 1996). Bang-jiao implies willingness to reaccept offenders back into the community and to help them in various ways. Bang-jiao providers, usually consisting of a member of the neighbourhood committee, a leader of the offender’s work unit, one or more community members, and a local police officer, are required to have close supportive relationships with Bang-jiao recipients (Ministry of Public Security and Seven Other Organizations, 1992).

Basically, the following four methods are used to achieve the principle of bang-jiao: (i) the correctional institution and the offender's family work unit and the community work together and sign an agreement to re-educate and reform the offender; (ii) the correctional institution encourages offenders' family members or significant others to become actively involved in the rehabilitation process, frequently talk with the offenders, and visit their homes; (iii) various social organizations and people from the offender's local community actively participate in helping, educating, and encouraging offenders; (iv) after releasing the offender, the correctional institution must give the local government information about the released offender, and assist the local government to help the offender overcome the challenges, including accommodation and employment (Ministry of Public Security and Seven Other Organizations, 1992).

The underlying messages of bang-jiao are threefold: (a) even though offenders have had problems with the law, they can become law-abiding citizens again; (b) members of the community will enter into a relationship of care and trust with them despite their criminal record; and (c) the community is willing to give them practical assistance. This practical assistance, which may include negotiation with previous employers at school and at home, and even assistance in arranging dates, is essential to aid offenders with the difficulties that they encounter upon release from prison (Ministry of Public Security and Seven Other Organizations, 1992). Therefore, bang-jiao offsets recidivism through the reintegration of rehabilitated offenders.

Although bang-jiao is intended to transform offenders into law-abiding members of the society, in practice bang-jiao did not perform its role for several reasons. Bang-jiao only requires a correctional officer to educate the offenders through their daily activities (Wu, 2006). The education is focused more on policy, law, and morality (Han, 2002), and an offender's psychological problems are ignored. Also, historically, prison was been considered an isolated institution, and the public still thinks that it is the responsibility of correctional institutions to reform offenders (Wu, 2006). Due to the lack of participants amongst community members, bang-jiao is not available to every prisoner, and only a few prisoners can be chosen for the program. Since the correctional service is more likely to focus on production gain, the importance of education is weakening and the purpose of bangjiao has been ignored (Wu, 2006). In reality, the prison just organizes three or four bang-jiao activities in a year (Mao, 2009); thus, bang-jiao did not and cannot achieve its original goal .

As discussed above, although there is legislation and policy that is intended to help the offender reintegrate into society, they are more ideological than practical. The support systems are run by government, so most offenders are reluctant to participate. Despite the presence of sex offenders deemed as high risk, persistent, and specializing in sex offending, there are no specific programs to assist them. Arguably it is time to establish a community program if the Chinese government really wants to combat the problems of recidivist sex offenders.

CHAPTER 5 COULD COSA WORK IN CHINA?

5.1 Advantages

In China, higher-risk offenders are frequently detained until the end of their sentences, resulting in many being released with little or no community support. Article 37 of the Prison Law of the People's Republic of China states that "the local government should help the released prisoner to settle down"; yet, the government does not have any consistent policy designed to assist former prisoners. It is not clear whether the released prisoner should take the initial step to ask the local government for assistance or whether the local government should initially contact the prisoner and make a reintegration plan for him before his release. The lack of regulation in the implementation of policy has been a huge problem and an obstacle to assisting sex offenders to reintegrate into their communities.

Since there is a lack of available resources to help sex offenders cope with stressful situations in China, the government should build up a support and assistance system for released offenders. The supportive system should be grounded in equality and voluntariness and should be organized, but not controlled, by the local government. This system could be designed to help released sex offenders reintegrate into society, and should be facilitated by neighbourhood committees because neighbourhood committees are responsible

for maintaining social order, mediating family disputes, and rehabilitating offenders (Deng, Zhang and Cordilia, 1998).

The central features of communitarianism in urban China includes the collective culture of Chinese community, high frequencies of social interactions, interdependence among residents, and a sense of mutual obligation (Zhang et al., 1999). These features provide the practical framework for restorative justice, which highlights the offender, the victim and the community as active participants in the process of restoring community harmony.

Influenced by restorative justice, CoSA is designed to enhance the safety of the community and reduce the risk of re-offending on the part of released sex offenders. CoSA volunteers form circles which aid in the reintegration of core members by offering them social support and encouraging them to act responsibly in the community. Wilson (2002) is convinced that the prospects for offender success in the community are significantly increased when the offender has a supportive network and a real accountability framework.

Circles of support and accountability are a means to address offenders' needs and public concerns. Motivated by a desire to take the safety concerns of the community seriously, community volunteers create a supportive and responsive community around the core member. Restorative justice argues that crime is a violation of people and their relationships, therefore, the primary concern of CoSA is that there be no more victims. The CoSA model recognizes the humanity of both the offenders and the victims of their offenses, and challenges the community to work with the offender in ways that promote healing

and responsible living (Wilson, Huculak and McWhinnie, 2002). The community volunteers assist the sex offender in finding a place to live, helping him get settled in the community, and dealing with police, media, and angry community activists. However, the circle is not supposed to be therapeutic, but to provide the support and accountability of well trained, professionally supported community volunteers. Through daily contacts between individual circle volunteers and the core member, the circle confronts the sex offender about attitudes and behaviours that could lead to his re-offending, and mediates in situations of conflict with the community and others, including family members and even past victims (Wilson et al., 2002). This in-person supervision increases the community's sense of safety and, overall, reduces the likelihood of the offender committing another crime in the future.

Moreover, the key notion of restorative justice is that approaches based primarily upon retribution and incapacitation make matters worse by interfering with the rehabilitation of offenders, contributing to public fear, and failing to deal with social, cultural, economic and psychological factors that lead individuals to both initially offend and persist in offending (Hannem et al., 2004). The restorative justice approach asserts that communities can be made safer by allowing for healing offenders and victims, promoting accountability, and allowing for the safe, gradual reintegration of offenders. Thus, Circles of Support and Accountability seriously consider the needs and concerns of the victims and community as well as those of the offender. The presumption of CoSA is that the safety of the community and potential victims is imperative if there is to be a

restoration of offenders in the community (Hannem and Petrunik 2007). A restoration of peace must be realized for true community safety to be enhanced (CSC, 2002).

In a study of sexual recidivism, Hanson and Harris (1998) found that recidivists were generally considered to have poor social supports, poor self-management strategies and showed increased anger and subjective distress just prior to re-offending. McKibben et al. (2001) suggested that external supervision should be implemented to provide supports to sexual offenders when they return into the community. By developing CoSA in China, Article 37 of the Prison Law of the People's Republic of China becomes more meaningful insofar as the government develops a program to support released sex offenders. CoSA's initial mandate is to work with warrant-expired sex offenders who had no community ties or supervision (Cesaroni, 2001).

A hallmark of Chinese society is the fact that offenders were given the chance to correct themselves and the community received offenders back into their midst (Rojek, 2001). When deviance occurred, it was seen as the failure of the family or the community. The community bears a responsibility for the safe re-entry of released offenders to the community, which is the same as the core value of CoSA. Given that the Chinese criminal justice system used the same regulation to deal with all warrant-expired offenders, CoSA may be beneficial for any type of released offenders in China.

To form a CoSA circle in China, we could adopt the existing structure of CoSA in Canada. An offender who is a candidate for a CoSA must enter the

program voluntarily before the warrant expires, express a desire for the support of a circle, and agree to the terms of an agreement making him accountable to the volunteer members of his circle. The correctional institution should share the potential core member's criminal justice and clinical files with members of the circle to ensure volunteers are aware of the offender's history of offending, mental health history, and the risks he is considered to pose to the community. Volunteer members could be recruited by the neighbourhood committee.

Each CoSA is made up of four to seven trained volunteer members (VMs) who enter in an agreement with a core member (CM). The agreement is morally but not legally binding. VMs help their CM to obtain suitable work, housing, recreation, and access to community resources, and to cope with stressful situation. The circle meets weekly to discuss how the CM is doing, to review his activities in the past week, and to schedule individual and group meetings. The meeting between individual VMs and the CM could be to go out for a lunch, or to do the CM's errands and appointment together. The aim of these individual meetings is to provide companionship and build relationships of trust with the CM. VMs should commit to a minimum of one year with the program. When the year is up, VMs and the CM can decide whether to continue meeting regularly, occasionally and informally, or to stop meeting altogether. The circle is designed to create long-term, supportive, and friendship networks for the ex-offender (Hannem and Petrunik, 2007). If the offenders receive supervision, opportunities, training and support within the community, the transition from confinement to freedom is easier and offenders have a better chance of success.

5.2 Disadvantages

Although CoSA places a strong emphasis on respecting the needs of both offenders and community, there is less concern for the victims or survivors of a crime. It is important to show respect to those who are harmed, especially traumatized victims. The psychological effects of a rape on the victim, both during and after the assault, are often severe and incalculable. It is often said that rape victims are victimized twice, once by the perpetrator and again by the criminal justice system during the investigation of the crime and during the prosecution phase (Umbreit et al., 1994). Upon reporting the assault, she or he is expected to recall and describe personally stressful and humiliating events in vivid detail to law enforcement personnel. In addition to the interview with representatives of law enforcement, she must prepare for the courtroom, where her privacy is invaded and her credibility may be attacked. If traumatized victims do not have any way of healing their mental injuries, it is hard for them to return to their normal lives and to withstand these stressful situations, which are sometimes exacerbated by negative reactions on the part of parents, partners, and friends, and even by threats from the assailant (Umbreit et al., 1994). For many victims, it is difficult to talk about the ordeal and impossible to return to a normal life (Umbreit et al., 1994). Reintegrating into the community is also a big problem for the victim.

One way that a victim can cope with trauma is through the creation of support systems with whom they can talk about their experiences to empathic listeners. Specifically, victim-offender mediation programs aim to create these

important systems. As Gustafson (2003) claims, victim-offender mediation programs report “profound and positive impacts on the lives of both victims/trauma survivors and offenders, and unanimous support for the programme from all victim and offender respondents” (p.220). These programs provide a safe environment where there is an opportunity for people to fully engage in traumatic recovery. As they gradually heal their wounds, they are also developing inner strength, compassion for others, self-awareness, and a greater ability to experience joy in their lives.

One might argue that victims who had been raped or had been traumatized would never desire, need or be interested in ever again meeting or speaking with the offender who caused them harm (Gustafson, 2003, p.200). The violation that the victim would experience through the crime would cause a “profound disruption in basic trust...shame, guilt, and inferiority, and the need to avoid reminders of the trauma that might be found in social life; [these in turn would] all foster withdrawal from close relationships” (Herman, 1997, p.71). However, research was found that in a victim-offender mediation program, which involves a face-to-face meeting, victims frequently report that the program and its processes have contributed to their trauma recovery in profound ways, often manifesting in diminished symptoms of severe post-traumatic stress disorder (Gustafson, 2003). Diane, an adult rape victim, after meeting with the offender said:

He (the offender) declared himself ‘guilty’ and me ‘innocent’, and I felt the shame I have carried drop away...I felt innocent for the very first time since the rape...That was the beginning... Since then, the nightmares

have ended... the fear is gone ... I can't even conjure up the terrifying images, and ... I'm finally free... (Gustafson, 2003, p.218).

This demonstrates that the involvement of victims in the community helps to defuse the psychological crises that cause people to be traumatized by crime. The victim could be part of the circle. One of the core value of CoSA is the community have a responsibility for the safe restoration and healing of victims (Hannem and Petrunik, 2007). Therefore, there should be a circle for the victim. In this circle, the victim is the core member, and there will be trained volunteer members. VMs can accompany the victim during the investigation of the crime and prosecution phase. They will help the victim deal with the stressful situation and recover from her traumatic experience. Hence, the support and assistance system in China should address the needs of victims as well as offenders and communities.

5.3 Barriers

One of the challenges that would be faced by the CoSA project in China would be volunteer recruitment. To date, the vast majority of the circle volunteers in Canada have come from faith communities. Some became involved through their church or through ties with community chaplaincy. Some became involved because they had friends who were involved, because they met or knew the core member, or because of their involvement in community services (Cesaroni, 2001).

Although most Chinese do not have religious beliefs, many Chinese people are trained in the concept of social duties and obligations rather than self-

interests. In addition, Chinese communities tend to exhibit higher levels of interdependency among individuals. They tend to present strong family values, higher levels of interaction among neighbours, and a collective orientation within neighbourhoods (Lu and Miethe, 2001). The interdependency and communitarianism in Chinese society and culture are conducive to public support and enthusiasm for dealing with any problems affecting the community. Dorothy Bracey (1984) has made the following comments:

When the Chinese say that crime is a social problem, they are not simply saying that an individual is a product of the social environment and therefore is not totally responsible for his behaviour. They are saying that the social group—not an abstract “society” but a village, neighbourhood or work group—is both responsible for and a victim of crime. The conclusion they reach is that the social group has the right and duty to intervene in behaviour that might lead to crime (p. 10).

Chinese people do not only mind their own business, they also prefer to handle minor criminal and civil disputes in their neighbourhoods rather than hand them over to professionals. Almost all members of society seem to have become active controllers of crime instead of silent observers. As a result, circle volunteers could be recruited from neighbourhoods.

Who runs the program would be another difficulty. In Canada, most CoSAs are run by a church organization. In Cesaroni’s study (2001), it is clear that the majority of core members would not have joined the program if it was run by the Correctional Service of Canada. Most core members join a Circle as a means of self-protection. The hardest part of release for sex offenders is the emotional stress and fear of harassment, including the fear of people knowing who they were and what crimes they had committed (Cesaroni, 2001). Core

members may believe that CoSA would be more philanthropic than the Correctional Service of Canada.

Although there are some church organizations in China, they are not prevalent and active in communities. The essence of Chinese thinking has been dominated by Confucianism for a long time. For Confucius, human nature is perfectible, and man can be led to virtue and righteousness. Because the offender is correctable, the community should participate in the rehabilitation process. China has had a long history of community policing that relied on close-knit neighbourhoods and volunteers who served as eyes and ears for the police (Lu and Miethe, 2001). Neighbourhood organizations and their social programs are much more prevalent, more formal, and more active in communities than in Western countries (Lu and Miethe, 2001). Although Neighbourhood Committees are funded by government, it is the lowest form of government, and is less influenced by law enforcement. It is grassroots social control in China, that is, the central government surrendered authority to local groups of citizens who attempted to resolve disputes of every sort quickly and efficiently (Rojek, 2001). The major tasks of the Neighbourhood Committee include safeguarding the public, resolving conflicts within families or the residential unit, providing legal education to unemployed youth and released offenders, and publicizing and carrying out state policies. Since members of the Neighbourhood Committee have daily contact with released offenders, they can monitor offenders' behaviour, detect early signs of trouble, and provide practical assistance whenever it is needed. Given that many Neighbourhood Committees also run

rehabilitation programs for ex-offenders, a support and assistance system for released sex offender might be run by these Committees.

Since the core member must entered the circle voluntarily, would sex offenders in China agree to participate a circle? The essence of Chinese life is not “to lose face”. Vagg (1998) has stated that the concept of “face” entails two dimensions. The first is the notion of “face” being social success, high honour, or high accomplishments. The second sense of “face” is the notion of respect toward an individual, a moral standing or the judgement of a person regarding his observance of proper conduct. Hence, to lose “face” is to lose honour, respect, and self-worth. Once convicted, the offender is isolated from the society, is stigmatized and isolated in a prison, and loses “face” (Braithwaite, 1989). The stigma of being an ex-offender causes the offender to never gain full acceptance back into the community. To save “face”, offenders must let the community know they are willing to correct, and take responsibility for their wrongful behaviour by joining a circle.

5.4 Implications for further research

The challenges that released sex offenders face when re-entering their communities have been well documented in research articles and the popular media. Such challenges include securing housing and employment (Graffam et al., 2002), maintaining prosocial support networks (Taxman, Young and Byrne, 2002), and addressing drug and alcohol abuse and other mental and physical health problems (Hammett, Roberts and Kennedy, 2001). Willis and Grace (2009) found that poor planning for reintegrating sex offenders from prison to the

community is a risk factor for recidivism. Therefore, correctional staff and relevant community agencies should be in a position to reduce re-offending through a more effective reintegration of offenders into the community (Willis and Grace, 2009).

Reintegration planning should be a core component in treatment programs for sexual offenders because effective planning may contribute to a reduction in recidivism (Beech, Fisher and Thornton, 2003). It seems unrealistic to expect released sex offenders to live as law-abiding, respectful members of society while they struggle to attain basic human needs. In a study of sexual recidivism, Hanson and Harris (1998) found that recidivists were generally considered to have poor social supports, poor self-management strategies and showed increased anger and subjective distress just prior to re-offending. Assisting sex offenders to develop effective reintegration plans may help to ensure that their basic needs are met after release and in turn contribute to a reduction in sex offender recidivism. The Circles of Support and Accountability model of professionally facilitated volunteerism in the community-based management of sex offenders incorporates reintegration plans with the involvement of community.

The CoSA program combines the goal of community protection with risk management and restorative justice concerns for offender reintegration, and requires a careful balancing of reintegration and risk management concerns. Too much emphasis on support and not enough on accountability makes for a circle that could result in a relapse. Conversely, too much stress on accountability and

not enough on support could also lead to a relapse. Thus, maintaining a balance between support and accountability makes CoSA a unique alternative to punitive and incapacitating approaches.

China is at an important crossroads relative to its development and the potential for crime increasing. The country is cognizant of this and has initiated programs and policies to positively address the negative consequences traditionally associated with major economic change. The efforts appear to focus on the important reinforcement of traditional and cultural values, norms, and informal control mechanisms. There is, however, less evidence of programs developed to address some of the other aspects of prevention, such as programs to deal with released sex offenders and the victims of sex offenders. The present study is the first step towards an examination of the feasibility of transporting CoSA to China, and it is a subject that should be explored through further research.

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