

BOOK REVIEW

Grazia Mannozi and Giovanni Angelo Lodigiani (eds.), *Giustizia riparativa: Ricostruire legami, ricostruire persone* [Restorative justice: rebuilding bonds, rebuilding persons]. Bologna: Il Mulino, 2015, 244pp., ISBN: 978-88-15-25865-6 (pbk).

This book is a further step in the process of introducing and spreading the true face of restorative justice. It is strictly connected to the documentary film *Restorative justice: viaggio alla scoperta della giustizia riparativa*, produced by the CeSGreM of Insubria University (*Centro studi sulla giustizia riparativa e la mediazione, Università degli Studi dell'Insubria di Como*). The editors chose to achieve the goal by using a multidisciplinary approach, discussing restorative justice through the words of philosophers (Curi, Lombardi Vallauri), jurists (Palazzo, Ruggieri, Eusebi, Mazzucato, Donini), psychologists (Balestrieri, Bracalenti), criminologists (Ceretti), magistrates (Colombo, Lo Gatto, Davigo), a mediator (Brunelli) and a social worker (Villani).

The first part of the book deals with the philosophical perspective of restorative justice. In Chapter 1, Curi starts from the classical icon of justice – the blindfolded woman with scales in her left hand and a sword in her right – to describe how, over time and in different cultures, the perception of punishment and its purpose has changed. The author goes through the criminal theories of retributive and re-educative aims of punishment to discover their origin and analyse their respective arguments. Believing that both the rational and humanistic approaches are equally flawed, Curi sees restorative justice as a ‘third way’, a new model of justice, which overcomes the idea of revenge to adopt an integrated approach: reparation and rehabilitation.

Chapter 2 is not solely about restorative justice: Lombardi Vallauri moves from the different aspects of retribution and its *aporia*. First of all, the author looks at how modern society creates the conditions for citizens to commit crimes, while that same society is entitled to punish them. He examines the roots of punishment in the Jewish and Catholic religions that are closely connected to the idea of violence and describes the concept of *ahimsa* in Indian culture that, on the contrary, is based on a non-violent philosophy. Finally, the author looks at the aesthetic dimension of the penal system and presents his views on prison and its downfalls. He sustains that restorative justice is *ethically superior* to retributive justice.

Colombo, in Chapter 3, picks up the thread of the discussion about restorative justice as a ‘third way’ to see justice. He starts from the founding principles of the Italian Constitution including human dignity, inviolable personal freedom and equality, to underline how the punitive system, by ‘legally’ breaching those principles, produces a progressive crisis. Colombo is searching for the true aim of sanctioning offenders, and he makes inquiries about whether the purpose of punishment is the restoration of the dignity of the offender or a tool to prevent others from committing crimes. He underlines the need for respecting the offender’s

dignity even if he or she is convicted to prison. For him, restoration, both of the offender and the victim, is the first aim of handling conflicts.

The next part of the book looks into restorative justice from the point of view of criminal and procedural law. All authors are questioning whether it is possible to envisage a dialogue between the world of *restorative justice* and the world of *criminal trial*, as they are governed by completely different rules. In Chapter 4, Palazzo explores which approach should be adopted to open the path for the ‘Copernican revolution’: from punitive justice to restorative justice. As a first step, it is important to realise the growing awareness of restorative justice, not only at a regulatory level (European Victim’s Directive 2012/29/UE) but also at the Italian ministerial committee level (e.g. ‘*Commissione Cancellieri*’ and ‘*Commissione Orlando*’, created respectively in 2013 and 2014), where the most innovative ideas coming from scholars were discussed. Then, the author stresses the need to trace the conceptual boundaries of restorative justice in order to establish the relationship between restorative and punitive justice. He proposes a critical analysis about the possible complementarity of the two paradigms and finally clarifies why, as in all revolutions, a radical cultural change is required, starting fundamentally from the education of all those involved in the process of restorative justice.

Ruggeri, in the next chapter, also considers the possible synergies between criminal trial and restorative justice. Despite some criticism, the author admits that the criminal trial system already provides a hypothesis of negotiability that may include restorative justice, for example, the suspension of the proceeding with probation (*sospensione del procedimento con messa alla prova*) enacted by law in 2014. The solution to the conflict between victim and offender drifts from the typical authoritative paradigm of the criminal trial to a conciliatory and consensual paradigm. That is why Eusebi, in Chapter 6, speaks about restorative justice not as a ‘revolution’ but as an ‘evolution’: punishment should not be a ‘compensation’ but a ‘project’, including treatment, community service and, if both the parties agree, victim-offender mediation. According to him, the key words of the project are responsibility, restoration and reconciliation. If punishment is performed as a project, the offender has a personal interest in contributing and taking action so that it will have the best possible outcomes even for himself or herself. Still according to the author, the evolution of the system lies in the fact that punishment must not be fixed but tailored to the individual and the process must be a place for dialogue (also) with the victim, rather than a sole defence against accusation.

Mazzucato, in Chapter 7, shares the same concerns of Eusebi about the scarcity of the practicality of restorative justice in the current Italian system. According to the author, among other shortcomings, there is no serious and enduring institutional investment in restorative justice, especially for adults. The author agrees with Palazzo about the cultural revolution: restorative justice needs experienced professionals and skilful integration of reparative practice. Mazzucato concludes by issuing a warning to the reader about what *is* and what *is not* restorative justice, the bottom line being that, in its faint evolution, restorative justice cannot lose its fundamental characters.

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In the next chapter, Donini presents restorative justice as a way to bring dialogue into the punitive mechanism and genetically modify the answer to crime: the new dimension has to maintain a balance between the victim's rights and the offender's rights, in order to minimise the suffering of both parties. The author proposes to introduce the so-called 'restored offence', which is not a mitigating circumstance but a new autonomous offence, parallel to all offences. In that perspective, reparation becomes an element that identifies an autonomous offence, which, in turn, would have a lower sentencing range, allowing the judge to take into account the restoration made or offered by the offender. Obviously, for him, there must be a scale: for the most serious crimes it is difficult to think of a whole repair while, on the contrary, there are cases where reparation could even end conflict. The author concludes by addressing the need to draw precise boundaries for the concept of 'restoration' in order to respect the principle of legal certainty and allow non-discretionary application of the rules. Unlike the common arguments over restorative justice and the declared needs for its implementation, Donini proposes a practical renovation of the Italian Criminal Code in a way that concerns not only the trial phase but also the sentencing system and the set of crimes.

The third part of the book brings the criminologist and psychoanalytic perspectives to the fore. According to Ceretti, Balestrieri and Bracalenti, retributive justice works as homeopathic products do. This kind of 'medicine' contains the same 'principle' of the disease and may negatively affect the conditions of the patient, because it tries to heal the evil through further evil. Restorative justice, on the contrary, is based on a completely different principle: violence cannot heal violence and 'face to face' dialogue, instead, enables both the offender and the victim to reflect over past events in a critical way. Every violence has a deep and often dialogic origin: evil is not the result of a mechanical gesture but has a relational dimension. For the authors, sharing of memories through dialogue creates a connection between the individuals involved, which allows them to investigate the reasons of crime and express the emotions related to victimisation. It is interesting to see how the authors deal with the problem of the relationship between restorative justice and the expectation of forgiveness. They think that the work on the past is useful to change the present and to reformulate the hypothesis about the future, regardless of the idea of forgiveness, which is a personal and inner choice.

The last part deals with the perspective of practitioners. The judge Davigo, in Chapter 12, maintains a critical and sceptical position about restorative justice. He thinks that the criminal justice system should be concerned not only about the relationship between offender and victim but also about the future behaviour of citizens. It follows that the system, according to him, cannot renounce deterrence and the enforcement of punishments. The author admits restorative justice only for minor crimes, but also believes that, for these categories, decriminalisation might be more appropriate. Therefore, he suggests, a bit provocatively, to decriminalise the offences for which restorative justice is conceivable, to allow the criminal courts to deal with the most serious cases. Brunelli, in the following chapter, describes her experience as a mediator in the Milan and Pavia prisons.

According to her, despite the recent interest in the topic, the experiments carried out on the territory are fragmentary and uneven. The documentary film '*Restorative Justice: Viaggio alla scoperta della giustizia riparativa*' suggests a project that could become a model to improve the restorative justice programmes in prison settings, like conference groups, victim/offender mediation meetings or mediation meetings with surrogated victim. The author focuses on the key words of the restorative justice experience and describes the path to mediation: the first aim is to reintroduce the victim dimension by allowing a personal reflection on crime. As it now stands, she warns, offenders are usually more interested in communicating their suffering about prison conditions than expressing awareness about the existence and the feelings of the victim. Villani, in Chapter 14, reports the role of non-profit organisations in the world of restorative justice, which implies a link between magistrates, lawyers and social workers. Villani explains the current situation and working method concerning guidance to volunteering and suggests how to improve it.

In the last chapter, the editors, Mannozi and Lodigiani, explain how restorative justice can be used outside the criminal justice system. Starting by reflecting on the experience of Hull (UK), where restorative justice was adopted on a large scale, they carry on to describe the innovative experience of Managerial Humanism (*Umanesimo Manageriale*), a training project aimed at creating connections between colleagues, regardless of the *role* each one plays, to refocus attention on the *person*. Training restorative dialogue (made by Lodigiani and Mannozi) is part of this project, ultimately aimed at creating a safer, more productive and more harmonious working place at the University of Insubria. According to them, generally speaking, the key for promoting a culture of restoration is *education*: internalising reparative culture during school time leads to maturing sensibility and opening a path of civilisation in the relational dynamics that serves for life.

In the epilogue, Mannozi retraces the red thread of all the chapters. The book undoubtedly offers an important contribution to restorative justice research and will be of great interest to all who intend to study, even if for the first time, the different aspects of a now unavoidable reality in the Italian justice system.

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