

# Purpose and Audience of the Judge McElrea Restorative Justice Collection

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## Purpose of the Collection: Spreading Good News – and Further Reform

The purpose of the collection is to gather all McElrea's work in one place and make it as accessible, prominent, organised and reader- and researcher-friendly as possible. At the times of writing them over some 20 years, McElrea composed each paper for a specific occasion or forum, mostly by invitation. But he already had a unifying purpose. That was to spread the good news of restorative justice – and to dispel myths about it (like that it entirely replaces retribution or does away with all need for prisons), while also discussing its limits and risks. He was publicising what he saw to be the far more effective and human model of justice that it offers communities, offenders and especially victims. The papers have also set out ways to raise the standards of restorative justice as its many forms have proliferated across New Zealand and around the world.

McElrea's ultimate hope was, and is, to make restorative justice, rather than court, the automatic or "default" option, at least wherever offenders admit wrongdoing. Criminal courts would remain for supervision, backstop and wherever defendants plead Not Guilty. Where a case goes to court, judges would try it as usual and, in the event of a Guilty finding, draw on the legislated range of sentencing options, including prisons – although the papers also touch on the many compelling reasons for minimising such recourse.

To that end of advocating a default restorative approach, some of the papers also detail McElrea's proposal for Community Justice Centres, or Community Resolution Centres. These would provide a dedicated forum for the systematic introduction of restorative conferences for adults; adult conferencing so far lacks the infrastructure and legislative backing that has characterised the Family Group Conferences which New Zealand led the world in legislating for youths (14- to 16-year-olds). If accompanied by proper education and funding, the proposal for Community Justice Centres/Community Resolution Centres could revolutionise criminal justice in New Zealand and – perhaps – the UK and other parts of the English-speaking or "common law" world, which, like New Zealand, largely inherited the adversarial-punitive English model of courts and punishments.

## Audience for the Collection: Everyone Interested in Justice – Plus Specialists ... and Sceptics!

Every citizen with an interest in justice will get something out of this collection. This goes doubly if you live in a common law country. But most papers assume no knowledge of either restorative

justice or the traditional common law criminal justice system. And McElrea's straight-talking style is all the more accessible precisely because many papers were speeches, and often to lay audiences, including community groups, victim support groups, marae, churches, even school prize-givings.

As the Complete Overview and Synopsis Table shows, other papers addressed specialists. Such papers detailed cutting-edge developments in restorative justice, and critiques of the adversarial-punitive system, for audiences of lawyers, judges, restorative justice practitioners, academics, policy makers, legislators and reformers. If they are like us, then legal professionals will find much here that is new and surprising. The surprises start with the rather unplanned history of the adversarial court system we take for granted and the punishments it metes out. Lawyers also get a rare insight into how a sitting judge navigated law reform, and thus the boundary between government's judicial and legislative branches.

Finally, if you're sceptical of restorative justice, the papers acknowledge common critiques of it and address many head-on in a way we hope will provoke further thought.

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