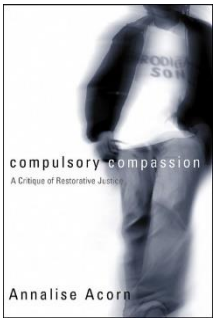

Book Review of *Compulsory Compassion: A Critique of Restorative Justice*, Annalise Acorn, Vancouver: UBC Press, 2004. 207 pages

Introduction

There is a longstanding difference in how to read the Gospels in relation to criminal justice and in how to read the Gospels in response to issues of violence and nonviolence in general, and dominant Western Christian views of the above. One of Mohandas Gandhi's repeated statements was that it seems everyone but Christians knows Jesus was nonviolent[1]. The author of the book reviewed is not grounding her critique on Jesus or the Bible, though she cites Jesus' words several times. She joins with Gandhi's "Christians". I shall return to the issue of her ethical epistemology.

My point of departure is the church's Jesus and Bible. And I am with Gandhi, a non-Christian by his self-designation, in his assessment of (especially) Western Christendom's remarkable longstanding rejection of Jesus' nonviolence. Noted evangelical author Philip Yancey once wrote of Gandhi (rightly I think) that he was possibly the only Christian (Christ-follower) in India at the time of his bid to liberate India from British rule.

Other Reviewers Say…

One reviewer thought the book "sublime", but I'm not sure how closely otherwise the book was read. The most prolific of Restorative Justice advocates, John Braithwaite, who is also critiqued extensively by the author, wrote:

> *Compulsory Compassion* is the most beautifully written of the now countless books on Restorative Justice. It is also the most foundational critique yet to appear ("Narrative and 'Compulsory Compassion'", John Braithwaite, *Law & Social Inquiry*, Volume 31, Issue 2, 425–446, Spring 2006, p. 425; accessed by Internet August 23, 2008 at http://regnet.anu.edu.au/program/publications/PDFs/2006_Braithwaite_NCC_LS.pdf).

I agree with the former claim: Acorn is an elegant writer, describing the case for Restorative Justice that she trashes better than most advocates do – as Braithwaite points out. I agree however with J. H. Bogart at the end of his review about the latter claim:

> Unfortunately, the book is short on both evidence and sustained analysis. Restorative Justice still lacks a theory and *still lacks a critique* (*Law and Politics Book Review*, Vol. 14 No. 6 (June 2004), pp.446-448, italics added; accessed by Internet August 23, 2008 at http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/acorn604.htm.)

[1] The most masterful and massive study to date demonstrating Jesus' nonviolence is: ***Covenant of Peace: The Missing Peace in New Testament Theology and Ethics,*** Willard Swartley, Grand Rapids: Eerdmans, 2006. The best theology of criminal justice from a peacemaking/Restorative Justice perspective, cited in the book under review is ***Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment,*** Christopher D. Marshall, Grand Rapids: Eerdmans, 2001. See also: ***Stricken by God? Nonviolent Identification and the Victory of Christ,*** edited by Brad Jersak and Michael Hardin, Abbotsford: Fresh Wind Press and Grand Rapids: Eerdmans, 2007.

Though I think Restorative Justice theory is MUCH more substantial than Bogart allows.

Bogart also says:

> Professor Acorn assumes the defects of Restorative Justice are greater than the defects of alternative theories. Perhaps they are, but it is far from obvious, and she offers no basis for this conclusion… Although, as she notes, she once found hope in Restorative Justice, the evidence of this book suggests that she joined and left because *she fell in and out of love with rhetoric* (*ibid*, added).

The reviewer is definitely on to something! Failed romances do sometimes bitter opponents make.

John Braithwaite offers however the most substantive critique of the book. As a noted researcher, he cites significant empirical research to challenge Acorn's narrowly conceived critique that sees only through a criminal justice lens. I shall cite the two major misgivings of Braithwaite, and encourage all to read the entire article:

> The biggest worry about Acorn's text is that it takes such a narrow criminal lawyer's view of justice… Normatively, the big difference between Acorn and restorativists is that her vision of justice is more segmented, while the restorative vision of justice is more immanently holistic—with restorative, penal, reparative, procedural and social justice tending to be positively correlated (Braithwaite 2003 [Holism, Justice and Atonement. *Utah Law Review*2003 (1):389–412]). Descriptively, it is the restorativist who has the more segmented view of human actors as multiple selves, while Acorn's is more holistic, criminals being often seen as having a unified (bad) self (*ibid*, p. 443).
>
> A second big worry is with Acorn's cavalier failure to engage with the empirical evidence—which in many cases is considerable—on the claims she makes (*ibid*).

On this latter concern, the little empirical evidence Acorn adduces includes one study cited twice on the disaffection of victims with a community conferencing program (pp. 70 and 176, footnote 72, and pp. 80 and 178, footnote 10). One study twice quoted does not a more compelling case make! And community conferencing programs have been critiqued by peers for their failure (if so) to include victims in the process. This "second big worry" Braithwaite concludes with truth telling that at once belies and counters Acorn's contrary claims about Restorative Justice advocates (see below), and in fact is pointer to the shoe's being on the other foot in her and others' advocacy of retributive justice (see more on this earlier in Braithwaite's article):

> Actually the overall numbers conceal an emerging understanding from this literature that, sometimes, Restorative Justice can have large effects in reducing violent crime by as much as 40 percent (Sherman 2003 [Reason for Emotion: Reinventing Justice With Theories, Innovations, and Research. The American Society of Criminology, 2002 Presidential Address. *Criminology* 41:1–38].) and in other contexts (for example, Aboriginal property offenders in the Canberra RISE experiments and some kinds of victims who did not get what they were looking for), Restorative Justice can be seriously counterproductive. So the data are beginning to suggest that our savvy expectation is wrong and we have a long way to go before we understand why. Acorn does not seem interested in this long empirical journey. However zealous and overreaching the ambition of the social movement for Restorative Justice to reform institutions as disparate as schools, families, prisons, legal systems and UN peace operations, *it has also been a distinctive movement in its commitment to being evidence-based concerning the outcomes of its advocacy* (*ibid*, pp. 443 & 444, emphasis added).[2]

[2] The research done on the efficacy of Circles of Support and Accountability (CoSA), a Restorative Justice initiative within Canada, points to, well, "magic" results (*pace* Ms. Acorn, who despises the term.) Dr. Robin Wilson has

The Author's Conversion/"Unconversion" to Restorative Justice

Had the book's subtitle read "A Rejection of Restorative Justice", the author would have been more accurate. Had the subtitle read "An Abhorrence of Restorative Justice", the visceral aspect of what makes this book objectionable might have been better communicated. (Had the first word of the title been "Elicitive", she would have demonstrated a better grasp of her material.)

I have spent a career (as volunteer and professional, from 1974 to the present) in criminal justice. Most of those years I have promoted and helped develop a vision of Restorative Justice within Canada and wider. I recognized largely a caricature of my Restorative Justice advocate self and of the subject matter in this "critique" (that might better (again!) have been subtitled "A Diatribe Against Restorative Justice"). In response, I admit to a bit of visceral testiness. Yet, while the author clearly, by her avowal in the book, has no investment in a "right relation" with me, in the interests of right relation civility (of the quintessence she claims wrongly in Restorative Justice), I refrain from giving in to sarcasm. Some would say however the book at times elicits derision or worse.

Canadian journalist Ted Byfield, whose politics (and theology) I do not endorse, responded to Pierre Berton's *The Comfortable Pew* assessment in 1965 of the Anglican Church in Canada with a book entitled, *Just Think, Mr. Berton, A Little Harder*. My review issues a similar appeal to Ms. Acorn.

It is incontestable from the book's content that the author's answer to the question "Do you believe in Restorative Justice?" is a resounding even "willies-infused" (as in "That gives me the willies!") "No!" My response to the same question, to paraphrase Mark Twain is an enthusiastic "Hell yes, I've seen it!" (Samuel Clemens' (aka Mark Twain) original was with reference to infant baptism.) In this case, seeing is believing, and I've been "seeing" for almost thirty-five years. The author tells us she went through a kind of (pseudo/rhetorical) conversion to Restorative Justice that was, well, theoretical and academic, with no actual direct experience or practice, what biblically might be termed "good works", as in

> *For as the body without the spirit is dead, so faith without works is dead also* (James 2:26).

The conversion turned out to have been inoculation, possibly along the lines of the parable Jesus tells in Matthew's Gospel, chapter 13 about the Sower and the Seed. The author writes,

> When I first encountered 'Restorative Justice', I was filled with enthusiasm (p. 1).,

something many religious converts are prone to, and anticipated in the parable:

> *Some [seed] fell on rocky places, where it did not have much soil. It sprang up quickly, because the soil was shallow. But when the sun came up, the plants were scorched, and they withered because they had no root* (Matt 13:5-6).

Jesus' commentary might apply in this context:

> *In them is fulfilled the prophecy of Isaiah: "'You will be ever hearing but never understanding; you will be ever seeing but never perceiving. For this people's heart has become calloused; they hardly hear with their ears, and they have closed their eyes. Otherwise they might see with their eyes, hear with their ears, understand with their hearts and turn, and I would heal them.'* (Matt 13:14-15).

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been a leading researcher in the field, author of several studies. See for instance: http://www.csc-scc.gc.ca/text/rsrch/reports/r168/r168_e.pdf. Similar evidence-based research findings are pointing in the same direction, though more are needed. See: http://www.circles4.eu/research/. CoSA Canada (on which Board I sit) is undergoing a five-year multisite research project, begun in 2017.

There is a distinct self-righteousness of tone reprised in this book. At minimum, Ms. Acorn proves right the adage,

> There is none so bitter as the disillusioned convert.

There is possibly none so non-objective too.
The author recounts her conversion at the outset, and quickly moves to "Some Skeptical Anxieties". She writes,

> Eventually, however, I began to experience twinges of doubt (p. 6).

Thousands of years of Jewish/Christian testimonial and this reviewer's experience underscore that faith without doubts and lamentations is dead. The author however fully jettisoned her one-time Restorative Justice faith in favour of her doubts.

> The stumbling block came with my recognition of my own inability to put myself forward with a straight face as a competent participant in reconciliation, healing, and forgiveness (p. 8),

she explains. Many times over she indicts Restorative Justice practitioners not only for their deficiency of "straight faces", she twists the knife to accusation that same are in fact in possession of forked tongues. At least, she says, unrealistic rhetorical flourishes about Restorative Justice efficacy abound out of all proportion to its deliverables reality:

> The rhetoric of Restorative Justice *was* evoking a fantasy of idealized harmony in relationships between victims and perpetrators of crime – often purely injury-generated relationships – and not even remotely desired by either party, least of all by the victim (p. 9).

She adduces a father of deconstruction in post-modernity, Jacques Derrida, with reference to forgiveness in the field. She asks of offering forgiveness,

> Why would one do it unless committed to an ethic of self-sacrifice and saintliness? And how can a system of justice be structured around a general demand for such supererogatory patience and devotion from victims (p. 12)?

She tries to elicit the reader's empathy by acknowledging with feigned humility,

> … it is apparent to me that the problem with my scepticism here may be *my own moral failing* (p. 12, italics added).

She means however,

> No damn way! The fault lies one hundred percent with those hypocritical faithful!

She states similarly,

> Yet (and *I hope there is no self-righteousness in this claim*), if the success of Restorative Justice is contingent upon consistently finding participants (victims, offenders, and community members) who are significantly more morally patient than I, then it is in some considerable trouble… (p. 12, italics added)

Her italicized words in those two quotes are the best responses.

I wonder how her students fare, some of whom surely are in her catchment of

> … I personally was not up for sinking my energy into relational transformations (p. 9).

She is a law professor.

Aims of the Book

After her conversion and "unconversion" reflections, on page 18 she lays out the "Aims of the Book":

- The primary aim of this book is to examine critically the aspiration of Restorative Justice to effect a practical and theoretical reconciliation between the values of love and compassion, on the one hand, and justice and accountability on the other (p. 18).
- … to separate aspiration [of Restorative Justice] from prediction, as we ought… Moreover, it seeks to expose much of this rhetoric [of "… the multiple emotive pulls that draw us into zeal about justice-as-repair and right-relation."] and the aspirations it inspires as *culpably sentimental and dangerously naive* [*sic*] (p. 19, italics added)." (The gloves come off throughout when the author mentions "enthusiasm", "zeal" and such, particularly odious for her in Restorative Justice devotees.)
- To expose as reprehensible "… the emotional and theoretical aspects of Restorative Justice [that] are inextricably intertwined… in part, because so many of the philosophical roots of Restorative Justice are theological. Pulls toward and away from institutions of Restorative Justice are bound up with feelings about a relationship to the divine. The more we are emotionally drawn to a religious ethic of love, the more we will be motivated to struggle to make Restorative Justice work (p. 19)." The footnote (71) at this point favourably adduces Reinhold Niebuhr's (Augustinian) rejection of Christian nonviolence. She favours pro-violence Niebuhr over against pro-pacifism Martin Luther King, Jr., a "sentimentalist" according to Niebuhr from a later (favourable) citation. Ms Acorn covers the bases: if one insists on following Jesus, she throws Niebuhr at the reader. (By her estimation Niebuhr is the greatest Christian thinker of the twentieth century. If the author says so…) If one (implicitly preferably) rejects (nonviolent) Jesus, it is that much easier to reject Restorative Justice (and those culpably naïve and damnable religious/Restorative Justice do-gooder promoters). In this, she certainly has the vast majority of Gandhi's "Christians" as "cloud of witnesses" to emulate. She does acknowledge, however, that John Braithwaite is a secularist.

Salient Characteristic of Restorative Justice

Acorn finally identifies the (for her) salient characteristic of Restorative Justice under a heading "The Goal of Right-Relation: The Single Unique Feature of Restorative Justice". She does not attempt a comprehensive definition of Restorative Justice (p. 20).

This is just as well. No one has successfully provided one; and the author does not demonstrate a singular competence to do so above the common pack of Restorative Justice theorists.

She writes at the end of that section:

> Indeed, right-relation, explicated in terms of respect, mutuality, reciprocity, and regard, can serve equally well as a conception of love than of justice. In fact, Restorative Justice theory sees the notion of right-relation as mediating and harmonizing these two presumptively conflicting realms of love and justice. It is in this distinctive move that the case for Restorative Justice becomes tied to the age-old human hope for the convergence of love and justice. The purpose of this book is to explore the nuances of that hope and to attempt to expose it as not only *illusory*, but also as *dangerous* (p. 22, emphasis added).

Here again in the italics the gloves come off. Over against the three enduring realities for Saint Paul at the end of I Corinthians 13, *faith, hope and love*, Acorn will have none of them in relation to justice. Once in e-mail dialogue with a relative who too had lost her (Christian) faith, but now insisted that very loss had "set her free", I wrote back something like:

- "*Then you will know the truth, and the truth will set you free.*" – Jesus
- "*It is for freedom that Christ has set us free.*" – Paul
- "I have been set free from religion." – relative

There you have it!

In a post-modern world where authority is disdained or jettisoned or both (except one's own, or one's temporary eclectic choices of same), it is certainly easy if not salutary to formulate one's private ethical epistemology – or cry of freedom!

The Contemporary Justice Review journal was born of an historic gathering in Albany, New York from the convergence of two streams of justice thinking/praxis: *criminology as peacemaking*, and *Restorative Justice*. Ever since, the outstanding dynamic of Restorative Justice for me has been *justice as peacemaking*, title in fact (if *as* is replaced by *is*) of a monograph I published through Mennonite Central Committee in 1992. While Acorn acknowledges the pacifism (preferably *peacemaking* – an action term) inherent in Restorative Justice, she does not deal substantively with this central feature of Restorative Justice. Braithwaite's article cited above raises it however. An outstanding publication of essays, *Criminology as Peacemaking*, edited by Harold E. Pepinsky and Richard Quinney (Bloomington: Indiana University Press, 1991), and other books by several proponents including Dennis Sullivan and Larry Tifft, argue this vision at a sophisticated level.

The "single unique feature" of Restorative Justice is not "right-relation", significant as this is. To cast it as such is already misinterpretation, to which Acorn's book too often is prone. Fact is there is no such entity. Further, her section entitled "Sources" is highly selective and hardly representative of the multiethnic, multilingual and multivalent and multi-sourced worldwide Restorative Justice phenomenon.

There is no allusion to for instance the post-World War II Japanese justice system that has known an overwhelming "spiral of success" in response to serious and violent crime (by contrast to all Western nations in one 40-year study) because of a state-wide "Restorative Justice" system. Though such language, and that of "confession, repentance and absolution" used to designate the Japanese system by criminologist John O. Haley are not indigenous to the reconstruction of Japanese criminal justice in tandem with the massive post-World War II reconstruction that generally occurred. It is nonetheless telling pointer to the viability of state-wide application of Restorative Justice, as was the time-limited application state-wide of certain Restorative Justice principles in the South African Truth and Reconciliation Commission. (There have been several modelled after it since.)[3]

Miscellany and the Book's "Road Map"

While the author frequently quotes Robert Howse and Jennifer Llewellyn about the South African Commission, claiming their work is

> the most theoretically sophisticated (p. 23).

of Restorative Justice advocates, she does not once cite Desmond Tutu's remarkable *No Future Without Forgiveness* (1999), though she references negatively the author a few times.

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[3] This reviewer spent a six-month sabbatical in 2007 to research the application of Restorative Justice principles to international conflict. See: "Is There a Place for Dreaming?: Restorative Justice and International State Conflict", *Justice Reflections*, Issue No. 17, Lincoln: United Kingdom; also available online here; also a chapter in *Justice That Transforms: Volume One*.

In 2018, my wife Esther and I spent eight amazing weeks in Rwanda, working with three agencies that are working for reconciliation in post-genocide (1994) Rwanda. Some reflections while there may be found here, and may be included in the next Volume. Their work in the Restorative Justice field blew all my categories in Restorative Justice of what is possible in the face of impossible-to-get-one's-head-around horror.

She instead adduces several at best tangential discussions of justice by writers such as Martha Nussbaum and Carter Heyward. She refers to Nussbaum's work as "a foil". Some of her literary choices academic and novelistic are rather "straw men" against which/whom counter-arguments somehow (for her) discredit Restorative Justice, even when the works/writers are not Restorative Justice advocates. There is in this a seeming "Procrustean bed" manoeuvre. The author at times makes Restorative Justice "fit" a certain theory about justice (the conjoining of the erotic with justice in Carter Heyward for instance), then trashes the propounded theory of justice to (arbitrarily) concomitantly trash Restorative Justice theory.

Similarly, she references certain works of literature as "proof" of the far greater complexity in human relationships than she claims Restorative Justice practitioners dream of.

> My purpose in turning to such stories is to ask whether these counter-stories resonate as much more true to human experience than do the simplified stories that come out of the Restorative Justice movement (p. 24).

Edmund Burke remarked that arguments from complexity are the last refuge of scoundrels. Catholic theologian John McKenzie writes:

> It is not clear to me that the complexity of modern civilization has rendered forgiveness and reconciliation archaic modes of living in society, or that many problems arise which would not be solved by these archaic methods (1986, p. 158).

If Burke is right, perhaps more scoundrels abound in academia than in any other area of human endeavour (something McKenzie in fact argues in the same book).

The author turns as well to works of fiction to

> break out of the world of stories generated by the Restorative Justice movement (p. 23).

– imagined-life displacing real-life experience. One can of course play the author's game too, and choose *au contraire* novelists such as Tolstoy and Dostoyevsky. Though good literature "holds the mirror up to nature" (Shakespeare), Acorn's use of novelists is two-dimensional in her reflections on Restorative Justice. As illustration I shall presently discuss her treatment of a section of Mark Twain's *Huckleberry Finn*. I shall also discuss below her one stab at personal story-telling as illustrative of perhaps far more than she realizes, she who obviously excoriates the personal testimony, presumably in church or AA Meeting. "Contrived" and "overstated" are not too strong designations of her use of

> Authors with more sophisticated, less evangelical [*sic*, she means evangelistic as in dreaded *enthusiastic*] sensibilities [who] generate stories that *very often run counter* to *all* the Restorative Justice intuitions (pp. 23 & 24, italics added).

"All?" There is no righteous Restorative Justice intuition, no not one?[4]

On page 24 near the end of Chapter 1, she supplies us with "The Road Map" that takes us through to the end of the book. I shall summarize:

- Chapter 2, " 'Essentially and Only a Matter of Love': Justice and the Teachableness of Universal Love" critiques the "aspiration to reconcile love and justice, noting first its latent conservatism [which her readers automatically know is a bad thing, over against, say, law, that she teaches, which is not conservative and hence bad?] (p. 24)." In this context she discusses "the techniques of people like Mohandas K. Gandhi and Dr. Martin Luther King, Jr. (p. 24)." She subsequently moves "to the problem of the cultivation of an inner state of love as a requisite of justice and [questions] our ability to cultivate universal brotherly love between perpetrator and victim in the context of wrongdoing (p. 24)."

[4] Reminiscent of atheist Christopher Hitchens' risible subtitle: *God Is Not Great:* ***How Religion Poisons Everything***. Really? *Everything*?!

- Chapter 3, 'Three Precarious Pillars of Restorative Optimism', looks at three interrelated aspects of the optimism inherent to Restorative Justice." The three are: retaining a notion of justice as reciprocity while debunking justice as punishment; a sense that "the offender's character is likely to change for the better as a result of the restorative process"; "the idea that, supported by the restorative process, the victim will come into healing and meaningful recovery from the effects of crime (p. 24)."
- In Chapter 4, "Sentimental Justice: The Unearned Emotions of Restorative Catharsis"…, I ultimately argue that there is indeed something wrong with a sentimental theory of justice [which Restorative Justice is]. And I conclude by noting also that proponents often use sentimental storytelling as an (*unscrupulous*) means of boosting the *so-called magic* of Restorative Justice (p. 25, italics added).
  Harsh judgmentalism is there again in the italics.
- In Chapter 5, " 'Lovemaking is Justice-Making': The Idealization of Eros and the Eroticization of Justice", I turn to the erotic in its relation to justice (p. 25)." She denies the connection.
- In the final chapter, 'Compulsory Compassion: Justice, Fellow-Feeling, and the Restorative Encounter,' I take a comprehensive look at the relation between compassion and justice (p. 25)." She rejects the connection because of the "extreme emotional stamina" called for (made compulsory), "as well as the emotional and physical risks entailed in extending that compassion to a potentially dangerous opponent (p. 26)."
- "In the Epilogue, 'Restorative Utopias – 'The Fire with Which We Must Play?' ' I conclude with grave reservations about Restorative Justice, which are grounded not so much in its utopianism but in its failure to provide us with a desirable vision of utopia (p. 26)."

The author delivers on her promises that cumulatively are intended in turn to be a knockout punch to Restorative Justice. In the Epilogue she even offers us an alternative vision of utopia, after which she admits:

> This utopian vision may sound impossible (p. 161).

However, she continues:

> And the difficulty of achieving it surely has been one of the forces propelling the popularity of the Restorative Justice movement: Because implementing all these things is too costly and too time-consuming for the government, we turn instead to the *dewy-eyed* alternative of Restorative Justice, which tells us that *all the benefits of this utopia* can be had in a new world of apology, forgiveness, and reconciliation. In the restorative utopia, the duty and costs of administering criminal justice (*perhaps the chief responsibility and raison d'être of the state*) *are, for the most part, offloaded onto victims and communities* (pp. 161 & 162, emphasis added).

Naïve and significant exaggeration about success and execrable irresponsibility are again epithets hurled at the Restorative Justice utopians. This is unsubstantiated dilettantism.

Disappointments

Further points of disappointment in this book are:

- We are never told her ethical epistemology. This is not unusual in post-modernity. Instead we are treated to a smorgasbord of "authorities" to her taste that are to convince the readers such should be their tastes too. This kind of (unstated) shotgun epistemology (to change the metaphor) is unhelpful without acknowledgement at least, and better, discussion. A bright and well-educated niece once railed against taking a course on world religions at a Christian university because of the obvious bias. When asked if there would be any obvious bias at a secular university in teaching such a course, she replied, "Of course not!"… It's not the part of the iceberg one sees that is the most dangerous. Post-

modernity is awash in unseen (portions of) icebergs. (C.S. Lewis in *The Discarded Image* similarly warns against the sceptic's proclivity to "see through everything", thereby, he points out, ending up seeing nothing at all.)

I'll briefly state mine and that of many Restorative Justice colleagues: The starting-point is belief in the fundamental *relationality* of every human being. In the words of African *ubuntu*: "A person is a person through other persons". This is for Christians the formal principle of the Trinity, in whose image all humanity is created. If God is fundamentally about relationships, we humans are too. If the story of humanity is that of brokenness in relationships (towards God – *theological*; towards ourselves – *psychological*; towards others – *sociological*; towards creation – *ecological* and *cosmological*), in the interpersonal realm, failure to forgive (let go; transcend; possibly embrace) is spiritual/metaphysical suicide that destroys our humanity at its most foundational level.

- The author does not discuss a theory of the state with relation to punishment, nor adduce any sources for one. Yet we are told as near dogma that

  perhaps the chief responsibility and raison d'être of the state (p. 162)

  is the administration of criminal justice. Why? Surely she would not discount the state's "chief responsibility" also to wage international wars? And what relation does that prerogative of state violence have to a domestic war on crime? And what about the state's (assumed) *sole* prerogative of lethal violence? Why? At least some discussion about this "necessary" function of the (presumably Western) state in its exercise of punitive violence should have been provided. Many immediate related questions come further to mind, given 5,000 years of failure of democracy in Western civilization as argued for instance as noted by Catholic theologian John L. McKenzie (1986).
  - Acorn cites as a book epigraph George Bernard Shaw's words in *Major Barbara*: "Had Cain been allowed to pay off his score, he might possibly have killed Adam and Eve for the mere sake of a second luxurious reconciliation with God afterwards." In response, Saint Paul writes in horror (as do any Restorative Justice advocates I know): *What shall we say, then? Shall we go on sinning so that grace may increase? By no means!* (Romans 6:1 & 2). Acorn however falsely accuses Restorative Justice actors of allowing/encouraging "The offender's suffering and humiliation… to upstage the suffering of the victim (p. 158)." I'm sure this has happened. That it is remotely common practice let alone theory is pure imputation on her part, *far too common practice indeed of her analysis throughout of Restorative Justice.* The King James version of Saint Paul's response is: "*God forbid*." Indeed.
  - The author depicts Restorative Justice workers as quacks or bumpkins, either deliberately phoney or naïvely out of touch with reality. She cites several works of fiction to buttress her claims. That she is a reader of fiction is demonstrated in this book. That her analysis of Restorative Justice is too often fiction is also demonstrated in this book in her very use of fiction. In one instance, she spends pages countering two authors' use of Homer's *The Iliad* to buttress her critique of their advocacy of Restorative Justice. This is a kind of pointless metonymy whereby she seems to infer that this *one* instance of the *misuse* of ancient literature stands for the obvious conclusion that Restorative Justice advocates (bumpkins that they are) misinterpret everything that buttresses their cause.

On another occasion, she retells the delightful part in Mark Twain's *Huckleberry Finn* about the judge's imagined rehabilitation of Huck's reprobate drunken father. In an arbitrary move of *mutato nomine de te fabula narratur* (with the name changed the story applies to you – Homer), she smears Restorative Justice advocates for their naïveté – if not downright stupidity, like the judge.

She writes in conclusion:

> It is this euphoria [of the for her wrongly imagined enduring repentance of the wrongdoer], and not the assurance that the offender will change, that occupies the energetic space of punishment, and appears to obviate the need for it (p. 69).

In the first and most celebrated program in Canada (Victim Offender Mediation Program (VOMP), Langley BC) of what practitioners Dave Gustafson and Sandi Bergen describe as "therapeutic dialogue" between victim and offender in Criminal Code instances of serious and violent crime, these Restorative Justice architects of the widely and highly acclaimed process always refuse to take offender-initiated cases *if remotely* facilitating offenders in obviating their guilt or punishment to the despite of the victim(s). (All offenders with whom they work are federal prisoners with sentences longer than two years. Many have life and indeterminate sentences.)

The *extreme care* on behalf of victims with which they proceed is part of their enduring success, according to two government-generated evaluations of their work, and according to their victim-advocate peers worldwide who prize it. (They see themselves and are seen as *honest brokers* who consciously do not privilege offenders in favour of victims – or *vice versa*.) Ms. Acorn's use of supposedly corroborating fiction to argue her points is just that: a *fiction* of pertinence, demonstration instead as is much of her book, generally and sadly of *impertinence*. She owes an apology to the Restorative Justice movement, but apparently no longer believes in such naïve nonsense, for she has seen the… shadow.

At one point, she tells a story from personal childhood experience. It is meant to counter a call by Restorative Justice practitioner Jamie Scott of the Collaborative Justice Project in Ottawa "to access our personal feelings of love for our family and friends and to transfer hypothetically and imaginatively those intimate and affectionate feelings onto the offender (p. 63)." It is meant as well as an *alter-anecdote* antidote to the horrid Restorative Justice stories of "compulsory compassion" that are its reputed stock-in-trade. She tells instead of a "friend" ("one of my best friends (p. 66)", she initially writes) who became a serial armed robber. She informs us categorically that there is no way she will transfer any "intimate and affectionate feelings" onto him! She says in fact:

> The point of [this anecdote] is to question the assumption that if I think of the offender as an intimate acquaintance, I will necessarily eschew punishment and search for gentler ways to remedy the wrong (p. 66).

Her story as "counterdote" falls flat when she admits:

> Okay, he wasn't *that* great of a friend – but I knew him very well (p. 66).

In fact, from her brief descriptions of encounter with this "friend", she viscerally hated the kid, and her inappropriate use of the anecdote suggests she still has not recovered from the trauma of his childhood treatment of her.

One could further suggest that the jig is up on *really* why she excoriates Restorative Justice: *her rejection of Restorative Justice is encapsulated in her vengefulness towards "Hughy".*

There is no "compulsory compassion" she will *ever* give in to for Hughy, about whom

> Everything… from the time he was three, spelled trouble (p. 66).

Wow! This kid was serious "Hughy the Menace" material, and she like Mr. Wilson *hated* him! This reviewer suggests that better therapy for Ms. Acorn might have been to have gone for trauma recovery counselling than to have written a book. There seems at work in Ms. Acorn indeed a "transference" dynamic, but it is an objective "Hughy hatred huff" that,

> knowing him well, in the fullness of his humanity, only made me more certain of the justice of the punishment he received when he hit the big time (p. 66).

A less gentle Restorative Justice advocate might in fact say: "Okay, Ms. Acorn, get over it!" A Jewish/Christian Restorative Justice advocate would say "the fullness of humanity" in everyone is precisely endless potential for *metanoia* – conversion that Ms. Acorn studiously denies. We claim there is conversion potential; hell, we've seen it![5]

Now, I will only allude to another story of another serial bank robber (and murderer), Glenn Flett, of my acquaintance, who, despite "spelling trouble" from the time he was about three (by his recounting), and many dips and dives since, has in fact "made good" in all kinds of ways in wider society. He helped found with his wife Long-Term Inmates now in the Community (L.I.N.C.) in Abbotsford, BC, and has recently (since a set-back that landed him again in jail) reconciled with one of the daughters of his murder victim. *Yes, Ms. Acorn, there is reconciliation; hell, I've seen it!*[6]

A Final Quibble

There is much more to quibble with in this book. But a book in response is what this could shape up to be. I shall therefore raise one final issue: her rejection of the one-percent rejoicing in Luke 15:7:

> *I say unto you, that likewise joy shall be in heaven over one sinner that repenteth, more than over ninety and nine just persons, which need no repentance.* (King James Version, wrongly cited in the footnote (107) as Luke 5:15, though rightly cited elsewhere).

This is where Christian understandings most overtly clash with Ms. Acorn's inchoate eclectic "anti-faith". According to Ms. Acorn's reading of Jesus here,

> The suffering of the offender is somehow more interesting – more compelling to our attention than is the suffering of the victim (p. 151).

She further comments:

> [The verse] states that the joy over the repentant wrongdoer is rightly *greater than* the joy over the consistent virtue of the ninety-nine just people, that the repentant suffering of one offender is deserving of more moral attention than all the suffering and sacrifice hidden in the justness of the ninety-nine boring do-gooders. The verse is pure utilitarianism. The boring just are not the problem; their goodness is discounted because it can be taken for granted. The real gains are all on the margin, and that is where the reclaimed wrongdoer operates (p. 152).

Ms. Acorn is of course welcome to read the verse this way. But her very reading contradicts her earlier stated assurance that

> *there is no self-righteousness in this [book]* (p. 9).

Her evident misreading of this verse (and the entire context) that pits (by her analysis) the "boring just" against the sexy sinner demonstrates her dilemma: she *is* precisely that Pharisee whom Jesus is addressing, and therefore *cannot* see herself *not* as "boring just" but as "unrepentant self-righteous". It is time she read and appropriated the findings of *'Everybody Does It!': Crime By the Public* by Thomas Gabor (1994). The book was written, explains criminologist Gabor for the self-righteous:

> to take issue with the hypocrisy displayed by many citizens who routinely condemn what they consider to be our leniency towards convicted criminals, **while they justify their own illegalities** (pp. xiii & xiv, emphasis added).

The book is unrelenting illustration of the biblical wisdom that declares:

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[5] I walk a fine line here. If this remains traumatic in Ms. Acorn's life, one can only wish her well on a continuing healing journey. In which case, I need to apologize for an inappropriately mocking tone.

[6] Please see footnote 92, latter part.

… *There is no one righteous, not even one…* (Romans 3:10),
and
The heart is deceitful above all things and beyond cure. Who can understand it? (Jeremiah 17:9).
Most evidently not the author. Except, the Bible says, there is *metanoia*!

She writes later:

> Though we balk at the hardness here [dramatic irony if the author only knew – and her "hardness" seems "of the heart"], the verse describes the Restorative Justice dynamic to a tee (p. 152).

The previous paragraph reads:

> Certainly [for the Pharisee] the verse owns up to its own unfairness. Yet we can also notice here that it contradicts Socrates' famous [and presumably for the existential moment *authoritative* over against Jesus' caution] admonition that it is better to be a just man who suffers the wrongdoings of others than to be an unjust man who does wrong [which, by default, all Restorative Justice practitioners – and Jesus, (must) do!]. Or, at the very least, the verse suggests that it is better to start off as a wrongdoer and to become just later on than it is to be consistently just from the beginning [as surely, obviously Ms Acorn and all her Pharisee clan are…] (p. 152).

In response, there is the adage:

> There are none so blind as they who will not see.

To which Jesus rejoins:

> Mark 8:18
> *Do you have eyes but fail to see…?*

Conclusion

Acorn's material hardly delivers the fantasized knockout punch to Restorative Justice. Her scattered scepticism is like the 17th-century vaunted *Vasa* in Sweden that sank less than a nautical mile into her maiden voyage. Its second deck of heavy cannons with the rest was meant to strike terror into the Catholics in the Thirty Years War. The second deck may have proved instead (one theory) to be (or have contributed to) unmitigated folly that sank the top-heavy vessel.

Some of Acorn's points have some merit as *caveats* for proponents of Restorative Justice; few are original, and most if not all with any value have been raised to varying degrees by practitioners themselves. But when packaged as "canons" (*double entendre*) of diatribe and dismissal, what little merit there is turns to demerit. Her overkill like that second deck sadly sinks the enterprise. Perhaps the best critics are they from *within*. (The Bible is its own best critic. It presents for instance religious hypocrisy and authentic atheism in challenging ways rarely matched by other writers.[7]) Vaunted Swedish kings'

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[7] "It is an irony of history", claims retired Religious Studies professor James Williams, "that the very source that first disclosed the viewpoint and plight of the victim is pilloried in the name of various forms of criticism… However, it is in the Western world that the affirmation of 'otherness,' especially as known through the victim, has emerged. And its roots sink deeply into the Bible as transmitted in the Jewish and Christian traditions… the standpoint of the victim is [the West's] unique and chief biblical inheritance. It can be appropriated creatively and ethically only if the inner dynamic of the biblical texts and traditions is understood and appreciated. The Bible is the first and main source for women's rights, racial justice, and any kind of moral transformation. *The Bible is also the only creative basis for interrogating the tradition and the biblical texts* (2000, pp. 195 & 196, emphasis added)."

vessels out to strike terror however beautifully decorated, and wannabe critics out to destroy however well-spoken tend toward self-ruin.

To change again the metaphor: there is some wheat amongst the much chaff (and *chafing!*) of this book. But the sifting is onerous. I begrudge having wasted some of my summer camping trip reading the book and writing a review. The author could have done something worthwhile for the Restorative Justice movement: *she could have offered a balanced, informed critique*; she is clearly intelligent enough for the task. She could also have better worked through her knee-jerk loss of faith. I conclude in concert with Mr. Byfield:

> *Just think, Ms. Acorn, a little harder.*

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