BOOK REVIEW

Grazia Mannozi and Giovanni A. Lodigiani, *La giustizia riparativa: formanti, parole, e metodi*. Torino: G. Giappichelli Editore, 2017, 404pp., ISBN: 8892105191 (hbk).

La giustizia riparativa is an *opera seria*.¹ While its ambition is to be the first handbook of restorative justice written in Italian, as someone with no great passion for handbooks, I hereby declare my passion for this book. *La giustizia riparativa* has nothing of the usual ‘dullness’ of handbooks, while at the same time it contains everything that a handbook must contain. It feels like a marvellously woven together tapestry of music, arts, philosophy, anthropology, history and law. It is in fact not just a handbook on restorative justice written in Italian, but the book all English speaking restorative justice fans should read.

The passion for the book is clearly transmitted by the ‘doing’ of the two authors Grazia Mannozi and Giovanni A. Lodigiani, professors at Università degli Studi dell’Insubria, who have put together a wealth of information, reflections and critique, but more importantly, who have made vital links to delve into the foundations of this great idea that is restorative justice. The book, besides its theoretical and methodological contents, has a rhythm of its own which must be felt. It is conceived as an opera in three acts (parts), each act starting with an *incipit*, and has four *intermezzos*. The *incipit* – literally meaning ‘it begins’ – of a text or a musical composition consists usually of the first few words or the initial sequence of notes. Here, the authors introduce through the *incipit* what is to follow in each of the three parts with an artwork. This way of beginning awakens the spirit, the senses, the curiosity and the mental faculties of the reader. The authors then take the reader along, through their marvellous tapestry of the *opera seria*, until it is time again for an *intermezzo* to bring relief, contrast or connect the material, using another work of art.

The first part of the book ‘lays the ground’ of restorative justice. This ‘ground laying’, nevertheless, is quite atypically done. It does not only aim at establishing a firm basis on which to found the rest upon, but it aims to convey to the reader the sense of the fertile, rich and deep terrain restorative justice actually rests on. Structured in four chapters, the authors start with the consideration of the real difference that restorative justice brings (the difference that makes a difference). That difference rests inevitably on the binomial ‘victim-offender’. At its core, restorative justice questions the narrow conception of crime as a mere law breaking and therefore its necessity to focus on punishment. Bringing back the victim to the crime equation, and therefore reconceptualising crime as a break and harm in relations, what the restorative paradigm brings forth is the notion that it is restoration and reparation that should drive the justice system, and not punishment – ‘It is reparation to victims that is the pulsing heart of restorative justice’ (9). After having set the scene, the chapter traces the ‘discovery of the victim’ in

1 *Opera seria* is an Italian musical term which refers to the serious style of Italian opera in the 18th Century, but it also literally means a “serious work”.

victimology, history of criminology, Italian law and international standards. While understandable, what the chapter is missing is the other half of the binomial: the offender.

The 'ground laying' continues in the second chapter with the unearthing of the juridical and cultural matrixes of restorative justice, tracing the birth of restorative justice in theology, anthropology, criminology and law. An interesting thread here that has been explored also in *Il libro dell'incontro: vittime e responsabili della lotta armata a confronto* by Guido Bertagna, Adolfo Ceretti and Claudia Mazzucato, is the practice of justice in the Bible, in particular the two complementary approaches of *rib* (face-to-face quarrel, conflict, interpellation) and *mišpat* (formal adjudication by a third party). The third chapter, which traces the origin of the *nomen*, offers the most interesting analysis in the book. The authors criticise the strabismus that has been created by the use of the English term 'restorative justice', in which the origins of the restorative paradigm have been searched for in the name, instead of its *nomen*. A thorough analysis shows how the roots of restorative justice lie in conflict resolution practices of 'simple communities' but also in a long and rich tradition of civil law countries. It is precisely the philosophical and juridical tradition of the civil law countries which has been marginalised, mainly because of its diversity and fragmentation, but also due to the fact that often publications in this very old tradition have not been translated.

It is quite telling that the exercise of tracing the English word via Albert Eglash's 'Beyond restitution' has led, in fact, to two German Lutheran theologians, Hans Hermann Walz and Heinz Horst Schrey, in their 'The biblical doctrine of justice and law' (1955). In this text, where originally 'healing justice' was used to refer to one of the four dimensions of a biblical justice, it was Rev. W.A. Whitehead that translated this dimension as 'restorative justice', without any clear or necessary reason and ever since the term 'restorative justice' has prevailed in the English and the international literature. This argument is clearly made to insist rightly on the fact that the origins of the restorative paradigm cannot be searched for in the name. Referring in fact to the semiotic triangle, Mannozi and Lodi-gliani make clear that a term (sign, symbol), can never refer directly to the reality (referent), but needs to be mediated by a concept (meaning, knowledge). But the argument also clearly shows how short sighted it is to search, as the English sources do, for the roots of the restorative paradigm in the English sources. Widening their search, in fact, the authors trace the important role of the thought of the Italian philosopher, Giorgio del Vecchio, especially his *La Giustizia* (written in Italian in 1923, and translated in many languages, including into English in 1953), but also in the work of G. Gregoraci before him (1903). 'Giustizia riparativa' as used by del Vecchio cannot be rendered in English literally as 'reparative justice', 'they appear as false friends' (84), but as 'restorative justice'.

Part II of the book continues delving into the depths of restorative thought and praxis and by articulating further its core through five words. Structured into five chapters, each chapter narrates the complexity of one word: listening, empathy, recognition, shame, trust. The words might strike at first sight as a peculiar choice, and perhaps not evident. But the thread is made from a word to another

to show the complexity that is created by crime on the social fabric and by suffering at the human level, and therefore the craft needed for a justice that claims indeed to do justice, and to do justice differently.

The authors finally dedicate Part III of their *opera* to restorative methodologies. Organised in six chapters, this part starts by describing the main restorative programmes. While acknowledging the large variety of methods and programmes in the field, the authors employ Shapland, Robinson and Sorsby's (2011) 'restorative taxonomy', which maintains that for a conflict intervention to be of a restorative type, this must have the following features: (a) an inclusive/participatory character and a procedural quality; (b) management of emotions and of the consequences of the crime/conflict; (c) orientation towards conflict handling/solving and future management; (d) creation of social capital. Besides the delineation of these features, the authors, while recognising the fact that three are the main restorative methods/practices (mediation, conferencing and circles), present a gradual model of 'restorativeness' that might help shed light on the current confusion about whether certain practices can be called restorative or not. In fact, the authors refer to a range of methods that are used to address conflicts, which starts with punitiveness, and then moves on to *methods with restorative components* to include things such as probation, diversion, community service and conditional measures. One step further are *models which are partially restorative*, where they include practices such as victim empathy groups, conference groups, victim impact statements and sentencing circles. Finally, at the other end, we arrive at *restorative models*, which are restorative circles (rendered in Italian as 'dialogo riparativo', given that a literal translation of the 'circle' methodology may result scarcely understandable by the Italian scientific community), victim-offender mediation, family group conferencing and peace-making circles.

The chapters that follow do not follow necessarily the taxonomy proposed above, therefore there is some sort of linguistic confusion. For example, Chapter 3 deals with what the authors call 'dialogo riparativo', which essentially refers to 'restorative circles', 'responsive circles', and 'peacemaking circles'. The following chapter is on 'penal mediation' (*mediazione penale*). In the English translation, the term penal mediation does not fully correspond to what the authors are dealing with, which is mostly 'victim-offender mediation'. There is an ambivalence felt especially because the authors give particular attention to the humanistic mediation model, in particular the one which is forged by Jacqueline Morineau (and is used mainly in Italy) and the one elaborated mainly by Mark Umbreit in the USA. The humanistic model could not be further in a way from the term 'penal mediation', which in many countries, but probably not in Italy, is used often for very minor crimes and most of the times without even involving the victim. Chapter 4 deals with family group conferencing. Following the three main models, in Chapter 5 the authors introduce restorative methods in a sanctioning context, such as the sentencing circles, victim impact statements, victim empathy groups and victim impact panels. In their discussion, the authors point out the permeability of the sanctioning systems and restorative justice. These programmes, although awkwardly fitting both approaches at once, might be able in the long run to

impact on the criminal justice culture, because they introduce new elements that are different from the rehabilitative or reintegrative discourses.

The last chapter is a real manifesto for a restorative pedagogy. It suggests including restorative justice as a basis in the university education of all the legal stakeholders. The material of a restorative justice formation is according to the authors multidisciplinary and different from a strictly legal training. Restorative justice pedagogy is a rich intersection of law, criminology, philosophy, anthropology, ethics and literature. The need for a specific, high standard, initial and ongoing training for those who would act as mediators is strongly underlined by the authors, recalling the super-national sources.

In their conclusions, the authors make a useful synthesis of the core of restorative programmes: (1) active participation of the stakeholders (2) orientation towards victim's needs (3) restoration of the offence (4) self-responsibility of the offender (5) voluntariness and (6) confidentiality. Likewise, while the whole book had provided a real opening towards a restorative horizon, now we encounter the theoretical limits of restorative justice. According to the authors: (1) restorative justice cannot be seen as a general justice paradigm, because it lacks a corpus of its own precepts, and thus necessitates working in synergy with the criminal justice legislation; (2) participation into restorative processes cannot be imposed, and it is this voluntary and consensual character of restorative justice that leaves gaps in the institutional response to crime and which must be filled by more authoritative methods of conflict management; (3) not all crime can be handled or addressed by restorative justice (e.g. cases where the offender is unknown, crimes without victims); (4) the level of satisfaction of the parties with restorative justice might not be connected to the restorative outcomes but to other factors (such as the attitude of the mediator).

Overall, this book, while digging deep into the fertile soil of restorative justice proper, is a call for creating a continuum between restorative justice, law and rights. The book has, at the same time, analytic virtues and systematising ones, therefore it is a 'different' type of handbook. It is a handbook that can surprise, and that is increasingly a rare feeling with regards to the restorative justice literature.

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