

BORBALA FELLEGI:
TOWARDS RESTORATION AND PEACE
The implementation of restorative justice in Hungary
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Abstract

The *aim of the book* is to map the ways in which the restorative justice paradigm and its different models can be implemented into Hungarian social policy and criminal justice systems. The study explores the underlying mechanisms of restorative justice, highlighting its influences on the micro, mezzo and macro level. Accordingly, the implications of restorative justice on interpersonal dynamics, the mechanisms of social institutions, and macro-sociological processes are analysed.

Key theoretical issues include: how to involve the community in the process of creating and obeying social norms? What are the possible responses to norm-breaking and what is the potential role of the community in this process? How to encourage responsibility-taking, apologising, forgiveness and restoration amongst the parties (victims, offenders and other community members) affected by a harmful act? What are the potential consequences and the limitations of such a process? What are the conditions for community-based decision-making and how to support communities in creating partnership-based cooperation while dealing with conflicts? What are the roles of trust, responsibility and social ties in the above processes?

The starting point of the study is that the phenomenon of norm-breaking is as related to the social policy system as much as to the criminal justice system. Consequently, the *first chapter* discusses the main connecting issues between social policy and criminal justice. This chapter also summarises the four hypotheses: 1.) restorative justice can be more effective on both the micro and macro level in responding to norm-breaking than is the classical retributive justice approach; 2.) restorative justice can be implemented on several levels into the current Hungarian social and criminal justice system; 3.) the restorative justice approach can be highly relevant for current legal practitioners, with special focus on the views of judges and prosecutors; 4.) the ‘lost in transition’-hypothesis: the process of institutionalisation contains a high risk of losing and forgetting the underlying principles of restorative justice.

The *second chapter* attempts to provide a complex overview of the theoretical background of restorative justice. It starts with the macro issues (how compatible is restorative justice with other sanctioning approaches?). This is followed a discussion of the micro-level mechanisms (what are the actual social psychological dynamics between the involved parties in a restorative justice process?). The chapter concludes by mapping the theoretical questions related to the process of institutionalisation. The *third chapter* analyses the past and present processes of restorative justice in Hungary. The *fourth chapter* discusses the results of an interview-based research project in which Hungarian judges and prosecutors were asked about their attitudes (main motivations and concerns) towards mediation and other restorative processes.

The *closing chapter* summarises issues raised by the initial hypotheses, draws conclusions about the implementation process and provides a SWOT analysis of the current system of victim-offender mediation in Hungary. Hence, it is highlighting the main strengths, weaknesses, opportunities and dangers to be found in the present institutional system. The final remarks tie these researches, results and analyses back to the starting point of the study: both the theoretical and practical aspects of restorative justice can contribute to making our social policy and criminal justice system more effective – and thus to creating a more peaceful society around us.