

## ARTICLE

# Expanding our taste for coffee and justice

Jennifer Llewellyn\*

## 1 Introduction

In the article that served as a prompt for this special issue, Lode Walgrave sets out his concerns about the meaning of 'restorative justice'. In particular, he addresses the bad taste that new and expanded flavours of restorative justice leave on his 'veteran' palette. He concludes his article with the following:

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 (Walgrave, this issue).

For coffee aficionados, this analogy may require little explanation. Yet, like the point it is intended to make about restorative justice, I think it warrants more careful and considered attention. For those not steeped in coffee culture (and I count myself among you), a quick and admittedly simple introduction is important. In French, the term *allongé* means to lengthen or to draw out. For this reason, the term is sometimes used in legal contexts to refer to a document attached to a contract to add to or extend its terms – sometimes also called a rider. In the coffee world, it is the name given to a long shot of espresso, what in Italian is often called a *lungo*. Quite simply (although perhaps not as simple as it seems) an *allongé* coffee presses more water through the espresso grounds, resulting in a greater volume of liquid in the cup when compared with a typical espresso shot. It is different from an *Americano* because the hot water is not simply added to an espresso shot once it is in the cup but rather pulled through the ground coffee. As a Canadian I am familiar with *allongé* because of its popularity in Quebec, where it often serves as a version of filter coffee. Outside of Quebec, however, current coffee culture apparently thinks less (water) is more. *Ristretto* or restricted espresso pulls that produce a small amount of concentrated intense espresso are currently in favour. By

\* Jennifer J. Llewellyn is Professor of Law, Chair in Restorative Justice at the Schulich School of Law and Director of the Restorative Research, Innovation and Education Lab, Dalhousie University, Canada.

Corresponding author: Jennifer J. Llewellyn at [jennifer.llewellyn@dal.ca](mailto:jennifer.llewellyn@dal.ca).

comparison, the longer, more drawn out, *allongé* is often maligned as inferior or watered-down.

This view of *allongé* is just that: a preference or opinion reflecting one's tastes rather than an objective statement of truth. Furthermore, it is a taste that evidence suggests is likely shaped by culture – by our shared perceptions, values, norms, expectations and experiences – more than our taste buds. This might explain the different taste for *allongé* in different places and over time, depending on the prevailing culture of coffee and cafes (Jeong & Lee, 2021).

In her 2022 article 'Coffee Methods: Reasons to Love a Longer Espresso Shot', Liz Clayton explores the difference between shorter and longer espresso shots (Clayton, 2022). The *allongé*, she claims, 'has become a source of inspiration and exploration among coffee thinkers and drinkers' (Clayton, 2022: online). She acknowledges the popular consensus that the *allongé* produces an undesirable taste but challenges whether this is always or necessarily the case (Clayton, 2022). She cites Australian barista champion Matt Perger in claiming that the *allongé* may actually be 'opening up the ideas of what espresso can be' by 'drawing long, and longer shots, which have the surprising effect of exposing a whole new range of flavors within a coffee' (Clayton, 2022). As another leading barista Ben Kaminsky explains, in a longer shot, 'you're actually tasting more of what's in that coffee, and more of what's in that *roast*' (Clayton, 2022). Clayton (2022) also points to Charles Babinski, another barista, who says this different preparation reminds us that: '[T] here's no perfect espresso, but that's good. You can stop worrying about finding the perfect espresso and open your mind up to the ideas of what it can be.'

Walgrave's dismissal of *allongé* as 'hot water with only a vague taste of coffee' – and, by analogy, of broad visions of restorative justice that go beyond the restricted pull of the criminal context – is more a reflection of taste than fact. Taste that has been shaped, he admits, by his experience and expectations of both coffee and restorative justice. The analogy he draws though may offer more insight than he intended for this important discussion of the meaning of restorative justice. The *allongé* may challenge or even be an affront to the taste of some who are used to the more traditional and familiar restricted preparations of espresso, but that does not mean the *allongé* is necessarily lesser for this fact. Indeed, it may actually prove to be better in some circumstances – depending on the beans, the barista, the drinker and the culture. Just as our taste for coffee has been shaped by what we know and have come to see as the 'perfect espresso', so too, the analogy goes, has our taste for restorative justice been shaped by our traditions, experience and practice. Also, like Clayton explains about the *allongé*, restorative justice may be shifting our justice culture and broadening our tastes.

## 2 Walgrave's worry: watered-down restorative justice

Worries about the meaning and potential of restorative justice are not Walgrave's alone, as the broad and rich contributions to this special issue attest. My response to Walgrave's prompt should not suggest that I think his position should be the primary focus or foil in this important and ongoing discussion. This would

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misrepresent the complexity and significance of the discussion. However, Walgrave's stark assessment of broader definitions and applications as watering down restorative justice helps to clarify and crystallise meaning and misunderstandings for me.

Clarifying meaning and modes of restorative justice is not, Walgrave explains, motivated by a rejection of the importance of the social ideals animating these developments in the field. He says he shares these ideals but believes it best not to confuse or conflate them with work of justice (and by extension as the focus of restorative justice). I believe him. His case for a limited vision of restorative justice is strategic in his view. It is about biting off that part of building a better world that restorative justice can successfully chew. This, he claims, is what restorative justice can and should be about. It can make a small contribution in line with the securing of the good life but is not the 'Great Plan' for the good life. His worry seems to be that if restorative justice comes to mean 'everything' – as in some great universal way of life – that it will actually mean nothing.

Walgrave positions himself and his concerns as dispassionate and scientific in contrast with the 'activists' label he ascribes to those with a broader view of restorative justice (Walgrave, this issue). Throughout his article, though, his passion, protectiveness and life-long dedication to realising the potential of restorative justice shines through – for example, in his self-identification as a veteran and in his defence of restorative justice as something more than simply an alternative justice mechanism in his critique of Kathleen Daly's categorisation (Walgrave, this issue).

Walgrave's perception of himself as merely protecting the meaning of restorative justice from activist encroachment reminds me of the enduring debate about judicial activism that has marked the Canadian landscape particularly since the introduction of our constitutionally enshrined *Charter of rights and freedoms*. One of the criticisms of the *Charter* at and since its inception is that it has produced conditions for judicial activism aimed at realising rights. Enshrining the *Charter* in the *Constitution* meant an end to parliamentary supremacy in that it served as a check-and-balance on the power of elected representatives. A law that is inconsistent with the rights and freedoms protected by the *Charter* is unconstitutional and, therefore, of no force and effect. Of course, applying the *Charter* is the responsibility of the judiciary. By virtue of this responsibility, judgements can change laws enacted by the legislature. Applying the *Charter*, in other words, can make an active difference in the law. This does not, however, make the judges activists – they are not acting on their own impetus but to put the *Charter* into action. The *Charter* requires interpretation to determine when and how it will apply and that interpretation requires judges to exercise their discretion. In this sense, the *Charter* requires judges to play an active role in the law. Calling this activism, though, is not a statement of fact about what they are doing as much as an indictment of how they are doing it. Furthermore, judicial activism is often a charge levelled when a law violates the *Charter* and, thus, requires change. When a judge examines a law and determines it complies – thus requiring no change and maintaining the *status quo ante* – it is seldom characterised as activism.

Walgrave's characterisation of those with a broader vision and application of restorative justice as 'activists', similarly, is more claim than fact. It is premised on the legitimacy of his starting assumptions about restorative justice. Those with a broader understanding of restorative justice are only activists if they are changing the meaning of restorative justice – if they are rendering restorative justice other than it was to start. Walgrave defines the starting point of restorative justice as concerned with criminal law and focused on addressing the related interpersonal harms. His origin story of restorative justice then sets the standard against which other visions are measured.

On Walgrave's account, restorative justice starts in the 1950s when 'Albert Eglash launched "restorative justice" as a particular way of responding to crime' (Walgrave, this issue). Without diminishing the significance of Eglash's contribution to the development of restorative justice, I note that the term 'launched' is an interesting choice to describe his role. Eglash is often mentioned in accounts of restorative justice but often in tracing the use of the term and not the idea itself. Indeed, often Eglash is said to have 'coined the term' at least in its public expression. It is not my intention in this piece to debate or determine when and how we might say restorative justice started. Rather it is to point out that in making this claim Walgrave has predetermined restorative justice is 'a way of responding to crime' (Walgrave, this issue). The limits of restorative justice are baked into this definition – the idea that it is a justice practice and that it is concerned with criminal law. This perspective then shapes his view that more expansive understandings of restorative justice stretch away from this point. This is only true, though, if we agree on the starting point. If instead, restorative justice did not start in the 1950s as a way to respond to crime but is rooted differently and more broadly to start, then it might just as easily be argued that it is Walgrave who is the activist – seeking to control and limit the meaning of restorative justice in line with his focus on evaluating the success of justice practices in the criminal sphere.

For many who come to restorative justice not only as a practice but as an idea and approach to justice, the starting point is different. Indeed, other origins have inspired and guided many in the field including Indigenous understandings and traditions of justice, ideas of justice in various spiritual and faith traditions, and theories and philosophical traditions that challenge Western liberal individualism. From these starting points, broader visions of restorative justice are not a stretch beyond its bounds but a discovery of its promise and potential. This is reminiscent of the espresso/*allongé* debate we started with – *allongé* is only lacking if espresso defines the starting point.

Speaking then as one who Walgrave thinks is an activist in this space, I do not agree with the premise that I am expanding or broadening restorative justice from its origin simply because I am not limited by its acceptance and application within existing criminal legal culture. I think it is mistaken to define the broader vision of restorative justice as an expansion of this starting point and so to see it as activism. The vision of restorative justice I and others have does challenge Walgrave's starting assumption, as it sees restorative justice as about the meaning of *justice*, not just the practice of justice determined by the legal system, and as inherently transformative.

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This is the case for those who root restorative justice in Indigenous relational world views, religious traditions with more capacious ideas of justice and right relations, and in feminist theory that challenges liberal individualist traditions, to name a few. From such a starting point then, defining restorative justice as a relational approach to justice is not activist expansion but part of the work to fully realise the transformative implications of this idea of justice. The new ambitions and applications then that Walgrave so worries about as pushing restorative justice beyond its bounds may not be a departure at all but instead its natural development.

I have provided more detailed account of restorative justice as a relational theory of justice elsewhere and I do not propose to repeat it here (Llewellyn, 2011, 2021). What is helpful in the context of the current discussion in this special issue, though, is an outline of the implications of this broader approach for the meaning and methods of restorative justice.

As noted earlier, this account does not seek simply to expand the use of restorative justice. In fact, doing so would not be an expansive understanding of restorative justice at all. I share Walgrave's concern about the adoption or perhaps co-optation of restorative justice in service of generalised goals of resolving conflict and ensuring peace. While I agree with the view that addressing conflict and ensuring just relations is central to the work of justice fully understood as restorative, I do so from a broader understanding of justice and what it requires and not simply because of the utility of its practices and processes to achieve a variety of ends. The way to protect against this co-optation is not to restrict the purpose and application of restorative justice but to ensure it is clearly grounded in a theory of justice. On this account, then, it is not restorative justice that is being stretched, enlarged or watered down. Rather, restorative justice serves as a theory and approach that shifts our understanding of what justice means and requires. It is by virtue of this relational conception of justice that restorative justice can and must be considered beyond the limits of the current legal systems, because relational justice requires it.

Restorative justice grounded in a relational theory of justice is fundamentally concerned with the nature of relations in the world at various levels – including those between and among individuals and groups and those between and within institutions, systems and the environment – and with how those relations are structured by the laws, rules, policy, social structures, technologies and environments. In saying this, I do not think that restorative justice should be seen or used as a tool to serve any and all objectives of these other systems, organisations, communities and groups or individual goals. I share Walgrave's worry that this might happen – that restorative justice might actually lose its meaning as concerned with *justice* and instead be reduced to its practices used/deployed as tools and tricks to achieve various broad objectives unrelated to justice. Indeed, it is this shared concern that drives my insistence that restorative justice is grounded in a relational theory of justice.

### 3 Restorative justice: going above and beyond our current taste for justice

Walgrave's central concern, then, is that an expansive understanding of restorative justice will water it down to the point that it is no longer meaningfully cognisable as restorative justice. His concern is focused on the meaning and definition of *restorative justice* itself. However, if restorative justice is itself not merely a practice or justice mechanism but is instead understood as a theory and approach to *justice*, then the broadening is not about what counts as *restorative justice* but about how restorative justice with its relational lens broadens the meaning and approach of *justice* itself. Walgrave is concerned that the broader view of restorative justice has lost its focus on justice and replaced it with a generalised concern for doing or being good. A broader vision of restorative justice as a theory of justice does not abandon justice, it shifts our understanding of it.

I do not want to be misunderstood here. I am not making the case that anything relational is by that fact alone a matter of justice, any more than I think that anything coffee-flavoured should be welcomed onto the café menu. Indeed, my point about Walgrave's analogy is that this is not, in fact, the case for *allongé*; nor is it the case for a broader understanding of a restorative justice as a relational theory and approach to justice. Simply because the *allongé* is a longer pull resulting in more volume and a different taste does not make it less or a lesser coffee. What is compelling about Walgrave's analogy for our current purposes of exploring the meaning of restorative justice is that *allongé* can actually broaden the flavour, revealing the complexity in the coffee (Clayton, 2022). In doing so, it allows us to think in more expansive ways about espresso and coffee generally – and in ways that are not possible with a narrower and more restrictive preparations as in the shorter shot currently in vogue.

It is also instructive that it may not always be the process used to make coffee that diminishes the flavour, but the fidelity to espresso beans as the base. When water is pulled through other beans in the *allongé* way it may be superior in some ways to the espresso with a shorter pull. Here again, the analogy offers an insight relevant to the current consideration of restorative justice and the concerns Walgrave has with broadening our vision and application of restorative justice. As he declares, 'Drinking an espresso makes a difference' (Walgrave, this issue). For him, *good* restorative justice like good espresso is restricted by definition – by the type of bean and amount of water used or, in the case of restorative justice, focused on responding to incidents criminal in nature with a narrow focus on the direct parties and the harms caused by one to the other. Restorative justice defined as a relational vision broadens the contexts where justice is made beyond the criminal realm and indeed beyond the current legal systems and their focus on breaches of laws and regulations. It also reveals the complexity of justice as its relational analysis pulls in other parties and issues to understand and address the relevant contexts, causes and circumstances. Finally, broadening our definition of justice restoratively requires new processes and practices to make it so that it can be amended to achieve a good taste of justice in different places and spaces.

Justice conceived in this broader restorative way is not watered down to catch all, or more, of what is good and important in life under its label. It encompasses

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‘more’ because the relational theory of justice is wider in both scope and application. I share Walgrave’s concern that without attention to the meaning of restorative justice, it risks capture to reference new or interesting practices oriented to good outcomes – for example, peaceful relations or well-being. The important question is whether and how we can address this legitimate concern for the field. Can restorative justice be at once a broader and transformative vision without sacrificing the clarity of meaning and purpose needed to guide its application with integrity? My answer is a resounding yes! Not only is it possible to ensure the integrity, coherence and consistency needed for the field with a broader conception of restorative justice as a theory of justice – this understanding of restorative justice is essential for this very reason. Appreciating why and how this is the case requires clarity about this account of restorative justice and its implications to allay Walgrave and others’ legitimate fears about a broader understanding resulting in more volume but compromising the quality of justice on offer.

### **3.1 Restorative justice: expanding thinking and doing**

Like the *allongé*, restorative justice has become the inspiration and terrain for exploration for justice thinkers and doers. Broadening restorative justice starts with how we think about justice, which then shifts when, where and how justice is done. This is different from simply expanding the use of restorative justice processes and practices to achieve a variety of goals. The critique that the broadening of restorative justice detaches it from justice reflects a common misunderstanding of a relational theory of justice. Saying restorative justice is relational does not mean simply that it is focused on relationships. This is not the sense in which the idea and work of justice is relational. Relationship, in the sense restorative justice is concerned with, is not a good in and of itself, but a fact about human beings and the world that requires our attention because of how it structures the world and our lives within it. Restorative justice starts from this recognition and is concerned with the nature and character of relations that justice requires. Insofar as we are relational beings in a relational world, the character and nature – the justness of our relations – is central to who and how we are individually and collectively.

This challenges Walgrave’s underlying assumption that restorative justice is the thing being defined by how it is poured or presented – like the espresso – rather than seeing restorative justice as about how we define and understand *justice* and then, so redefined, we can set about how to make it. The variation then is in the transformation that a restorative approach has on how we think about justice. Justice as relational shifts our understanding of justice and so too, then, of where and how justice should be done. This takes us beyond our current culture of justice and extends the impact and implications of restorative justice accordingly. It transforms our understanding of justice and escapes our current thinking and doing in some significant ways by opening up our appreciation for how and what justice can be (like shifting our palette).

This more expansive understanding of restorative justice is then concerned with the meaning of justice and not merely the practice of it. That more restrictive view of restorative justice as a mechanism or tool of justice rather than a vision of it narrows the focus on how justice gets done. This explains Walgrave’s insistence

that restorative justice should be focused on the criminal realm and connected to the legal system because that is where the work of justice belongs. But limiting restorative justice in this way is like restricting one's knowledge of coffee to one type of beans prepared in one way which produces an intense but limited taste for justice. Perhaps ironically, I fear that Walgrave's strategy to protect the integrity of restorative justice by limiting it to the criminal sphere and its current models actually serves to undermine it by rendering restorative justice meaningful as a *tool* of the criminal justice system. Viewed as a tool, it is far more susceptible to be picked up and repurposed as part of a general relational tool kit. In this way, Walgrave's bid to ensure fidelity and integrity for restorative justice by focusing on limiting its *use* actually obscures the importance of it as a way of thinking, not just doing.

### 3.2 *Beyond criminal law*

Restorative justice as a relational theory of justice then takes a broader view of justice as concerned with just relations. This definition of justice is not limited in its focus to breaking the law or breaching the peace as in the criminal law (Llewellyn, 2011, 2019, 2021; Llewellyn & Howse, 1998). Walgrave's account strongly identifies the justice that defines restorative justice with the law. He acknowledges that restorative work outside the criminal realm may be valuable and important, but, to him, it is not about justice and so should not be viewed or counted as restorative justice.

The broader understanding of justice that restorative justice offers helps us see how and where the current criminal legal system is not always (or maybe not even often) oriented by what is required in service of justice but rather in service of the law. Furthermore, it reveals that what counts as criminal law is arbitrary in the sense that it is not determined by the harm and needs experienced by those affected but by the current public (represented by the majority) taste for justice. The rest is left to private legal ordering or beyond the law altogether.

Restorative justice actually challenges the logic underlying the current divisions particularly in Western legal systems between public law and private law. It looks to the law to serve the interests of justice by establishing the terms and conditions for just relations and responding to address harms and needs that result when those terms and conditions are not met. Viewed through this lens, it becomes clear that this is the role of all law, not just the criminal law. Of course, this is true when the law is called upon to prevent or redress harms that raise concerns for public safety, as is the focus of the current criminal law, but it is equally true where the law orders relations between and among individuals, groups, organisations and institutions whether through tort law in civil matters, human rights, contract law or administrative and regulatory regimes.

The relational theory of justice, which underlies restorative justice, reveals the ways in which all these legal realms play a role in structuring and ordering relations. This makes clear that the application of restorative justice beyond the criminal realm does not move away from its core commitments but fulfils them. Viewed through a restorative justice lens, the lines that distinguish areas of law in the current system blur and fade as the focus on just relations connects across the



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current legal landscape. In this way, restorative justice is about bringing law in service of justice rather than limited in service of the current legal system. Restorative justice thus has a larger imperative and role in the transformation of law (Llewellyn, 2021).

### 3.3 *Beyond individual focus*

This broader understanding of restorative justice as a relational theory of justice reveals another problem with restricting the definition of restorative justice to its connection with the criminal realm. The current criminal law not only defines justice/injustice in terms of compliance or breaches of the law but in doing so is concerned with individual action and accountability. The criminal law is designed to maintain public order according to the law to ensure public safety by identifying and responding to individual incidents that breach the peace it is intended to keep (Berman, 1985). Its focus is thus at the individual level – individual acts by individual actors (although sometimes these actors can be individual corporations or organisations). It is not focused on the systemic level and, thus, does not concern itself with the context, causes, circumstances of these incidents other than to the extend these might excuse or mitigate individual responsibility. The concern of justice then is with the offence against the law and which does not consider the harms or issues beyond the law or reflected in the law itself, as in the case of systemic racism, for example. Thus, defining restorative justice in connection with the criminal legal system then restricts it to this narrow focus on individual actions and cases in ways that can only be reconciled if restorative justice is merely a tool or technique oriented to the current legal system's goals.

As restorative justice moves beyond the criminal legal system into other areas of the law, it pushes the practice back to the core principles of a restorative approach to justice and moves beyond this individualist focus that has shaped the design of restorative practices born to serve the criminal context. Drawing from some of the examples most familiar from my own work in the field, I would point to the use of a restorative approach in the context of transitional justice, for public inquiries, in class action and tort law in response to historical and systemic institutional abuse claims, and in human rights law. These experiments and experiences are not merely adaptations of *real* restorative justice as used in the criminal context – they do not simply dilute the process by adding more. Indeed, these examples have shown through restorative justice what justice understood relationally requires. These lessons are significant not only for the use of restorative practices in non-criminal matters but also for the meaning of restorative justice and what it requires in all contexts. Just as *allongé* challenges our assumptions and perceptions of coffee, so too has the use of restorative justice beyond the narrow bounds of the criminal realm inspired and expanded our understanding of its meaning and potential.

### 3.4 *Beyond injustice*

Justice understood restoratively cannot be secured only in the breach. Justice requires positive and proactive attention to securing the conditions and circumstances for just relations. Certainly, it sets standards and expectations that identify injustice and what is required in response, but it is not solely focused in

this backward posture. It is equally concerned and oriented to what we are called to do to build and sustain justice. This is what restorative justice reveals by attending to the contexts, causes, circumstances and conditions needed for justice – that they cannot be realised by the current legal system or at least not on its own. Indeed, there are limits to the work that the legal system can do to secure and support the conditions for just relations.

Perhaps this is what Walgrave objects to or worries most about when he says restorative justice is not a ‘Great Plan’ – that it cannot simply come to represent a way of being or doing, because it would lose purchase where attention is owed by virtue of an injustice that needs to be addressed. Yet, it is in addressing such injustices restoratively – with a view to the needs and interests of those affected, calling on those with responsibilities to address the harms and support a just way forward and to establish conditions, commitments and plans to do the work required for justice to prevail in the future – that restorative justice has revealed the proactive and preventative requirements of justice. Injustice must be answered when and as it exists, but that answer requires positive action oriented to secure justice into the future. Restorative justice makes clear that the work of justice requires attention to the ways in which things are structured and done on the everyday to ensure they reflect a concern and commitment to just relations. Walgrave cites this sort of application of restorative justice as it is undertaken in schools, neighbourhoods and workplaces as laudable but not meaningfully within the ambit of restorative justice, because it would render it some sort of ‘Great Plan’ and dilute its taste for justice.

I agree with Walgrave that where these applications of so-called restorative practices are used for behaviour management or rule compliance or community-building without a clear and conscious orientation to justice – to the pursuit and protection of the conditions of just relations – then we should not consider them within our understanding of restorative justice. However, in Walgrave’s definition, we would discount them because they are not reactive to a particular injustice but are concerned with addressing situations that produce systemic injustice or promoting and protecting the conditions required for just relations.

### **3.5 Beyond law**

Seeing the breadth of the work that justice, understood restoratively, requires, makes clear why restorative justice not only applies beyond the criminal law but must broadly be concerned with justice beyond the legal realm as well. Restorative justice as a relational theory of justice insists on an understanding of justice that is not limited in its definition by law- or rule-breaking but by the nature of our relations at interpersonal, social, systemic and structural levels. Restorative justice as a relational theory of justice distinguishes justice and the law. This is not to say that they are unrelated – of course they are not – but law does not define justice and, therefore, cannot be used to define the boundaries of restorative justice.

The assumption that law determines justice underlies Walgrave’s suggestion that restorative justice should be concerned with justice as opposed to policy. This clearly restricts the definition of justice as serving the legal system’s cause in

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maintaining and enforcing laws. He distinguishes this from the proactive work aimed at the context, causes and circumstances related to legal breaches, which he places outside the realm of justice and properly in the world of social policy. Justice defined through a relational lens, however, makes clear that while legal systems can play an important role in supporting and securing justice, they are not the only systems compelled to serve and secure justice.

The application of restorative justice in contexts beyond the criminal legal system reveals how our experience of justice within the legal system has limited our taste for justice (as is the case for those who only drink coffee of one bean or preparation). Restorative justice broadens our appreciation of where justice is at stake – breaking it free from the limits of the current legal system and revealing the complexity and depth of justice work. This echoes my argument in my 2020 annual lecture for this journal (Llewellyn, 2021). I argue that the critiques of restorative justice by transformative justice scholars centre on the more restricted understanding of restorative justice in service of the criminal justice system. The criticism of restorative justice by transformative justice scholars and practitioners points out clearly the implications of a limited definition of restorative justice (Kim, 2018, 2021). Yet, restorative justice grounded in a relational theory of justice is core to the transformation of justice thinking and to the transformative justice that advocates demand.

#### 4 Conclusion

Walgrave's worry that prompted him to 'call the question' on the meaning of restorative justice and invite us to contribute to this important and ongoing process of discerning and defining is that any expansion of restorative justice will diverge from the model and processes that he has worked so hard to cultivate and promote a taste for among justice professionals, researchers and the public. It is instructive that he calls himself a veteran of restorative justice, as he has for so long been on the frontline in the battle for legitimacy of restorative justice. It is because of this experience and commitment that his concerns should not be dismissed as protecting the territorial gains he helped to make in the field. We should be grateful for the incredible contributions that he and others have made to make space for restorative justice in the often-infertile growing conditions of criminal law. One of the important strategies Walgrave has used to promote and protect these developments is to be able to prove their value and success in terms that will win the hearts, minds and concrete support from legal system stakeholders and leaders. Doing so requires clarity about what he means – what we all mean – when we talk about restorative justice. A lack of boundaries might result in people claiming the term to refer to practices and processes that do not live up to the standards of restorative justice and leave a bad taste in the mouth. The real danger is that taste will taint the legitimacy of restorative justice and make it difficult to convince people to keep trying it.

What to say then about Walgrave's worry? Is it an inevitable – even necessary – problem for an expanded understanding of restorative justice? I don't think so.

As I have suggested above, much depends on why and how restorative justice is expanded. If restorative justice is defined simply by its practices, and these practices are taken up in a broad range of ways to achieve a variety of objectives from compliance to collaboration unmoored from a justice imperative, then I share Walgrave's worry. Ironically, his bid to protect restorative justice by insisting on a restrictive and narrow definition creates the conditions for the type of watered-down expansion he worries about. Reducing restorative justice to a narrow, precise practice associated with the criminal context fails to attend to the essence of restorative justice that is about more than debates about process or outcomes. It is about a relational understanding of justice.

How then does this avoid Walgrave's worry about how to take the measure of restorative justice if it can be made in so many ways? How will we know if it is actually restorative justice at all and whether it is good without a clear and common definition of its practice? As I have elaborated in my work on restorative justice as a relational theory of justice, the consistency, coherence and quality are assured by the common principles that inform the practice and processes and not by limiting the forms it takes.<sup>1</sup> The answer, then, to whether a particular practice is restorative cannot be found simply by some measure of its practice elements but in the extent to which it reflects restorative principles in its process and substance (Llewellyn, Archibald, Clairmont & Crocker, 2013). These principles include commitments to being relationally focused, comprehensive/holistic, inclusive/participatory, communicative/dialogical, responsive, concerned with individual and collective responsibility, collaborative and non-adversarial and; forward-focused (Llewellyn, 2021; Llewellyn, 2019; Llewellyn et al., 2013). The expansion of restorative justice can and must avoid Walgrave's worries by using these principles as guide to design, implementation and assessment. They help us identify what it means to approach justice restoratively without relying on the same process and product. In much the same way that appellation wines, like the Tidal Bay wine from my home province of Nova Scotia, share the same name reflecting standards of quality, character and culture but allowing for significant differences in taste. Or the way in which different varieties or preparations are still counted as coffee, without sharing the same intensity, volume or even temperature by adhering to basic principles about the way to brew and pour the coffee to do it justice for those involved. The expansion of our understanding of what justice requires, via restorative justice, is not limited to short shots in response to individual incidents, but capable of a longer pour, achieving more nuanced flavours and perspectives. One way might not be for everyone – or for all circumstances – and one might drink a wide range of pours without declaring some to be better or worse or real or not. Indeed, a description of *allongé* is instructive for the analogy to restorative justice: 'It is crucial to remember that a *Café allongé* is not merely a half-strength shot. Since extraction includes multiple chemical phases, the taste profile changes ...' (Porter, 2022: online). The author concludes that '*Café allongé* ... may be the drink for you if you

1 I have identified and elaborated the principles of a restorative approach to justice in other scholarly work. For a detailed discussion, see Llewellyn et al. (2013) and Llewellyn (2019, 2021).

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want a rich, flavorful beverage. The prolonged extraction helps to bring out all of the flavors in the beans, resulting in a beautifully rich flavor’ (Porter, 2022: online).

Discerning the meaning of restorative justice should not be about the espresso versus the *allongé*. It should instead focus on what these preparations can reveal about the coffee. Restorative justice processes likewise help us to appreciate the complexity and different layered notes of justice. We are not restricted to the current legal system to make justice. Justice cannot be defined by the current taste of a privileged few – it requires much more. We need to expand our vision and the process and preparations that follow and, in so doing, acquire new tastes for justice. This is crucial right now, because of the ways in which current laws and our legal systems have been fashioned to protect and preserve privilege and power – that is gendered, racist, colonial and is thus systemically failing the cause of justice. We need fundamental change to do justice both to where and how we make it.

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