

What Does Justice Require? Participant Views of Restorative Justice

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Summary: This paper presents findings from research undertaken with participants in restorative justice in a criminal justice context in Ireland as part of a Master's degree. The research demonstrates that restorative approaches can deliver on the key elements of justice that matter to victims of crime and can communicate censure effectively to offenders in a way that their courtroom experience may not.

Keywords: Restorative justice, restorative practice, criminal justice, victims, punishment, community.

Introduction

Facing him and understanding was justice for me ... having him sit across from me and cry at me and that's what he done. [That] was justice for me.¹

In a criminal justice context, the relationship between restorative justice, punishment and justice is complex. This research sought to bring the justice debate to those who have experienced restorative justice in Ireland. It engaged with adult victims of crime and offenders to consider whether they perceived their restorative experience to be an experience of justice.

In what follows, a sample of the literature that informed this research will be reviewed and the position of restorative justice in Ireland will be considered, particularly the framework of the restorative justice project from which research participants were drawn.

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¹ Research participant 'Anne' during research interview.

Restorative justice

It is not practical to give a full account here of the literature that informed this research. Rather the intention is to touch on certain areas of restorative justice: firstly, conflicting efforts at definition and secondly, the role of punishment in justice and the quandary this presents for restorative proponents.

Defining restorative justice has proved difficult, not least because its advocates themselves adhere to different conceptions of restorative justice and what it should achieve. Some describe restorative justice as a process-focused rather than outcome-driven approach wherein a (properly conducted) participatory encounter between victim and offender is key (Marshall, 1999; Zehr, 2002). Others acknowledge the potential of the restorative encounter but suggest that there are broader opportunities for reparative outcomes if we focus on efforts to do justice by repairing the harm caused by crime and do not confine 'restorativeness' to circumstances where encounter is possible (Bazemore and Walgrave 1999; Dignan 2003). Still others find appeal in restorative justice as a philosophy for societal transformation (Sullivan and Tifft, 2006).

Despite debate as to the meaning of restorative justice, there are areas of overlap and opinions shared by restorative advocates, and key themes in literature that characterise restorative thought. Themes include a belief that the traditional retributive response to criminality is flawed and that its development brought the loss of traditional community responses to conflict; that the focus in the aftermath of crime should be on what can be done *for* the victim rather than what should be done *with* the offender; a focus on offender accountability, reintegration and the important role of community in supporting victims and offenders to resolve conflict (Johnstone, 2011).

Restorative justice literature reports victim and offender satisfaction. Offenders cite increased awareness of harm caused and a feeling of fair treatment following restorative justice. Victims report increased satisfaction, less anger and less fear of re-victimisation (O'Mahony and Doak, 2008). Studies have shown that victims and offenders who experienced restorative conferencing were more satisfied with their experience than those who experienced the standard criminal justice response (Shapland *et al.*, 2007, 2008, 2011).

Punishment, censure and justice are areas of debate in retributivist and restorative literature. The two sides share the assumption that crime leads

to anger, resentment and a sense of injustice for crime victims and society. When a law or social norm is broken, a victim has been deprived of something that is due to them and usually feels that 'in the name of justice, something must be done' (Johnstone, 2004: 9). Retributive and restorative proponents agree that censure is a key component of a 'justice' response, but differ as to how best to achieve that censure (Duff, 2011; Walgrave, 2004).

Traditional criminal justice seeks to achieve censure and justice through criminal trial and sentencing. Punishment is justified only for those shown to be guilty and only to the extent that it is deserved (Roche, 2007). The rationale for punishment takes varying forms: deterrence, rehabilitation, incapacitation. It is also valued by some for its communicative potential: the communication of formal censure to the offender and communication of the apology that the offender owes the victim and the community whose values and relationships have been violated. By imposition of a burdensome punishment it is hoped that the message of censure is harder to ignore (Duff, 2011).

However, for some restorative justice advocates, retributive ideals and justifications for punishment are flawed and can never deliver an experience of justice as rich as that which can be delivered by restorative justice (Zehr, 1985, 1990, 2002). They assert that traditional retributive punishment fails to communicate censure effectively, fails to communicate with the victim and offender directly, and encourages the offender not to listen to the moralising message that accompanies their punishment but to focus instead on trying to get as lenient a punishment as possible (Walgrave, 2004).

As such, the role of punishment in restorative justice is widely debated. Some argue that if participants in restorative justice experience a reparation agreement as burdensome or an encounter with the victim they have harmed as painful, such approaches are a type of punishment. They are intentionally painful and burdensome, but trying to induce an 'appropriate kind of pain', remorse, censure and reparation (Duff, 2002: 97). Others disagree, and while acknowledging that participants in restorative justice may find elements of their experience painful, they suggest that this does not amount to punishment because the experience lacks punitive intent. From this viewpoint it is the intention of the punisher that is important and not the experience of the person punished. If it is not 'imposed with the intention to cause suffering', it is not punishment (Walgrave, 2003: 63).

Both retributive and restorative approaches value censure, vindicating a victim and encouraging offender accountability. Restorative advocates suggest that such outcomes are best achieved through restorative means, while critics highlight gaps between restorative ideals and reality, and question the centrality of victims' needs within restorative processes and the ability of restorative justice to respond to serious victimisation (Zernova, 2007; Daly, 2005). Even the name 'restorative justice' has been criticised as misleading for the implication that restorative approaches are a form of 'justice' (Robinson, 2002).

Johnstone (2014a, 2014b) suggests that our existing way of doing justice after crime – punishing offenders – is limited. However, he contends that restorative advocates have not made a clear case as to why or whether restorative justice can be seen to deliver a better justice experience than retributive justice. He notes the contested and subjective nature of justice, and the potential, regardless of how positively restorative processes are perceived by their participants, for conflict with universal principles of procedural or natural justice that are protected by the court process. He suggests that if we are serious about justice we need to focus not on whether restorative or retributive justice is superior but rather on how we can do as much justice as possible.

Restorative justice in Ireland: the framework of a restorative justice project

In Ireland, restorative justice is a relatively new concept, entering discourse on crime and punishment in the 1990s (Gavin, 2015). However, some would suggest that it also has historical relevance to Ireland, highlighting its similarity to Brehon law (Consedine, 1995).

Restorative justice in Ireland operates to differing extents within and outside of the criminal justice system. The provisions of the Children Act 2001 facilitate the use of restorative justice although it is not explicitly referenced. Section 29 of the Act provides for the convening of a conference in respect of a child who is subject to the Garda Diversion Programme. Court-referred family conferences are organised by the Probation Service as provided in Section 78 of the Children Act 2001. Restorative practices have become popular in schools and communities and the Irish Prison Service (IPS) has commenced restorative programmes with staff and prisoners at selected sites (IPS, 2012). The

Victims' Directive,² to which Ireland is a party, provides best practice guidance for the use of restorative justice. The Criminal Justice (Victims of Crime) Bill, 2015 to transpose the requirements of the Directive into national legislation is currently being drafted.

In 2009 the National Commission on Restorative Justice (NCRJ) published its final report. Having considered restorative justice internationally and within Ireland, it was 'unanimous in its recommendation to the Minister for Justice, Equality and Law Reform that a restorative perspective be introduced into the Irish criminal justice system' (2009: 3).

In an Irish context, the NCRJ defined restorative justice as 'a victim-sensitive response to criminal offending, which, through engagement with those affected by crime, aims to make amends for the harm that has been caused to victims and communities and which facilitates offender rehabilitation and integration into society' (2009: 34). This definition reflects many key restorative themes. It places focus on victim, offender and community involvement. It highlights engagement with those affected by crime, suggesting a focus on the restorative process, but also emphasises restorative outcomes – making amends, offender rehabilitation and integration. It defines restorative justice as a response to criminal offending and suggests that the NCRJ saw a place for a broad conception of restorative justice in an Irish context, valuing both restorative processes and reparative outcomes.

The NCRJ identified the Probation Service as the lead agency for delivery of restorative justice in Ireland. In July 2013 the Probation Service published its Restorative Justice Strategy. It stated a commitment to maximising the use of restorative approaches in Probation work and continuing to innovate and develop programmes and practice within a restorative framework (Probation Service of Ireland, 2013).

Restorative justice in Ireland has thus been gaining momentum in recent years, with Irish research recommending its further advancement. In a juvenile justice context, an evaluation of the caution and conferencing of juvenile offenders carried out by the Garda Research Unit (O'Dwyer, 2001) encouraged expansion. In the context of sexual offences, recent Irish research has recommended the provision of restorative justice services to respond to the needs of those impacted by sexual crime as a matter of urgency (Keenan, 2014). The current research sought to add to existing Irish scholarship by exploring participant views of an adult

² Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

restorative justice programme in Ireland, operating within a criminal justice context.

The Probation Service, under the auspices of the Department of Justice and Equality, provides funding and support for two dedicated, adult-focused, restorative justice projects – Restorative Justice in the Community (RJC) and Restorative Justice Services (RJS). Participants in this research were invited from RJC. The project operates as a partnership between the judiciary, An Garda Síochána, the Probation Service and community members. Referrals are received from court at pre-sanction stage following establishment of guilt.

Should the parties wish to engage in a restorative encounter, the project offers victim offender mediation and restorative conferencing. The former involves a facilitated restorative encounter between victim and offender and the latter enlarges that encounter to include the victim, the offender and their family or supporters.

If the victim wishes to engage with the restorative project and the development of a reparative agreement but does not (at that time) wish to encounter the offender, an indirect approach is adopted whereby the victim's views and desired reparation are conveyed to the offender in a process called a reparation panel meeting. The panel consists of the offender, a project facilitator, a trained local Garda and two trained community volunteers from the area. They represent the community's role in acknowledging the harm caused to victim and community and support efforts at reparation.

During the mediation, conference or reparation panel, the offence and its impact are discussed and a plan for reparation is agreed known as a Contract of Reparation. Upon completion of the Contract, a report is provided to the court and depending on the nature of the offence and jurisdiction of the court, a number of options exist for finalisation. In the majority of cases referred by the District Court, successful contract completion results in the charge being dismissed under Section 1(1) of the Probation of Offenders Act, 1907 or being struck out by the court. For more serious charges the court may consider additional sanctions including fines, probation supervision, or the suspension of a prison sentence.

Research methods

As the personal experiences of participants and their perspectives on justice and restorative justice formed the premise for this research,

qualitative methods, specifically qualitative (semi-structured) interview, were adopted as the most appropriate research methodology. Such methods provide a depth of understanding not possible through the use of quantitative, statistically based investigations, and the approach values how people understand, experience and operate.

Ethical approval for the research was provided by the applicable university body and invitations for participation were extended to a group of 20 adult victims and offenders who had completed a restorative justice programme with the RJC project within the previous 12 months. It was important that those invited to participate in the research had completed their interaction with the project and with the court so they could be assured that their participation would have no impact on case outcomes. Ten individuals responded positively to the invitation – five victims and five offenders. Five participants were female and five were male. Five participants were aged 40+; five were in the 18–25 age band. While some participants were the victim and offender of the same offence, that was not the case with all. Ensuring confidentiality and privacy of participants was a key consideration, and pseudonyms were assigned.

The ten participants experienced a variety of restorative responses and criminal justice outcomes. Eight experienced restorative process-based approaches wherein offenders and victims encountered each other. Two experienced the reparation panel in order to deliver reparative outcomes. Eight had experience of the District Court and two had experience of the Circuit Court. Of the five offender participants, two cases were finalised by means of Peace Bond in the District Court and two by dismissal under Section 1(1), Probation of Offenders Act, 1907 in the District Court. The case of the offender participant who appeared before the Circuit Court was finalised by means of Peace Bond and dismissal under Section 1(1), Probation of Offenders Act, 1907.

Interview questions were designed to be open and focused on participants' personal perspectives and interpretations. Questions explored the offence that led to restorative justice referral, the outcomes (if any) achieved by the restorative approach, how participants would describe restorative justice to others, their sense of what justice required in the aftermath of an offence, and their experience of traditional criminal justice. Participants were also asked to select the most important aspect of their restorative experience from a list of 11 options.

Following interview, the transcribed data were viewed and reviewed multiple times to allow concepts and themes to emerge; literature review

was undertaken only when themes were sufficiently developed to allow the literature to challenge and support what emerged.

It is important to highlight the limitations of qualitative research and the various challenges that arise when one is conducting research on restorative justice. This research was based on a small sample of participants and as such is challenged to produce representative results. Self-selection bias is also a consideration in this type of research, as those who choose to participate in restorative justice may be substantially different from those who do not, in ways that may predict outcomes regardless of the programmes' operation (Sherman and Strang, 2007). Efforts to overcome this limitation focused on inviting as broad a group of participants as possible.

In any research interview there is always some concern that participants may be giving socially desirable rather than honest answers. This is a particular concern where the researcher has a prior relationship with participants. This research was carried out by an employee of the restorative justice project from which the research participants emerged, and as such is considered 'insider research' – the researcher has a direct involvement with the research setting. The limitations of insider research in terms of objectivity are acknowledged. However, for this research, insider connections were regarded as a strength that facilitated trust, rapport and the emergence of participants' voices.

Research findings

Justice

For both victim and offender participants, justice was considered important in the aftermath of crime. Justice was characterised as being a necessary process that should challenge unacceptable behaviour, promote accountability and learning, acknowledge harm, make amends and provide consequences.

for me ... justice was not jailing [him] but actually facing up and being challenged with the consequences [he] caused ... it's tipping the scales back ... you did this crazy thing ... you have to know that you did it and in some way pay it back ... doing something to make it right ... that's the only way you'll get to learn. (Anne)

I broke the law ... if there's not something in place to stop that happening ... what's to stop me doing it tomorrow or next day or progress to doing something

else ... If you do something wrong there has to be a means there ... to prove [you] have learned and won't do it again. (Emma)

If something goes wrong there has to be a means of making it right ... there has to be justice ... it is the line. If you cross the line things have to be put back right ... to where they should have been. (Michael)

Victim participants reported that their restorative experience felt like an experience of justice. The features of their experience most significant to this sense of justice were acknowledgement and offender learning/accountability.

Acknowledgement

For Anne, acknowledgment came in facing the offender, having the opportunity for dialogue and witnessing his emotion at their meeting. This felt like justice to her.

I faced him up ... for me to get an answer or to have the chance to go and say why did you do this ... to stand up to the person that actually made you feel so small and vulnerable ... facing him and understanding was justice for me ... having him sit across from me and cry at me and that's what he done. [That] was justice for me.

Oliver described how the church community in his case felt that restorative justice:

Allowed the damage done to the community and the pain felt by them to be acknowledged. We did not want to ask for punishment or retribution. We wanted an acknowledgement of hurt.

Joanne described the experience as making her feel 'very important in the process'.

Offender learning and accountability

As part of the research interview, victims were asked to select the most important aspect of their restorative experience from a list of 11 options. Four out of five victims selected 'To encourage the person who committed the crime to develop a sense of responsibility or to learn from the experience' as most important. This was a key component of why their

restorative experience was an experience of justice. It was felt strongly that justice should be about learning.

Joanne described how various components of the restorative justice programme had communicated the wrongfulness of the offence to the offender, which to her felt like justice. For her this was a better way to achieve censure than imprisonment.

justice was done because the various factors ... [they] were made to talk about it ... to think about how they could make amends ... [and] apology, I'm sure it must have been very difficult to write down the words why they were sorry and why they did it ... paying money ... it hurts people's pockets ... for all that they did, the writing, apologising, volunteering ... they were being reminded of why they are doing it ... hearing from a couple of places that [the offence] wasn't right ... must have made some impact which is some justice I think.

I came in and ... it was just one track on my mind, them going to prison ... [but] this end result is so much better than prison ... because ... the ball is handed to [the offender]. It's like – 'here you are, this is what you've done, what are you going to do about it?' ... I think for a human being to have to go through that process is probably very educating really.

Offenders also acknowledged the importance of learning and accountability as part of a justice response and cited increased learning and understanding as prominent features of their restorative experiences, suggesting satisfaction of victims' hopes in this regard.

Colm described how he:

Learned [that the victim] went through a lot in the aftermath. Even [the victim's] mother ... that must have been hard too because I wouldn't like to see my mother going through that ... It's understandable when you hear about it ... so I see now what it's like for them. You get to learn about yourself, puts things into more perspective and that lowers the chance you'll get in trouble again because you learn about the pain you caused.

Apology

All five victims received an apology – written, verbal or both – as part of the restorative programme, but when considering what was most important about their restorative experience and what helped it feel like

delivery of justice, apology was ranked as less important to victims than offender learning and accountability.

By contrast, apology was selected as the most important aspect of restorative justice by all offender participants. Apology was important in terms of the opportunity it offered the offender to make amends and feel better. Offenders also considered apology to be an opportunity to show the victim justice.

Fiona described how she felt:

We got to apologise, tell her that we were sorry; if we didn't do this project we wouldn't have got the chance to say that. We donated money to charity she picked, we've put it right by doing community work ... in our situation like I feel better after doing this project. I feel better cos of getting to apologise and actually knowing what I done wrong ... When I first came I had no interest in this ... now I'm delighted that I did this. I'm happy that I got the chance to say sorry and to put things right. It took weight off my shoulders you know What happened, at least you know [the victim] gets a bit of justice in it. Like we did this to show her justice.

it was a breakdown in justice for me to do [the offence] and that I actually apologised and coming to terms with what I had done was kind of letting [the victim] see that she was getting justice. (Michael)

Experiences of traditional criminal justice

Referral to the restorative justice programme was made at pre-sanction stage by the court. As such, each victim participant in this study had exposure to the court process and to criminal investigation. For them, the acknowledgement and offender accountability present in restorative justice, which had characterised it as an experience of justice, were lacking in their experience of traditional criminal justice. Individual Gardaí were praised for their efforts but the criminal justice process was criticised for lack of information, tardiness and a feeling of being let down.

There was one Garda who was really nice and helpful but then sometimes the court case was on and we didn't even know about it. Only when we came here [restorative justice project] were we told ... what was happening ... [the] project ... explained a lot more than we would ever found out from anywhere else. On the court date we were very unsure about what would happen that

day because somebody ... [Gardai] had to go to court on behalf of the state, not us really because it's the state versus ... we felt how would this person know? ... He doesn't know what really has happened. (Grace)

Offender participants also had significant exposure to traditional criminal justice. All were before the court on a number of occasions before their cases were referred for restorative justice, and would have been expecting traditional sanction. None had known of the existence of restorative justice prior to referral.

All five offender participants felt that restorative justice delivered more of their criteria for justice than their criminal justice experiences. Restorative justice was cited as offering opportunities that were important to offenders' sense of justice but which were lacking in their court experience, particularly opportunities for learning and apology.

Court was characterised largely as an embarrassing place where you thought about yourself, your own embarrassment and what would happen to you. Offenders felt that it encouraged little accountability.

In court the solicitors do the talking and you're only like a sheep in a field ... you just sit up and follow ... court was more about fear and embarrassment ... your solicitor tells you that if you open up and say what you did you'll make more trouble for yourself ... that's the complete opposite of this [restorative justice] programme. Deny everything and blaming someone else is more what you do in court rather than owning up to what you did. (Michael)

In court the biggest thing was it was embarrassing to sit there ... but I honestly think that this project is fairer than court ... standing in court and your solicitor is saying 'they don't have evidence so plead not guilty and hope for the best'. Whereas doing this you admit from the very start that you're wrong which I think is a nice thing too for the victim to know ... with [restorative justice] somebody [is] realising they have done wrong, whereas in court ... you can chance saying 'not guilty' and hope for the best ... but what have you learned from that? (Emma)

Punishment and restorative justice

For three victim participants restorative justice was considered to be punishment for the offender and this played a role in their sense of justice. For these victims punishment had more to do with consequences than

with pain infliction. Punishment meant having to do something that you might not necessarily want to do but must do as a consequence of the wrong you have committed, such as attending a restorative meeting, paying compensation or volunteering in the community.

I feel happy they got what they deserved ... what happened in my case was justice to me ... I think everything [the offender] did is punishment ... being made do something you might not want to do because of something you've done ... It's consequences that you don't want to do but you have to do because of what you did wrong. (Grace)

For two victim participants, punishment was synonymous with imprisonment and as such they did not consider the restorative experience to be punishment for the offender. Punishment meant having 'recourse to custodial sentencing' (Oliver).

Whether the experience was perceived by victims to be a type of punishment for the offender or seemed like efforts to 'make it right', the result helped contribute to an overall sense of adequate consequences, vindication and justice.

Similarly to victim participants, offenders had mixed views on whether their restorative experience felt like punishment. For three offenders the restorative meeting that they attended (process) and the agreement that they carried out after the meeting (outcome) felt like punishment. For these offenders the feeling of punishment was strongest before going into the meeting. It felt like punishment because it felt hard. This was expressed clearly by James and Fiona. For James, the initial meeting felt like punishment 'because it was nerve-racking'. For Fiona, 'coming to the meeting at the start felt like punishment ... I was dreading that.'

The restorative agreement also felt like a type of punishment, similarly because some elements were difficult. However, a consistent view was that apology did not feature as something that felt like punishment to offenders. Apology was unanimously valued as something that they had wanted to do. However, saving money to pay someone back for their medical expenses after an assault, doing some voluntary work in the community: those things were hard.

It was [punishment] in a way. Having to take time out of my day to come to meetings ... like having to take days off my course ... having to give away money which I scraped together and having to do community work. (Fiona)

Another common feature for the offenders who felt that punishment played a part in their experience is that although some things on the reparation agreement were hard, and as such felt like punishment, it also felt OK to do those things. Offenders knew how the agreement had been reached; they had participated in its development, understood why they were doing it and what they had learned from it. As such, although things on the agreement felt hard and felt like punishment, this felt OK, fair, deserved and just.

Because you know what you did and that you have to do what you are doing [reparation agreement] because it's owed to [the victim] because he lost out because of my actions. So I was obliged ... to pay him back what he lost. The same as I would like it if the tables were turned ... felt like what I deserved after what happened so it felt OK ... you know you're working towards improving the situation, making up for your wrongs, making [the victim] feel better and that feels better than being in court ... more influence in how it is made up basically is how I'd describe it. (Colm)

For the other two offenders neither the restorative process nor its outcomes were identified as punishment. These offenders categorised restorative justice as non-punitive for the same reasons that the other offenders had considered it to be 'punitive but OK'. For them, because restorative justice was about learning and apologising it did not feel like punishment.

Meeting [the victim] and apologising didn't feel like punishment: that was actually a relief. (Michael)

I personally wouldn't call it punishment ... I would say it was very helpful ... the right thing for me to do ... I don't feel this was punishment cos I learned more from doing the project. (Emma)

Recommendations

Participants were not asked for their recommendations. However, the nature of semi-structured interview facilitated participants' thoughts in this regard. Most suggested that restorative justice was not applicable to every case. Participants cited the subjective nature of justice. As Grace said, 'If you're in the situation you know that you want ... what happened

in my case was justice to me ... but mightn't be the same for everyone else.'

Offender attitude (genuine remorse) rather than seriousness of offence was seen as key to whether restorative justice was appropriate.

I know people are not always genuine ... I don't think someone deserves a chance at the project if they aren't honest from the start. (Emma)

If the person wasn't sorry, didn't regret it ... that would be different ... being sorry, taking responsibility, being mortified that you've done such a thing ... that shows maybe that the person requires something different to happen compared to someone else who doesn't care. (Anne)

Discussion and conclusion

For readers of restorative literature the findings of this research may not seem novel. That is not to disparage the insights of participants but rather to suggest that they confirm the findings of other studies: that restorative approaches can communicate censure effectively and deliver more on the aspects of justice that matter to victims (Witvliet *et al.*, 2008; Clark, 2008).

It is important to acknowledge that criminal justice was 'interrupted' in these cases by referral to the restorative project. However, even if the court had proceeded to impose traditional punishment in the absence of restorative approaches, the responses of victim and offender participants in this research cast doubt on the ability of that sanction to deliver the 'justice' identified as important. Offender responses highlight their perception of court as an embarrassing place where one thought about oneself, rather than an experience of censure or understanding of harm caused. Furthermore, victim participants' responses communicated their disappointment with the adjudication phase of the criminal justice process, suggesting that eventual punishment through the court process alone was unlikely to deliver on the aspects of justice that mattered to them.

In restorative justice literature it has been suggested that restorative approaches lack punitive intent (the intention of the punisher rather than experience of the 'punishee' being relevant here) and are therefore not punishment. When considered in light of the current research, this seems disingenuous and a narrow construction of 'intent'. If restorative processes and outcomes are acknowledged as painful, knowingly embarking on such processes deliberately inflicts pain and for the majority in this research,

restorative justice was perceived to be a type of punishment. However, this was not considered to be a bad thing. For a majority of victims it was key to the communication of censure and for the majority of offenders, while their restorative experience felt like punishment, because censure was communicated in a normative way, the reasoning employed was harder to reject and less objectionable. Offenders understood why it was necessary and had been part of the process of agreeing it. Such insight didn't make it less painful, but did lead to greater understanding of the impact of their behaviour than the courtroom had delivered.

Much as criminal justice seemed frustrating, each participant in this research experienced a combination of justice responses. The project that they participated in was not a complete justice system. Criminal justice existed in the background as a safeguard for fundamental aspects of justice: proportionality, right to representation and fair procedure, which restorative justice is often criticised as lacking (Dignan, 2003; Von Hirsch *et al.*, 2003). The project relied on criminal justice to adjudicate guilt and designate roles of victim and offender, and could not respond to cases where responsibility was denied or an offender was unwilling to repair.

Despite their glowing reviews of restorative justice, none of the participants in this research called for it to replace criminal justice completely. Rather they recognise a place for both. Restorative justice, in their view, is not merited when remorse is absent. Offenders say that it is not deserved in such cases and victims say that they would not participate. Their views suggest that restorative and retributive responses may both have a place in achieving a sense of justice, depending on parties' perceptions.

Given the increasing application of restorative approaches within the criminal justice system in Ireland, this research is important as it contributes participant voices to existing Irish scholarship. Those voices have particular relevance in light of the imminent publication of the Criminal Justice (Victims of Crime) Bill. While many of the findings are consistent with what we already know about restorative justice, the research also demonstrates in an Irish context that restorative approaches can deliver an effective experience of justice for crime victims and facilitate learning, understanding and censure for offenders. As restorative justice continues to develop in Ireland, this research prompts us to ask: what does justice require? For participants in this research, justice was achieved through restorative means (with the safeguard of criminal justice procedure in the

background). Their experiences highlight the importance of further advancement of restorative justice in Ireland so that we can endeavour to do as much justice as possible.

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