One does not need to be a specialist in the field to understand the initial appeal of restorative justice, particularly when placed in juxtaposition with ‘mainstream’ responses to crime. Restorative Justice, or the frequently used shorthand, RJ, focuses upon “Harm, need, obligation, and engagement.”¹ That is, RJ takes seriously: the harm caused to the victim, and the needs of the victim; the obligations of the offender to the victim and of the wider community to both victim and offender; and the engagement of all stakeholders with an interest in the conflict, be they victim and offender, members of the community, and supporters, family and friends of both the victim and offender.² RJ, however it is defined,³ is concerned primarily with process rather than outcomes;⁴ mainstream criminal justice outcomes are imposed upon the offender and the process side-lines the suspect,⁵ while the victim and wider stakeholders are, at best, resources to be utilised in the prosecution of crime, primarily as witnesses (and are otherwise merely citizens).⁶ Criminal justice, as Braithwaite famously put it, is engaged in stigmatic shaming.⁷ The promise of RJ, in contrast,

⁵ See, for instance, Carlen, who describes the defendant as a ‘dummy player’: P. Carlen, Magistrates’ Justice (1976, Oxford: Martin Robertson).
after meaningful engagement with all stakeholders, is ‘reintegrative shaming’. The coming together of victim, offender, and community shifts the emphasis of the process to one of inclusion, and thereby returns the conflict to the protagonists, countering Christie’s claim that the criminal justice process appropriates conflicts.

As RJ is process focused, the classification of RJ is somewhat broad, but the emphasis is upon the coming together of victim and offender, frequently before the community: an ‘encounter conception of justice’. When coming together, the protagonists discuss the offence, the impact that it had upon the victim (and others) and the motivation behind it. RJ can focus upon disposals and/or adjudication, and therefore includes a range of distinct processes such as sentencing circles, restitution programmes, family group conferences, and victim/offender mediation. It can be an addition to a mainstream criminal justice process, such as a sentencing circle after a formal courtroom adjudication, or as part of a caution or some other formal diversion from prosecution. Alternatively, RJ can be a replacement for the formal process, or somewhere in between these two approaches, such as where a RJ process takes place, ‘in the shadow of the court’, with the final outcome overseen and approved by a judicial authority.

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10 N. Christie, ‘Conflicts as Property’, *British Journal of Criminology* 17(1) 1-15.
In whatever form it takes, the proponents of RJ have, over the years, made a number of claims regarding the efficacy of RJ processes, particularly claiming a number of positive outcomes. RJ, it is claimed, is a win-win process for all concerned. Victims, offenders and communities are all said to benefit. Victims benefit directly through reparation, but also indirectly as they get the chance to explain to the offender the impact of the offence, a process that can aid healing. Communities benefit through reduced crime levels, as RJ is said to reduce reoffending rates, and through increased democratic engagement with the criminal justice process. Finally, offenders benefit as they are less likely to reoffend and are thereby able to lead law abiding lives. These benefits for RJ are disputed, particularly if schemes are implemented in a manner that it not faithful to the ethos of RJ, but are rather contaminated by a managerialist (or other) ethos. Whether RJ does, however, lead to increased community and victim satisfaction and reduced crime levels, somewhat misses the point of the process; rather, RJ aims to address the criticism of conventional criminal justice that the conflict is appropriated from the protagonists and that the victim and offender are marginalised. It could be argued that RJ is still a worthwhile

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18 A. Crawford and T. Newburn, ‘Recent Developments in Restorative Justice For Young People in England and Wales: Community Participation and Representation’, 2002 British Journal of Criminology 42(3) 476-495.
enterprise, even if it does not reduce crime, or if communities do not feel safer, or if victims are dissatisfied; RJ, in focusing upon the needs of these three groups, and bringing them to the core of the procedure, is striking at the very heart of what of a criminal justice process should be all about. The critics of RJ may also have something to say about this: it is all well and good noting that conventional criminal justice is too focused upon the state-offender relationship, with too little emphasis upon the victim-state and victim-offender relationship, but to focus too much upon the victim-offender relationship ignores the importance of the state-offender relationship, particularly as crime is both a harm to the victim and a wrong that is the transgression of the criminal law. Crime, to put is simply, concerns us all, and the public interest is served by measures that take crime seriously and attempt to reduce victimisation. This has to be the case; as was pointed out by the left realists some time ago, crime reduction matters to marginalised communities.

As outcomes matter, the claim, therefore, that RJ reduces recidivism is important, as are claims concerning victim and community satisfaction. Rossner’s book, *Just Emotions*, in focusing upon how RJ can be successful, claims to show how effective RJ approaches both utilise an important process and lead to desistance and therefore less crime. The importance of Rossner’s work lies in its primary focus and methodology. We will return shortly to Rossner’s use of mixed methods, but by far the most interesting aspect of the book is the focus upon interaction ritual and emotions within RJ processes, and how these lead to successful conferences and outcomes, both long and short term. In addressing the question of what makes RJ

successful, she draws upon micro-sociology, in particular Goffman. This is an important starting point, because Rossner does not ask if RJ is successful (as one may expect if one started with a quantitative analysis of RJ programmes), but rather the slightly different question of what makes a particular RJ encounter successful; by focusing upon ‘what works’, for both process and outcomes, Rossner is able to provide suggestions for RJ professionals to improve future conferences.

While the focus upon interaction ritual and micro sociology is central, Rossner adopts a mixed methods approach to assessing what contributes to a positive outcome in a RJ conference. In chapter 4, Rossner focuses upon one RJ conference in depth and analyses the dynamics with the conference, whereas in chapters 5 and 6 Rossner draws upon interviews with RJ facilitators and offenders, and in chapters 6 and 7 she makes use of a quantitative analysis to test the hypothesis she develops on what makes a good interaction ritual and therefore an effective RJ conference. Given the use of these mixed methods, Just Emotions should be of interest to any researcher of legal processes who is truly open to adopting data triangulation; Rossner makes effective use of these three sources to build and then test her hypothesis on what makes RJ work. Starting with chapter 4, Rossner explores in detail the interaction within one RJ encounter, showing how despite initial hesitancy, the interaction between the parties grows, develops, and results in a crescendo of emotional intensity. Rossner notes how rhythm and a shared focus between the participants are key to successful interactions. This came not from the motivations of the parties, as it was clear from the outset that the victim and her husband were hostile to the offender, but developed as the conference progressed. Success was managed and the facilitator

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produced an interaction that had, ‘rhythmic dialogue, emotional entrainment, a balance of power and status, and identifiable emotional “turning points”’ (p 71). This hypothesis was developed in interviews with facilitators (and others) who were asked about successful and unsuccessful conferences. For Rossner, these elements are critical in establishing a successful conference and they are all focused upon the particulars of the interaction. To repeat, interactions, to be successful, need rhythm, emotional entrainment (a coming together of emotions), a balance of power (this does not mean an equal amount of time to speak, but that all participants feel comfortable with the distribution of speaking roles), and emotional turning points (where the interaction turns from conflict to solidarity). The short-term success of such interactions is measured by the emotional energy of the experience. Rossner hypothesises that while this emotional energy may be initially short lived, it leads to long-term change because, ‘the emotional energy gained from the single interaction may be the key to motivating a person to engage in further positive interactions that lead to a reduction in reoffending’ (p36). Rossner therefore suggests, refuting Braithwaite, that it is not the reintergrative shaming aspect that leads to success in RJ, but simply the positive emotional intensity of the processes, and how this leads the individual to seek out further, similar, experiences.25 This seems, to me, to be an incredibly important claim (and one that puts a great amount of weight upon such a small ‘base’), and one that can be taken further to suggest that what is important is not the context of the conference, but the actual fact of a real emotional engagement, whatever caused this to take place. I have my doubts, particularly if the whole structure of RJ can be sustained on such a claim, but more on this later.

25 Rossner, in chapter 2, explores the role of shame in RJ outcomes and later, in chapter 3, explicitly states that it is the pursuit of further positive emotional encounters that result from RJ that are important, not shame.
Rossner tests this hypothesis further through quantitative modelling, taking data from the Reintegrative Shaming Experiments (an Australian Study, known as RISE) to test if such short-term emotional experiences in RJ conferences lead to reduced reoffending.\(^{26}\) This is a real strength of the study, in that it takes a hypothesis developed from a deep examination of a single encounter and interviews with RJ facilitators, and applies it to a quantitative dataset.\(^{27}\) While the data recorded in the RISE study do not fully accord with the concepts which Rossner thought important (rhythm, emotional entrainment, balance and emotional turning points), a common problem when using secondary data, there was a sufficient fit to test the hypothesis. This analysis (a combination of exploratory and confirmatory factor analyses and bivariate and multivariate models) did not support her hypothesis, in that ‘emotional energy’ did not clearly correlate with long term reductions in reoffending, rather, ‘solidarity’ was more important in this respect (and, interestingly, reintegrative ceremonies could actually lead to further offending, if the offender had no previous arrests). However, Rossner claims that this may be due to difficulties in observing ‘emotional intensity’, particularly as she used data from a study that was not testing her hypothesis directly. Indeed, one of the criticisms of quantitative research is the inability to fit complex human behaviours (and in this case, emotions) into simple scales and categories.\(^{28}\) Rossner is still, I think, able to support the claim that the “findings… push forward the micro-agenda and elevate the importance of situational


\(^{27}\) The criticism of qualitative data, that it is based on an insufficient sample, is avoided. It also allows Rossner to get past the problem of quantitative data merely suggesting correlations, as she is able to provide qualitative data to supplement these correlations in theory building.

\(^{28}\) A point Rossner acknowledges, but, as she points out, “we do the best with what we have” (p105), a sentiment similar to that expressed by Clifford Gertz: it is a mistake to think just because a “perfectly aseptic environment is impossible, one might as well conduct surgery in a sewer”: C. Geertz, The Interpretation of Cultures: Selected Essays (1993, London: Fontana), 30.
variables over the traditional individual characteristics used in criminological
research, namely, the differences arising due to race, gender, and age” (p122).  

However, even if Rossner had managed to show that the important aspect of RJ is
‘emotional intensity’, and how it leads to the seeking out of further positive
interaction rituals (and thereby supporting the converse, that criminality is more likely
where communities and individuals do not engage in positive interaction rituals), this
would, I suggest, lead to more questions rather than straightforward answers. The
benefit of micro-sociology, as evidenced in this study, is the focus upon what
participants to an interaction actually do, not upon what we think they do. Early
researchers in the ethnomethodological tradition were wedded to this focus upon the
research subject’s standpoint.  This approach, and the gaze adopted by Rossner – to
ask what makes RJ successful – has provided some incredibly valuable data that
allows us to think about how RJ works and how to improve current practices (and if
the broad hypothesis is correct, ideas on how to reduce crime through other means).

But this focus upon the micro, I would argue, has led Rossner to take her eye of the
macro, despite the excellent use of mixed methods. In short, those most likely to be
enmeshed in the criminal justice process have few opportunities to engage in positive
interaction rituals. If this is what matters, then the answer has to be wider than an

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29 I would also support her claim that these demographic variables “may only be shorthand for the sum
of our [micro] experiences” (p142).

30 And I have utilised similar methods in past research projects, so the criticism to follow is not a
‘strong’ criticism.

31 While not an early study in the tradition, Travers trenchantly defends this standpoint, and criticises
others (notably M. MConville, J. Hodgson, L. Bridges and A.Pavlovic, Standing Accused: The
Organisation of Criminal Defence Lawyers in Britain (1994, Oxford: Clarendon)) for failing to take
seriously the worldview of their research subjects: M. Travers, The Reality of Law: Work and Talk in a

32 Focusing upon what the participants do and say, rather than what we think works, leads Rossner to
the question of the efficacy of the offered apology; a feature seen as integral to RJ. For Rossner, the
apology needs to be genuine if it is to have an emotional effect. A forced and ‘expected’ apology can
have counterproductive effectives, or may seem like an unnecessary and uncomfortable addition to
proceedings.
improved uptake of effective RJ processes, as there needs to be available, down the line, further opportunities to engage in positive interaction rituals.

This is important, because it speaks to the claim that RJ is an effective response to a number of shifts in criminal justice recent years that have been described in numerous ways, particularly Garland’s ‘Culture of Control’.

Garland notes how criminal justice policy has moved away from ‘penal welfarism’ towards a culture of control in neoliberal societies. Alongside the death of the rehabilitative ideal, the culture of control sees a shift in criminal justice away from working upon offenders to effect positive change, to managing ‘at risk’ populations so as contain the crime problem. A core part of this strategy is the concept of ‘responsibilisation’; the neo-liberal ‘minimal’ state less frequently provides services directly but rather commissions these services and then manages at a distance. As a result, others have to take responsibility for activities that were once core state functions, and these others include both third sector organisations and individual citizens. Why does this matter? Now is not the time to flesh out this argument, but one of the claimed benefits for RJ is this focus upon process (or process values), rather than outcomes, a process that includes all three parties to the conflict in the official response. RJ, in many respects, appears to be a typical ‘penal welfarist’ response to crime, in that the needs of all are taken seriously, outcomes are designed to meet these needs and achieve a positive outcome for the parties; the state is not merely managing problem populations, but is rather aiming to tackle the causes of offending behaviour by addressing this particular offence through a restorative process. But herein is the tension that, it appears to me,

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34 An idea linked to the famous ‘nothing works’ article: R. Martinson, ‘What works? Questions and Answers about Prison Reform’, *The Public Interest*, 35 (Spring) 22-54.
lies at the heart of RJ; in many other respects, RJ looks like a typical neo-liberal response to the problem of crime; the crime has, following Christie, been returned to the victim, offender, and community, who all have a part to play in responding to the offence. This, it could be said, accords with a strategy of responsibilisation; the victim, offender, and local community, have all been given the responsibility of responding to the offence. The state has abdicated its responsibility to deal with the crime problem, and in a way that is bound to fail. If Rossner is correct, in her assertion that what makes RJ work is the interaction ritual (particularly emotional intensity, as it causes uptake of further positive experiences), we are likely to see fewer opportunities for meaningful engagement with others in what is increasingly a fragmented neo-liberal society undergoing a period of ‘austerity’, regardless of claims that the ‘big society’ will ‘fill in the gaps’ vacated by the welfare state.

My message, to some extent, reflects the conundrum of, ‘how to achieve justice in an unjust society’, in that I question how can we achieve more interactive rituals in a neo-liberal society where the bounds that tie us together (and create the possibilities for positive interaction rituals) are weakening. To answer that question is outside the scope of a mere book review (and it is one I would dodge in any event, as others could do this better35) but it is one that jumps from this book.

Ethnomethodology, as a theory, can be said to be one that marvels at the manner in which everyday members of society construct meaning in the way that they go about their business (or pleasure). Rossner, borrowing from this tradition, equally marvels at the manner in which RJ processes operate, and her enthusiasm for the subject infects

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the whole project. The result is an eminently readable and interesting book that should appeal to a wider audience than the title and content matter suggests. While the bigger questions I have asked are pertinent for those who advocate RJ and research it’s procedures, this does not take away from what is otherwise an exceptional book, and one that should be read by those interested in RJ, criminal justice, socio-legal approaches, or those contemplating the adoption of a mixed methods approach to researching legal processes.