

Restorative justice and youth violence toward parents

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Introduction

Consider this case of Carolyn and Des:¹

One afternoon in September 2001, Des (16 years old) came home drunk. His mother Carolyn (35 years old) told him that he had received a phone call about a job. He went to change his clothes, but had trouble getting his belt on. He got aggravated, started punching the walls, and then smashed a hole in the wall. He went to the kitchen and walked toward Carolyn, yelling at her and calling her names, before pushing her in the chest with both hands. Carolyn ran to the phone to call the police, but Des ripped it out of the wall. He went to another room and pulled another phone out of the wall. Carolyn tried to leave the house, but Des grabbed and pushed her against the wall, repeatedly yelling at her “you’re not leaving the house. I’ll fucking kill you.” Carolyn was scared that he would hurt her, although she didn’t think he would kill her. He picked up a knife from a kitchen drawer, she started to cry, and she said that “this seemed to make Des more aggressive and violent towards me.” Des then slammed the knife into the breakfast bar, just missing Carolyn’s hand. The knife hit with such force that its point was bent and the laminate and wood were damaged.

Carolyn ran from the house and called the police. A police officer came about an hour and a half later, took her statement, and searched for Des. After finding Des, he took him to the police station, where he was interviewed and charged with assault. That evening, he made “full and frank admissions” to the police about pushing his mother, slamming the knife near her fingers, and threatening to kill her. The police report says

that Des was “remorseful for what he had done” and was “affected by alcohol and did not know exactly why he had gone off.” In her police statement, Carolyn said that “this has been going on for the past 18 months, and I believe that [Des] needs some sort of help from the authorities.” She didn’t want her son to be in her house that night.

This offence occurred in a suburb of Adelaide, South Australia, a jurisdiction that has used restorative justice conferences as a diversion from court for youth crime since February 1994. About a week after the incident, Des’s case was referred by the police to a conference.

Several questions arise from this case. If you were Carolyn, what police and court action would you take? Des is your son, and you do not want him criminalized unduly, but you need to do something to control his violence, especially when he drinks. How do you view your options, and is youth conferencing viable?

It is crucial to situate current debates on the appropriateness of restorative justice for partner, sexual, or family violence with a clear sense of what women like Carolyn face. Her son’s assault shares elements of partner (or ex-partner) violence, but not fully. Hers is one of three cases of sons assaulting mothers that were finalized by a conference in the second half of 2001 in Adelaide, South Australia. We analyse the three cases, describing the contexts of the violence, and what happened before, during, and after a conference. We relate the findings to the literatures on youth violence toward parents, and feminist and victim advocates’ concerns that a standard restorative justice conference cannot adequately address the unique qualities of these cases.

I. Research Literature and Debates

A. Gender and Power in Youth-Parent Violence

Reviewing the quantitative literature, Cottrell and Monk (2004) find that 9 to 14% of parents are “at some point physically assaulted by their adolescent children” (p. 1072), and the rate can be as high as 29% for sole mother families (Livingston, 1985). Mothers or stepmothers are the more frequent victims; and males, the more frequent offenders.

Abusive youth are likely to have been sexually or physically abused by their parents or have witnessed partner violence² (Cottrell and Monk 2004: 1073).

Cottrell and Monk’s (2004) synthesis of two Canadian qualitative studies finds that while abuse by male youth “was influenced by the role modelling of masculine stereotypes that promote the use of power and control in relationships,” violence by female youth was “a paradoxical response used to create distance from the ‘feminine ideals’ that were often ascribed to them” (p. 1081). They attribute the gendered dynamics of youth violence toward parents to several factors. Male youth learn that it is acceptable to control and dominate women, and female youth use violence against their mothers to distance themselves from what they see as weak and powerless women. Fathers are seen by children as powerful and intimidating, and thus, not appropriate targets; and because mothers and stepmothers are more likely than fathers to be sole heads of families, they are more accessible targets.

Cottrell and Monk (2004: 1081) also find that whereas “stronger youth use intimidation and control tactics against parents, less powerful youth cause injury as a means to establish power.” Parents who are excessively controlling *or* permissive are at greater

risk of youth abuse. For controlling parents, youth violence reflects an increasing struggle for a sense of power; and for permissive parents, youth learn that their violence is effective in coercing parents into compliance. The authors see evidence of a “cycle of violence” in these cases, similar to that first identified by Lenore Walker (1979) for partner violence. They note, for example, that many youth “described ... having strong feelings of remorse for their actions but recalled that they instead projected intense anger toward their parents to compensate for this feeling of emotional vulnerability” (pp. 1085-1086).

A key question is the degree to which feminist conceptual frameworks for partner violence apply to youth violence toward parents. There is some evidence that they do, as studies by Eckstein (2004), Gallagher (2004), Bobic (2004), and Cottrell and Monk (2004) show.³

Eckstein’s (2004) findings on youth-parent violence show striking similarities to the “tactics of control” that have been identified in partner violence. Pence and Paymar (1986) conceptualize these tactics with a “power and control wheel,” which depicts a range of non-physical strategies, including verbal and psychological abuse, and threats and intimidation, on the wheel’s spokes. The rim of the wheel, holding it all together, has tactics of physical and sexual assault. Non-physical strategies may be all that is required to achieve the desired control and domination because there is an ever-present threat of actual physical and sexual assault. Such tactics of control are evident in Eckstein’s (2004) study (although she does not make this link herself). She finds that “the ability to implement emotional abuse is often a consequence of a previous physical abuse episode ... [that is,] ... the fear of physical abuse is a powerful form of emotional abuse” (p. 10). Eckstein concludes that the experience of abuse results in “a new type of parental role, one that includes a loss of

power” (Ibid.). This evolves over time from parents’ attempts to avoid an escalation of conflict and abuse to a gradual ineffectiveness in disciplinary measures, and finally, to acceptance of abuse as normal behaviour. Parents sometimes regain power only when their child turns 18, and they are no longer legally required to provide for the youth.

Drawing on his research and that of others, Gallagher (2004: 5) points out that in “almost all clinical studies, ... police records of assaults, ... and records of intervention orders taken out against children,” the recurring finding is of gendered violence: males are the primary offenders, and females (mothers) are more likely victims than males (fathers). This pattern occurs for several reasons, and among them, he suggests that “mothers have far more often been past victims of spouse abuse than fathers, [and] common attitudes allow males (even juveniles) to feel superior to women.”

Parents who are victimized by their children may not want criminal justice intervention, nor do they want to end the relationship with their child. There is a “veil of denial” (Gallagher 2004: 11, citing Harbin and Madden, 1979) surrounding the behaviour. Bobic (2004: 10) says that abused parents “distance themselves from one another or isolate themselves from family and friends for fear of the family secret being revealed.” Cottrell and Monk (2004) attribute the maintenance of secrecy to parental denial and self-blame, parental concerns about the negative impact on their children of reporting the behaviour, and parental fear about the negative impact on themselves for reporting the behaviour, including fears of an escalation of abuse after disclosure. These circumstances— isolation, denial, and fears of what will happen if the behaviour is reported to authorities—are similar to those that inhibit women from reporting partner violence.

Thus, we see some similarities in the dynamics of partner violence and youth violence to parents. However, gendered theories of male violence against women alone do not tell the whole story. In fact, youth violence may reflect an even more complex set of family dynamics and pose more quandaries for justice than partner violence. This is because, as Downey (1997: 76) suggests, youth violence may be the tip of a more systemic family violence pattern, which includes partner abuse, child abuse, and parental abuse “that may be co-occurring or occurring over time.” Further, Downey says that youth violence towards parents disrupts a taken for granted understanding of power in family violence. “Adolescents do not fit the typical conception of a perpetrator (who is physically and socially more resourced) and parents do not fit the idea of the physically and socially vulnerable victim” (p. 77).

Downey’s main interest is in how to respond to violence “in the therapy room” (p. 77). But how, one wonders, should it be handled in the “justice room”? This is not straightforward because as Downey suggests, violence in families is often *recursive*: it is “mutually shaping,” not linear or a “cause-effect relationship” (p. 76). This poses problems for justice in that responsibility for violent acts may be diffused. We may find, for example, that male adolescents are both perpetrators and victims of parental violence (i.e., they assault mothers, but have been or are being assaulted by their fathers), and complex cycles of violence may generate collusion between fathers and sons against partners or mothers. Responsibility for a male youth’s violence toward his mother may be shifted away from him and toward his father; and at the same time, he may join with his father in denying and minimizing the violence. It is difficult to imagine how these highly complex gendered and intergenerational violence dynamics can be addressed in a justice practice

alone. Downey suggests the need to hold two apparently mutually antagonistic views together: a recognition of the “complexity and uncertainty” that arises from seeing violence as recursive, and a strong feminist position that “advocates for the rights of women and children to be safe from the violence of men” (p. 72). Unless such a feminist perspective is present, there is the danger that justice practices in responding to youth-parental violence may create a *recursive trap* for victims. In section C, we consider this point further.

B. Feminist Debates on the Appropriateness of Restorative Justice for Partner, Sexual, or Family Violence

There are many types of restorative justice practices, but they normally entail meetings between an offender, victim, and their supporters (along with others) after an offender has admitted to committing an offence. Such practices may be used as diversion from court, actions taken in parallel with court practices (as in pre-sentence advice), and post-sentence. In the language of restorative justice, the aims are to hold offenders accountable for their behaviour, to right the wrong, and to “repair the harm” caused by crime.

Critiques of Restorative Justice

Feminist scholars, such as Busch (2002), Coker (1999, 2002), Lewis et al. (2001), and Stubbs (2002, 2004, 2007), along with victim advocates, have serious reservations about the appropriateness of restorative justice for partner, sexual, and family violence. (Their critiques are largely concerned with partner violence, which may be less relevant to sexual violence; see Daly and Curtis-Fawley 2006.) The thrust of critique is two-fold: most restorative justice advocates do not have in mind the unique elements of partner violence,

and many of the valued components of restorative justice (e.g., an apology) may not be at all suitable for these cases.

Partner violence differs from other offending because it is on-going offending, not one discrete incident. For these reasons, Stubbs (2002) argues that a control-based theoretical analysis is required to understand partner violence dynamics. Such an analysis recognizes the on-going nature of partner violence, the coercive (although subtle) tactics used, and how the violence reflects and reproduces gender-based inequalities.

Among the valued components of restorative justice are an informal, dialogic process, which uses community norms to censure offenders and emphasizes the positive effects of apologies. Each of these may, in fact, serve to re-victimize victims of partner violence. An informal process may permit an offender to exert power over the victim through subtle forms of intimidation, and community members may not universally oppose partner violence, or they may blame victims. Partner violence perpetrators are typically adept at making apparently sincere apologies for their violence; and victims may be willing to accept and forgive, wanting to believe that the violence will end. However, without effective intervention, the violence will often continue in a cyclic fashion (Walker 1979), with apology and forgiveness following episodes of violence.

Potential benefits of Restorative Justice

Braithwaite and Daly (1994), Daly (2002, 2006), Daly and Curtis-Fawley (2006), Hudson (1998, 2002), Koss (2000), Koss et al. (2004), Morris (2002), Pennell and Burford (2002), and Pennell and Anderson (2005), among others, identify some potential benefits of restorative justice in these cases. These include the opportunity for victims to voice their story and be heard, to validate their account of what happened, to receive acknowledgment

that they are not to blame for the violence, and to participate in decision-making about the case. Because offenders are supposed to take responsibility for the offence (at least ideally), victims' accounts may be validated and there can be a group-based censure of the violence. The process is more flexible and informal; thus, it may be less threatening and more responsive to victims' needs. It may also address violence between those who want to continue the relationship or to repair it, if this is a goal.

C. Linking Youth Violence to Feminist Debates on Restorative Justice

The literature on youth-parent violence is focused mainly on counting, explaining, and devising therapeutic interventions for it, whereas feminist debates are focused on explaining and identifying appropriate justice responses to adult men's violence toward women. The two sets of literature are not well articulated, although we see points of overlap. Specifically, the dynamics of youth-parent and partner violence are similar in the tactics of control used, the on-going cyclic nature of the violence (violence, apology, and forgiveness), the denial and shame associated with the violence, and its highly gendered qualities. At the same time, the recursive nature of violence is more evident in youth-parent violence.

In a systemic family violence context, the dynamics of sons beating mothers may also include fathers abusing sons and partners (or ex-partners), sons attempting to retaliate for their father's violence, and mothers whose boyfriends attempt to exert control over their sons. Several family members are thus both victims and offenders. In these contexts, mothers may be even more compromised and marginalized as "real victims" of their son's violence, and they may be blamed (or blame themselves) for it. How a woman understands

her son's violence and how the justice system constructs and responds to it raise questions of a diffusion of responsibility in these cases that is less evident in partner violence cases. Unless there are feminist voices in the conference (or other legal) process, these dynamics set in motion a "recursive trap" for victims, where women blame themselves for, or in some cases are immobilized by, their son's violence.

II. In-Depth Study Methods

The in-depth study of sexual and family violence⁴ cases is one of several in a program of research on the race and gender politics of new justice practices (see published and on-going work at www.griffith.edu.au/school/ccj/kdaly.html). The study centres on victims' experiences of gendered and sexualized violence, and their views on and experiences with the youth justice conference process and its aftermath. The research time frame was six months, July to December 2001, and the site was Adelaide, South Australia. Readers should consult a detailed technical report that describes the conceptual framework, research methods, and research instruments (Daly et al. 2007). During the research period, six family violence conferences were held: three were of sons assaulting mothers; two, sons assaulting fathers; and one, a daughter assaulting her mother. The three cases analyzed here draw on police reports and criminal history data, and interviews with the three different Youth Justice Coordinators (YJCs) who organised and ran the conferences, and with a victim.⁵ While acknowledging the limits of the study, it is the first to examine family violence in a routine youth justice conference practice.⁶

III. Three Case Studies

As anticipated from the literature, in all cases, the youth's assault was not isolated, but part of an ongoing pattern of violence. In all cases, the mother had separated from a spouse, who was violent toward her and the son; and in one case, the mother subsequently had a boyfriend who was violent toward her and the son. All the women had experienced a loss of power as parents, and all sought police intervention to remove their sons from the household.

Case #1, Carolyn and Des: Assault, Threats with a Knife, and Threats to Kill

Carolyn's case opened the paper. She was a sole parent, having separated from Des's father some years ago. She had a nervous breakdown, but the file is not clear on when this occurred. She is employed as a nurse on a casual basis, and her primary social support is her mother. According to the YJC, the assault was "not an isolated event," although it was "by far the most serious. ... There's been a pattern of damage to the house in the past."

The aftermath of the assault

Des was interviewed by the police several hours after his arrest, charged with assault, and then released. Among the release conditions, he was to attend an anger management and alcohol program, and not drink or be around friends who are drinking. Because Carolyn did not want him back in the house that night, the police arranged for alternative overnight accommodation. Des was supposed to move to his father's house; and although his father agreed to take him, Des refused to go and returned to live with Carolyn. The YJC described the father-son relationship as "broken down," with the father having "younger

children from a new relationship.” The YJC described Carolyn as “one of these people, who is not always easy to talk to ... Conversations are a bit jumpy ...” As we shall see, this YJC was not entirely sympathetic toward Carolyn.

Leading up to the conference

In the pre-conference period, the YJC had one 10- to 15-minute telephone conversation with Des, and two telephone conversations with Carolyn; the first, for about one hour and 30 minutes, and the second, for about 10 to 15 minutes. In his first conversation with Carolyn, the YJC learned that there had been no further physical violence in the pre-conference period. However, less than a week before the conference, Des stole five of Carolyn’s CDs and pawned them. In addition, she noticed that the key to the house side gate was missing, and she thought that Des was letting his friends in. Carolyn was eager to have Des removed from the house, and she asked the YJC about having him placed in foster care. She was also interested in how Des might gain employment training.

The YJC was concerned that Carolyn would see the conference as “only part of the whole general broken down relationship between her and her son. ... She’s not going to focus ... on the actual incident, as serious as it was ...” He described her as “exasperated ... [there’s] almost a resignation that she’s just got to wear the problem until [Des] is 18 and leaves home.” The YJC agreed with the arresting officer’s observation that Carolyn did not want to help herself, saying “she’s defeated by the problem – like a complainer rather than an activist.”

Carolyn was a nominal support for Des, but she was also a victim, the YJC saying that “this mum will be wearing the exasperated victim hat well and truly.” Compared to other parents with whom the YJC was familiar, Carolyn seemed less able to move on from

a victim status. YJC sought another support person for Des, but when he suggested Des's father, both Carolyn and Des said it would not work because the conference "would just get bogged down in their warfare." The YJC thought that Carolyn needed a support person, and after some prompting, Carolyn nominated her mother, Mary.

When asked if Des was taking responsibility for the offence, the YJC said "for a male ... I couldn't have asked more of him [although] he could have said, 'look I'm really sorry for what I've done ...'" The YJC detected no signs of victim-blaming by Des before the conference although he suspected it would occur during the conference. Specifically, he thought that Des would blame his violence on alcohol and Carolyn's "negative tone." The YJC believed that Carolyn would "not feel threatened" at the conference, and he saw no reason to be concerned for her safety. Reflecting a recursive view of violence, but with little feminist insight, the YJC noted "an interesting dynamic in this case and a lot of domestic violence cases":

The men themselves are victims too ... He may well be the victim of his own dad's aggression and mistreatment, and he's probably feeling a victim of his own social circumstances, frustration at not doing very well at school, not moving into work ... not enjoying the economic success.

The YJC thought that a desirable conference outcome would be to require Des to "make a pledge that he will not use violence against his mum," and if this were "hang[ing] over him, ... combined with some positive stuff like [employment counselling]," there would be hope for his future.

At the conference

The conference lasted for about one hour and 45 minutes. Present were Des, Carolyn, and her mother Mary, along with the YJC and a police officer. It began with the YJC's explaining the reason for and purpose of the conference, followed by the police officer reading the offence report. Des was then invited to tell his story. He struggled in telling it, unable to remember why "he exploded," but then Carolyn jumped in, saying that he was frustrated about not being able to get his belt on. During the conference, the YJC focused on ways to ensure Carolyn's safety and to help Des find work. He wanted Des to see how serious the knife incident was, and he spent considerable time exploring the potential danger.

Apology and the agreement

It was agreed that Des would apologize to his mother in private in the coming week, rather than at the conference. In addition to the verbal apology, other elements in the six-month agreement included Des's staying away from his mother's house, not damaging it or allowing anyone to enter it, not threatening or harming her, and making an effort to find a job. Although the YJC felt he had worked hard to include specific elements in the agreement, he perceived that Carolyn did not appreciate his efforts. "Her final sentiment was, 'I don't believe he'll follow through.'" As it turns out, Carolyn was right, but at the time, the YJC's allegiance was with Des. "He was more responsive to my way of running the conference. I was a lot happier with the way it was going with him than with the victim."

Conference dynamics

Des initially seemed unaffected by Carolyn's story, but when prompted, he agreed that he felt bad about having hurt her. When asked if there was external validation of Carolyn, the YJC said "I thought we did lots of validation, and I thought that Des ... was not running away from that." But yet, the YJC recalled, "that didn't seem to have any effect on her at all. There was no show of response from her." The YJC saw no evidence that Des attempted to exercise control or intimidate Carolyn. Overall, he judged the conference as having no restorativeness between Carolyn and Des, although there were connections made between Mary and Des. Mary saw Des as a good person who was acting out of boredom and who needed a job.

The YJC described Carolyn's demeanour as "bubbling away with animosity, ... prickly, ... at the end of her tether, and wanting practical solutions." His earlier suspicion that Carolyn's "dynamics might be feeding the problem" was, in his mind, "confirmed." He said he "felt almost uncomfortable in there with mum... I thought: Is mum pissed off with me or is she pissed off with the process? My impression in the end was she was probably pissed off with the kid mostly."

Some time was spent discussing Des's theft and pawning of his mother's CDs. Carolyn's focus was "on those things every bit as much as on the violent stuff." She was dissatisfied with the police response to Des's having breached the conditions of his pre-conference bond, and the YJC believed that this was all "part of mum's cynicism about change." Our reading of the file suggests that Carolyn had good reasons to be cynical, but that she sought confirmation of her legal rights and saw them as a lever of power. For example, at the conference, she asked the police officer what her rights were, if Des came

home drunk, “banging on the doors and wanting to get in.” She wanted to know if this would be interpreted as a risk of violence to her. She had asked a second officer the same question when she gave her statement concerning Des’s theft of her CD’s.

The YJC acknowledged that he had a closer bond to Des, and he made several negative comments about Carolyn during the interview. Although he could not pinpoint the sources (“whether it’s abuse in her childhood, abuse from the marriage, ... bitterness from the marriage break-up ..”), he believed that “Des is wrapped up and tarred with the same brush.” This comment exemplifies Downey’s (1997) concern that responsibility for violence can be diffused in youth violence cases, although this YJC went further, suggesting that Carolyn’s personality and “cold” affect motivated Des’s violence:

She comes across as a very hard person. ... I think her son felt sadder about the situation between them than [she] did. ... She’s a very damaged person. ... It’s not normal for people to be like that ...

After the conference

Although the YJC had been critical of Carolyn’s “cynicism about whether the process would be of any use to her,” she had every reason to be cynical. About five weeks after the conference, she supplied a detailed typewritten statement to the YJC, at his request. She said that Des came home at about midnight, drunk, was “verbally abusive” to her, “loud, very angry, and could not be reasoned with.” He threw a dish and food around, telling Carolyn to ring the police on three occasions. He said that by the time the police arrived, “the house would be totally trashed and he would be gone.” She didn’t “retaliate or challenge” his behaviour, fearing that it “would escalate into violence.” She rang Des’s father, and they agreed that Des should move into his house. However, Des could not be

found. Carolyn also reported that since the conference Des broke into her house at least four times; food and some items of her clothing were taken, and she suspects that several of his friends had been there. Des made no further efforts to get a job after his first appointment with the counsellor. Since he broke the conditions of the conference agreement, Carolyn asked that “prompt action be taken.”

Immediately upon receiving Carolyn’s statement, the YJC issued paperwork to breach Des, referring the case back to the police late in 2001. The record shows that the police referred the case to court, but it was dismissed nearly a year later, in October 2002. From then to December 2004, there is no record of official offending on the police file.

Case #2, Anna and Tom: Assault with a Broom Handle

At mid-day in June 2001, Anna was at home when she heard distressed shouts from her daughter, Tina (10 years old). Anna rushed to see what was happening and saw her son, Tom (14 years old), pushing Tina into the couch where she was laying. Anna intervened and an argument with Tom ensued, resulting in Anna being struck by a broom handle. Afraid for her safety, Anna fled the house and called the police to meet her at a local shop. When they arrived, she was reluctant to proceed and declined to make a statement against Tom. She was visibly upset, and the police noted a red mark on her upper arm, consistent with having been hit by an object. Anna said she wanted the police to accompany her home and to speak with Tom about the assault, but she did not want to make a formal complaint.

The police escorted Anna to her home, and they spoke to a woman who knew about problems in the household, but had not witnessed the assault. Several hours later

the police arrested Tom. They described Anna as a “hostile witness who will not support police proceedings in this matter,” and noted “there is a history of family violence at this address ... that could only be resolved by police intervention.”⁷

At the time of the assault, Anna (47 years old) had been separated from her husband (and Tom’s father), Ernst, for about 18 months. The two were engaged in a complicated and bitter settlement in the family court, which involved a lot of money and property. Ernst is a violent man, who beats Tom; and Anna thought that if Tom had to live with Ernst, he would appreciate her more. Anna also wanted to demonstrate that she was protective of her daughter Tina. Anna believed that Ernst was sexually abusing Tina and that he was trying to take Tina away from her.

The aftermath of the assault

After Tom’s arrest, he was interviewed by police in the presence of his father, and charged with assault. He was released on police bond and went to live with his father. Soon after, however, he rang Anna very distressed because “he’d had a very hard time with his dad” and wanted to move back. Anna “thought he’d had enough” and acceded to his request, although she still wanted him to live with Ernst.

Leading up to the conference

The YJC had two conversations with Anna before the conference, one of which lasted for one and a half hours. Anna described a long history of violence by Ernst, which both children had witnessed. Anna believed that Tom was treating her in the same way because he saw her take Ernst’s violence rather than defend herself, and thus she saw herself as partly responsible for Tom’s behaviour. Her comment exemplifies the “recursive trap” for victims. Anna also reported that Tom’s arrest had not stopped the violence. According to

the YJC, “he was still hitting her ... had always hit her,” and Anna was “very ambiguous in the description of her son and her husband. It is one context for her: it just rolls back and forth in her mind, and she can’t differentiate.” Anna has a history of “mental instability” and is concerned that others, including the police, label her as crazy.

Anna had a dual role in the conference: as victim and as Tom’s supporter. The YJC did not invite Ernst to the conference because, among other reasons, he had taken out a restraining order against Anna. The YJC described Anna as a victim of Tom’s assault and “a much wider picture as well,” and she viewed Tom as “very manipulative, egotistical and indulged.” He had many problems in school because, according to the YJC, “he thinks he’s better than every-one else ... a sort of condescending, a pompous boy ...” He has been excluded from school many times and has not attended for nearly two years.

In setting up the conference, the YJC had only a very brief phone conversation with Tom. She noted that he “wasn’t very interested” in the conference, he ... “didn’t very easily take responsibility, and he said he was coming ... because his mum made him.” Anna, on the other hand, had high hopes for what the conference could do for Tom. She was looking for an “organized way” to sit down and talk with Tom and was fully committed to the conference, so long as Ernst was not there. In the YJC’s words, “she wanted him to see more clearly what he was doing, she wanted him to change, and she wanted it to be miraculous, ... and she really wanted to have a chance to talk with him, without feeling alone because she can’t do it alone.” When asked about concerns for Anna’s safety at the conference, the YJC replied, “no more than anywhere else; she was unsafe everywhere.”

At the conference

The conference was held about two months after the assault. Only Tom and Anna attended. They arrived late, and Anna was flustered. They, together with the YJC and police officer, sat around a small table. Tom sat in the back of the room, while Anna sat diagonally from him, near the door. The conference went for about one hour and a half.

Tom said he was “tricked” into attending the conference: his mother told him they were going shopping, but instead they came to the conference. Despite this, he agreed to continue with it. Anna started talking about the broader context of violence with Ernst, the YJC recalling that “she found it much easier to talk about her husband and his pattern of behaviour towards her” As a result, the YJC thought that Anna was “excusing” Tom’s behaviour, “she was giving him an out.” Although the YJC tried to bring her back to Tom’s assault, Anna “found it hard to talk about that one incident.” To Anna, the “real” offender was Ernst, and the “real” victim was Tina. The YJC put it this way:

She talks about her own victimization through the experience of her daughter...

[She is] under emotional pressure that has pushed her right over the edge... [S]he’s very scared about everything. Her world’s disintegrating, and she is the victim of a huge amount of violence.

Tom agreed with the police report, saying “that’s exactly what happened,” but he then blamed his sister for provoking him. Tom took no responsibility for the assault, and he saw himself more as a victim. His solution was to leave home and live independently. He talked a lot about having to be dependent on his mother for transport and how she would not give him enough money. He refused to discuss anything about the “disagreements” between his parents.

Apology and the agreement

Although Tom apologized to his mother when he wanted to move back with her, there was no apology at the conference, and the YJC did not push for it. Tom said he regretted what he had done, and he said he did; but his regret had more to do with the fact that he had to live with his father. Although Anna had called the police many times before, this was the “first time she had actually pressed for something to happen, for him to be taken away.” By her actions, she hoped that Tom would “know that was the consequence: either he’d get locked up or his dad would have him. That was the punishment she wanted.” The conference outcome was minimal: Tom was to make an appointment to see a counsellor about job training and employment. This occurred, despite the YJC’s acknowledging the deep problems within the family: “they need family counselling [and] haven’t had any.”

Conference dynamics

Tom was extremely defiant and brash during the conference. He was actively involved in the process, but not in a positive way. The YJC observed that he was “very dismissive and blank about what she [Anna] said. ... He seemed to enjoy being there ... He has quite a lot of interest in seeing his mother emotional ... Anna cried through the whole thing. She was crying when they arrived.”

The police officer emphasized the seriousness of the offence to Tom, pointing out the consequences of being in the juvenile justice system, and this, the YJC believed, was a form of external validation for Anna. However, at times, the officer’s remarks about family life were highly ill-suited to the reality of violence for this family.

The YJC often had to intervene in Anna’s minimization of Tom’s abuse. This was because

... The victim is also not a victim ... She considers herself a perpetrator of violence towards her son, [which has] has caused him to rebel. Or the victim of her husband, therefore he [Ernst] is the real offender in all of this.

When asked if any of the re-victimization elements occurred in the conference (e.g., victim distress, minimization of the harm, the youth not fully admitting to the offence), the YJC said “well, yes, all that happened.” She continued, “it happened partly because she [Anna] let it happen, ... and it’s what has always happened.” However, the YJC added, “I just didn’t let it happen ... I did challenge every one of those things ... and for once they were challenged ...”

Tom was extremely rude to Anna, although this seemed typical of their relationship. When asked if he tried to coerce Anna through any kind of subtle control or intimidation strategies, the YJC said, “no, she’s too mad ... too beyond it, to notice that. ... Her mind is very fluid, and she can honestly talk non-stop herself, as long as you’ll listen, and it’s all very dark, dark stuff.”

After the conference

The police record suggests that about three months after the conference, in September, Tom was charged with property damage, but in a town more than four hours’ drive from Adelaide. Some time later, Anna called the YJC to report that Tom had trashed her friend’s house in Adelaide and may have assaulted her. She wanted Tom out of the house and sought information on referrals from the YJC; but when given some leads, she seemed to reject them all.

On reflection, the YJC believed that the case was “far more appropriate to have gone to conference than court,” but much depended on how Anna would deal with any

subsequent abuse, and “the conference hasn’t resolved that at all.” This was “a classic, classic case” of family violence, with entrenched patterns “that can’t be broken down in one meeting.” The conference “was far more about them showing who they were, than changing.” Indeed, the YJC noted that the conference seemed to be “an interlude in the middle of their day,” reporting that “at the end of the conference, Tom said, ‘now can we go shopping?’ and Anna said ‘yes,’ so they were off shopping.”

The YJC’s characterizations of Tom as “totally empty, an empty little person,” “not a good boy,” and “a very dangerous boy,” were born out in his criminal history. Three years after the conference, he was sentenced to serve eight months in detention for a violent offence committed the previous year. During the three-year period, he was in and out of court for assault, property, and driving offences committed on over a dozen different occasions.

Case #3, Sheila and Mitch: Assault and Strangling

Sheila, age 45, arrived home from a pizza shop, where she works. She then ordered a pizza from the same shop, and had it for dinner with her son, Mitch (age 15). When they were finished, Sheila announced that she was going to take the leftovers to her friend, Bevan. Mitch got “very mad” about this, and just as Sheila was about to walk out the door, he said, “you’re not going.” She said, “I am going,” and as she proceeded to walk out the door, Mitch “snapped.” The police report continues:

He grabbed her around the throat and punched her in the head. He was strangling her and holding her against the wall near the front door ... He held her

there for a few seconds ... released her and then said “get the fuck out and don’t fucking come back.”

After separating from her husband, Greg, some years ago,⁸ Sheila began to see Bevan, whose house is around the corner from hers. Bevan is a “chronic alcoholic” and violent toward Mitch and Sheila. Her failure to protect Mitch from Bevan, coupled with Bevan’s violence toward Sheila, led to police and child protection intervention on many occasions. Although Mitch had been verbally abusive to Sheila many times, this was the first time, she said, that he became seriously physical and that she sought to have him arrested. Sheila and Greg attribute Mitch’s violence to a “chemical imbalance” for which he takes medication. The YJC took a different view: “Mitch grew up in the house” with a violent father who beat his wife. Mitch “saw dad’s behaviour, learnt from it, then when Dad left, Mitch took over.” Added to this is Bevan’s presence in Sheila’s life. According to the YJC, Mitch “hates Bevan ... [When] everything goes wrong for Mitch, Bevan’s behind it.” He is very jealous of Bevan.

The aftermath of the assault

Immediately after the assault, Sheila fled to Bevan’s house; and from there, she rang the police. A couple of hours later, the police arrived, had a short conversation with Mitch, and arrested him. Sheila watched as they drove Mitch away. He was interviewed by the police and made full admissions to grabbing his mother around the neck and holding her against the wall. He said he wanted to frighten her into staying at home instead of going to Bevan’s because, in his view, she was always going to Bevan’s house and did not spend enough time with him. He was charged and placed in the police cells for some time before his father picked him up.

The police file suggests that Sheila initially did not want the police to divert the case from court to conference. However, after speaking to the police some time later, she was grateful that it meant that Mitch did not have to go to court and potentially receive a criminal record. Sheila said there had been no physical injuries or bruising from the assault, and she had not experienced stress-related effects such as sleeplessness, fear of being alone, or nightmares.

Leading up to the conference

From his phone conversation, the YJC described Sheila as sounding “pathetic, washed out ... looking over her shoulder to see who is listening, ... but at the same time accepting that stuff.” The YJC said that Bevan is very controlling of Sheila; and he (the YJC) recounted that when he rang Sheila, Bevan picked up the phone first, passed it along to Sheila, and then listened in on the conversation in another room.

Sheila was ambivalent about participating in the conference, vacillating between being very positive one day, and then negative and unsure the next. She said many times that she was fearful of going to the conference if Greg was going to be there because of his level of “agro.” The YJC thought that Sheila’s ambivalence might also have been caused by things that Bevan was saying. When asked if she wanted to Bevan to be at the conference, Sheila quickly said “no.” Mitch’s supporter was Greg, his father, whom the YJC described as “a supporter in the true sense because he is downplaying it totally ... I’m not sure how supportive he will be of a true consequence ... He’s more an advocate for dropping it.” The YJC was concerned about Sheila’s emotional safety at the conference; and when he discussed his concerns with Sheila, she confirmed that she was far more fearful of Greg than Mitch. The YJC reassured her that there would be a police officer

present, and that no one would be allowed to harass her. Sheila's support person was a teacher at Mitch's school, who knew her and Mitch well.

In his conversations with Sheila before the conference, the YJC said she was intensely angry toward Mitch: his abusive behaviour had gone too far, and she had to throw him out of the house. While Sheila did not have any specific outcomes in mind for the conference, the YJC felt that it was more about punishment for Mitch than anything else: "what she wants is Mitch to have a bit of a shake-up, to say it's not on." The YJC said it was important to have an authoritative police officer, along with a male YJC, at the conference because of the gendered nature of the abuse and the history of Greg's violence toward Sheila.

The day before the conference was scheduled, Greg and Mitch turned up to attend, a day early. Their attitudes caused considerable concern to the YJC. They tried to convince him to hold the conference then, arguing that it wasn't necessary to have Sheila present, that she would just get off track ("Give her a chance, she'll just talk about her problems") and dominate the proceedings. Greg said something else that disturbed the YJC. "He said, 'look I saw her two days after this, and she didn't have a mark on her, and I can tell you she's not one that doesn't bruise easy.' ... I thought umm, thanks for that." When the YJC told them that Sheila was fearful of coming to the conference, they "were laughing hysterically at that, thinking why would she be scared?" Mitch did not take any responsibility for the violence, and his father "was feeding it a fair bit." From their point of view, there was nothing wrong with them; rather, the problem was Bevan.

The YJC took Mitch aside twice (once with his father present), warning him about his attitude: if he acted like that during the conference, it could be terminated and he would

have to go to court. The YJC spent some time showing Mitch and Greg the security set up in the conference room, including the duress alarm, which if activated, would have a sheriff on the scene immediately. He did this “more as a deterrent than anything else.”

On the day of the conference, before it started, the YJC spoke with the police officer about a plan of action, should Greg or Mitch say or do anything inappropriate or threatening. They agreed that on a signal from the YJC, the police officer would jump in and give Greg or Mitch (or both) a verbal warning for a public order offence. The YJC had a sheriff in the hallway, visible to Greg and Mitch as they walked in. Not only they, but also Sheila knew there was a duress alarm in the room. Also, it was planned in advance that Sheila and her support person would be excused from the conference after the agreement was reached but before it had been written up, so they could leave safely.

At the conference

Compared to the previous day, Mitch’s and Greg’s attitude had improved. At the start of the conference, however, Mitch said he was angry because his mother was never home for him and was always with Bevan. Initially, he was reluctant to talk about the offence, but was encouraged by the YJC and the police officer. Before Mitch finished telling his story, Sheila jumped in, saying that she understood his feelings. She took some responsibility for Mitch’s actions by saying that perhaps she did spend more time with Bevan than she should. This had a positive effect on Mitch, who shifted his orientation by taking responsibility for his behaviour and acknowledging that his attack would have hurt her. Sheila said that it wasn’t the assault that hurt her, but seeing him being dragged away by the police, and she “had done that.” She had cried the whole night after that, and this seemed to “cut into the quick” for Mitch. He seemed to genuinely understand and be moved by

what he had done to her. Mitch did not expect his mother to understand his feelings, but when she did, he was more willing to take responsibility. According to the YJC, “even his tone of voice changed from that point on; it became more conversational rather than defensive.”

When interviewed, Sheila said that Mitch was truthful at the conference. She was surprised, but proud of him, when he admitted “he went really overboard ... because it takes a lot of guts to do that.” She believed that he was remorseful when he said he was sorry, and she trusted his word, saying that he went “straight to the point” and didn’t minimize its seriousness. She did not feel she was blamed for the offence, although she felt she contributed to it, saying “he did wrong, I did wrong,” a comment that exemplifies the “recursive trap” for victims. She attempted to explain her culpability by saying she “was in the wrong place at the wrong time.”

Apology and the agreement

It took a long time for Mitch to apologize to Sheila, and initially he directed his apology to the YJC, who then asked him to apologize to Sheila directly. He did this, saying “I’m really sorry for what I did to you, and that you had to get the police to drag me away.” Neither the police officer nor the YJC was convinced of the sincerity of his apology, or that Mitch really understood what he was apologizing for, so it was agreed that he would write an apology letter to Sheila. Other elements of the agreement were to attend a youth agency with the aim of discussing participation in an anger management program (this cannot be mandated); to make contact with a counsellor, with the aim of returning to school or seeking job training; and not to be in Sheila’s house for six months, although phone contact was all right. Greg was the supervisor.

Sheila thought that the agreement was fair, but that only the YJC and police officer were involved in deciding it. She thought it very likely that Mitch would comply with all the elements and that the police officer had explained well the consequences of not complying. Compared to the YJC and police officer, Sheila was far more positive about Mitch, saying he took full responsibility for the offence and was “really sorry.”

Conference dynamics

The YJC reported that as Greg and Mitch entered the conference room, they “gave the glare of death” towards Sheila, but this changed during the conference. In the introduction phase, the YJC warned against any disrespect and intimidation, emphasizing that the conference could be terminated as a result.

According to the YJC, “Once mum had ... accepted some of the responsibility,” so did Mitch. But, the YJC believed, it was a “contingent responsibility ... He would never get to ‘fully [responsible]’ by himself.” Although Mitch’s initial defiance dissipated, Greg attempted to undermine Sheila. He made comments such as “I don’t want to say anything nasty about you, but the police I spoke to all said Mitch was looking for a mother ... If you’d spend more time with the kids” The YJC said that he and the police officer had to pull Greg off that tangent, and at one point Mitch turned to his dad and told him to “shut up.” The YJC viewed Greg’s behaviour as attempted intimidation, controlling, and offence minimizing, but this was checked and challenged by him and the police officer.

According to the YJC, Sheila was extremely anxious and fearful during the conference (“she’d compressed two or three tissues into a solid block by the end of the conference”), and it was very hard for her to hear Greg denying the assault had happened. Although the YJC viewed these and other remarks by Greg as potentially distressful to

Sheila, he believed that she was not re-victimized because she “was quite strong throughout.” She seemed to have prepared herself for Greg’s comments and was able to ignore them and remain calm. Sheila did not recall any negative experiences at the conference, although she left the conference, feeling “relieved ... that it was over.”

Throughout the conference Sheila referred to herself as the “weaker parent,” implying that this contributed to Mitch’s abuse, and that Greg was the “stronger parent.” This was re-framed by the YJC as Mitch being the “more powerful child” and Greg having strategies to exert power over Mitch. There was external validation of Sheila by the police officer, who said that abusing a family member was extremely serious, “the worst of the worst,” and by Mitch, who acknowledged that his mother was scared and he was wrong to have assaulted her. The benefit of the conference, in Sheila’s words, was that “we all sat down and talked like people, without any swearing or cursing or blaming. We talked like civilized people. ... We got to the whole incident and worked it all out.” The benefits for Mitch were “help[ing] him with his anger ... and to put things in perspective.” After the conference, Sheila felt more positive toward Mitch, although she continues to feel “wary” and a “little frightened.”

After the conference

When Sheila was interviewed two weeks after the conference, she described Bevan as her “ex-friend” because he had hit her the day after the conference. She had known him for ten years, and he had never hit her before, she said; but it seemed that he had “put ten years into one hit and that was it.” She called the police, and Bevan was charged with assault.

Sheila was impressed with Mitch’s letter of apology, saying it made her feel

“teary.” She did not think he would assault her again because “he learnt his lesson.” Overall, she was satisfied with the conference, emphasizing that it saved Mitch from getting a criminal record and ruining his employment prospects. She recommended conferences to victims in her circumstances because “that way the child would be protected and the parents would be protected.” Police records show that Mitch has not been subject to police or court action for three years since the conference.

IV. Discussion

Sons assaulting mothers share some elements with partner violence, but their dynamics can be more complex. Mothers have an ambivalent relationship to their sons’ offending and toward their role in seeking justice: they are not only victims, but also they are expected to be their sons’ supporters. They blame themselves for their sons’ behaviour, and at times, they blame their ex-partners, who have been abusive toward them and their sons. They explain and excuse their sons’ behaviour as emulating their fathers’ violence. In all cases, although the women have separated from their partners, the on-going and often fraught relationships between the male youth and their fathers, or, in one instance, a pending family court case, can compromise a woman’s ability to take an independent stance and move forward. The recursive quality of the violence sets up the potential for a “recursive trap” for victims, in which the responsibility for violence is diffused, women partly blame themselves for it, and sons adopt a victim status, which allows them to minimize and excuse their behaviour. In addition to the well-known “cycle of violence” in partner violence, these cases have an intergenerational recursive dimension. The complex

character of these cases is recognized in the therapeutic literature, but how can or should it be recognized in justice practices?

In all cases, the incident was one of many the women had experienced over the years at the hands of their sons, ex-partners, or both. In all cases, the women invoked legal authority as a mechanism of punishing their abusive sons; and this meant not only removing them from their house, but wanting them to live with their fathers. After trying other measures, the women's calls to the police to have their sons arrested seemed the only way to take a stand against their sons' behaviour and to live with a sense of safety in their homes. In two cases (Des and Tom), we know that the women's efforts were not successful because their sons did not comply with the agreement. Over the long term, one youth (Tom) persisted in offending that came to police and court attention.

Two mothers were described as non-stop talkers, and the third, as cold and distant. All three were presented as a bit strange, mad, or pathetic, and viewed by the YJCs as damaged in some way. Two had clear signs of trauma: a nervous breakdown (Carolyn) and mental instability (Anna). The YJCs varied in their assessment of the women's personality: two saw the women's outlook as caused by years of abuse (cases #2 and 3), but a third often blamed the woman (case #1).

The conference dynamics show a complex interaction of each woman's interests and capacities to find common ground with her son (or not) and the son's readiness to change his behaviour. For case #1, Carolyn was not interested to repair the relationship with her son: she was fed up with him and saw little hope that he would take a more mature and responsible path. Des was not ready to change, and the conference did little to shift his attitude toward his mother or to change his behaviour in the short term. There was no

common ground established between mother and son. For case #2, Anna felt that she and her husband were responsible for Tom's violence, and this served to excuse his behaviour. Anna wanted the conference to be "miraculous," a moment when she could confront Tom "without feeling alone." Tom was not ready to act any differently than before: he remained callous, dismissive, and unaffected by his mother's feelings and concerns. The conference largely recapitulated on-going dynamics of violence between mother and son, even as the YJC attempted to intervene and challenge the instances of re-victimization. In case #3, Sheila wanted to "shake up" her son, but she had not yet given up on him. She was effective in breaking through Mitch's defences by saying that perhaps she spent too much time with Bevan, which resulted in Mitch's acting more positively toward her. The common ground established between them was contingent on her taking some blame for the offence. Compared to the two other cases, case #3 stood out in the degree to which the YJC set in motion (and needed to set in motion) a security plan; and working with the police officer, continually checked and "pulled up" Mitch, and even more so, his father for their inappropriate comments. It was fortunate that the two turned up a day early for the conference because it was not until then that the YJC fully appreciated their negative and victim-blaming attitudes and potential for violence.

Several key points emerge. First, the dynamics of youth-parent violence (in particular, son-mother violence), while somewhat similar to partner violence, have added problems. They demonstrate vividly how on-going violence between intimates and family members differs from "incident-based" violence, and why the standard conference model (and indeed, the standard police or court model) is poorly equipped and resourced to address the violence. All three cases required more than a legal or police response: the

assaults were a symptom of a longer story about a wider set of conflicts in gender, family, and intimate relations. That is why in all the cases, the women wanted to tell the longer story and found it difficult to focus on one incident alone.

Second, with respect to resources for victims, feminist and victim advocates argue that these should be part of case outcomes. Ideally, in all three cases, the victims would have been aided by professional counselling and support; and the offenders would have been aided by a targeted, sustained therapeutic intervention to address adolescent male violence toward family members, along the lines of a similar program in Adelaide for youth sexual violence. None of these elements was part of the agreement. The reason is three-fold: legislation guiding youth conferencing in South Australia, the role of YJCs in following up cases, and the lack of a sustained therapeutic program for youth violence toward family members. The *Young Offenders Act 1993* states that conference can only devise outcomes for the young person; no outcomes can be directed to victims or any other adult in the conference. The YJCs do not case manage; rather, their role is to monitor outcomes, and when necessary, to breach a youth for non-compliance. The principal resource available to youth is counselling for training, employment, or anger management. Although a conference outcome cannot direct resources to victims, YJCs do engage with victims, offering support service information for self-referral.

Third, because of their complexity, these cases required more time and work by the YJCs in setting up the conference appropriately; talking and listening to victims, offenders, and their supporters; and putting in place security and safety measures for victims. In addition, a coordinator may continue to be a lifeline of information and support after the conference is over (as in case #2). These cases call for a sophisticated understanding of the

dynamics of partner and family violence, and the need to ensure that facilitators are competent and well-trained in handling them. They require considerable professional time and resources to prepare, conduct, and monitor post-conference (see, e.g., Pennell and Anderson's [2005] "best practice" model for child welfare cases). Such time and resources were not available to the Adelaide Family Conference Team, nor, more generally, are they available in family violence cases in any criminal court jurisdiction.

Fourth, the cases show that informal processes can re-victimize when offenders (or their supporters) do not take responsibility for the violence, minimize the harm, or cause distress to victims. However, the YJCs and police officers intervened to check and challenge inappropriate behaviours and attitudes, emphasizing norms of non-violence and respect for others. All the YJCs said the case was appropriate for a conference. For Des (case #1), the YJC said "we've underscored how dangerous things were, and we have a plan that will meet family needs for him to move." For Tom (case #2), the YJC said that while "the conference hasn't resolved" the deep family problems, the agreement set in motion a way for Tom to find another place to live. For Mitch (case #3), the YJC believed the conference addressed the "general conflict between mum and son" and emphasized the need for respect. Had the case gone to court, "he would have walked away laughing at the system because it meant nothing."

The cases invite reflection on whether *any justice practice* can address longstanding and deep-seated conflicts in families, which require sustained social work and psychological intervention. A justice practice—whether restorative justice or standard courthouse justice—cannot do this work alone. As a routine criminal justice practice in South Australia, with few resources or supports, the most a conference can achieve is to re-

image appropriate relations of respect and non-violence, and to check and challenge pro-violence and victim-blaming behaviours. Ultimately, the criminal justice challenge for youth-parent violence is how to address the recursive qualities of violence in families where both parents and children are or have been abused by family members or intimates, while at the same time addressing the wrong of the instant offence.

Endnotes

¹ All names used are pseudonyms.

² By “partner violence” we refer to violence between adult intimates, who may or may not be living with each other or legally married.

³ As this paper goes to press, we note that two quite recent and relevant papers, analyzing adolescent violence toward parents in Australia, have been published: Stewart et al. (2007) and Howard and Rottman (2008).

⁴ We use the term “family violence” as an umbrella concept, which includes partner, adolescent-parent, sibling, and adult-parent (elder) violence. The term is used by Australian Indigenous women to refer to an even wider set of social relations and violence.

⁵ Of the three victims, one agreed to be interviewed (case #3), one did not (case #1), and one was in the “retrospective sample” group, which was not contacted for an interview (case #2) (see Daly et al. 2007).

⁶ Three studies have investigated (or are investigating) restorative justice, but both are (or were) pilot projects, with a dedicated focus on conferences in cases of sexual or family violence (Pennell and Burford 2002; Koss et al. 2004; Social Services and Research Information Unit 2003). Pennell and Anderson (2005) analyse conferences in child welfare social work cases, some of which involve domestic violence.

⁷ It is not possible to reconcile these earlier statements by the police with the YJC’s subsequent account, described below, that Anna wanted the police to arrest Tom.

⁸ It is uncertain how long ago they separated; the likely range is four to seven years.

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