

# Review

***Restorative Justice: Adults and Emerging Practice* by Jane Bolitho, Jasmine Bruce and Gail Mason (eds), Institute of Criminology Press, 2012, 272pp (ISBN 9781742102894)**

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Rarely does a book fulfil all of its promises, but, in this case, *Restorative Justice: Adults and Emerging Practice* succeeds. It is provocative, insightful and challenging. The practice of restorative justice ('RJ') has been narrowly focused on mostly non-serious offenses and juveniles; juveniles are seen as more amenable to rehabilitation and benefiting more from diversion from the lingering consequences of formal punishment. The shift to extending RJ practices to adults moves many scholars and practitioners, who practise or research RJ almost exclusively with juveniles, out of their comfort zones. This book signals a change that can create excitement and invite suspicion, while simultaneously challenging or coaxing us out of our familiar orthodoxy. Not only does it answer the question, What can RJ offer adult offenders and victims of crimes?, it also tackles attendant questions such as What are the challenges and what can we learn from emerging practice?

As the Chapter 1 authors (Bolitho, Bruce and Mason) state, the use of RJ generally has given rise to ambivalence, pessimism and objections (pp 4–6); they do a wonderful job of summarising the chief objections, which include: fear that victims will accrue greater harm or play a peripheral role to offender needs; that RJ might trivialise the crime or allow offenders to evade punishment; whether RJ can affect recidivism or deterrence; whether offenders receive procedural and legal safeguards; and whether RJ can adequately address underlying social inequalities and accommodate culturally diverse groups, particularly for indigenous groups and in cases of domestic violence and sexual assault. These issues are masterfully expanded upon by MacDonald in Chapter 9, with a more detailed discussion of justice and its commitment to deliberative democracy; and Richards in Chapter 8, who explores the evidence on the risks and limitations of victim involvement in RJ processes and how to amplify victim satisfaction.

The contributors' passion in seeking alternative ways of 'doing justice' is woven throughout the wide range of both experiential and evidence-based material presented by practitioners, researchers, and experts on indigenous justice practices. Though the chapters reflect practices mostly in Australia and New Zealand, many of the issues the authors dissect, debate and illuminate are at the forefront of RJ discussions globally and the research summarised covers areas outside of this geographic region.

For the novice and the experienced alike, the chapters offer a rich discourse about the theoretical, philosophical and empirical issues and evidence accumulated from practices with youths, with minor offences, and with different types of RJ practices such as circles and conferences, and victim-offender mediation. As stated by Strang in the concluding chapter, 'RJ is held to a standard never required of the traditional justice process, where

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failure for offenders and victims alike is seen as normal' (p 231). Yet the evidence for achieving greater procedural justice and victim satisfaction is promising. Most jurisdictions or practitioners that follow RJ observe its core principles: hold offenders accountable (in ways that maintain their dignity yet are healing and constructive); facilitate communication between victim and offender (and other participants) to empower victims and foster positive change; treat participants with respect and give them the opportunity to use their 'voice' (Marchetti and Daly 2007). These principles challenge traditional courts of law that do not do this, instead adhering to jurisprudential features of greater impartiality and objectivity, using narrow measures of success (that is, conviction and recidivism rates), and prioritising crime control, not victim recovery.

Research I conducted examined adult offenders who committed very serious violent crimes and participated in an RJ program (Miller 2011), a scenario that is less of an anomaly now, bolstered by Sherman and Strang's (2007) review, which suggested that RJ programs potentially may be more efficacious in reducing offending with adults than juveniles. In this volume, Rossner (Chapter 12) describes why this may be the case, in that productive shame (see Braithwaite 1989) and other emotions can be used with adults to reinforce strong emotions that facilitate lower recidivism rates; based on brain development and behaviour research, adults may be more amenable to RJ because they reason and process information in ways that are more mature and less impulsive.

Stubbs (Chapter 11) addresses head-on the concerns about the appropriateness of using RJ with gender-based crimes. Marchetti (Chapter 6) discusses the issues surrounding the use of RJ in indigenous settings, with an eye toward evaluating whether post-colonial inclusivity efforts can help transform mainstream courtrooms in ways that restore culture in the sentencing process. This theme is continued by Bowen, Boyack and Calder-Watson (Chapter 7) in their discussion of the challenges and successes faced in New Zealand with their commitment to integrate RJ in cases of minor and serious offending by both adults and juveniles.

With regard to adult RJ practices in general, research findings reported in this volume reveal the benefits of involving victims. This inclusion comes at some risk with crimes of gendered violence (for example, sexual assault/rape, intimate partner violence), but the jury is still out on this issue, and the discussion has become more nuanced in terms of point in the process (diversion, post-conviction, and so on), with post-conviction RJ for gendered violence demonstrating some success in a case study on intimate partner violence (Miller and Iovanni 2013). Koss' (2014) work in the United States is one of the few empirical quantitative evaluations to date of adult sexual assault cases using RJ and provides some hope regarding outcome measures. Stubbs (Chapter 11) addresses this debate theoretically and empirically, highlighting the continued tensions and competing interests that emerge from a more informal process, while holding out hope that a hybrid approach blending features of both RJ and conventional criminal justice could potentially hold offenders accountable while safeguarding victims.

Also very helpful for readers is hearing how practitioners wrestle with these complicated and nuanced issues in the trenches. Bruce (Chapter 10) discusses her research in setting standards for facilitators through training and accreditation protocols, and how the concept of 'democratic professionalism' is helpful in reconciling competing principles and practice. Milner (Chapter 5) looks at a dozen years of post-sentence practice for adult offenders in the RJ Unit of Corrective Services New South Wales, finding that legislative rights and victims' — as well as offenders' — needs can be met and helped while also severing the involuntary victim-offender trauma bond. Both of these chapters demonstrate how a victim-centred

program reduces the harm caused by offending and provides the opportunity for the offender to express remorse and empathy to the victim while holding himself or herself accountable and envisioning a future without criminal behaviour.

Bravo, for moving us away from an exclusive focus on youth RJ to address the potential and promise of using RJ with adult offenders. It would have been helpful to have included more detailed discussions of the institutional and political objections and barriers to opening up RJ for adult populations and serious crimes (including sex crimes). Nonetheless, by integrating evidence-based scholarship and experience-based practice, this book makes a compelling case for increased use of RJ for adults, and explains how this could transform and empower victims while holding offenders accountable for their actions and assisting them in making life changes.

## References

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