

Heather Strang and John Braithwaite, eds.

Restorative Justice and Family Violence

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The present collection of papers from scholars and activists examines the concept of restorative justice and the application of the approach in dealing with family violence. The papers are drawn from a 2000 Canberra conference sponsored by the Reshaping Australian Institutions Project of the Research School of Social Sciences, Australian National University. The diverse backgrounds and orientations of the participants, however, provide for a highly uneven feel to this edited volume.

Although the concept of restorative justice has been around for more than a decade in the academic literature, the volume would have benefited from an opening chapter that outlines the theoretical logic of the approach or otherwise situates the concept in the broader literature. Instead, editors Braithwaite and Strang trumpet the limited evidence on the positive impacts of the Reintegrative Shaming Experiments (RISE) as compared with normal court processing before proceeding with their own interpretation of the main themes that emerge from subsequent chapters. The strength of the book lies in the in-depth examination of various restorative justice approaches and principles to different facets of domestic violence. Unfortunately, relatively few of the authors present empirical evidence that might substantiate their claims or otherwise convince skeptical social scientists of the viability of restorative justice as applied to family conflicts.

Several of the early chapters are highly prescriptive in nature, either supporting the basic principles underlying the restorative justice approach or challenging the applicability to domestic violence cases. The chapters by Kay Pranis and Allison Morris, for example, both advocate restorative justice as promoting the healthiest qualities in families and relationships based mainly on philosophical or normative grounds. In contrast, Julie Stubbs and Kathleen Daly each challenge the model in the context of domestic violence due to concerns about safety, choice, autonomy, and power imbalances within the family. Joan Pennell and Gale Burford draw upon their experience with the Family Group Decision Making Project of Newfoundland and Labrador to suggest that the model of family group conferencing, which combines feminist praxis with restorative justice principles, can be an effective approach to resolving family violence. Their chapter provides some of the little original empirical research in the volume supporting claims of the relative efficacy of the approach

Not until the seventh chapter, Donna Coker's "Transformative Justice," does the reader finally engage in an in-depth discussion and critique of restorative justice theory. Coker provides a thoughtful analysis of the theoretical limitations of the approach and a salient reminder of the structural inequalities that frame battering experiences. Her analysis highlights in particular the theoretical weaknesses of restorative justice theory to address domestic violence, including state power vis-à-vis subordinated communities, the potential lack of majoritarian opposition to domestic violence, and the under-theorizing about criminal offending. Coker argues persuasively that "restorative justice processes do not generally address these sources of battered women's inequality nor do they address the subordinating systems that may operate in the life of the batterer" (p. 143). An excellent follow-up chapter by Gordon Bazemore and Twila Hugley Earle builds upon the notions of transformation and restorative

balance in relationships within the family and the community.

The next three chapters examine restorative justice and family violence in Aboriginal communities, suggesting that culturally appropriate responses should invoke Indigenous self-determination and recognize the role of respected elders and community leaders in the process. Larissa Behrendt, Harry Blagg, and Loretta Kelly all highlight the themes of empowerment and alternatives to the dominant legal systems, where Indigenous communities have been disadvantaged by institutional racism and other biases. The authors generally stress the similarities between Aboriginal values and restorative justice values, such as the importance of reparation and a holistic process of community healing. As Kelly concludes, as long as restorative justice programs are “designed and controlled by grass-roots Aboriginal community members, it would be a community justice process, and that is what matters” (p. 222).

The final chapter by Ruth Busch offers a sobering and comprehensive critique of the limits of the restorative justice model in responding to domestic violence. She challenges the supposed superiority of restorative justice based on several flawed assumptions in her view: that prior relationships should and can assist in healing, that there will be networks of supporters to draw upon to facilitate reparation, that women will be in a safe and secure enough position to engage without the fear of retaliation or other threats to their well-being, and that there are a great many individuals with the interpersonal skills to understand the power control dynamics of domestic violence and who are competent in the area of risk assessment. While these assumptions may be more or less true across varying community contexts where restorative justice practices may be possible, Busch raises these issues as particularly problematic where intimate family relationships are involved, resource constraints may be more limiting, and longstanding family dynamics and power imbalances may be virtually intractable.

In conclusion, the volume does a credible job of examining the tensions embedded in applying the restorative justice approach to family violence, at times engaging in the theoretical debates quite effectively. There are long stretches, however, where authors engage in mainly philosophical speculation or advocacy without sufficient empirical evidence. Indeed, the research on the impact or effectiveness of restorative justice approaches continues to lag behind the rhetoric of its proponents. The current collection of papers, while providing a balanced critique of restorative justice approaches to domestic violence, does not contribute significantly to the empirical gaps that remain.

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