

Gerry Johnstone and Daniel W. Van Ness (editors), **Handbook of Restorative Justice**, Willan, Cullompton, 2006, pb 13 978-1-84392-150-9 hb 10 1-84392-150-2

This is one of a series of edited handbooks published by Willan (the others include handbooks of policing and probation) and it is ambitious in its scope. It brings together contributions from a range of international scholars to provide a critical analysis of contemporary restorative justice theory and practice. While restorative justice has increased in scope in recent years, it is characterized by varying views on what it is trying to achieve and its relationships to traditional systems of state punishment. As Gerry Johnstone and Daniel Van Ness indicate in the opening chapter, restorative justice has been variously conceptualized as a process, as outcome-focused reparation (a distinction also explored by Margarita Zernova and Martin Wright in Chapter 6) and as a transformative concept that aims to “transform the way in which we understand ourselves and relate to others in our everyday life” (p.15).

The 29 contributions which comprise the volume are organized into seven parts. The first part focuses upon the core ideas of restorative justice such as the form and nature of reparation, engagement and empowerment and the potential for restorative values to provide a unifying concept to underpin theory and practice. In Chapter 5, Declan Roche considers the contested relationship between restorative and retributive justice and, in particular, the positioning of restorative justice as an alternative to retribution as encapsulated by western systems of criminal justice. He contends that the distinction is based upon a narrow view of retribution that equates it with revenge and punishment and that fails to recognize other philosophies and practices (such as rehabilitation) that may characterize criminal justice. More importantly, however, and drawing upon Duff’s (2001) theory of punishment as a communicative act, he argues that restorative justice can be conceptualized as an alternative form of punishment and that “the risk of not recognizing the potential for conferences to punish people (whether it be deserved or not) is that the importance of checks and balances can be overlooked” (p.86). In a similar vein, Kathleen Daly and Julie Stubbs suggest (Chapter 9) that the “positive and constructive elements of retribution” (p.157) can be utilized in restorative processes.

The contributions in Part 2 consider the varied origins of restorative justice practices, including its contested relationship to indigenous practices, the representation of retribution and restoration in biblical texts and the relationship between restorative justice and feminist theory and politics. Reflecting a key theme of many contributions – whether, to what extent and in what way restorative justice practices should become aligned with or embedded in the criminal justice system - Simon Green argues in Chapter 10 that, while victims who participate in restorative justice practices are generally positive about their experience, these practices have the potential to sideline victim interests, especially if they are integrated within wider criminal justice concerns. Locating restorative justice practices within the criminal justice system is also likely to result in an erosion of voluntarism on the part of offenders which Linda Radzik contends, in Chapter 11, is incompatible with the making of amends.

Subsequent chapters focus upon restorative justice processes and needs and outcomes for stakeholders (Part 3) and on evaluation (Part 5). Despite the significant growth and

development of restorative justice over the past two decades and despite a growing body of research that points, broadly speaking, to victim and offender satisfaction with restorative justice processes, there are still important gaps in our knowledge about their operation and effects. Gordon Bazemore and Lori Ellis (Chapter 21) stress the need for process focused research that aims to elucidate *how* particular outcomes have been brought about and propose a framework for research that links possible intermediate outcomes to core normative principles. While recognizing the complexity of assessing the relationship between restorative justice practices and re-offending, Hennessey Hayes (Chapter 22) reviews the relevant evidence, concluding that it is, on the whole, mixed but that more recent studies suggest that the quality of restorative justice processes (in particular whether these are perceived as consensual and whether offenders are genuinely remorseful) may be linked to reductions in recidivism.

The Chapters in Part 4 examine the use of restorative justice in a variety of contexts including its role in juvenile and adult justice in the UK, police involvement in restorative justice practices and the use of restorative justice in prisons. Looking to the wider application of restorative justice principles and practices, its wider use in the context of schools and in truth commissions is explored and in Chapter 20 Christopher Marshall considers the potential for restorative justice in relation to terrorism and religious violence to serve as “an alternative, non-violent form of community empowerment that can help promote reconciliation between mutually hostile communities” (p.383).

This broader focus is pursued further in Part 6 which examines restorative justice practices from a global perspective. Whilst acknowledging that “generalization, a necessary step in comparative analysis, is compromised by the diversity of actual experience” (p.449) David Miers provides a comparative analysis of the development and operation of restorative justice in four jurisdictions. This is followed by a series of regional reviews of restorative justice developments in Africa, Asia, Europe, Latin America, North America and the Pacific that highlights both the diversity of practices in operation and the cultural and the political barriers to their more widespread adoption. These regional reviews (and, indeed, the critical analyses by Chris Cunneen in Chapter 7 and by Jan Froestad and Clifford Shearing in Chapter 25) provide a counterpoint to simplistic expositions of the relationship between restorative justice and indigenous cultures. Even within contemporary western cultures, the forms that restorative justice may take and its relationship with the criminal justice system will be strongly influenced by the legal context and the relationship between ‘citizens’, community and the state.

The relationship between restorative and criminal justice is returned to in Part 7 which looks to the future of restorative justice. In Chapter 26, Lode Walgrave considers how restorative justice might operate alongside criminal justice and, in addressing some of the key concerns of those who oppose such a development, contends that the effectiveness of the criminal justice system might be enhanced by its embracing restorative justice philosophy and practice. Critiques of restorative justice are discussed by Gerry Johnstone in Chapter 28 who concludes that criticisms of restorative justice are rarely directed at the concept itself but at the exaggerated claims of some proponents and at its limitations and dangers in practice.

Ultimately this book attests to the diversity of theory and (especially) practice that has become subsumed under the rubric of restorative justice. While some of the contributors to the volume have sought to identify the essential defining characteristics of restorative justice (and it is here that the major debates within the movement can be located), others argue that agreed principles are likely to remain elusive. As George Pavlich observes in the final chapter of the volume (p.618) "...many fluid processes claim to be operating in the name of restorative justice; as such, no particular process is considered capable of defining what such justice entails." For others, such as Zernova and Wright (Chapter 6), the diversity of restorative justice practices is considered a fundamental strength. Indeed, as the editors themselves observe in their opening chapter (p. 19) "work to understand the meaning of restorative justice should not have as its goal the reduction of these differences, but instead a deeper appreciation of the richness of the concept and perhaps new insights about how to apply restorative measures to make things better than they are now."

A short review such as this cannot do justice to range and complexity of ideas and arguments that are presented in the *Handbook of Restorative Justice*. A key strength of the volume is its breadth and depth of coverage and the inclusion of contributions from those who are prepared to cast a more critical gaze over some of the assumptions and claims that have become associated with restorative justice. It is therefore an essential reference point both for those who are already familiar with the key issues and debates in restorative justice and for those who are less familiar with the topic.

## **References**

Duff, R.A. (2001) *Punishment, Communication and Community*, Oxford: Oxford University Press.

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