

BOOK REVIEW

Petra Masopust Šachová, *Restorativní přístupy při řešení trestné činnosti (Restorative approaches to dealing with crime)*. Praha: C.H. Beck, 2019, 220pp., ISBN 978-80-7400-756-9.

The Czech Republic 'should belong' to the countries where restorative justice is not an unknown concept. The Probation and Mediation Service (PMS) has been operating here since 2000, which ensures, as the name suggests, victim-offender mediation, in addition to the existence of a wide range of alternatives to prison. Moreover, the principles of restorative justice have been widely invoked in recent years by the authors of the new Criminal Code of 2009, as well as the Juvenile Justice Act of 2003 or the Crime Victims Act of 2013. However, the use of the words 'should belong' instead of 'belong', which is decisive, is more appropriate. Although the general conditions for the use of restorative measures or programmes in the Czech Republic are relatively favourable, judicial statistics show that their use in practice remains far below expectations. Although there are many possible explanations for this, I believe that a crucial one is that many people working in the criminal justice system are unwilling to change their long-held views of crime and how it should be addressed. This is illustrated by the research carried out by the Institute for Criminology and Social Prevention in 2014, in which public prosecutors were interviewed. Among other things, the research examined why public prosecutors rarely use the PMS in the preparatory phase of criminal proceedings, which could lead to more frequent use of victim-offender mediation. It turned out that some of them consider PMS to be something like 'a brake' on the whole criminal justice system. The top priority for them is to handle each case as quickly as possible; they perceive anything that delays this goal (including the time that PMS employees need to find out whether the direct participants are interested in an alternative solution through mediation) as unnecessary or ineffective (see Scheinost et al., 2013).

If restorative justice is to be implemented in the Czech Republic in a more significant way, this kind of rationale must be changed. I am convinced that Petra Masopust Šachová's book can contribute to this, as a comprehensive and readable concept of restorative justice has been appreciably lacking in the Czech book market so far.

With much inspiration from Howard Zehr's *Changing lenses* (1990), the motif throughout the text is precisely a call to change the current perspective on how to respond to crime and search for justice. Masopust Šachová encourages the reader to think honestly about what crime and its possible solution mean for the offender, the victim and for society as a whole. As she mentions in the introduction, her aim was to present restorative justice in such a way that it would benefit Czech criminal law. It is not just a summary of basic principles and theories or an exhaustive overview of the various types of restorative programmes that are being used across the world. Although the reader will find all this information in the book, it was much more important to the author to

find 'a space within the extremities of Czech criminal law for ideas of restorative justice' (5).

Masopust Šachová defines restorative justice itself, with reference to many other authors, as a way of dealing with the consequences of crime, which focuses primarily on compensation for damage, restoration of broken relationships, addressing the causes of crime and re-integrating victims and offenders into society. She aptly notes that the words 'relationships' and 'respect' best describe the whole concept. The priority of the criminal justice system should be to find a remedy for the consequences of the crime, so that people, despite the damages caused to them, can meaningfully integrate the losses into their lives and continue to fully live these lives. Yet as we are all part of a larger society to which we have a certain responsibility, logically, the crime impacts not only on direct victims and offenders, but also on their beloved ones as well as on the community in which it took place. Hence, it is natural that the solution of a crime is best achievable through dialogue with and the active participation of all involved in the offence. Masopust Šachová does not make the slightest attempt to hide the very challenging nature of this journey, as restorative programmes require not only activity from the victim and the offender, but often also great personal courage and 'exceeding one's own shadow' (199). Yet she leaves the reader convinced that this effort is worthwhile and that it can indeed be an effective means to support the people concerned in finding the strength and competence to cope with a difficult life situation.

The structure of the book is clear and well thought out. In the first of the two parts into which it is divided, Masopust Šachová provides an extensive overview of the best-known theories related to restorative justice and its principles, as well as important international documents that support the development of restorative programmes in Europe and elsewhere in the world. Subsequently, she addresses the relationships and possible ways of involving restorative justice in the existing criminal justice system. It is indicated that different authors approach this problem in different ways, from the requirements for a completely distinctive restorative system to replace the classical system to models that promote their interweaving. Masopust Šachová is closer to the latter conception. She believes that restorative justice has a huge potential to enrich the existing criminal justice system with broader ethical dimensions of justice. However, for this to happen, legislation must reflect certain basic parameters, without which it is not possible to use restorative instruments in practice. In this sense, she talks about the three most important ones, namely the creation of space for solving the real needs of the victim, focusing on the active responsibility of the offender for his act, and the involvement of the whole community in the process of dealing with the consequences of crime.

The core of the first part is devoted to the issues of sanctioning the offender and also to the needs of victims. It is especially in this context where Masopust Šachová confronts the theories of restorative justice with the current Czech legislation most clearly. I appreciate her idea to revive this topic with a concrete (fictional) case study, in which she impressively documents how the offender and the victim experience the crime and its consequences – first describing how the

Jan Tomasek

classic court hearing would take place and, in contrast, what possibilities a restorative justice alternative might bring. I believe that this type of narrative would be much more convincing for many readers than any rational arguments about the advantages or disadvantages of different approaches to crime and its solution. In addition, I felt Masopust Šachová's choice of crime, a severe violent incident with an injury to the victim, rather than a trivial offence, was compelling. When it comes to changing the perspective, as stated previously, it is necessary for the reader to understand that restorative justice is not about the possibility of solving a certain, usually less serious type of crime (as is often mistakenly presented by some authors in the Czech Republic) but about our general understanding of justice and the principles on which we would like to build the whole criminal justice system.

The second part of the book, which Masopust Šachová devotes to the possibilities of applying restorative justice in prisons, bears a similar message: to adopt a restorative way of thinking means to reconsider one's opinion on various aspects of criminal justice – in this case, the purpose or meaning of imprisonment. Masopust Šachová points out that most proponents of restorative justice approach this type of punishment with reservations, but admits that some offenders are so dangerous to society that we need some facilities to separate them. Nevertheless, she firmly believes that the concept of restorative justice has enormous potential for the desired transformation of the entire prison system. Ideally, she says, prison reform would become part of a unified criminal policy based on restorative justice, with the main emphasis on the ability of prisons to create conditions for offenders to take active responsibility for their crimes and gain insight into their lives so that crime no longer has a place in it. As a criminologist with a deep research interest in the process of desistance, I especially appreciate that in this part of the publication Masopust Šachová addresses the problems that the offender faces when returning from prison to society. I completely agree with her opinion that the basis of successful reintegration are the relationships between the offender and the community. Although Masopust Šachová does not explicitly mention theories associated with desistance, her book is in perfect harmony with current criminological knowledge about the processes of ending a criminal career.

The book appealed to me and pleased me to the extent that I can hardly find anything specific to single out from it. Perhaps I can only go so far as to remark that the book should have been published much earlier. It would undoubtedly make life easier for supporters of restorative justice who are trying to promote this topic in the Czech Republic, in law and other faculties, or directly in judicial practice. On the other hand, it is actually good that we had to wait for it in the Czech Republic until 2019, even though comparable works appeared abroad much earlier. This allowed Masopust Šachová to present restorative justice as a very advanced and well-thought-out concept that 'has reached adulthood' (3) and that is ready to become 'a trusted partner for current criminal justice to find the best solutions for the consequences of crime' (3).

In fact, what I miss in the text is a reference to previous research that has already been conducted on restorative justice in the Czech Republic (and believe

me, it is not just because I participated in some of them!). Masopust Šachová offers important findings from abroad, but it would have undoubtedly been interesting to note that what has been found in other countries (e.g. regarding the possibility of satisfying the needs of victims through mediation or other restorative practices) has also been confirmed in the Czech Republic. We know, for example, that more than 90 per cent of Czech victims who have undergone mediation are satisfied with the course and outcome of mediation and that they would recommend mediation to people who become victims of a similar crime (Rozum et al., 2010). Research targeted on family group conferences was similarly favourable (Tomasek et al., 2019). Nevertheless, I believe that this information will make its way into the next edition of the book. It would be pleasant to learn that Masopust Šachová has found her readers and that there is a growing hope that restorative justice has a bright future in a country that lies in the heart of Europe.

Jan Tomasek*

References

- Rozum, J., Kotulan, P., Luptáková, M., Scheinost, M. & Tomášek, J. (2010). *Uplatnění mediace v systému trestní justice*. Prague: Institute of Criminology and Social Prevention (IKSP).
- Scheinost, M., Háková, L., Hulmáková, J., Kotulan, P., Rozum, J., Tomášek, J. & Vlach, J. (2013). *Trestní sankce a jejich odraz v praxi, tisku a v názorech veřejnosti*. Prague: Institute of Criminology and Social Prevention (IKSP).
- Tomasek, J., Diblíková, S., Hamplová, N. & Rozum, J. (2019). *Rodinné skupinové konference*. Prague: Institute of Criminology and Social Prevention (IKSP).
- Zehr, H. (1990). *Changing lenses: a new focus for crime and justice*. Scottsdale: Herald Press.

* Jan Tomasek is a researcher at the Institute of Criminology and Social Prevention, Prague, Czech Republic.
Contact author: jtomasek@iksp.justice.cz.