

European Forum for Restorative Justice

Editorial

In this second issue of the newsletter of 2011 Edit Törzs discusses the adoption and integration of restorative justice to fulfil its legislative duty under the European Union Council Framework Decision 2001/220/JHA on the Standing of Victims in Criminal Proceedings. While the use of mediation to resolve criminal offences has steadily increased year on year, Edit argues that punitive attitudes are hindering the widespread use of mediation around the country.

The second article, by Mark Finnis, discusses the use of restorative justice within schools and a range of other agencies to assist parents and children to build, maintain and repair relationships between themselves and others. The vision for Hull is to create a restorative city whereby all agencies work through a restorative approach

to effectively deal with difficulties, both criminal and civil, that arise. Mark provides some impressive figures in terms of the positive impact that restorative practice is having within both schools and the youth justice system.

Robert Cario, a Professor Criminology and Criminal Sciences Co-Director, Master of Criminology, University of Pau and Pays d'Adour, updates us on the use of restorative justice within France. He highlights the limited use of diversion in general, and restorative justice in particular, which he attributes to a disjuncture between restorative justice and the penal culture in France.

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Co-ordinator of the Editorial Board

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Victim-Offender Mediation in Hungary

Mediation as a method of conflict resolution has been used in Hungary since 1992 in civil cases by a number of NGOs, especially in cases concerning family matters and young people. During the mid-1990s a number of criminologists had argued for using mediation in criminal cases and in 2003 restorative justice became a priority for the National Strategy for Community Crime Prevention (2003). However, steps towards the legal and institutional implementation of victim-offender mediation (VOM) were only taken in 2006. I agree with the statement of Hungarian researcher Borbala Fellegi: *The development of restorative justice in Hungary has largely been a top-down process conducted by the State. There were some initiatives taken by civil organisations, but these were isolated attempts that had some, but not a broad or significant social impact. The weakness of their influence mirrors the weakness of civil society in general. It also reflects the low level of social cohesion, which is a relevant issue from a restorative justice perspective* (Fellegi et al, forthcoming).

1. Legal background

Hungary has introduced VOM to fulfil its legislative

duty under the European Union Council Framework Decision 2001/220/JHA on the Standing of Victims in Criminal Proceedings. The Code of Criminal Procedure and the Criminal Code have been amended adding a set of rules to regulate mediation in criminal procedure. Detailed rules on VOM can be found in the Act on Mediation in Criminal Cases (2006/123.) and in several decrees of the Minister of Justice.

1.1. Use of mediation

VOM can be applied both in cases of juvenile and adult offenders. The legislation defines the kinds of cases the prosecutor or the judge is entitled to refer to mediation. According to the applicable rules, the case can be referred to mediation if the crime is:

- a crime against the **person** (e.g. physical violence, harassment but sexual offences are excluded);
- a **traffic**-related offence (e.g. causing traffic accident with serious injury);
- a crime against **property** (e.g. theft, fraud, criminal damage etc.).

However, this is prohibited where the particular

crime is punishable by more than five years of imprisonment. VOM is excluded by law in the following cases:

- repeat offending whereby a similar crime is committed for the second time or committing a crime more than twice after s/he had been sentenced to prison before;
- organized crime;
- the crime results in death;
- the crime is committed intentionally during the probation period or suspended sentence;
- the crime is committed intentionally within two years after successful VOM.

1.2. The referral process

A case can only be referred to mediation if the criminal procedure has actually started. It is the police's duty to inform victims and offenders about the possibility of mediation, however in practice this does not always happen. The prosecutor is the first person in the procedure who may order the suspension of the criminal procedure and refer the case to mediation as a diversionary measure. Both the suspect and the victim (or their legal representatives) are entitled to initiate a mediation procedure, but the prosecutor also has the right to initiate it *ex officio* and to request the offender's and the victim's consent.

If no referral was made for mediation in the prosecution phase of the procedure, the court may decide to refer the case for mediation. More than 85% of mediation cases are referred to mediation by prosecutors; therefore the method has definitely become a measure of diversion. When referring a case, the prosecutor or the judge must check whether:

- the offender has pleaded guilty during the investigation,
- the offender agrees to and is able to make amends or compensate the victim for the consequences caused by the crime,
- both the suspect and the victim have given their consent to the referral to mediation; and
- it is possible to order mediation on the basis of the nature of the crime, the method of committing the crime and the character of the offender.

This last point demonstrates that the prosecutor and the judge have significant discretion in deciding whether or not to refer a case to mediation. It can be noted that aspects taken into consideration by the prosecutor are mostly connected to the crime or the offender. This is a weakness of the Hungarian legislation in that the victim's needs are not prioritized. In Hungary, there are no cases where it is mandatory to apply VOM by law and there is no possibility for mediation in the post-sentence period¹.

2. Characteristics of VOM

2.1. The mediators: organisation, training

Since 1 January 2007, mediation procedures in criminal cases have been carried out by probation officers working within the jurisdiction of the referring agency (prosecutor/court).

Therefore, VOM is driven and supported by central government. Neither local government, nor NGOs, nor the parties involved have any financial obligations in this regard. This may appear to be beneficial for these various bodies but in practice funding arrangements are problematic. As resources are insufficient to increase the staffing levels in order to meet new tasks, probation officers have to manage VOM alongside their existing probation work.

Probation officers are required to attend at least two 30-hour courses in mediation, which include both theoretical and practical training, and approximately 90-hours in-service training on restorative justice. They also participate in the mentoring scheme, attend regular case discussions and meet with their supervisor. There are currently around 60 specially trained mediators.

2.2. Mediation procedure

Offenders and victims are usually informed about the possibility of VOM by the police, by their lawyers or by probation officers providing a report during the investigation phase of the criminal procedure. After it has been checked whether the statutory conditions are met, and after a possible personal hearing of the parties where they give their consent, the prosecutor or the court makes a referral decision and suspends the criminal procedure for a maximum period of 6 months.

The mediator contacts the parties following receipt of the decision on referral for mediation and summons them to the mediation session within a period of 15 days. The meeting, which usually takes about 2-3 hours, provides the parties with an opportunity to explain what effect the crime has had on them, the offenders may express that they take responsibility and apologise to the victim. Parties are also provided with an opportunity to come to an agreement on compensation for the damage or any other kind of restitution. If the parties reach consensus on the content of the agreement, the mediator puts this in writing, which is signed by each party.

The next phase is the performance of the agreement. The mediator monitors the performance of the agreement and sends a report to the prosecutor or the court confirming whether or not the requirements of the agreement have been met. If the agreement is performed satisfactorily, the court or the prosecutor applies the new rules on "active repentance" as defined in Section 36 of the Criminal Code.

2.3. The effect of a successful mediation procedure on the criminal procedure

Mediation efforts are not considered successful when the agreement is reached; the mediation is a success - from the legal point of view² - when the agreement is fulfilled. There are a number of different legal consequences for a successful mediation for adult and juvenile offenders and depending on the severity of the crime. According to the Criminal Code's rules on active repentance, if an offender restores the harm caused to the victim and the crime is punishable by a maxi-



mum of 3 years or imprisonment, the offender will no longer be criminally liable and the criminal proceedings are terminated. If the crime is more serious, punishable by a maximum of 5 years of imprisonment, the punishment may be reduced by the judge without any restrictions. In the latter case, the court will bring a judgment and sentence the offender, but will have the power to reduce the punishment without any limitations. There is no such distinction for juvenile offenders; for them, a successful mediation procedure always means that the case is closed.

If the mediation procedure is unsuccessful (no agreement is made, or it is not performed), the parties will have the same status they had in the original procedure and will not have the right to apply for mediation again. For the principle of confidentiality, facts and information gained in the mediation procedure cannot be used as evidence in the criminal procedure and the mediator cannot be called testify.

2.4. Method

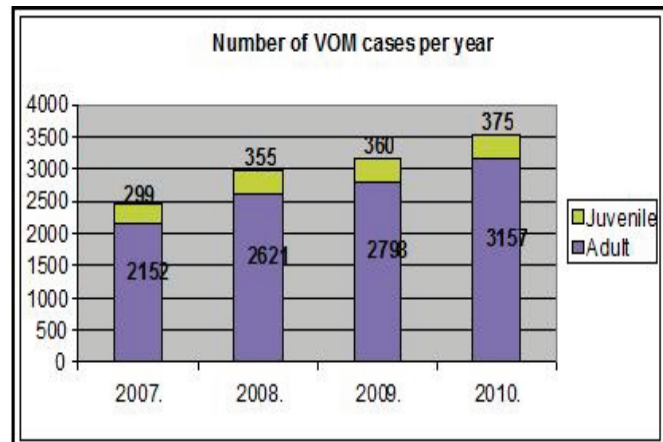
Mediators use the technique of **direct mediation** which involves a face-to-face meeting between the victim and the offender. We follow the **transformative mediation school**, which means that mediators are not outcome-focussed; their main task is to create a safe environment for the parties and allow them to define their own issues and emotions and to seek solutions on their own. The mediator does not give ideas or advise the participants on the content of the agreement. We think that, in criminal cases, we can anticipate positive effects on re-offending only when the procedure helps the offender to recognize his/her own responsibility - and not only towards the law or society but also towards the victim. Voluntary participation, confidentiality and neutrality of the mediator are the most important basic principles.

Compensation can be provided in any form if it is not immoral or illegal; it all depends on the needs of the victim and the parties' agreement. This means that material compensation, a personal service, the physical repair of the damage caused, or the offender's promise to undergo treatment or therapy for crime prevention purposes or any other solution by the parties are all acceptable.

Statistics

In 2007, VOM was applied in 2,451 cases. From that time there was a rise in the number of cases in every year. In 2010, for example, 3,520 cases were mediated. However, the proportion of mediation among all indictments is still low when compared to other European countries' figures. In 2007, mediation was applied in only 1.2% of all indictments and it has not grown by much since then, as it currently stands at 1.9%. Eighty-eight percent of mediation cases involved an adult offender, which means that the proportion of juvenile cases in all mediation cases is lower than the proportion of juvenile criminals compared to all known offenders. One reason behind this must be that the prosecutor has more diversion

methods and the court has more alternative sanctions available for juveniles than for adults.



There are vast differences between the 20 counties of the country, both in the total number of mediation cases and in the proportion of mediation cases among all criminal cases. In the last four years, on average 80% of the total number of cases referred to mediation were closed with the result that an agreement had been made. Fulfilled agreements varies between 89-93% each year. This is a promising figure given the fact that mediators can only monitor the performance of the agreement but may not urge or force the offender to perform it due to the voluntary nature of the procedure.

4. Conclusions

VOM has become acknowledged and used in Hungarian legal practice and the results demonstrate that mediation will be a successful method in Hungary for enforcing victims' rights in the criminal procedure. There are no legal obstacles to more frequent use of mediation; however, wider knowledge and willingness of legal practitioners to apply it would be necessary. Confronted with significant punitive attitudes, it is essential to hear the voices of those who are in favour of restorative justice. First of all the victims, who - by our satisfaction survey in 2007 and 2008 - were 98% satisfied with VOM and would recommend it to others in the same situation.

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1. There is one running project in Hungary which aims to pilot mediation between inmates and their victims or with other persons they are in conflict with. The project is still in progress, more information at: <http://mereps.foresee.hu/en/about-mereps/>

2. From the mediation point of view, we consider success as change in communication and building trust among parties.

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Newsflash

- Two Board members attended a consultation in Brussels in February 2010 about replacing the Framework Decision on the Standing of Victims in Criminal Proceedings (2001). This in turn led to regular contact between the Board's executive committee and the European Commission culminating in the handing over of the "Sign Up for Restorative Justice" petition (with over 2000 signatures) in November 2010 to the Chef de Cabinet of the Vice President of the European Commission, Vivian Reding. During this period the Board finalised a Forum proposal for a new Directive. This document formed the backbone of all the Board's work with the European Commission, the European Commissioners, the national justice ministries and member states' ambassadors to the European Union. Two Board members attended a conference in Budapest organised as part of the consultation on the draft Directive. Two seminars were organised by the Forum in December 2010 and March 2011 for Board members to engage with MEPs and we continue to follow up on contacts with this group.
- The European Commission published the draft Directive on Victims on 18 May 2011 (http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_275_en.pdf). An initial response to the draft given at a conference in Trier on 10 June 2011 will soon be available on the Forum website for your information. A further round of lobbying and engagement with MEPs, the Council and the European Commission will be pursued in order to seek clarification on the definition and a more positive positioning of restorative justice within the final document. You will hear about this in due course and we will ask for your support again – feel free to feed your comments and thoughts into the Secretariat at info@euforumrj.org in advance of our next request for your assistance.
- This draft Directive is intended to replace the current Framework Decision on the Standing of Victims in Criminal Proceedings – it is important that the document is as right as we can make it before it is finalised as it will prove a seminal document for the future of restorative justice in Europe.
- The Forum has a number of funding sources and nearly all of them stem from the European Commission. We are grateful for the donations we received from a number of national governments in the past year. We urgently need additional funding sources and to this end all Board members have been very active over the past year. Board members have commented on projects for European Commission funding and generated potential leads for further follow up. In the past year alone, our funding strategy has been revised three times in the light of input from Board members. We now have a link to Donate/Funding on our website with a flyer explaining why it is important to give money to the Forum. Collectively, the Board has approached in the region of 7 international banks, 5 Ministries of Justice, 10 international foundations, 3 international production companies, 2 experts in fundraising and a number of other sources of information and funding. Our efforts continue on all these fronts and are reviewed on a regular basis to ascertain what works in this challenging area.
- The Board is acutely aware of the need to communicate more effectively with the members and stakeholders and of our limited resources in this regard. Two reports were presented to the Board in the past 12 months identifying how our website can be upgraded with a view to enabling us to communicate more easily and quickly with the wider world. The website upgrade will cost in the region of €5000 – if you want to give us this money or even a part of it, or if you know someone who would donate this sum to us please get in touch (info@euforumrj.org)!
- At the last executive meeting in March 2011 it was decided to use our Facebook page to host YouTube video updates on Forum activities with a link from our website (www.euforumrj.org/).
- In 2010 the Board agreed to the establishment of a committee chaired by Rob Mackay with the purpose of identifying and exploring strategies and activities the Forum can engage in to strengthen restorative justice in civil society and develop co-operation in fields related to restorative justice. The report of the committee was presented to the Board in March 2011 and sent to the members for further discussion. The report's recommendation was endorsed at our last AGM and you will hear more about this in due course.



Readers' Corner

- *Restorative Justice Dialogue: An Essential Guide for Research and Practice*, by Mark Umbreit and Marilyn Peterson Armour (2010) provides a comprehensive foundation for understanding restorative justice and its application worldwide to numerous social issues informed by reviews of empirical research and case examples.
- *Alternatives to Imprisonment in England and Wales, Germany and Turkey: A Comparative Study*, by Öznur Sevdiren (2011) focuses on the problematic areas of Turkish penal justice, such as the overreliance on custodial measures and a corresponding growth in the prison population, and compares Turkey with two major European countries: England and Wales and Germany. The underlying question throughout the study is the extent to which prison alternatives can be seen as genuine alternatives to immediate custodial sentences.

Events

- *Transitional Justice and Restorative Justice: Potential, Pitfalls and Future*, 16 September 2011, Durham, England. This conference focuses on issues of transitional, restorative and criminal justice in the broad context of post-conflict transitions. More information at: <http://www.dur.ac.uk/cclcj/events>
- *Restorative Practice Conference*, 1 and 2 November 2011, Hull, England. For all agencies interested in using restorative practice in their work and an opportunity to showcase excellent practice in the UK and beyond. More information at: <http://www.hull-centreforrestorativepractice.co.uk/>
- *International Congress on Mediation – RJ*, 20-22 October 2011, Lisbon, Portugal. Speakers will be, among others, Ted Wachtel, Lode Walgrave and Dan Van Ness. More information at: <http://www.gral.mj.pt/home/noticia/id/504>
- *Final conference of the Mediation and RJ in prison settings-project*, 17-19 January 2012, Budapest, Hungary. More information at: http://mereps.foresee.hu/uploads/media/MEREPS_finalconf_precall.pdf

Hull Heading for a Restorative City

In 2004, Estelle MacDonald became the Head Teacher at Collingwood, a school in 'special measures'. Using a conferencing model and additional tools learnt from training provided by IIRP (the International Institute of Restorative Practice) the school came out of special measures quickly. In fact, when inspectors came back to see the school two years later, they judged it to be "outstanding".

The benefits were: reduced disruption in lessons; reduced lost breaks or privileges; reduced racial incidents; improved attendance of both staff and pupils; improved punctuality and improved family engagement; and more significant figures relating to pupil progress and attainment. The quality of speaking and listening has improved standards in literacy, and greater pupil and family engagement has improved attendance and achievement, while also significantly decreasing the level of complaints and conflict in the community.

The outstanding and inspiring work at Collingwood was the start of restorative practices in Hull leading to the idea of Hull potentially becoming a restorative community. In 2007 Hull Centre for Restorative Practice (HCRP) was formed by Estelle MacDonald and Nigel Richardson Corporate Di-

rector of Children and Young People Services at Hull City Council.

Restorative Practice in Hull is about developing an explicit framework around practice – a unifying set of behaviours that create consistency to working with children and families through a restorative approach. We use the scripted conferencing model and Family Group Conferencing (FGC) to give decision-making back to children, young people and families. For example, agencies use proactive methods to develop social capital, connections and relationships. Relationships are at the heart of everything we do in Hull. What's important is how we build, maintain and repair those relationships.

Our aim is to create a restorative community where all professionals, teachers, social workers, health professionals, police, youth workers — anyone dealing with children and young people — are doing so in a restorative way. This is a challenge, but we have an inspirational team backed by Nigel and his senior officers. We have established champions of restorative practices and set up a management group with members from each area of children's services — people who not only "really get it" but have the enthusiasm to drive

it in their organization and crucially have decision-making power to make the changes necessary. This group of people has been fundamental to the success of the Riverside Project.

We have also increased support structures and capacity for the practice emerging in organizations. Key people at the highest level have been trained to establish a strong training team that represent all organizations. We offer universal training to all organizations and then target leaders with leadership training and lead practitioners with further training and support. We set up support networks initially for Head Teachers but then for lead practitioners in schools, the police and social care.

The training in Hull is broken up into four stages. First is a full introduction day building the framework and informal use of RP, the second involves building positive community and the use of circles, the third train's people to run restorative conferences and lastly we run courses to train conveners to run FGC. In addition, we run courses in restorative leadership, implementation and performance management. We provide the targeted support in stages and, whilst focusing our efforts in Riverside, we have not refuse training or support to anyone outside Riverside.

Early impacts were evident in schools. Across the schools in Riverside during phase one and two of the project, we saw significant reductions in classroom disruption (79%), exclusions from break (92%), days lost to fixed-term exclusions (81%), reported verbal abuse to staff (79%), reported physical abuse pupil to pupil (80%), incidents at lunchtime (82%) and referrals to the Head teacher or senior leadership team (92%). The impact of these reductions changed the whole culture and feeling of these organizations to be more positive, calmer and happier places to work and be taught in. We have also trained 12 young people to be trainers in restorative practices (who have helped train other children) and to facilitate circles in primary schools around transition and bullying. We have found that young people listen to each other far more effectively.

About 18 months into the project we began the 'families project', an extension of the Riverside project. It was intended to provide a way to drive restorative practices even deeper into Riverside schools by working with the hardest to reach children and their families. The idea grew from a very successful pilot at Collingwood during year one of the project, where a child in year six with attendance, behaviour and achievement issues moved from disengagement, non-attendance and disruptive behaviour to 100-percent attendance and successful happy engagement, ultimately leading to improved achievement. What is also notable about this story is that as a result of her child's success, mum managed to go back to work for the first time in 15 years, and her new

self-esteem and pride in her achievements is truly heart-warming.

We asked Riverside head teachers to identify their hardest-to-reach children, i.e. children with attendance, behaviour or achievement issues, and a key worker for the project worker to work with. The intention was to work with the school's nominated key worker to model restorative practices in the family and to support them in their initial home visits. The team acted as a liaison with key workers in the identified support services. Each school was assigned a social worker and a direct link to the FGC service.

Initial data indicates impressive improvements in attendance, engagement and positive changes in behaviour, along with individual life-changing stories, which families and children have reported as a result of these processes. For example, the six year old child who attended school less than 50% of the time, and when she did, she was in diapers; she now attends 100% of the time and without the diapers! Or the sisters who were elective mutes in school and the family who refused to engage to discuss the issues, now verbal, happy participants in school life, with parents who engage and interact with school regularly.

It is not just schools that have enjoyed great successes. The police in Hull are great advocates and drivers of RP. All Neighbourhood Policing Teams (NPT) have been trained, over 200 officers in total. There have also been occasions where restorative practice has been used to deal with neighbourhood disputes, but these are not recorded formally. In addition, police officers have successfully supported restorative conferences in Riverside schools.

The Youth Justice Team (YJT) was one of the first organisations in the city to embrace restorative practices and they have led significant developments in the service. There has been effective cross-service working with the police, which in recent months has led to the YJT having a permanent presence at the police station as part of a triage process. This process means that following the arrest of a young person, the gravity of the offence is assessed on a three-point scale and for gravities of one or two, a restorative intervention takes place. This is followed by a full assessment of the YJT team and diversionary intervention and support.

Performance data July 2009-July 2010

- 32% of all young people admitted to police custody were eventually admitted through triage to Challenge and Support
- 390 young people have been referred to Challenge and Support from police triage
- 289 young people have successfully completed their challenge and support intervention
- 6% of young people refused to engage
- 9% of those diverted through triage later reoffended

The rate of first time entrants into the youth justice system fell by 48.7% in Hull compared to 24% nationally

- 21% reduction in recorded youth offences
- 20% reduction in all youth justice disposals
- 23% reduction in the use of custodial sentencing in Hull

A children's home that is using restorative practice has reported an 85% reduction in call-outs to the police, and there is a great story of a children's home just beginning to use restorative practices, making a call out to the police and the police arriving and refusing to arrest the child until a circle

had been done by the staff. They offered to come back if they couldn't sort it. Needless to say this wasn't necessary.

In Hull its not **IF** we become a Restorative City, but **when!**

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Restorative justice in France

A quick overview

French involvement in restorative justice seems very modest compared to other European Union countries and, more generally, of most Anglophone countries. A careful examination of the implementation in substantive criminal law of the measures close to the philosophy of restorative justice led to a rather dismaying report: imprisonment and fines are predominant. Community sanctions and measures only represent a little more than 10 % of the sentences currently pronounced by penal courts, even though they are more adapted to the type of offences that account for the highest number of offences committed in France. It is difficult to assess how much concern is given to the victims, as no statistical data pertaining to court rulings in that respect are gathered in France. However, in practice, it is in the best interest of the offender that these measures are generally pronounced (particularly when it comes to community service order).

This may come as a surprise, because as from the Act of July 11th, 1975 three essential objectives of restorative justice were fixed as a condition for exemption from punishment (or measure, for juvenile delinquents) or of deferment of the sentence: the offender must have paid damages to the victim or be in the process of doing so; social peace must have been restored or be the process of being restored and, lastly, he must be rehabilitated or in the process of being rehabilitated. The same penology underpinned the decision made in 2006 by the French Ministry of Justice to set a working group in charge of making proposals to integrate restorative justice into the mainstream penal justice system - and in our opinion the latter two are compatible, even for serious offences. Restorative justice aims at respecting fundamental human rights and is consistent with the general principles of criminal law. It is concerned with the best interest of all those who are affected by the offence, i.e. families, close relatives and friends, and communities, and its ultimate goal is the restoration of social harmony.

'Penal mediation', which only applies to adult offenders, is a bifurcation procedure, which can only be implemented by

prosecutors and their services, as an alternative to legal proceedings (art. 41-1 al. 1 and 41-1-5 ° C.P.P.). Its equivalent, called "*réparation pénale*", which applies to minor offenders, can however be pronounced at any stage of the penal process (art. 12-1 Ord. 2 fév. 1945). 'Penal mediation' is generally reserved for the treatment of minor offences. It raises a series of legal issues pertaining to the violation of fundamental criminal procedure principles (presumption of innocence, separation of the judicial functions, *non bis in idem*, equality, publicity...). These drawbacks are not outweighed by any significant participation in the reconciliation of the protagonists. As for '*réparation pénale*', it only exceptionally involves the victims in the process and the measure. Overall, current criminal policies seem little concerned with increasing the restorative dimension of the socio-penal reaction to crime. Security policies of exclusion, which instrumentalise victims' grief and pain, have become the prevailing ways in which governments and legislators try and solve crime. In spite of all this, restorative experimentations have been set up in France, at local level, initiated by organisations, agencies or individuals who have shown a deep interest in the search for fair trial, original principles of due process and the promotion of equity.

With such goals in mind, some of them have applied mediation to other matters (such as the environment for example) or a category of people (e.g. family). Social workers (working for offender support services federated by "*Citoyens et Justice*") have implemented penal mediation (face-to-face meetings with the offender and his victim) during the investigation phase of the criminal justice process, this, within the framework of a European programme, under the aegis of the European Forum of Restorative Justice. Parallel to this, an experimental session of Victim-Offender Encounters (*Rencontre détenus-victimes*, RDV, anonymous groups of 4-5 offenders and victims), set up in 2010 thanks to a remarkable partnership between the INAVEM (National institute for victim support services and penal mediation), the Penitentiary resettlement

and probation services (SPIP) of Yvelines (Paris region) and the Prison of Poissy (Cario 2011). Such a meeting is planned to start in the community through a partnership between SPIP and Victim support service (in Pau, specifically).

And last but not least, let us mention the implementation of a new Circle of support and accountability (*Cercle de support et de responsabilité*, CSR), set up for the most part by the SPIP of Yvelines, for offenders who are released from prison without any supervision (Goulet 2010: 63-68). A scientific evaluation of these various practices is needed in order to verify whether they conform to the philosophy, ethics and methods of restorative justice. However, an evaluation culture has yet to be invented in France! As Pierre Bourdieu used to say, 'rational utopism' allows us to toy with the knowledge of the probable in order to make the possible a reality. Such a scientific perspective will only become true if France at last acknowledges

criminology as a legitimate field for teaching, research and practices – light years away from today's sad battle-field.

Robert Cario, Professor of Criminology and Criminal Sciences, Co-Director, Master of Criminology, University of Pau and Pays d'Adour

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