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**Van Ness**

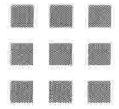
Karen Heetderks  
**Strong**

# Restoring Justice

An Introduction to Restorative Justice



ROUTLEDGE



# Restoring Justice: An Introduction to Restorative Justice

Fifth Edition

Daniel W. Van Ness

Karen Heetderks Strong



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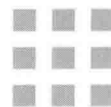
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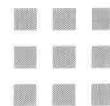
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# Dedication

*We dedicate this fifth edition to all the thinkers, practitioners, policymakers, critics, and champions who shape restorative justice and keep it growing across the globe.*



## Comments on Previous Editions of *Restoring Justice*

As a crime victim, victim advocate, and long-time supporter of restorative justice values and principals, I found *Restoring Justice* to be an excellent resource for anyone interested in the complex world of restorative justice history, processes, and ideas. Bravo to Dan Van Ness and Karen Strong for offering a balanced approach to restorative justice that understands “real” justice is about repairing the harm and healing those who have been harmed by crime: victims, offenders, and communities. *Restoring Justice* is a well-written and quite often inspirational book!

Ellen Halbert, Director, Victim/Witness Division,  
Travis County District Attorney’s Office, Austin, Texas  
Editor, the *Crime Victims Report*, a national newsletter

At each edition of *Restoring Justice*, Daniel Van Ness and Karen Heetderks Strong set the standard and make their volume one of the basic books—or perhaps *the* basic book—on restorative justice.

Their book reflects the richness of the restorative justice approach, through process analyses with clinical relevance, theoretical thinking with social ethical and social significance, principled exploration on juridical options, and a broad sociological context analysis. Van Ness and Heetderks Strong colour this broad interdisciplinary picture with their own visions and options. In doing so, they deliver a crucial contribution to understanding restorative justice principles and their proper implementation.

*Restoring Justice* is the result of intensive commitment to the values of restorative justice, balanced with a constructive critical mind for possible problematic implementations, and openness for unanswered questions and unresolved difficulties. It is a landmark in the restorative justice literature.

Lode Walgrave  
Professor Emeritus  
Catholic University of Leuren

[In *Restoring Justice*, Dan Van Ness and Karen Strong] challenge researchers and scholars to move beyond measuring only recidivism as the ultimate outcome

of evaluation, and victim and offender satisfaction as the primary intermediate measures. Based on this work, we may now instead build upon core principles to develop dimensions and measures of process integrity, as well as theoretical dimensions to assess intermediate outcomes for victim, offender, and community.

Gordon Bazemore  
Professor of Criminology and Criminal Justice  
Florida Atlantic University

*Restoring Justice* is the best, most thorough text on the most important development in the justice system in the last decade: restorative justice.... a seminal work.... this book does a wonderful job of describing the rationale, presenting the arguments, confronting the criticisms.... provides a measured, reliable statement on our need to restore justice.

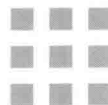
Todd Clear, Professor of Criminal Justice  
John Jay College of Criminal Justice

... a great introductory overview of restorative justice ... easily understood while also providing significant depth.... draws together the significant insights in the field while making several new contributions... invites and encourages change without alienating people who are currently working in the field. I recommend *Restoring Justice* for both the novice and the seasoned restorative justice reader.

Ron Claassen, Director  
Center for Peacemaking and Conflict Studies  
Fresno Pacific University

... an exceptionally good job of clearly articulating the underlying principles and values of restorative justice, including many practical examples. This book will serve as a primary resource for scholars and practitioners involved in the restorative justice movement as it continues to expand.

Mark Umbreit, author of *Victim Meets Offender*  
Professor, School of Social Work  
University of Minnesota



# Preface

*Restoring Justice* is an introduction to the theory and practices of restorative justice. Since the publication of the previous editions in 1997, 2002, 2006, and 2010, restorative justice has continued to develop worldwide. We have accordingly updated this edition to include the significant contours of these developments.

Our work on restorative justice began in the mid-1980s when the criminal justice advocacy organization we worked for undertook development of a model built on what was then a largely unknown and incomplete theory called restorative justice. The organization was Justice Fellowship, a criminal justice reform organization affiliated with Prison Fellowship Ministries.

The first step involved articulating what seemed to be the core principles of restorative justice. This took months of work and involved not only our team at Justice Fellowship but also criminal justice practitioners, researchers, elected officials, academics, theologians, and concerned laypersons. After working sessions and multiple drafts, we settled on three basic principles, similar to those proposed in Chapter 3. Then began a 3-year project to research and write systematically about the theory undergirding restorative justice, the principles and values guiding its application, and particular programs to bring it into being. These were developed using a similar approach of working sessions, multiple drafts, and external review. Our purpose then was to help Justice Fellowship focus its reform efforts by identifying significant public policy implications of this new theory.

Interest in restorative justice kept growing, and we worked with Anderson Publishing to revise and enhance our internal work to engage a broader audience. Since publication of *Restoring Justice* in 1997, the movement has both deepened and widened with substantial developments in the concepts, policies, and practices related to restorative justice.

At every stage of our journey with restorative justice, we have benefited from the insights, questions, research, writings, experience, and practical contributions of scholars and practitioners around the globe. Our best ideas are the result of interaction with the remarkably generous, creative, and courageous people in this field. Although these individuals may not agree with all of our conclusions, their contributions have enriched and strengthened our work and that of restorative justice advocates and practitioners throughout the world.

We especially thank former colleagues at Justice Fellowship who helped us research and write “Restorative Justice: Theory, Principles, and Practice,” printed and copyrighted by Justice Fellowship in 1989 and 1990. Ideas and portions of these manuscripts are reflected in this book, by permission from Justice Fellowship and our co-authors. As we have prepared each edition of *Restoring Justice*, we have been continually reminded of the formative and highly meaningful interaction among these individuals as we worked together to challenge, articulate, and refine ideas about restorative justice and their

implications. Thomas Crawford poured himself into the project, cultivating personal and intellectual excellence in the process. Lisa Barnes Lampman kept asking the tough questions and pressing for clarity. David R. Carlson played a crucial role in the formulation of the three original Justice Fellowship principles of restorative justice and the development of "Restorative Justice: Theory." Kimon Sargeant and Claire Souryal assisted in researching and writing "Restorative Justice: Principles and Practice." Dorothea Jinnah was invaluable as a precise, resourceful, and ever-thoughtful researcher and colleague. Thanks, too, to Ed Hostetter for his online searches and project help. We also thank Lynette Parker for her work in facilitating wide access to the excellent resources available at <http://www.restorativejustice.org>, both as a benefit to us in preparing this updated edition of *Restoring Justice* and as a resource to others, worldwide. We are indebted to these co-laborers (and others, too many to name) for their hard work and insightful perspectives.

We are grateful for those at Anderson Publishing Co. (now part of Elsevier, Inc.) who have been instrumental in bringing *Restoring Justice* to press and to the attention of readers since 1997. Mickey Braswell cajoled, encouraged, and constructively criticized as we completed the first edition and helped us see the need and potential for the subsequent ones. Ellen S. Boyne applied her adept editing and refining skills to good effect. Pam Chester and others have helped us understand the mysteries of marketing, translation rights, and adapting to changes in the requirements for publication. We have enjoyed working with them all.

Excerpts from other previously published works by Daniel W. Van Ness have also been used by permission in this volume. These works and publishers are as follows: "Preserving a Community Voice: The Case for Half-and Half Juries in Racially-Charged Criminal Cases," *John Marshall Law Review* 28, 1 (1994), is used courtesy of The John Marshall Law School. "New Wine and Old Wineskins," *Criminal Law Forum* 4, 2 (1993), and "Anchoring Just Deserts," *Criminal Law Forum* 6, 3 (1995), are used courtesy of *Criminal Law Forum*, Rutgers Law School. Adapted excerpts from "Restorative Justice" in *Criminal Justice, Restitution, and Reconciliation*, edited by Burt Galaway and Joe Hudson (1990); from "Restorative Justice and International Human Rights" in *Restorative Justice: International Perspectives*, edited by Burt Galaway and Joe Hudson (1996); and from "Legal Issues of Restorative Justice" in *Restorative Juvenile Justice: Repairing the Harm of Youth Crime*, edited by Gordon Bazemore and Lode Walgrave, are used with permission from Criminal Justice Press, P.O. Box 249, Monsey, New York 10952. The review of uses of restorative justice processes in the criminal justice system in Chapter 9 was drawn from a paper Van Ness prepared for the Workshop on Enhancing Criminal Justice Reform, Including Restorative Justice, conducted April 11, 2005, at the United Nations 11th Congress on Crime Prevention and Criminal Justice held in Bangkok, Thailand. The case study in Appendix 1 is reprinted by permission from Prison Fellowship International.

In the following chapters, we consider why so many people throughout the world believe that criminal justice is in need of a new vision, and we offer a brief history and timeline of significant milestones in the development of restorative justice. We present

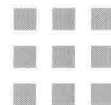


our understanding of the meaning of restorative justice and explore its conceptual and practical cornerposts. We then explore how restorative justice ideas and values are being (and might be) integrated into policy and practice. Finally, we outline issues that are commonly raised about restorative justice, and we summarize various perspectives related to each issue.

As will be clear in Chapter 2, we certainly do not claim to be the first or principal proponents of restorative justice. We are encouraged by the growth of interest in restorative justice worldwide, and the many and diverse examples of its development and practice. Therefore, it is our desire that this volume may benefit those who are exploring restorative justice and encourage practical implementation of its principles, values, and programs in a wide variety of contexts.

We are learners and sojourners in the work of restorative justice. Most of what we have come to understand, we received from others. We thank the generous people who have gone before us, including the aboriginal peoples of the world who have preserved restorative approaches for centuries, and also the wonderful people who travel the road with us today. Most of all, we are grateful to Jesus Christ, who steadily leads us into deeper understanding of, and appreciation for, true peace—shalom.

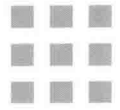
**Daniel W. Van Ness**  
**Karen Heetderks Strong**  
*August 2013*



## Online Resources

Thank you for selecting Anderson Publishing's *Restoring Justice: An Introduction to Restorative Justice*, 5<sup>th</sup> edition. To complement the learning experience, we have provided online tools to accompany this edition.

Qualified adopters and instructors can access valuable material for free by registering at: [www.routledge.com/cw/vanness](http://www.routledge.com/cw/vanness)



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PART 

1 

# The Concept of Restorative Justice



