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'This book is perhaps the most comprehensive and certainly the most up-to-date collection on restorative justice. It goes to some topics rarely addressed in earlier volumes ... and embraces a wider range of critiques of restorative justice than most volumes on the subject ... Furthermore, in its geographical coverage, this international Handbook is much broader than older collections ... We are grateful to Theo Gavrielides for bringing so many voices into the conversation. Many inspiring restorative justice leaders in the past have mobilized convening power toward projects of listening, but none more widely nor in more diverse ways than Theo Gavrielides in recent years.'

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'A decade after the first two "Handbooks of Restorative Justice", this successor is timely. It is an update of developments in ideas and current debates, and of a great part of the relevant literature. A new generation of authors is emerging. Restorative justice researchers, advocates and critics should have it.'

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'In its breadth and depth, this impressive collection represents a new chapter in one of the most remarkable stories in criminal justice of the past century. Restorative justice has grown from the radical, abstract vision of 30 years ago into a fully fledged field of study and practice, worthy of this important international Handbook.'

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This up-to-date resource on restorative justice theory and practice is the literature's most comprehensive and authoritative review of original research in new and contested areas.

Bringing together contributors from across a range of jurisdictions, disciplines and legal traditions, this edited collection provides a concise, but critical review of existing theory and practice in restorative justice. Authors identify key developments, theoretical arguments and new empirical evidence, evaluating their merits and demerits, before turning the reader's attention to further concerns informing and improving the future of restorative justice. Divided into four parts, the Handbook includes papers written by leading scholars on new theory, empirical evidence of implementation, critiques and the future of restorative justice.

This companion is essential reading for scholars of restorative justice, criminology, social theory, psychology, law, human rights and criminal justice, as well as researchers, policymakers, practitioners and campaigners from around the world.

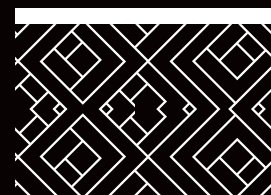
Theo Gavrielides, Founder and Director of The IARS International Institute.

Routledge International Handbook of Restorative Justice
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Dr. Gavrielides has published extensively in the areas of restorative justice, legal philosophy youth policy, human rights and criminal justice. He is the Editor of numerous collected editions as well as the Founder and Editor-in-Chief of the *Youth Voice Journal* and the *Internet Journal of Restorative Justice*. He is also the Editor of the *International Journal of Human Rights in Healthcare*.

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‘This book offers thoughtful and varied approaches to reconciliation and community resilience. As readers, we see that inclusive approaches to justice—involving loved ones, community support systems, and cultural context—offer real hope for renewal and personal peace. This book challenges the punitive aspects of the current criminal justice system, to be sure, but also offers practical tools for transformative leaders to nurture restoration, reformation, and healing. A pathway forward is found through the wisdom of the scholars here, all of whom are committed to restorative justice and a more resilient future.’

Maya Soetoro, University of Hawaii at Manoa, USA

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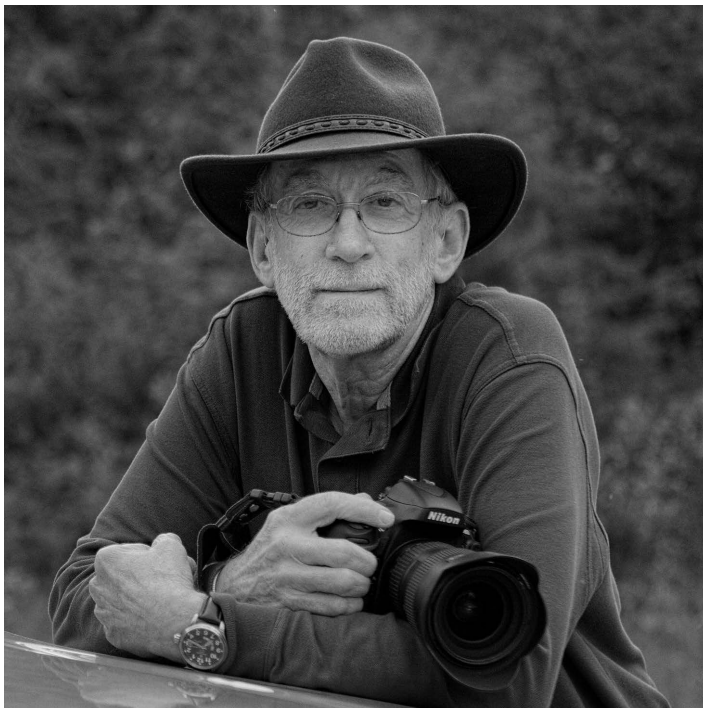
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Now in its second generation, restorative justice is not a wild dream: it is a reality, and I for one am energized by the new and younger voices that are emerging.

It is important to open space for these new voices and emerging themes. As a first-generation developer and practitioner, now at the end of my career, it seems appropriate that this may be the last book foreword I write for the field. It is time to make room for others of this new generation. Much appreciation to Theo Gavri-elides, himself a representative of this new generation, for leading the way through this Handbook.



Howard Zehr, Eastern Mennonite University, USA

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Contributors

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Theo Gavrielides, PhD, is an international expert in restorative justice, human rights and youth justice. He is the Founder and Director of The IARS International Institute, a user-led NGO that empowers marginalised groups to influence social policy and law internationally. He is also the Founder and Director of the Restorative Justice for All Institute (RJ4All) as well as Adjunct Professor at the School of Criminology of Simon Fraser University and a visiting professor at Buckinghamshire New University. Professor Gavrielides is an expert advisor to the European Commission's criminal justice and equality projects, and has worked with many governments on justice reforms. He has worked as the Human Rights Advisor of the UK Ministry of Justice as well as researcher at the London School of Economics, and he is the Principal Investigator of numerous EU, UN and UK funded research programmes.

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Preface and acknowledgements

Theo Gavrielides

Handbook's impetus

Public trust in governments and their institutions has been declining globally. This preface is not the grounds for presenting the reasons for this decline, which have been observed and studied by many over the last few decades (e.g. Garland, 1996; Zedner, 2002). As part of our governments' machinery, criminal justice institutions are not exempted from public scrutiny. Courts, the police, probation, prosecution and all related justice services do not exist in a vacuum either. They are developed and function within the societies that they are meant to serve. If they are structured within disempowering governments and democracies, then their users' experience will be one of disappointment.

This decline in trust is also very much linked with users' perceptions and experiences of equality (or inequality). And we do not need scientific evidence to conclude that the criminal justice system has flaws. We have been experiencing these flaws for many decades through its performance, overt or hidden biases, costs and the absence of a feeling of safety that is meant to be felt by everyone, independently of their background (Gavrielides, 2014). Although the majority of the public do not engage in readings about facts and figures on wealth distribution, their living reality is what drives their fear and anxiety about justice and its current system of delivery. This unavoidable truth gradually leads to disengagement and apathy.

But if we do look at published figures, they will tell us that despite the latest economic downturn, the powerful became more powerful, and the powerless increased in numbers. For example, the 2017 Global Wealth Report showed that the wealth of the richest increased from 42.5% at the height of the 2008 financial crisis to 50.1% in 2017. On the other hand, the poor became poorer, with the world's 3.5 billion poorest adults having assets of less than \$10,000. Collectively these people, who account for 70% of the world's working-age population, own just 2.7% of global wealth. Shockingly, the globe's richest 1% owns over 50% of the world's wealth.¹

Concurrently with the decline in public trust and justice performance globally, there has been a rise of community voice and action (Gavrielides and Blake, 2013; Rosenblatt, 2015). In a globalised world where the internet, social media and borderless continents define how we

¹ The report (eighth edition) is published by the Credit Suisse Research Institute, and it analyses wealth held by 4.8 billion adults across the globe, from the least affluent to the wealthiest individuals, www.credit-suisse.com/corporate/en/research/research-institute/global-wealth-report.html (accessed November 2017).

send and receive information, the notion of community had to redefine itself. It is no longer a place – it is a sense of belonging.

But alas, the modern notion of community lacks the resources to challenge the powerful and the *status quo*. Nevertheless, community leaders, voluntary organisations, campaigners and human rights champions take on active unpaid roles that have now allowed us to talk about informal or community justice. UNDP, UNICEF and UN Women (2012) estimated that in the majority of UN member states, 70% of all disputes are dealt with through informal justice. Indeed, the notion of community now dares to claim ownership, or at least demands joint custody, of justice and criminal justice (Gavrielides, 2013, Wojkowska, 2006). Community voice has been getting louder, and now the powerful have no other option, but to listen.

It is within this transitional global and political framework that I enthusiastically agreed to edit this international Handbook. I hope that it will become part of the aforementioned listening process.

Handbook's structure

Of course, my claim that communities are rising while the powerful are being challenged should not come as a surprise to the reader of this Handbook, given that restorative justice is at its core. There can be no doubt that 'restorative justice' is a contested term with a contested history. This is not surprising, as it emerged within a context of social reform movements and global questioning of extant justice paradigms. Restorative justice also professes to embody the bio-power of community and individual action. This is probably what makes restorative justice timely and appealing to the modern reformists, researchers, students and policy makers.

But for all its goods and promises, restorative justice has flaws like any other human construct. Yes, some may believe that restorative justice is spirited and guided by God, driven by values that are Christian, Buddhist, Muslim, Judaic and so on. Nonetheless, it is a construct. Therefore, the human nature of restorative justice raises the question whether its flaws are as bad as those of the existing criminal justice system. And maybe this question is not as straightforward as it first appears. For example, which elements of restorative justice are not as bad as those of the criminal justice system? Do these relate to certain types of normative claims? Do they relate to practice and certain types of cases or offenders? Are they equally effective globally? Do they relate to finances and charging the public purse less, while achieving better victim satisfaction and recidivism rates?

How can one Handbook answer all these questions? At the same time, I was faced with the challenge of an impressive literature on the topic. Entering online the search terms 'restorative justice' will deliver thousands of results, including research and conference papers, authored and edited books, academic journals, speeches, laws, policy papers, treaties, EU Directives and Recommendations, statutory guidelines, UN Resolutions and Principles, training manuals, press cuttings, videos and even songs, films, pantos and plays. Put another way, what are the normative and empirical questions that remain unanswered and are worthy of investigation by an '*International Handbook on Restorative Justice*'?

Despite my initial hesitation, I proceeded with confidence, knowing that I am in good company. Following discussions with many expert friends (some of whom ended up writing for this Handbook), I divided the volume into four parts that represent the steps I believe we need to take to advance restorative justice internationally.

The first part aims to aid our understanding of the restorative justice normative claims and theories. I have argued many times that this area of work has remained underdeveloped, especially in relation to its philosophical and meta-theoretical questions (Gavrielides, 2005;

Gavrielides and Artinopoulou, 2013). But the advancement of theory alone is insufficient, and thus I proceeded in the second part with a dedicated section on practice bringing to light new evidence. While doing so, I was conscious that the implementation areas of restorative justice are vast. Therefore, I proceeded with caution, focusing only on contested, under-researched and grey areas of practice. Particular attention was given to complex cases such as intimate partner violence and child sexual abuse, where power dynamics are prominent. The Handbook also sheds light on new practice areas such as those with victims and offenders with disabilities as well as the application of restorative practices in healthcare settings and road rage disputes.

But a handbook such as this one would be incomplete without a serious debate that is both critical and up to date. I have always believed that thinking critically about restorative justice not only allows a more balanced and nuanced approach to its theoretical and practical claims, but can also push us to want and ask for more. I was fortunate to work with some well-informed and well-intended critics of restorative justice. In the third part of the Handbook, they present their critical reflections on the claims and potential of restorative justice in an evidence-based and objective manner. I also felt that for an 'international handbook', these critical views had to be spread geographically as much as possible.

Finally, in the fourth part, the empirical, normative and critical contributions of the Handbook are concluded with an articulation of the visions of some of the field's pioneers. I saw these visions of restorative justice as both realistic and aspirational.

Concluding introductory thoughts

This preface aims to invite you onto a journey of questioning, evidence gathering and debate. This journey is timely and much needed, independently of where you are. There can be no doubt (at least in my head) that the shrinking of centralised, top-down, formal structures of justice and the rise of community, bottom-up, informal alternatives is happening now. I will use this Handbook to urge all those who support, or are part of, the *status quo* not to see this shift as a threat. At the same time, I call on all reformists and hopefuls not to treat it as an opportunity to abolish what is and what many have fought for. We must embrace this different *Zeitgeist* that we are experiencing as a positive shift of our world's justice tectonic plates. Communities want more, and justice's needs and realities are adapting to the fast-moving societal changes of globalisation and new technology.

The experts who wrote for this Handbook aspired to support this global change by presenting new theoretical, empirical and critical works on restorative justice, a concept that has troubled me for almost two decades.

Acknowledgements and personal statement

The editing of this Handbook came at a turning point in my life. I have always wanted to be a dad, even before I even knew what I was going to do with my life and passion for learning, reading, writing and justice. After recognizing that wish, I encountered many wonderful people and had many enlightening experiences that led me down various paths and on several journeys that filled me with joy, sadness and a lot of learning. But my wish to parent never changed, and thus, over the last few years I took a different journey that finally led me to becoming Tommy's dad.

When I gladly accepted Routledge's invitation to edit the *International Handbook on Restorative Justice* three years ago, little did I know how daily life changes once a child is at home. As a single dad with no immediate family around me, the experience is a lot more intense, but the joys and the bond are also stronger and deeper. A relationship between a parent and a child is

also a profound, self-learning experience; there is only so much that books can teach you. It is also a relationship that helped me reevaluate my position on restorative justice, which as you will see in this Handbook had been questioned many times in the past. But this time, my shift was not due to intellectual factors, stemming from my narrow legal training and the notion's practical abilities (or inabilities) to materialise its many normative promises.

My new parent role in life created a new intellectual relationship with restorative justice, which, while on the one hand became stronger, on the other, developed to be less intense. It is stronger, because I can now understand better the relational core of restorative justice, and how it can become the driver of both our deviance and restoration. Our human connection, or disconnection, can bring out the best and worst in us, while society, or the community, try to find their role as regulators or witnesses of our conflicts. As a criminologist, this statement reads rather generic and repetitive of more focused and nuanced approaches to delinquency and control. But as a parent, I read it with hope. If restorative justice can tap into our best and worst selves through self-imposed processes of pain and reconstruction, then there must be hope for our betterment as human beings, as parents, as schoolteachers, as employers and yes, as servants of justice and criminal justice. But I also said that my parenting experience made my relationship with restorative justice less intense, and by this, I mean scaling down the many roles that I have taken as a director, researcher, academic, charity fundraiser project manager, lawyer, author, editor and so on.

It has been a rewarding and intense life journey, and it is by no coincidence that this volume's companions have honoured me with their trust and work. But like Zehr, I must now change my lenses and with them how I view my remaining life path. And I see my contribution to be less ambitious in terms of narrow, legalistic understandings of justice and more hopeful in understanding the core of fairness as this is ingrained in everyone's hearts and minds.

And by definition, journeys should never be walked alone. Therefore, it is fitting for this Handbook's journey to first acknowledge the authors who entrusted me with their work. Conducting new research and creating new paths for theory and practice is a complex task that requires much resources and investment. Having it scrutinised, edited and published in a Handbook such as this one assumes a good and open relationship with the editor, and I could not be more thankful for the prompt and constructive responses that I received from everyone.

Humble and special thanks go to Howard Zehr and John Braithwaite for always supporting me, including writing for this Handbook. It is a great honour to be introduced by Howard, whose vision for restorative justice changed the lenses we use to view justice and life. His writings have inspired me and indeed our generation to ask and want for more, and to never stop questioning ourselves. John's scholarly rigour and excellence have also been my guiding writing principles, setting the standard that anyone who writes and learns about restorative justice and justice will want to achieve. Both have been generous with their time during busy and difficult times, and for that I can only be grateful and honoured.

I am also grateful to all those who have challenged me in both good and bad ways. We all go through various cycles in our life paths, and my recent changes have seen many keen friends withdrawing and new coming forth. To all those whose requirements I cannot fulfil in my new role anymore, I wish all the best and send them my gratitude for what they have taught me. To those who have remained keen champions of my beliefs, and patient with my demands and mistakes, I give my love. These include my mother, sister and her family, my publisher and Alison Kirk, my charity, The IARS International Institute, the volunteers at the Restorative Justice for All Institute, and, of course, Juozas Kelecious. I am also grateful to Jemima Hoffman for spending endless hours voluntarily preparing the Index for this Handbook as well as for proof reading several chapters. To the new friends that joined my path, I give the promise that I will not let them down, and this includes Maggie Scott, who stood by me through some of the most difficult and lonely times of my life.

It is now fitting to close my personal statement by thanking my son, Tom, for inspiring me to continue writing about justice and rights and indeed for helping me to renew my pledge for staying on course. As I dedicated my last work to my late father, I think it is also now fitting to dedicate this one to my son in the hope that I will also inspire him as much as my father inspired me.



In perfect sync – Against all possibilities

Photograph © Maggie Scott

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Foreword

Howard Zehr

This is an important collection for anyone who wants to understand and grapple with 21st-century restorative justice.

In the past four decades, restorative justice has developed into a rich field of practice and study. Some would call it a movement, some a social movement. Either way, there is a growing consensus that it is into its second generation.

This international Handbook grounds itself in the present and past in order to look to the future. It sets for itself an important but challenging goal: to reflect the state of restorative justice in the early 21st century, including not only developments in theory and practice but also its essential debates and challenges.

The concept of restorative justice is so simple, so intuitive – yet, as this collection makes clear – so complex in development and application. It is not only that academics like to complexify things (though they do that sometimes unnecessarily); the issues really are difficult and complex – and so important. Indeed, the integrity of the field and its vision is at stake.

The Western idea and implementation of restorative justice developed initially as a response to problems within the Western legal system, sometimes called the criminal justice system, and by some, the criminal legal system. Working in response to or in conjunction with such a rigid, hierarchical, power- and status-quo oriented system (or non-system, as some have argued), with its inherent self-interests, presents many problems, some of which were acknowledged by early advocates. However, as the theory and practice expanded both within and beyond this arena, whole new layers of challenges and pitfalls emerged.

This Handbook wrestles with many of these developments from a perspective that is both wide and deep: it is international – it reflects the widening circles of application that include areas as disparate as health care, architecture, historical harm, social justice, the nature of democracy – and it digs deeply into the difficulties and dangers inherent in all of these. The writers included here do not answer all the questions that are raised; indeed, there are contradictory voices, as there should be. But they do take the discussion to a new level.

The contributors to this Handbook offer us both hopeful possibilities and worrisome challenges. It will not be an easy read for many restorative justice advocates – not just because of the sometimes-academic language but because the challenges raised are so difficult and fundamental. But as I have often advised, we must listen to – even anticipate – our critics or we will not simply miss opportunities: we may become what we are seeking to reform or replace.

Colorado legislator Pete Lee has been instrumental in introducing restorative justice into law in his state. At a conference some years ago, he claimed that he once said to his wife, Lynn,

something like this: “In your wildest dreams, would you ever have imagined that this field would develop like this, and that I would be part of it?” “Honey,” she responded, “you aren’t even in my wildest dreams!”

Whether apocryphal or not, the story captures something important about the early days of restorative justice: most of us in our wildest dreams would not have imagined it would be what it is today. Now, in its second generation, restorative justice is not a wild dream: it is a reality, and I for one am energized by the new and younger voices that are emerging.

It is important to open space for these new voices and emerging themes. As a first-generation developer and practitioner, now at the end of my career, it seems appropriate that this may be the last book foreword I write for the field. It is time to make room for others of this new generation. Much appreciation goes to Theo Gavrielides, himself a representative of this new generation, for leading the way through this Handbook.

The future of restorative justice

John Braithwaite

A great thing about the rule of law is that we have a universal right to access it, or at least we should. Whether we have been a victim of crime, of an oppressive marriage, of breach of contract or consumer deception, we have a right of access to a court of law to adjudicate that conflict. Historical research on crime and justice, the tradition in which Howard Zehr started as a young scholar, has accumulated helpfully. It has taught us the importance of the rule of law innovations that diffused from the Persian and Roman Empires and beyond. As rights of access to adjudication in courtrooms diffused, blood feuds decreased. It was no longer necessary to deal with serious disputes by confronting our adversary and by carrying a weapon in case the confrontation turned nasty.

This is one reason why European societies are so dramatically less violent than they were half a millennium ago. The rule of law also brought a rights revolution that does not solve all problems but does provide some important tests against which all forms of justice must be measured, as Ann Skelton explores in Chapter 3.

Yet during the centuries when courts of law were near universally absent, diverse informal modalities of justice were more universally present to help make up for this deficiency. Carolyn Boyes-Watson evocatively explores more recent recovery of this history in Chapter 1, as does Ali Gohar in the specific context of Pakistan in Chapter 5. Historical experience has taught us that more universal access both to the rule of law and to disparate types of informal justice (including restorative justice) is likely to be a path to justice and nonviolence. By empowering victims to be able to choose either of these options in a variety of forms, we minimize the likelihood that they will turn to redress by violence against their perpetrator, as the recent evidence on victims indicates (Arthur Hartmann in Chapter 9 and Theo Gavrielides in Chapter 8).

The sad thing about the history of the rise of the rule of law is that it created a wealthy new professional class with a class interest in strengthening the monopoly of the rule of law. Old restorative traditions were construed as barbaric or out of tune. These claims for the attuned modernity of the rule of law were sometimes uttered by men wearing aristocratic black gowns or wigs who insisted on being addressed as 'your honour' or 'your worship'. They asserted authority by thumping a hammer or imploring subjects to swear oaths on bibles or other ancient religious texts. The legal profession became adept at co-opting symbols of aristocratic power and god-like power, as it extracted rents to secure the interests of its professional class.

The poor could not afford their justice. Worse than that, the poor were profoundly oppressed by the criminal justice system in every country. When the legal profession could not fight off competition from more accessible informal justice practices, it reappropriated them as expensive and professionalized mediation services. Large fees had to be paid to accredited mediation professionals to learn the craft. Carl Stauffer and Johona Turner touch upon these dilemmas in Chapter 29 and Isabel Ramirez does so in Chapter 21. Juan Tauri at the same time reminds us in Chapter 23 of pathologies that can arise from marketized models of restorative justice seeking a kind of duopolistic relationship with the state. One of the pathologies at risk is pushing aside genuinely indigenous forms of justice.

So civil society must take back some measure of justice from markets and from sovereigns. It must eke out niches for non-sovereign justice, as Guiseppa Maglione expresses it in Chapter 2. We should want our children to learn at school how to resolve disputes with each other. We should want them to do that without overly quick recourse to the sovereignty of the school principal, the youth court judge or a restorative justice professional, for that matter. I believe that there is a democratic principle at issue here. In Chapter 27, Ted Wachtel discusses this principle and other democratic practices using his experience from the schools where he pioneered restorative justice with inspiring teams of restorative pathbreakers.

This book is perhaps the most comprehensive and certainly the most up-to-date collection on restorative justice. It goes to some topics rarely addressed in earlier volumes, such as restorative justice and disability support (Jane Bolitho, Chapter 11), child sexual abuse (Karen Terry, Chapter 10), intimate partner violence (Anne Hayden, Chapter 13), health (Dan Reisel and Janine Carroll, Chapter 15) and road rage (Marian Liebmann, Chapter 16). It embraces a wider range of critiques of restorative justice than most volumes on the subject, including from some of the most distinguished and thoughtful critics of restorative justice – Gerry Johnstone (Chapter 26), George Pavlich (Chapter 30), Juan Tauri (Chapter 23) and Annalise Acorn (Chapter 25).

Furthermore, in its geographical coverage, this international Handbook is much broader than older collections. It considers restorative practices as they exist beyond Western, predominantly English-speaking, societies. The social movement for restorative justice has been good in the past at forgetting that most of the world's population lives in Asia, discussed by Wong and Lui in Chapter 20 and Gohar in Chapter 5. Africa (Skelton, Chapter 3) and Latin America (Ramirez, Chapter 21) are also hugely important for accomplishing a more just future for the world. There is great learning in this book from the diversity and from the good and bad of restorative justice across this complicated planet of ours. The application of restorative justice in Eastern Europe is another example (Matczak – Chapter 22).

It is not possible to do justice to the diversity of the 31 fine chapters in this Handbook. So I have settled for a taste of just these few themes. Theo Gavrielides admirably integrates them all in his Epilogue, in which he reminds us that restorative justice is ultimately about expanding freedom. This implies a restorative justice implemented with care and responsibility, his way of capturing the spirit of this pathbreaking Handbook. We are grateful to Theo for bringing so many voices into the conversation. Many inspiring restorative justice leaders in the past have mobilized convening power toward projects of listening, but none more widely nor in more diverse ways than Theo Gavrielides in recent years.

One great thing about the complex of lenses across this Handbook is that they show that there are many different versions of restorative justice, as Howard Zehr also points out in his Foreword. The strengths and weaknesses of these versions depend on the contexts in which they are deployed. This in turn shows the silliness of those who frame the problem with restorative justice as one of restorative justice being seen as a solution to all problems. Well, of course,

it is a good thing for access to restorative justice to be universally available for the whole range of harms from petty insults right up to genocide.

Being universally available is not the same as being universally chosen. The reasons for the struggle to universalize access to restorative justice are not so different from the reasons that the justice of the courts should be available for all manner of harms from insults up to planetary destruction. Citizens desperately need more universal access to more paths to resolution of problems that oppress them. These must be genuine ways of access rather than fictions of access to justice. In particular, citizens need access to paths that involve formal procedural guarantees and other paths that better protect rights while allowing more flexibility, informality, empowerment and creativity of response. In the great historical struggle to give citizens more options to reject or embrace, a comparative strength of restorative justice is that it is so open to variegated design, even to design by the most marginalized of societal minorities, in ways that are responsive to citizen needs. The project of exploring that design experimentalism to advance human freedom is what is so splendidly advanced by the contributors to this Handbook.