



SOUTH-WEST  
UNIVERSITY  
"NEOFIT RILSKY"  
BLAGOEVGRAD, BULGARIA

VOLUME 5  
2007



# SCIENTIFIC Research

ISSN 1312-7535

ELECTRONIC  
ISSUE

## **The Possibilities of Restorative Justice**

*Assoc. Prof. Dr. Dobrinka Chankova*

### **Restorative justice - an old tradition in modern society**

During the last decades in pursuing alternatives to the unsatisfactorily functioning criminal justice system in a global context some old approaches to crime and conflict have been rediscovered. One of the main ones, in the course of history, is restorative justice, and enormous expectations have been assigned to it in recent years. An optimistic assertion has been made that sooner or later restorative justice will again become the mainstream response to crime. Is it achievable? How soon? Where?

Both the emotional roots and the rationale of restorative justice are based on religious ideals, among others. But today only some restorative justice advocates understand and represent restorative justice as an application of faith-based principles of reconciliation, restoration and healing (Hadley 2001). At present day restorative justice values are usually described in purely secular terms. Although the key restorative justice features remain the same, they are inevitably interpreted differently in a modern context. The validity of the main assumptions of restorative justice, e.g. wrongdoing as a misbehaviour which requires teaching, as well as the need to put the emphasis on returning to the balance/harmony (Ross 1996) is reconfirmed but we cannot do it in the same way and probably not to the same degree as it was done centuries ago. It would be hardly believable and even utopian to think that restorative justice could be tinned, carried through time and used in the same format as the indigenous people have done. In its original form restorative justice seems to be already quite-of-date, so new dimensions have been revealed.

Fortunately, the major restorative justice values and grounds, although expressed in modern language, have remained the same. The crime victim is an icon for restorative justice protagonists (Zehr 1995, Wright 1996 and 1999, Umbreit 2001). Now, as before, restorative justice is not done because it is deserved but because it is needed (McCold and Wachtel 2003). Restitution is considered a means of restoring both parties; reconciliation /restoration is the goal ( Zehr 1985). A lot more could be added here, e.g. some people put the emphasis on dialogue (Bush and Folger 1994), some on community involvement (Crawford and Clear 2001).

Restorative justice continues to be considered as a way to transform conflict into cooperation and to minimize pain delivery (Christie 1982). Restorative interventions aim at improving the quality of life of the victim, the offenders, the families, the neighbours etc. Restorative justice is widely recognized to be a less destructive and less costly alternative to conventional criminal justice. All these broadly accepted arguments could drive us to the conclusion that restorative justice today is a crossing point of modern pragmatism and spirituality. The question is: Is the public really interested in it? Is society (traditionally a key factor in restorative justice practices) open and prepared enough to get involved in this process today? What about the society's individual members? Is there a need for re-arrangement of our values and priorities?

### **Some critical issues for putting restorative justice into practice**

Classically, restorative justice as a transformative process relies very much on community involvement and its positive influence. The huge community potential in restoring and rehabilitating of the victim, offender and the community as a whole is indisputable. But today

we live in fragmented societies, and we all suffer a deficit of community sense. Even the most devoted restorative justice proponents realize that the community sense is becoming extinct. Some emphasize that 'community is not a place' (McCold and Wachtel 1998). It seems true that in today's torn societies the expectations for the community's involvement can be overestimated. By witnessing at daily basis a drastic decrease of the civil activism, we become less and less convinced in that a renaissance of the former way of living and serving public interests is likely to happen.

The understanding that society's potential is a cheap resource used to solve those problems in the resolution of which the state institutions have failed (Brown 1994), is not uncommon. It can be expected that seeing in this some kind of misuse of public recourses, more community members will abstain from being involved in extra work, sometimes with the excuse that they lack time or availability.

Another question is whether the communities are ready to do this job. Some well-grounded scepticism has been expressed (McCold 1996). That is why some maintain that restorative justice programmes should be introduced gradually and it must be done simultaneously with the introduction and advance of other community programmes. This is particularly applicable to the more broken communities where resources and education may need to be committed in order for restorative justice programs to work ( Marshall 1999a: 28).

There is an important correlation between the progress of restorative justice, the state of civil society and economic conditions. To people living in a polarized society the restorative justice core features and extras seem to remain a luxury; restorative justice values belong to the future and not to the present day. Where the sense of solidarity and the tolerance are at a low level and animosity prevails, the future of restorative justice is uncertain. In societies in transition, for example, for the majority of people the most important task is the immediate needs to be met, and the new ideologies, values and long-term effects are of less interest. There is also a risk of misuse of restorative practices. Thus restorative justice is directly dependent on the socio-cultural development and the economic progress.

There is no doubt that public involvement is more than desired as it can boost people's confidence in restorative justice and reduce the fear of crime. Public participation may strengthen and reaffirm communal bonds and encourage the citizens' responsibility. But greater synergy and real partnership between the communities and other restorative justice stakeholders is a big challenge today. We hope this will be achieved and new instruments for fruitful community involvement will be found.

We have to admit that new actors (and probably heroes) have come forth on the restorative justice arena today. These are the non-governmental organisations, or organized communities that could and should be distinguished from non-organized authentic communities. In their modern context, as a relatively new legal entity, they have not been on the restorative justice stage before. But today they are an immanent, natural restorative justice stakeholder, proponent and supplier. The fact that the non-governmental organisations have contributed a lot to the establishment of restorative justice is beyond doubt. They deserve much of the credit for the grass-roots initiatives at the start of the process; as a rule they have been one of the main engines for the development of restorative justice throughout the world. Nobody should underestimate their great potential as one of the basic providers of services. National not-for-profit organizations have strengthened their positions as protagonists in the sphere of restorative justice on a national scale, and are always well in advance the state institutions, as the international ones frequently get ahead of the governmental organisations such as the United Nations, the Council of Europe, and the European Union. They have always been amongst the main sources of ideas reinforcing the further development of the restorative justice practices, and one of the main sources of criticism at the same time.

However, this bright image of the non-governmental organisations is threatened by few dark shadows. There are signals that some seem to consider restorative justice a new sort of business which attracts funds (more or less easily); a new social arena for various activities and for gaining popularity (not an easy job in countries without traditions!). This is particularly applicable to the new democracies - new territory for restorative justice's development - where newly established organisations are 'riding the wave'. The good implication of this is that finally the state monopoly of justice will be destroyed, which can lead to many positive outcomes. The bad implication is the probability that a new monopoly will be established - a monopoly of one or two non-governmental organisations closely related to the government.

In a situation when the state abdicates gradually its functions, the non-governmental organisations' invasion of the restorative justice sector is not a problem - it is even a desired effect. The question is: are they well-prepared to do this delicate and responsible job? Who is exercising the quality control? Who is setting up the standards? While in established democracies these questions have already received their more or less proper answers, and the non-governmental organisations sector is well-developed, relevant umbrella organisations and accreditation agencies exist, and so on, in the new democracies these questions remain open. Most of them are still at an early stage of establishing restorative justice practices (in its modern sense), and even at a pilot phase; the lack of knowledge and traditions are common, and thus also the lack of standards and models of best practices. That is why the risk of poor implementation of restorative justice principles and practices cannot be *a priori* denied. But poor practices could be harmful to the image of restorative justice and could hinder further development. The misuse of the restorative justice idea could marginalize restorative practices and this is particularly dangerous at this early stage of their development. Furthermore, the latter danger is applicable not only to the new territories of restorative justice. Hasty and faulty implementation of restorative practices is everywhere considered as a risk (Fattah 2004). That is why some are warning that 'the label "restorative justice" must be treasured; otherwise poor practices will continue to provide ammunition for critics to undermine it' (Morris 2002 ). Let us hope that these will not happen on a wide scale. But a timely warning is important, so that relevant measures could be taken.

In this respect the increasing role of higher education institutions and academics in developing restorative justice standards is important. They should be much more involved in the training of restorative justice practitioners. Volunteering is a key facet of restorative justice, but still there is not enough of it. It will work much better if it is combined with competence and professionalism on a higher level. Social inclusion (lay involvement) is good, but the high quality of restorative justice delivery is essential. In relation to this, the role of the umbrella- and international organisations as standard-setting bodies has to be recognized as well.

Generally speaking, it is true that so far restorative justice practices have achieved considerable success almost everywhere they have been introduced. Restorative idea has been taken seriously, endorsed by governments and adopted by criminal justice agencies, especially in relation to youth offenders. Restorative justice is seen as being well and truly on the map (Marshall 1999b). The campaigns succeed in bringing restorative justice out from the margins and right into the mainstream of criminal justice theory and practice (Restorative Justice Consortium 2000). However, in some countries restorative justice is still in the process of being established; some restorative justice proponents are still struggling for recognition of their manifesto. This asymmetric development could not be avoided, it has historical, social, economic roots and explanations.

## **A brief overview of some concepts, manifestations and prospects of restorative justice**

Here the extremely important interrelations with the criminal justice system need to be explored.

There are few basic scenarios:

Firstly, marginalisation of restorative justice. There were, there are and probably there will be some obstacles for the expansion of restorative justice. Vested interests in the present system have broadly tried to either prevent, or delay the establishment of restorative justice; even now they are doing their best and probably will continue to marginalise restorative justice, because it threatens their basic assumptions or their existence (Davis 1992, Fattah 2004,) or simply because of the system's resistance to change. One of the reasons to keep restorative justice in the margin is the sceptics' belief that restorative justice can never be combined with proper legal standards (Ashworth 1993, von Hirsch 1998). According to another viewpoint: 'So far, most restorative justice practices seem to be located on a sort of "island" in a traditional system... These islands were like "reservations" of experimentation, tolerated because they were considered to be not harmful to the "real" justice business' (Walgrave 2002a: xvi).

The second option is the cooptation of restorative justice by criminal justice system agencies. If the marginalization attempts happen to fail, they will probably try to co-opt the new programmes (Van Ness 1993, Fattah 2004) and to transform restorative practices into another judicial instrument. That, of course, seriously threatens the autonomy of the parties and their control over the restorative process, and the restorativeness of the process itself.

In the third scenario the restorative justice perspective would continue to exist at a different level of symbiosis with the criminal justice system. Some good examples are so-called dual-track model in which both systems stand side by side with designated passages between them for parties to move back and forth as well as the safety-net model in which the restorative system is the basic response to crime, but conventional processes are available when needed (Van Ness 2002a and 2002b).

It should not be forgotten that many proponents make it their aim to implement the restorative justice approaches as widely as possible within the existing criminal justice system (Marshall 1999 and many others). Others are more moderate seeing in the future piecemeal incorporation of restorative justice programs, ideas and techniques into the formal criminal justice complex (Johnstone 2002).

A good example could be given with victim-offender mediation as one of the key restorative justice practices. According to the Council of Europe Committee of Ministers Recommendation No R (99) 19 meaning mediation has '... "conditional autonomy" within the criminal justice system. This status provides the time and leeway needed for the development of the open communication that allows mediation to unfold, and at the same time keeps the procedure inside the criminal law system. In this way the state retains control of the reaction to a conflict (crime) that has come to the attention of the state prosecutor or has already gone to the judge, but the means of the control are kept temporarily dormant' (Aertsen *et al.* 2004: 42).

However, this peaceful coexistence admits yet another option that sees the restorative justice as a mainstream response to crime. Some see it as a presumptive disposition: prosecution, trial, punishment would be an exception, reserved for cases where restorative justice has repeatedly failed (Braithwaite 1999).

And according to the most extreme scenario, restorative justice would be the only option available – so called unified model (Van Ness 2002a and 2002b).

There are a huge number unanswered questions: Might restorative justice strategy totally replace other penal strategies? What are the possible temporal and geographic

dimensions of the realization of these scenarios? How likely is each of them to be accomplished? What will be the impact of the state bureaucracy? How would the expectations of the paternalistic society be met? Restorative justice as a routine response to crime - is it possible? And do we need to replace the machine with an entirely different one (Johnstone 2002)? Some (Barnett 1977, Christie 1982, Zehr 1995, Walgrave 2002b, Chankova 2002, Wright 2003) argue that we do need a paradigm-shift away from punitive justice and towards restorative justice, but many (Norrie 1999, Feld 1999, Johnstone 2002) question the desirability of one such shift.

The future is uncertain. Any of these scenarios could take place. There are many factors that could influence the outcome - on a local and on a global level. A universal management of these processes is 'mission impossible'. Let us not try too hard to direct the evolution of restorative justice, but have confidence that the restorative ideal is strong enough to survive and develop in a constructive way.

In addition to those mentioned above, there are many well-grounded concepts about the present dimensions of restorative justice and the tendencies in its development.

Some see restorative justice as a way for the further socialization and humanization of justice, of the personalization and civilization of conflicts (Fattah 2004).

Other find it as an instrument for 'civilising the law' (Barnett 1977, Zehr 1995, Wright 1996); not only when it comes down to applying the civil law principles to crime and penal law, but also when a certain refinement of our legal approach as a whole is sought after. Sanctions are not totally excluded but they are more humane.

According to some radical views, restorative justice is seen as a holistic change in the way we do justice in the world (Zehr 1995, Van Ness and Strong 2002); '...restorative justice is not simply a way of reforming criminal justice system, it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics (Braithwaite 2003:1).

There is also a concept of restorative justice as an alternative lifestyle (Sullivan 1998) concerning our everyday interaction with other people. One similar assessment states that restorative justice is a philosophy, not a model and ought to guide us in all of our dealings (Wachtel 1999).

And finally there comes a somewhat pessimistic view about restorative justice being an ideal of justice in a utopian ideal of society (Walgrave 2002b: 206).

The restorative justice field is in an incessant process of evolution.. New concepts are being elaborated, new findings are being discovered, new models and applications are being experimented with. The application of restorative justice methods in particular settings, such as prison, police services, schools, and within the family context offers new perspectives. There can be no doubt that an exciting time for restorative justice is coming.

### **Instead of a conclusion**

The last decades showed that the initial enthusiasm provoked by the re-appearance of restorative justice has been inevitably accompanied by numerous attacks. Many people demand too much from restorative justice (Johnstone 2003, von Hirsch, Ashworth and Shearing 2003, Duff 2003, Daly 2003), they insist that it should give answer to all defects of the contemporary criminal justice system.

Although restorative justice has a long history, its modern format is relatively recent and more time is needed to translate its critical values into good modern-day practices (Morris 2002). However, its research and experimentation phase belongs to the past; it shows that restorative justice does work and this fact is widely recognised. The increasing credibility of

restorative options generates great expectations. Restorative justice has been present in the agenda of the United Nations, the Council of Europe and the European Union for a long time now. All debates on the reform of criminal justice focus more or less on restorative justice's potential. More and more countries are gradually providing legal opportunities for restorative justice practices (Miers and Willemsens 2004).

Restorative justice is not a panacea and is not a nirvana; it should not be and it is not oversold – it has its numerous critics. They find the holistic claims made by many restorative justice advocates and practitioners more or less exaggerated. But it has proved that its results are no worse in some ways than other forms of intervention, e.g. in re-offending, and it can bring other desired improvements, e.g. higher victim satisfaction. However, restorative justice could be considered a part of a systemic reform, with new values which ascribe new roles to the victims, offenders and communities, and indeed to criminal justice office-holders.

Restorative justice rhetoric has a rich genealogy and will probably evolve through time. Romantic dreams are not needed and will not help. In the real world a rocky road for restorative justice can be foreseen. Its future is a function of the advance in economic, social, cultural and political development. It should be kept in mind that authoritarian governments are keen on compulsion and the conservative climate in social and legal politics does not favour restorative justice whose development is strongly influenced by the existing systems and cultural environment. The more the society is aware about restorative justice, the more it will favour its applications. It is of the greatest importance that the existing strong opposition to be overcome. The lack of human resources and infrastructure could also be a hindrance. Adequate funding on regular basis is vital. Institutionalisation of restorative justice practices on a nation-wide scale and the establishment of a legal framework is essential for the countries belonging to the continental law system. While it is true that in common-law system restorative justice application is possible without new legislation, it probably will not flourish here without changes in the law. A more consistent or co-ordinated approach to restorative justice development can be crucial as well. Continuous international cooperation, exchange of know-how and experience are traditionally considered essential factors for the further development of restorative justice. Training and methodological help also are key factors. Sharing best practices' pattern, research and evaluation results and ideas will be encouraging at many levels. In Europe, these have been provided since 2000 by the European Forum for Victim-Offender Mediation and Restorative Justice. International instruments are also an important catalysts for further advance.

Obviously, restorative justice could be fully put into practice and could be fruitful only if the necessary prerequisites were fulfilled, in compliance with the local and national circumstances. It seems to be a long way ahead. It is hardly believable that we are witnessing or participating in a brand new revolutionary movement; in any case there are grounds for believing that an evolutionary way will be a much better option for the future of restorative justice.

## References

Aertsen, I., Mackay, R., Pelikan, C., Willemsens, J. and Wright, M. (2004) *Rebuilding community connections-mediation and restorative justice in Europe* ( Strasbourg: Council of Europe Publishing)

Ashworth, A. (1993) 'Some Doubts about Restorative Justice', *Criminal Law Forum*, 4:2, pp.277-99

- Barnet, R. (1977) 'Restitution: a New Paradigm of Criminal Justice' in *Ethics*, 87, pp.279-301
- Braithwaite, J. (1999) 'A Future Where Punishment is Marginalised: Realistic or Utopian?', *UCLA Law Review*, 46, pp.1727-50
- Braithwaite, J. (2003) 'Principles of Restorative Justice', in A. von Hirsch, J. Roberts, A. Bottoms, K. Roach and Mara Schiff (eds) *Restorative justice & Criminal Justice. Competing or Reconcilable Paradigms?* (Oxford and Portland, Oregon: Hart Publishing), pp. 1- 20
- Brown, J. (1994) The Use of Mediation to Resolve Criminal Cases: A Procedural Critique, 43 *Emory Law Review*, Fall 1994
- Bush, R and Folger, J. (1994) *The Promise of Mediation: Responding to Conflict through Empowrment and Recognition* (San Francisco: Jossey-Bass Publishers)
- Chankova, D. (2002) *Mediatsiyata mezhdu zhertvata i izvurshitelya na prestuplenieto* (Sofia: Feneya)
- Christie, N. (1982) *Limits to Pain* (Oxford: Martin Robertson)
- Crawford, A. and Clear, T.R (2001) 'Community Justice: Transforming Communities Through Restorative Justice?', in G. Bazemore and M. Shiff (eds) *Restorative Community Justice: Repairing Harm and Transforming Communities* (Cincinnati, OH: Anderson)
- Daly, K.(2003) 'Making variation a virtue: evaluating the potential and limits of restorative justice', in E. Weitekamp and H.-J. Kerner (eds) *Restorative Justice in Context. International Practice and Directions*, (Cullompton: Willan Publishing), pp. 23-50
- Davis, G. (1992) *Making Amends: Mediation and Reparation in Criminal Justice* (London: Routledge)
- Duff, R.(2003) 'Restorative punishment and punitive restoration', in L.Walgrave, (ed.) *Restorative Justice and the Law* (Cullompton: Willan Publishing), pp. 82-100
- Fattah, E. (2004) 'Gearing Justice Action to Victim Satisfaction: Contrasting Two Justice Philosophies: Retribution and Redress', in H. Kaptein and M. Malsch (eds) *Crime, Victims and Justice. Essays on Principles and Practice* ( Hampshire: Ashgate) pp.16- 30
- Feld, B. (1999) 'Rehabilitation, Retribution and Restorative Justice: Alternative Conceptions of Juvenile Justice', in G. Bazemore and L. Walgrave (eds) *Restorative Juvenile Justice: Repairing the Harm of Youth Crime* (Monsey: Criminal Justice Press)
- Hadley, M.(ed.) (2001) *The Spiritual Roots of Restorative Justice* (State University of New York Press)
- Johnstone, G. (2002) *Restorative Justice. Ideas, Values, Debates* (Cullompton: Willan Publishing)



- Johnstone, G. (2003) 'Introduction: restorative approaches to criminal justice' in G. Johnstone (ed.) *A Restorative Justice Reader, Texts, sources, context* (Cullompton: Willan Publishing)
- Marshall, T.(1999a) *Restorative Justice: An Overview*, (A report by the Home Office Research Development and Statistics Directorate)
- Marshall, T.(1999b) 'Message from the Chair' in *Restorative Justice Consortium: The First Year* (Annual Rapport 1999)
- McCold, P. (1996) 'Restorative Justice and the Role of Community', in B. Galaway and J. Hudson (eds) *Restorative Justice: International Perspectives* (Monsey, NY: Criminal Justice Press) pp. 85-101
- McCold, P. and Wachtel, B. (1998) 'Community is Not a Place; A New Look at Community Justice Initiatives', *Contemporary Justice Review*, 1:1, pp. 71-85
- McCold, P. and Wachtel, T. (2003) T. 'In Pursuit of Paradigm: A Theory of Restorative Justice', Paper presented at the XIII World Congress of Criminology, 10-15 August 2003, Rio de Janeiro, <http://www.realjustice.org/library/paradigm.html>
- Miers, D. and Willemsens, J.(eds) for the European Forum for Victim-Offender Mediation and Restorative Justice, (2004) *Mapping Restorative Justice. Developments in 25 European Countries*, (Leuven: European Forum for Victim-Offender Mediation and Restorative Justice v.z.w)
- Morris, A.(2002) 'Critiquing the Critics. A Brief Response to Critics of Restorative Justice', in *British Journal of Criminology*, 42, pp. 596-615
- Norrie, A. (1999) 'Albert Speer, Guilt, and "The Space Between"', in Matravers, M. (ed.) *Punishment and Political Theory* (Oxford: Hard Publishing), pp. 133-51
- Restorative Justice Consortium (2000) *Restorative Justice from Margins to Mainstream* (London: Restorative Justice Consortium)
- Ross, R. (1996) *Returning to the Teachings, Exploring Aboriginal Justice*, (Penguin Group Canada)
- Sullivan, D. (1998) 'Living a Lifestyle of Restorative Justice: An Interview with Fred Boehrer', *Contemporary Justice Review*, 1:1, pp.149-66
- Van Ness, D. (1993) 'New Wine and Old Wineskins: Four Challenges of Restorative Justice', *Criminal Law Forum*, 4:2, pp. 251-76
- Van Ness, D.(2002a) 'The shape of things to come: a framework for thinking about a restorative justice system', in E. Weitecamp and H.-J. Kerner (eds) *Restorative Justice. Theoretical foundations* (Cullompton: Willan Publishing), pp.1-20
- Van Ness, D. (2002b) 'Creating Restorative Systems', in L. Walgrave (ed.) *Restorative Justice and the Law* ( Cullompton: Willan Publishing), pp. 130-149

- Van Ness, D. and Strong, K. (2002) *Restoring Justice* (2<sup>nd</sup> Edn.), ( Cincinnati, OH: Anderson Publishing)
- von Hirsch, A. (1998) 'Penal Theories' in M. Torny (ed.) *The Handbook of Crime and Punishment* (New York/Oxford: Oxford University Press)
- von Hirsch, A., Ashworth, A and Shearing, C. (2003) Specifying Aims and Limits for Restorative Justice: A 'Making Amends' Model?', in A. von Hirsch, J. Roberts, A. Bottoms, K. Roach and Mara Schiff (eds) *Restorative Justice & Criminal Justice. Competing or Reconcilable Paradigms?*( Oxford and Portland, Oregon: Hart Publishing), pp.21-41
- Umbreit, M. (2001) *The Handbook of Victim-Offender Mediation. An Essential Guide to Practice and Research* (San Francisco: Jossey-Bass Inc.)
- Wachtel, T.(1999) 'Restorative Justice in Everyday Life: Beyond the Formal Ritual', Paper presented at the "Reshaping Australian Institutions Conference: Restorative Justice and Civil Society," The Australian National University, Canberra, February 16-18, 1999 <http://www.iirp.org/library/anu.html>
- Walgrave , L. (2002a) 'Introduction', in L. Walgrave (ed.)*Restorative Justice and the Law* (Cullompton: Willan Publishing), pp. xv-xix
- Walgrave , L. (2002b) 'Restorative justice and the law: socio-ethical and juridical foundations for a systemic approach', in L. Walgrave (ed.) *Restorative Justice and the Law* (Cullompton: Willan Publishing, pp.191-218
- Wright, M.(1996) *Justice for Victims and Offenders: A Restorative Response to Crime*, (2<sup>nd</sup> Edn.) (Winchester: Waterside Press)
- Wright, M.(1999) *Restoring respect for justice: a symposium* ( Winchester: Waterside Press)
- Wright, M. (2003) 'Is it time to question the concept of punishment?', in L. Walgrave (ed.) *Repositioning Restorative Justice*, (Cullompton: Willan Publishing), pp.3-23
- Zehr, H. (1985) *Retributive Justice, Restorative Justice*, Occasional Paper No 4, New Perspectives on Crime and Justice series ( MCC Canada Victim-Offender Ministries Program and the MCC US Office on Crime and Justice)
- Zehr, H. (1995) *Changing lenses: a new focus for crime and justice*, (2<sup>nd</sup> Edn.), (Scottdale, PA, Herald Press)

### **Summary**

In recent years Restorative justice (RJ) has been in progressive developments and has received considerable attention by scholars, professionals and politicians throughout the world. Different models and approaches have been developed and experimented. Some traditional and aboriginal practices have enjoyed a revival. RJ is considered as an element of victim related polices of ultimate importance. The philosophy behind RJ is to manage the harm done and to restore the victim and the offender to their original status as much as possible. RJ presents an alternative to established modes of trial and punishment and seeks

to include the community and society as a whole in the restorative process. This study aims to explore the possibilities and limits of restorative justice.

-----  
**Dobrinka Chankova** is Associate Professor of Criminal Procedure Law at South-Western University, Blagoevgrad, Bulgaria. She is also teaching Alternative Dispute Resolution at the same university and Mediation in Penal Matters at New Bulgarian University- Sofia. She is the Chair of the Institute of Conflict Resolution in Sofia and has served as an expert of the Council of Europe Committee on Mediation in Penal Matters.

Dobrinka Chankova has played a pioneering role in introducing of mediation to Bulgaria's justice system and in increasing public awareness of the benefits of restorative justice. She has researched a number of projects at both national and international level and has published widely in the areas of restorative justice and victim-offender mediation.