

## How to use (and search) this collection:

### *The Complete Overview and Synopsis Table: all 80 papers at a glance*

The place to start is always the Complete Overview & Synopsis Table. This displays every paper's file name in context. It serves as a list, a sorting mechanism and cross-referencing. Plus it gives a headline summary and our custom-written synopsis of under 100 words for every document. For instance, you can search by document type (speech, article, book chapter, case, and so on); scan dates to find the most recent writings or papers from a particular period that interests you; skim the customised file names for informative document identifiers, while still seeing the original in-document title so you know you've got the right paper.

[→ Go to Complete Overview and Synopsis Table](#)

### *Table of Key Themes and Best Paper(s) on Each – an easy way into the collection*

The alphabetical Table of Key Themes and Best Papers on Each works like an index of main topics as well as being a way into the collection for anyone. It lists some two dozen themes which McElrea's papers came back to repeatedly and sends you to the paper(s) that addressed each most squarely, and usually most recently. This saves you combing through the approximately 800 pages in the whole collection to find the topic. Although these best statements aren't the last word, even if you read only the key papers they refer to you will get the gist of many main points.

[→ Go to Table of key themes and best paper\(s\) on each theme](#)

### *How (and where) to search on keywords, with examples*

To search the whole collection for a keyword, first skim to check whether that word or a related topic is in the alphabetical Table of Key Themes & Best Paper(s) on Each. Next, search the Complete Overview & Synopsis Table by hitting control + F and typing in a word that describes your current interest, e.g., "punishment", "Sentencing Act" or "youth". The search box which pops up in the top right will show you how many times that exact word appears and where. Clicking on the up and down arrows will take you to the previous or next occurrence, respectively. Make your word as generic and truncated or short as possible: for instance, the truncated form "prosecut" will capture more than "prosecute", "prosecution" or "prosecutor", and "environment" brings up more hits than "environmental". Try synonyms: for instance "education" (or the truncation "educat") as well as "school".

We are hoping to upgrade search functionality in the future so you can search the full text of the whole McElrea site.

## Complete overview and synopsis table

Name of file in the collection	Original forum	Topic at a glance	Synopsis	Cross-reference to other papers (see also Table of key themes and best paper(s) on each theme)
<a href="#">Restorative justice – a New Zealand perspective</a>  Book chapter; 8,000 words	David J Cornwell (ed.) <i>Criminal punishment and restorative justice: past, present and future perspectives</i> , Winchester, UK: Waterside, 2006	Old and new writings on New Zealand restorative justice.	Augmenting his London 2002 address to bring together his old and new writings now the Sentencing Act 2002 has commenced, McElrea repeats three distinctive elements of New Zealand's Family Group Conference ("FGC") model. Illustrating with success stories, he discusses among other things: why restorative justice satisfies victims more; intuitive analogies to families; the paternalism of welfare models of justice; accountability as partnership; the primacy of vindicating the victim, not punishing the perpetrator; rebuttals to alleged unfairness and inequality to defendants; community building; restorative justice in prisons; and why police should not run restorative conferences.	Abridged and augmented version of "New Zealand perspective on restorative justice" – Law Conference, London, 16 June 2006
<a href="#">Accountability in the community: taking responsibility for offending</a>  Conference paper; 10,400 words	Legal Research Foundation Conference "Rethinking Criminal Justice: A Conference on New Initiatives in Criminal Justice" Auckland, 12-13 May 1995	Accountability under traditional and restorative justice models	Part I of this paper traces McElrea's realisation that the NZ youth model was restorative and offers an adult version. Part II contrasts accountability for offenders under the two approaches and proposes specific reforms to the existing system. Part III traces the criminal justice paradigm to the rise of the sovereign State, contrasting Māori and Pasifika. Part IV argues our justice system should encourage rather than discourage the acceptance of responsibility by those actually responsible for offending and those best placed to do something constructive about preventing it, culminating in eight proposals.	
<a href="#">Restorative justice for adult offenders: practice in New Zealand today</a>  Book chapter; 15 pages	Gabrielle Maxwell & James H Liu (ed.) <i>Restorative Justice and Practices in New Zealand: Towards a Restorative Society</i> Institute of Policy Studies: Wellington, 2007	Adult restorative justice legislation and programmes; community resolution centres	After touching on NZ's youth justice history, McElrea discusses how restorative conferences operate in the adult criminal justice system, particularly the Sentencing Act 2002 and the Victims' Rights Act 2002, which provide the legal mandate for restorative justice for adults. He turns to some of the schemes that have grown up for providing restorative justice programmes responding to offending by adults, and how restorative justice has impacted on sentencing. He concludes by proposing a more community-based model through community resolution centres. [Synopsis adapted from page 96]	See more on theme "Adult restorative justice in New Zealand 1990-2010" in Table of Key Themes & Best Papers on Each
<a href="#">St Aidan's Newsletter 2006: Questions of justice</a>	Draft material for newsletter of St Aidan's church, Auckland	Announcing McElrea and other speakers at church run seminar	The parish newsletter announces guest speakers: McElrea; Dr (later Prof) Chris Marshall, a scholar of restorative justice; Revd (later Dr) Douglas Mansill, a former prison chaplain who trained	

Newsletter article; 500 words			NZ's first restorative justice facilitators; and Kim Workman, a former head of the NZ Prison Service since become National Director of Prison Fellowship New Zealand.	
<a href="#">Restorative process and outcome: emerging theories of restorative interventions</a>  Conference paper; 4,000 words	Second International Conference on Restorative Justice for Juveniles Fort Lauderdale, Florida, USA, 7-9 Nov 1998	Roles of judges, state and community	McElrea opens with the roles judges can play in advancing restorative justice: public speaking, quasi-academic forums, convening conferences; and in the lower courts, referring cases to community justice conference facilitators. McElrea quotes a Court of Appeal judgment that a pre-sentence restorative process may lead to a shorter prison sentence. He considers diversionary sentences under NZ's youth justice legislation and elsewhere using police prosecutorial discretion. State involvement in restorative justice raises complex questions. The paper describes NZ's Te Oritenga model and one under the New South Wales Young Offenders Act 1977, and it proposes Community Justice Centres for adults.	See also "Community & State" and "Judges' role" themes in Table of Key Themes & Best Papers on Each
<a href="#">Updated proposal for pilot community justice centres in New Zealand</a>  Reform proposal; 1,100 words	For own reference	Detailed proposal for Community Justice Centres for civil and criminal matters	McElrea makes his most developed proposal yet for his vision of Community Justice Centres (CJCs). CJCs would function as a community-based and consensual supplement and partial alternative to the courts, using mediation for civil matters and, where the wrongdoing was admitted, restorative justice for criminal matters. They would operate as a partnership between local and central government, the police, the voluntary sector and various existing agencies.	Later McElrea largely switched to the term "Community Resolution Centres" because CJCs had special meaning in USA and elsewhere, as does "community justice"
<a href="#">Outline of paper on restorative justice and the criminal law</a>  Lecture notes; 1,000 words	Unspecified symposium at AUT University's (Auckland University of Technology's) RJ Centre	Note-form intro to law, restorative justice, aims of criminal justice	This three-page outline traces: the concept of law, the law as rule-making, responses to criminal offending, consistency in dealing with offenders, the impact of the adversary system on the criminal law, uniformity as an objective, the criminal law and restorative justice in New Zealand, the criminal law and risk assessment, and a proposal for research at AUT's RJ Centre.	
<a href="#">Keynote address by Judge Fred McElrea</a>  Conference paper; 2,000 words	UNESCO forum for launching International Year for the Culture of Peace, Te Papa Museum, Wellington, NZ, 14 Sep 1999	Violence and ways to foster peace	McElrea reflects on the literal and metaphorical violence judges see but criticises the media's focus on crime. He sees violence as disrespect and peace as more than the absence of war and violence. Ways to foster a culture of peace include not only restorative justice but also NZ's antinuclear stance, the COOL SCHOOLS peer mediation programme, peace keeping by NZ soldiers, and the welfare state. Restorative justice and its language of reciprocal obligations help nurture peace through community.	See "Peace" theme in Table of Key Themes & Best Papers on Each
<a href="#">Customary values, restorative justice and the role of</a>	Restorative Justice and Community Prosecution Conference The Ritz Hotel,	Customary values, restorative justice, and South Africa's "community prosecutions"	McElrea contrasts NZ's youth justice model and Sentencing Act 2002 with its legal professionals' persistent adversarial mind-set. He cites the Court of Appeal, and evaluations of restorative justice, before considering Māori and other first peoples. McElrea details	

<a href="#">prosecutors: a New Zealand perspective</a>  Conference paper; 5,400 words	Cape Town, South Africa 21-23 Feb 2007		his proposal for Community Resolution Centres (renamed because Community Justice Centres has special meaning in South Africa and the US). While NZ lacks South Africa's community prosecution system, and restorative justice is not part of it, he argues it could be. He suggests South African prosecutors take the role police play in NZ conferences.	
<a href="#">Draft submission on Sentencing Bill from a restorative justice perspective</a>  Submissions; 1,100 words	Submission on draft legislation	Submission on Sentencing Bill 2001	This draft submission on what became the Sentencing Act 2002 with important restorative justice content shows a judge giving input into the legislative process. The two pages pinpoint his agreement with, or suggested improvements to, particular clauses. He notes at the outset some more fundamental input from the Chief District Court Judge, which came too late in the process to incorporate.	See "Victims" theme in Table of Key Themes & Best Papers on Each
<a href="#">Paper for Legal Research Foundation on education, discipline and restorative justice</a>  Conference paper; 3,400 words	Legal Research Foundation, NZ	School expulsions: traditional model and restorative alternative	McElrea notes the relative ease of expelling pupils from school and lack of appeal structure, and contemplates restorative justice as an alternative approach. He compares school discipline procedures with adversarial and punitive legal procedures and considers how it might help to adopt a restorative justice approach in "school community conferences". He floats many "what if" scenarios.	See "Education" theme in Table of Key Themes & Best Papers on Each
<a href="#">Address of Judge Fred McElrea to Senior School Prize giving – Kristen School</a>  Address to school; 2,500 words	Kristen School, Auckland	Experience of encounter in restorative justice, with stories	Distinguishing book learning from experiential, McElrea describes restorative justice as relying on the experience of encounter. He notes the adversarial-punitive system relies on power, control and domination then contrasts three stories of young people dealt with to the benefit of all by restorative justice; and relates restorative justice to the school's motto of Vision, Integrity and Love.	Though delivered at a school, this paper does not concern restorative justice as a disciplinary approach. For Education, see that theme in the Table of Key Themes & Best Papers on Each
<a href="#">An assessment of the impact of Howard Zehr's visit to New Zealand, June 1994</a>  Newsletter article; 800 words	Stimulus, newsletter of Laidlaw College, Henderson, Auckland	Visit to NZ of restorative justice pioneer Howard Zehr	McElrea predicts that the recent visit of the quiet Mennonite "prophet" of justice and international restorative justice pioneer Prof Howard Zehr will be a milestone in the history of NZ justice, which was largely unbroken since the arrival of British law. He quotes parts of Zehr's message, including spiritual elements, and reports that Zehr's meetings brought "healing justice" alive.	Zehr's huge corpus is drawn on heavily in McElrea's papers. See here by Zehr himself "Journey to belonging by Prof Howard Zehr - Conference, Massey University, NZ – 2000.04.24"
<a href="#">Intent of the Children, Young Persons, and Their</a>	Youth Justice Conference of the New Zealand Youth	Ways in which FGCs are/are not novel	McElrea describes NZ's Family Group Conference system. This "new" system fits restorative justice as Howard Zehr, Tony Marshall and Dan van Ness describe it. The practice of youth justice is	This is best paper on the theme "Discovering New Zealand Family

<a href="#">Families Act 1989 – restorative justice?</a>  Synopsis; 9,500 words	Court Association (Auckland) Inc., Feb 1994		restorative, the legislation, only partly so. The new system did not come from academic studies but relates to the traditional Māori “whanau conference”. Restorative aspects find analogues in Canada, the US, UK and Austria. McElrea traces restorative justice’s origins in ancient Hebrew, Maori, Japanese and Canadian societies and how centralised Western States lost this integrative approach. He identifies unique features and three overarching changes.	Group Conferences as restorative justice"
<a href="#">Restorative Justice: England visit 21-28 June 2000</a>  Report; 1,700 words	Report to Chief District Court Judge Young and Principal Youth Court Judge Carruthers	Full report of UK study trip	This brief report to the Chief District Court Judge and Principal Youth Court Judge about a UK trip touches on potential use of restorative justice in prisons, schools, and police disciplinary/complaint procedures. McElrea relays results, including from the Canberra RISE programme and a survey of victims’ wishes. He repeats a theme of the traditional Western court system’s inadequacy for dealing with victims’ interests, and notes the support highly placed judges have given to restorative justice overseas.	For shorter and personal account see "Reflections after UK study trip - Ditchley and London - 200006"
<a href="#">Report on USA trip October 2005</a>  Report; 1,200 words	Report to Chief District Court Judge Russell Johnson	Report (redacted) on US conferences and NZ losing initiative	McElrea briefly reports to the Chief District Court Judge on conferences he addressed at Fresno Pacific University, California, and Minneapolis, Minnesota. He sees value in viewing restorative justice as part of mediation. While no US state has legislation like NZ’s Children, Young Persons and Their Families Act 1989, McElrea reports, “we are losing the initiative in the next step”: to move much civil and criminal work from the courts to community-based centres, so courts become a backstop and venue for the more intractable conflicts. The report has been redacted.	
<a href="#">NEWZTEL News: RNZ checkpoint</a>  Interview; 1,300 words	RNZ: National, "Checkpoint"	Interpreting NZ statistics on recidivism after restorative justice	In this transcript of an interview on Radio NZ’s drive-time Checkpoint programme, McElrea argues that a Ministry of Justice study on restorative justice shows bigger benefits to recidivism than claimed, but that in any event the main purpose of restorative justice is to help victims.	For more, see theme "Evidence & statistics on restorative justice" in Table of Key Themes & Best Papers on Each
<a href="#">Restoring justice</a>  Conference paper; 2,900 words	Law Forum 2001 Organisation of Commonwealth Caribbean Bar Associations’ Fourth Conference 24-26 May 2001 Nassau, Bahamas	Analysis of restorative justice versus adversarial-punitive system, and objections to restorative justice	McElrea outlines restorative justice and its differences from the English-derived adversarial-punitive model. Advantages include treatment of victims, more imaginative outcomes, more reconciliation and healing, a wider concept of responsibility, adhering to conference outcomes, empowering primary stakeholders and being community based. He tackles the main objection to restorative justice: unfairness and inequity to offenders. McElrea compares the two systems’ treatment of victims and offenders, and strengthening of communities, drawing some parallels between the South Pacific and Caribbean.	

<p><a href="#">Notes for address to JPs conference, Greymouth 4 March 2006</a></p> <p>Conference paper; 3,000 words</p>	<p>Conference of Justices of the Peace, Greymouth, New Zealand</p>	<p>For the case cited, see DC Judge McElrea's sentencing notes: "Auckland City Council v Shaw - NZDC (McElrea DCJ) - 20060302"</p>	<p>McElrea contrasts restorative justice with the adversarial model. He canvasses the main objection by lawyers, based on fairness to different defendants, and likens restorative justice to grassroots democracy. He mentions restorative justice in the Sentencing Act 2002, Victims' Rights Act 2002 and Corrections Act 2004 and quotes from a resource management case, which used restorative justice: Auckland City Council v Shaw. He questions possible understatement of positive results and refers to Project Restore, a community provider of restorative justice in sexual abuse cases. Surprising cross-party political support for restorative justice is noted.</p>	<p>For the case cited, see DC Judge McElrea's sentencing notes: "Auckland City Council v Shaw - NZDC (McElrea DCJ) - 20060302"</p>
<p><a href="#">The Judge's role in creative conferencing in youth justice</a></p> <p>Conference paper; 2,600 words</p>	<p>Youth Justice in Focus Conference, Judges' Workshop, 30 Oct 1998, Wellington</p>	<p>Judges' role respecting or improving conference results</p>	<p>McElrea says many Family Group Conference are unimaginative; and involvement by the Children Young Persons and Their Families Service, uneven. Judges have been rightly rejecting the plans of (court-directed) conferences where victims are absent, family attendance inadequate or attention to schooling insufficient, or sometimes where the plan lacked substance, and ordering fresh conferencing. However, judges' main role is to facilitate and support the service, surrendering substantive power to the FGC. McElrea offers eight ways to do so</p>	<p>See "Judges' role" theme in Table of Key Themes &amp; Best Papers on Each</p>
<p><a href="#">Restorative justice and the law</a></p> <p>Lecture notes; 2,300 words</p>	<p>AUT (Auckland University of Technology) University lecture</p>	<p>Note-form outline of restorative justice in NZ youth and adult criminal justice</p>	<p>These full notes for a lecture set out: (1) a brief overview of the NZ legal system; (2) different models of justice (adversary and inquisitorial; justice; welfare; restorative justice); (3) criminal justice; (4) restorative justice in the adult system: legislation; (5) restorative justice in the youth court and its three distinctive elements; (6) the Family Group Conference; (7) restorative aspects of the youth justice process; and (8) restorative justice overseas – some brief comments.</p>	
<p><a href="#">Reducing our reliance on prisons</a></p> <p>Newsletter article; 3,100 words</p>	<p>Criminal Bar Association newsletter Acquitalk</p>	<p>Challenging lawyers to apply section 9 Victims' Rights Act 2002</p>	<p>This paper asks how lawyers can reduce NZ's reliance on prisons, one of the highest in the Western world. It details the principle in s9 of the Victims' Rights Act 2002 to "encourage" the holding of a restorative justice meeting between victim and offender "to resolve issues relating to the offence" – and challenges lawyers to apply this. It cites international evidence for the effectiveness of restorative justice, and, using case examples, explains how restorative justice can serve accountability, deterrence, protection of the public and the interests of victims.</p>	<p>NB Totally separate from speech to Criminal Bar Association "Personal view to lawyers [redacted] - Criminal Bar address - 201012"</p>
<p><a href="#">Address to the Auckland District Law Society's annual church</a></p>	<p>Auckland District Law Society's annual church service 3 February 1997; re-presented in New Zealand Law Journal</p>	<p>Secular versus biblical views of justice</p>	<p>Marking the 150th year of a parish opposite the High Court at Auckland, McElrea contrasts for a Christian audience a secular and a biblical view of justice. He asks: If we really take our Christianity seriously, what is it that should differentiate us from other lawyers?</p>	<p>This adapted version later appeared as New Zealand Law Journal 1997 (11) pp 404-408</p>

<p><a href="#">service on 3 Feb 1997</a></p> <p>Church address; 2,500 words</p>				
<p><a href="#">Restorative justice – the long view</a></p> <p>Conference paper; 5,500 words</p>	<p>Prison Fellowship conference "Beyond Retribution: Advancing the law and order debate" Silverstream, New Zealand May 2006</p>	<p>Rediscovery and spread of restorative justice across countries and fields since 1970</p>	<p>McElrea traces restorative justice in the US, Canada and NZ post 1970 and historically in Pasifika, Māori and other societies. He contrasts state-dominated justice's emphasis on deterrence, denunciation and reform. International collaborations on restorative initiatives outside criminal justice are noted, including: schools, industrial relations, prisons, churches, international peacekeeping, trade practices regulation, ethnic reconciliation, and disciplinary bodies of the armed forces and police. McElrea adduces international statistics on restorative justice and plots the way ahead for restorative justice in NZ, including adult Community Justice Conferences.</p>	<p>10% shorter version of "NZ Model of Family Group Conferences - Penal conference, Ontario - 199803", with also shorter appendix (A new attitude to pleading) and shorter synopsis</p>
<p><a href="#">Christian meditation – another peaceful revolution</a></p> <p>Conference paper; 2,700 words</p>	<p>Second Australasian Christian Legal Convention Bond University, Gold Coast, Queensland, May 2002</p>	<p>Christian meditation as a peaceful revolution like restorative justice</p>	<p>Note: the title is correct: meditation, not mediation. McElrea discusses Christian meditation's long history and recent revival. While not replacing other forms of prayer, or organised religion, it may yet make a quiet revolution, like the peaceful revolution of restorative justice. Both concern peace making; both are modern with ancient roots; grace has a role in each; both work by experience, not doctrine; both relate to ordinary people, not professionals; and both are international.</p>	
<p><a href="#">Sentencing – the new dimensions</a></p> <p>Seminar; 15,800 words</p>	<p>New Zealand Law Society travelling seminar</p>	<p>Restorative justice in new wave of sentencing legislation</p>	<p>These are McElrea's chapters from a joint seminar, in turn supplementing earlier guidance on the Sentencing Act 2002 and Parole Act 2002. McElrea explores new dimensions under those Acts and the Victims' Rights Act 2002, which require all involved in criminal justice to re-evaluate sentencing, parole, and victims' rights. McElrea tackles principles of restorative justice; purposes (including punishment) and principles of sentencing; court procedures for dealing with restorative justice; taking into account agreements to make amends; otherwise dealing with offenders; incorporating restorative justice outcomes in formal sentences; counsel's role in restorative justice cases, and the District Courts' restorative justice pilot.</p>	<p>Much longer and more formal than "Sentencing Act 2002 restorative justice section by section - Seminar, Auckland District Law Society - 20020902" but does not subsume it</p>
<p><a href="#">The New Zealand experience of restorative justice legislation</a></p>	<p>11th Annual RJ Conference at Fresno Pacific University, California AND 5th Annual Conference of the Association for Conflict</p>	<p>Adult and youth restorative justice legislation in NZ</p>	<p>This lecture compares and contrasts NZ's two distinct types of restorative justice legislation. The Children, Young Persons and their Families Act 1989 introduced the Family Group Conference ("FGC") as central to the whole youth justice regime. The Sentencing Act 2002, Parole Act 2002, and Victims' Rights Act 2002, all applying to adults, acknowledged and encouraged</p>	

Conference paper; 10,100 words	Resolution at Minneapolis, Minnesota		restorative justice initiatives that had been occurring without legislative backing since being instigated by McElrea and others in 1994. FGCs are mandatory, while adult conferences require the agreement of both victim and offender.	
<a href="#">The New Zealand model of family group conferences</a>  Conference paper; 9,700 words	Kingston, Ontario: International Symposium "Beyond Prisons": Best Practices Along the Criminal Justice Process	Many aspects of pre- and post-adjudication Family Group Conferences in NZ	McElrea backgrounds the NZ youth model of family group conferences (FGC). Topics include: the FGC pre- and post-adjudication; youth offending rates and reduced use of custodial outcomes and courts; a new approach to pleading; resources and morale; restorative justice in schools; FGCs and police; urging against the exclusion of serious crime; and applicability to adults.	10% longer version published in European Journal of Criminal Policy and Research 6 (1998) 527-543
<a href="#">Restorative justice – a New Zealand perspective</a>  Conference paper; 8,300 words	Modernising Criminal Justice Conference - New World Challenges London, 16-20 June 2002	Multiple advantages of restorative justice in NZ experience	Noting topical UK and European Union references, and the imminent commencement of NZ's Sentencing Act 2002, McElrea repeats three distinctive elements of New Zealand's Family Group Conference ("FGC") model for youth. Illustrating with success stories, he discusses among other things: freeing up from professionalization; why restorative justice satisfies victims more; intuitive analogies to families; the paternalism of welfare models of justice; accountability as partnership; vindicating the victim rather than primarily punishing the perpetrator; rebuttals to alleged unfairness and inequality to defendants; community building; restorative justice in prisons; and why police should not run restorative conferences.	Later abridged and augmented as book chapter: "A NZ perspective in old and new restorative justice writings - Chapter in Criminal Punishment & Restorative Justice Past, Present and Future Perspectives, UK - 2006"
<a href="#">One judge's role in the development of restorative justice</a>  Partial career summary; 1,500 words	Document prepared at request of group of other judges	Restorative justice in McElrea's career 1990- 2003 (redacted)	Judge McElrea summarises his work from 1990 until 2003 in training and public education about restorative justice in NZ and overseas. He covers his publications; being restorative justice liaison judge and co-founder of Massey University's Centre for Justice and Peace Development; promoting restorative justice in schools; and advocating adult Community Justice Centres. McElrea acknowledges other judges who have promoted restorative justice. The summary has been redacted.	
<a href="#">Just peace? Peace making and peace building for the new millennium</a>  Conference paper; 3,700 words	Just Peace international conference held at Massey University, Albany, New Zealand 24-28 Apr 2000	Restorative justice as response to professionalised adversarial system, not to retribution	McElrea's keynote connects peace making and peace building. He sees disrespect at the heart of violence. He says criminal justice should centre on vindicating victims rather than punishing perpetrators. McElrea believes the problem with traditional justice is not retribution but the professionalised two-party adversary system. He suggests restorative justice is a democratic, partnership model and the adversary system an autocratic, dominator model. Noting some government support, McElrea proposes adult Community Justice Centres for civil and criminal matters.	See "Peace" theme in Table of Key Themes & Best Papers on Each



<a href="#">Restorative justice – a peace making process</a>  Conference paper; 5,400	LEADR International Conference Perth, Australia May 1997	Models of restorative justice and parallels with ADR	McElrea compares and contrasts restorative justice with Alternative Dispute Resolution (ADR). He describes the NZ youth justice model, sentencing circles in Canada and Britain's Victim Offender Reconciliation Programme. Parallels with ADR include reduced role of the state, enhanced role of the community, negotiated outcomes, and the role of lawyers, greater convenience and their historical antecedents in peace making. McElrea asks whether ADR could adopt community involvement aspects of fuller restorative justice models when the conflict has wider ramifications, and he floats Commercial Community Conferences.	
<a href="#">Notes for address to Criminal Bar Association 2 December 2010</a>  Address to lawyers; 1,200 words	Address to Criminal Bar Association, NZ	Personal view of law and restorative justice to criminal bar [redacted]	This speech offers a personal view of the importance of restorative justice for developing NZ law. It notes that criticism of the law for its treatment of victims; populism in sentencing; calls for tougher penalties in the name of victims; how restorative justice can be win-win for victims and offenders; the NZ higher courts' treatment of restorative purposes of sentencing in the Sentencing Act 2002, especially in R v Hessel; and the risk of shrinking judges' discretion in sentencing.	NB Totally separate from the article in Criminal Bar Association newsletter "Lawyers challenged to reduce reliance on prisons - Acquitalk - 200907"
<a href="#">Restorative justice as a procedural revolution: some lessons from the adversary system (Winchester)</a>  Conference paper; 10,500 words	Fourth International Winchester Restorative Justice Conference, 10 Oct 2007	"Accidental" history of adversary trial and its weaknesses	McElrea recasts restorative justice as a procedural revolution, not an opposite of retribution. Drawing on ground-breaking work by Yale University's John Langbein, McElrea traces the haphazard development by 1800 of modern adversary criminal trial, and aspects of sentencing. He contrasts this with earlier forms – especially the altercation trial, where defendants spoke and lawyers played very little role – and with restorative justice. Unlike Langbein, McElrea criticises the European inquisitorial approach as another two-party State-versus-defendant model. McElrea tabulates and analyses weaknesses of adversary trial and corresponding strengths of restorative justice.	Much later became edited chapter (and with abstract added) in Civilising Criminal Justice: An International Restorative Agenda for Penal Reform, Waterside 2013, D Cornwell, J Blad, M Wright (ed.)
<a href="#">Rape: ten years' progress?</a>  Conference paper; 3,900 words	Inter-disciplinary conference "RAPE: Ten Years' Progress?" Wellington Mar 1996	Adapting restorative justice to address low conviction rate for rape	Having presided over rape trials, McElrea asks the relevance of restorative justice to rape. Currently, very many rapists are never convicted, and harsher penalties for the few who are disincentivise guilty pleas and taking responsibility. This jars with the presumption of innocence. McElrea calls to remove the right to put the prosecution to the proof. He addresses the continental European inquisitorial system before detailing a comprehensive approach to systemic sexual abuse in the Canadian First Nation community of Hollow Waters, Manitoba, with thoughts on applying that approach in NZ.	See also "Sexual abuse and restorative justice - Conference, Australia-NZ Association Treatment of Sexual Abusers, Auckland - 200404"
<a href="#">Reflections for new Zealand after UK visit (Oxford,</a>	Reflections after UK visit to Ditchley and London June 2000	Sketched reflections on UK study trip	Based on a study trip to the UK, McElrea reflects in bullet points on changes needed to NZ's youth restorative justice programme and mentions a few signposts of where restorative justice is up to	For more formal account see : "Internal report on UK study trip - Ditchley and London, UK - 200007"

<p><a href="#">Ditchley, London) June 2000</a></p> <p>Personal reflections; 800 words</p>			<p>internationally, including its reception by some politicians and lawyers.</p>	
<p><a href="#">Justice in the community: the new Zealand experience</a></p> <p>Book chapter; 4,200 words</p>	<p>Jonathan Burnside and Nicola Baker (ed.) Relational justice: repairing the breach Winchester, UK: Waterside Press c 1994</p>	<p>Relationships under restorative justice and adversarial-punitive system</p>	<p>In his main statement of restorative justice as relational justice, McElrea contrasts damage to relationships under the traditional criminal justice system with NZ's youth justice model of family group conferences, involving responsible reconciliation. He considers destructive and constructive shame, the latter depending on people attending who matter to the offender. Although for young people family relationships are most relevant, McElrea addresses the relationships that would apply to an adult version of the youth model.</p>	
<p><a href="#">A Christian approach to conflict resolution</a></p> <p>Conference paper; 3,200 words</p>	<p>Australasian Christian Legal Convention Melbourne, 1-4 Feb 2001</p>	<p>Mediation and restorative justice as Christian approach to conflict resolution</p>	<p>This address considers mediation and restorative justice as a New Testament or Christian approach to conflict resolution because: (1) it rejects legalism and formalism in favour of the personal encounter and engagement of those directly affected; (2) it allows place for grace; (3) it expresses other Christian values, or enables them to be expressed; (4) it uses a partnership model rather than a dominator model; and (5) Christians are called on to avoid revenge, thus leaving judgment to God.</p>	<p>A version appeared in Reality magazine <a href="http://www.reality.org.nz/articles/49/49-mcelrea.php">http://www.reality.org.nz/articles/49/49-mcelrea.php</a></p>
<p><a href="#">The role of restorative justice in RMA prosecutions</a></p> <p>Conference paper; 8,100 words</p>	<p>Salmon Lecture 2004 to the Resource Management Law Association</p>	<p>Current and potential use of restorative justice in RMA prosecutions</p>	<p>Drawing on Environment Court experience but speaking personally, McElrea discusses current and potential use of restorative justice in Resource Management Act prosecutions. He addresses what restorative justice is and is not, its relationship to four mega trends, and how it can mend inadequacies of sentencing, especially by vindicating victims. Using actual case examples, McElrea explains how to set up a restorative justice conference and the benefits of: sentencing purposes being already met by the restorative justice conference; more imaginative outcomes; and more discharges with or without conviction. He floats using conferences for diversion.</p>	<p>See theme "Environmental/ resource management law and restorative justice" in Table of Key Themes &amp; Best Papers on Each</p>
<p><a href="#">Restorative corrections?</a></p> <p>Conference paper; 4,400 words</p>	<p>Fourth Annual Conference of International Corrections and Prisons Association, Amsterdam, Oct 2002</p>	<p>Restorative justice as part of societal mega trends</p>	<p>McElrea describes restorative justice as part of four wider transitions: (1) recognition of victims' rights, and criminal justice as more than a two-party process of State versus Defendant; (2) the democratisation of process and empowering the community; (3) holistic approaches to problems, including spiritual and emotional values to be expressed, especially where indigenous peoples are involved; and (4) a move from procedural justice towards substantive justice.</p>	

<a href="#">The New Zealand Youth Court: a model for the development in other courts</a>  Conference paper; 8,600 words	National Conference of District Court Judges Rotorua, New Zealand 6-9 Apr 1994	Failed traditional theories of punishment; youth and adult restorative justice	McElrea tells judges the “big three” theories of punishment – retribution, deterrence and reformation – and their add-ons try to rationalise a dysfunctional status quo. The NZ Youth Court offers a much better model, restorative justice. McElrea sets out its mechanics, testimonials and overarching elements. He traces how Western States lost this ancient, integrative approach. He proposes an adult adaptation Community Group Conferences (CGCs). McElrea dissects challenges to restorative justice. He stresses accountability and shows CGCs would reduce the need for courts and prisons, but warns of using them solely to save money.	Later appeared in 1994 Journal of Judicial Administration 4(1): 33 and in Public Sector 17(3), published by NZ Institute of Public Administration; similar appeared in Restorative Justice: International Perspectives ed. by B Galaway and J Hudson, Monsey, NY: Criminal Justice Press 1996
<a href="#">A new model of justice</a>  Occasional publication; 6,300 words	Legal Research Foundation publication of four papers	Restorative justice flips roles of participants in justice	McElrea portrays the novelty of FGCs through the altered roles from the old system of court, judge, family, victim, police and experts. Having contrasted the adversary system with the new consensus model (which includes indigenous elements) and shown the whole through the eyes of the young offender, he notes in conclusion that restorative justice has almost exactly flipped the hierarchy of roles: the new model turns the old one “on its head”.	
<a href="#">The roles of state &amp; community in justice</a>  Lecture notes; 300 words	AUT (Auckland University of Technology) lecture	Note-form outline of roles of state & community in criminal justice	This two-page outline for a lecture sets out the State's dominant role in justice and the peripheral role for community, enlarged by restorative justice. It proposes other community structures and asks how far justice is a public matter.	
<a href="#">Address to Auckland District Law Society sentencing seminar on 3 September 2002</a>  Seminar; 2,900 words	Auckland District Law Society Sentencing Seminar Sep 2002 Crowne Plaza, Auckland	Factoring restorative justice into sentencing under Sentencing Act 2002	Addressing lawyers on the new Sentencing Act 2002, McElrea touches on resulting changes to District Court procedure before backgrounding restorative justice in NZ including pilot schemes. He then considers section by section how restorative justice can now be factored into sentencing.	Much shorter and less formal than "New dimensions of sentencing - Seminar, NZ Law Society - 200303" but more focused on the Sentencing Act
<a href="#">Restorative justice and sexual abuse – a New Zealand perspective</a>  Conference paper; 5,900 words	Symposium of the Australian & New Zealand Association for the Treatment of Sexual Abusers, Auckland, New Zealand 17 Apr 2004	Suitability of restorative justice to sexual abuse and domestic violence cases	McElrea places restorative justice within four international mega trends and identifies seven key restorative justice values. Remarks follow on the exclusion of sexual abuse cases from government-funded restorative justice schemes, power imbalance, Youth Court lessons, adult court sentences, the primacy of vindicating the victim, and private versus public justice. He proposes one Community Justice Centre in each main centre would specialise in sexual and domestic violence, tailoring process for confidentiality and victim-initiated rather than offender-driven conferences.	See also "Rape, 10 years' 'progress' - Conference, Wellington - 199603"
<a href="#">Some thoughts on RMA prosecutions</a>	Butterworth's Resource Management Bulletin	Restorative justice in RMA sentencing	Having discussed case management, pleading, proof of previous convictions, committal proceedings for breach of an enforcement	Edited version of address to Environment Court Judges'

Journal article; 3,700 words			order and costs, McElrea considers restorative justice as one of seven points on sentencing under the Resource Management Act 1991.	Conference at Taupo, 18-20 Aug 2007. See theme "Environmental/resource management law and restorative justice" in Table of Key Themes & Best Papers on Each
<a href="#">Characteristics of restorative justice as compared with western criminal justice</a>  Table and outline; 800 words	Own notes	Comparative table and NZ restorative justice basics	McElrea, who sat on the Supreme Court of Tonga, tabulates 13 comparisons between traditional and restorative justice and summarises a few features of the NZ legal system. The features are not developed in the text.	For development of the comparisons see "Procedural revolution from courts to restorative justice - Chapter in Civilising Criminal Justice An International Restorative Agenda for Penal Reform, UK - 2013"
<a href="#">Address for St Giles day service, parish of St Giles Mt Roskill</a>  Church service address; 1,500 words	St Giles' Day service, parish of St Giles, Mt Roskill, Auckland	NZ restorative justice stalling	McElrea discusses peace and justice, and the work of Revd Doug Mansill's Te Oritenga restorative justice group for adults as recognised by Auckland District Court judges. Other countries cannot understand why NZ has progressed so little from the revolutionary foundations of the Children, Young Persons and Their Families Act 1989. "But there has to be a better way than we are doing with adults. We cannot just keep on trying more of the same when it does not work and creates so much misery."	
<a href="#">Thoughts overall about North America, as at 10 Oct 1995</a>  Personal reflections; 500 words	Own notes	Notes on North America visit	This is a single page of notes made during a trip to North America to address restorative justice conferences. McElrea mentions the most thoroughgoing form of restorative justice, sentencing circles, and the Australian model and the renown of NZ Family Group Conferences model for youth.	
<a href="#">Towards a less aggressive culture</a>  Speech at graduation; 2,200 words	Waikato University graduation, Hamilton, NZ	Challenging schools for frequent exclusions and offering improvements	Having often seen offenders with a broken education, McElrea compares excluding pupils from school with society's ultimate exclusion: imprisonment. He asks why exclusions have risen, especially since new rules in 1999. McElrea does not see appeal rights as a full solution. Floating further parallels with violence in society, he urges less adversarial, more communitarian and restorative ways of addressing conflict – one way graduating teachers can advance a less aggressive culture.	
<a href="#">Twenty years of restorative justice in New Zealand – Reflections of a judicial participant</a>	Journal of Commonwealth Criminal Law 2011	Restorative justice in NZ for youth and adults 1990-2010	McElrea finds lessons for Commonwealth criminal jurisdictions in NZ's experience 1990–2010. He details family group conference innovations of value for adults. Adult restorative justice was not legislated but run ad hoc, where judges were willing to adjourn for a conference and community groups available to offer them. A	

Journal article; 5,100 words			government pilot programme followed and sentencing became codified, incorporating restorative principles. McElrea weighs the merits of being voluntary for the offender. If not made obligatory, restorative justice for adults could still thrive in community justice centres and change the common law criminal landscape.	
<a href="#">Notes of Judge FWM McElrea for submission on 29 March 2007 to Parliamentary Committee (Justice and Electoral Reform) enquiring into victims' rights</a>  Submission; 900 words	Parliamentary Committee (Justice and Electoral Reform) Enquiring into Victims' Rights	Victims under new legislation and old procedure	McElrea submits that our rights-based, two-party, adversary system deserves victims. He notes poor adherence to section 9 of the Victims' Rights Act 2002, which obliges judges and others to encourage meetings between victims and offenders. Restorative and victim-oriented sections of the Sentencing Act 2002, too, have run ahead of practice. McElrea urges radical change towards restorative justice, which he suggests be run by iwi in appropriate cases as a way of giving Māori more accommodating justice without separate courts.	See also "Victims' needs and rights, co-written at AUT RJ Centre - Submission to Ministry of Justice, NZ - 20100318" under theme "Victims" in Table of Key Themes & Best Papers on Each
<a href="#">A peep into Northern Ireland</a>  Newsletter article; 700 words	International Corrections and Prisons Association	Lessons from and for Northern Ireland	This third-person account summarises McElrea's visit to Northern Ireland, where he shared New Zealand's experience of restorative justice for youth and learned from the local experience. Notably the Greater Shankill Alternatives group in Belfast selects young people with a long history of offending and community disruption and seeks to engage them, their families and the community in addressing that pattern of behaviour rather than specific incidents.	
<a href="#">Restorative process and outcome: emerging theories of restorative interventions</a>  Conference paper; 3,100 words	Second International Conference on Restorative Justice for Juveniles Fort Lauderdale, Florida, 7-9 Nov 1998	Eight reasons restorative justice works	McElrea offers eight answers to "Why do I think restorative justice works?" They are: because it is inclusive and respectful; because it is not dominated by professionals; because it is much more satisfying to victims; because it is the way most families work and so we readily understand it; because it acknowledges the whole person; because it lacks the paternalism of welfare models of youth justice; because it does not presuppose a monolithic and all-knowing State; and because it is positive and hopeful in its outlook.	
<a href="#">Contemporary issues in education law: strategies for best practice</a>  Conference paper; 5,400 words	Contemporary Issues in Education Law: Strategies for Best Practice Sydney, Australia, 7-9 Jul 1997	Comparing school conflict, and responses, to offending and criminal justice	McElrea correlates truancy and troubled school careers with offending in youth and adulthood. He surveys rates and long-term costs of truancy, suspensions, and expulsions. He compares school expulsion procedures to adversarial adult justice, and suggests restorative School Community Conferences modelled on Family Group Conferences. An appeal authority could have a place but would still be adversarial, not win-win.	See "Education" theme in Table of Key Themes & Best Papers on Each

<p><a href="#">The youth court in New Zealand: is this a new model of justice?</a></p> <p>Seminar paper; 8,800 words</p>	<p>Institute of Criminology, University of Cambridge</p>	<p>Ancient and novel features in NZ Family Group Conference law and practice</p>	<p>This seminar to the Institute of Criminology at Cambridge University analyses the world-leading Children, Young Persons and Their Families Act 1989, which introduced Family Group Conferences in NZ. McElrea sets out the structural features and participants' experience, elements found in other systems including Māori, how ancient systems ceded to the adversarial-punitive model, ways the NZ model is new and the need to amend the Act to explicitly recognize "restorative" functions as perceived by participants.</p>	<p>See also "Origins &amp; overseas" theme in Table of Key Themes &amp; Best Papers on Each</p>
<p><a href="#">Judge FWM McElrea questions for discussion</a></p> <p>Lecture notes; 500 words</p>	<p>Youth Court Judges' National Conference 1995, 16- 18 Mar 1995</p>	<p>Provoking reflection by Youth Court judges on their restorative justice practice</p>	<p>McElrea asks what the judges think restorative justice is, and what is distinctive about the Youth Court model. In 13 sub questions and with references to sections of the Children, Young Persons, and Their Families Act 1989 he probes whether he and other judges are reinforcing or undermining restorative justice, before noting interest in the model domestically and overseas.</p>	
<p><a href="#">Column for New Zealand Herald's feature article on Youth Justice</a></p> <p>Press article; 500 words</p>	<p>New Zealand Herald</p>	<p>Op-ed on youth justice in NZ</p>	<p>McElrea summarises the role and importance of the Youth Court. He praises the part played by Family Group Conferences in most cases that come to the Court and many that are diverted from it entirely.</p>	

## Table of key themes and best paper(s) on each theme

### Key themes A-Z

### Best paper(s) covering each theme

Accountability	<ul style="list-style-type: none"> <li>• <a href="#">Accountability in the community: taking responsibility for offending (1995)</a></li> </ul>
Alternative dispute resolution including mediation	<ul style="list-style-type: none"> <li>• <a href="#">Just Peace? Peace making and peace building for the new millennium (2000)</a></li> </ul>
Adult restorative justice in New Zealand 1990-2010	<ul style="list-style-type: none"> <li>• <a href="#">Twenty years of restorative justice in New Zealand: reflections of a judicial participant (2011)</a></li> </ul>
Community and state	<ul style="list-style-type: none"> <li>• <a href="#">The roles of community and government (1998)</a></li> </ul>
Continuum of processes	<ul style="list-style-type: none"> <li>• <a href="#">Restorative corrections? (2002)</a></li> </ul>
Criticisms and rebuttals	<ul style="list-style-type: none"> <li>• <a href="#">Restorative justice – a New Zealand perspective (2002)</a></li> </ul>
Definition and dispelling myths	<ul style="list-style-type: none"> <li>• <a href="#">Sentencing – the new dimensions (2003)</a></li> </ul>
Discovering New Zealand family group conferences as restorative justice	<ul style="list-style-type: none"> <li>• <a href="#">The intent of the Children, Young Persons, and Their Families Act 1989 – restorative justice? (1994)</a></li> </ul>
Education and schools	<ul style="list-style-type: none"> <li>• <a href="#">Paper for Legal Research Foundation on education, discipline and restorative justice (1996)</a></li> <li>• <a href="#">Contemporary issues in education law: strategies for best practice (1997)</a></li> </ul>
Environmental / resource management law and restorative justice	<ul style="list-style-type: none"> <li>• <a href="#">The role of restorative justice in RMA prosecutions (2004)</a></li> </ul>
Evidence and statistics on restorative justice (see also examples / stories)	<ul style="list-style-type: none"> <li>• <a href="#">Reducing our reliance on prisons (2009)</a></li> <li>• <a href="#">The New Zealand experience of restorative justice legislation (2005)</a></li> <li>• <a href="#">Restorative justice for adult offenders: practice in New Zealand today (2007)</a></li> </ul>
Examples / stories (see also Evidence and statistics on restorative justice)	<ul style="list-style-type: none"> <li>• <a href="#">Restorative justice: a New Zealand perspective (2002)</a></li> </ul>

History of adversary criminal trial	<ul style="list-style-type: none"> <li>• <a href="#">Restorative justice: a New Zealand perspective (2013)</a></li> </ul>
History of McElrea's involvement in New Zealand	<ul style="list-style-type: none"> <li>• <a href="#">One judge's role in the development of restorative justice (2003)</a></li> <li>• <a href="#">Twenty years of restorative justice in New Zealand: reflections of a judicial participant (2011)</a></li> </ul>
History of restorative justice	<ul style="list-style-type: none"> <li>• <a href="#">Restorative justice – the long view (2006)</a></li> </ul>
How / why restorative justice works	<ul style="list-style-type: none"> <li>• <a href="#">Restorative process and outcome: emerging theories of restorative interventions (1998)</a></li> </ul>
Judges' role	<ul style="list-style-type: none"> <li>• <a href="#">The Judge's role in creative conferencing in youth justice (1998)</a></li> <li>• <a href="#">Youth Court Judges' National Conference: Judge FWM McElrea questions for discussion (1995)</a></li> <li>• <a href="#">A new model of justice (1993)</a></li> </ul>
Legislation in New Zealand: youth and adult restorative justice	<ul style="list-style-type: none"> <li>• <a href="#">The New Zealand experience of restorative justice legislation (2005)</a></li> </ul>
Megatrends that restorative justice fits into	<ul style="list-style-type: none"> <li>• <a href="#">Restorative corrections? (2002)</a></li> </ul>
Origins and overseas	<ul style="list-style-type: none"> <li>• <a href="#">The New Zealand Youth Court: a model for development in other courts? (1994)</a></li> </ul>
Peace	<ul style="list-style-type: none"> <li>• <a href="#">Keynote address at the UNESCO forum to mark the launching of the International Year for the Culture of Peace (1999)</a></li> <li>• <a href="#">Partners or Adversaries? (2000)</a></li> </ul>
Positivism and proceduralism in traditional criminal justice system	<ul style="list-style-type: none"> <li>• <a href="#">Accountability in the community: taking responsibility for offending (1995)</a></li> </ul>
Proposed adult community justice centres (or community resolution centres) to house community group conferences	<ul style="list-style-type: none"> <li>• <a href="#">Updated proposal for pilot Community Justice Centres in New Zealand Judge FWM McElrea, for his own reference (2006)</a></li> </ul>
Punishment and prisons	<ul style="list-style-type: none"> <li>• <a href="#">The New Zealand Youth Court: a model for development in other courts? (1994)</a></li> <li>• <a href="#">The New Zealand model of family group conferences (1988)</a></li> <li>• <a href="#">Restorative justice – a New Zealand perspective (2002)</a></li> </ul>



Scope: criminal justice and beyond (also see Education and Environment)	<ul style="list-style-type: none"> <li>• <a href="#">Restorative corrections? (2002)</a></li> <li>• <a href="#">Restorative justice – the long view (2006)</a></li> </ul>
Serious and repeat offending. See also sexual abuse, rape, domestic violence	<ul style="list-style-type: none"> <li>• <a href="#">The New Zealand Youth Court: a model for development in other courts? (1994)</a></li> <li>• <a href="#">Reducing our reliance on prisons (2009)</a></li> </ul>
Sexual abuse, rape, domestic violence	<ul style="list-style-type: none"> <li>• <a href="#">Rape: ten years' progress? (1996)</a></li> <li>• <a href="#">Restorative justice and sexual abuse: a New Zealand perspective (2004)</a></li> </ul>
Spiritual aspects	<ul style="list-style-type: none"> <li>• <a href="#">A Christian approach to conflict resolution (2001)</a></li> <li>• <a href="#">Address to the Auckland District Law Society's annual church service (1997)</a></li> </ul>
Values and principles	<ul style="list-style-type: none"> <li>• <a href="#">The New Zealand experience of restorative justice legislation (2005)</a></li> </ul>
Victims	<ul style="list-style-type: none"> <li>• <a href="#">Notes from Judge FWM McElrea for submission on 29 March 2007 to Parliamentary Committee (Justice and Electoral Reform) Enquiring into Victims' Rights (2007)</a></li> </ul>
Weaknesses of adversarial-punitive system and strengths of restorative justice	<ul style="list-style-type: none"> <li>• <a href="#">Restorative justice as a procedural revolution: some lessons from the adversary system (2007)</a></li> </ul>
Youth restorative justice in New Zealand 1990-2010	<ul style="list-style-type: none"> <li>• <a href="#">Twenty years of restorative justice in New Zealand: reflections of a judicial participant (2011)</a></li> </ul>

### Further Assistance:

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