

ARTICLE

Concerns about the meaning of ‘restorative justice’. Reflections of a veteran

*Lode Walgrave**

1 Introduction

In the 1950s, Albert Eglash launched ‘restorative justice’ as a particular way of responding to crime (Maruna, 2014; Van Ness & Heetderks Strong, 2006). Since then, interest in restorative justice has expanded immensely. It is now a commonly known phrase, a much-implemented, often legalised practice, the inspiration for transformative movements and a subject of academic theorising and empirical research. But at the same time, the limits of the restorative justice field have become unclear. While many still see it mainly as a way of responding to crime, others, at the other end of the spectrum, consider restorative justice as a wide movement to transform the way we are living together on this planet.

Some find the elasticity of the concept no problem. It would express the richness of the idea, the liveliness of the practices and intellectual activities under the umbrella of restorative justice (as Johnstone & Van Ness, 2007). I feel uncomfortable with it (see also Walgrave, 2012). The vagueness or even confusion about restorative justice is, I fear, not only a problem for its social credibility, but I consider it also as a threat to the quality of research.

This is the talking point here. Do we conceive restorative justice as a wide, all-encompassing notion, including the dynamism and liveliness of the activist engagement for more justice at all levels, in all social relations and structures? Or do we keep restorative justice as a clearly delimited concept focused on doing justice after the occurrence of offences? The risk of the first version is that the innovative power of restorative justice sinks down in a broad but also vague movement losing credibility and real impact. The risk of the second version is that it is co-opted as a technique into the current criminal justice system and that it fails to change fundamentally the way justice is done.

* Lode Walgrave is Emeritus professor of criminology, Leuven Institute of Criminology, KU Leuven, Belgium.

Corresponding author: Lode Walgrave at lode.walgrave@kuleuven.be.

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The objective of our reflections is not to find the final peremptory definition. Nobody can claim the ownership of restorative justice. But after a few decades of vibrant activity, intensive reflection and research, much has changed in restorative justice. It may be good to reflect together about where we actually came from, what we are actually doing, even what we are actually talking about. A well-documented and argued exchange of ideas and opinions may help to clear out misunderstandings, and to better recognise the differences in approaches, beliefs and visions. As a veteran, I propose to reset the original meaning of restorative justice, which may help to clear out where and why concepts and approaches have changed and to see their potential benefits and risks.

2 Academic considerations as reasons for concerns

This text is mainly inspired by my position as an academic, eager to preserve the quality of the peculiar academic contribution to the development of restorative justice and of social life in general.

Without the commitment, inspiration and creativity of enlightened practitioners, restorative justice would not exist (Aertsen, Vanfraechem, Parmentier, Walgrave & Zinsstag, 2013). Albert Eglash was a psychologist practicing in prisons (Maruna, 2014). The first victim-offender mediations were organised by practitioners in Ontario (Canada) (Van Ness & Heetderks Strong, 2006). Family group conference was inspired by Maori worldview and practices, and designed by practitioners (MacRae & Zehr, 2004). They were all driven by the intuition that such encounters were beneficial, more than traditional criminal justice procedures. Gradually, activists extended restorative justice to being the core of a wider socio-ethical movement aimed at improving social relations and the governance of social life.

Originally, many practitioners and activists were only marginally inspired by systematic theory or empirical data, but there is no doubt that their endeavour benefits greatly by the close coalition with the scientific approach (Aertsen et al., 2013). The classical academic's approach is different. Scientists are at the reflection side of the action-reflection cycle. Science takes some distance, asks questions, seeks general facts and dynamics behind unique experiences and processes. It tries to draw lessons that transcend intuition. Like activists, also academics working in the field of restorative justice are dedicated to improving social life and the way rule transgression is responded to, but they play their own particular role in this endeavour. They try to keep their own intuitions and beliefs under control by scientific methodology, to produce shared knowledge. Depending on research question and on the social field under scrutiny, several methodological approaches are possible, of which each can have its own merits, reach and weaknesses. But all intellectual activity that claims the status of being scientific aims at producing shared knowledge,¹ meaning knowledge that transcends the subjective intuitions and convictions of the researcher and that is accepted as knowledge by as many as

1 Shared knowledge is not necessarily 'objective' in the literal sense.

possible others. The advantage of such shared knowledge is that it offers a platform for common reflection and action. To achieve this, scientific research must use methodologies that are controllable by others, of which a clear description of the phenomena under scrutiny is a crucial part.

Good research on restorative justice must describe unambiguously the object of its investigation, including a view on the variety and complexity of the various restorative practices and on the objectives they pursue. It must explain why restorative justice is expected to be 'better' than the traditional criminal justice is and safeguard a transparent differentiation between socio-ethical options and empirical findings. It must indicate the objectives of a restorative intervention, so that its success or failure can be assessed. The more clarity and accuracy there is, the better will be the scientific contribution to the development of restorative justice. Blurred concepts lead to blurred research; vague methodologies lead to impressionism with limited informative value. Or, as Kathleen Daly writes: 'Without a definition of RJ that can be applied and assessed empirically, we are bobbling on a raft in a sea of hopes and dreams' (Daly, 2022: 33). There is nothing wrong with hopes and dreams as crucial drives, but good research is an essential feedback mechanism to steer and improve the hope and dream-driven actions. If well done, the scientific approach to restorative justice deepens the idea, strengthens its innovative power and enhances its credibility as a practice and a movement.

The concern for clarity in conceptualising restorative justice is a typical scientific one. It may be irritating for practitioners who feel that 'it works' and for activists who are driven by a desire to transform social life. But 'It takes two to tango' (Aertsen et al., 2013).² To safeguard the contribution of scientific research to the development of restorative justice, safeguarding the quality of this research is indispensable. The basis of it is being accurate with the concepts.

3 The extension of restorative justice in three waves

More than twenty years after Albert Eglash, Howard Zehr also still focused restorative justice on the search for a more constructive way of responding to offending. He proposed to 'change the lenses' in looking at crime and responding to it (1990). All chapters in the first collections on restorative justice (Galaway & Hudson, 1996; Messmer & Otto, 1992) were about dealing with the aftermath of offending. Currently, most texts published in *The International Journal of Restorative Justice* still address aspects that are explicitly or implicitly about dealing with criminalisable matters,³ in or at the margins of criminal justice.

Gradually, the search for restorative responses extended towards dealing with disciplinary problems, conflicts and injustices in other social fields, such as schools,

2 Maybe, we should have written that it takes three to tango (practitioners, activists and academics), but I fear that this would not at all sound well in Buenos Aires.

3 By criminalisable matters I mean matters that qualify for being submitted to a criminal procedure. Not all criminalisable matters are actually criminalised. For example, some are not reported or are diverted to extra judicial agencies.

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care and welfare, neighbourhoods, workplaces (e.g. Llewellyn & Morrison, 2018). The value of such practices is undisputable (Morrison & Riestenberg, 2019), but one can doubt whether these practices are identical to restorative justice in a criminal justice context.

Let us take restorative practices in schools as an example. Both restorative justice conferences with criminalisable matters and conferences with disciplinary problems at school are grounded in the same philosophy of respectfulness and inclusion, seeking participation of all stakeholders in the pursuit of an outcome which minimises harm and strengthens relationships. But they deal with different matters in different contexts, with different actors and even with different purposes. Compared to the criminal justice context, the public dimension of disciplinary school problems is less; the roles of 'victims' and the 'perpetrators' are mostly less pre-established⁴; the actors involved in school problems are living in a close local community, meeting each other on a daily basis before and after the restorative process; the school context and its interventions are primarily oriented towards educational and pedagogical aims, while crime settlements focus on social life and public order. These particularities unavoidably penetrate the objectives, the climate and even the technical approach of both. Even when restorative practices in school are important opportunities to experience the values of inclusive dialogue, and to learn the appropriate attitudes, they cannot be the same as restorative processes among the principal stakeholders after the occurrence of an offence that has been recognised as such through the legal system.

The discussion is whether the differences are so important that we need different concepts, or 'deduced' concepts, such as 'extensions of restorative justice' for example, or 'restorative practices', or 'restorative approaches'.

Several scholars tend to widen the concept even more. They involve the innovative potentials of restorative justice as a drive for what is called 'transformative justice' aiming at a transformation of social relations and structures (Harris, 2006; Llewellyn, 2021; Sullivan & Tifft, 2001, 2006). It is based on dissatisfaction about the failure of restorative justice to address the structural injustices grounding the current justice systems and to address the social-structural dimensions of individual criminalised problems (Morris, 2000: 19). Therefore, some argue, restorative justice must widen its focus and aim not only at the individual conflict or crime, but also at the social-structural injustices which are endemic to our capitalist societies.

It is not always clear whether the transformative movements are included in the realm of restorative justice, or whether restorative justice is a privileged partner in the pursuit of the objectives of these movements. Including, for example the MeToo and BLM-movements as part of restorative justice widens the concept enormously but makes it also inaccurate. Restorative justice is then at risk of being considered a broad general ideology instead of a concrete focused project to change

4 I write 'mostly', not 'always'. Sometimes the roles of 'victim' and 'perpetrator' are clearer, as in cases of school bullying, for example. And restorative justice processes after offences may reveal that the official victim is at least partly also co-responsible and that the official offender has also been victimised.

a particular institution. It is difficult to grasp it for policy makers, for practitioners and for accurate research that must support them. It is even vulnerable to being caricatured.

That is why it seems preferable to keep a more focused vision of restorative justice and to investigate the unique particular contribution that restorative justice can offer to the pursuit of less abuse and discrimination based on gender or race. Concrete hate crimes based on race or gender must be treated as offences and answered restoratively. Such focused vision of restorative justice is more concrete and understandable (and more debatable) for policy makers and for practitioners, and easier to grasp for research. It makes restorative justice a stronger concept and the movement sharper, enhancing the chances that things really change.

4 Widen the concept or not (process, relation to justice, values)?

At least partly, the emergence of restorative justice is based on dissatisfaction with the criminal justice system as it functions nowadays. Hence, a long tradition in restorative justice literature emphasises a clear distinction between restorative justice and current criminal justice. Christie (1977, 2013), McCold (2000), Pavlich (2005), Schiff and Hooker (2019), Llewellyn (2021) and other prominent scholars fear criminal justice's coercive potentials, its rigid (ab)use of power, making it distant from 'real life', and they try to sever as much as possible the connection with the criminal justice system.

The contrast with the justice system is underlined by focusing on the quality of the encounter between the direct stakeholders. For many, the respectful inclusive dialogue is the key to characterise restorative justice, excluding the use of coercion under a restorative justice umbrella (Hoyle, 2010; Marshall, 1996; McCold, 2000). It is probably still the current mainstream vision on restorative justice.

This vision is often founded on an extensive attention to the values underlying the option for restorative justice. Recently, Kirkwood, for example, distinguished six ethical values and ten prudential values (2021).

As will be argued further in this text, it is crucial to be aware of the values, the social ethical roots of restorative justice, but it becomes a problem if restorative justice is identified with these values. It leads to a one-sided perseverance to see only inclusive processes as restorative and to dim away the link with justice. A few publications even reject the notion of 'justice' (as in Christie, 2013; Schiff & Hooker, 2019). Such a view indeed makes restorative justice very vulnerable to an unbridled extension towards all actions and initiatives that tend to improve social relations among humans.

This is for me a worrisome development. While respect, individual dignity, inclusion and the other often mentioned values are extremely desirable to steer social relations and institutions, they are not the monopoly of restorative justice. It is not these values that make the particularity of restorative justice. It is the fact that these values converge on 'restoration' and 'justice'. The key to understand restorative justice is its pursuit of justice through reparation/restoration. The process is nothing more than a – crucial – tool to achieve it as fully as possible.

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For several reasons, a purely process-based approach cannot hold out.

First, valorising a process without knowing the objective it seeks to achieve is like pedalling in the air. Respectful encounters are not good per se. Some situations, such as stopping a terrorist attack, for example, need prompt top-down decisions. Restorative encounters are promoted because they facilitate (expressions of) respect and support, mutual understanding, regret, willingness to make up and willingness to accept it. These are restorative outcomes. If the process does not facilitate these attitudes and emotions, it has failed to be a restorative process.

Second, a victim-offender dialogue that is not explicitly oriented towards a restorative outcome may deviate and serve the offender's rehabilitative interests more than the victim's genuine needs and interests. Especially if it is mandated by the currently offender-focused criminal justice procedures. Understandably, many victim advocates express some scepticism about restorative justice, because they fear that the dialogue with the offender may involve victims in a painful process, which would subordinate their interests and needs to the attempts to rehabilitate the offender (Pemberton, 2019a; Wemmers, 2020).

Third, the process-focused view keeps restorative justice interventions at the margins. Unless one believes that we shall soon live in a natural park with good-willing people only, the possibility of coercion remains indispensable in the response to many offences. No society can do without the possibility of using coercion, if necessary. Instead of leaving this issue to the existing criminal justice system, restorative justice scholars must seek a balanced relation with this unavoidable system. They must 'dirty their hands' and include the judicial responses in their restorative reflection. The aim is curbing the judicial coercion also in a more constructive restorative/reparative orientation, by responses that maximise their possible reparative/restorative impact, while safeguarding the rights of the stakeholders.

Not facing this problem is much like an escapist attitude, avoiding the most difficult aspect of developing restorative justice in society. Restorative justice scholars must not behave like ostriches.

5 Two recent examples of an extended vision of restorative justice

Jennifer Llewellyn's ambitions with restorative justice take a broad sweep. She examines 'the significance of a restorative approach for social and systemic transformation' (Llewellyn, 2021: 375). For Llewellyn, the transformative potentials of restorative justice lie in seeing it as a relational theory of justice. 'As a relational theory of justice, restorative justice is fundamentally concerned with just relations' (*ibid.*: 382), she writes. It is the commitment to just relations that characterises restorative justice.

Fostering, supporting and sustaining just relations ... requires proactive and continual attention in all the spheres, places and spaces – across systems and social structures. Restorative justice must be secured in education, labour and

workplace settings, in environmental policy and protection, in economic development and infrastructure (*ibid.*: 385).

Whereas I sympathise and agree very much with Llewellyns' social ideals, I cannot follow her in including them all in the concept of restorative justice. Granted, restorative justice offers more potential for contributing to just relations than justice imposed mechanically, as in most of the current judicial procedures. But safeguarding or pursuing just relations is (or at least should be) the first touchstone for all policy, in all the 'spheres, places and spaces' Llewellyn just mentioned. I deeply believe that the quality of social life depends on the way we relate to each other.

Calling all pursuance of just relations 'restorative justice' stretches the notion too far, making it too broad, too vague and un-researchable. Systematic investigation cannot come to grips with it. Are providing adequate housing or striving for decent labour conditions the same as responding to crime? Restorative justice is not the magic potion to remedy all social injustices. It is nothing more than one of the models, based on a broader social-ethical belief that it shares with other social strategies to achieve more just relations (Walgrave, 2017; Walgrave, Ward & Zinsstag, 2021).

Moreover, social life is more than relations. It is also structured by rules and institutions. Reducing restorative justice to the pursuit of just relations falls short in strategic reflections on how to change these structures and institutions.

For his recent book, *Macrocriminology and Freedom*, John Braithwaite (2022) invested his wonderful combination of academic rigour with activist endeavour to write a mighty book, which, I believe, may re-orient the future of criminology. The book positions criminology in Braithwaite's aspiration and strategy for a society governed by social democratic republican principles to achieve a maximum possible freedom as non-domination. Restorative justice plays a crucial role in this. The hard core of restorative justice is recognisable when Braithwaite (2022: 107) writes that state courts and state coercion must be regulated by restorative justice and restorative justice must be regulated by state courts. But the concept 'explodes' through the idea of 'restorative capital' (in analogy with 'human capital', for example). Restorative capital seems to be a gift 'in how to communicate to others love, understanding, compassion, empathy or spiritual depth' (Braithwaite, 2022: 371). It 'is constituted when large numbers of children have experiences of these values in their families and schools, and then later in their life in primary workgroups' (*ibid.*: 373). Therefore, 'restorative justice in the criminal justice system is a second order reform for crime prevention and building freedom compared with restorative justice in families, schools and primary workgroups' (*ibid.*: 373).

This is going far, and difficult to agree with for the consequential restorative justice advocate in me. Since long, psychologists and pedagogues have examined what they call 'positive parenting' in families. Some typify it as an authoritative parenting style. And an old publication by Rutter and his colleagues advanced school ethos as the essential dimension in how schools affected their pupils (Rutter, Maughan, Mortimer, Ouston & Smith, 1979). Probably, disciplinary interventions

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in 'good' families and schools will occur along principles that also prevail in restorative justice interventions in criminalisable matters. We used to call them restorative practices.

An adequate parenting style or a positive school climate are not 'restorative justice'. In good families or in good schools, there is not much to be restored. Not all which is well done, which is respectful, deliberative and supportive is 'restorative'. It would make restorative justice a vague and elusive concept, difficult to seize for systematic research, even for accurate theoretical reflection.

6 An example of limitation by academic concerns

Kathleen Daly does not expand the notion of restorative justice. On the contrary, she confines it strictly to a 'justice mechanism', included into a broader concept of 'innovative justice' (Daly, 2016, 2022). Innovative justice is considered a 'more accurate umbrella ... , one embracing a range of new justice mechanisms that offered greater participation and interaction of the relevant parties, but whose aims and purposes differed' (Daly, 2022: 3).

I share Kathleen Daly's concern for more careful definitions in order to allow more precise research. That is why, like Daly, I also limit restorative justice to responses to criminalisable injustices. But I do not, however, share her option for the 'innovative justice' umbrella. It reminds me of the older terminology 'alternative justice', which also suggested a different way of doing justice, without indicating in which direction the innovation goes. Daly specifies that she addresses all mechanisms that facilitate more participation. Why then did she not characterise them more specifically and call the collection 'participatory justice'? She might also find inspiration in what the French call 'la justice négociée'.⁵

For Daly, the mechanisms included in innovative justice may differ in aims and purposes. Innovative justice does not only hold restorative mechanisms, but probably also plea bargaining, rehabilitative interactions or therapeutic jurisprudence in drug/alcohol courts. The particularity of restorative justice, the focus on restoration/repairation is not exposed then. Yet, it is this aim that makes restorative justice essentially different from other 'participative forms' of justice such as bargaining or therapeutical interventions. That is why it is, on its own, much more than a mechanism, as will be argued.

Seeing restorative justice merely as a mechanism makes it vulnerable to becoming nothing more than 'a new tool kit' (Llewellyn, 2021: 379) of the existing punitive criminal justice system. To prevent this, we must safeguard restorative justice's link with its socio-ethical and philosophical roots, leading to particular processes, procedures and strategies (which are different from other 'innovative mechanisms').

5 Translated in English as 'negotiated justice'.

7 Back to basics

To find order in the elusive extension of restorative justice, I re-examine the core-meaning of restorative justice. What do both components 'restorative' and 'justice' mean?

Bookshelves have been filled with what 'justice' is. It cannot be but a social concept. Robinson Crusoe pursued survival and well-being on his island, not justice. Justice becomes an issue only when at least two persons (or groups) are in relation, and they compare each other's balance in benefits and burdens.

Socio-economic inequality, racism, sexism, or other forms of discrimination are intrinsically unjust because they project disproportionate balances of benefits and burdens while we consider genders, races, all population groups as equivalent. Likewise, it is unjust that one person takes the possessions of another one, or that one stronger person maltreats another one.

'Good societies' cannot leave such injustices unanswered.

Restorative justice prescribes how to answer these injustices. The adjective 'restorative' is not futile. Taken literally, both 'restorative' and 'reparative' suggest a correction of an act, a situation or a relation that is considered to be hurt, broken or damaged in the past.⁶

For me, reparation is a partial, often material restitution or compensation of what has been damaged in the past, while restoration is a more holistic, more relational concept also oriented to the future. Reparation is minimum. Without (partial/symbolic) reparation, restoration is not possible.

An important specification: Restorative justice cannot always aim at restoring the situation that existed before. Some damage caused by crime may be irreparable. Restorative justice interventions then can attempt to making the losses bearable so that the victims can continue a meaningful and satisfying life.⁷ In other cases, the original situation was already bad in itself before the crime(s) occurred, as, for example, in case of family violence. The question is whether it is also a mission for restorative justice to remedy unequal power balances in such a household. In my reduced vision of restorative justice, I would not think so, but I would argue for a coalition with other (treatment, welfare, social) agencies to tackle this deeper problem. I do not believe that restorative justice is the omnipotent magic formula to resolve all social problems, individually or structurally.

Another specification is that restorative justice deals only with injustices, not with mere conflicts. Conflicts may be based on a difference in equivalent visions, interests or approaches. They are tensions that also may yield positive outcomes. Whether or not there is also injustice in a conflict is still under dispute. Injustices are more than a conflict. They are acknowledged transgressions of a moral or legal

6 Consequently, restorative justice is by definition reactive. Its preventative effect can only be 'tertiary' prevention, that is, responding to an existing problem in order to avoid its continuation or worsening.

7 As did Marc Herremans, one of the best triathletes worldwide, who was paralysed from feet to breast after an accident in 2002. Despite this irreparable spinal injury, he found a meaningful and satisfying new life as a highly appreciated mental coach for several sports stars.

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rule, which must be undone. An injustice is an evil that must be tackled. An injustice must be repaired. A conflict must be resolved.⁸

A provisional conclusion of these significances may be that restorative justice is essentially justice that restores, meaning justice (as a moral value and as a system) that attempts to restore/repair as much as possible all harms and damages that have been caused by injustices.⁹

Several social movements address the consequences of structural injustices, based on racism, gender or socio-economic inequalities, colonialism. That is why some scholars also include these emancipation movements in restorative justice. I would not. Repairing the consequences of structural inequality is of a different order than repairing the harms caused by an offence. The injustice goes back in socio-cultural history, the kind of harm is broader and more difficult to assess, the stakeholders are not always clearly assignable. Repairing structural injustices requires a broad, more fundamental investment on a longer term. Reparative/restorative gestures are possible (such as returning pieces of art purloined during colonialism, or public rituals of apology), but they are meaningless if they do not express a more sustainable shift in social institutions and relations. Such emancipatory movements wage a long-lasting socio-cultural and political struggle, penetrating all aspects of social life. We might call it a 'restorative policy'.

I find it difficult to grasp in one 'restorative justice' notion restorative policy regarding structural inequalities together with systematic restorative responses to crime. I also do not see the strategic or scientific advantage of joining them under one conceptual umbrella. On the one hand, emancipatory movements do not lose power if they are not included in 'restorative justice'. On the other hand, restorative justice keeps its sharp focus and preserves its innovative strength if it remains being focused on doing justice after the occurrence of crime. The condition is, however, that restorative policy and restorative justice (in the strict sense) remain aware of their common socio-ethical foundations and understand the many potentials of partnerships.

8 An 'espresso-definition' of restorative justice

In 1999, Gordon Bazemore and I proposed a 'maximalist agenda for restorative justice' (Bazemore & Walgrave, 1999: 7). The aim was a 'fully-fledged, systemic alternative to both the retributive and the social welfare responses to crime ...' (*ibid.*: 363). We clearly focused our vision on doing justice after offending. We positioned restorative justice as a challenge to the conventional approaches in youth justice and in criminal justice with their treatment or punitive premise which entails the need for a revision of criminal justice procedures and sanctions.

8 Therefore, Alternative Dispute Resolution in business matters (ADR), for example, is for me not restorative justice.

9 It would lead too far to include here comments on Antony Pemberton's thoughtful article in which he, following Shklar, distinguishes 'doing justice' from 'countering injustice' (2019b). Just this: as a public response to the offence, doing justice according to rules is evident. As a personal experience of being victimised, countering injustice is essential. Restorative justice attempts to combine both.

It has been the guiding line for my own pathway through restorative justice land. I fine-tuned our earlier definition of restorative justice as 'an option for doing justice after the occurrence of an offence that is primarily oriented towards repairing the individual, relational and social harm caused by that offence' (Walgrave, 2008: 21). Contrary to what is probably the mainstream vision of restorative justice, this is an outcome-focused definition, characterising restorative justice by its objective of restoring/repairing the harm. The process is not seen as the key characteristic, but as the – most appropriate – tool to achieve restoration as fully as possible. If one or another reason makes such an encounter unrealistic or undesirable, the restorative objective is consequentially sustained in possible judicial coercion. Criminal procedures and sanctions must indeed also prioritise the possible restorative/reparative effects.

I called it an 'espresso-definition' of restorative justice. Like an espresso, it is short, because it is limited to its core of doing justice after the occurrence of an offence, and strong, because it pushes the priority for restorative/reparative responses consequentially through to penetrate the juridical procedures and sanctions.

The earlier designation of this vision, 'maximalist option of restorative justice' has caused several misunderstandings. Some understood that we argued for restorative responses to all crimes in all circumstances, whereas we argued for a consequential priority, not a monopoly. Others read 'maximalist' as complete, total reparation and restoration, which is of course not possible. That is why I prefer now to call it a 'consequential' version of restorative justice (Walgrave, 2021: 16-17).

The consequential version essentially deals with individual criminal events¹⁰ and individual responsibilities, and it preserves the eventuality of using coercion. This sentence may horrify those who are devoted to change fundamentally social structures and relations. They fear that the ambition to curb the current punitive premise in criminal justice towards a consequential priority for restoration/reparation may fade away if it is not embedded into a wider ambition to transform social structures and relations. This approach may walk into the 'imitator paradox', George Pavlich (2005) says, and sink down in a functionalist approach, nothing more than 'another tool kit' (Llewellyn, 2021) of a system that basically conserves the existing social, racial and gender inequalities.

This fear may be justified if restorative justice is reduced to a process-based approach. As argued earlier in this text, dimming the objective to repair may lead to a deviation towards other objectives and to a marginalisation of the process in the criminal justice procedures.

But not in consequential restorative justice.

8.1 Consequential restorative justice as a challenge for penal justice

Contrary to the process-based approach, consequential restorative justice also reflects on how to curb the punitive premise in traditional criminal justice into a

10 It is for the political community, the state, to define what a crime is. But consequential restorative justice also attempts to influence the criteria on whether to criminalise or not to criminalise certain behaviour.

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consequential priority for procedures and sanctions that are as reparative as possible, while recognising the greater restorative calibre of restorative processes. This approach keeps its full potential to convert the institutional response also to offending in a more restorative direction. By including the criminal justice system itself into the restorative justice ambitions, restorative justice-as-process is not marginalised, but located at the centre of the criminal procedures. The consequential approach to restorative justice represents a beacon of reform, a challenge to current criminal justice, more than the process-based vision does.

The current (legalised or experimental) practices under (direct or indirect) judicial mandate are not end stations; they are just steps in the development to a fully-fledged restorative criminal justice system, where the punitive premise is replaced by a consequential priority for restoration/reparation in its procedures and sanctions. They are exercises to improve the technical quality of victim-offender mediation, restorative conferencing and other restorative models; they are means to sense the limits and to seek how restorative processes can be implemented as widely as possible within a justice system; they are convincing illustrations of the reach of the restorative approach; they are the subject of empirical research; they inspire reflections on how a restorative criminal justice system can look like (as in Claessen, 2020; Mazzucato, 2017; Rossner, 2019; Walgrave, 2021 and others).

8.2 Consequential restorative justice and structural inequalities

Inequalities, injustices, discriminations are endemic in current society. A deep socio-ethical ground stream in civil society considers combatting them in a first order mission for all social institutions and agencies. They all must be committed to promote 'just relations' (Llewellyn, 2021) or non-domination (Braithwaite, 2022). All institutions must enforce mutual respect, promote solidarity, favour citizens' active responsibility, and try to maximise the space for respectful inclusionary dialogue among all citizens on issues that matter to them.

But not all social institutions do the same. They have different but complementary roles and tasks and are equipped differently to that end. Security institutions, police and the justice system, play a specific defensive role (Althusser, 1980). They intervene as a last resort, when deliberation and persuasion are about to fail or have failed. The criminal justice system is equipped to enforce the norms by coercion, if needed. It is not its primary mission to correct social injustice. It responds to offences, concrete events which a 'good' society cannot leave unanswered. Restorative justice seeks to provide these answers in the most constructive way possible. It reduces the use of coercion to the strictest minimum and pursues the fullest possible restoration/reparation of concrete losses after concrete events, while taking care not to worsen the social prospects of the stakeholders. Nothing more, nothing less. Other agencies and initiatives should help individuals get over the causes and the consequences of the individual criminal event and draw the lessons for a more systemic social reform.¹¹

Despite this case-focused approach, restorative justice offers several lines in its partnership with the wider transformative agenda.

11 As, for example, the Good Lives Model in rehabilitation (Ward et al., 2014).

Together with other trends in criminology, such as the Good Lives Model (Ward, Fox & Garber, 2014) or the 'positive' approaches to security issues (Schuilenburg, van Steden & Oude Breuil, 2014), restorative justice activates a 'criminology of trust' which underlines the importance of respect, solidarity, equity and active participation in all policy regarding crime, justice and (un)safety, and by extension in the governance of social life in general (Walgrave, Ward & Zinsstag, 2021).

Restorative justice addresses one of the most delicate moments in societal life, when the priority for deliberation and free negotiation seems to be played out and the possibility of coercion is to be considered. When the good intentions confront the thorny aspects of reality, the challenge is to find out how to achieve as much as possible of the good intentions while living with the thorns. In that sense, restorative justice seeks to extend the approaches to crime and injustice that minimise the use of coercion and, if necessary, it attempts to keep the use of coercion as socially constructive as possible. It offers an example of how a top-down sentencing machine can be reconceived as a bottom-up problem-solving system (see, for example, also Dzur, 2011).

Restorative justice offers a constructive and inclusive response to individual expressions of structural injustices such as racist incidents, gender-related abuses, environmental crime, or massive tax fraud. A beautiful example of how restorative justice may contribute to responding constructively to environmental crime has recently been presented in this Journal (Forsyth et al., 2021). It illustrates the constructive strength of a restorative justice approach.

Restorative justice encounters may represent very powerful learning moments for the participating stakeholders. If such encounters are well done, those who participate may be (are) engaged in an emotional process in which seemingly opposite interests are focused on finding common interest (Collins, 2004; Schweigert, 1999). They learn that blaming the act is not the same as blaming the actor (Harris, Walgrave & Braithwaite, 2004). They experience the power of respectful dialogue, which may lead to more satisfying outcomes. Restorative justice experiences are excellent occasions to promote the values of respectful and solidary co-citizenship.

All this makes restorative justice and social transformation mutually reinforcing. A more strictly circumscribed restorative justice offers precise contributions to the wider social movements; the transformative agenda remains a normative and motivational beacon for restorative justice advocates and practitioners. It is therefore crucial to keep the common social ethical and practical foundations alive. 'The (restorative justice) brand is useful, but it is more powerful interconnected in a respectful way with the brands of other social movements' (John Braithwaite in Dzur, 2020: 145).

9 Conclusion: the need for scientific research for restorative justice

We all are dreaming of communities and social structures penetrated by more respect, solidarity and more justice. Probably all participants in this debate seek

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how to maximise the contribution of restorative justice to this general endeavour. It is the activist drive we share.

Social change is indeed urged by citizens' activism. Creative professionals and volunteers invent good practices based on intuition and talent. Motivated citizens invest themselves in climate and environmental movements, in antiracist and feminist opposition against systematic discrimination, in the struggle to eradicate socio-economic inequalities and exploitation, in movements for more peaceful relations among people.

But that is not enough. The dedication of the heart must be balanced by a cool head. Action needs reflection. Like the climate movement finds its main arguments in scientific data, like tackling the COVID-19 pandemic is based on continuous epidemiologic research, also the pursuit of a more just, more inclusive social life cannot work without the support and systematic feedback by good scientific reflection and empirical research.

As argued a few pages ago, I strongly believe that feedback, support and possibly adjustment by good academic work are indispensable for promoting restorative justice philosophy and its practice. For me, the quality of scientific work depends on methodology (in the broad sense). Good methodology is based on accurate conceptualisation. While broad ideas and beliefs are inspirational for constructing theories, sources of hope, drives for personal investment and activism, they are on their own too elusive for science to get a grip on them and to investigate them systematically. They must be completed by accurate concepts as the materials for constructing transparent theories, including clear expectations and hypotheses for research.

It is this concern for the quality of the indispensable academic contribution to restorative justice that drives me towards keeping a restricted vision of restorative justice, focused on doing justice after the occurrence of an offence. Criminal justice is a keystone in the structure of society, and its current dysfunctions are illustrative for what goes wrong in society as a whole. Restorative justice is a very promising pathway to fundamentally modify this system. To achieve this, dedicated practitioners and generous activists need the feedback and support by academic work of high quality.

On its own, the switch from a punitive premise in criminal justice towards a systemic priority for restorative/reparative responses provokes more than enough questions for research and strategical considerations which are more than difficult enough to investigate. Drowning these questions into the all-encompassing desire to change the way we are living together on this planet risks making them intangible for research, lessening the significance of the indispensable scientific contribution.

While I do share the social ideals of many who hold much broader visions of restorative justice, the veteran in me may stick to a different strategical view. I believe that it takes many smaller steps to make community and society more respectful, more just, more inclusive. Smaller and well-focused. I think that it is better to keep seeing restorative justice as just one of these steps, not as the Great Plan. Drinking an espresso makes a difference. Even if you swallow gallons of *allongé*, you drink hot water with only a vague taste of coffee.

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