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An Abolitionist View of Restorative Justice

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Abstract: Penal abolitionism is known for its unconventional analysis of crime, the law and punishment. Some critical views of restorative justice emerge when the alternatives to imprisonment advocated by abolitionists are examined. This paper discusses such views, highlighting their critique of professionalism and their emphasis on community conflict regulation.

Keywords: abolitionism; restorative justice; professionalism; conflict regulation.

Penal abolitionism is not merely a decarceration programme, but also an approach, a perspective, a methodology, and most of all a way of seeing. There is clearly an abolitionist element in the proposition that the state centralised administration of penal justice should be replaced by decentralised forms of autonomous conflict regulation. But in a general, concise, formulation it can be suggested that abolitionists advocate new ways of dealing with undesirable behaviour, and in doing so they situate themselves in an original position within the debate around restorative justice. If this is perhaps the major practical outcome, in terms of policy, with which abolitionist analysis can be associated, the specific components of their view on

restorative justice need to be spelled out. This is the task of the present paper (Bianchi, 1984, 1986, 1994; Christie, 1977, 1982, 1986a, 1986b, 1986c, 1993, 1996, 2004; Hulsman, 1982, 1986, 1991; Mathiesen, 1974, 1990, 2008; Ruggiero, 2010).

Restitutive Sanctions

Durkheim (1960: 111) associates *restitutive sanctions* to specific forms of social solidarity. What distinguishes such sanctions is that they are not expiatory, but consist, as he puts it, of means for reinstating the past. The social relationships regulated by the practice of restitution are quite different from those addressed by the repressive practices of the law. The former 'unite the thing to the person', while the latter 'link persons among themselves'. Durkheim notes, in other words, that reconciliation may re-establish the relationships of individuals with their property rather than those with society at large. The image of society underpinning reconciliation and restitution is one of 'an immense constellation where each star moves in its orbit without concern for the movements of neighbouring stars'. In such constellation solidarity does not make its components act together and contributes very little to 'the unity of the social body' (ibid: 116-117). Restitutive sanctions, therefore, do not 'attach different parts of society to one another'; on the contrary, they clearly mark the barriers separating the different parts, doing nothing to create positive social links: 'this is not a true solidarity' (ibid: 119). Durkheim expresses views that echo some of the contemporary controversial concepts found in the debate around restorative justice.

Restorative justice may be essentially defined as a process bringing the actors and communities affected by a problematic situation back into the condition in which the

problem arose. This model of justice implies that the parties involved decide how to deal with a conflict and how to neutralise its collective impact (Marshall, 1996). Restorative justice presents itself as an international network or movement, giving the impression that its tenets are diametrically opposed to those inspiring conventional retributive justice (Casey, 1999; Pollard, 2000; McLaughlin et al, 2003). Against such claim abolitionists are not alone in maintaining a critical stance (Williams, 2005).

Participatory Disputes

According to Hulsman (1991: 32), if we want to make progress in the efforts to create alternatives to custody, we have to abandon the cultural and social organisation of criminal justice. 'Criminal justice is perpetrator-oriented, based on blame-allocation and on a last-judgement view on the world'. It therefore does not provide us with the necessary information relating to disputes, nor does it transform contexts in a way that emancipatory manners of dealing with disputes can be identified. First, an abolitionist approach is oriented towards those directly involved, namely persons or groups who directly experience unpleasant events, an approach leading to the discovery of the resources which could be mobilised to deal with such events and situations. Second, abolitionism must radically critique the idea that the extremely diverse situations currently criminalised possess something in common. The label 'crime' is attached to all kinds of different problems, which should be tackled by a variety of preventive measures. 'To use punishment on all of them is comparable to treating all kinds of illness with leeches' (Wright, 2008: 242). Each problem or event is characterised by its own contours and features, and information about these is a precondition for different understandings of the acts observed and the practical responses to them. On

the other hand, in order to design effective strategies of abolition and to project

workable alternatives, Hulsman (1991: 35) intimates that 'we need to agree on what

we are opposing'. What we face now, in most societies, is a state-run organisation

possessing the monopoly to define criminal behaviour, to prosecute that behaviour

and to keep chosen individuals in confinement. This organisation, which is intended

to protect society from those individuals, in reality, fails to accomplish what it

promises.

  There are several procedures that can be used in dealing with trouble. *Dumping* is

one of then, when the issue that gives rise to a disagreement is simply ignored and the

relationship with the disagreeing person continues. *Exit* is another, an option that

consists of withdrawing from the unpleasant situation and terminating the relationship

with the other party. Then there may be *negotiation*, when the two parties attempt to

settle the matter by identifying the rules that should govern their relationship.

Mediation is yet another option, which involves the participation of a third party

asked to help find an agreement. With *arbitration*, instead, the parties appoint a third

actor and agree in advance to accept her judgement. With *adjudication*, finally, a third

authority intervenes whether or not the two parties require so (Nader and Todd, 1978;

Hulsman, 1986).

  Among these procedures abolitionists opt for those in which participants in conflicts

are not constrained by the requirements of organisations or professionals. Flexibility,

in this respect, is desirable, as it allows common meanings to emerge while giving the

parties a possibility to learn about each other. Hulsman argues that flexibility is

exactly what is lacking in conventional criminal justice, because situations are dealt

with in highly formalised contexts, where definitions of issues and responses to them

are limited, and it is unlikely that they correspond to those the parties involved would

elaborate. In brief, in his view, 'trouble' is to be turned into a participatory dispute by those experiencing it.

Crime itself is a participatory dispute, and in abolitionist thought has to be defined in terms of *tort*. According to Bianchi (1986: 116), abolitionist purposes do not require that an entirely new system of rules be devised. 'We already have one, waiting to be applied and adapted'. Lawyers and jurists, in this sense, are natural allies of the abolitionists, since they are capable, and hopefully willing, 'to develop new concepts of tort which would be suitable for the regulation of crime conflicts, and rules for the settlement of disputes arising from what we used to call crime'. Bianchi appeals to psychologists, psychiatrists and social workers, calling for their skills to be adapted and rewritten in ways fit for conflict-regulation. 'The new system would no longer be called criminal law but *reparative law*', and would engage offenders in discussions around the harm caused and how it can be repaired (ibid). Offenders would be debtors: 'Guilt and culpability should be replaced by debt, liability and responsibility' (Bianchi, 1994: xi).

It is among the contentions of abolitionists that an entirely different system of crime control, including restorative forms of justice, necessitates entirely new linguistic terms, in order to prevent conventional reasoning from creeping in. To make a new system of conflict resolution stand out against the conventional punitive system, Bianchi introduces one such term, *eunomic*. This adjective is opposed to *anomic* and *alienating* which denote the nature of the official criminal justice system, and which frustrate the main participants in a conflict; the new system would be mainly composed of a set of integrative rules offering opportunities to all participants (Bianchi, 1994). This argument takes inspiration from Roman Law, whose *eunomic* nature is epitomised by the central role played in it by restitution. The very Latin word

poena (from which both pain and punishment derive) refers less to the type or

intensity of the punishment to be inflicted than to the obligation to compensate the

victim. Before its modern translation into physical pain, *poena* alludes to the penalty

to be paid directly to the injured party, rather than to the vengeful sufferance inflicted

by the state. Even the original meaning of the Latin verb *punire* is 'see to it that the

duty of *poena* be fulfilled', for an offender could usually buy off revengeful

punishment by settling the compensation.

Knowledge, Proximity and Dialogue

If the official criminal justice system lacks *libido sciendi*, a passion for knowledge,

the alternatives to punishment devised by abolitionism are designed with the purpose

of producing that knowledge and collate information about actors involved in

conflicts. Consequently, the forms of restorative justice criticised by abolitionism are

those which, physically and metaphorically, are distant from the settings where

conflicts take place. Professionalism attracts particularly vehement criticism.

   The enormous expansion in the number of professionals trained for dealing with

other people's behavioural problems has created a range of functionaries, 'most of

them working in bureaucracies, from nine to four, with short encounters with clients'.

Such professionals will not experience the consequences of their decisions; after work

'they will drive home to the suburbs, to partners and children and dogs' (Christie,

1982: 67-68). Their power consists of their alleged capacity to respond to conflicts,

reduce their effects and prevent future conflicts from erupting. In order to control that

power, Christie argues, those wielding it are to be made vulnerable, a task that can be

achieved if they are denied the specificity of their qualifications and the peculiarity of

their status, and ultimately if they are required to live emotionally and physically in proximity to the situations with which they deal. Professionals who do not share the settings of conflicts seem to be convinced that all conflicts are to be solved or managed. Abolitionism talks about conflict-handling, or 'conflict participation', regarded as more promising, in concrete social interactions, than solutions.

> 'Conflicts are not necessarily a bad thing. They can also be seen as something of value, a commodity not to be wasted. Conflicts are not in abundance in a modern society: they are a scarcity. They are in danger of being lost, or often stolen. The victim in a criminal case is a sort of double loser: first vis-à-vis the offender, secondly vis-à-vis the state. He is excluded from any participation in his own conflict.' (ibid: 93).

This appreciation of conflict reminds one of Simmel's (1950) argument that attraction and repulsion are the core elements of socialisation, and that degrees of both contribute to processes of unification. Abolitionism translates this argument into a description of crime as a communicative act, expressive conduct, 'a clumsy attempt to say something'. Hence the suggestion that crime should 'become a starting point for a real dialogue, and not for an equally clumsy answer in the form of a spoonful of pain' (Christie, 1982: 11). Existing systems, with their professional division of roles, hamper dialogue, allowing for many acts to be perceived as crime. Alternative systems, therefore, should be arranged so that the same acts are more easily seen as expressions of conflicting interests. 'To reduce man-inflicted pain, one should encourage the construction of the latter type of systems' (ibid).

Dialogue encouraged by proximity is a key strategy suggested by abolitionists with a view to producing knowledge about problematic situations. In this respect, it is worthwhile to follow Christie's argument in a clarifying example. Let us imagine a computer deciding on guilt and delivering sentences. If correctly programmed, the computer will reach infallible decisions. 'After guilt was decided, nobody would need to attend before the judge to listen to his decisions if they themselves had some mini-computers at their disposal. This means that chance is taken away from court-decisions' (Christie, 1982: 54). There is, however, another possibility, namely the re-programming of the computer, a circumstance which would show how imperfect the decision-making technology may be. What are the variables that would be given priority weight? And most importantly, who would decide exactly what input is to be inserted into the system? The following are some possibilities:

> 'The UN in the General Assembly; the UN in the Crime Committee; regional bodies such as the European Council or the Union of the Arab States; national parliaments; regional authorities; a random sample of the population questioned through the telephone or personal interviews; a sample from the municipality of the victim or the offender; a totality of those close to the victim or the offender; or decisions could be made by the victim and the offender in cooperation' (Christie, 1982: 55-56)

Proceeding from top to bottom, the various actors listed above, all hypothetically able to provide input to our sentencing computer, possess increasing familiarity and proximity with the parties involved in the conflict. With the last option, however, we are faced with the maximum degree of proximity, and it is with this option that our

computer would become totally redundant, as the parties concerned could talk directly to each other.

Knowledge acquired by professionals differs from that informing interactions in lived experience, in the subterranean pattern of information shared within communities. It is plausible to assume that the quantity and nature of information held by members of a group will make sweeping concepts such as 'crime' needless to that group. This will be determined less by the size of the group than by the intensity of the common history the group shares. Small societies with little shared history and limited mutual knowledge and information about members will express demands for behaviour uniformity. For example, 'dormitory towns' will tend to turn the lack of interactions among its inhabitants and the absence of a common history among them into simplistic definitions of the others and their actions. It is against such aggregations of strangers that powerful, distant, institutions deliver pain. 'Intentional infliction of pain is easier the further away the recipient is from the delivery-man' (ibid: 83).

Victims

It has been suggested that restorative justice, by encouraging encounters between parties involved in conflict, benefits the victim's mental health by reducing post-traumatic stress symptoms (Strang, 2002; Braithwaite, 2007). Abolitionism holds a different view on the subject matter: victims can be victimised by conventional victimology itself. In other words, they can become the victims of the stereotypes imposed upon them. These stereotypes relate to their alleged incapacity to defend themselves, but also to their inability to define themselves as victims, the condition of

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victim being granted by others despite them. Subsequently, those victimised by conventional victimology are regarded and treated as objects of tutelage, as 'judicial goods' who are required not to interfere with the situation in which they act. They are requested to entrust their inviolability to external agencies which are normally structured to reproduce principles of dependency and delegation, rather than principles of autonomy. While conventional victimology and conventional restorative justice, therefore, may use victims' participation as a tool for the strengthening of the penal system, resulting in 'increased fear of crime, daily demands for stiffer sentences, and a steep increase in levels of criminological nonsense' (Carlen, 1996: 53), abolitionism combines victims' participation with non-penal measures, informality, negotiation and community involvement.

Compensation as devised by abolitionists, for example, is not based on abstract variables such as judicial truth, guilt or dangerousness, but on the responsibilities of the offenders, the victims, the community as a whole, and on their respective needs. In this exercise of justice there are no winning or losing contestants, as all are involved in a healing process aimed at satisfying the basic requirement for collective wellbeing and safety. The solution proposed by Christie (1982: 84-85) is that 'those given the task of handling the conflict are not given power', but play a mediatory role, like 'the dwarf at the royal court' who was so powerless and 'small that he was unusually well suited as a go-between'; or as a child who can at times take on a similar role in a family conflict. In brief, such figures should act as independent third parties and would be 'asked to help, but not given authority to enforce, and with no possibility of personal gain related to the outcome of the conflict' (ibid). Restorative justice in the abolitionist perspective is not aimed at 'restoring' the situation preceding the conflict, but at clarifying values during the course of its exercise: 'The clarification of values is

accomplished in the process itself. Attention is moved away from the end-result to the process' (ibid: 94).

We must concede that abolitionism occupies a highly original position within the influential victims' movement which developed since the 1970s. While victims of crime have long lamented the failure of the criminal justice system to keep them informed, and campaigns have targeted the arbitrary distinction between deserving and undeserving victims, institutional responses have been confined to the provision of governmentally centralised compensation schemes. In this way, victims become increasingly characterised as users, clients or consumers; and in some circumstances they are even given the privilege to attend the execution of those who victimised them (Rock, 2004; Williams, 2005). Abolitionists reject such consumerist logic, regarding it as an aspect of 'industrialised justice' in which distant authorities keep playing a key role in responding to problems. The participatory model they advocate puts institutional agencies out of the limelight, in their reparatory as well as their adjudicative functions. On the other hand, the victims' movement has also been concerned with forms of conflict resolution that, initially tailored for the needs of the victims, in practice have turned out to be mainly designed for the welfare of offenders. In this way, the discovery of the victims, in reality, is alleged to have provided a good pretext for reformers to espouse increasingly lenient treatment for victimisers. A 'good deal for offenders' is therefore assumed to be the outcome of victim-focused justice, 'a back door to the introduction of more humane treatment of offenders in a predominantly retributive system' (Williams, 2005: 60). This controversial point leads us to another aspect of the debate around restorative justice, namely the extent to which this model of justice is victim-led or offender-led. It is the task of abolitionists to supersede this distinction.

Making Amends

One of the controversies surrounding restorative justice centres on the reluctance of victims to participate in schemes which they suspect are geared to the interests of other parties rather than their own. Once they realise that an offender-approach is predominant, they comfortably return to the view that the only agency able to deal with offenders is the police force. Abolitionists outflank this controversy by embracing a different informal justice philosophy and practice. For Hulsman (1982), for example, the offender-victim dichotomy should be superseded by a view of crime as 'natural disaster', namely an event that requires solidarity mobilisation for those affected and efforts to prevent similar events from reoccurring. Natural disasters, though in a smaller scale, are likened to 'trouble', defined as situations in which people do not share a sense of how life is and should be structured, and where the lack of common perceptions results in conflict over ways of thinking, feeling and acting (Pfohl, 1981). In order to minimise conflicts, individuals may attempt to prevent trouble, through 'rituals of primary ordering', thus thwarting events which deviate from the order they see governing their lives. Or they can enact 'rituals of reordering', when they manage to cope with trouble and come to terms with the fact that conflicts are part of life (Hulsman, 1986).

   The controversy about offender-led or victim-led restorative justice is also examined against the background of other considerations. For example, it is stressed that some 'alternative' justice practices extend rather than reduce the prevailing justice system. In an overview offered by Shonholtz (1986) an echo is found of abolitionist critique of professionalism: agency-mediation implies specific

institutional actors such as prosecutors or the police applying specific mediation programmes and procedures. This model is built around the power and interests of institutional agencies: case referrals are generally coerced, while disputant participation is often involuntary. In other words, the parties would not attend the mediation session without the agency's pressure. 'Since most, if not all, of these referrals represent matters that the justice agency would not pursue formally, the agency-mediation programme presents the classic "widening the net" phenomenon so often criticised by criminologists' (ibid: 229). In brief, agency-mediation programmes are promoted not because they handle criminal referrals, but precisely because those referrals are not seen as legitimate criminal cases. Such programmes represent a direct extension of the justice system into the non-criminal, or civil, arenas, and stem from the recognition that traditional sources of social control (the family, the church, the neighbourhood) are declining: the state enters non-state areas.

> 'There is no attempt by the state to improve the ability or capacity of
> communities to manage their own conflicts through non-state mechanisms….
> Thus the intention of agency-mediation programmes is to provide another
> layer of state-sponsored social control beyond the direct application of
> traditional justice theory or practice' (ibid: 230).

On the contrary, mediation promoted by community boards, as advocated by abolitionists, follows a voluntary referral model and is characterised by a community-centred rationale. The model urges the commitment of social resources and the revival of collective responsibility. It aims less at the suppression of conflict than at its early expression and potential resolution. It links the justice process to community forums

led by the residents' need to organise local conflict-resolution mechanisms. It sees the development and maintenance of community justice forums as a democratic right and responsibility of citizens. Moreover, this model relies on residents trained in value-building, communication, and conciliation skills; panel sessions are open so that all are given the opportunity to develop such skills.

Although institutional (or agency) mediation may help dilute the crime control system and act as a stimulant to local neighbourhoods, in the abolitionist perspective it may also lead to unwanted developments. For example, it may paradoxically revitalise the penal system, turning into 'swift punishment without formalities'. It may increase control through the incorporation of a treatment ideology: punishment ends up becoming acceptable when disguised behind the notion of treatment (Christie, 1996). Or simply, it may weaken social competence, transferring problems to official actors. Individuals are de-skilled and made dependent upon external, state-funded or state-licensed entities.

This brings to light another moot point within the restorative justice debate. Most programmes controlled by the state are regarded as suitable for co-option into the criminal justice status quo, with the community concerned taking on a subservient role. State intervention exacerbates the role of institutions as dumping ground for 'people suffering from a wide range of human miseries', it transfers to professionals the community ownership of miseries and problems (McKnight, 1995). In this way, 'the criminal justice system compensates for the failings of economic, political, or social systems, which consequently deters the reform of these systems by removing people from open society who are its products' (Elliott, 2009: 156). The community, thus, becomes an amorphous ideal, an acquiescent aggregation of citizens perfectly aligned with state agencies (Pavlich, 2005). Restorative justice focused on

community development, instead, 'is less concerned with meeting the needs of institutions than it is with meeting the needs of the people involved in, and affected by, conflicts' (Elliott, 2009: 164). Conflicts, therefore, should be seen as opportunities for establishing dialogue and seeking solutions, in a process leading to wider relationships and wider mutual knowledge. By placing the conflict within the skills and competency of trained community people, many of whom former disputants, mediation enacted by community forums or boards is able to place responsibility for the expression and resolution of the conflict on the disputants.

> 'Moreover, the forum is the community's statement of its capacity and confidence to accept responsibility for handling conflicts at the neighbourhood level. The voluntary resolution of conflict between disputants is advanced as a positive value… Voluntary resolutions are, first and foremost, a positive statement between the disputants about themselves, each other, and the situation' (Shonholtz, 1986: 233-4).

Shaming and Peace

When abolitionists support voluntary resolution of conflict, they implicitly distance themselves from to the logic of *reintegrative shaming*, an ambivalent notion that raises enthusiasm and criticism in equal measure. According to Braithwaite (1989), shaming is more effective than conventional punishment in that it is not administered by a specific agency or institution, but involves the participation of a whole community. For the conscience-building effects of shaming to be produced, in fact, community-wide mobilisation is necessary. Children may learn about the evil of

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murder and theft in an abstract manner, 'but the shaming of the local offender known personally to children in the neighbourhood is especially important, because the wrongdoing and the shaming are so vivid as to have a lasting impression' (ibid: 77). Regarded as akin to Etzioni's (2001) communitarianism, this position has been the target of criticism for its implying a 'monochrome society' in which people identify one another with what they have in common rather than with what divides them. In such a society the loss of shared social and legal boundaries amounts to the decline of the policing force expressed by shame (Massaro, 1997). The revival of shaming punishment 'as a way of expressing and reinforcing shared moral values' is therefore recommended (Nussbaum, 2004: 175). Like the branding of the criminals in previous epochs, the shaming of offenders might take the form of a sign worn on their property, clothes or face. 'I am a thief' printed on a teenager's T-shirt could be one example of shaming, although its integrative function remains to be proven.

There are, however, different ways of applying the concept of communitarianism to criminal justice issues. In a theory of social order expressed by Cordella (1996), for example, conformity is determined by three distinct 'unity patterns' related to as many types of operational moralities. An 'atomistic unity pattern' guides individualism and opportunistic calculus, whereby those who conform do so for fear of retaliation. An 'organic unity pattern', which echoes Durkheimian categories, is enacted when individuals develop feelings of reciprocity due to the role and social rewards they enjoy in relation to similarly satisfied individuals. Finally, a 'personal unity pattern', which results from disinterested care for others and is engendered 'by a common life and personal morality that is conciliatory with social harmony the primary goals' (Richards, 2009: 115). While one may concur that the prevailing pattern in contemporary societies is the 'atomistic unity pattern', disagreement arises

as to the tools which may favour a shift from this to the other patterns. Can institutional shaming contribute to such shift, or is communitarian shaming better equipped for the task?

The evangelical enthusiasm with which shaming in general has been received prompts a qualifying distinction. We have reintegrative shaming and disintegrative shaming or stigmatisation. The former expresses collective disapproval, which may range from 'mild rebuke to degradation ceremonies' followed by 'gestures of reacceptance into the community of law-abiding citizens'. The deviant is thus decertified or de-labelled. In contrast, disintegrative shaming divides the community by creating a class of outcasts, whose only source of respect will be other similarly 'shamed' individuals and groups.

> 'Much effort is directed at labelling deviance, while little attention is paid to de-labelling, to signifying forgiveness and reintegration, to ensuring that the deviance label is applied to the behaviour rather than the person, and that this is done under the assumption that the disapproved behaviour is transient, performed by an essentially good person' (Braithwaite, 1989: 55).

There is no space for either integrative or disintegrative shaming in abolitionist analysis. Integration, rather, is achieved through communal means with the involvement of actors who are devoid of the power to shame and do not supinely lend themselves to be shamed. For example, in his support of community boards, Hulsman (1982) stresses the importance of the training of local residents in conflict resolution. Local mediators, in his view, should listen to the parties separately, and prepare a resolution of compromise on the basis of what they have heard. This is then submitted

to those concerned in the conflict and amended until it is eventually accepted by all. Mediators, or conciliators, according to this model, are not required to resolve conflicts, rather, they are trained to help people acknowledge by themselves the nature of their conflicts, learn to listen to and understand one another. Community boards have also a hidden merit: because any given person should not be allowed to sit on one such board for longer than two years, slowly the situation will be reached where most local residents have been mediators or conciliators. With time, the whole community will become more 'conciliatory'.

Conclusion

It is hard to establish to what extent abolitionist ideas have contributed to the increasing interest in non-penal measures. The timid and desultory processes of decarceration and decriminalisation that we have witnessed over the last decades may include abolitionist elements, particularly when accompanied by non institutional mediation, direct discussion between parties, and restitution or reparation of the damage caused. This, according to Christie (1986b: 104), may have reduced the state monopoly in inflicting pain, helped circulate 'a set of ideas intended to reduce suffering, and increased positive responses and basic trust in ordinary human beings'. However, abolitionists share the view, recorded above, that non penal measures run the risk of being co-opted back by institutional actors; for example, mediation boards may become bureaucratised and 'board-administrators might be temped to take on cases of shoplifting: they are mostly easy to handle and look good in the statistics'. Even compensation may turn into life-long debt for some offenders, while board members themselves may quite conventionally 'share the common indignation when

children and young people misbehave'. Moreover, some offenders may find compensation more daunting than a traditional suspended sentence. Finally, boards may be 'under the Ministry of Justice, a ministry accustomed to thinking in categories of utility and efficiency' (Christie, 1996:198).

In this paper the view of abolitionists on restorative justice has been presented, and their emphasis on community, rather than agency, conflict resolution has been discussed. Some forms of restorative justice, in the abolitionist critique, may discourage voluntary or lay members from joining mediation or reparation boards, because they may be viewed as mere ministerial emanations aimed at turning the initial community-led motivation of members into a profession.

Returning to Durkheim's concerns highlighted at the beginning, abolitionists seem aware that non-penal measures based on reparation and compensation may instil respect for the rules of the market rather than for other human beings. This, however, happens when abolitionist elements become institutionalised in official professional set ups. In such cases, members of mediation boards are converted into civil servants.

The danger of institutionalisation, therefore, may be averted if the principles of 'industrialised justice' (as Christie calls it) are rejected, and a peaceful reactivation of community dynamics is pursued through participation. This would imply a fourfold solidarity: 'for the people being sentenced, for their victims, for the community as a whole, and for those who guarantee the functioning of the penal system, who would feel happily liberated if they could stop working for the survival of such a machinery' (Hulsman, 1986: 123). Durkheim's observation that restitution 'is not true solidarity', because it restores relationships between individuals and things rather than between individuals, certainly applies to the model of 'industrialised justice', where organic solidarity is based on abstract division of labour, distance between roles and

anonymity of crowds. Professionalism exacerbates all of this, hampering the

development of mutual dependence among individuals, whose experience of conflict

is translated into agency routine. Response to crime, all too often, remains the remit of

'experts in conflict' rather than the arena for discussion among those experiencing it.

Experts, inevitably, feel that they have to bring salvation and that their profession

consists of a 'fight'; consequently they may be led to acquire skills suitable for

'humanitarian wars'. By contrast,

> We should turn to experts on how to create peace. For criminologists in
>
> particular, peace researchers are probably some of the most valuable potential
>
> models, providing categories, methods, insights and organisational principles
>
> of great relevance' (Christie, 1986c: 53).

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