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The Transformative Potential of Restorative Justice: What the Mainstream Can Learn from the Margins

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Keywords

restorative justice, transformative justice, relational justice, freedom

Abstract

Restorative justice is an idea and a practice that has had a significant impact on criminology over the past four decades and has proliferated throughout the criminal justice system. Yet from the beginning of this movement, there have been worries that the mainstreaming of restorative justice will lead to its dilution, or even corruption, and undermine its transformative potential. Developing alongside the growing institutionalization of restorative justice has been a transformative justice movement that has arisen from larger movements for racial and gender justice, drawing on similar foundational values to restorative justice. This review interrogates the relationship between restorative and transformative justice by examining a flourishing of ideas and experiments at the margins of the restorative justice movement in three key areas—responses to racial injustice, sexual violence, and environmental harm—and finds that restorative justice has the capacity to work at multiple levels to respond to harm, transform relationships, and prevent future injustices.

INTRODUCTION

Restorative justice is an idea and a practice that has had a significant impact on criminology over the past four decades. It is a seductive concept, promising a justice process that gives victims and communities a voice that is more respectful, inclusive, and humane and is more effective at reducing reoffending than more traditional forms of criminal justice. Is this too good to be true? Not surprisingly, a substantial body of literature has sought to answer that question. The mounting evidence suggests restorative justice has a small but consistent positive impact on reoffending and compared to traditional justice practices it is a better process for victims and perpetrators than conventional criminal justice channels (Strang et al. 2013). This evidence has contributed to its growth and proliferation throughout criminal justice across multiple contexts and jurisdictions (Larsen 2014, Sliva & Lambert 2015).

And yet, from the beginning of this movement, there have been worries that such mainstreaming will lead to a dilution, or even corruption, of the practice and undermine its truly transformative potential (Levrant et al. 1999, Maglione 2019, Wood & Suzuki 2016). Recent critical scholarship has suggested that in some contexts this is a legitimate concern (Greene 2013, Willis 2020, Wood & Suzuki 2016).

Developing alongside this growing institutionalization of restorative justice has been a transformative justice movement that has grown out of larger movements for racial and gendered justice and abolition and draws on some of the same foundations as restorative justice. Transformative justice asserts a radical agenda; rather than rely on the state, it seeks to empower communities at the local level to develop strategies to respond to and prevent violence and other harms. In this way, the movement seeks to grapple with both microlevel experiences of harm and the social-political-structural conditions in which that harm takes place.

In this review, we take seriously the critical scholarship around restorative justice and interrogate the relationship between restorative and transformative justice. Consistent with a growing voice within restorative justice theory and research (Braithwaite 2022, Davis 2019, Llewellyn 2021, Lewis & Stauffer 2021), we see restorative justice as a justice practice that has the capacity to work at multiple levels to respond to harm, transform relationships, and prevent future injustices.

We begin by clarifying the concept of restorative justice and canvassing some of the normative theories and empirical scholarship that have helped the movement evolve. We then consider some significant critiques of restorative justice. We point to a flourishing of ideas and experiments at the margins of restorative justice where we can explore the transformative potential of the practice, including in the areas of racial justice, sexual violence, and environmental harm. In these spaces, we draw on examples from both community-based and institutionally supported practice. We conclude that to be maximally transformative, restorative justice as a movement needs to allow space at the margins for creative expansion and growth and that this can be aided by a balanced institutional framework. This dance between the margins and the mainstream can help invigorate restorative justice to ensure its continued relevance.

WHAT IS RESTORATIVE JUSTICE?

Restorative justice has diverse origins and captures a wide variety of different practices. As such, coming up with a universal definition has been fraught. In the early years of the restorative justice movement, it was viewed as an alternative to retributive forms of justice (Menkel-Medow 2007, Zehr 1990). Rather than viewing crime simply as the violation of the criminal law, restorative justice advocates reframe crime as a harm done to another person or a community. Justice, then, is more than the formal state response to a given crime. It is a process for addressing such harm.

Although restorative justice is often described as an alternative to retributive justice, the reality is that this practice can have retributive elements (Daly 2002). We agree with Daly that rather than define restorative justice in opposition to retributive justice, restorative justice can be considered as a particular justice mechanism that can operate across different contexts, both within and outside conventional criminal justice institutions. As Daly (2016, p. 14) explains:

Restorative justice is a contemporary justice mechanism to address crime, disputes, and bounded community conflict. The mechanism is a meeting (or several meetings) of affected individuals, facilitated by one or more impartial people. Meetings can take place at all phases of the criminal process, prearrest, diversion from court, presentence, and postsentence, as well as for offending or conflicts not reported to the police. Specific practices will vary, depending on context, but are guided by rules and procedures that align with what is appropriate in the context of the crime, dispute, or bounded conflict.

This definition is useful in both its scope and its precision. Rossner (2023) elaborated further common elements of the restorative justice mechanism: It (a) seeks to center the voices of lay people, (b) allows complex narratives and exploration of emotions, and (c) takes on certain ritual dynamics that can promote collective emotion and feelings of solidarity (see also Pointer 2021; Rossner 2013, 2019).

Normative Underpinnings

Normative theories of freedom and nondomination (Braithwaite 2022, 2023; Braithwaite & Pettit 1990) and just relations (Llewellyn 2021, Llewellyn & Morrison 2018) are at the heart of restorative justice mechanisms. Over many decades, Braithwaite has sought to conceptualize restorative justice as an example of a justice practice that promotes freedom from domination by institutions, individuals, and groups. Braithwaite's concept of freedom is distinct from a "thin" liberal concept of individual rights. Such freedom (Braithwaite 2022, p. 36):

is a thick version of civic republican freedom. It is freedom as nondomination (Pettit 1997), where citizens are freed from arbitrary impositions of power by the wise tempering of it. Nondomination also implies equality of prospects for liberty (Pettit 2012, 2014); it implies justice of a holistic kind that embraces restorative justice, procedural justice, distributive justice, justice as identity, racial justice and gender justice, among others.

Freedom, then, can be understood as the opposite of domination. As Braithwaite (2022, p. 36) points out, however, both crime and criminal justice responses can be at times "arbitrary impositions of power." Cognizant of this tendency, the goal then is to work toward responding to crime in a way that reduces domination, on both the individual and institutional levels. Restorative justice processes that are respectful of the rights and dignity of all participants while holding those responsible accountable for their actions that caused the harm embody this form of nondomination.

In a similar vein, a unique strength of restorative justice, compared to traditional forms of justice, is its capacity to move beyond individual harm or responsibility. Rather, it can be seen as a form of relational justice that seeks to establish just relations (Llewellyn 2021). This idea, which has a long history in both Indigenous and feminist thinking, recognizes the social fact that we live in relationships with others. This may be a banal observation to make, but "for those of us steeped in Western views of human nature, that centrality is easy to miss" (Sharpe 2013, p. 180). An atomized view of the individual, who may interact with others in negative or positive ways, is a perspective that pervades Western thought and is exemplified in our legal approach

toward criminal responsibility (Lacey 2016). From a relational perspective, not only do we have relationships and interact with others, but we are constituted in these relationships (Nedelsky 2011). In other words, our relationships do not just describe us, they define us (Sharpe 2013). Although at times restorative justice can be a practice that focuses on individuals as atomized units, unlike traditional criminal justice it has the potential to center relationships (between offender and victim, victim and community, offender and community, or different parts of a community) and offer a justice practice that seeks just relations.

Although nondomination and just relations are at the core of restorative justice values and principles (Braithwaite 2002, Rossner 2023), this does not mean that restorative justice mechanisms fully embody these ideals. In practice, restorative justice can both dovetail and clash with these normative commitments, sometimes within the same encounter. In the sections below, we canvass the growth of the restorative justice movement and provide an account of some of its key critiques, many of which highlight this tension between ideals and practice.

THE GROWTH OF THE RESTORATIVE JUSTICE MOVEMENT

Restorative justice mechanisms vary, but within a domestic criminal justice context, the common forms it may take include restorative justice conferences between perpetrators, victims, and other impacted parties, victim–offender mediation practices, and circle sentencing practices cocreated by criminal justice institutions and Indigenous leaders. Since the early experiments with restorative justice practices in the 1980s and 1990s, there has been a proliferation of innovation, both within criminal justice institutions like courts, prisons, and probation settings and as a community-based response to harm. In some jurisdictions internationally, most notably New Zealand and Northern Ireland, there is a national legislative basis for restorative justice as a preferred option within youth justice, with recent expansion in some cases to adult criminal justice. Our home jurisdiction, the Australian Capital Territory, was an early innovator, largely because of the work of John Braithwaite, Larry Sherman, Heather Strang, and others, who in 1995 developed the first ever randomized controlled trial of restorative justice, the Reintegrative Shaming Experiments (Sherman et al. 2015). The results of this experiment provided an early evidence base for its expansion, resulting in the Restorative Justice (Crimes) Act 2004, establishing the ACT Restorative Justice Unit as a formal part of the justice system. Currently, every state and territory in Australia has restorative justice programs in operation with youth and/or adult justice (Larsen 2014). In North America, the majority of states have some form of restorative justice operating within or adjacent to the criminal justice system (Sliva & Lambert 2015, Tomporowski 2014).

One reason that restorative justice was able to grow as a movement was the early and consistent evidence of its impact—measured in terms of reoffending and the quality of victim’s and offender’s experiences with the process compared to conventional criminal justice. The Reintegrative Shaming Experiments provided early evidence of this. This was replicated in additional randomized trials across the United Kingdom in the early part of the twenty-first century (Shapland et al. 2011, Sherman et al. 2015). A Campbell Collaboration systematic review of ten randomized trials concluded that perpetrators commit significantly less crime when they are randomly assigned to take part in a restorative justice conference compared to those who are processed through the traditional criminal justice system (Strang et al. 2013; see also Bouffard et al. 2017, Wilson et al. 2018, Wong et al. 2016).

There is also considerable evidence that the process is viewed as more procedurally fair, is more likely to result in an apology and forgiveness, and results in less desire for revenge and a reduction in post-traumatic stress symptoms (Angel et al. 2014, Rossner 2019, Strang et al. 2013). Scholars have also made significant contributions to our qualitative understanding of the

emotional, psychological, and interactional dynamics of the process (Bolitho 2017, Choi et al. 2012, Miller 2011, Rossner 2013, Rossner & Bruce 2018; see also Suzuki & Yuan 2021). An important caveat here is that the most robust evaluations consider the conferencing model, which involves a face-to-face dialogue between a perpetrator, victim, and other impacted people, such as family and friends, facilitated by a neutral third party. These are intensive, and costly, processes. Findings about the positive impact of restorative justice conferencing should not be generalized to other types of justice interventions that may bear the name restorative, such as restorative police cautions (Hoyle et al. 2002, Marder 2020).

Critiques of the Movement

Although this research, combined with the tireless efforts of activists and advocates, has helped enable the growth of restorative justice practices globally, it is worth noting that from the very beginning scholars, advocates, and critics were sounding notes of caution (Walgrave 2017). One of the clearest and most consistent voices in this area is Daly (2002, 2016), who has repeatedly reminded us that (a) contrary to popular myth restorative justice is not the opposite of retributive justice, (b) restorative justice does not replace fact-finding and as such there are limits to the kind of justice it can achieve, (c) although some of the values and practices are inspired by Indigenous traditions, it is not an Indigenous justice practice, and (d) restorative justice cannot be expected to produce major changes in most people.

A second set of worries concerned the direction of the movement. In an early critical take on the growth of restorative justice, Levrant et al. (1999) warned that widespread enthusiasm and embrace of restorative justice by criminal justice practitioners could lead to a “corruption of benevolence.” This is when movements with progressive roots ultimately serve nonprogressive ends. They warn that as the restorative justice practice spreads across justice and correctional institutions, reforms will become more symbolic than substantive. It is likely that not all criminal justice practitioners will wholly embrace the practice and that these institutions will not sufficiently invest the human and financial resources needed to maintain quality programs.

This debate played out as the movement bifurcated into those with abolitionist goals and those who sought to see the practice mainstreamed within criminal justice. Lewis & Stauffer (2021) refer to this as a debate between the revolutionaries and the reformers. In their telling of this story (Lewis & Stauffer 2021, p. xxvi):

Reformers concentrate their efforts on new legislation that enables restorative justice to be practiced in the criminal legal system more effectively and efficiently, or they may put their energies into changing legal policies and procedures to be more “restorative” in nature such as programs that tout “restorative prisons” or “restorative courts.” Revolutionaries, on the other hand, focus their efforts on providing complete diversionary or alternative justice processes that are not dependent on the criminal legal system for sustenance.

At the heart of the revolutionary critique is a fear that programs that aim to help and heal could ultimately sustain unjust systems. This may be the case in some instances. In an analysis of eight restorative justice programs across the United States, Greene (2013, p. 384) warns that “a repeat performance of regressive reform is in progress.” Greene likens the restorative justice movement to past benevolent penal reforms—the penitentiary, the adult reformatory movement, and parole—and finds worrying similarities as the movement evolves.

Furthermore, recall that the best evidence of its impact was based on research evaluating the conferencing model. There is a worry that this evidence has been generalized, or co-opted, to other types of justice innovations that may or may not be restorative. Wood & Suzuki (2016) have

referred to this as a problem of definition. They identify criminal justice innovations, for instance, prison-based rehabilitation programs or community-based victim reparation schemes, that have been rebranded as restorative (Wood & Suzuki 2016, pp. 153–54, italics in original).

It is our contention that as the scope of RJ continues to include more and more “restorative goals” or “outcomes,” many of these... can just as easily be subsumed into different “nonrestorative” frameworks with little or no difference in practice. This is not a comment on the quality or effectiveness of such programs, but rather on the increasing plasticity of the concept itself in application. In terms of the problem of definition, the future of RJ as we see it depends significantly on whether a focus on *interactions* between parties who have caused harm and those who have been harmed remain central to such a definition, or whether RJ continues to expand into piecemeal programs and outcomes where the difference between “restorative” and other types of programs becomes increasingly blurred.

On the one hand, this is what the reformers want and is evidence of the mainstreaming of restorative justice. But branding a process as restorative justice does not make it restorative justice. As the practice becomes more and more institutionalized within the justice system, there is a risk of co-option by other institutional goals, which tend to be focused on deterrence and offender rehabilitation at the expense of the victim (Wood & Suzuki 2016). For instance, there is evidence from the United States (Choi et al. 2012) that victims who took part in a restorative justice program felt marginalized in a practice that they experienced as offender-centric, felt pressured to accept apologies, and felt threatened by the offenders and their supporters. Similar findings were reported by Zernova (2007) in a study examining restorative conferencing in the United Kingdom.

As well as the risk of co-option, scholars have also pointed to the risk that restorative justice processes may exacerbate existing power imbalances, with built-in biases that disadvantage poor and minority people (see, for example, Gavrielides 2014, Levrant et al. 1999). For instance, in an ethnographic study of restorative justice conferencing in a predominantly working-class English town, Willis (2020) showed how class differences alter the power dynamics within a restorative justice conference, with working-class people experiencing greater difficulty in using restorative language than middle-class participants. These class-based linguistic differences, Willis argues, affected how the individuals were received by others during the conference. Similar findings were reported by Hayes and colleagues in their analysis of restorative justice conferencing involving young offenders in Australia (Hayes 2017, Hayes & Snow 2013). They pointed out that young people in many cases did not have the oral competencies to communicate effectively during their conference and were at a disadvantage because of this. More recently, these debates have coalesced around a movement for transformative justice as an alternative to restorative justice, to which we now turn.

RESTORATIVE JUSTICE AND TRANSFORMATIVE JUSTICE

Transformative justice is an umbrella term that encompasses a range of values, approaches, and practices. A core element of the various practices is that they “seek to respond to violence without creating more violence” (Mingus 2019). Common characteristics include the following (Mingus 2019):

1. They do not rely on the criminal justice system or other state institutions but may incorporate social services. Participants in this movement are explicitly abolitionist and understand such institutions to be sites of violence.
2. They recognize that violence does not happen in a vacuum and seek to connect particular incidents of violence to structural conditions that create and perpetuate harm.
3. They are committed to healing, accountability, resilience, and safety.

Transformative justice was created by and for marginalized communities, including Indigenous, Black, queer, trans, low-income, undocumented, disabled, and sex worker communities. These communities “have built networks of mutual support as a way to survive and transform state and interpersonal violence” (Keenan & Zinsstag 2022, p. 226). Although this idea hovers at the margins of academic criminology, it is flourishing in political and activist communities across North America, some examples of which we discuss below.

Transformative justice interventions overlap with restorative justice practices in that they often involve a community accountability process in response to an incidence of harm or violence. Here, community members work to support victims and to help perpetrators practice accountability and commit to behavior change. The format and procedure vary depending on the unique circumstances around that incident, the people involved, and the larger community, but their overlap with restorative justice mechanisms is clear.

The transformative justice critique of restorative justice has two parts. The first is that although restorative justice practices are designed to address particular incidents of harm, this focus on interpersonal dynamics of an offense fails to recognize or address the structural inequalities and violence that are at the root of so much crime. The second part of the critique is that by embedding the practice within institutions of criminal justice, restorative justice practices run a risk of both becoming corrupted and strengthening what are potentially corrupt and violent institutions.

In some ways, this is a recasting of the reformers versus revolutionaries debate that has long been a part of the restorative justice movement. It is also similar to a debate that took place in the early part of this century about the relationship between restorative justice and community justice (Harris 2004, Karp 2004, McCold 2004, Strang 2004).

It is true that restorative justice mechanisms within domestic criminal justice contexts are usually focused on interpersonal relations. We also share a concern that the process can serve nonprogressive ends and ultimately reproduce systemic inequalities. However, we would not conclude that this is an unavoidable outcome of the growth of the moment. Rather, in this review, we explore instances where restorative and transformative justice share the same goals of both interpersonal and structural transformation (Harris 2007).

This position is well articulated by Llewellyn (2021), who calls for an understanding of restorative justice as transformative justice as it is inherently about just relations. Llewellyn (2021) positions restorative justice at an important global juncture in which urgent demands for justice are being voiced across several movements, including Black Lives Matter, Me Too/Times Up, Indigenous rights and reconciliation movements, and environmental movements. Llewellyn argues that these movements are all deeply relational; they demand just relations at the structural and systemic levels, not just the interpersonal. For restorative justice to be able to meet the demands these movements call for, it too must be relationally focused, requiring attention to be given to the various relational levels that structure our lives. Put another way, Llewellyn (2021, p. 386) states:

If the work of restorative justice is about securing just relations, and just relations require attention to interpersonal dynamics and institutional systems and structures, then restorative justice must have a twin focus—on the microlevel interpersonal incidents and harms and the macrolevel structural injustices.

Stauffer & Shah (2021, p. xxvii) agree, stating that

The focus of the restorative justice movement is to hold in tension both interpersonal and institutional change while at the same time moving towards a cultural shift or societal transformation of how justice is understood and practiced for the future.

This is described by Davis (2019) as a tension between being a healer and a warrior. A healer wants to address past injustice, seek remedy, and encourage healing and recovery. A warrior wants

to fight for change and a better future. Recounting her experience as a lawyer, scholar, and civil rights and racial justice activist, Davis asserts that finding the restorative justice movement allowed her to embody and celebrate these tensions in a productive way.

This could just be about language. It had long been noted that the terms restorative and justice do not fully encapsulate all that the restorative justice movement seeks to achieve (Schiff & Hooker 2019). Arguably, both restorative and transformative justice movements want to restore and transform. But there remains an ongoing tension between restorative justice practices and criminal justice and other regulatory institutions. Schiff (2013, p. 163) has asked,

Is it possible for restorative justice to survive and transform such systems to produce socially just results, or is restorative justice more likely to get compromised and co-opted by the overwhelming dominant cultural ethos (and corresponding power structures) of the organizations it seeks to transform? Ultimately, is restorative justice strong enough to co-opt the co-opters?

Is corruption inevitable? We recognize the abolitionist critique and are wary of the replication of unjust systems and practices. But we also argue that the institutional practice of restorative justice is necessary. We find Braithwaite's (2022, 2023) macrocriminology instructive in this regard. Braithwaite makes two important points about institutional change. First, he argues that well-tempered institutions are the key to long-term sustainability and peace. Institutions become well-tempered when excesses of power are balanced by strong democratic practices. Second, one way we see such a bottom-up tempering of power is through a slow and steady spread of freedom-promoting practices. Just as we have hot spots of crime, communities and institutional practices can foster ink spots of civility and peace (Braithwaite & D'Costa 2018). These ink spots can spread and link up, cascading into transformation (Braithwaite 2023). Viewed in this way, community-based innovations supported by well-tempered institutional structures may lead to a series of microlevel initiatives bringing about macrolevel change (Braithwaite 2022). We view restorative justice practices as one such ink spot that can contribute to this cascading phenomenon.

An example of ink spot-style diffusion is provided by Shur-Ofry & Malcai (2019) in their study on the spread of community gardens. They demonstrate how these gardens are a form of collective action that can grow from small initiatives to large-scale transformation across cities. This growth occurs without central direction and possesses the hallmarks of self-organized complex systems. Although the community gardens can expand on their own, the authors suggest that local governments can play a role as bridging institutions to encourage and amplify this growth.

In what follows, we examine innovations at the margins of the restorative justice movement that we argue are ink spots demonstrating its transformative potential. By margins, we mean that they do not have strong institutional support. We contend that these examples can offer lessons for how mainstream restorative justice practices can avoid the pitfalls laid out by its critics. We also point out that institutions play an important role in supporting innovation, and when there is not strong institutional support or frameworks in place, innovation can fail to sustain momentum.

We first examine the racial justice movement and its associated scholarship, which seeks to use restorative justice practices to achieve social transformation (Davis 2019, 2021; Lewis & Stauffer 2021; Sered 2019). We then explore the area of sexual violence. This is a harm where the criminal justice system has repeatedly failed to hold perpetrators to account or help victims achieve a sense of justice. Restorative justice is certainly not the only path to justice for survivors, but as this article explores, it is increasingly seen by some as a welcome alternative (Keenan & Zinsstag 2022). Finally, we look at the growing use of restorative justice in response to environmental harm (Pali et al. 2022). It is well established that the criminal law and other regulatory bodies struggle to censure and prevent environmental harm. We present case studies where restorative justice practices offer a uniquely promising approach.

Our examination of these areas will have to be incomplete, as the lack of research continues to confound our empirical understanding of many of these practices. Arguably, this demonstrates how practice is well ahead of academic theoretical/empirical debate, as it should be. Nonetheless, we agree with Gang et al. (2021) that this growth of practice can in part be sustained by rigorous evaluation and support (while also noting that in some cases community-based organizations are understandably wary of the metrics of evaluation) (Marchetti 2017, Ross 2015). Where there is academic research or evaluation, we refer to it. Where there is not, we present the practice as promising evidence that the movement is growing in creative and transformative ways.

In each of these areas, restorative justice practice is evolving both inside and outside state institutions. If the goal is to embody the healer and warrior and to spark a cascade phenomenon, we think this is the right way forward. It is not our aim here to conclude that these practices have successfully transformed institutions or cultures. Rather, we seek to shine a light on innovations in restorative justice that should be celebrated, nurtured, and investigated further, as these are sparks that reveal the movement's transformative potential.

RECKONING AND RACE

Although restorative justice seeks to empower victims, perpetrators, and community, as a whole restorative justice practices pay very little attention to the unequal and racialized way crime is committed and experienced across different communities (Gavrielides 2021). Scholars have pointed out the ways that racial violence is deeply embedded in criminal justice institutions (Alexander 2013, Davis 2019). Early critics warned that restorative justice could replicate these structural inequalities (Daly 2000, Hudson 1998, Stubbs 2010), but there has been little empirical scholarship in this area. The failure to grapple with race seems an omission.

This omission is even more glaring when we consider the oft-told story of the Indigenous roots of restorative justice. In North America, Australia, and New Zealand, restorative justice practices are often linked to Indigenous modes of justice. Although there is a deep resonance with many Indigenous practices (as well as African, Middle Eastern, and Asian justice practices; see, for example, Braithwaite & Zhang 2017, Davis 2019, Qafisheh & Wardak 2019), some contemporary Indigenous scholars view modern restorative justice practice as thoroughly colonial (Tauri 2014, 2018).

At the same time, a growing chorus of Black, Indigenous, and White scholars and activists seek to explicitly engage with racial injustice through a restorative justice lens (Davis 2019, Dashman et al 2021, Strauss 2021, Lewis & Stauffer 2021). This movement strongly aligns with the goals of transformative justice activists and is consistent with a commitment to both freedom and just relations. We highlight two examples where restorative justice processes seek to address racial injustices. We then return to the question of the relationship between restorative and Indigenous justice practices.

Our first example is the in-depth case study of the New York organization Common Justice, founded by Daniele Sered and detailed in Sered (2019). Common Justice is a restorative justice organization that provides survivor-centered restorative justice processes as an alternative to prison for young Black men who commit violent crimes. The goals are twofold. The first is to provide an alternative to prison for people who commit violent crime. Although there are significant decarceration efforts underway in some US states, this is largely limited to nonviolent drug offenders. Reducing our overreliance on incarceration means that we have to cross the line and come up with innovative ways to deal with violence. Although this may seem like a radical move, it is consistent with a body of empirical evidence indicating that restorative justice conferences are most effective at reducing offending specifically in response to violent crime (Sherman et al. 2015, Strang et al. 2013).

The second aim of the organization is to promote racial equity. Over a 15-month program, participants engage in a violence intervention curriculum while simultaneously undergoing a restorative justice process with the people they have harmed. Most participants successfully complete the program. As Sered (2019, p. 153) notes:

One way that racial inequality manifests is in shaping who gets to decide what happened in response to harm. These men [participants in restorative processes] . . . accessed an exit ramp from the courts and the road to mass incarceration and instead built a thing they were always capable of from the start: a reconciliation that honoured the past and made possible the future each of them deserves.

Restorative justice practiced in this way becomes not just an alternative route to justice but represents a radical act toward combating racism and addressing the profound trauma of systemic racial violence, particularly against Black Americans. It seeks to directly empower young Black men.

Sered (2019) argues that the lessons learned from developing a program that is survivor-centered, accountability based, and committed to racial equity can provide a blueprint for how to have structured and meaningful discussions about past injustices and systemic violence committed against Black Americans. Restorative justice is a mechanism that can be used to facilitate a larger dialogue about such a reckoning. This leap from micro to macro harms is also shared by the organization *Coming to the Table* (*Taking America Beyond the Legacy of Enslavement*) (CTTT). Founded in 2006 by the descendants of slaveholders and enslaved people, CTTT is an organization that seeks to examine America's history of colonization and slavery through a restorative lens (Strauss 2021).

CTTT is the first national organization in the United States that brings together descendants with a shared heritage of slavery and racism “to engage with the past in the present for a different future” (Strauss 2021, p. 39). It aims to facilitate collective introspection—to uncover the truths of the past to determine what can be done in the present to address and repair the wrongdoing to shape the future. In this way, it embodies the healer/warrior dynamic as articulated by Davis (2019). CTTT “emphasizes the creative, generative possibilities of taking action for societal transformation” (Strauss 2021, p. 46).

Common Justice and CTTT are both examples of restorative ink spots and are consistent with Braithwaite's conception of a freedom-promoting practice. They are more than isolated practices—their boldness and ambition make them stand and serve as a model for others.

A NOTE ON INDIGENOUS JUSTICE PRACTICES

As noted above, restorative justice scholars and practitioners often invoke the Indigenous roots of the practice, although some contemporary Indigenous scholars are wary of such a connection being drawn. One area where this tension flares up is in the debate around circle sentencing practices. This topic deserves more space than this article allows. Nonetheless, we want to raise this as an area where several of the themes in this review converge. Circle sentencing practices, also sometimes referred to as Indigenous courts, seek to involve Indigenous communities in criminal justice decision-making. Instead of a standard sentencing hearing, Indigenous defendants may sit with their families in a circle with their legal representative, the prosecutor, the judicial officer, and a panel of relevant community members, usually First Nations elders. In some instances, victims may also be invited to participate in these hearings. They seek to provide a space for storytelling and accountability, and at the conclusion of these hearings the panel of elders and the judicial officer may collectively decide on an appropriate sentence. These innovations have developed mainly in Australia and Canada, although there are examples of similar practices in the United States and

New Zealand. It has a solid evidence base, with a long-running program of research indicating that is an effective way to reduce the likelihood of reoffending (Yeong & Moore 2020), although we recognize that using recidivism as an outcome is a blunt measure for a program that seeks to empower Indigenous communities (see Marchetti 2017).

The extent to which circle sentencing is a restorative justice mechanism is debated. Some scholars see a clear affinity in its commitment to developing an inclusive and nonadversarial alternative to traditional court (King et al. 2014). Alternatively, Marchetti & Daly (2007), who have written extensively about Indigenous courts, position it as something different from restorative justice precisely because it has transformational aspirations. They argue (Marchetti & Daly 2007, pp. 429–30):

Restorative justice lacks a political dimension that is more often present in Indigenous sentencing courts. Specifically, Indigenous sentencing courts have the potential to empower Indigenous communities, to bend and change the dominant perspective of “white law” through Indigenous knowledge and modes of social control, and to come to terms with a colonial past. With the political aspiration to change Indigenous-white justice relations, Indigenous sentencing courts, and Indigenous justice practices generally, are concerned with group-based change in social relations (a form of political transformation), not merely change in an individual.

Although Daly & Marchetti use circle sentencing’s political and transformative potential to distinguish Indigenous sentencing courts from restorative justice, in keeping with Llewellyn (2021) and Davis (2019), we argue that this is the very reason it is a restorative justice practice consistent with the goals of just relations and freedom from domination. It is arguably an example of a within-the-system ink spot that sparks change.

More broadly, Pavlich (2022, p. 18) calls for restorative advocates to listen to, and supportively collaborate with, resurging Indigenous legal fields such as “storytelling that recognises land, custom, norms, collective (without neglecting individual) responsibilities, and so on [that] could significantly shape future restorative measures.” As the restorative justice movement evolves, Pavlich (2022, p. 16) encourages practitioners to forge stronger links with social movements that “name and struggle against social marginalisation, inequalities, and racisms.” Pavlich argues that these links would help to broaden the purview of restorative justice beyond individual responsibility. From the examples discussed in this section, we can see this beginning to take place.

SEXUAL VIOLENCE

Unlike restorative justice and race, there is a long tradition of scholarship and innovation around restorative justice, gender, and sexual violence. Scholars and activists have long pointed out the justice gap that exists in relation to sexual violence (Cossins 2020, Lonsway & Archambault 2012, Temkin & Krahe 2008). A majority of survivors do not seek justice through the formal system, and those that do experience a process that can charitably be described as alienating (Daly & Bouhours 2010). Despite years of reform to both legislation and criminal procedure, no improvement is in sight (Daly 2011).

This is, of course, not just a failure of criminal law and criminal justice institutions. There are profound historical, political, and cultural forces that help to sustain a culture of sexual violence. Attempts at cultural change, including education programs to teach young people about consent and respectful relationships, have so far not seen significant impact. Indeed, recent research by the Centers for Disease Control and Prevention (CDC) suggests that the rate of sexual assault experienced by teenage girls has sharply increased since 2019 (CDC 2023).

Reforming criminal justice, for instance, by reforming evidentiary requirements or improving jurors’ understanding of the dynamics of sexual assault, would still leave a significant number of

survivors without a path to justice. Most sexual violence is not reported to the police. In our home country of Australia, 33% of sexual assaults that are reported to the police are experienced in the context of family or intimate partner relationships (ABS 2017). It is likely that a significantly higher proportion of this type of violence goes unreported. In both Black and First Nations communities, violence is less likely to be reported due to an ongoing distrust of police and the justice system and a systematic experience of marginalization (Slatton & Richard 2020, Willis 2011). People have complex reasons for not reporting their victimization, and complex needs and desires for justice (Bolitho 2015, Gromet & Darley 2009, Holder & Daly 2018, McGlynn & Westmarland 2019). Daly (2017) has articulated some of the unique justice needs of sexual violence survivors: participation, voice, validation, vindication, and offender accountability. The criminal justice system, no matter how much reform it undertakes, is not designed to meet all these needs.

In response to the limitations of the criminal justice system, there is a growing movement that considers how a more encompassing approach, such as restorative justice, can be practiced safely and effectively as a response to sexual violence (Keenan & Zinsstag 2022, McGlynn et al. 2012). Consistent with the values of nondomination and relationism that underpin such a mechanism (Braithwaite 2022, Llewellyn 2021) and with the diversity of survivors' justice needs (Daly 2017), restorative justice can offer survivors and others a chance to voice their experience, feel safe and empowered, and have their questions answered. In historical cases of sexual assault, including institutional abuse, restorative justice can offer survivors a space to articulate their ongoing harms and have them acknowledged. It can also offer a framework to discuss ongoing fears and demands for just relations, including how to navigate potential future interactions with the person who caused harm.

The application of restorative justice to this area has long been contested (Acorn 2004, Herman 2005, Hudson 2002, Jeffries et al. 2021, Stubbs 2002). There is a concern that restorative justice may, among other things, fail to address entrenched patterns of violence, perpetuate power imbalances, fail to hold offenders responsible (Daly & Stubbs 2006, Gavrielides 2008), minimize the seriousness of sexual violence (Hudson 2002, Lewis et al. 2001), subordinate survivors' rights to an agenda of reconciliation and/or rehabilitation of offenders (Jülich 2006), and make family and sexual violence a private matter once more (Coker 2002). Recent criticisms have also begun to consider the rights of the offender (Joyce-Wojtas & Keenan 2016) and the complexities that surround the use of restorative justice in vulnerable and culturally/linguistically diverse populations (Cent. Innov. Justice 2021).

Largely because of these concerns, restorative justice as a movement grew rapidly in the 1990s and early 2000s with very little exploration or experimentation of the practice as a response to sexual violence. Notable exceptions include the RESTORE program in Arizona, USA, where an early evaluation of the prosecutor-referred service demonstrated its feasibility, safety, and potential for positive outcomes (Koss 2014). This was a research demonstration and is no longer in operation. However, this research inspired restorative justice advocates in New Zealand to develop Project Restore, a community-based and survivor-focused model, taking referrals from both inside and outside the criminal justice system (Jülich et al. 2010). In South Australia, the long-running South Australia Juvenile Justice Project has developed a restorative justice response for juvenile sexual offences, often intrafamilial (Daly 2006). These are among a select few examples from around the world and in a sense are the exceptions that prove the rule.

Given the clear and consistent evidence that traditional criminal justice responses largely fail survivors, the relative lack of restorative justice innovation in this area is striking. In recent years, however, both creative experimentation and scholarly attention in this area are flourishing, and there is a growing body of both innovative practice and academic scholarship demonstrating how restorative justice can safely meet survivors' needs (Cent. Innov. Justice 2021, Gang et al. 2021,

Keenan & Zinsstag 2022, Mercer et al. 2015, Miller 2011, Pali & Sten 2011, Rossner & Forsyth 2021).

These practices have the potential to be transformative in that they explicitly seek to empower traditionally marginalized groups. They are conceived of in a spirit of both nondomination and a commitment to just relations. To draw on Davis's metaphor of the healer/warrior, these practices can be healing in their attempts to meet justice needs such as voice, validation, and participation (Daly 2017, Loff et al. 2019). But they also invoke the warrior in that they actively imagine and create a justice practice that centers victim-survivors and actively fights the everyday practice of misogyny that plays out in many courtroom settings. Furthermore, they reimagine what accountability looks like for perpetrators (Sered 2019).

We consider two areas where restorative justice mechanisms have emerged to respond to sexual harm in new and arguably transformative ways. We first examine restorative justice responses to campus-based sexual assault within university settings. We then highlight services that provide survivor-centered restorative justice processes for people who do not engage with the formal justice system.

Sexual Misconduct on University Campuses

Sexual harassment and sexual assault are pervasive elements of campus life in universities and colleges, connected to a culture of binge drinking, hooking-up, and hegemonic masculinities (Hirsch & Khan 2020, Wooten & Mitchell 2017). Assaults typically happen “behind closed doors between individuals who are drunk and whose sexual encounter often begins with some level of mutual consent” (Karp 2019, p. 143). University responses are a regulatory nightmare (Karp 2019) guided by a complex web of federal, state, and local policies, and in the United States underpinned by federal Title IX antidiscrimination legislation (Cyphert 2018, James & Hetzel-Riggin 2022). As Karp (2019, p. 143) puts it:

Conduct hearing boards often have little evidence to review besides the impaired memories of parties involved. As a result, finding a student in violation of a campus sexual assault policy is a substantial challenge for conduct administrators. Under such conditions of uncertainty, mistakenly exonerating a student can further traumatize a victim and keep a campus at risk. Mistakenly finding a student in violation can deeply stigmatize them with lasting social, educational, and professional consequences. No other conduct adjudication outcome is as consequential for the students involved, but built on such a shaky platform of evidence. Implementing policies and procedures in response to allegations of sexual assault that leads to positive outcomes is a daunting administrative task.

University disciplinary practices typically fail to address the complexity of sexual (mis)conduct on campus. Outcomes usually involve suspension or expulsion of students found to be in violation of the code of conduct, a replication of the penal logic of criminal justice. Dissatisfaction with this process as well as a wider desire to transform campus cultures has led to experimentation with restorative justice practices on college campuses around the world (Pelsinger 2019, Pointer & Giles-Mitson 2020). A notable development is the Campus PRISM (Promoting Restorative Initiatives for Sexual Misconduct on College Campuses) initiative, consisting of an international team of scholars and practitioners coordinated by the Skidmore College Project on Restorative Justice (Karp 2019). They aim to experiment with and document spaces where a campus regulatory framework can allow restorative responses to disclosures of sexual assault. This has resulted in a series of case studies documenting the experiences of students and staff (Karp 2019, Karp & Schachter 2018, McMahan et al. 2019). These case studies show promise that restorative justice practices can support victim-survivors and can engender meaningful accountability for people who cause such harm and are a welcome alternative to formal disciplinary practices that are widely seen as ineffective or harmful.

Community-Based Restorative Justice Models

Restorative justice programs that operate as a part of a formal criminal justice process are limited in who they can serve, as so few survivors ever come to the attention of authorities. Attempts to broaden eligibility criteria, for instance in Belgium, where a parallel system is in place in which survivors can seek restorative justice alongside, or in place of, the formal justice process, are still limited by a referral pathway that begins with a police report (Keenan et al. 2016).

As a result, those who work directly with victim-survivors have sought to develop restorative justice programs that operate independently of the criminal justice system and that do not place restrictions on participation. An example of this is the South-Eastern Centre Against Sexual Assault (SECASA) in Victoria, Australia. SECASA provides support and services to sexual assault survivors, including restorative justice. Referrals can be provided by anyone but are commonly made by police, psychiatrists, religious organizations, the Department of Health Services, counseling services, or victim-survivors themselves. Although no party is compelled to attend a conference, in most cases, both the victim-survivor and perpetrator of the harm take part in the process. This is one of the very few programs that has undergone an evaluation (Loff et al. 2019). A limited and diverse sample resulted in an in-depth qualitative evaluation of processes and outcomes, finding largely positive outcomes, including victim-survivors consistently reporting that they felt listened to, in control, and empowered. Although noting that restorative justice in instances of entrenched family violence was complex and potentially fraught, the authors tentatively conclude that restorative justice can meet survivors' justice needs. Moreover, they observed that a "transformation of the previous power dynamic seems to begin to take place. . .during the SV-initiated RJ conference" (Loff et al. 2019, p. 43). At the time of writing this article, however, the program does not seem to be in operation. However, partly inspired by SECASA, Transforming Justice Australia (<https://www.transformingjustice.org.au/>) was established in 2022. This is an advocacy and practice organization that seeks to provide survivor-centered restorative justice to anyone experiencing sexual violence.

Although there is clearly momentum in this area, lasting and sustainable applications of restorative justice as a response to sexual violence have so far been elusive. What we see instead are ink spots of inspiring practice that bubble up but need both community and institutional support for longer-term sustainability.

ENVIRONMENTAL JUSTICE

Restorative justice within the context of the environment provides a further opportunity to explore the transformative potential of this practice. Restorative justice has been implemented as a response to environmental offenses, most notably in New Zealand; however, there are examples of the practice in Australia as well as Canada. Environmental harm may refer to a range of offenses that harm the environment such as polluting or contaminating the air, land, or water, breaching conditions of an environment protection license, or damage and destruction of sites of cultural heritage (Al-Alosi & Hamilton 2019).

Restorative justice offers the opportunity to transform our understanding of the human–nature connection. It challenges mainstream perceptions of the environment and our relationship to and with it. Identifying who, or what, constitutes a victim is particularly complex within the context of environmental harms and crime. Green criminology has helped to broaden the categorization of victimhood to extend beyond humans and communities to also include nonhuman living entities such as flora and fauna as well as geological places, including rocks and mountains and other topographical features such as rivers (Brisman & South 2018; Hall 2013, 2014; Sollund 2013; White 2018). Forsyth et al. (2021, p. 20) use the phrase "more-than-human" to capture this broader

category of environment as victim “to signify a positionality actively aiming to be nonanthropocentric.” Varona (2021, p. 42) contends that a focus on the environment in restorative justice “introduces a nonanthropocentric, nonindividualistic and nonshort-sighted standpoint within the spheres of justice, rights and interests.”

Serrels (2021) refers to this as radical relationalism, which broadens the concepts of harm and victimhood in restorative justice by acknowledging that the human–nature relationship is not separate from the individual or the community. Addressing environmental harms through restorative justice presents opportunities to highlight this relationalism by identifying all victims of environmental harm, including nonhuman victims, and then including those voices in the process (Serrels 2021).

For example, a river was represented at a restorative justice conference in Waikato, New Zealand, by the chairperson of the Lower Waikato River Enhancement Society, providing a vehicle for recognizing Indigenous people’s relationships with the land and waters. This case highlighted that in Māori culture, a person’s identity is intimately linked to their ancestral river (see Morris & Ruru 2010). This case also formally acknowledged agency on the part of the river during the proceedings (see also White 2013). Similar agency was formally recognized when the Whanganui River in New Zealand became a legal entity in 2017 through the Te Awa Tupua (Whanganui River Claims Settlement) Act (de Froideville & Bowling 2022; see also Hutchison 2014). Under the legal framework, the Whanganui River is represented by legal guardians, acting as surrogate victims, appointed by the Māori tribes and the government. These guardians are responsible for promoting the river’s interests and well-being.

The field of green criminology (see Brisman & South 2018, White & Heckenberg 2014) has also brought attention to the disproportionate impacts of environmental harm on certain populations, such as women, children, minorities, and people of lower socio-economic status (Rodríguez Goyes & South 2016, Sollund 2013). Some relevant victims do not exist yet but make up future generations. As Hamilton (2015, p. 548) explains:

Environmental crime is particularly amenable to restorative justice intervention because restorative justice can give a voice to those who do not have a voice and can amplify those voices that have been reduced to a whisper.

Restorative justice used in the context of environmental harms may allow the space within which harm can be viewed through a relational lens in which the harm is “done to the web of relationships—including the earth at large and vulnerable populations such as future generations” (Motupalli 2018, p. 352). In the example below, we illustrate how restorative justice can respond to environmental harm in a way that centers this relationality.

Harm to Indigenous Cultural Heritage

Restorative justice has been applied in two cases of environmental crime in Australia, both through the New South Wales Land and Environment Court (Al-Alosi & Hamilton 2019). Currently, no legislation in Australia guides the court in determining the suitability of a matter for restorative justice conferencing in the context of environmental crime. It is worth noting, however, that Victoria’s Environment Protection (Amendment) Act 2018 identifies restorative justice as being appropriate for inclusion alongside other enforcement options (Forsyth et al. 2021).

Both cases involved offending in relation to Aboriginal cultural heritage and, although small in number, these cases illustrate the potential for restorative justice to transform understandings of the relationships between community and place, humans, and nature.

In 2007, the sole director of Pinnacle Mines, Craig Williams, was prosecuted for the destruction of and damage to Aboriginal artifacts and a protected Aboriginal place of cultural significance

to the Wilyakali people in western New South Wales, Australia. The defendant was charged with and pled guilty to an offense against s90(1) of the National Parks and Wildlife Act 1974 (NSW) (NPW Act). Before sentencing, the trial judge, C.J. Preston, inquired whether the parties involved would find it beneficial to take part in a restorative justice conference. The local Aboriginal community nominated a Wilyakali elder and chairwoman of their local Aboriginal Land Council to participate in the restorative process on their behalf. Throughout the conference, the voices of Aboriginal people were privileged, and the expert testimony regarding the harm caused was provided by the Wilyakali elder. White (2014–2015, p. 50) contends that “precisely because the case involved an Indigenous community, there was an apparent unity of the human and the nonhuman in any consideration of harm.” Indeed, the specific connection to the land by the local Aboriginal community was vital to understanding the complexities of the nature of environmental victimization in this case. The chairwoman of the Aboriginal Land Council spoke of the emotional damage caused (quoted in Hamilton 2019, p. 198):

I was very upset with what I saw because the drains had been dug at a sacred place. I believe that the drains had damaged the Pinnacles sacred area because they would have disturbed the Aboriginal spirits and the story line of our teaching. I believe that the Aboriginal spirits would be very unhappy. [It] feels like they put a big hole in my body.

In an affidavit from Craig Williams, he states (quoted in Hamilton 2008, p. 266):

During the course of these proceedings I have learnt a significant amount about Aboriginal archaeology and the importance of the Aboriginal place. I have also realised how both Aboriginal objects and the Aboriginal place are more important to Aboriginal people than I had previously appreciated. . . I believe that I can confidently say that a situation such as the present will not arise again.

This statement from Williams demonstrates the power of the restorative conference in transforming the understanding of the connection to land held by the Aboriginal community. This sharing of knowledge through the amplification of the Indigenous voice was made possible through the restorative justice conference. A unique element of this process was that Indigenous knowledge was recognized as expert testimony, both a symbolic and substantive inversion of traditional knowledge hierarchies, reducing, at least for that moment, domination by colonial legal institutions.

In New Zealand, there is statutory recognition of restorative justice processes contained in both the Sentencing Act (2002) and the Victims’ Rights Act (2002). Al-Alosi & Hamilton (2019) have argued that this statutory recognition has led land and environment courts in New Zealand to employ restorative justice conferencing for environmental harms. Indeed, there are numerous examples of its application. Hamilton (2022) has identified 65 instances in New Zealand between 2002 and 2022 in which restorative justice conferences were carried out in an environmental offending context, embedded in the prosecution process. The legislative framework has arguably created a momentum for restorative justice to be practiced as a back-end response to environmental harm, occurring as part of formal court proceedings, but there are now examples of it being established as the front-end model for dealing with such harms, acting as a diversion from prosecution. This has occurred through several environmental regulatory authorities across New Zealand (Hamilton 2022). For example, Environment Canterbury, a regional council in the South Island of New Zealand, developed an Alternative Environmental Justice model providing a diversionary pathway for offenders of environmental crime with its stated purpose developed “to fill an identified gap in the ‘regulatory toolbox’ where an infringement fine does not provide an adequate deterrent, but a prosecution may be overly harsh” (McLachlan 2014, p. 22).

Perhaps restorative justice as it is currently applied to environmental harms through regulation and law can provide the momentum for discreet ink spots to proliferate, creating multiple nodes that expand and connect up as the ink spreads across the page. Just as community gardens transform cities (Shur-Ofry & Malcai 2019), in the context of environmental harms, turning up the restorative dial across multiple regulatory practices may have a powerful cumulative effect (Forsyth 2022).

DISCUSSION AND CONCLUSION

This review has sought to take a critical and clear-eyed look at the development of the restorative justice movement over the past 30 or so years. We have documented its enormous growth and evidenced its potential to safely and effectively address crime and other wrongdoing.

Early advocates envisioned restorative justice as a mechanism to transform both interpersonal relationships and wider societal structures. As Braithwaite (2003, p. 1) argued:

Restorative justice, conceived as an intellectual tradition or as an approach to political practice, involves radical transformation. On this radical view restorative justice is not simply a way of reforming the criminal justice system, it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics. It is a vision of holistic change in the way we do justice in the world.

However, as the movement succeeded in becoming institutionalized across a range of domestic criminal justice contexts, the political dimensions waned. Early warnings about the corruption of benevolence and the watering down of the practice have in some cases been proven to be legitimate concerns.

We argue for seeing restorative justice as both a mechanism for addressing particular harms and as a larger political project that seeks to transform systems. Unlike transformative justice advocates, however, we think the unique power of restorative justice lies in its ability to operate both within and outside criminal justice institutions. Pali & Canning (2022) have argued that restorative justice sits within the spectrum of decarceration (see also Terwiel 2020). It is “a multifunctional alternative, implemented over a trajectory of time and with acceptable and sustainable levels of social and economic investment” (Pali & Canning 2022, p. 75).

We have offered three areas where novel restorative justice practices have sought to create a bridge from the interpersonal to the structural: select movements for racial justice, innovations in responding to sexual harm, and creative approaches to a more inclusive environmental justice. Some of these innovations are aligned with the goals of transformative justice and seek to remain outside of the justice system. Others seek change from within as part of a larger project of tempering institutions (Braithwaite 2022). We value both approaches and see each innovation as an ink spot that can grow and cascade into macro changes (Braithwaite 2023). The crucial element linking each of these innovations is that they exemplify a commitment to freedom from domination and to just relations. In this way, they move restorative justice practices closer to the ambitious ideals set out by Braithwaite and Llewellyn.

Davis (2019) has argued that it is imperative for the restorative justice movement to move between the micro and the structural. In her words (Davis 2019, p. 35):

Not adopting a more expansive view runs the risk that restorative justice offers a quick fix, addressing the symptoms but not the underlying causes. This is not unlike a gardener who, though devoted to the well-being of the individual plants, ignores the health of the soil. The skilled gardener tends to both plants and the larger ecosystem. The success of restorative justice depends on seeing ourselves not only as agents of individual transformation, but also as drivers of system transformation.

We find this gardener metaphor apt. Each healthy plant is crucial to supporting a healthy ecosystem, but we cannot tend to plants in isolation; we must be able to zoom out to see the health of the whole ecosystem. Indeed, drawing on Shur-Ofry & Malcai's (2019) research on the growth of actual community gardens, there comes a moment when the system becomes self-organizing. But their work shows how the gardens do not spread and flourish just because of the work of motivated individuals and activists; they also require institutional support to help launch and sustain them.

So how do we create healthy ecosystems? Llewellyn (2021, p. 391) suggests that “the real debate and dialogue at the heart of this moment is not whether restorative justice is transformative but, rather, what is required to fully realize the transformative promise and potential of restorative justice.” We conclude by offering tentative strategies for transforming mainstream restorative justice practices.

Raising Standards for Training

Delivering high-quality restorative justice is a skill that requires adequate time and resources. Various efforts have been made to ensure practitioners have appropriate training, accreditation, and professional development. We do not seek to engage in the larger debate about the role of accreditation, but we note the tendency in many instances for training to be abbreviated or cursory (Keenan 2018). There is consistent evidence that delivering high-quality restorative justice is hard work and that poorly delivered restorative justice will contribute to the dilution of the practice (Choi & Gilbert 2010, Lanterman 2022).

Reimagining Success in Evaluation

Within criminology, it is no surprise that our standard outcome measure is recidivism. This is understandable, especially when justice innovations are costly. But there is a chorus of voices challenging both the empirical and moral values of such a measure, calling for a more expansive conception of success (Cunneen & Luke 2007, Weisberg 2013). For a start, we suggest that restorative justice programs are evaluated by benchmarking them against best practice standards, which are derived from the normative theories of nondomination and just relations (Braithwaite 2022, Llewellyn 2021). This would not be much different from traditional measures of procedural justice but would be a powerful way of recognizing what restorative justice can do. This can also broaden the methods used to evaluate restorative justice, as it would require both qualitative and quantitative understandings of the practice.

Relying on the Evidence Base

Contrary to popular approaches, which tend to favor young people and nonviolent crime, restorative justice conferencing has been shown to be most effective when it is in response to offending by adults and in instances of violence (Rossner 2023, Shapland et al. 2011, Sherman et al. 2015, Wood 2015). We suggest that, rather than casting a wide net and offering variations of restorative justice approaches throughout the juvenile and criminal justice system, resources and efforts be focused where they have the greatest chance of success. This is likely to reduce the chance of a watered-down or corrupted approach.

Recognizing Multiple Paths to Justice

It is well-recognized in the criminological literature that victims of crime, particularly violent crime, have multiple justice needs that shift, expand, and contract over time (Gromet & Darley

2009, Holder & Daly 2017). This means that victims of crime need to be given the agency to decide their own paths to justice. This could look like a police report, prosecution, and conviction. Or it could look like a community-based alternative. It could be both or none of these things. Restorative justice may or may not fit into the equation. The point is that if restorative justice is part of a victim's path, then the process needs to meet them where they are.

A healthy justice ecosystem would recognize these points at a minimum. They are not particularly new ideas. But one thing that the case studies raised in this review share is an appreciation of and commitment to these principles. The examples discussed here demonstrate the transformative potential of restorative justice. They are ink spots on the transformative map. We have offered some tentative ways to create similar ink spots within mainstream restorative justice practices to help invigorate the practice and minimize the chance of dilution or corruption. Ultimately, we envision a system of innovation and diffusion with a healthy tension between institutionalized and community-based approaches.

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