

Book Reviews/Comptes rendus

ELLIOTT, Elizabeth and GORDON, Robert M. (Eds.) *NEW DIRECTIONS IN RESTORATIVE JUSTICE: ISSUES, PRACTICE, EVALUATION*; Willan Publishing, 2005 xxiv + 303pp. + index.

To date, there have been several edited volumes on the topic of restorative justice. This book, a product of the 6th International Conference on Restorative Justice held in Vancouver in June 2003, surpasses some of the earlier volumes because it moves beyond theoretical speculation about the possibilities of restorative justice and addresses an assortment of practical challenges faced in the implementation of restorative justice programs. Borne out of a period in which restorative justice sought to establish itself as a viable alternative to the retributive practices of the criminal justice system, earlier edited texts tended to grow redundant during reading, as chapter after chapter cited the value of bringing together victim, offender and community to resolve the harm caused by criminal events. More often than not in these texts, emotive anecdotes were employed to convey the power of this “new” form of justice since existing programs were still new and understudied. In contrast, Elliott and Gordon offer a selection of articles that illustrate the variety of applications of restorative justice and, in some cases, provide thorough evaluations of the successes and failings of such programs.

Nonetheless, this practical and issue-oriented focus results in insufficient attention to critical analysis of the meanings and values of restorative justice. In the final chapter, Howard Zehr writes, “Central to restorative justice is a commitment to listen to other voices, including the dissonant ones. Only if we are grounded in respect and humility can we prevent the restorative approach to justice that seems liberating to us from becoming a burden or even a weapon to be used against others, as has happened so often with the reforms of the past” (p. 302). Unfortunately, the editors of this volume do not heed this warning. Nowhere to be found are critical voices that interrogate restorative justice as a means of social control, governmentality or neoliberal domination. Critical criminologists have investigated the emergence of restorative justice under neoliberal conditions and have called attention to how this form of justice is consistent with responsibilizing and governmentalizing techniques of ruling. Others have examined the “justice” of restorative justice by identifying how power operates within manufactured restorative settings to script and suggest certain moral outcomes. In this volume, the chapters are written mostly by a cast of “true believers” who have done impressive work within the field of restorative justice, but who are not in a position to

ask the critical questions that Zehr cites as necessary to the advancement of restorative justice because they are deeply immersed within its value-system and worldview.

This is not to suggest that critical analysis of restorative justice is absent from the text. Lode Walgrave, in a wide-ranging article that examines the mainstreaming of restorative justice for youth crime, addresses the challenge of immersing the flexible and informal justice practices of restorative justice in an often overly formal justice system. While the distinction between the “formal” and the “informal” is overdrawn so as to ignore the long-existing intertwining of so-called informal and formal justice forms within criminal justice, Walgrave is clearly cognizant of the co-opting tendencies of the criminal justice system. Likewise, Jonathon Rudin looks at the difficulties confronting Aboriginal justice programs as they seek to establish themselves in a colonial context, and he offers an honest assessment of the hurdles faced by these programs. Josephine Saverese reminds us that “Gladue was a woman” and uses this opening to explore the intersections of race and gender in alternate sentencing practices. Finally, Kathleen Daly compares two studies of victims’ experiences of restorative justice to disrupt notions of victims as a unitary group. She illustrates how victims experience different crimes in different ways, as well as enter into restorative justice processes with different needs and degrees of distress.

Despite these critical evaluations of common criminal justice assumptions, restorative or retributive, the above authors all share a sense that restorative justice is salvageable within the current socio-political context. Their reasons for believing this to be the case are not unfounded, but as someone who teaches a class on restorative justice I would have appreciated the inclusion in the text of authors who are more skeptical in their outlook. For pedagogical purposes, I find texts such as this poorly suited to critical sociology and criminology courses since they assume a basic acceptance of restorative justice as an “alternative” and as a “good thing,” rather than fully considering its potential to operate as a site of power and social control.

From the perspective of making a contribution to the restorative justice literature, however, the text deserves praise, but also some more criticism. In addition to the authors listed above, there are several chapters that provide in-depth evaluations of existing restorative justice programs. Brenda Morrison provides an interesting discussion of how restorative justice can be used most effectively in schools to deal with violence and misbehaviour. Gabrielle Maxwell offers an update on her evaluation of family group conferences in New Zealand. Arlene Groh introduces restorative justice to the problem of elder abuse, and Melissa Ouellette raises important questions about the role of insurance companies in restorative justice when cases involve property or motor vehicle theft. David L. Gustafson, one of Canada’s pioneers of restorative justice, examines trauma recovery through post-sentence victim-offender encounters. Finally, the remaining chapters of the book are examples of

ongoing evaluations of restorative justice programs in Nova Scotia (Don Clairmont), Ottawa (Tanya Ruge and Robert Cormier) and Belgium (Inge Vanfraechem). This is the largest collection of evaluative and programmatic studies of restorative justice I have seen, and it will certainly be instructive for restorative justice planners and volunteers. Indeed, I have copied several of the articles for a restorative justice organization with which I work, as they will likely be valuable tools for mapping future project options.

Yet my excitement for these ideas is offset by my concern about how far we are sinking into the logic and rationalities of the criminal justice system with this type of work. The evaluations are steeped in the administrative language of “best practices” and “stakeholders,” and suggest that the outcomes and goals that restorative justice organizations set for themselves are very similar to those set by the criminal justice system, including an emphasis on preventing recidivism and “satisfaction” surveys. But one might expect that the projected outcomes of restorative justice, and the measurement tools used to assess this justice, would differ significantly from those used for other criminal justice programs if it were truly an “alternative” to this system. Instead, one receives the impression of how deeply imbedded restorative justice is within the existing criminal justice system.

The evaluative chapters often read too much like government reports, suggesting that the agenda for restorative justice is still set elsewhere, outside of the “values” of restorative justice. Thus, the notion of restorative justice as a “paradigm shift” clearly seems betrayed by its firm insertion within a hegemonic criminal justice framework, and the promised alternative threatens to drift toward Zehr’s stated misgivings that restorative justice might become a “burden” or “tool” of further domination.

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