

## BOOK REVIEW

Theo Gavrielides (ed.), *Comparative restorative justice*. London: Routledge, 2021, 343 pp., ISBN: 978-3030748739 (hbk); 978-3030748760 (pbk)

*Comparative restorative justice* is a wide-ranging collection of contributions from a global cast of 26 restorative justice practitioners and theorists. These entries are preceded by extensive introductory material from several authors, including the editor, which provides background material and suggests how the book should be approached. Nelken proffers that any comparative research clarifies by classification, description, explanation, interpretation and evaluation, and *Comparative restorative justice* accomplishes all of this and more. Through 14 chapters which cover 32 countries and examine forms of restorative justice from the pre-colonial era through the age of COVID-19, the book considers how restorative justice and restorative practices have attempted to find new ways of addressing the problem of crime and, more broadly, human conflict, throughout the world. The chapters provide a good balance between countries in the global north and global south, without excessive focus on restorative justice's usual suspects, such as Australia, Great Britain, and Canada. Pakes aptly comments that the book 'makes a terrific contribution' to the 'project to de-Westernise and de-colonise practices, cultures and minds', and this is, in fact, a recurrent theme throughout the book (vi).

Gavrielides' excellent preface provides significant guidance, suggesting that comparative restorative justice should consider how 'structured and unstructured justice systems' should address violations 'of the social liaison that binds communities together' (10). In evaluating restorative justice, he argues, we must view Nelken's three pillars of comparative criminal justice – crime problems, institutions and people – through the lens of restorative justice and its 'historical and philosophical frameworks' (3). He identifies six fault lines in the theory and practice of restorative justice: restorative justice's relationship with the criminal justice system, the position of restorative justice within the criminal justice system, whether restorative justice should be viewed as a process or as an outcome, the identity of the stakeholders, whether restorative justice is an alternative to punishment or an alternative punishment, and which restorative justice principles are essential. Gavrielides concludes that these fault lines are 'merely variations of the rich and diverse restorative justice practice and concept', and the book supports this thesis (10).

The main body of the book is divided into three sections. *Comparing restorative justice in its implementing environments* seeks to view restorative justice comparatively in relation to its cultural, political, philosophical, historical or societal environment. The section contains six chapters, two addressing more theoretical and philosophical aspects of restorative justice, three examining the development of restorative justice in Tanzania, Albania, Scotland and Canada during times of political and social change, and the last addressing the challenge of implementing restorative justice in a virtual environment during COVID-19. Pavlich's chapter on *Rethinking accusation* stands out, suggesting that restorative

justice's promises of diversion and transforming social relations can be used to move us away from accusation and criminalisation while also redressing social harms to the marginalised which have been caused by the criminal justice system. While all six chapters are worthy contributions, this section struggles a bit to cohere around its stated goal, perhaps because of its breadth.

The second section of the book, *Comparing restorative justice: adversarial vs. inquisitorial criminal justice systems*, considers the effect of the type of criminal justice system on how restorative justice is developed, regulated and implemented. It contains five chapters, which take a closer look at the implementation of restorative justice in both adversarial and inquisitorial systems in Chile, China, Hong Kong, Australia, New Zealand, India, Nepal, Bangladesh, Uganda, Lesotho and Eswatini. This section focuses almost exclusively on countries in the global south and is the most cohesive section of the book. The chapters suggest that inquisitorial systems are less averse to the idea of restorative justice, but the inquisitorial system does less to protect the rights of the accused. This does not mean that restorative justice has no place in countries with an adversarial system. In Chile, for example, Ramirez notes that restorative justice can improve re-entry success for offenders and can increase equality and access to law. Inquisitorial systems are not always better at restorative justice, either. While China employs a form of restorative justice, Lui notes that the goal is settlement and community harmony, not the needs of the individual, and restorative justice can feel coercive.

The book's third section, *Comparing impetuses for restorative justice*, compares reasons that governments, international organisations, and practitioners develop restorative justice and whether the impetuses for its development impact the delivery of restorative justice. The section has three chapters: one about gathering statistics on restorative justice, and two comparing indigenous restorative justice practices with post-colonial restorative practices in South Africa and Hawaii. Although all three chapters in this section are well-written and informative, Hartmann and Settels' chapter on *Comparative statistics in the field of restorative justice* feels out of place and does not seem to address the stated goal of the section. While conveying much valuable information, the chapter would have been better situated as part of a special magazine edition covering topics related to statistical analysis of restorative justice programmes. The chapter raises a particularly important topic, however, regarding the existence of gender bias in restorative justice.

A few recurring themes are worthy of special mention. The book rightly focuses on restorative justice in the global south where, as Pake notes, indigenous forms of restorative justice were extinguished by colonialism, only to be reintroduced in some form after its value was recognised in the post-colonial era. This has not been without incalculable damage to the very communities which originated restorative justice, and its 'rediscovery' as a valuable tool has too often come at the expense of those most harmed by the criminal justice system. Restorative justice must fully include those who have been marginalised, and it must work to address structural racism and other inequities which disadvantage indigenous people. Otherwise, it will be part of the problem rather than part of the solution. While not necessarily

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offering all the solutions, the book acknowledges that we cannot advocate for restorative practices

while dismissing the restorative idea that the harm done on institutional levels must first be acknowledged, that institutions must hold themselves accountable, and that restoration must take place before we can move forward (Sherrod, 2020: 55).

Perhaps two of this book's most important contributions are raising the level of knowledge of restorative justice programmes among marginalised populations and describing the role of indigenous populations in the development of restorative justice. Many authors contributed to these perspectives, including Gabagambi, Winterdyk, Wood, Suzuki, Hayes, Bolitho, Asadullah, Kashyap, Tiwari, Sakafi, Skelton, Batley, Schoeman, Kaulukuui and Walker. While recognising our debt to the indigenous roots of restorative justice, the need for improving the flaws in these systems through support for victims, protection of children, and elimination of male-dominated systems and existing power structures, such as caste and class biases, is also recognised. The book demonstrates that there is value in the blending of Western democracy and traditional restorative systems.

Another theme which is present throughout the book is that restorative justice may be easier to implement in societies which are more communitarian, rather than individualistic, as the latter might find the ideas behind restorative justice to be alien. This is seen, for example, in the development of restorative child justice systems in Uganda, Lesotho and Eswatini. At the same time, individualistic societies bring certain important values, such as a focus on the needs of individual victims and offenders and a desire to protect the rights of the accused.

One issue not addressed by the book is how restorative justice in 21st-century societies can operate amid the shrinking existence of community, generally viewed as a critical part of the restorative justice model. It would be helpful to know if this loss of community is largely a phenomenon of the global north, and less a factor in the global south. Where lack of community is an issue, however, the question arises whether one of the primary impetuses of restorative justice in pre-colonial societies – to restore the community's peace and equilibrium – is less of an impetus for the development of restorative justice today. Willis' consideration of the role of community in restorative justice would be a good starting point (2016). In addition, in view of the need for restorative justice to be more inclusive of marginalised communities, how does restorative justice address the problem that 'the communities most in need of healing are also those least able to successfully mobilize themselves and to participate fully in community-based restorative processes' (United Nations Office on Drugs and Crime, 2020: 97)?

Overall, the book provides many examples of forward momentum in restorative justice while noting the often uneven and halting attempts at implementation, with myriad causes from lack of funding to inadequate training and difficulty gaining traction against an entrenched criminal justice mentality. Nevertheless, the book is optimistic about restorative justice's ability to reduce inequality and the abuse of power in the criminal justice system, and it is a worthy offering for anyone

interested in learning about comparative restorative justice. As Pakes notes in the conclusion, ‘comparative restorative justice rightly comes from a place of defiance’, placing

victims, families, and the local community centre stage, with the ambition to bring a form of justice that is more visible, more inclusive, more direct and less damaging to those for whom it matters most (328).

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