

EDITORIAL

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We are pleased to be able to devote this second issue of volume 6 of the BJCJ dedicated to the memory of Brian Williams, to an international collection of papers on the evaluation of restorative justice. The collection arises from the work the European Union's COST A21 research network in which Brian was an active participant. The Chair of the network, Ida Hydle, and its members have organised and submitted this collection as their own tribute to Brian whom they describe as an "extremely important colleague", valued for "his brilliant and critical comments and his willingness always to take accurate and notes on discussions and decisions" (Hydle 2007) – a testimonial which other former colleagues and collaborators will instantly recognise.

The papers discuss issues arising from the evaluation of restorative justice (RJ) rather than examining RJ per se. They come from range EU countries although, as Hydle explains in her introduction, not all countries that took part in discussion and debate are represented in the actual papers.

As is inevitably the case with such a collection, in which the majority of authors do not have English as their first language, the reader must be prepared to take account of some variations in the quality of language and style. However, we firmly believe that the insights and new ideas to be gained from the experiences and perspectives of colleagues in other systems and cultures make the effort easily worthwhile. We are particularly proud that included is an original paper by Brian himself, one which not only contributes admirably to the collection but also sets out some new and innovative aspects of his scholarship which would, no doubt, have evolved further but for his untimely death.

The papers highlight the wide range of practices and programmes covered by the RJ label and the issues that these pose for comparative research. They demonstrate the range of approaches to research into RJ and the variety of assessments of its 'success'. The distinction and tension between positivist and relativist research emerge across the papers. Some call for more standardised quantitative research and others for more detailed qualitative work. Many argue for research that addresses how RJ works, which includes looking at this from range perspectives, particularly that of the victim. In questioning the validity of comparing RJ with CJ, one paper points out that the most common experience for most victims is neither!

The first paper, by McCold, argues for standardisation in evaluations of RJ, presenting a list of the data items on which he would standardise. He sees an experimental RCT study as the 'gold standard' for assessing the effectiveness of RJ, although the identification of a comparison group is problematical ethically and practically. He suggests, however, a measure of effectiveness could be offender recidivism, enabling other CJ approaches to be

used as comparators. He reviews the research that has been done globally, finding a range of problems that mean an aggregation of these evaluations into a meta-analysis is not feasible. The key questions for him are 'Does RJ work?' and 'Who does it work for?' A key issue is a tendency for self-selection of both victims and offenders to RJ, meaning that results that demonstrate more positive outcomes for RJ may be a product of this self-selection rather than the impact of the process of RJ. As this significant threat to validity hinders cost-benefit analyses, a more viable objective would be to develop generalisations that will contribute to 'cumulative understanding of the practice or theory of restorative justice'.

This issue of the search for, and value of, comparative data across programmes and countries is taken up in several other papers. Mestitz discusses a comparative research project of RJ across 14 European countries. The aim of this research was to explore the ways in which victim offender mediation (VOM) was organised and delivered. The project offered a standard definition of VOM to respondents, and identified a range of issues pertinent to valid comparison. These related to the different contexts with which VOM takes place, for instance the different legal systems and frameworks across Europe. Sometimes VOM is located within the criminal justice system and sometimes outside on an informal basis; sometimes it is available for young offenders only and sometimes for a wider group of offenders. The location and focus of VOM tended to be linked to cultural and historical background as well as a country's judicial traditions. Problems arose when different terms were used for the same thing or, alternatively, the same term had different meanings. However, within the variation, common issues did emerge, such as VOM being a marginal practice in most countries and the secondary role of victims for the most part.

Lemonne discusses the reasons for the interest in comparative research, particularly within the European context. She talks about globalisation and Europeanisation and the role of cross national treaties and legislation. In Europe particularly, there are calls for greater co-operation between countries and substantial funding for comparative research. Whilst political interest may be fuelled by a desire to pick up and use good ideas from other countries, Lemonne points out that such research can also be valuable in identifying the limits of cross-national implementation. Drawing on her experience of undertaking comparative research in Belgium and Denmark, she raises important methodological and conceptual questions about comparative evaluations. The methodological issues raised have much in common with Mestitz and other papers in this collection. Conceptually she is interested in the lack of shared concepts within RJ and issues of 'how to understand the 'other' without using stereotypes or denying difference', and proposes a detailed understanding of each national system as a prerequisite for useful comparison. She identifies two broad approaches to RJ research: the positivist which focuses on commonalities, aiming for universal theories, and the relativist which focuses on dissimilarities and local social construction. She argues that both types of evaluation – extensive and intensive – are necessary.

Evaluation of RJ practices across a single country can reveal the same sorts of issues, as illustrated in the papers from Hartman and Dale & Hydle. Hartmann describes the German experience of implementing a federal VOM statistics system. The variety and incomparability of the multiple evaluations of pilot VOM projects led to a desire to introduce some standardisation across projects. The paper describes how a system had to be designed that met the needs and restrictions of individual projects as well as those of a central standardised system. A major incentive for projects was the provision of local reports and data that they can use for their own purposes, together with national comparative data. The reporting format provides a range of data that enables each project to use its own definition of success, a key feature for local political debates. Usefully, Hartmann provides substantial detail of the data collection system and suggests that it could usefully be extended across Europe.

Dale and Hydle describe the history of RJ in Norway, from its origins in the writing of Nils Christie and sympathetic political climate to the position today, with 22 services located within criminal, civil and other contexts across the country. A national data collection system has been introduced to address the question of the economic value of RJ as well as its practical and moral value. The authors see the need for both standardised evaluatory research and more theoretical research, but take what they suggest is a pragmatic epistemology. Importantly they argue for more attention to be given to ensure that the findings from evaluation and research are used to inform and develop practice. To this end they propose and describe an action-learning cycle and provide case examples.

Epistemological issues are taken up by Faget who highlights the political value of RJ and questions the value of a search for 'effectiveness' for informing policy. He notes, like other contributors, the practical difficulties of comparative research and the limitations of measures of 'success'. He argues that just as the penal system has an important symbolic function as well as an instrumental one, so does RJ. Different institutional, ideological and procedural contexts create problems for comparative research, as does the problem of an appropriate control or comparison group for RJ. Faget argues that it is important to consider who is doing the research or evaluation, for what reason and how, i.e. the context of knowledge production is as important as are the particularities of the RJ being evaluated/researched. It is important for researchers to be properly reflexive.

These more conceptual and epistemological issues are taken further by the remaining papers in the collection. Williams questions some fundamental concepts and argues that it is important to consider how RJ works as well as whether it 'works'. He introduces the notion of emotions and the central role that they are assumed to play in a successful RJ process. He suggests that offender empathy for the victim is often a taken-for-granted assumption but questions whether this is a necessary component for RJ. He describes the ambiguity of the concept of empathy, whether it is a cognitive, affective or communicative process, arguing that remorse or shame may be more important emotions. He argues for deeper investigation and greater methodological sophistication that can clarify such concepts, particularly as there are dangers in generating empathy in relation to some offences.

Lazaro and Marques question the status given to the role of the victim in RJ ideology and research. Active participation by victim, offender and community are at the heart of restorative ideology which requires balancing of the rights of victim and offender, and yet, as mentioned by other authors, many services are geared towards the offender and much research prioritises impact on the offender. Greater focus on the victim is necessary for proper assessment of the restorative component of programmes and these authors welcome the increased interest of victim support groups in RJ and its evaluation. At the heart of their argument is a recognition that different victims experience crime differently. This is not recognised in much research which homogenises victims and their experience. More qualitative research is needed to illuminate these issues.

The final paper in the collection, by Pemberton et al, also centres on the importance of evaluating the experience of victims in RJ practice. There is little research about victims and much RJ research presents value for victims as a by-product of other aims of RJ. This paper also raises the critical issue of differences among victims, proposing that the differing needs of victims have to be researched and understood to enable RJ to better meet its restorative aims. The paper presents a wide ranging discussion of the ways in which victims vary and the impact that this will have on their participation in and expectations of RJ. They also propose more research into the non-restorative components of the process, such as the time and attention given to a victim that may account for differences in experience. Consideration of the victim perspective also requires recognition of the potential for harm for the victim. Pemberton and colleagues also consider the issue of outcomes from the perspective of the victim, suggesting that the restorative component can be material and/ or emotional. They discuss what these concepts may mean for victims and how individual circumstances and personality can impact upon need for and acceptance of both aspects.

This collection of thoughtful and thought provoking papers raises important issues about evaluation and research that have much wider relevance than just for RJ. A key question for comparative research is its role and utility within a drive, politically motivated, towards greater Europeanisation of social policies and practices. Indeed, one can see within this set of papers differences in evaluative positions, which are grounded on fundamental ontological and epistemological differences both about research and about ways of responding to crime, that reside amongst the researchers and nations represented in this collection.

Reference

Hydle, I. (2007) Personal communication with Dave Ward when submitting the collection herein published.