



Restorative Justice on Trial

Pitfalls and Potentials of
Victim-Offender Mediation
– International
Research Perspectives –

Edited by

Heinz Messmer and Hans-Uwe Otto

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Restorative Justice On Trial Pitfalls And Potentials Of Victim Offender Mediation International Research Perspectives

Lode Walgrave



Restorative Justice On Trial Pitfalls And Potentials Of Victim Offender Mediation International Research Perspectives:

Restorative Justice on Trial H. Messmer, H. U. Otto, 1992-02-29 Victim offender mediation schemes have experienced significant growth in the last decade. They are seen as an important and innovative alternative to the traditional sanctions of the criminal justice system. After a critical look at mediation schemes in the United States and Canada, most European countries have also increased their efforts to develop informal strategies to deal with deviant behavior. In terms of their legal and organizational base, it turns out that type, extent, and capacities for development are quite different in the individual countries, resulting in a remarkable diversity of programs with different outcomes. The contributions in this book are revised and edited versions of papers presented at the NATO Advanced Research Workshop "Conflict, Crime, and Reconciliation: The Organization of Welfare Intervention in the Field of Restitutive Justice" in April 1991 at Il Ciocco, Italy. The chapters document the present stage of restorative justice in the individual countries, critically assess legal constraints and public needs, discuss the organizational requirements of implementation, and also evaluate outcomes in a broader context of crime and social policy. In the long run, this book should encourage further debates in the field of restorative justice and help build valid guidelines for an international evaluation research. *Restorative Justice on Trial* Heinz Messmer, Hans-Uwe.. Otto, 1992

Restorative Justice Theory and Practice: Addressing the Discrepancy Theo Gavrielides, 2020-01-01 This is the 2nd edition of Gavrielides' 2007 monograph. *Restorative Justice Theory* CHAPTER 2 Restorative justice: The perplexing concept CHAPTER 3 The international dimension of restorative justice: From theory to policy and practice Part Two Measuring the gap between the restorative justice theory and practice CHAPTER 4 The practitioners' account CHAPTER 5 Evaluating restorative justice CHAPTER 6 Problems in the practical and theoretical development of restorative justice CHAPTER 7 The UK practitioners' account Part Three Pushing the barriers: The application of restorative justice with hate crimes and sexual offences CHAPTER 8 Restorative justice and hate crimes: Addressing the gap between theory, policy, and practice CHAPTER 9 Restorative justice and sexual offending Part Four Critical reflections CHAPTER 10 Mind the gap between the restorative justice theory and practice APPENDIX I ORIGINAL SAMPLE OF SURVEY I INTERNATIONAL APPENDIX II FINAL SAMPLE OF SURVEY I INTERNATIONAL APPENDIX III SAMPLE OF SURVEY II ENGLAND AND WALES APPENDIX IV SAMPLE OF SURVEY III APPENDIX V SAMPLE OF SURVEY IV APPENDIX VI CHRONOLOGY OF SEXUAL ABUSE CASES AGAINST THE NORTH AMERICAN CATHOLIC CHURCH BIBLIOGRAPHY Book Reviews In a time when restorative justice has been embraced with unbridled enthusiasm by virtually every criminal justice network and dispute resolution stakeholder outside of the criminal justice system, Theo Gavrielides presents us with an original, comprehensive, and essential examination of the subject. This work should be read by anyone and everyone who is the least bit interested in the future health of the restorative justice movement. Prof. John Winterdyk, Ph.D., Department of Justice Studies Chair, Mount Royal College, Canada.

Theo Gavrielides has provided a constructive and thought provoking contribution to our understanding of the dynamics of one of the most significant contemporary developments in thinking about criminal justice Professor Nicola Lacey LSE UK Restorative justice is a noble concept but if the actual practice does not match the ideal it could be discredited That would be a great loss Theo Gavrielides has brought together some challenging thoughts about this danger Dr Martin Wright European Forum of restorative justice and Restorative Justice Consortium UK and EU It is a concise engaging innovative and informative book for practitioners and scholars This comprehensive introduction to restorative justice provides a much needed textbook for an increasingly popular area of study and practice which can be used as a basis for further theoretical development and elaboration on the concept s limitations and accountability Dr Effi Lambropoulou Professor of Criminology Department of Sociology Panteion University of Social and Politic Greece As a restorative justice practitioner for ten years I continue to be impressed with the in depth research Theo Gavrielides does in the field of restorative justice He meets the challenges with provocative and cutting edge topics directly and succinctly The struggle of theory vs practice has been a difficult one in the field since restorative justice began mostly with practice Gavrielides approaches this struggle with wisdom of historical roots and with encouragement that restorative justice is developing theory to catch up with practice Linda Harvey Program Director and Founder of the Restorative Justice Council on Sexual Misconduct in Faith Communities USA Dr Theo Gavrielides book provides a special journey from the underlying theoretical foundations to the daily practice of restorative justice By his thought provoking and critical approach he gifts the restorative justice field with an essential analysis that bridges theory and practice in an interdisciplinary and multisectoral way Borbala Fellegi researcher and lecturer at the ELTE University consultant of the Ministry of Justice in Hungary in the field of restorative justice Hungary To cite this ebook Gavrielides T 2020 Restorative Justice Theory and Practice Addressing the Discrepancy 2nd Edition London RJ4All Publications ISBN 978 1 911634 17 1 DOI 10 13140 RG 2 2 31927 80808

Integrating a Victim Perspective within Criminal Justice Adam Crawford,Jo Goodey,2019-11-12 As numerous academic and political commentators have noted the implications of introducing a victim s perspective into the delicate balance between state and offender is likely to be a key issue in the future of criminal justice This book seeks to outline the contours of the relevant debates drawing together contributions from prominent international and national commentators from areas including criminology law philosophy social policy politics and sociology

Repositioning Restorative Justice Lode Walgrave,2012-12-06 Restorative justice has become an increasingly important element in reform and change to criminal justice systems throughout the western world and there are many reasons for satisfaction with the progress that has been made from the point of view of victims offenders the level and incidence of reoffending and in terms of public opinion At the same time there has been cause for concern not least to do with the confusion on aims that has accompanied the rapid spread of restorative justice practices an over estimate of its possibilities a blurring of concepts and a lack of attention to legal rights and

processes This book based on papers presented at the 5th international conference held at Leuven Belgium in 2002 aims to provide an overview of recent experience of restorative justice in the light of these concerns The central theme is the positioning or repositioning of restorative justice in contexts where it can offer hope to communities both fearful of crime and looking for more socially constructive responses to crime At the same time restorative justice practitioners seek definition in relation to the kinds of crime it is appropriate to apply restorative justice to how it relates to different forms of punishment to rehabilitation and how it fits in with criminal justice systems and the law of different countries how to reconcile the informal participatory philosophy of restorative justice with formal legal processes and the need for legal safeguards

Handbook of Restorative Justice , *Restorative Justice & Responsive Regulation* John Braithwaite, 2002 Braithwaite's argument against punitive justice systems and for restorative justice systems establishes that there are good theoretical and empirical grounds for anticipating that well designed restorative justice processes will restore victims offenders and communities better than existing criminal justice practices Counterintuitively he also shows that a restorative justice system may deter incapacitate and rehabilitate more effectively than a punitive system This is particularly true when the restorative justice system is embedded in a responsive regulatory framework that opts for deterrence only after restoration repeatedly fails and incapacitation only after escalated deterrence fails Braithwaite's empirical research demonstrates that active deterrence under the dynamic regulatory pyramid that is a hallmark of the restorative justice system he supports is far more effective than the passive deterrence that is notable in the stricter sentencing grid of current criminal justice systems

Victim-Offender Mediation in Europe EUFORUMRJ, 2000-06-21 This publication is an initiative of the European Forum for Victim Offender Mediation and Restorative Justice and results from its first conference which was held in Leuven Belgium from 27-29 October 1999 The first six chapters consider victim offender mediation and restorative justice from a more theoretical point of view These analyses of theoretical legal policy ethical and societal aspects of mediation and restorative justice have been written by well known scholars in this field The second part of the book consists of overviews of the situation with regard to victim offender mediation in the eight European countries in which it is currently the most developed Austria Belgium Finland France Germany Norway Poland and the United Kingdom For these last chapters a multitude of information was collected in each of these countries and this is presented and analysed comparatively The following topics are discussed for each of the countries the history of victim offender mediation in that particular country the legal context policy and implementation the number of programmes and the way they function the practice of mediation the number and characteristics of cases evaluation and research and finally challenges obstacles and expectations for the future This is probably the first time that such extensive reports on the practice of victim offender mediation in Europe have been brought together in this way In publishing this book the European Forum is seeking to contribute to the realisation of one of its objectives namely providing people all over Europe and beyond with information on victim offender mediation and restorative

justice in other countries Restorative justice is a relatively new field and is still very much evolving A full exchange of information and ideas will contribute to this process **Crime** Philip Bean,2003 **Restorative Justice** Declan Roche,2017-11-30 The legitimacy and performance of the traditional criminal justice system is the subject of intense scrutiny as the world economic crisis continues to put pressure on governments to cut the costs of the criminal justice system This volume brings together the leading work on restorative justice to achieve two objectives to construct a comprehensive and up to date conceptual framework for restorative justice suitable even for newcomers and to challenge the barriers of restorative justice in the hope of taking its theory and practice a step further The selected articles start by answering some fundamental questions about restorative justice regarding its historical and philosophical origins and challenge the concept by bringing into the debate the human rights and equality discourses Also included is material based on empirical testing of restorative justice claims especially those impacting on reoffending rates victim satisfaction and reintegration The volume concludes with a critique of restorative justice as well as with analytical thinking that aims to push its barriers It is hoped that the investigations offered by this volume not only offer hope for a better system for abolitionists and reformists but also new and convincing evidence to persuade the sceptics in the debate over restorative justice *Restorative Justice for Juveniles* Allison Morris,Gabrielle Maxwell,2001-06-29 Internationally there is now an acceptance of the need to develop new strategies in criminal justice which reflect restorative justice principles At the same time theory research and practice in restorative justice is making rapid advances This book provides an up to date and critical account of recent developments It describes the practice of restorative justice with respect to young offenders in a number of jurisdictions Australia Canada England New Zealand South Africa the United States and various continental European countries Research findings on the three most common formats conferencing victims offender mediation and circles are presented Critical issues for the future development of restorative justice are identified Two main themes run through the collection the potential of restorative processes to transform criminal justice processes and the potential for aboriginal or indigenous communities to impact on conventional processes Contributors include active researchers and leading theorists from around the world Restorative Justice Theo Gavrielides,2017-09-19 The legitimacy and performance of the traditional criminal justice system is the subject of intense scrutiny as the world economic crisis continues to put pressure on governments to cut the costs of the criminal justice system This volume brings together the leading work on restorative justice to achieve two objectives to construct a comprehensive and up to date conceptual framework for restorative justice suitable even for newcomers and to challenge the barriers of restorative justice in the hope of taking its theory and practice a step further The selected articles start by answering some fundamental questions about restorative justice regarding its historical and philosophical origins and challenge the concept by bringing into the debate the human rights and equality discourses Also included is material based on empirical testing of restorative justice claims especially those impacting on reoffending rates victim satisfaction and

reintegration The volume concludes with a critique of restorative justice as well as with analytical thinking that aims to push its barriers It is hoped that the investigations offered by this volume not only offer hope for a better system for abolitionists and reformists but also new and convincing evidence to persuade the sceptics in the debate over restorative justice

Restorative Justice Today Katherine S. van Wormer, Lorenn Walker, 2012-08-17 *Restorative Justice Today Applications of Restorative Interventions* takes a hard look at the issues and concepts surrounding restorative justice and current restorative practices used in a broad range of areas today In a time when the cost of prisons and jails is on the rise resulting in more offenders being kept out of the community this timely and contemporary book exposes readers to a range of restorative practices that can be implemented The authors renowned experts in the area of restorative justice provide information not found in other restorative justice texts

Handbook of Restorative Justice Gerry Johnstone, Daniel Van Ness, 2013-01-11 Discusses the key concepts and principles of restorative justice explains how the campaign for restorative justice arose and developed into an influential social movement describes the variety of restorative justice practices and identifies and examines key issues within the restorative justice movement

Restoring Justice Daniel W. Van Ness, Karen Heetderks Strong, Jonathan Derby, L. Lynette Parker, 2022-05-30 *Restoring Justice An Introduction to Restorative Justice Sixth Edition* offers a clear and convincing explanation of restorative justice a movement within criminal justice with ongoing worldwide influence The book explores the broad appeal of this vision and offers a brief history of its roots and development as an alternative to an impersonal justice system focused narrowly on the conviction and punishment of those who break the law Instead restorative justice emphasizes repairing the harm caused or revealed by criminal behavior using cooperative processes that include all the stakeholders The book presents the theory and principles of restorative justice and discusses its four cornerpost ideas Inclusion Encounter Repair and Cohesion Multiple models for how restorative justice may be incorporated into criminal justice are explored and the book proposes an approach to assessing the extent to which programs or systems are actually restorative in practice The authors also suggest six strategic objectives to significantly expand the use and reach of restorative justice and recommended tactics to make progress towards the acceptance and adoption of restorative programs and systems

Restoring Respect for Justice Martin Wright, 2008-01-20 Challenges many sacred cows of crime and punishment by focusing on the effect on the people who suffer directly the victims This book points to the dangers of a punitive mindset and reflects on the arguments and data in favour of an effective inclusionary community based response to crime

Restorative Justice, Self-interest and Responsible Citizenship Lode Walgrave, 2013-05-13 Lode Walgrave has made a highly significant contribution to the worldwide development of the restorative justice movement over the last two decades This book represents the culmination of his vision for restorative justice Coming to the subject from a juvenile justice background he initially saw restorative justice as a means of escaping the rehabilitation punishment dilemma and as the basis for a more constructive judicial response to youth crime that had been the case hitherto Over time his

conception of restorative justice moved in the direction of focusing on repairing harm and suffering rather than ensuring that the youthful offender met with a just response and encompassing the notion that restorative justice was not so much about a justice system promoting restoration more a matter of doing justice through restoration This book develops Lode Walgrave's conception of restorative justice further incorporating a number of key elements a clearly outcome based definition of restorative justice acceptance of the need to use judicial coercion to impose sanctions as part of the reparative process presenting restorative justice as a fully fledged alternative to the punitive apriorism development of a more sophisticated concept of the relationship between restorative justice and the law and acceptance of the need for legal regulation a consideration of the expansion of a restorative justice philosophy into other areas of social life and the threats and opportunities this provides a consideration of the implications of the expansion of restorative justice for the discipline of criminology and democracy

Victim Policies and Criminal Justice on the Road to Restorative Justice Tony Peters, 2001 This edited volume contains 22 papers organized into three sections under the following headings part I is entitled On Promoting Victim Policies Part II On Reforming Criminal Justice and Part III On Restorative Justice All three areas are ones to which Tony Peters former Professor of Criminology in Leuven has made a significant contribution and for which he is known as an international authority During his long and productive academic career Tony Peters led many struggles for criminal justice reform He was a leading figure in the movement to recognize crime victims plight and to reaffirm their rights In Belgium he spearheaded the early initiatives in restorative justice and became one of its outspoken proponents nationally and internationally There is no doubt that these three major topics and the various developments and reforms that are addressed in the papers will dominate the thinking about and the practice of criminal justice in the years to come Thus in addition to paying homage to a congenial friend and an illustrious colleague it is hoped that this book will appeal and prove useful to all those who have an interest in victims issues in criminal justice reform and last but not least in the promising paradigm of restorative justice

Psychology and Criminal Justice János Boros, Iván Münnich, Márton Szegedi, 1998 Main headings I Children as witnesses II Cognitive interview and police reaction III Judicial decision making IV Characteristics and therapy of offenders V Prison and offender research VI Crime and the public VII History and perspectives of law and psychology displayed in three columns

Legal Thoughts between the East and the West in the Multilevel Legal Order Chang-fa Lo, Nigel N.T. Li, Tsai-yu Lin, 2016-11-11 This book focuses on the interaction and mutual influences between the East and the West in terms of their legal systems and practices In this regard it highlights Professor Herbert H P Ma's achievements and his efforts to bring Eastern and Western legal concepts and systems closer together The book shows that while there have been convergences between different legal regimes in many fields of law diverse legal practices and approaches rooted in differing cultural social political and philosophical backgrounds do remain and that these differences are not necessarily negative elements in the contemporary legal order By examining different levels of the legal order including domestic

regional and multilateral it goes on to argue that identifying these diversities and addressing the interactions and mutual influences between different regimes is a worthwhile undertaking not only in terms of mutual enrichment but also with regard to intensifying the degree of desirable coordination between different legal systems All chapters were written by leading experts practitioners and scholars from different jurisdictions with expertise in various fields of law and different levels of the legal order and discuss a number of issues with particular focus on either one way or mutual influences between the Eastern and the Western legal systems practices and philosophies

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