

Book Review of *A Restorative Justice Reader: Texts, Sources, and Contexts*

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A Restorative Justice Reader: Texts, Sources, and Contexts

By Gerry Johnstone

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In *A Restorative Justice Reader: Texts, Sources, and Contexts*, British law professor Gerry Johnstone has compiled a valuable 510-page collection of international source material not just for newcomers, but also for seasoned veterans in the so-called restorative justice movement. For those not yet enlisted in this movement, Johnstone's reader offers a reflective and resourceful glimpse into the substance (and ultimately some of the missing pieces) of restorative justice theory and practice. A major purpose of this volume is to provide readers who are interested in learning about the nature and scope of restorative justice with access to key, groundbreaking materials that are often difficult to locate because documents are not readily available, books are out-of-print or too expensive, or too little time exists to search for necessary volumes.

In the volume's opening pages, Johnstone describes restorative justice with the phrases "an alternative to conventional ways of viewing and responding to crime" and "a progressive alternative to the increasing use of imprisonment." (p. ix) But he also acknowledges that defining restorative justice is no easy matter, especially since even restorative justice advocates differ among themselves about its goals and objectives. According to Johnstone, all criminal justice interventions should achieve certain outcomes, including crime prevention and reduced recidivism. But restorative justice, he argues, has grander objectives, including fairness and victim satisfaction, which are even harder to measure than more standard objectives. Minimally, Johnstone adds, restorative justice should be evaluated from the perspectives of empirical criminology and penology, legal studies, ethics, psychology, sociology, and history.

A Restorative Justice Reader is divided into five parts, each of which Johnstone introduces with concise descriptions of the contents of different articles, plus engaging comments of his own on various points made in these contributions. Overall, the volume contains 32

previously published articles. Generally speaking, Johnstone takes defensive, supportive, and at times naive stances toward restorative justice, but he is far from averse at acknowledging the legitimacy, or even the intrigue, of critical commentary. For him, restorative justice is neither a single nor a simple concept. He accepts the need for realistic appraisal and the value of critical engagement with the theoretical bases and the practice experiences of restorative justice.

An introductory section on "Overviews and Early Inspirations" consists of articles from Tony Marshall who provides an early overview of restorative justice, Randy Barrett who establishes restorative justice as a new paradigm of justice, Nils Christie who speaks of conflicts as property, Howard Zehr who lays out basic differences between retributive and restorative justice, and John Braithwaite who speculates about the future impact of reintegrative shaming. The next section, "Background Legacies and Frameworks," contains American, Canadian, German, and New Zealand/Aotearoa studies by Harold J. Berman who examines Western legal traditions, Elmar G.M. Weitekamp who offers a preliminary history of restorative justice, Rupert Ross who reflects on Aboriginal teachings, Robert Yazzie and James W. Zion who describe Navajo justice, Jim Consedine who assesses Maori justice traditions, and Pierre Allard and Wayne Northey who look into restorative justice aspects of Christianity. A third section on variations, developments, and rationales in restorative justice practice contains articles from Dean E. Peachey on "the Kitchener experiment" (the first victim-offender mediation program in North America), Martin Wright on doing justice without lawyers, Allison Morris and Gabrielle Maxwell with an early evaluation report on family group conferences in New Zealand, and David Moore, Terry O'Connell, Gordon Bazemore, and Mark Umbreit on different models of restorative conferencing.

The fourth section of this volume, covering the use of restorative justice in modern society, includes articles from Lode Walgrave on restorative justice for juvenile offenders, Dan Van Ness on creating systems of restorative justice, John Gehm on forgiveness, Heather Strang on restorative justice for victims of young offenders, Paul McCold and Ben Wachtel on community justice initiatives, Michael Schluter on relational justice, Adam Crawford on public

involvement and participation in restorative justice, and John Braithwaite on research results pertaining to the effect and impact of restorative justice.

In the fifth section, eight articles raise a series of critical issues concerning aspects of the restorative justice movement's theoretical and programmatic development. Kathleen Daly debunks misleading myths of restorative justice, such as contrasts between retributive and restorative justice, which she feels are oversimplified, especially in the light of emerging accounts of restorative justice in practice. R.A. Duff argues not only that differences between retributive and restorative justice are overstated, but also that restorative justice is actually a model form of punishment. Richard Young is critical of previous efforts to evaluate police-based restorative justice initiatives, such as those in Canberra, Australia and Bethlehem, Pennsylvania. Sharon Levant, Francis T. Cullen, Betsy Fulton, and John F. Wozniak assess "conservative" and "liberal" support for restorative justice and question its crime reduction potential, particularly because of its distance from the "what works" literature. In other articles, Andrew Ashworth wonders what happens when restorative justice cannot handle particular cases and questions if victim interests are being properly addressed in restorative justice practice. Barbara Hudson addresses the matter of cases that involve racial, sexual, and domestic violence. George Pavlich uses Derrida-derived concepts and techniques to deconstruct restorative justice, which he feels disregards the assumptions it needs to affirm its theoretical claims. Allison Morris responds to critics of restorative justice, arguing that restorative justice should be evaluated according to its own dimensions, not in response to the punishment-based criteria it rejects.

Lastly, the volume includes appendices that reprint the *Declaration of Leuven on the Advisability of Promoting the Restorative Approach to Juvenile Crime*, the Restorative Justice Consortium's *Statement of Restorative Justice Principles*, and the United Nation's *Basic Principles on the Use of Restorative Justice Programs in Criminal Matters*.

The growth of restorative justice over the past twenty years has been phenomenal. So much so that Johnstone asserts, correctly I think, that "anybody interested in the future of crime policy and criminal justice – indeed anybody interested in the development of more constructive forms of conflict resolution and crime control – has to understand what it is about." But being obligated to understand something does not mean that such understanding is occurring or that those officials and others in positions to affect program development or crime control policy are even interested in such understanding.

Johnstone's reaction to the critical stances taken in

these pages seems benign enough, although a little innocent I think. He posits that myths, whether misleading or not, are more politically attractive and may at least serve the purpose of mobilizing action; broad support, even from surprising quarters such as the police, serve to draw attention to the concept's most interesting points; and, he adds, restorative justice programs could be developed so that they include principles of effective correctional programming. Overall, Johnstone is not alone in giving inadequate attention to the political, socio-economic, and the program and policy development contexts within which restorative justice emerges and expands, fades, or drifts from its original intentions.

Restorative justice, as a field of study, requires more case studies on the local level as well as state, regional, or national levels to assess how restorative justice is raised as a policy concern, how policymakers respond to it, and what occurs as a result of policy-based interest in the concept. Evaluations of particular programs are always in short supply, so it is easy to accept the need for more such studies. But programs are implemented after much else has occurred and researchers must do a better job at describing and assessing the preliminary, essential policy work that is done before programs appear, especially on a more systematic basis. In this sense, the case of New Zealand becomes even more important than it is currently, because a whole literature (historical, legislative, program development, and research documents) exists on the development of family group conferences. Family group conferences, like many other systemic reforms, did not simply emerge, but instead resulted from nearly a decade's work [see Dale Parent's (1988) description of the development of sentencing guidelines in Minnesota as a rare example of good scholarship along these lines]. Unless we understand the full historical context of New Zealand's commitment to family group conferences, we are unlikely to fully appreciate the nature – and the potential – for such a measure as it is transplanted from one jurisdiction to another. Similarly, if we do not give more careful attention to the evolution of restorative justice projects and policies, then we are susceptible to losing something very important in the translation.

In the United States, this volume is available at discounted prices in hard and soft covers from International Specialized Book Services, 5824 N.E. Hassalo St., Portland, OR 97213-3644, (503) 287-3093, (e-mail) info@isbs.com, (website) www.isbs.com.

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