Many of the authors in this collection are people I have admired for their depth of character for a long time. I like to think they are attracted to this topic because there is also a depth of character, resolve combined with humility about capacity for error, to restorative justice as a movement for the transformation of society. The editors of this volume have done a wonderful job in assembling a distinguished and thoughtful group of writers on the past and future of restorative justice.

Some of the most civilising gems of restorative justice practice and writing do not use the expression restorative justice. A good example is Robert Baruch Bush and Joseph Folger's 1994 book, *The Promise of Mediation: Responding to Conflict through Empowerment and Recognition*. I like to read this work as a micro-theory of how to advance the civilisational virtues of what Lode Walgrave in this volume conceives as republican values. Empowerment and recognition are the key micro-foundations for building a democratic civilisation in Bush and Folger. Empowerment gives citizens voice in a democracy; it transforms them from being weak and alienated to becoming strong and contributing. Recognition means acknowledgement and empathy for the struggles of others. A brilliant micro-insight is that it is recognition that helps us move from being self-absorbed to being 'responsive'. At this micro-level, being responsive means being attentive and open to others so citizens can become part of the project of transforming relationships. Responsiveness means for Bush and Folger being attentive and open to others, prepared to see their point of view and responding to their good faith with trust.

Those who have read Shadd Maruna's great book, *Making Good: How Ex-Convicts Reform and Rebuild their Lives*, will see some common threads with all of this, though Bush and Folger contribute their helpful language of empowerment, recognition, responsiveness. Responsiveness born of recognition and strength born of empowerment are mutually reinforcing, enabling 'compassionate strength'. Relationships can be transformed on a foundation of compassionate strength from being destructive and demonising to constructive, connecting and humanising. We can conceive of connecting with one another's humanity as the micro-foundation in civility of a democratic
Civilising Criminal Justice

Of course some credit must be given to indigenous medicine and traditional healing practices. The research of private pharmaceutical corporations running randomised controlled trials with indigenous therapies was actually mediated by the research of private pharmaceutical corporations running randomised controlled trials with indigenous therapies.

To be fair, British law since the mid-1990s has begun to learn from ubuntu, from mana, from healing circles, if not in the language of their creators. It is thanks to the assertiveness of British characters communicating in very British ways, such as Martin Wright and Sir Charles Pollard, that these lessons were put to good use in Britain during the past two decades. Likewise, one might say that The Netherlands has learnt more from the restorative communications of a John Blad than from the insights of generations of scholars of adat traditions from Indonesia. In my view there is also a great deal that western law could learn from Sharia law such as its much stronger commitment to the right of victims to forgive, with the state waiving punishment. Scratch the average westerner and you find underneath a person for whom learning from the superior wisdom of Sharia law on some issue is quite a strange or offensive idea. Even allowing Sharia law the space to operate in their society for Muslims who choose to believe in it is something westerners approach with profound reluctance or disdain. In some respects reluctance is justified, of course, because there are specific ways that Sharia law is a threat to rights even more dangerous than western law. Westerners are people who believe in the civilisational superiority of western law, deeply. Fictional narratives of the glorious contest between defence and prosecution to discover the truth are promulgated by the western media in collaboration with a legal profession who like to promote this fictional distortion of the production-line injustice system they in fact administer. Again there are exceptional media products that show the way the law puts the poor in prison and white bankers in the House of Lords, but these are not the standard fare.

So it does fall to social movement politics to offer an alternative narrative, to show new paths that pick up the evidence of superior ways of doing justice from other cultures, while preserving strengths of western law that the evidence shows to be real. None of this is to deny that many of those strengths of western law, like the idea of various separations of powers, and limits on abuse of power, are profound. Moreover, this volume shows through its contributions from some exceptionally distinguished western lawyers, that reformers from within western law can be exceptional in their wisdom.
Lode Walgrave points out in his chapter that 'Civilising Criminal Justice' to some could mean abolishing criminal law and replacing it with civil law, to others it could mean bringing greater civility to criminal justice. Elements of both options get some sophisticated attention in the scholarship of this volume. Robust critique of restorative interpretations of civility also provide some of the high points of the book.

It is early days in the grafting of restorative justice into western justice. Many mistakes have been made. Many more are yet to be discovered by probing research designs. Recent criminological re-framings of the limits and the effectiveness of Peelian policing, that has been with us for almost 200 years, are instructive. These re-framings have transcended the nihilism of just a couple of decades ago that investment in policing was irrelevant to crime control. Now we know that smart policing that is evidence-based can make a major contribution to crime prevention; dumb policing can waste taxpayers' money and even make crime worse.

It will take many decades of better science than we have now to know what is smart and dumb restorative justice, what is smart judicial justice and dumb judicial injustice (and prosecutorial injustice). This is because evidence-based policing (like correctional rehabilitation) is a big step ahead of evidence-based adjudication. The great thing about the leadership of David Cornwell, John Blad and Martin Wright in putting this collection together is that it makes some wonderful strides in refining an agenda of contests to be explored in that future empirical and normative work. This volume is a fine start to a project of civilising criminal justice that will challenge our grandchildren and theirs.

John Braithwaite
Australian National University
June 2013

Contributors

Dr Per Andersen (Norway) has been General Director of the National Mediation Service of Norway since 2004. It is a nationwide service with about 90 staff members, 650 mediators, and 22 local offices, besides the central office. From 1991 to 2004 he held positions in various Ministries, including Assistant Director General, Ministry of Justice and the Police. He has made presentations at conferences in Albania, Italy, Latvia, Scotland and Spain, hosted delegations to Norway from European and Far Eastern countries, and led projects in Albania and Latvia supported by the Norwegian Ministry of Foreign Affairs and the Mediation Service.

Professor John R Blad (The Netherlands) is Associate Professor of Criminal Law at Erasmus University, Rotterdam, founder of the Dutch Forum for Restorative Justice, and editor of the Dutch/Flemish Journal for Restorative Justice (Tijdschrift voor Herstelrecht). He is a co-editor of this work, and has published widely in the fields of criminal law and restorative justice. His PhD was awarded in 1996 on the work of Louk Hulsman: 'Abolitionisme als Strafrechtstheorie', Deventer: Gouda Quint. In 2011 he co-edited and reviewed, with René van Swaaij, a reprint of Hulsman's most important articles in: De Ontmaskering van het Strafrechtelijk Discours, Den Haag: Boom Juridische Uitgevers. In 2012, he co-edited with Janny Dierx and others Mediation in Criminal Matters (Mediation in Strafmatten), Den Haag: SDU.

Sir Louis Blom-Cooper QC (United Kingdom) taught criminology and penology at Bedford College, University of London (1961-1981), and as a barrister practised in both criminal and civil cases. He was Chair of the Mental Health Act Commission (1987–1994), and Judge in the Court of Appeal of Jersey and of Guernsey (1988–1996). A former Chair of the Press Council (UK), he was also the first Independent Commissioner for the Holding Centres in Northern Ireland. He was also Chair (and later Vice-President) of the Howard League for Penal Reform, and of Victim Support, and has published many books on criminology and penology, including Fine Lines.