

TABLE OF CONTENTS

About the series	ix
Acknowledgements	xii
Preface	xiv
1 Introduction	1
1.1 The debate	1
1.1.1 Integrationism	1
1.1.2 Maximalism	2
1.1.3 Substitutionism	5
1.1.4 Resistance to integrationism	7
1.1.5 Parallelism	10
1.1.6 Logistical questions	13
1.2 The case	14
1.2.1 Scope	14
1.2.2 Terminology	14
1.2.3 Methodology	18
1.2.4 Structure	19
2 Foundations	23
2.1 Public vs. private interest	23
2.1.1 Complementary roles	24
2.1.2 Legitimacy of criminal justice	25
2.1.3 Who owns crime?	32
2.1.4 The social contract	34
2.1.5 Simulating informal regulation	36
2.1.6 Balance between victim and offender	39
2.1.7 Public interest and state coercion	41
2.2 Passive vs. active responsibility	43
2.2.1 Active superior to passive	43
2.2.2 Active supersedes passive	44
2.2.3 Active mitigates passive	46
2.2.4 Active secondary to passive	48
2.2.5 Active compromised by passive	51

TABLE OF CONTENTS

2.2.6	Active subordinated to passive	53
2.2.7	Passive does not imply unwilling	56
2.3	Public vs. private censure	57
2.3.1	Role of public censure	57
2.3.2	An integrationist critique	58
2.3.3	Parallelist perspective	60
2.3.4	Possible responses	65
3	Implementation	71
3.1	Guiding principles	71
3.1.1	Introduction	71
3.1.2	Explanation	72
3.2	Logistics	98
3.2.1	Victim-initiated referrals	98
3.2.2	Offender-initiated referrals	100
3.2.3	Funding	103
3.2.4	Implementation and evaluation	108
3.3	Mainstreaming	109
3.3.1	Potential for expansion	109
3.3.2	Requirements for mainstreaming	110
3.3.2.1	Autonomous	111
3.3.2.2	Essential	116
4	Advantages	119
4.1	Equality	119
4.1.1	Equality for offenders	119
4.1.2	Equality for victims	122
4.1.3	Inequality in maximalism	125
4.2	Proportionality	126
4.2.1	Reasonableness	126
4.2.2	Punitive Limits	127
4.2.3	Disparity between the limits	130
4.2.4	Incommensurability	132
4.3	Due process	137
4.3.1	Legal representation	137
4.3.2	Presumption of innocence	141
4.4	Boundaries	143
4.4.1	Privacy	143
4.4.2	Conceptions of the good	144

4.4.3	Net widening	146
4.4.4	Net tightening	147
4.5	Sincerity	149
4.5.1	Violation of moral agency	149
4.5.2	Moral corrosiveness	152
4.5.3	Taking ethics seriously	153
4.5.4	Possible responses	157
4.6	Trust	162
4.6.1	Justifiable scepticism	162
4.6.2	Pedagogical props	164
4.6.3	Possible responses	168
4.7	Integrity	176
4.7.1	Criteria for success	176
4.7.1.1	Completed agreement	177
4.7.1.2	Genuine remorse	179
4.7.1.3	Forgiveness	181
4.7.1.4	Reporting issues	183
4.7.2	Timescales	187
4.7.3	Caseload pressures	189
4.7.4	Authority	191
4.8	Inclusiveness	195
4.8.1	Institutional contagion	195
4.8.2	Potential for transformative justice	200
4.9	Self-Determination	206
4.9.1	Circle sentencing	206
4.9.2	Deep colonising	209
4.9.3	Conferencing	214
4.9.4	A Parallelist alternative	222
4.9.5	De-subjectification	230
5	Challenges	235
5.1	Victims	235
5.1.1	Limited access to restorative justice	235
5.1.2	Extended delays	239
5.1.3	Risk management issues	243
5.2	Offenders	244
5.2.1	Risk of self-incrimination	244
5.2.2	Risk of appeals or litigation	246
5.2.3	Lower participation rates	248

TABLE OF CONTENTS

5.2.4	Voluntariness	249
5.2.5	Risk of overburdening	250
5.3	Criminal justice	251
5.3.1	Caseload pressures	251
5.3.2	Non-RJ diversionary programmes	252
5.3.3	Reducing penal control	255
5.3.4	State underreach	256
5.3.5	Parallelism as a driver for reform	261
6	Conclusion	263
	Bibliography	267
	Index	287