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International Perspectives on Restorative and Community Justice

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Introduction to this issue: International Perspectives on Restorative and Community Justice

Legal systems across the globe have attempted to accommodate to our new understandings of human behavior, evolving notions of fairness, and increasing recognitions by Western jurists that the law sits within, not apart from, the complexities of societies. One manifestation of legal system change has been the attempt to alter legal institutional structures and practices in order to better address the overlap of justice and social concerns, often drawing from culture contexts previously ignored by Western bureaucracies (see, e.g., Levine, 2000, discussing the Maori roots of family group conferencing practices). The interest in restorative justice and community justice is, in part, a reflection of those who are interested in bringing new visions to how justice-related institutions might better address social issues that straddle—and cross—legal limits. For some, it represents forward thinking of how courts can effectively help those who need services as well as justice (see Casey & Hewitt, 2001); for others, it represents a response to dissatisfactions with the justice system that are centuries old (see http://www:fcrjquaker:org/, arguing for restorative and redemptive approaches to justice rather than retributive approaches).

This special issue of Behavioral Sciences & the Law includes seven articles examining different aspects of restorative and community justice. It begins with an essay by Mark Small, one of the co-editors of this special issue, and his colleague Robin Kimbrough-Melton. In ''Rethinking justice,'' Small and Kimbrough-Melton use the context of family issues to argue for the need to adopt new paradigms for the administration of justice.

The next article is by theorists/researchers from the Netherlands. Jan de Keijser, Rien van der Leeden, and Janet Jackson first propose a theoretically integrated model of penal attitudes, using concepts from retributivism, utilitarianism, and restorative justice. They then conduct an empirical examination of Dutch judges' attitudes to punishment. Their study shows that restorative justice, rather than standing apart from more traditional notions of justice such as retribution and utilitarianism, can be shown to link to them. Their work is rich in implications for explorations of how new notions of justice fit with traditional notions.

Carrie Petrucci also grapples with theory. In her article, ''Apology in the criminal justice setting: Evidence for including apology as an additional component in the legal system,'' Petrucci argues for the use of apology in criminal justice proceedings. Apology, she argues, is not only theoretically consistent, it is consistent with research evidence and legal analysis.

In ''Restorative justice innovations in Canada,'' Robin Wilson and her colleagues, The Honorable Bria Huculak and Andrew McWhinnie, explore the direct involvement of the

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community in the criminal justice process. The three initiatives they discuss apply at different points in the justice continuum, suggesting the potential for other innovations both within the criminal justice system as well as in other justice arenas.

One of these other justice arenas is the focus of an evaluation by Victoria Weisz, Roger Lott, and Nghi Thai. In ''A Teen Court evaluation with a therapeutic jurisprudence perspective,'' Weisz and her colleagues look at not only the effect of a community justice program on offenders, but also on the kinds of non-professional (volunteers) who become intimately involved in many of alternative justice programs. Contrary to what would be expected by (therapeutic justice) theory, the beneficial impact on participants is not seen in this evaluation.

Unexpected findings also appear in the article ''The effects of defendant remorse on mock juror decisions in a malpractice case,'' by Brian Bornstein, Lahna Rung, and Monica Miller. Although theory would suggest there should be a positive effect on jurors should a civil lawsuit (medical malpractice) defendant display remorse, such a positive effect was not found for a physician–defendant who apologized twice, first when the event occurred and again at trial. There were several interesting results from the mock-juror study conducted by Bornstein and his colleagues, and not all the results are the opposite of what would be expected from theory. Nevertheless, the evaluation by Weisz et al. and the study by Bornstein et al. reveal the importance of empirically assessing theoretically based predictions of what impacts restorative and community justice programs will have in practice.

Mark Small returns, alone this time, with a Comment about the possibility of including the faith community in community justice initiatives. In ''Achieving community justice through faith-based initiatives,'' Small discusses some of the possibilities and barriers, and argues that social scientists have an opportunity to help bring the faith community together with the justice community.

The issue concludes with a Research Report unrelated to issues of restorative and community justice. Carolyn Semmler and Neil Brewer's article, ''Effects of mood and emotion on juror processing and judgments,'' is a study examining mood and emotion and its implications for the courtroom. As the authors point out, there is not much empirical research investigating these psychological variables, and their study of Australian mock jurors indicates there continues to be much potential for additional research on these, and other, psychological factors.

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