

# “Restorative Justice”: History of the Term’s International and Danish Use



Christian B. N. Gade

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**Abstract** In this article, I explore the historical origin and development of the use of the term “restorative justice” in published sources. The main argument is that the growing popularity of the term and its expanding use makes increasingly blurred what restorative justice is. I begin by investigating the term’s international usage, tracing it back to written sources from the nineteenth century. Then, I cite personal communication with Howard Zehr to describe how his use of the term was inspired by Albert Eglash. Zehr initially popularised the term and, in the 1990s, use of the term expanded. In the 2000s, the term began to appear in United Nations and European Union documents, illustrating that restorative justice had become an internationally recognised approach to justice. After describing this international development, I analyse the Danish context, where the term “restorative justice” began to appear in writings around the year 2000. Around the same time, the existing Danish victim offender mediation programme became connected to restorative justice. Later, Danish practices outside the area of criminal justice became associated with the term. In conclusion, I argue that a potential problem of the expanded use of the term “restorative justice”—both in Denmark and internationally—is that usage may become so broad that the concept loses its meaning.

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C. B. N. Gade (✉)  
Department of Anthropology, Aarhus University, Aarhus, Denmark  
e-mail: [gade@cas.au.dk](mailto:gade@cas.au.dk)

## 1 Introduction

The aim of this article is to explore the history of how the term “restorative justice” has been used in published written sources. I begin by exploring the international use of the term. I then explore its use in Denmark, which includes areas such as victim offender mediation. In the Danish context, I also explore the history of the Danish terms “genoprettende retfærdighed” and “genoprettende ret”, which have both been applied as translations of “restorative justice”. A thorough historicisation of the use of the terms will contextualize and thus form the basis of a deeper understanding of current texts about restorative justice. Such a historicisation will illustrate how the current texts, at least to some extent, are formed by history.

Historical research on the international use of the term “restorative justice” has been limited, and scholars have wrongly assumed that this term was coined during the second half of the twentieth century, though it already appeared in texts from the nineteenth century, as shown in this article. Furthermore, there does not exist any research that traces the historical development of how the term “restorative justice”, and its Danish translations, have been applied in relation to practices in Denmark, and this article attempts to fill that research gap.

My data for this article has been collected through literature searches in Google Scholar, Google Books, JSTOR, Web of Science and Scopus. I have searched for texts that contain the terms “restorative justice”, “genoprettende retfærdighed” or “genoprettende ret”, and all the identified texts have been ordered chronologically to trace the historical development of the terms’ usage.

## 2 International Use of the Term “Restorative Justice”<sup>1</sup>

Several scholars have suggested that the term “restorative justice” has a young history. For example, Christopher Marshall writes that “the term *restorative justice* was coined in the 1970s to describe a way to respond to crime that focuses primarily on repairing the damage caused by the criminal act and restoring, insofar as possible, the dignity and wellbeing of all those involved” (Marshall 2011). Daniel Van Ness has been even more specific in terms of genealogy, claiming that Albert Eglash coined the term in *Beyond Restitution: Creative Restitution* from 1977 (Van Ness 1993). Subsequent to this claim by Van Ness, many have credited Eglash as the father of the term (Llewellyn and Howse 1999; Ammar 2003; Chatterjee and Elliott 2003; Heath-Thornton 2009; Van Ness and Strong 2010; Daly 2013). Nevertheless, Ann Skelton managed to trace the history of the term back to the 1950s (Skelton

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<sup>1</sup>In this section, I partly reuse and build on the historical text investigations that I made for my article *Restorative Justice and the South African Truth and Reconciliation Process*, published in the South African Journal of Philosophy, in 2013.

2005), and I have shown that the term is even older, as it appears in at least the following six texts from the pre-1950 period (Gade 2013):

- *The Christian Examiner and Church of Ireland Magazine* (1834): In this Christian magazine, it is explained that a certain Title Composition Act was “deservedly hailed by all well-thinking men, as beneficial to the clergy, and to the people, as a great act of restorative justice (Members of the Church of Ireland 1834).
- *The Signs of the Times* (1848): In one of this book’s ten Christian lectures, Rev. Lebbeus Armstrong tells a story about two witnesses who had been imprisoned for perjury though they were innocent. He writes: “their release would be an act of restorative justice” (Armstrong 1848).
- *Thoughts on a Continuation of the Book of Common Prayer used in the Church of England* (1856): Here Rev. John Stow refers to Luke 19:8, where Zacchaeus says to Jesus that he will give half of his possessions to the poor and pay back fourfold if he has ever cheated anyone. He writes: “What a lesson of liberality and of restorative justice is here afforded to All, who profess faith in CHRIST and the adoption of the Tenets of His Gospel!” (Stow 1856).
- *A Woman’s Story* (1863): In this book by Burton Abbots, it is explained that Cecil decided to give Salome a considerable amount of money that she had been entitled to since childhood. It is explained that “Cecil represented the case merely as an act of restorative justice” (Abbots 1863).
- *An Inquiry Concerning Justice* (1916): This article by Floyd R Mechem contains the oldest explicit definition of “restorative justice” that I have been able to find. The term is defined as “justice administrated by the judicial machinery which restores man to his proper rights” (Mechem 1916).
- *Address of Mr. Manuel Fourcade, Bâtonnier of The Order of Advocates, etc.* (1924): In this speech, Fourcade addresses the problems of peace after World War I and says that in Biblical times, the enthusiasm of the Psalmist exalted itself in a vision of justice embracing peace. It is specified that “[i]t is fitting to reaffirm our belief in these ideas of restorative justice” (Fourcade 1924).

My historical findings suggest that the term “restorative justice” first appeared in a Christian context, but—as already emphasised in my article from 2013—it is unclear to me what exactly “restorative justice” means in these texts. In the four texts from the nineteenth century quoted above, the term is used without any explanation of its meaning, either pointing to an unclarity in these texts or the possible scenario that the nineteenth century readers were familiar with the term and its meaning at this point in time, making further explanation unnecessary. Both could be the case. To me, it is also unclear exactly what is meant by “restorative justice” in two texts from the twentieth century, as Mechem does not explain what *rights* he is referring to, while Fourcade does not tell us anything about what *ideas* he has in mind.

Thus, there are many uncertainties regarding the meaning of “restorative justice” in the early texts, and I have not been able to establish any connection between these texts and the later restorative justice literature in the second half of the twentieth century. However, the texts demonstrate that Eglash did not have anything

to do with the coining of the term “restorative justice”. Despite this, his thoughts on creative restitution (Eglash 1957a, b, 1959, 1977) were indeed important for the later restorative justice literature, and I think Kathleen Daly was reasonable in suggesting that he was one of the founding fathers of the restorative justice movement, together with Randy Barnett, Howard Zehr and Nils Christie (Daly 2013).<sup>2</sup> In 1977, Eglash wrote that while retributive justice has “its technique of punishment for crime”, restorative justice has “its technique of restitution” (Eglash 1977), thus pre-empting two ideas later unfolded by Howard Zehr in his article *Retributive Justice, Restorative Justice* from 1985. The first of these ideas is that restorative justice stands in sharp contrast to retributive justice and the second that restitution is an important element of restorative justice. Nevertheless, Eglash never went into further details about his understanding of “restorative justice”.

No doubt, Zehr has been the single most influential author on restorative justice. The first text by Zehr that contains the term “restorative justice” is the abovementioned article from 1985. This article presents the first written formulation of most of the restorative justice ideas he later developed in his famous books *Changing Lenses: A New Focus for Crime and Justice* (1990) and *The Little Book of Restorative Justice* (2002). Most importantly, the 1985 article presents the idea that the current criminal justice paradigm—which Zehr refers to as “retributive justice”—is in crisis and that restorative justice should be adopted as a new paradigm. The article does not contain any definition of “restorative justice”, but it includes an appendix where Zehr lists 17 differences between “retributive justice” and “restorative justice”, including the five differences in the diagram below, which are directly reproduced from his article (Fig. 1).

In the article from 1985, Zehr does not explain who or what inspired him to use the term “restorative justice”. However, in an e-mail of 6 June 2017—which I have received permission to quote—Zehr told me: “I found the term, among other terms, in an essay by Albert Eglash [the aforementioned text from 1977] (...) In one sentence, he listed a number of terms, and that was one. It seemed to fit what I was thinking, and contrasted nicely with the term ‘retributive’; I was looking for terminology that would communicate and would be easy to remember”. In the same e-mail, Zehr also explained: “In earlier writing I had laid out some of the basic concepts of what I came to call RJ [‘restorative justice’], but we didn’t have terminology. In the early ‘80s, I led a retreat for priests and nuns doing prison ministry and this was the first time, I think, that I put out the overall concept and used the term”.

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<sup>2</sup>The main reason to include Christie in this list is that his article *Conflict as Property* (1977) has inspired many restorative justice scholars, though he did not use the term “restorative justice” himself in his early writings. To my knowledge, Christie first began to use the term in the twenty-first century—see, for example, Christie (2005, 2010, 2013). The reason to include Barnett in the list is that his article *Restitution: A New Paradigm of Criminal Justice* (1977) was an important source of inspiration for Zehr as explained later. However, Barnett did not use the term “restorative justice” himself.

<b>Retributive justice</b>	<b>Restorative justice</b>
1. Crime defined as violation of the state	1. Crime defined as violation of one person by another
2. Focus on establishing blame, on guilt, on past (did he/she do it?)	2. Focus on problem-solving, on liabilities and obligations, on future (what should be done?)
3. Adversarial relationships & process normative	3. Dialogue and negotiation normative
4. Imposition of pain to punish and deter/prevent	4. Restitution as a means of restoring both parties; reconciliation/restoration as goal
5. Justice defined by intent and by process: right rules	5. Justice defined as right relationships; judged by the outcome

**Fig. 1** Zehr’s justice paradigms

As Zehr explains in his article, his thinking was also inspired by Randy Barnett’s article *Restitution: A New Paradigm of Criminal Justice* from 1977. Here, Barnett used Thomas Kuhn’s ideas about paradigm shifts as a background for arguing that the current criminal justice paradigm is in crisis and ought to be replaced by a new paradigm. Barnett chose the term “restitution”—the same term that had been promoted by Eglash—and not the term “restorative justice” to denote the new paradigm, meaning that Zehr was probably the first person to apply the term “restorative justice” to refer to a potentially new criminal justice paradigm.

The first time Zehr provided a definition of restorative justice seems to have been in *The Little Book of Restorative Justice* from 2002 (*Changing Lenses* from 1990 does not contain any definition). His definition is as follows: “Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (Zehr 2002). This definition has become highly popular. However, the number of restorative justice definitions has increased with the increasing popularity of the term, resulting in the current situation where “restorative justice” is defined in various ways (for a list of definitions, see Gade 2013).

Kathleen Daly explains: “During the 1990s, restorative justice became immensely popular, eclipsing and overtaking other justice ideas circulating during the 1970s and 1980s – a range of restitution, reparation, reconciliation, and informal justice projects” (Daly 2013). This development went hand-in-hand with both an *upwards* and a *downwards* expansion of the terms use, as clarified by Gerry Johnstone. With the downwards expansion, the term began to be used in relation to non-criminal forms of misconduct, including misconduct in schools, inappropriate behaviour in the workplace and neighbourhood disputes (Johnstone 2011). Furthermore, “As well as shifting its focus ‘downwards’ from crime, the campaign for restorative justice has also looked ‘upwards’ from ‘ordinary’ crime to problems involving genocide, gruesome violence, gross violations of human rights, political oppression and historical injustice”

(Johnstone 2011). One of the most famous example of the upwards expansion occurred in post-apartheid South Africa, where Desmond Tutu and several others argued that the Truth and Reconciliation Commission attempted to promote restorative justice (Gade 2013). Other examples of the upwards expansion include the term's usage in relation to traditional African conflict management mechanisms such as *mato oput* in Uganda after the civil war and *gacaca* in Rwanda after the genocide (Mangena 2015).

Restorative justice, which Zehr had presented as a revolutionary alternative approach to criminal justice in 1985, became an internationally recognised approach to justice in the 2000s. For example, the United Nations Economic and Social Council adopted a resolution on *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* in 2002, stating: "Member states should consider the formulation of national strategies and policies aimed at the development of restorative justice and the promotion of a culture favourable to the use of restorative justice among law enforcement, judicial and social authorities, as well as local communities" (United Nations Economic and Social Council 2002). The term also appears in the European Commission for the Efficiency of Justice's guidelines for a better implementation of the recommendation concerning mediation in penal matters (2007), and in Directive 2012/29/EU of the European Parliament on minimum standards on the rights, support and protection of victims of crime (2012). The former calls for increased awareness of—and focus on—restorative justice in various contexts (see ss. 36, 41, 42, 44, 47 & 50), while the latter points to issues that ought to be considered when using restorative justice to avoid negative effects (s. 46).

Thus, as described above, a lot has happened in restorative justice since Zehr wrote his foundational article *Retributive Justice, Restorative Justice* in 1985. Some of the most significant developments within academia include the emergence of critical research challenging common restorative justice assumptions and dogmas, as well as empirically informed research on the effects of restorative justice programmes. Kathleen Daly's writings represent an influential example of the first kind of research, for example, challenging the idea that restorative justice is radically different from retributive justice (Daly 2002, 2008, 2013), while Lawrence Sherman and Heather Strang's experimental research with randomised trials is an influential example of the second kind of research (Sherman et al. 2015a, b; Strang et al. 2013).

### 3 Danish Context

As already mentioned in the introduction, "restorative justice" is translated into Danish as both "genoprettende retfærdighed" and "genoprettende ret". Annika Snare's article *Restorative Justice – om genoprettende retfærdighed* (English: *Restorative Justice – On Restorative Justice*) from 1999 may have been the first text to use the term "genoprettende retfærdighed". The oldest text, in which I have found the term "genoprettende ret", is Beth Grothe Nielsen's article *Paradigmeskift – fra straffende ret til genoprettende ret: en canadisk højesteret viser vej* (English: *Paradigm Shift – From Punitive Justice to Restorative Justice: A Canadian Supreme Court Shows the*

Way) from 2001. These texts by Danish scholars were inspired by the emerging international literature on restorative justice, and they both referred to Howard Zehr.

The question of whether restorative justice is something that is found in Denmark first began to be addressed around the year 2000, and it only received little attention at this time. As a matter of fact, I have merely managed to identify a few texts from the first half of the 2000s that use the term “restorative justice”—or its Danish translations—in connection with practices in Denmark, and all these texts use the term in relation to the Danish trials with victim offender mediation (Snare 1999; Lemonne and Snare 2000; Aertsen and Willemsens 2001; Miers 2001; Lemonne 2003; Kyvsgaard 2004).<sup>3</sup> These early texts suggest that the victim offender mediation, organised by the Danish police, is an example of—or at least something closely related to—restorative justice. Thus, restorative justice became a new “wrapping” of victim offender mediation in Denmark, even though the Danish pilots with victim offender mediation had never previously been associated with the term “restorative justice”. Some scholars also posed the question of whether this association was reasonable. For example, Anne Lemonne and Annika Snare argued that the Danish model is not a clear-cut example of restorative justice as the mediation programme is combined with prosecution in the penal system (Lemonne and Snare 2000). In contrast to a country such as Norway, victim offender mediation has always been a supplement, and never an alternative, to punishment in Denmark.

Prior to 2005, no other practices in Denmark than the abovementioned pilots appear to have been connected with restorative justice. Nevertheless, in 2004, Britta Kyvsgaard wrote: “It can be argued that the principles underlying restorative justice have long been part of the Danish penal system. The Danish Criminal Code of 1930 in section 84 mentions among mitigating circumstances freely and voluntarily averting the damage caused by the crime, fully restoring the damage of the crime, and otherwise freely and voluntarily making efforts to prevent the completion of the crime or to restore the damage caused by it” (Kyvsgaard 2004). This attempt to “project” restorative justice into the past has been a common, and sometimes criticised (Daly 2002), exercise in the restorative justice literature. In fact, Zehr already made the attempt in his article from 1985, arguing that restorative justice was the dominant form of justice in the past, thus presenting the turn to restorative justice as a *return* to a previous “golden age” that pre-empted the postulated decline period of state-centred retributive justice (for a discussion of similar *narratives of return* in other contexts, see Gade 2017).

Slowly, other Danish practices than the police trials began to be associated with restorative justice. In 2005, Karin Sten Madsen wrote that restorative justice is the concept of justice that lays behind the use of victim offender mediation (Madsen 2005a, b), and she described how the Centre for Victims of Sexual Assault at Rigshospitalet, which is Denmark’s largest hospital, had conducted a 12-month project

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<sup>3</sup>The first Danish victim offender mediation pilot ran from 1994–1996, and the second from 1998–2003 (the second pilot was prolonged to 2010—the year when the permanent, national programme started). For information about the pilots, see Henriksen (2003), Rambøll Management (2006), The Ministry of Justice’s Committee on Victim Offender Mediation (2008).

with mediation between sexually assaulted women and their offenders from 2003 to 2004. In a feature article in the Danish newspaper Politiken on 22 July 2005, Madsen elaborated on the project and wrote that: “Without knowing *restorative justice* . . . the women [who took part in the project] followed their own feeling and invited to restoration [my translation]”. Later, Mary Koss and Mary Achilles also referred to the mediations at the just mentioned Danish centre in their article *Restorative Justice Responses to Sexual Assault*, thus suggesting that restorative justice in Denmark occurs outside the police programme on victim offender mediation (Koss and Achilles 2008, see also Liebmann 2007; McGlynn et al. 2012; The Danish Health Authority 2012).

The term “restorative justice” began to receive increased attention in Denmark around 2008. The background was that the Danish Ministry of Justice had established a committee, which should propose the future organization of a permanent Danish victim offender mediation programme. The committee’s report *Betænkning om konfliktråd* (English: *Report on Victim Offender Mediation*) was published in October 2008, and it presented restorative justice as a theoretical foundation of victim offender mediation, thus echoing the understanding of the relationship between restorative justice and victim offender mediation already presented by Madsen in 2005. In fact, this is not very surprising, as Madsen was one of the committee members. The report uses Zehr’s aforementioned definition of “restorative justice”, and its fifth chapter on international recommendations about victim offender mediation mentions two documents that have been presented earlier in this article: the United Nations’ resolution on basic principles on the use of restorative justice programmes in criminal matters from 2002 and the European Commission for the Efficiency of Justice’s guideline for a better implementation of the existing recommendation concerning mediation in penal matters from 2007, both dealing with restorative justice.

In connection with the establishment of the permanent victim offender mediation programme, *Foreningen for mediation/konfliktmægling* (English: *The Union of Mediation/Conflict Mediation*) held a hearing at Christiansborg, where the Danish Parliament is located, on 12 November 2008. At this event, the future permanent programme was linked to restorative justice, and Zehr—by then known as “the grandfather of restorative justice”—was invited to make a presentation entitled “Restorative Justice, Principles and Values”. His book *The Little Book of Restorative Justice* was also published in Danish in 2008, which no doubt contributed to an increased Danish interest in restorative justice, not least among conflict management practitioners. Based on the aforementioned report *Betænkning om konfliktråd*, the Danish Parliament passed its *Lov om konfliktråd* (English: *Victim Offender Mediation Act*) in 2009, which resulted in the establishment of the national victim offender mediation programme on 1 January 2010.<sup>4</sup>

At this point in time, I was working with restorative justice in South Africa and was getting increasingly interested in the Danish context. Thus, I took initiative to the first Danish conference on restorative justice, which I organised together with Aase Rieck Sørensen, who was the director of the Danish Centre for Conflict Resolution, and

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<sup>4</sup>For details about the Danish programme, see Storgaard (2013), Asmussen (2014).

Professor Vibeke Vindeløv from the University of Copenhagen. The conference was held at Aarhus University in May 2011, and it was attended by more than 60 people, including both conflict management practitioners and academics such as Karin Sten Madsen.<sup>5</sup> One of the people who made a presentation at the conference was Jacob v. H. Holterman who had written the first Danish doctorate thesis on restorative justice with the title *Everything you Always Wanted to Know About Restorative Justice\* (\*But were Afraid to Ask)* (2009). Ida Helene Asmussen, who was in the process of writing the first doctorate thesis on the Danish victim offender mediation programme, also attended. Her thesis was defended in 2013 and published as a book entitled *Fra retsstat til omsorgsstat: om syndsforladelse i konfliktråd* (English: *From a Nation of Laws to a Nation of Care: On Absolution in Victim Offender Mediation*) in 2014. Asmussen shows that some victims and offenders who have participated in the permanent Danish victim offender programme have been put under pressure to perform specific roles, which—needless to say—is problematic (see also Asmussen 2018). After the conference in 2011, a Danish network on restorative justice was established, which I have been facilitating together with Aase Rieck Sørensen.<sup>6</sup>

The last 5 years have included several attempts at describing the Danish restorative justice “landscape”. The first attempt was made by Annette Storgaard in her report *Restorative Justice in Denmark* from 2013. This report was part of the project “The 3E Model for a Restorative Strategy in Europe”, funded by the European Commission. Thus, it was linked to a broader effort to describe the European restorative justice landscape. Storgaard explains that almost nothing is happening in Denmark with regard to restorative justice, and she specifies: “The only program that comes relatively close to the ideas behind Restorative Justice is VOM [victim offender mediation]” (Storgaard 2013), and also: “The only element in Danish criminal justice practice that has a tiny ‘taste’ of Restorative Justice is the Victim-Offender Mediation” (Storgaard 2013). In later texts, Storgaard also explained that “[i]n Denmark, ‘Restorative Justice’ is not a particularly dominant issue in public political debates or among practitioners” (Storgaard 2015); and: “The only form of Restorative Justice in Denmark is Victim-offender mediation, which is organised by the police” (Storgaard 2017).

Until now, Storgaard has been the only person writing in English about the Danish restorative justice landscape, leaving the international community with the impression that next to nothing is happening in Denmark regarding restorative justice. Storgaard does not mention any texts on restorative justice written by Danes, nor does she take notice of restorative justice initiatives outside the police, such as the Danish restorative justice conference and the network. There are also other restorative justice initiatives that Storgaard leaves unnoticed in her writings. For example, on 9 December 2014, Karina Lorentzen Dehnhardt, Jonas Dahl and Trine Pertou Mach, all from the Socialist Party, made a parliamentary proposal about a pilot on “genoprettende ungemøder”

<sup>5</sup>All conference presentations were video recorded and can be streamed from the following website, which also includes a complete list of conference participants: <http://cesau.au.dk/import/konferencer/afholdtekonferencer/genoprettenderetfaerdighed/>.

<sup>6</sup>The network has an e-mail list with about 150 members, including academics and conflict management practitioners, and has a website with information about network meetings and other activities: <https://genoprettenderet.wordpress.com>.

(English: “restorative youth meetings”). This proposal, which was based on lobbyism from the SSP Committee on Restorative Justice,<sup>7</sup> was debated in Parliament on 18 December 2014, but did not generate sufficient political support to be implemented. Nevertheless, the mere proposal shows that restorative justice is something that has received political attention in Denmark.

Against the background of the conference on restorative justice, the Danish Centre for Conflict Resolution received funding from *Forskningsfonden af 1971* (English: *The Research Foundation of 1971*) to collect data on how restorative justice is practiced in Denmark. The data collection process resulted in the report *Genoprettende retfærdighed i Danmark* (English: *Restorative Justice in Denmark*), which was published in May 2015.<sup>8</sup> According to this report, restorative justice in Denmark is not confined to the police’s victim offender mediation programme, but is practiced in various contexts. To illustrate this, the report presents seven stories with concrete examples of how restorative justice has been practiced in Denmark. One example is about a restorative circle process in *Ungdomsbyen* (English: *The youth town*) in Copenhagen, which was organised by a conflict management teacher in a fifth grade after a fight between two youngsters. Another example is about a restorative conference in a small town in Egedal Municipality, which was arranged by the SSP due to serious trouble in the community caused by a group of 16–17 boys. A weakness of the report is that it does not contain any quantitative data on the spread of such processes in Denmark. Such data does not exist.

In December 2015, the Danish Institute for Local and Regional Government Research (KORA) published yet another report on restorative justice entitled *Genoprettende retfærdighed overfor kriminalitetstruede unge* (English: *Restorative Justice for Youngsters in Danger of Crime*). This report was commissioned by the Danish Crime Preventive Council and TrykFonden. It contains a section about restorative justice in Denmark, which basically summarises the findings of the report from the Danish Centre for Conflict Resolution (Berger et al. 2015). Additionally, the KORA report presents an overview of international literature on restorative justice, including an overview of findings on the effects of different restorative justice programmes. Henrik Dam, the chairman of the Crime Preventive Council, wrote a feature article in the Danish newspaper *Jyllands-Posten* on 3 March 2016 based on the KORA report. In this article, entitled *Den genoprettende retfærdighed* (English: *The Restorative Justice*), he highlights the KORA report’s conclusion that there are positive effects of restorative justice when applied for youngsters in danger of crime.

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<sup>7</sup>SSP is a collaboration between schools, social service and police. The SSP Committee on Restorative Justice consists of conflict management practitioners who have actively attempted to promote the use of restorative justice in Denmark, for example, by organising a three-day course on restorative justice for Danish SSP workers in October 2015.

<sup>8</sup>I wrote this report with the support from several people, including the members of a consultation group that included Henning Maigaard, the head of the Secretariat of Victim Offender Mediation at the Danish National Police, Charlie Lywood and Jens Ansberg from the SSP Committee on Restorative Justice, and Bo Ørsnes from the Danish Centre for Conflict Resolution. For a complete list, see Gade (2015).

The positive effects of restorative justice, however, have been recently questioned in the Danish context by Britta Kyvsgaard. In her report *Evaluering af konfliktråd* (English: *Evaluation of Victim Offender Mediation*), published by the Danish Ministry of Justice in 2016, she concludes that the Danish victim offender mediation programme does not have *any* effect on recidivism. This finding has sparked a new collaborative research project between Aarhus University, the Danish National Police and scholars from the University of Cambridge.<sup>9</sup> The project will use randomised trials in seven police districts to test two different ways of carrying out victim offender meetings in Denmark: standard victim offender mediation (*konfliktråd*) versus restorative justice conferences. The aim is to compare the relative cost-effectiveness and impacts on victim harm and offender recidivism of these two restorative justice models. TrygFonden has provided funding for the project, which started in September 2017.

This research project is not the only new Danish initiative in the area of restorative justice. Belinda Hopkins, who has done a lot of work on restorative justice in schools in the United Kingdom (Hopkins 2004, 2009), has been in Denmark to train the teachers at Tovshøjsskolen, a primary school in Aarhus, and in Albertslund municipality, the staff at several schools and youth clubs are planned to be trained in restorative justice. These initiatives are organised by the SSP.

## 4 Expanding Use of “Restorative Justice”

This article has historicised the international and Danish usage of the term “restorative justice”. First, it demonstrated that the international history represents a story about a term that became immensely popular and expanded into new areas. Existing practices were “re-labelled” as “restorative justice”, and from the 1990s, the term began to be used in connection with practices outside the area of “normal” criminal justice: both in relation to forms of misconduct that do not constitute crimes (downwards expansion) and in relation to gross human rights violations committed during periods of political oppression, genocide and civil war (upwards expansion). The growing popularity of the term “restorative justice”, and its expanding use, went hand-in-hand with an increasing number of restorative justice definitions, thus making it increasingly blurred what restorative justice is. This definitional vagueness meant that it was easy to “re-label” even more practices as “restorative justice”.

About 15 years after Zehr wrote his foundational article *Retributive Justice, Restorative Justice* (1985), the term “restorative justice was translated into Danish and began to be used in connection with Danish practices. At first, the term did not receive much attention in Denmark and was only used in connection with the

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<sup>9</sup>The research team includes Sarah van Mastrigt, Theresa Ammann and myself from Aarhus University, Lawrence Sherman and Heather Strang from the University of Cambridge and a not yet employed research assistant.

police's victim offender mediation (with was "re-labelled" as a form of restorative justice). Later, the term began to be used to denote other practices, such as conflict management practices in schools. This development constituted a downwards expansion of the term's use in the Danish context. Thus, the Danish story is a tale of how a term was adopted from the international context and gradually gained popularity and increased attention. The potential problem is, of course, that the use of the term "restorative justice"—both in Denmark and internationally—may become so broad that the term loses its meaning. If the term ends up denoting next to everything, it will end up meaning next to nothing.

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