

# A RESTORATIVE APPROACH TO FAMILY VIOLENCE

*Changing Tack*

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## A RESTORATIVE APPROACH TO FAMILY VIOLENCE

*A Restorative Approach to Family Violence* represents a substantive and timely contribution to the development of an emerging practice to a seemingly intractable problem. With a primary focus on New Zealand, an inspiration and a leader in the use of restorative processes for a variety of crimes, this book is beneficial to those who seek to understand how restorative justice, once forbidden in addressing family violence, has become a meaningful (and surprising) alternative to addressing these gender crimes. Questioning throughout, *A Restorative Approach* helps the reader understand the contours of the debate and the possibilities for creative solutions to intimate abuse that the criminal justice system has so often failed to address or repair.

Linda G. Mills, Center on Violence and Recovery, New York University, USA

## List of Abbreviations

BCS	British Crime Survey
CCP	Circles of Peace
CI	Confidence Interval
NGO	Non-Governmental Organization
NZ VAW	New Zealand Violence Against Women study
OR	Odds Ratio
P	Methamphetamine (New Zealand street term)
SAAS	Sexual Assault Archival Study

## List of Contributors

**Gale Burford** has experience as a foster and group home parent, a social work practitioner and supervisor, a group and family therapist and a manager and senior administrator in services for children, young people and their families. After completing his MSW at the University of Washington in 1971, he worked for a decade with young people and their families in Montreal in a variety of positions until taking up an appointment teaching social work at Memorial University of Newfoundland in 1981. He completed a PhD at the University of Stirling in Scotland and provided training and consultation to local authorities in the UK. Gale is now a Professor of Social Work at the University of Vermont and Director of the Child Welfare Training Partnership between the University and the State of Vermont Department for Children and Families. He is also the principal investigator for a three-year evaluation of the child welfare and youth justice services. Gale has experience consulting, training and carrying out research in Canada, the USA, the UK, Australia and New Zealand. Gale's evaluation and research activities have focused on the use of teamwork in human services, drug courts, reparative probation panels, family team meetings in child protection and residential and day programmes for young people.

**Kathleen Daly** is Professor of Criminology and Criminal Justice, Griffith University (Brisbane). She writes on gender, race, crime and justice; and on restorative, Indigenous, innovative and international/transitional justice. First based in the United States, she travelled to Australia in 1995 as a Senior Fulbright Scholar to study restorative justice at the Australian National University. She has received five Australian Research Council grants to research restorative justice, Indigenous sentencing courts, the race and gender politics of new justice practices, innovative justice responses to sexual violence, and justice responses to Indigenous partner violence (with Elena Marchetti and Jackie Huggins). In addition to books and edited volumes, Kathleen has published 80 journal articles and book chapters. She is an elected Fellow of the Academy of the Social Sciences in Australia and a past President of the Australian and New Zealand Society of Criminology (2005–09).

**Judith A. Davey** is a Senior Associate of the Institute for the Governance and Policy Studies, Victoria University of Wellington and was Director of the New Zealand Institute for Research on Ageing from 2002 to early 2007. Prior to 1991, she was the Deputy Director of the New Zealand Planning Council and a consultant on social policy and social research. Judith is a graduate of London University

and did her PhD at Durham University. Before coming to New Zealand, she was also a post-doctoral researcher at the University of Cambridge. Judith's personal focus for research is the ageing of the population and its policy implications. She has researched income, transport and housing issues for older people and has published several papers and reports on intergenerational issues. She has an extensive publication record, including academic papers, books and book chapters and commissioned reports and has provided advice to numerous policy-making bodies in the public, private and voluntary sectors.

**Janet Fanslow** is an Associate Professor in Mental Health Promotion at the School of Population Health, University of Auckland and Co-Director of the New Zealand Family Violence Clearinghouse. She has been engaged in violence prevention research since 1989. She is the principal investigator of the New Zealand Violence against Women Study, the largest epidemiological study on this topic yet undertaken in New Zealand. She is author of a large number of publications in the area of family violence, including reports commissioned by government departments. Janet's background is in psychology and public health. She worked with the Family and Intimate Violence Prevention Team of the US Centers for Disease Control and Prevention from 1997 to 1998, as part of a post-doctoral fellowship.

**Loraine Gelsthorpe** is a Professor of Criminology and Criminal Justice at the Institute of Criminology, University of Cambridge, UK. She has extensive publications across a broad range of topics, but most particularly: women, crime and criminal justice, the development and operation of community penalties, and youth justice. She teaches the Sociology of Punishment, Research Methods and the Ethical Dimensions of Research in Criminology. Recent research has included the criminalization of migrant women, female offenders and resettlement needs, and deaths under probation supervision. She has written about restorative justice and youth justice as well as restorative justice and family violence. Loraine is the current President of the British Society of Criminology. She also sits on a national Research Excellence Framework panel and advises on various governmental initiatives.

**Naida Glavish** has spent her adult life as an advocate for *Māori* people. In May 1984, as a humble telephone operator, Naida challenged the might of the then Post Office and won for *Māori* the right to use the *kupu*<sup>1</sup> (word) '*Kia Ora*' (hello) as a greeting on the New Zealand telephone. Naida's particular interest is health. Her role at Waitemata and Auckland District Health Board is General Manager and Chief Advisor *Tikanga* (customs and protocols), *Māori* Health Services. Additional areas of work and interest that serve *Māori* include: Advisor,

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1 All *Māori* terms are italicised and explained when first used in a chapter. They are all listed in the Glossary in Appendix 1.

Police Commission, New Zealand Police; *Tikanga* Advisor, Forensic Pathology Auckland LabPlus; *Tikanga* Advisor, Organ Donor Department; and *Tuhononga* (standing in unity) of the *Iwi* (tribe)-led Crime Prevention Unit in Auckland Metro Police. She is also currently the Chair of *Te Rununga o Te Ngati Whatua* (the Council of Naida's tribe), a Justice of the Peace, an Officer of the New Zealand Order of Merit and the President of the *Māori* Party.

**Anne Hayden's** background includes both victim and restorative justice perspectives. She was a victim support volunteer for four years and had a Churchill Fellowship in 1996 to write on initiatives for victims of crime at local, national and statutory levels. In 1995, she became a restorative justice facilitator in the first contemporary restorative justice group in New Zealand (*Te Oritenga* (Equal Balance) Restorative Justice Group), becoming the coordinator around 1997. She was commissioned to write a manual on restorative justice for the Department of Courts, was a researcher for an evaluation of the youth justice system and then the New Zealand Court-Referred Restorative Justice Pilot with the Crime and Justice Research Centre, Victoria University of Wellington. Anne is no longer a practitioner, but in December 2010 completed her PhD which examined the use of restorative justice for intimate partner violence in the context of non-reporting. She has subsequently published chapters and journal articles on her research.

**Julia Hennessy** is the elected Chairperson of Restorative Justice Aotearoa, the national association for restorative practices in New Zealand. She is also the New Zealand representative on the board of Restorative Practices International. Julie is the General Manager for Family Works. She is a member of the Presbyterian Support Central leadership team and reports directly to the Chief Executive Officer. Julia has been a practising social worker and social work Senior Manager in the area of children and families for more than 20 years (both in the England and Wales and New Zealand). Julia has led projects in England and Wales which introduced family group conference practices and restorative justice practices into mainstream service delivery and was a member of the working group that contributed to guidelines for best practice in restorative justice in England and Wales. She was nominated for the national England and Wales Public Servant of the Year award for her work. She has spoken and trained worldwide on these practices and has contributed to resources published in these fields.

**Mike Hinton** is General Manager of Restorative Justice Aotearoa, after previously being Chairman of the same organization. He has been working as a restorative justice facilitator for 15 years. He was instrumental in the implementation of restorative justice services in one of the largest courts in New Zealand, the Manukau District Court, as well as servicing courts in Papakura, Pukekohe and the Auckland District Court. Mike recently featured in a poignant documentary about restorative justice practice in his community, produced by *Māori* Television, New Zealand. Before becoming involved in restorative justice, he spent 20 years



in the military. Mike and Natalia Taurima work together, taking restorative justice referrals in South Auckland, West Auckland, Pukekohe, Papakura and Central Auckland.

**Venezia Kingi** is a research and evaluation consultant. She was a Senior Research Fellow at the Crime and Justice Research Centre at Victoria University of Wellington from its establishment in 2000 until its closure in 2011. Venezia has extensive experience of research in the criminal justice area and a comprehensive knowledge of issues relating to crime and justice and social issues in New Zealand. She has particular expertise in qualitative research and managing and conducting evaluations. Venezia specializes in interviewing difficult-to-reach populations about sensitive topics and has worked on projects about restorative justice, family violence, sexual violence, adult offenders' rehabilitation, prisoners' children, youth justice, jury decision-making, the public defence service and the families of homicide victims. She has also had first-hand experience assisting adult offenders in reintegrating into the community on release from prison when she worked as a Probation Officer for a short time in the late 1990s.

**David Mather** was appointed a District Court Judge in 1997, with a Family Court warrant. He sat primarily in the Family Court throughout New Zealand from 1997 to 2012. Recently he was appointed as a Panel Convenor member of the New Zealand Parole Board. Henceforth, he will sit on the Parole Board and also in the criminal division of the District Court. Before appointment as a Judge, David was in practice as a solicitor and later as a barrister for 25 years, following admission to the Bar in 1972. He has been actively involved with Family Court work throughout his years as a lawyer and judge. He worked as Legal Advisor for *Te Oritenga* Restorative Justice Group, the first contemporary restorative justice group in New Zealand.

**Chris McGuire** graduated with an LLB from Auckland Law School in 1973. His professional career commenced in private practice and was followed by periods in the New Zealand Army, the Crown Law Office and with a publicly listed company. Chris founded his own law firm in 1988. In 1997, he was appointed a District Court Judge at Rotorua with General and Jury Warrants. He has had a special interest in restorative justice from the time *Mana* Social Services commenced providing restorative justice services in Rotorua in 1998 and chaired the New Zealand District Court Judges' Restorative Justice Reference Group.

**Ken McMaster** has a 30-year history of working at the cutting edge of intervention work with men who are violent and who sexually abuse. He is known for his innovative practice ideas and the ability to translate theory into practice. He has held positions as a member and Chair of the Family Violence Advisory Committee / *Te Rangai Whiriwhiri Tukinotanga a-Whānau*. This committee was established to provide the Minister of Social Services and Employment with independent policy

advice on matters related to government initiatives within the family violence arena. He was also a founding member of the National Network of Stopping Violence Services /*Te Kupenga Whakaoti Mahi Putanga* and is a past chair. Ken was involved in writing the Respondent Programme Regulation for the Domestic Violence Act 1995. In addition, he has worked as a part-time lecturer in Social Work at Canterbury University and is now involved full-time with Hall, McMaster and Associates Ltd as manager, writer of materials and principal trainer. Ken has published two books on family violence and has also co-edited three books.

**Allison Morris** was Professor of Criminology and Director of the Institute of Criminology at Victoria University, New Zealand until she retired in 2001. She graduated in law from the University of Edinburgh and studied criminology at the University of Cambridge and Columbia University, New York. She lectured in Criminal Law and Criminology at Edinburgh University and in Criminology at the Institute of Criminology, University of Cambridge. Allison has carried out research on women's prisons, youth justice systems, violence against women and restorative justice, and she has published widely in these fields. Her research into the early development of family group conferencing in New Zealand has been instrumental in greater focus on victims' needs and encouraging perpetrators to take more responsibility. She still takes an active interest in the development of restorative justice.

**Paul Nixon** has only recently moved to New Zealand. He is Chief Social Worker for Child, Youth and Family Services in New Zealand. He is a social worker from the UK who has worked for more than 20 years in child welfare and protection, always in a statutory setting. His previous job was as Head of Social Work for England's largest county, North Yorkshire. Paul is originally from Wales but has always been interested and inspired by practice and innovations from New Zealand, particularly restorative justice, *whānau*/kinship care and family group conferences. Paul has written a number of books on social work and numerous articles and chapters. He has provided training and consultancy on social work around the world.

**Joan Pennell** is a Professor of Social Work and Director of the Center for Family and Community Engagement at North Carolina State University (USA). She has conducted research on family group conferencing in child welfare, family violence, youth justice and schools. She is frequently consulted on implementing and evaluating family group conferencing in safe, culturally respectful, and effective ways and has presented papers on family engagement and family violence across the United States and Canada as well as in Australia, Guatemala, Netherlands, New Zealand and the UK. Joan is part of an international panel reviewing family group conferencing in New Zealand. She has co-authored two books and was the lead editor of a 2011 special issue of *Child Welfare* on family engagement in child welfare.

**Maxine W. Rennie** is a member of *Ngati Te Roro o Te Rangi Hapu – Te Arawa Iwi Aotearoa*/New Zealand and has had over 30 years' practice in the social service sector both at a community and national level. She established and managed three social service agencies in the Rotorua community, spending the last 10 years before her retirement in 2007 as Director for *Mana Social Services Trust*. This organization continues to offer a wide range of social services to the community free of charge. In 1999 Maxine developed and delivered restorative justice in Rotorua and assisted the establishment of the same programme in Tokoroa and Taupo including the training and supervision of staff. She received the Queen's Service Medal in 2006 for services to the community. She is currently working with both the local and national government.

**Heeni Rongo** is the pseudonym of a woman who has lived with violence for over 25 years.

**Marie Ropeti** is currently the Presbyterian Minister at Grey Lynn, Auckland, New Zealand. She is a New Zealand Samoan, with Bachelor's degrees in Arts and Theology (Otago University, New Zealand) and a Master of Arts degree obtained at the Pacific School of Religion, Berkley, California. She lectured in theology at Knox Theological College (1991–95). She gained experience in restorative justice when working as a facilitator for the *Te Oritenga* Restorative Justice Group, Auckland, before becoming the coordinator of PACT Restorative Justice Group also in Auckland (2000–2002). From 2000 through to 2006, Marie held the position of coordinator of Women Heart of the Pacific where she was responsible for providing and implementing programmes for disabled people.

**Heather Strang** is Deputy Director of the Jerry Lee Centre of Experimental Criminology in the Institute of Criminology, University of Cambridge and an Adjunct Associate Professor in the Regulatory Institutions Network at the Australian National University. She has directed many tests of criminological interventions, including a series of 12 experiments on the effects of restorative justice in Australia and the UK. She has published extensively in this area, and has edited two books on the application of restorative justice in family violence and other arenas. Heather is currently analysing a 10-year follow-up of victims and offenders who participated in the Australian restorative justice study. She is also engaged in two experiments with British police forces, one testing alternative strategies in addressing anti-social behaviour and the other a different approach to family violence.

**Julie Stubbs** is a Professor in the Faculty of Law at the University of New South Wales. She joined the Faculty in 2010, from her previous roles as Professor of Criminology and Director of the Institute of Criminology at the University of Sydney. Her research interests include intimate partner violence, intimate partner homicide, legal responses to violence against women, restorative justice, and women and criminal justice. Julie is an advisor to VicHealth on violence against

women and a member of the Criminal Justice Reform Committee and the Advisory Committee of the Institute of Criminology.

**Donna Swift** comes from a background of working to end violence against women. A social anthropologist, she now focuses on the reasons young women use such behaviour against others. As the principal researcher of *The Girls' Project*, a groundbreaking study conducted over two years in the Tasman Police District, she explored teenage girls' use of violent and anti-social behaviour. Turning her findings into training workshops and presentations, Donna is now in demand as a speaker and travels extensively throughout New Zealand and overseas. She is also the Strategic Advisor on Young Women's Violence for the Stopping Violence Services Nelson, New Zealand and a Senior Social Science Lecturer at Nelson Marlborough Institute of Technology, New Zealand.

**Natalia Taurima** has worked extensively in the criminal justice field, including as a probation officer and cultural advisor working with *Māori* offenders and victims. She manages the *Te Whanau Awhina* programme based at *Hoani Waititi Marae* in West Auckland. It uses a restorative justice model to benefit offenders and victims. It enhances young *Māori* offenders' ability to redress the harm caused by their offending and provides opportunities for victims to participate in an environment that supports all participants. Natalia works alongside Mike Hinton as a facilitator in South Auckland and oversees the cases referred from the Manukau, Pukekohe and Papakura Courts.

**Dannielle Wade** is a Research Assistant in the Key Centre for Ethics, Law, Justice and Governance, Griffith University, where she works with Professor Kathleen Daly on her Innovative Justice research project. She has a BA joint degree in law and criminology from Griffith University. Danielle's interests include working as a volunteer for the Australian Innocence Project, which aims to assist in exonerating prisoners who are factually innocent, and theories of punishment, responsibility and reintegration.

# Foreword

Rates of intimate partner violence remain shamefully high in New Zealand and elsewhere despite the fact that public awareness of the problem has risen markedly. There is growing recognition that the traditional adversarial approach in the criminal justice system has failed to deliver results and an associated interest in new initiatives, particularly in restorative justice. The publication of *A Restorative Approach to Family Violence: Changing Tack* is therefore timely. It is of practical interest for those whose work involves dealing with violent offending of a family nature, but it is also essential reading for all interested in the study of family violence generally and new measures for dealing with criminal offending.

The range of subjects and perspectives presented in the volume is wide. It includes empirical studies of the prevalence of family violence and perspectives on the use of restorative justice initiatives in the family violence context. It also includes accounts by those who have participated in restorative justice processes and have been victims of abusive relationships.

Restorative justice in New Zealand has been predominantly driven by practitioners. As such, it is to some degree under-theorized. *A Restorative Approach to Family Violence: Changing Tack* makes a valuable contribution to filling that gap in the literature. Particularly welcome is the editors' acknowledgement that the appropriateness of employing restorative justice processes where family violence has been involved is a fraught issue. The presentation of different views in this volume is commendable.

Family violence is a deep-rooted problem in our society and progress in reducing the levels of it has been slow. We do not yet know for certain how effective restorative justice initiatives have been. It will be many more years before we can see whether such initiatives have helped stem the tide of intergenerational family violence. What we do know is that the adversarial approach of criminal justice, which remains the default, has not worked to reduce levels of violence or to repair the damage it causes. The present volume represents a worthy contribution to the long-term project of working to ensure that family violence does not remain a national and international disgrace.

Right Honourable Chief Justice Dame Sian Elias  
Wellington, New Zealand

# Acknowledgements

Anne Hayden thanks her husband, David, for his enduring love and support. His insights and advice have been invaluable. She especially acknowledges and thanks her co-editors, Allison Morris, Loraine Gelsthorpe and Venezia Kingi for their forbearance, skills and knowledge, for being there and for the significant contribution each has made. They know that, in their different ways, they have enabled this book to happen. Loraine Gelsthorpe, Venezia Kingi and Allison Morris want to acknowledge Anne Hayden's work in the creation and development of this book. Without her calm dedication and perseverance, this book would not exist.

All editors want to thank the contributors to this book who have given it inspiration and a rare insight into the realities of family violence and the promise that is restorative justice. Their wide-ranging and, in many cases, international standing and experience in the academic, practice and policy fields have given considerable credibility to this collection. Our shared hope is that this volume will contribute to fruitful debate about the use of restorative processes in dealing with family violence.

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