



Editorial

Dear EFRJ members and friends

The 11th International Conference of the European Forum for Restorative Justice (EFRJ) which took place on Sardinia, Italy might already seem a distant memory. 348 participants from 42 countries across the globe came together in the beautiful town of Sassari and there was grateful recognition of the opportunity to meet in person again after the challenging years we have been through. The theme of this year's conference was 'Justice beyond borders: restorative connections through space and language' and there were a whole range of plenaries, workshops, field trips and social events which supported the metaphors of borders, boundaries and frontiers that inspired and challenged participants throughout the three day event.

The membership of the EFRJ also took the opportunity at the Annual General Meeting to elect three new Board members: Claudia Christen-Schneider, Antonio Buonatesta, and Jorge Olléro Peran. Patrizia Patrizi and Brunilda Pali were also re-elected as Board members. The Committees of the EFRJ were able to meet and discuss the work for the year ahead. The work of the different Committees is essential not only for the EFRJ but also for the restorative justice movement in general. They live and strive through voluntary commitment. Members responded to the call to become a member of one of the committees that was open until 30th September 2022. We'll inform you about the composition of the committees once the review process is completed.

Unfortunately, we the guest-editors of this issue were both unable to attend the conference in person. That was a real disappointment for us both, but putting together this issue gave us a chance to capture some of the conference's spirit and a glimpse into the plethora of topics discussed. We would like to invite all of you who were present in Sassari to reflect back on your special moments and insights, and let yourselves be transported back while reading through the articles. We would like to dedicate this issue especially to those, of you, though, who — like us — couldn't attend. It is our aim to let you share some of the feeling of community, energy and motivation in retrospect. We have really enjoyed being able to read the reflections and articles of those that were present. It has provided rich and sometimes challenging material that we are happy to present to you in

this issue.

In the first article, Anna Acconcia, an Italian lawyer, family mediator and PhD student, gives an overview of the conference's plenaries and recalls her personal insights. She shares that coming from the law, she had — for a long time — seen punishment as the only response to conflict. The conference illustrated the potential of restorative justice in various fields to offer alternative responses to conflict. She describes her participation as a 'revolution inside me,' encouraging her to reflect on the vision of the society she wants to live in — and therefore the values she wants to nurture. Witnessing the plenary with both victims and perpetrators of violent extremism in Italy, Basque Country and Northern Ireland as well as other testimonials of participants in restorative dialogue convinced her that stories of the past can be changed and new pathways into the future opened up, even if it seems unlikely.

Lucy Jaffé and Sula Blankenberg from the UK organisation 'Why me?' reflect on their experiences at the conference, including the workshop they presented: 'Exploring restorative justice across language and culture,' and the pre-conference training they participated in led by Dominic Barter. This is shared as an interview between Lucy and Sula and they highlight what a great opportunity the conference provided 'to learn from each other, to collaborate globally and to motivate each other to campaign for change.' They were struck by the lived experience voices, and also how the conference 'really emphasised the importance of international collaboration —

especially in regard to policy.’

The next two articles by Christian Gade and Tim Chapman form a whole, discussing the relationship between restorative justice and punishment. Based on his presentation in Sassari, Christian claims that it might be time to move away from defining restorative justice in opposition to retribution and from contrasting it as something radically different from punishment. He argues that the restorative movement could benefit from ‘marketing’ its ideas as a specific, more constructive form of punishment. Tim draws a different idea of restorative justice as a value-based dialogical process. Since personal experiences by those affected are in the centre, outcomes emerge based on their needs and interests. His reply includes a number of questions to start a dialogue with Christian — but he also invites all readers to engage in the exchange.

Catherine Gregoire shares her experiences of the International Criminal Court (ICC) in which she argues that this arena can provide a continued ‘Space for restorative justice exploration.’ Based on the findings of her university and independent research, she saw the EFRJ conference as an opportunity to also explore a concept she had come across during her thesis research: narrative ownership. Through this she sought to understand how restorative justice can provide a lens to analyse victims’ participation before international justice bodies that goes beyond legal standards and goes hand-in-hand with these processes. She explores a conceptualisation of restorative justice that she states is ‘compatible, realistic, and thus helpful to the procedural frameworks of international criminal courts and tribunals.’

The article of Christina de Angelis is mainly based on the discussions during the pre-conference training ‘Principles, language and systems in building and crossing the borders of restorative practice’ led by

Dominic Barter and her long-standing exchange and experience with him and his work. Christina focuses on the idea of support and the importance of building and sustaining one’s own system of support as facilitator/mediator. She also reflects on the role of self-care that she deems essential for being able to facilitate/mediate in a restorative way.

The issue concludes with the speech by the Italian Minister of Justice, Marta Cartabia, held during the opening session of the conference. She summarises the latest developments in national, European and international policies all strengthening the role of restorative justice in dealing with criminal matters. She also shares her personal story of how restorative justice became her idea of justice while witnessing an encounter of victims of and people responsible for political terror in Italy in the 1970s and 1980s. Her speech closes with a glimpse on pressing issues that need to be addressed, for example, raising accessibility and awareness of restorative justice in all European countries.

We hope that those of you who were in Sassari as well as those who missed it will enjoy this colourful selection of topics! We’d be pleased to know that this issue helps sustain some of the restorative spirit and enhance the spirit of those lived experiences that you shared in Italy this summer!

With very best wishes,

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Relationships create possibilities (Tim Chapman, 2022)

From June 23rd to 25th June 2022, the European Forum for Restorative Justice’s **11th International Conference** entitled ‘Justice beyond borders: restorative connections through space and language’ took place in Sassari, Italy.

The conference themes were space and time, language and narrative, with the aim of understanding together how a restorative approach can contribute to lower suffering and fewer injustices being experienced by people. The programme was very rich and consisted of five plenaries and a wide variety of workshops including presentations, panels, dialogues, training and testimonials by different professionals in the field of restorative justice.

I am Anna Acconcia, a family lawyer at the Milan Bar Association and a family mediator. My interest in mediation was born from a simple but undeniable fact: the legal gap in the resolution of a couple's conflict. The family mediator is a professional figure (so external, impartial and equidistant from the couple) who can help the family reorganise in the aftermath of separation or divorce through a voluntary, consensual, dialogic and confidential process. Starting from my knowledge of this study area, my research project focuses on new crime prevention strategies with a particular regard to responsive management systems and restorative models contributing to the complex questions of the causes and the possible responses to the crime. I took part in this conference to broaden my horizons about the potential of restorative justice.

'Relationships create possibilities' is a quote from the opening speech of Tim Chapman (Chair of the EFRJ). It sounds like a hymn in my mind. It is the motto of a community of people who, in various fields, believe in the possibility of offering alternative responses to conflicts. It tells us about the endless possibilities coming from the encounters of people: if we work together to take responsibility for our actions, to make reparative commitments and to have confidence in the future, we make it possible to re-write our history.

Restorative justice is an ambitious paradigm, but it exerts its strongest fascination precisely in its disarming power ...

Restorative justice is an ambitious paradigm, but it exerts its strongest fascination precisely in its disarming power: the courage to overcome the logic of hostile retaliation and the attempt to keep together what is normally kept separated (offender and victim). It is an iridescent response, capable of adapting to various areas of living in society, without losing its identity and its cardinal principles. In my opinion, this is a great and revolutionary novelty. However, we must be cautious not to transform restorative justice into the justice of one of the parties (for example of the victim, often left discouraged by traditional justice), but we must remember that restorative justice is an approach that benefits all the stakeholders involved and never sides just with one party (with the consequent risk of transforming it into a dangerous and disguised form of retribution).



Banner at the entrance of one of the conference venues

Reflections about restorative justice in the plenary produced a little-big revolution inside me: new viewpoints and food for thought came from the comparison with other participants' personal and professional experiences. It changed the perspective about possible answers to crime: where only punishment existed, today there is room for something different and new. It all depends, in my opinion, on what kind of society we wish to develop and nurture. Restorative justice, in fact, constitutes a prototype of cultural inversion that reacts to crime with a project rather than with retaliation, aiming to revamp the adherence to the violated precept.

During the conference days in Sassari I was lucky enough to deepen my understanding of the values behind restorative justice: truth, solidarity, responsibility, respect for human dignity, listening, faith, voluntariness, active participation, restorative dialogue and, of course, justice.

Thanks to the international 'restorative community' that made me feel very welcome and I am deeply grateful for the opportunity to learn and discuss with them.

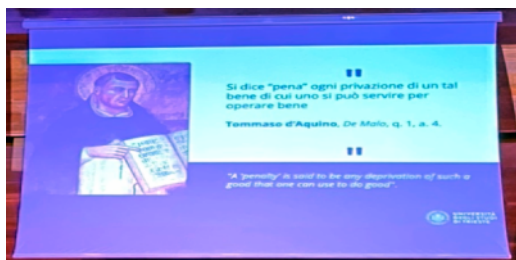
I do not do the good that I want, but the evil that I do not want

Letter to the Romans, chapter 7, verse 19

In my opinion, establishing restorative thinking from an ethical and moral point of view is an essential action even after experiencing restorative practices and their positive effects. In fact, a solid theoretical foundation protects from misunderstandings about its authentic meaning and avoids superficial and dangerous exploitation.

... understanding how and why we do harmful actions is fundamental to restore our confidence, open up to the future and lead our inner struggle against wrong behaviour.

I very much appreciated the first plenary session by Prof. G. Grandi who, quoting from the great philosophers of the past, pushed the audience to reflect on the relationship between man and 'evil,' concluding that everyone in everyday life experiences 'evil.' Therefore, understanding how and why we do harmful actions is fundamental to restoring our confidence, opening up to the future and leading our inner struggle against wrong behaviour. Restorative justice is capable of speaking to people who are disappointed by their own actions and to people who are disappointed by the actions of others.



One of the slides presented by Giovanni Grandi

Never again.

Quote from one of the witnesses of the Encounter of the Encounters

The Encounter of the Encounters who took part in the third plenary is an informal group of participants in restorative dialogues from Italy, the Basque Country and Northern Ireland. All witnesses of the harmful effects of political violence, they shared their experience of being part of restorative programmes in their own countries of origin. On the one side are the victims and on the other the violent extremist leaders, meeting for years on a voluntary basis and in an open, confidential and free environment. These people, who faced awful events and their painful consequences, found the encounter as a place able to host their first hand experiences through victim-offender mediation and community circles.

They accepted the courageous challenge of transforming borders into bridges to be crossed in order to travel the road of the encounters.

Their experience reminded me the values restorative justice is inspired by and results which can be, even if not easily, achieved.

Restorative justice invites us to a place of 'meeting,' metaphorical and real at the same time ...

- Restorative justice invites us to a place of 'meeting,' metaphorical and real at the same time, where those who participate freely decide to carry out an uncomfortable operation: to deal with their actions and, perhaps, to abandon the harmful complicity with their own ideas, to look at and listen to those who, until a moment before, did not even consider themselves as human.
- Restorative justice invites us to listen, an active listening, capable of triggering a process of rapprochement between the parties and establishing a wording accepted by both.
- Restorative justice brings together, in the land of encounters, those who we are normally used to conceive as separate and distant.
- Restorative justice hosts that pain in need of answers, which makes similar the accountable and the victims, in an unarmed suffering.
- Restorative justice is a tool to overcome the 'dictatorship of the past:' talking about one's mistakes by detaching oneself from conformity with the group to which one belongs, to overcome hatred and dehumanisation.

It struck me deeply that people with those stories, those pasts, those pains were able to look at each other, talk about their experiences, ideas, mistakes, hardships and differences peacefully in the same physical space.

At the foot of the world everything can crumble or flourish.

Dominic Barter

Dominic Barter, speaker at the fourth plenary, shared with participants how restorative justice can operate in a social community torn apart by conflict. The normal and common approach toward conflict is nurturing the fear of it rather than coping with and then overcoming it.



Figure 1: *Participants of the plenary: Witnesses of restorative encounters in cases of political violence*



Dominic Barter presenting at the conference

Dominic suggested that in his case studies (among many) with residents in gang-controlled shantytown favelas in Rio de Janeiro the moral imperative that comes from fear led to an extreme outcome of killings. To kill seems to be the only way to be heard and understood. The speaker tells us how restorative circles, introduced in the favelas of Rio to encourage communication, have created relationships and increased social cohesion, generated trust and fostered an environment based on legality and non-violence.

... they reinforced the idea that society has a great responsibility and co-responsibility toward injustices and inequalities that often trigger violence ...

These reflections impressed me a lot because they reinforced the idea that society has a great responsibility and co-responsibility for injustices and inequalities that often trigger violence, but at the same time how much the community can play a virtuous role for preventive purposes.

Ut Unum Sint (That they may be one) is a cooperative located in Nuoro which hosts inmates who have access to alternative measures or prison granted privileges, welcoming the families of prisoners who arrive in the city to visit their convicted family members.

A few years ago, the cooperative started a project called 'Tying the threads in restorative justice between offenders — victims — community.' This project involves some prisoners (and sometimes their families), some victims and a group of students that have embarked on a path of reparative dialogues.

In the lush and shady garden of the *Ut Unum Sint* cooperative I met interesting people, I listened to their stories, I recognised their immense pain, but also their desire to share experiences with someone willing to listen. I felt the burden of wrong choices, made on purpose or suffered. I felt disbelief in their faces, but also great confidence.

I was thrilled when they flew a small balloon, hand-made by some of them together, which symbolised, I think, their desire to be free again. I saw great hope in this small gesture.



View of Ut Unum Sint, visited as part of a conference field trip

In the afternoon, the protagonists were the perpetrators, the victims and the students that have been following the path of restorative justice for some years, with the support of Don Pietro and his team.

It was a strong field experience and I am thankful for the trust I received. I do not wish to add anything else for confidentiality purposes.



Balloon let fly at the cooperative by participants of a dialogue project

Participating in the conference taught me, as Minister Marta Cartabia argued in her opening speech, that restorative justice is a tool to build a more just

and peaceful society and that goes even beyond criminal justice.

I will not forget the eyes and words of the Israeli Robi Damelin and the Palestinian Laila Alsheikh, exemplary mothers, united by common mourning for the loss of their children. Every day they find the strength to fight and try to stop the spiral of Israeli-Palestinian violence through their messages of peace in the name of the love for their children, the same love that united them and that is the ingredient to overcome hatred and accept pain.

... it is possible to respond to conflict in a different way, above all by avoiding stereotypes and generalisations.

I treasure this experience and I come back home with the will to carry out the teachings the conference offered me both from a professional and personal point of view. I'd like to follow the suggestions that have been given to me and try to be a witness to this message: it is possible to respond to conflict in a different way, above all by avoiding stereotypes and generalisations.

And also, I am even more motivated to give my scientific contribution with my research, hoping to participate to many other EFRJ events.

I want to conclude paraphrasing Tim Chapman's final words: each encounter is an opportunity to recognise our shared humanity beyond our experiences, even if the match can be unlikely (reparative justice puts together people that traditional justice pulls apart) and the dialogue can be difficult. All of these aspects made this conference an unforgettable life experience.

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Exploring Restorative Justice across language and culture: reflections on the EFRJ's International Conference

Why me?'s Lucy Jaffé and Sula Blankenberg reflect on their experiences at the European Forum for Restorative Justice's [11th International Conference](#), the workshop they presented: 'Exploring restorative justice across language and culture,' and lastly the pre-conference training led by

Dominic Barter.

The conference underlined the importance of European solidarity and support in asking our Government to explain and demonstrate how they are going to meet their commitments made in the *Venice Declaration on the Role of Restorative Justice in Criminal Matters* at the Council of Europe (2021a) meeting in Venice, December 2021.

1. How did the conference go?

Sula

The pre-conference training with Dominic Barter set the stage for the European Forum for Restorative Justice (EFRJ) conference perfectly. My key takeaway being that ‘message sent doesn’t mean message received,’ meaning that we must check for understanding (‘what I hear you saying is/what I understood was’) and clearly identify what we heard. Feeding this back to someone will ensure that you have understood what has been said and given the person an opportunity to add or clarify anything. This was helpful learning, especially in the context of working with people with different language needs, as language and culture amongst other things may act as a barrier to understanding. Slowing things down and giving time for the opportunity to really hear and understand each other is crucial.

Being part of the EFRJ conference was a great opportunity to listen, learn and share what restorative work is being done in many different countries and contexts. It was also fascinating to discuss how Restorative Justice, or the concept of justice itself, is perceived in different places and embedded in policy, and how ‘the public’ finds out about the services available to them.

Hearing about restorative justice policy in other countries was a prime opportunity to learn from each other, to collaborate globally and to motivate each other to campaign for change.

Lucy

Hearing about restorative justice policy in other countries was a prime opportunity to learn from each other, to collaborate globally and to motivate each other to campaign for change.

I had the opportunity to speak with representatives from Germany, Finland, and the Netherlands, who all have state-funded restorative justice. In other countries such as the UK, the sector is a mixed economy of state and non-governmental organisations.

The conference was a real affirmation for me that restorative justice works.

While restorative justice models varied across countries, one thing remained consistent — the passion. This was well demonstrated by the Italian Minister of Justice, who spoke about her commitment and delivery of restorative justice in a truly inspirational way. We all have a passion for restorative justice, but it is clear that strong leadership is needed at national and international levels to implement policy and funding.

2. What did you bring to the conference?

Sula

Lucy and I presented an 80-minute dialogue session on Project Articulate, a UK-based project aiming to widen access to restorative justice for people who speak different languages than the ones primarily spoken in the country in which they live. The workshop was intended to deepen our understanding of how cultural differences play out in restorative justice and how these differences affect how people with additional language needs receive information on restorative justice, access services in their area, participate in the restorative justice process, and take ownership of that process. We were also generously supported by Ingrid Marit from Belgium who shared a case involving participants with additional language needs which involved a translator. Working together with Ingrid is a really great example of international collaboration.

I feel as if we were able to create the space to facilitate important discussions on key themes such as language, culture, community, awareness, and training, and add to the learning of Project Articulate by having people reflect on this work and place it in their own restorative contexts.

Restorative justice has to include community and be rooted in community.

Lucy

Restorative justice has to include community and be rooted in community. Why me?'s workshop on exploring restorative justice across language and culture with participants around the globe was an opportunity to share our knowledge and learning from the UK and also learn from our international colleagues.

Our European counterparts had a low number of cases involving non-native speakers. Through conversation, it became clear that the reason fewer non-native speakers are receiving restorative justice is because of issues upstream with referrals and communication about the service. Moreover, the need to establish levels of trust so people feel as if the service is theirs may not be happening, but community groups are well-placed to change this.

3. What did the conference do for you?

Lucy

Platforming the voices of people who have been through restorative justice was a powerful and useful reminder to us professionals of the importance and potential of restorative justice.

Having survivors of terrorism speak about their own personal experiences and also of coming together to speak about their journeys was incredible. In addition, Ailbhe Griffith's testimony was powerful and important, sharing her belief in the transformative nature of restorative justice and how it should be made available to all victims of crime, regardless of the type of crime. This chimes strongly with Why me?'s work in supporting individuals to speak out and tell their stories to change the world.

In addition to lived experience voices, the conference really emphasised the importance of international collaboration — especially in regards to policy. We were able to learn from other contexts about how to make system change, get support and confidence to make the argument for restorative justice, and aim for global agreements which can then influence national decision-making. A prime example of this is the Council of Europe Venice Declaration which commits the UK Government to a national restorative justice action plan. Why me? have been campaigning for a UK national action plan on restorative justice since the last plan expired in 2018. We hope that this would make restorative justice accessible to all victims — which is our organisation's core mission.

When it comes to accessing services, practitioners and key stakeholders need to understand the privilege of asking for help and physically coming to specific locations where services are placed.

Sula

Through the training with Dominic, I was able to engage in some interesting conversations about the role of power and privilege in the restorative context. When it comes to accessing services, practitioners and key stakeholders need to understand the privilege of asking for help and physically coming to specific locations where services are placed. Asking for help is hard, especially asking services that might be perceived as not having your best interest at heart, or that might be associated with other services by whom you have previously been marginalised (police, probation etc.). Therefore, we must acknowledge those barriers to accessing services that are present before the process even starts, and make sure we can provide additional support if need be, as well as be flexible to the needs of the people with whom we are working.

Discussions about power, privilege, and race continued throughout the conference. During Jonathan Scharrer's workshop, we talked about how the biases of discretionary decision makers (law enforcement, Youth Offending Teams and family services, prosecutors, judges) in the justice system continue to systematically marginalise community members at every stage of the criminal justice process before restorative justice is even offered. Looking at when restorative justice is offered and how it is offered to black people compared to their white counterparts highlighted the need to have effective monitoring and evaluation mechanisms in place to collect data in order to prevent restorative justice programs from replicating the same systemic harms as the traditional legal system.

Contributions to this discussion from some of the few black people present at the conference were key as we were able to provide valuable insights and contributions based on our own experiences and the creative lens through which we see the world.

What is it about the way we look or the way we speak that may perpetuate negative power dynamics that can further exacerbate feelings of oppression?

For me, the conference emphasised the importance of checking our privilege. Placed in a so-called ‘post-colonial’ context where the majority of practitioners in this field (specifically in the UK) are white, checking our privilege is extremely important. What is it about the way we look or the way we speak that may perpetuate negative power dynamics that can further exacerbate feelings of oppression? In many cases, due to the lack of ethnic and linguistic diversity amongst staff in services, representative support isn’t always available. In these cases, of course, this issue should be addressed, but in the meantime, just being aware of this privilege and potential power dynamics allows you to play an active role in balancing these dynamics.

4. How will the conference influence what we do next?

Sula

A lot of the learning from the conversations we had will contribute to the outcomes of Project Articulate in terms of the good practice guide and checklist we are going to develop. These outputs will ultimately explore and highlight what facilitators/practitioners, supporters, service users, and translators/interpreters, need to better support themselves, and people with additional language needs. They all have an important role to play in the process and we need to continue doing the work to better understand the needs of these key stakeholders. It is also crucial to do the work to understand better the language and cultural barriers that people who have additional language needs may face when accessing services like restorative justice in their area.

Throughout my work on [Project Articulate](#) and conversations at the EFRJ conference, it is clear to me that we need to be working more *with* the community and asking ourselves ‘What work is already being done? What resources or models are already out there? How can we work together? What do they need?’. A community is a representation of the people within it and there are so many influential and supportive leaders within a community that could incorporate restorative practice in what they do, promote the process to others, or even become involved in the work themselves as community advocates or facilitators. In saying this, we need to apply a trauma-informed methodology when working with the community, especially with people with additional language needs who may come from minoritised backgrounds.

By asking service users questions like ‘Where is best to meet you? Is there anything I can do to help?’, we can slowly help build trust and begin to close the gap to accessing and participating in services ...

Derived from discussions from Nikki Glass’s presentation on ‘Restorative practices through an anti-racist/cross-cultural lens,’ my biggest takeaway was the idea of meeting people where they are which essentially means to really consider the socio-economic, political, historical, and cultural context within the community and how to effectively meet them in the spaces in which they feel most comfortable. restorative justice is a needs-based approach so being flexible in order to meet the needs of the people we support is key. By asking service users questions like ‘Where is best to meet you? Is there anything I can do to help?’, we can slowly help build trust and begin to close the gap to accessing and participating in services like restorative justice which is very much there, especially for a lot of minoritised communities in the UK, including those who have additional language needs.

Lucy

Listening to, learning about, and sharing what restorative work is being done in many different countries and contexts can, and should, enable us to improve the restorative justice field and make it more open to diverse people. I am motivated to collaborate even more and think about how we can add to the work already being done, and avoid duplicating work. There is an endless need for restorative justice, and the only way we’re going to spread the message is by collaborating together around the world and within our own countries.

I am even more determined that Why me? champions the voice of people affected by crime and conflict so that the UK Government meets its obligations under the Venice Declaration. It is particularly important that we address the power structures that occur when we are highlighting these voices, and ensure that we are platforming these voices for the right reasons.

In the restorative setting, having practitioners that look like you, speak like you, and people with whom you can identify with can be the biggest difference in having a more meaningful restorative process.

Sula

In the restorative setting, having practitioners that look like you, speak like you, and people with whom you can identify with can be the biggest difference in having a more meaningful restorative process. I wouldn't be able to reflect on the conference without acknowledging the lack of diversity at the EFRJ conference. Although discussions on race and systemic and institutional harm were covered in some parallel workshops, including Jasmyn Elise Story's on 'System aware restorative practices: invitation for action for facilitators of justice processes,' Dominic Barter and Mara Schiff's session on 'Unleashing the transformative possibility of restorative justice: New narratives of language, power, and politics,' and Elena Funcia Lemme and her colleague's session on 'restorative justice in Latin America: experiences of implementation challenges for development,' in front of a wider audience, it was disappointing that it took until the last plenary session 'Roundtable on restorative communities' for the lack of representation both in the room and within our field to be addressed, which Jasmyn Elise Story articulated so well.

The topic of race and equality is prevalent in *all* of our work *around* the world and we need to be focusing conversations on how we can do better to support people from different backgrounds to engage more in restorative justice and feel represented by the people that work in the field, not only in terms of race but also in terms of age, gender, religion, disability, class. On an international scale, countries have different relationships within their communities and different historical traumas are present in this multicultural setting. This makes it even more important to use the scale and platform of the EFRJ to hold the space for these discussions and reflections to take place and make it more of a common thread throughout.

It was noticeable that the audience was predominantly white and this reflects the UK situation where there is a lack of representation of groups who are marginalised.

Lucy

Sula made this point well. There was a real lack of diversity in the audience. It was noticeable that the audience was predominantly white and this reflects the UK situation where there is a lack of representation of groups who are marginalised. This is an urgent priority for the restorative justice sector to address to ensure that the restorative justice we are practising and advocating for is designed for and by all communities of interest.

There was also a lack of representation of young people at the conference, however, there were great sessions on restorative university courses and also Restorative Universities which are pointing to the need to nurture the next generation of students. Student circles and restorative models for addressing sexual harm on campus were two examples, as well as engaging with restorative course design with Ian Marder and David Karp. These ideas and approaches will feed Why me?'s scoping project which is reviewing the curriculum content of university criminology courses.

5. In conclusion

Lucy and I had an amazing time at the conference, and it was great to hear about the innovative work being done around the world which inspires us and Why me?. The wonderful conversations, thought-provoking discussion, and dedicated people will stay with us forever. However, it is really important to acknowledge the fact that there were voices missing and continue to be missing throughout the work we do in this field. We as a collective need to do better at inviting, including, highlighting, incorporating, and collaborating with those voices. These should be the next steps moving forward for us all to think about, 'What can we all do to make sure that those voices are a part of the work that we do and that they are included in the conversations that we are having?'

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Reference

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[the Role of Restorative Justice in Criminal Matters.](#)
Online.

Is restorative justice another form of punishment? Christian Gade and Tim Chapman share their views

Quite a few of you experienced a vibrant conference in Sassari in June. Many topics were presented and resulted in interesting discussions afterwards. Not all of them were easy and not all of them ended with the conference.

Conflict, controversy and dialectic are important mechanisms for the further development of any discipline. Here we present an exchange of positions that was sparked by Christian's presentation in Sassari and that continues here with a reply from Tim.

Christian claims that it might be time to move away from defining restorative justice in opposition to retribution and from contrasting it as something radically different from punishment. He argues that the restorative movement could benefit from 'market-

ing' its ideas as a specific, more constructive form of punishment.

Tim draws a different idea of restorative justice as a value-based dialogical process. Since personal experiences by those affected are in the centre, outcomes emerge based on their needs and interests. His reply includes a number of questions to start a dialogue with Christian — but he also invites all readers to engage in the exchange.

A paradigm shift within the restorative justice movement? Restorative justice as punishment

On 24 June 2022 I gave a presentation at the European Forum for Restorative Justice's [conference in Sassari](#), where I suggested that it is time for a paradigm shift within the restorative justice movement: instead of perceiving restorative justice as something radically different from punishment, we should change lenses and promote restorative justice as a different, and potentially more constructive, form of legal (*de jure*) punishment. This makes sense not only from a promotional but also from a theoretical point of view, as restorative justice constitutes *de facto* punishment according to many positions on what punishment is. This is an edited transcript of my oral presentation.

First of all, it is really nice to meet all of you. My name is Christian Gade, and I am an associate professor at Aarhus University. My research is primarily focusing on victim-offender mediation and restorative justice conferencing in Denmark. Furthermore, I have also been responsible for conducting an impact assessment of the Access to Justice project by the International Criminal Court in Northern Uganda, which is a project that includes restorative justice elements. In addition to being an academic, I am also a practitioner. I am a mediator in the Danish

victim-offender mediation programme ([Konfliktråd](#)), and I have been involved in the training of the Danish victim-offender mediators.

As a starting point of this presentation, I would like to say that I consider myself to be part of the restorative justice movement in the sense that I support restorative justice from a consequentialist point of view. This means that I support restorative justice to the extent, and only to the extent, that it has better consequences than other crime management mechanisms. And whether it has better consequences may,

of course, be a multi-dimensional issue in many ways. Better consequences may be about recidivism, victim satisfaction, economic cost, and so on, depending on one's values.

... could it make sense to adopt and promote restorative justice as a legal (*de jure*) form of punishment?

This is my starting point. However, my presentation focuses on the relationship between restorative justice and punishment. I hope that we can reflect on this relationship together. I want to pose the following questions. First, could some cases of restorative justice constitute *de facto* punishment from the perspective of some positions on what punishment is? Second, could it make sense to adopt and promote restorative justice as a legal (*de jure*) form of punishment? Could that have good consequences for victim satisfaction, for recidivism, for economic cost, and so forth?

I know that these questions may be quite strange for many restorative justice scholars and practitioners because restorative justice was born in opposition to the established criminal justice system. It was born in opposition to retributive justice and its practices of punishment. For instance, if you take Howard Zehr's article 'Retributive justice, restorative justice' from 1985, which to my knowledge is the first article that focusses specifically on restorative justice, then you will see that Zehr argued that restorative justice should replace retributive justice as a new criminal justice paradigm. According to Zehr, this change would be as radical as the change from the old Ptolemaic worldview, in which the earth is at the centre of the universe, to the Copernican worldview, in which the sun is the centre.

Restorative justice

Some years back, I had an email correspondence with Zehr where we discussed the term 'restorative justice.' He wrote to me that the reason why he chose this term to denote his new justice paradigm was that it 'contrasted nicely with the term 'retributive.'" He added that 'I was looking for terminology that would communicate and would be easy to remember' (see Gade, 2018, p. 30). Thus, the idea of a dichotomy was already formulated at the birth of the restorative justice movement. As Kathleen Daly (2002) writes in one of her articles, one of the first things you learn when you begin to delve into the restorative justice

literature is that restorative justice is something that is radically different from retributive justice and its practices of punishment. That was also one of the first things that I learned when I started to work within the field of restorative justice. However, after a while I began to wonder: To what extent is this dichotomy actually true? And if our aim is to promote restorative justice, to what extent is it constructive?

My old PhD supervisor, Professor Steen Wackerhausen, once told his students an interesting story about a cow called Maren who lived in a field. She always followed the same paths, and the more she walked in these paths, the deeper they became, and the more natural it became for Maren to follow them. I am wondering: Have we become a little bit like Maren, walking the same paths of thought in relation to how we conceptualise what we are doing as scholars and practitioners in the field of restorative justice? We clearly constitute a specific epistemic community at this conference, and I think we have some established 'truths' within the community (for instance about restorative justice being a new paradigm), just as we find established 'truths' in other epistemic communities. But, of course, that does not mean that these 'truths' are real truths. So perhaps we should try to challenge them. However, as Zehr also emphasises in his article from 1985, it can be really dangerous to challenge established 'truths.' He referred to examples in which people who questioned the old Ptolemaic worldview were burned at the stake. I sincerely hope that you will not burn me at the stake because I question the dichotomy between restorative justice and punishment.

Paradigm shift

... some ideas about punishment are certainly more in harmony with the ideas of restorative justice than Nils Christie's conceptualisation.

Zehr called for a paradigm shift. I would like to ask: Is it time for a new paradigm shift within the restorative justice movement? Are we ready for that? Should we maybe begin to perceive restorative justice as an alternative and potentially more constructive form of punishment (more constructive in the sense that it may have better effects than current forms of legal punishment), rather than as an alternative to punishment? And could that have positive effects for the promotion of restorative justice? I think that one of the problems in the field of restorative justice

is that many restorative justice scholars and practitioners have an enemy image of what punishment is. For instance, within the restorative justice movement reference is often made to Nils Christie's conceptualisation of punishment as the infliction of pain, intended as pain (Christie, 1981, p. 5). However, in the literature on punishment, there are many different ideas about what punishment is and should be. In one of my articles (Gade, 2021b), I created a punishment framework distinguishing between more than 500 different positions on the nature of punishment. And some ideas about punishment are certainly more in harmony with the ideas of restorative justice than Nils Christie's conceptualisation. For instance, Anthony Duff argues that punishment is something that should have restoration as its main purpose (Duff, 2002). Maybe we should also consider such (arguably more positive) conceptions of punishment when we discuss the relationship between restorative justice and punishment. Would this be a good idea?

I also think that we ought to consider our own practice. As a restorative justice practitioner, I help the parties involved in crime cases to communicate, I promote dialogue and I try to help them to see beyond enemy images. We promote dialogue and openness as practitioners, but how does that fit with the way we relate to the established criminal justice system? Why don't we seek dialogue with the system? Why don't we try to engage more openly with the system instead of 'oppositing' (Gade, 2022, p. 38) ourselves? Why do we not engage in a more open-minded dialogue with the system, when dialogue is essential to the practice that we advocate? I really think this is something we should ask ourselves.

Punishment

Of course, there are problems with current forms of punishment. That is evident. If you look at prison, for instance, then we have solid evidence showing that imprisonment does not really decrease recidivism, it does not do much to help the victims to move on, and it is also very expensive. Yes, there are problems with current forms of punishment. But that does not necessarily imply that we could not punish in a more constructive way. I think we potentially could do that by promoting restorative justice as a different form of punishment.

... many concrete cases of restorative justice constitute *de facto* punishment from the perspectives of several positions on what punishment is.

If we look at the factual level first, then it is evident that many concrete cases of restorative justice constitute *de facto* punishment from the perspectives of several positions on what punishment is (for details, see Gade 2021b and Gade 2022). When I mediate a case, and when I confront the offender with the victim and the consequences of what he or she has done, then it can definitely be seen as a form of punishment. As it was said at the first day here at the conference by Patrizia Patrizi, we should perhaps move away from the idea that restorative justice is a soft option. In my experience, it can be extremely tough for offenders to meet their victims and other people whom they have hurt. And it can also be a burdensome process to make amends, for instance, through restitution. There is no reason why we could not conceptualise the restorative justice meeting and the following process as a potentially more constructive form of punishment.

Test

As I indicated in the beginning of this presentation, I am a consequentialist. Therefore, I am of the view that we should do whatever has the best effects (and, as already indicated, the achievements of the best effects may be a multidimensional issue. From my perspective, positive effects include high victim satisfaction, low recidivism rates, low financial cost and respect for the human rights of those who participate in crime management). And I think we should test whatever we do. If we want to go in the direction that I suggest, then we need to test the effects, and we should only go in this direction if these effects are preferable to those resulting from other options. In the Danish context one could, for example, test a model where restorative justice is used as a legal form of punishment for offenders who have received a sentence of six months or below. That could be a test case.

... there is the challenge that some victims might not want to participate.

We could try a model involving partial voluntariness, the same kind of voluntariness as we have now in the Danish system with electronic tacking. Here, an offender who has received a prison sentence for up to six months can apply to serve the sentence at home with an electronic anklet. It is not that the offender can decide that he or she does not receive any punishment, but he or she can apply to serve the

sentence at home instead. Thus, serving the sentence with an electronic anklet represents a kind of partial voluntariness. We could try something similar with restorative justice and say: Okay, these people can apply to receive their punishment as restorative justice. And then, of course, there is the challenge that some victims might not want to participate. In such cases, we could potentially use *quasi* restorative justice processes, like community panels (United Nations Office on Drugs and Crime, 2020, p. 37), to ensure a more equal access to restorative justice for offenders. The model could also include that a written agreement must be made and the demand for monitoring. However, this is just what I have in mind in the Danish context. You might have other ideas in other contexts.

Caricature

It is, of course, very easy to produce caricatures when you call for a radical change of perception. Zehr did it in his early scholarship, where he painted an excessively sharp dichotomy between restorative justice and retributive justice. Caricatures can help you to communicate a specific message, and they can also be very effective. But they also oversimplify the situation. I have also been caricaturing today. I am guilty of this to the extent that I might have given the impression that all scholars and practitioners within the field of restorative justice believe that there is a dichotomy between restorative justice and punishment. If you read the writings of Kathleen Daly (2000; 2002; 2013; 2016), Anthony Duff (2002), Gerry Johnstone (2001), Thom Brooks (2017), and others, you will see that they also try to challenge this perceived dichotomy in different ways. And even Howard Zehr himself started to question the dichotomy in his later research. Take a look at *The Little Book of Restorative Justice* (2002), for instance. In that book, he questions his own dichotomy.

I think that it made a lot of sense to picture a dichotomy between restorative justice and punishment when the restorative justice movement first appeared. It enabled us to rally around a new paradigm, and it created traction. But at this point in the movement's history, I do not believe it is constructive to continue to insist on the dichotomy if we want to take the practice of restorative justice to the next level. Despite the positive effects of restorative justice demonstrated by several studies (see United Nations Office on Drugs and Crime, 2020, pp 8–10), we have not seen a revolutionary growth in the use of restorative justice (in many countries, Denmark for instance, we have

in fact seen a stagnation). Perhaps I am just too impatient? Perhaps we should just wait for the predicted revolution? Or perhaps we should change strategy?

... I think we need to become part of the system as well if we really want to promote the use of restorative justice in the future.

In my view, it is high time to try a new strategy. Our situation resembles that of new political parties. At first they contrast themselves to the established system; but if they want to have real influence later, they have to become part of the system. I think we need to become part of the system as well if we really want to promote the use of restorative justice in the future. Of course, there is the risk that becoming part of the system could potentially corrupt the practice of restorative justice. However, it may well be possible to construct models where that does not happen. In any case, I believe we should do whatever turns out to have the best effects (and again, as stated above, the achievement of the best effects may be a multidimensional issue).

Before I end, I want to urge the restorative justice movement to acknowledge the fact that there is a widespread call for punishment after crimes, also among some victims (see, for example, Gade, 2021a). We should be careful not to turn into a club which is out of sync with the general population when we try to promote restorative justice. Many people want punishment, and we can—in good faith—reassure them that restorative justice constitutes an alternative, and potentially more constructive, form of punishment according to many positions on what punishment is. That is all I want to say for now. However, if you want to read more about my thoughts on restorative justice and punishment, then I have a publication in *The International Journal of Restorative Justice*, which has just been published (Gade, 2022). Finally, I just want to say that I hope you will go for the (restorative) reaction of dialogue when you react to my presentation, instead of burning me at the stake like the people who questioned the established 'truths' of the old Ptolemaic worldview.

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A dialogue with Christian Gade on restorative justice and punishment

Christian, I have to admit that I had a strong reaction to your provocative views. Most of my working life as a probation officer and then as a restorative practitioner, researcher, teacher and trainer has been focused on the search for effective and humane alternatives to the humiliation, the exclusion, the stigmatisation and the unfair and discriminatory inconsistencies caused by punishment. So, responding to your invitation I wish to enter into a dialogue with you and other readers on the issues that you raise through sharing my questions.

I would add for the benefit of readers that I would recommend reading your articles which you reference at the end of your blog. These articles develop a much more nuanced argument than a short piece could be expected to achieve.

Is consequentialism a philosophy consistent with restorative justice?

You say that you are a consequentialist judging the value of restorative justice by its outcomes, which

include the scale and cost of its use, reducing recidivism and victim satisfaction. My difficulty with this is that these are outcomes that are valued by the criminal justice system but not necessarily by victims and perpetrators. So, you start by situating restorative justice firmly within the system and responsive to its strategic priorities.

... restorative justice is not a programme that seeks strategically to deliver planned outcomes but an approach that enables outcomes to emerge from a dialogical process ...

I will argue later that restorative justice is not a programme that seeks strategically to deliver planned outcomes but an approach that enables outcomes to emerge from a dialogical process between those most affected by the harm caused by crime and other behaviours. As such, it is led by values that are meaningful to ordinary citizens rather than to experts.

Is punishment consistent with restorative justice?

Punishment is designed primarily to demonstrate the legitimacy of the state's authority to coerce citizens who commit crimes and to inflict restrictions on their liberty.

Punishment is designed primarily to demonstrate the legitimacy of the state's authority to coerce citizens who commit crimes and to inflict restrictions on their liberty. The fact that the individual has been found guilty of a crime justifies this (usually) temporary exemption from observing a citizen's rights. In modern society, punishment has taken on various, often contradictory, utilitarian purposes — retribution, individual or general deterrence, protection of the public from the threat that the criminals pose, rehabilitation, and restitution or reparation.

It is true, as you write, that there are traces of each of these purposes in restorative justice if you look hard enough. But there are significant differences. In punishment the focus of these purposes and the methods to achieve them all have one thing in common — the offender and what to do to, for or with the offender. This leads to experts deciding how to inflict sufficient restrictions and deprivations to signal society's disapproval and to deter the individual and others who may be considering similar behaviour, or how to manage the risks that the individual

poses through various means of incapacitation, how to change the attitudes, cognitive and interpersonal skills and social circumstances of the individual to prevent reoffending, and how to assess what level of payment would compensate the victim for the harm that they have experienced.

Restorative justice is primarily concerned with the harm that human beings inflict on each other and how to either prevent it ...

These are all outcomes determined by the system rather than by those affected by the harmful effects of the crime. In each of these, the victim is absent or plays a minor role. The community is also absent. Restorative justice is primarily concerned with the harm that human beings inflict on each other and how to either prevent it by activating just relations or to respond to it by a process of dialogue between those affected by the harm.

This is a new paradigm, not intended to replace the old punishment paradigm, but enhancing people's personal experience of justice. If there is a painful impact on any person, if shame is felt or relieved, if the perpetrator of the harm promises to not harm the victim again or agrees to take action to address whatever is stimulating harmful behaviour, or to make a direct or symbolic act of reparation, it is because these effects have emerged from the dialogue and have been freely and voluntarily agreed. They have not been the result of a process strategically designed to achieve these outcomes.

It is true that the restorative process is often very difficult for perpetrators who are asked to account for their harmful actions and to listen to the victim's account of their suffering. They may experience distressing emotions such as shame, anxiety, fear and anger with themselves. This may seem like punishment to them. But what if they do not feel bad? Has punishment failed? Does the process, then, try to make them feel bad, for example through shaming them in a stigmatising way?

It is also quite common that the victim may experience distress when telling their story or hearing the perpetrator's story or, perhaps, lack of remorse. Does this mean that restorative justice also punishes the victim?

For me, these are normal human emotions to be expected when people come together to talk about an important event in their lives. There is no intention to contrive them in order to punish the perpetrator.

Is your argument contextualised?

Christian, I wonder if your arguments are very much based upon your experience of practice and research on victim-offender mediation and restorative justice conferencing in Denmark. My own research leads me to the conclusion that mediation relies more on the mediator's direction than the more non-directive form of facilitation in conferences. Mediation also lends itself more easily to a shuttle process rather than face to face dialogue. Your quotation: 'When I mediate a case, and when I confront the offender with the victim and the consequences of what he or she has done, then it can definitely be seen as a form of punishment' would be unusual in a conference in which it is the victim who confronts the perpetrator rather than the facilitator.

Will a new paradigm of punish promote restorative justice?

You believe that we could 'sell' restorative justice more effectively if we embraced the punishment paradigm. The European Forum for Restorative Justice exists, in part, to promote restorative justice and increase access to high quality restorative processes throughout Europe.

We want greater access to restorative justice because of its benefits to victims, to perpetrators of harm and to society.

But I do not believe that we are attempting to sell a commodity. We want greater access to restorative justice because of its benefits to victims, to perpetrators of harm and to society.

The other problem for me is that, if we sell restorative justice as a more constructive form of punishment, are we still selling restorative justice or selling punishment with a more attractive packaging? You envisage offenders entering into a transactional arrangement

with the criminal justice system to negotiate a restorative punishment rather than a retributive punishment. You accept that this will exclude many victims. My experience of that approach is that victims and their narratives disappear completely. In any event, in the eyes of the general public and the criminal justice system nothing can compete with prisons in the punitive market. I fear that your argument will also result in the disappearance of restorative justice.

I agree that restorative justice, in its eagerness to promote itself, has adopted binary arguments (we good, you bad). We are now sufficiently confident of our own value to enter into dialogue with the criminal justice system but not with a view to be assimilated into its way of thinking and acting. Rather we can offer something different which will enhance justice as experienced by individuals. Dialogue is rarely needed between individuals or institutions who agree with each other. Dialogue depends upon and enriches difference.

Final questions

Christian, you have posed important and challenging questions which the restorative justice movement need to answer.

Is restorative justice a utilitarian service at the disposal of the criminal justice system or is it a value-led approach to offering a satisfying experience of justice to those affected by harm and injustice?

More fundamentally, do we wish people to reduce their propensity to harm others due to fear of punishment by the state or because they have learnt to respect the dignity of others and to value the obligations that we owe to each other in order to live in a safe, just and peaceful society?

Tim Chapman,
Chair of the EFRJ
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Christian Gade has responded to Tim Chapman's comments with [this post](#).

The ICC: A (continued) space for restorative justice exploration

At the [EFRJ 2022 conference in Sassari](#), 'Justice beyond borders: restorative connections through space and language,' I was given the opportunity to present on a topic I have been exploring and focusing on throughout my university studies: the conceptualisation of restorative justice in the context of international criminal proceedings. At the time of the conference, I

was in the last semester of my master's studies in public international law and in the process of finalising my thesis 'A meaningful approach to victim's participation: conceptualising restorative justice for International Criminal Proceedings through International Human Rights Law.'

Fortuitously, Sassari became the perfect meeting place where I connected with the thinkers who inspired my research and writing. I joined with participants from all walks of life, a multidisciplinary multigenerational crowd, interconnecting and reinforcing our resolve in restorative approaches to harm. Furthermore, the conference nurtured and helped me refine complex topics which I had been contemplating in the confines of a university student life. Highlights included the visit to [Tempio Pausania Città Riparativa](#) and meeting the detainees from the high security prison of Nuchis, as well as meeting Antony Pemberton, one of the authors of the article which my presentation was based on, through to spending convivial moments with the volunteers of the University of Sassari, and fellow young researchers such as PhD candidate Laura Schmidt.

... restorative justice embodies an important set of standards for how the objectives of more meaningful and inclusive victims' participation can be achieved within the retributive limitations of international criminal courts and tribunals.

As a general premise, I believe that restorative justice embodies an important set of standards for how the objectives of more meaningful and inclusive victims' participation can be achieved within the retributive limitations of international criminal courts and tribunals. The International Criminal Court (ICC) has served as a core example in my research. It was an honour sharing the conference session with Dr Pietro Sullo, who was also presenting on the ICC, and thus sharing a mutual interest in how restorative justice comes into play in our world's first permanent and independent international criminal court. For me, the ICC's inclusion of victims provides a fruitful area for exploration. In 2012, the ICC's President, Judge Sang-Hyun Song, proclaimed before the World Parliamentary Conference on Human Rights that the Rome Statute 'bring[s] retributive and restorative justice together' (International Criminal Court, 2012a). Up until 2016, the ICC's official website stated that victims' participation represented a 'balance' between retributive and restorative justice (Garbett, 2017, pp. 198–9). More generally, allowing victims to participate has been

understood as the Rome Statute drafters' desire to establish a mechanism not entirely focused on retributivism (Moffett, 2014, p. 49). Yet, what does, or rather can, restorative justice mean in this context?

The purpose of this article is simply to share my insights on this topic in light of my conference presentation and audience interactions. In particular, it will focus on my exploration of *narrative ownership* as a sociological framework that can be used to conceptualise restorative justice for the ICC. As will be discussed further, this is an attempt to look beyond RJ-based practices commonly applied in domestic criminal justice settings.

The Space: victims presentation hearings

Especially when there are a large number of accredited victims, there is a need to ensure that the views and concerns of victims are not repetitive ...

As the conference theme reveals, restorative justice connections can exist in different spaces. How can restorative justice connections exist when victims participate at the ICC? This is a complex question to answer. At the discretion of the Court, accredited victims have multiple participatory opportunities and in different forms. Yet, there is one form of victim participation that particularly intrigues me: the ability for victims to present their views and concerns directly to the Chamber in their own voices. In essence, this is the *space* I decided to focus on for the conference. Based on the practice of the Court, this form of participation is particularly limited. For example, in the Lubanga case, the Trial Chamber asserted that 'the personal appearance of a large number of victims could affect the expeditiousness and fairness of the proceedings,' (International Criminal Court, 2008, para. 116). Especially when there are a large number of accredited victims, there is a need to ensure that the views and concerns of victims are not repetitive (Safferling and Petrossian, 2021, pp. 194–195). Thus, in providing such a space and opportunity, the Court inherently exemplifies a conscious belief in the value of victim's individual voice amongst many others in

the justice process. Simultaneously, it also reflects the desire of the victim to accept the opportunity and contribute their voice.

The purpose of these hearings is to discern the *harm* of the victims, mainly for determining the gravity of the offence and the forms of reparation that may be granted in the event of a conviction.

The transcripts of these hearings uploaded on the ICC website allow me to get to know this space more intimately. For example, at the beginning of all hearings, presenting victims are told by the Judge to ‘give as much narrative as possible’ and court staff are encouraged to allow this (see, for example, International Criminal Court, 2017, p. 3). From here, the victim would describe those experiences forming part of the events of the case in full detail and in their own words. The purpose of these hearings is to discern the *harm* of the victims, mainly for determining the gravity of the offence and the forms of reparation that may be granted in the event of a conviction. The transcripts reveal four main individuals who interact: the presenting victim, the judge, the defence counsel and the legal representative of the victim. Their interactions, reactions, questions and decisions are all recorded. Interestingly however, the transcripts reveal that the accused is also able to be present in the courtroom.

Looking beyond procedural norms

During the discussion at the end of my presentation session, an audience member stated that the qualitative level of victim participation often associated with (domestic) restorative justice practices is just not realistic for the ICC. Another audience member remarked that a more appropriate and perhaps fruitful area to explore would be the Trust Fund for Victims (TFV) of the ICC, whereby victims have more active participatory opportunities, rather than those as part of the court itself.

... victims and perpetrators are effectively hindered from meeting, discussing and determining the outcome of the justice process themselves ...

At this point, I realised that the objectives of my presentation were not clear enough, because in fact, when basing restorative justice on procedural rights

exclusively, I agree with these propositions. Indeed, the procedural priorities of the ICC stemming from its retributive mandate (the rights of the accused, a right to fair trial and the expeditiousness of proceedings etc.) have proven effectively to disprove the Court as a restorative justice mechanism in itself. A simple example is the fact that victims and perpetrators are effectively hindered from meeting, discussing and determining the outcome of the justice process themselves attributed to the opportunities in domestic restorative justice practices, such as mediation and conferencing (Moffett, 2014, pp. 89–90; Vasiliev, 2014, p. 677). The Court has expressed the view that the accused should not be forced to address large volumes of victims’ views and concerns since that would go beyond the case of the prosecution, (see, for example, International Criminal Court, 2012b, para. 14). Overall, it is consistently recognised that the likely large number of accredited victims presents significant practical challenges for ‘participation’ in the theoretical and domestic restorative justice sense to materialise in international criminal proceedings (see, for example, Garbett, 2017, p. 213). From here, the term ‘victim-orientated’ mechanism is considered more appropriate when focusing exclusively on procedural elements at the ICC (Vasiliev, 2014, p. 677). Thus, to conceptualise restorative justice for the ICC, I see the need to go beyond devising *ideal* RJ-based practices and procedural norms that could be applicable to its current legal framework. What about looking at language?

Language: narrative ownership

... the courts perpetuate and disproportionately value the perpetrator’s perspective of the events concerned.

In light of this *space*, I saw the EFRJ conference as an opportunity to also explore a concept I had come across during my thesis research: narrative ownership. In particular, the findings of Pemberton et al. (2018) ‘Stories as property: *Narrative ownership* as a key concept in victims’ experiences with criminal justice’ provided an interesting lens for how I could approach the interactions within these hearings from a restorative justice perspective. Based on the findings of victimological literature, the authors suggest that (domestic) criminal justice systems impose certain abstract *pressures* on the narratives victims attempt to construct in the aftermath of their victimisation. For example, the authors describe the way

courts prioritise ‘reporting the facts’ whilst viewing personal (emotional) narratives or the need to provide ‘justification[s] of the crimes’ as representing forms of *pressure* on victims’ narratives (pp. 407–8). In doing so, the courts perpetuate and disproportionately value the perpetrator’s perspective of the events concerned. This is despite the authors’ assertion that the victims’ perspective reflects the experience of ‘actual victims’ (p. 407).

In these hearings, the views and concerns presented by the victims are not classified as official evidence.

Their findings draw on the observations of Nils Christie in his 1977 journal article ‘Conflicts as property’ acknowledged as becoming ‘axiomatic’ with restorative justice theory and ideals (Suzuki and Wood, 2017, p. 450). Christie’s article frankly depicts the reality of how courts and the role of lawyers involved require victims’ narratives to be ‘pick[ed] out,’ dissected and ultimately appropriated based on their relevance and admissibility (p. 4). These observations reminded me of a particularly exceptional feature of the victim hearing space. In these hearings, the views and concerns presented by the victims are not classified as official evidence. This is even asserted by the defence counsel in the transcripts stating that victims’ words are ‘not under oath’ (International Criminal Court, 2017, p. 31–32). Looking back at the words of Christie, I wondered how this space could be conceived from the perspective of restorative justice. It seemed that there was a value for victims’ narratives undisturbed by rules of evidence. Would looking through the lens of *narrative ownership* and *pressures* demonstrate ways for victims to have a more ‘restorative justice’ experience?

From the perspective of narrative ownership, I noted that the main focus of inquiry within the hearings became the *directions*, *comments* and *questions* put forth to the victim by the court staff. One audience member (and former judge) at my presentation session remarked that these would not be conceived as theoretically *harmful* to narratives of victims in any way; they are just doing their job. It was subsequently debated by the rest of the audience members whether some form of procedural review or staff training should be conducted to reduce any ‘unnecessary’ narrative pressures. From my end, I also noticed that forms of narrative pressure seemed to make the court staff’s roles and use of language overly technical at times. However, at its core, I see how

narrative ownership promotes the relational opportunities within the victim hearing space. This follows scholarly calls for the ICC to adopt more ‘flexible’ approaches to its victim participation processes to meet victims’ social engagement needs which, at the same time, do not corrupt its judicial functions or retributive mandate (see, for example, Cody, 2020). Hence, the fact that victims’ views and concerns in the hearings are not classified as official evidence provides potential for further inquiry,

Conclusion

The conference organisers in Sassari provided not only a venue for discourse, but also the opportunity for me to witness restorative justice in action by way of a visit to Tempio Pausania and prison of Nuchis. Here, I was gifted with a stone representing the restorative collaboration and work of the detainees, the young people, and artists with a message ‘*Portandoli con te in giro per il mondo, contribuirai a tessere un legame con Tempio e con le storie di chi le ha create*’ — *taking it with you around the world, you will help to weave a bond with Tempio and with the stories of those who created them*. The stone will help me build the strong foundations of my work and apply the values they emanate. I am grateful to the organising committee of the conference, especially Emmanuela Biffi, who encouraged my participation as a young student and researcher. Overall, the purpose of my research was to continue exploring the ICC’s intention in referring to *restorative justice* when describing its victims’ participation scheme. For all international judicial bodies that involve victims, continuing to explore its application amid retributive frameworks and procedural priorities has its place.

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Reflections on the 2022 Sassari conference

Attending the 2022 Sassari conference was like being at an exquisite banquet of rich and diverse dishes which were satisfying, nutritious and life-giving. Until I sat down at that banquet, I had not realised just how hungry I was (possibly even a little bit starved) for inspiration, learning, support and companionship on this wonderful, and often times challenging, journey of restorative justice.

Looking back on my notes and impressions of the various speakers, workshops and plenaries, two words come leaping out at me again and again — margins and support. The wisdom that is often located at the 'margins' and the support needed to see it, recognise it and not squash it.

Far from the centres of privilege and comfort, on the 'borders' of the current system, is where the elements to create a new system exist.

During the pre-conference training and the plenary, Dominic Barter pointed out that it is 'at the margins' that the 'flame of restorativity' exists. This flame of

restorativity consists of 'the elements already present which demonstrate the possibility of dialogue.' The margins, he defines as the places more distant from the sources of structural power. Far from the centres of privilege and comfort, on the 'borders' of the current system, is where the elements to create a new system exist.

The danger according to Barter is that the 'flame of restorativity' is interfered with when we seek to do restorative justice work with a focus on teaching rather than listening. He asks whether we serve the political imperative of restorative justice when we base our work on projects that may accidentally reproduce colonial exclusion, which may unconsciously silence other voices because we bring in restorative

justice from ‘outside’ using fixed models. I found it very challenging to hear him name our tendency (my own tendency if I am totally honest) to ‘see situations of suffering, analyse them, look for good practice projects elsewhere, and impose that on the people suffering.’

Barter suggests another way which instead of analysing the problem and trying to fix it, might instead say: ‘Wow in this pain these people continue to survive, to interact. We want to learn from what they already know that allows them to do that’. He says that our role is to name the ‘genius of the local,’ to care for the ‘flame of restorativity’ which exists in every community, family, organisation. We do this by coming with curiosity rather than solutions, listening rather than speaking, asking questions rather than affirming, so that answers are endogenous, meaning they come from within.

This reminded me of an interview I had with Howard Zehr in which he said: ‘everything will be distorted.’ Zehr told me of the reactions he had received following a session on ‘The dangers of restorative justice’ in the early days of the movement. People had responded with disbelief and anger — restorative justice was the answer, the solution, maybe even the ‘miracle’ they had been waiting for. They did not want to hear about how it could be distorted and even dangerous. This distortion can be conscious, however more often than not it is a slow, unseen ‘punitive drift,’ as Barter puts it, which allows the dominant systems to strip restorative justice of its challenges to the unfair and unbalanced power dynamics and dilute its real potential. In these situations, Barter says that the risk is that restorative justice becomes, for many people, an ‘adjunct to the rules-based justice system with a class of trained people who know what to do.’

I so wanted to have the solution for them.

In my early years as a facilitator and mediator, I confess that my stance tended to be that of the ‘the one who knows’, the ‘expert’ who came to teach, speak and fix. Part of it came from a beautiful desire to contribute to people’s well-being. Part of it came from insecurity and inexperience. And also, if I am honest, from an ego-centring of myself. I so wanted to have the solution for them. I wanted not just to be a mediator — I wanted to be ‘Super Mediator’ — *faster than a speeding conflict, more powerful than a generational feud, able to leap opposed positions in a single session.* My egocentric dream was to come

‘save the day for truth, justice and the restorative way’ and then move on ‘up, up and away’ to other poor souls desperate for my ‘conflict salvation skills’. I turn red just thinking about it now and I am sorry for the damage I may have unconsciously done at the time.

I definitely understand what Barter was talking about when he said during his plenary ‘every time I try to get it right, I become authoritarian. That makes me miserable and others too.’ Ouch, I recognise myself in that. What a gift to be able to speak these realities out loud in a restorative context where the focus is on learning and growth rather than blame and perfection.

So how to do it differently? From my experience, and my learning at the conference, the key is support. Support is what will allow me to notice I am trying to ‘get it right’, to be ‘Super mediator’. With non-blaming, non-judgemental support, I become able to notice when I am more interested in speaking than listening, in teaching rather than coming with curiosity to see and respect (from the Latin to look again) at what people are already doing to respond to painful conflict.

This need for support, Barter told us on the first day of the pre-conference training, was his secret agenda; for us to find other people with whom to start building support systems. I have been experimenting with different systems of support for several years, ever since I learned about them from Dominic in Brazil, and I was encouraged, though not surprised to see that many other speakers and presenters at the Sassari conference also focused on this.

... being aware of how trauma and stress impact us and those we work with and actively seeking to facilitate taking this into account.

Carlos Alvarez of the Los Angeles Institute for Restorative Practice, himself a former gang member who has a license to operate with all groups in LA, spoke of the neurobiology of restorative justice and the importance of support and self-care to be able to do the work. If our brains are sad and stressed this will affect the brains of those around us. Alvarez concept is ‘right-brain facilitation’ — being aware of how trauma and stress impact us and those we work with and actively seeking to facilitate taking this into account. This work requires support: ‘self-care, or attending to your physical, mental and emotional needs, is fundamental to implementing right-brain facilitation effectively. How often do you find yourself

teaching without proper sleep? Or while hungry? Eating well and meditating are ways in which we prepare to facilitate,' Alvarez said.

This teaching reminded me of those safety presentations on airlines when they tell you about the oxygen masks and caution you to 'put your own mask on first, then you may assist others; including children.' They know from experience that a stressed, panicky parent trying to fit an oxygen mask onto a stressed, panicky child is likely to lead only to a passed-out child and a soon-to-be-passed-out parent. How often am I actually operating as a semi-passed out practitioner? I am grateful to Carlos for his practical challenge.

In the 'Tools for grounded accountability' session with Karena Montag and Martina Kartman, I found their definition of self-accountability 'being responsible to yourself and those around you for your choices and for the consequences of your choices' and the discussion on the support we need to be able to do that very helpful. Without support I struggle to really own my choices and their impact on me and others. Without support, I run the risk of causing harm.

During his plenary, Dominic Barter shared a story of an intense day of training, followed by a dialogue in a prison with youth who had been rioting and who had burned down part of the building. On their way out his colleague had asked him 'How are you?' He had given the usual 'British' response, 'I'm fine.' His colleague had pushed him up against the wall and asked again, and Dominic had realised that it was not just a 'nice' question about his well-being; his colleague was wanting to protect him and others from the consequences of what he might say or do if he went out there in an undernourished state without enough support.

In their deeply moving session, Layla Alsheikh and Robi Damlin who are part of The Parents Circle-Family Forum (PCFF), a joint Israeli-Palestinian organisation of over 600 families, all of whom have lost an immediate family member in that ongoing conflict, revealed to me the essence of the wisdom of the

margin and the imperative of support. They shared that sometimes there is no justice beyond borders, there is 'just us beyond borders.'

When basic human rights are not respected. When a mother is kept waiting at a checkpoint for hours with a dying baby in her arms. When young men and women are forced to do military service and lose their lives. When a mother has to find a way to make sense of her son's tragic death in a conflict that continues, on and on and on. In those circumstances, what holds you is the support, the 'just us'. In the Parent's Circle, those who have lost a loved one move beyond borders, to listen to each other's story, to speak for peace — even if their own families and communities do not understand. Even though they receive death threats. Even if it is 'just us beyond borders.'

Support is not a nice luxury, or a form of ego-centric self-care, rather it is actually what will allow me to do the work of restorative justice in ways that are less likely to harm others ...

Support is not a nice luxury, or a form of ego-centric self-care, rather it is actually what will allow me to do the work of restorative justice in ways that are less likely to harm others and with a little bit more congruence than the punitive retributive system we bathe in and which we absorb blindly like osmosis. Without that support, accountability, and learning it is so easy for me to centre myself, to consciously and unconsciously turn borders into barriers, for space and language to become sources of misunderstanding and conflict rather than for connection and celebration of diversity. With support maybe 'just us beyond borders' could begin to move towards justice beyond borders.

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Restorative Justice: What I was looking for

Italian Minister of Justice, Marta Cartabia's Speech at the Opening Session, 23 June 2023, of the [11th International Conference](#) of the European Forum for Restorative Justice (EFRJ): 'Justice beyond borders: restorative connections through space and language.'

1. Welcome and relevance of the topic at the international, European level (Eu and pan-Europe) and national level (criminal justice reform)

I would like to deeply thank the European Forum for Restorative Justice and the Università degli Studi di Sassari for their invitation to this 11th International Conference and for their long-term commitment to develop, implement and study restorative justice, an extremely relevant matter that is also very dear to me.

I would like to address my special thanks, in particular, to the Rector of the Università di Sassari, Professor Gavino Mariotti, the European Forum's President, Tim Chapman, the Executive Director, Edit Törzs, Emanuela Biffi from the Secretariat and the Board of Directors among whom Patrizi Patrizi, full professor in the hosting university.

I am indeed deeply impressed by this Forum, a lively global restorative community of practitioners, scholars and thinkers, and by the Forum's activities, always engaged with national and European institutions to advance restorative justice in EU policies and law, in UN and CoE recommendations and strategies, and in national criminal justice systems and legislation.

I deeply appreciate and praise the work carried out by the many Forum Committees and Working groups devoted to the most important topics in the field of restorative justice — such as training, values and standards, and research — and to advancing restorative justice in new and complex fields— such as policy work, gender-based violence, restorative cities, environmental restorative justice, restorative justice with institutions.

I also wish to express my appreciation for the work carried out with students, post-graduate students, local municipalities, institutions and in particular prison facilities by the University di Sassari thanks to the insight and wisdom of its Team for restorative practices and the [Tempio Pausania restorative city](#) initiative.

The Conference programme is very rich. It reflects the creativity of the restorative movement, its global

dimension and local diversity, and its attention to several different justice needs.

As the Minister of Justice of Italy, though, let me also address a word of welcome to all of you, and especially to the many coming from abroad: my warmest welcome to Italy, my warmest welcome to the field of restorative justice in Italy, a field where a lot is happening in these very days, weeks and months, thanks to a process of reform of criminal justice that for the first time includes expressly a chapter on restorative justice. I know that this international conference was initially due in 2020 — and regrettably, for self-explanatory reasons, it had to be postponed twice. Yet no other moment could be more favourable for this international meeting.

I said no other moment would be more appropriate, because restorative justice is indeed at the centre of several initiatives and circumstances.

I said no other moment would be more appropriate, because restorative justice is indeed at the centre of several initiatives and circumstances.

Let me mention some of the most relevant ones

- At the national level, Italy's criminal justice reform calls for the adoption of a comprehensive regulation on restorative justice in criminal matters. Parliamentary Law n° 134/2021 mandates the Government to draft one or more legislative decrees regulating restorative justice in compliance with the international and European principles and standards and according to a set of criteria established by the Italian Parliament.

These criteria include:

- the operation of restorative justice in relation to criminal proceedings,
- the impact of restorative justice outcomes on judicial decisions,
- the establishment of restorative services,
- the training of mediators and facilitators.

Building on national and international good practices and standards, this comprehensive

reform requires that restorative justice programmes shall be accessible and available at every stage of the criminal proceeding and during the execution phase, regardless of the type of crime and its seriousness, upon free and informed consent and, indeed, on a voluntary basis.

The law binds the legislative decree to be consistent with the principle that restorative justice should be responsive to the interests of both the victim(s) and the offender(s) or accused person(s), and of the community.

Furthermore, it demands that restorative outcomes are positively evaluated by the competent judicial authorities during the criminal proceeding and in the post-conviction phase; on the other side, failure to accomplish a restorative programme or to reach a specific outcome shall not have negative effects in criminal proceedings or in the execution phase, neither on the victim nor on the offender.

- At the international level, last December the *Venice Declaration on the Role of Restorative Justice in Criminal Matters* has been adopted unanimously by the Ministers of Justice of the Council of Europe Member States during a Ministerial Conference that I had the pleasure to convene during the Italian Presidency of the CoE.

I have been informed, with great satisfaction, that the Declaration is being used by many of you at institutional, academic and practical levels and that it offers a solid ground for further actions, projects and proposals.

Indeed, it is important that the advocates of restorative justice, in their respective capacities, promote the implementation of the set of recommendations laid out in the Declaration.

For your further reflections during the coming days and to stimulate your policy work further, I point out a few issues stemming from the Venice Declaration that I consider as priorities:

- Develop national action plans or policies, where necessary, for the implementation of Recommendation CM/Rec (2018)8 on restorative justice in criminal matters, by ensuring inter-agency co-operation nationwide, adequate national legislation and funding, while reflecting on the idea

that a right to access to appropriate restorative justice services for all the interested parties, if they freely consent, ... (15.I);

- ... a wide implementation of restorative justice, its principles and methods as a complement or, where suitable, as an alternative to or within the framework of criminal proceedings aiming at desistance from crime, offenders' reintegration and victims' recovery (15.III);
- ... adequate financial and human resources, which should be seen as an investment in the future and conducive to the safety and well-being of our societies (13);
- Raise the awareness of restorative justice processes nationwide, and put into practice projects aiming at a widespread communication of the role and benefits of restorative justice ... (15.V);
- Consider restorative justice as an essential part of the training curricula of legal professionals, including the judiciary, lawyers, prosecutors, social workers, the police as well as of prison and probation staff ... (15.IV)

- Given the worldwide scope of this conference, let me mention also the increasing attention towards restorative justice by the United Nations thanks to both the Doha Declaration Global Programme for a Culture of Lawfulness and the 2021 Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development.

- Last, but not at all least, I would like to recall the new European Commission Victims' Strategy 2020–2025 that has triggered an ongoing process of revision of the EU Victims Directive (2012): thanks to the work of this Forum, it is becoming a shared opinion that restorative justice can best contribute to address victims' needs, because — I quote — «Restorative justice services provide victims with a safe environment to make their voice heard and support their healing process».

2. Commitment as a scholar, a constitutional justice, a Minister of Justice, a citizen

Let me share with you the reasons why — as a scholar, as a former constitutional judge, as a minister of justice — I have been and indeed I am committed to develop a culture and a legal framework for restorative justice, in my country and on the European and International stage.

... it was considered 'unconventional' that a Constitutional Judge meet offenders — those offenders! — listen to them, talk to them, ...

My own turning point with restorative justice was *experiential*: besides my academic studies, I met restorative justice thanks to the Italian experience of restorative dialogues among victims and former members of armed groups of the age of political terrorism in the 70s and 80s. I had first the chance to come across these restorative experiences through the *Libro dell'incontro* (*The Book of the Encounter*) (Bertagna et al., 2015) and then I had the chance to interact several times with the members of this restorative group. At that time, I was a member of the constitutional court and it was considered 'unconventional' that a Constitutional Judge meet offenders — those offenders! — listen to them, talk to them, despite the wrongful (and often horrible) deeds they may have committed. Restorative justice made me feel at ease with these unlikely encounters particularly because they took place always in the presence of the victims, whom also I was able to meet, listen to, and acknowledge.

More relevant, I had the chance to witness the quality of the relationship between some of the victims and some of the offenders of that tragic page of the Italian history.

The encounter — *l'incontro* — seems to me the core of restorative justice: the encounter is the starting point of a new idea of justice, the idea of justice that I was looking for, that I was longing for.

Do you remember the famous U2 song?

And I still haven't found what I was looking for ...

After years and decades of study and work in the field of law and justice, after years in one of the most relevant institutions of the justice system — the Constitutional Court — I still hadn't found what I was

looking for ... , the practice of justice that I was looking for.

It is difficult to explain. But those who have had the opportunity to witness to an experience of restorative justice know very well that it is the most convincing practice of justice available to us, human being.

Restorative justice: the practice of justice that we are looking for

Restorative encounters trigger new possibilities, initiate new paths, address complexity, and intervene meaningfully *vis à vis* the irreparable. This is not only because restorative outcomes are forward-looking, but because the presence of the other, of the most unlikely other, with whom to open a dialogue, brings about something that mysteriously is capable of quenching the thirst of justice.

Restorative justice seems more apt to address the justice needs of all those involved in stories of injustice, be they victims, responsible persons, bystanders, the community and the State.

Restorative justice seems more apt to address the justice needs of all those involved in stories of injustice, be they victims, responsible persons, bystanders, the community and the State.

Restorative justice ensures — even in highly conflictual and violent contexts — nonviolent, non-aggressive, safe, comfortable times and spaces where to find out the unexpected: something new that overcomes hatred, resentment, isolation, mistrust, revenge, the cycle of violence.

I am sure that we all share here a certain unease in addressing this promising matter, calling for peaceful coexistence among victims and perpetrators, in a moment where the war has come back at the heart of Europe. We have here a unique opportunity, though, to pay attention to the lessons conveyed by the witnesses of restorative dialogues: there are many here; to quote those mentioned in the programme: Ailbhe Griffith, the Encounter of the Encounters, the Parents Circle from Israel and Palestine, and others. Let them be our masters and teachers. Let us use the restorative lenses (to quote Howard Zehr, *Changing lenses*), to see through their stories and their journeys in search of peace and justice, a peaceful justice made of a just peace.

As a Minister of Justice, one of the main challenges, as you all know and work for, is to find the

wise and realistic ways to embed restorative justice in the national and international justice systems.

On one hand, it seems necessary to avoid that restorative justice become an “added-on” or an “on the side” to criminal justice systems that remain unchanged. On the other hand, as widely recognised, restorative justice can sometimes be an alternative to criminal justice and many other times (more often) it can complement it: the issue here is how to craft an active relationship between the two; how to allow a fruitful interplay between restorative and the traditional instruments of criminal law.

There is still a lot to do, I think, for the cross-fertilisation between restorative justice in criminal matters and the law, the harmonisation of their respective languages, and the mutual reinforcement of their (indeed) *common values* and main objectives, especially if we refer to the Italian Constitutional provision of art. 27.

I think that we are at the beginning of a new era in the history of the idea of justice.

3. Steps forward in the development of restorative justice: open issues, between lights and shades, in the current international and (pan)European debate

In conclusion, let me address, as one last point, a set of future challenges in the restorative justice agenda, selected from my institutional point of view.

1. Inequalities and accessibility

A common effort is needed to overcome the persistent inequalities with respect to the level of implementation of restorative justice in European countries. There is a lot of ‘formal’ legislation, but not yet enough factual implementation, which results in an unequal possibility of access to restorative justice by those interested. Despite very clear international and (pan)European principles stating that restorative justice should be a generally accessible service, accessibility is still not ensured in the majority of the Countries.

2. Restorative justice is still under-used in the vast majority of the countries, even in those systems where restorative justice is embedded in the legal system. The reasons seem to be identifiable in a *lack of awareness* and a *lack of trust* by the legal professionals and by the citizens alike.

Restorative justice is still a stranger in our societies.

We need to develop a culture of restorative justice alongside an appropriate legal framework.

Academic courses, training for professionals and awareness-raising campaigns for citizens should be put in place in the framework of the action plans advocated by the Venice Declaration.

3. Is restorative justice a right or a service?

There is an ongoing debate on whether restorative Justice is, or should be, an individual subjective right. I invite you all to discuss and unfold the implications of conceiving restorative justice as an individual right or as a service (of course a public one) and to explore which State’s duties are implied in conceiving restorative justice as a right or as a general and accessible service, free of charge, for all those interested.

Let me just highlight that the language of rights puts the individual at the centre, whereas in my understanding the restorative justice put the relations at the centre.

4. Potential of restorative practices to respond to citizens’ justice needs

The scope of restorative justice. As stated in the Venice Declaration, restorative justice shall be considered “as a culture that should permeate the criminal justice system based on the participation of the victim and the offender on a voluntary basis, as well as other affected parties and the wider community in addressing and repairing the harm caused by crime”.

Experience and research, though, suggest that restorative justice carries a potential to respond to justice needs also *outside* the criminal justice system, such as

- in prisons contexts
- in neighbourhoods and communities
- in schools
- in hospitals and health systems
- in institutional-organisational contexts.

Restorative justice calls for an ongoing, lifelong social education at large to support citizens in becoming more able and skilled to overcome conflicts — small and large — in a constructive way.

In this sense, restorative justice and restorative practices are an asset in building better social relations and in constructing more 'just' and peaceful societies. Restorative practices have the potential to foster a culture of responsibility in the nonviolent management of conflicts at the micro, meso, macro levels, from interpersonal micro conflictual contexts to institutional macro conflictual contexts, to international settings.

In this age of anger, fear, resentment, hatred, war, the practice of restorative justice can make an essential contribution in addressing the most urgent needs of our time.

In this age of anger, fear, resentment, hatred, war, the practice of restorative justice can make an essential contribution in addressing the most urgent needs of our time. In the long-term, the dissemination of a restorative mindset promises to transform, step by step, the quality of our relational horizon, with the aim of preventing the outburst of irreparable dissent which opens wounds that cannot be healed.

After two years of pandemic, in the middle of a war, and in the aftermath of decades dominated by an extreme individualistic culture, restorative justice offers all of us the response *that we are looking for*, fit for the relational character of the human experience, where the other is not bound to be an enemy, a rival or a ghost, but is part and parcel of the experience of the self.

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Calendar

Basic Restorative Justice Skills 25, 26, 28 October and 2 November 2022 Online 2–8 pm (CET). More information from the [EFRJ](#).

Restorative Justice Week 20–26 November 2022. More information from the [EFRJ](#).

EFRJ Winter Academy 30 January–3 February 2023. It will feature three skills-oriented live courses. Leuven, Belgium. More information nearer the date from the [EFRJ](#).

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Call for submissions

Articles

Each edition we will feature a review of the field of restorative justice, reflections on policy developments and research findings/project outcomes. Please consider sharing your perspective with colleagues.

Book reviews

We very much welcome reviews of books and articles from our membership. If you have published a book and would like to submit it for review, please send it to the [Secretariat](#).

Events

Please let us know about upcoming restorative justice related conferences and events. We are happy to share this information via the [Newsflash](#).

Not an EFRJ member yet?

Join forces with other restorative justice professionals throughout Europe and beyond and sign up via [our website](#). (If you are a member but have not yet renewed for 2021, you can use the same link.) The process only takes five minutes. You can also email the [Secretariat](#) or use the address below.



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As a member you will receive:

- three electronic newsletters a year
- regular electronic news with interesting information
- reduced conference fees and special book prices
- the opportunity to publicise your book and/or advertise your event in the regular EFRJ Newsflash — contact [Bálint Juhász](#)
- opportunities to learn from, meet and work with restorative justice colleagues
- reduced subscription fee to *The International Journal of Restorative Justice*
- and much, much more ...

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The views presented in this Newsletter are the views of the authors and do not necessarily represent the views of the EFRJ.

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