GUEST EDITORS' INTRODUCTION: MULTI-DOOR CRIMINAL JUSTICE

Hadar Dancig-Rosenberg and Tali Gal***

In 1976, in an article titled "The Multi-door Courthouse: Settling Disputes in the Year 2000," Harvard Law Professor Frank Sander envisioned by the year 2000 not simply a courthouse but a dispute resolution center.[1] Sander portrayed the center as a sophisticated institution comprising various divisions and devices to provide different responses to different civil cases:

> We lawyers have been far too single-minded when it comes to dispute resolution. We have tended to assume that the courts are the natural and obvious—and only—dispute resolvers. In fact, there exists a rich variety of processes which may resolve conflicts far more effectively.[2]

*Associate Professor, Bar-Ilan University Law School; Visiting Professor, UC Berkeley Law School (2017–2018); Visiting Associate Researcher, The Center for the Study of Law and Society and the Berkeley Institute for Jewish Law and Israel Studies, UC Berkeley (2016–2018, summer 2019).

**Senior Lecturer (Associate Professor) and Head of School of Criminology, University of Haifa.

The authors are the guest editors of this two-part Symposium Issue on "Multi-door Criminal Justice" (Part 1, 22:04; Part 2, 23:01). The Symposium Issue is based on an international conference held in May 2019 at the Bar-Ilan University Faculty of Law and the University of Haifa School of Criminology, titled "Multi-door Criminal Justice Symposium: Examining Hybrids of Non-Adversarial Justice." We wish to thank the contributors and the participants for fascinating and thought-provoking discussions and conversations throughout the conference. Special thanks to Prof. Michal Alberstein, Head of the Judicial Conflict Resolution Research Group, Bar-Ilan University Faculty of Law, for co-organizing this conference with us. We are grateful to our respective home universities and to the ERC Consolidator Grant 647943/14, led by Prof. Alberstein, and to Ashalim-JDC for financial support of the symposium.

1. Frank E.A. Sander, *The Multi-door Courthouse*, 3 BARRISTER 18 (1976).

2. *Id.* at 19.

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In picturesque language, Sander described the room directory in the lobby of such a center. Each room of the center would have a sign on its door indicating the method of dispute resolution, mechanism, or technique being employed there. These were to include, among other processes, adjudication by courts, arbitration, mediation, conciliation, negotiation, fact-finding, ombudsman, and various blends of these.[3] Given the different characteristics and goals of these alternative dispute resolution mechanisms, and the variety of disputes that presently arise, some rational criteria would be needed for allocating various types of disputes to different dispute resolution processes. In such a rich system, Sander was hoping that "we will have a better sense of which cases ought to be left in the courts for resolution, and which should be 'processed' in some other way."[4]

Although Sander focused mainly on civil, non-criminal disputes, in the last few decades his vision of a multi-door system appears to have become a reality in the sphere of criminal justice as well. In most advanced, post-industrial societies, criminal justice systems have undergone enormous change and expansion since the last time criminal law was substantially theorized in the 1950s.[5] Some social movements, including alternative dispute resolution, therapeutic jurisprudence, community justice, and victims' rights, have started to undermine the supremacy of the punitive and adversarial nature of the mainstream criminal justice system. The adversarial criminal process, which is the prevalent model of the 20th century, has been widely criticized.[6] Searching for improvements, scholars have advocated democratic,[7]

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3. *Id.* at 20.

4. *Id.*

5. David Garland, *The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society*, 36 BRIT. J. CRIMINOLOGY 445, 445 (1996).

6. *See, e.g.*, Douglas E. Beloof, *The Third Model of Criminal Process: The Victim Participation Model*, UTAH L. REV. 289 (1999) (criticizing the disregard of the adversarial process of victims); LAWRENCE W. SHERMAN & HEATHER STRANG, RESTORATIVE JUSTICE: THE EVIDENCE (2007) (proving that offenders who were referred to restorative justice processes were more likely to experience the process as fair than those who were referred to the adversarial process).

7. *See generally* III(6) NW. U.L. REV. Symposium Issue on "Democratizing Criminal Justice" (2017) (presenting a collection of essays focusing on the idea of making the criminal justice system more "democratic"). *See*, *in particular*, Joshua Kleinfeld, Laura L. Appleman, Richard A. Bierschbach, Kenworthey Bilz, Josh Bowers, John Braithwaite, Robert P. Burns, R.A. Duff, Albert W. Dzur, & Thomas F. Geraght, *White Paper of Democratic Criminal Justice*, III NW. U.L. REV. 1693, 1706 (2017) (outlining 30 policy proposals for democratizing

non-adversarial,[8] reparative,[9] restorative,[10] therapeutic,[11] and problem-solving-oriented[12] strategies within the criminal justice system. The role of the State as the principal entity authorized to respond to crime has also been questioned, emphasizing the interest of the community in resolving conflicts.[13] Concurrently, debate about the emotional effect of crime, and the ensuing psychological needs of victims and offenders alike, has initiated

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criminal justice, including reliance on community views of justice, training for multiple perspectives, using prosocial punishment, minimizing imprisonment, and utilizing community supervision). *See also* Joshua Kleinfeld, *Manifesto of Democratic Criminal Justice*, 111 Nw. U.L. Rev. 1367 (2017).

8. *See, e.g.*, Michael King et al., Non-Adversarial Justice (2009); Arie Freiberg, Non-adversarial Approaches to Criminal Justice, 16 J. Judicial Administration 295 (2007).

9. *See, e.g.*, Lucia Zedner, *Reparation and Retribution: Are They Reconcilable*, 57 Mod. L. Rev. 228 (1994) (discussing reparative components in criminal justice and explaining that they present a normative shift from retributivism, beyond their procedural contribution); Heather Strang, Repair or Revenge: Victims and Restorative Justice (2002).

10. *See, e.g.*, Stephanos Bibas & Richard A. Bierschbach, *Integrating Remorse and Apology into Criminal Procedure*, 114 Yale L.J. 85, 148 (2004); John Braithwaite, Restorative Justice and Responsive Regulation (2002); J. Blad, D.J. Cornwell, & Martin Wright, Civilising Criminal Justice: An International Restorative Agenda for Penal Reform (2013).

11. *See, e.g.*, David B. Wexler, *New Wine in New Bottles: The Need to Sketch a Therapeutic Jurisprudence "Code" of Proposed Criminal Processes and Practices*, 7 Ariz. Summit L. Rev. 463, 463–64 (2014) (suggesting that therapeutic "liquids" may be poured into mainstream criminal-process "bottles"); David B. Wexler & Bruce J. Winick, Essays in Therapeutic Jurisprudence 7–8 (1991); David B. Wexler, *Therapeutic Jurisprudence and the Rehabilitative Role of the Criminal Defense Lawyer*, 17 St. Thomas L. Rev. 743, 744 (2005); Michael D. Jones, *Mainstreaming Therapeutic Jurisprudence into the Traditional Courts: Suggestions for Judges and Practitioners*, 5 Phoenix L. Rev. 753 (2012); David B. Wexler & Michael D. Jones, *Employing the "Last Best Offer" Approach in Criminal Settlement Conferences: The Therapeutic Application of an Arbitration Technique in Judicial Mediation*, 6 Phoenix L. Rev. 843, 844–47 (2013); Carrie J. Petrucci, *Apology in the Criminal Justice Setting: Evidence for Including Apology as an Additional Component in the Legal System*, 20 Behav. Sci. & L. 337 (2002).

12. *See, e.g.*, Greg Berman & John Feinblatt, Good Courts: The Case for Problem-Solving Justice (2015); Donald J. Farole, Jr., Nora Puffet, Michael Rempel, & Francine Byrne, *Applying Problem-solving Principles in Mainstream Courts: Lessons for State Courts*, 26 Just. Sys. J. 57, 57–58 (2005).

13. *See* Nils Christie, *Conflicts as Property*, 17 Brit. J. Criminology 1 (1977) (coining the term "conflict as property" and arguing that conflicts should be handled largely by the direct stakeholders rather than by the State).

reforms and innovative processes outside the criminal justice system that promote dialogue between victims and offenders and apology to the victim.[14]

Scholars have attempted to compile descriptions of current innovative justice mechanisms to capture the multiplicity of what they call "non-adversarial justice."[15] According to them, recent reforms expand the classic goals of criminal law to include the promotion of individual well-being as a justice goal, and focus on improving the process itself as an opportunity for empowerment and healing. Others have discussed procedural reforms—such as diversions, fixed penalties, summary trials, hybrid civil-criminal processes, strict criminal liability, incentives to plead guilty, and preventive orders—arguing that this variety of procedures challenges the very notion of classic liberal theory of criminal law.[16]

Concurrently, the deepening crisis of mass incarceration in the United States has highlighted the punitive policy that still characterizes the current system,[17] despite the simultaneous expansion of alternatives and diversion programs.[18] Plea bargains still function as the main "door" into the Anglo-American criminal justice system,[19] which has been described as a "machinery."[20] In addition to eliminating deviance and transforming individuals, there has been an increasing use of various means of social control and actuarial strategies.[21] Offenders are identified, classified, and

14. *See* HOWARD ZEHR, CHANGING LENSES: A NEW FOCUS FOR CRIME AND JUSTICE (1990) (defining restorative justice as a "new lens" through which to look at crime and reactions to it).

15. KING ET AL., *supra* note 8.

16. *See* Andrew Ashworth & Lucia Zedner, *Defending the Criminal Law: Reflections on the Changing Character of Crime, Procedure, and Sanctions*, 2 CRIM. L. & PHIL. 21, 23 (2008).

17. Jonathan Simon, *Mass Incarceration: From Social Policy to Social Problem*, *in* THE OXFORD HANDBOOK OF SENTENCING AND CORRECTIONS 23, 28 (Joan Petersilia & Kevin R. Reitz eds., 2012).

18. *See, e.g.*, MODEL PENAL CODE: SENTENCING § 6.02A, § 6.02B, § 6.13 (Council Draft No. 4, 2013) (authorizing courts to defer adjudication after charges have been filed, and to refer eligible defendants to specialized courts).

19. *See* WILLIAM STUNTZ, THE COLLAPSE OF AMERICAN CRIMINAL JUSTICE 302 (2011); STEPHANOS BIBAS, THE MACHINERY OF CRIMINAL JUSTICE 20 (2012) ("Today, about nineteen out of twenty adjudicated defendants in America plead guilty. Trials became the exception and plea bargains the rule.").

20. BIBAS, *supra* note 19.

21. *See* STANLEY COHEN, VISIONS OF SOCIAL CONTROL: CRIME, PUNISHMENT AND CLASSIFICATION (1985); Malcolm Feeley & Jonathan Simon, *The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications*, 30 CRIMINOLOGY 449

organized based on risk profile, expanding the goals of criminal law also to the managing of future risks.

The variety of punitive and non-punitive justice mechanisms that have proliferated in recent decades, together with the addition of new players, goals, and possibly conflicted strategies, reflects both a plurality of procedures and a substantive pluralism rooted in multiple philosophies and values.[22] Some developments are influenced by privatization and neoliberal tendencies, while others are affected by communitarian approaches or therapeutic jurisprudential ideas.

Inspired by Sander's vision of the multi-door courthouse in the non-criminal sphere, we coined the term "multi-door criminal justice" to reflect contemporary criminal law and criminal justice systems in post-industrial societies. This metaphor of multi-door criminal justice seeks to evoke the multiplicity of processes, mechanisms, values, and goals that coexist in modern criminal justice systems worldwide. This variety of punitive and non-punitive criminal justice mechanisms includes, for example, arraignment hearings, problem-solving courts, restorative justice processes, diversion programs, and more, each representing a "door" in a multi-door system. Although the various doors differ in their characteristics, prevalence, and outcomes, each may be suitable in different circumstances for different cases—they are all, at the same time, part of a rich, complex system that provides social responses to crime.

Significant distorting trends, described above, have been identified since the 1980s, but have not yet been coherently theorized. Previous work has begun to explore the interplay and coordination between the variety of criminal justice mechanisms on one hand, and the multiple goals and values

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(1992); Issa Kohler-Hausmann, *Managerial Justice and Mass Misdemeanors*, 66 STAN. L. REV. 611 (2014).

22. *See* Michael T. Cahill, *Punishment Pluralism*, *in* RETRIBUTIVISM: ESSAYS ON THEORY AND POLICY 25, 25 (Mark D. White ed., 2011) ("[P]erhaps the ascendant view of punishment is more openly *pluralistic* about its purposes and its proper constraints"); Hadar Dancig-Rosenberg & Tali Gal, *Restorative Criminal Justice*, 34 CARDOZO L. REV. 2313, 2324–39 (2013) (demonstrating how non-punitive mechanisms, such as restorative justice, can attain criminal law objectives, leading to a pluralistic understanding of criminal law); Hadar Dancig-Rosenberg & Tali Gal, *Criminal Law Multitasking*, 18 LEWIS & CLARK L. REV. 893 (2014) (discussing five various criminal justice mechanisms and comparing their procedural and substantive characteristics).

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that criminal law pursues on the other.[23] Yet, there is still a need to identify the links between the many processes, values, goals, and practices that appear in criminal legal systems worldwide.

This two-part Symposium Issue of the *New Criminal Law Review* (vol. 22, no. 4, and vol. 23, no. 1) provides a collection of articles representing a variety of perspectives on the nature of contemporary Anglo-American and European criminal law, its boundaries, and the many doors that lead to both mainstream and alternative processes and outcomes. Using various theoretical and empirical approaches, the articles address the following questions: What are the goals of contemporary Anglo-American and European criminal law? What are the roles of the State, the private stakeholders, and civil society in reacting to crime and promoting these goals? What strategies and mechanisms are available under the modern criminal justice system, and what are their underlying ideologies? What are the characteristics of these mechanisms, and what are the similarities and the differences between them? What

23. *See, e.g.*, Oren Gazal-Ayal, *A Global Perspective on Sentencing Reforms (Foreword)*, 76 Law & Contemp. Probs. i–viii (2013); Dancig-Rosenberg & Gal, *Restorative Criminal Justice*, *supra* note 22; Dancig-Rosenberg & Gal, *Criminal Law Multitasking*, *supra* note 22.

perils and challenges does the multi-door system pose, and what are its promises and benefits? Overall, the Symposium Issue seeks to contribute to current knowledge about the multifaceted nature of Anglo-American and European criminal law and criminal justice systems across time and space.

Part I of the Symposium Issue (22:04) explores specific doors—mechanisms, models, or processes—of the multi-door criminal justice system. Starting with the punitive mechanisms that characterize the current Anglo-American system, the first article, by *Carol Steiker* and *Jordan Steiker*, focuses on the penal doctrines that have developed as a result of the constitutional regulation of the death penalty in the United States by the Supreme Court.[24] Many of these doctrines offer attractive improvements for the larger system, outside capital cases. The authors consider three of these doctrines: (a) more searching review of the proportionality of sentencing outcomes; (b) imposition of a requirement of individualized sentencing; and (c) greater regulation of the adequacy of defense counsel. These doctrines portray the regulation of the death penalty as a progressive laboratory that can yield alternative, more protective, and more optimized processes for the ordinary criminal justice system.

Focusing on the door of preventive criminal law, *John Pratt* and *Michelle Miao* argue in the second article that, despite the erosion of the efficacy and effectiveness of the sovereign State in criminal control, its role as a main provider of security has been revived.[25] The primary authority of the contemporary State stems from its ability to employ penal measures to protect the public from the uncertainty of the future, even at the cost of sacrificing individual liberty and basic rights.

Plea bargaining has become the prominent practice in contemporary criminal justice systems in the Anglo-American world.[26] Two articles explore this main door of the criminal justice system. Applying negotiation theory, *Andrea Kupfer Schneider* and *Cynthia Alkon* highlight the need for transparency and systemic data collection in plea bargaining.[27] They argue

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24. Carol S. Steiker & Jordan M. Steiker, *The American Death Penalty: Alternative Model for Ordinary Criminal Justice or Exception that Justifies the Rule?*, 22 New Crim. L. Rev. 359 (2019).

25. John Pratt & Michelle Miao, *Risk, Populism, and Criminal Law*, 22 New Crim. L. Rev. 391 (2019).

26. Bibas, *supra* note 19.

27. Andrea Kupfer Schneider & Cynthia Alkon, *Bargaining in the Dark: The Need for Transparency and Data in Plea Bargaining*, 22 New Crim. L. Rev. 434 (2019).

that information, or the lack thereof, is a significant limitation in ensuring the legitimacy of plea bargaining and of the entire criminal justice system. Focusing on local processes, the next article, by *Sari Luz Kanner*, *Dana Rosen*, *Yosef Zohar*, and *Michal Alberstein*, explores a procedure that has become the central door to criminal law in Israel: plea bargain facilitating hearings, or *moqed* hearings.[28] This procedure, which is part of preliminary indictment proceedings, is intended to minimize the factual or legal dispute, obviate the need for evidentiary hearings, and bring the case to a conclusion during the preliminary proceeding. Based on quantitative and qualitative data collected from observations of over 700 *moqed* hearings in Tel-Aviv Magistrate's Court, the article characterizes the proceeding and examines the role of the criminal judge in light of the vanishing trial phenomenon and the emergent multi-door reality in the criminal domain. The authors show that *moqed* hearings are not merely the exclusive entryway into the criminal process, but in most cases also constitute the exit door. Judges function as gatekeepers, and employ a variety of practices and techniques to exercise this function, and to eliminate the need for further evidentiary proceedings in the case.

Unlike the articles concerned with the mainstream courts and their judicial practices, the article by *Chrysanthi Leon* and *Corey Shdaimah* focuses on new practices developed as part of prostitution diversion programs, outside of the mainstream criminal courts.[29] Their study joins the conversation about the emergence and persistence of problem-solving justice, with a focus on the professionals working in such programs. Relying on interviews with the personnel of prostitution diversion programs, the authors uncover the limitations of such intervention programs in addressing the root causes that led sex workers to the situation in which they found themselves in the first place.

Focusing on European criminal justice systems, *Béatrice Coscas-Williams* and *Michal Alberstein* explore the development of hybrid models in two continental jurisdictions, Italy and France, following the 1987 Recommendation of the Committee of Ministers of the Council of Europe to accelerate

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28. Sari Luz Kanner, Dana Rosen, Yosef Zohar, & Michal Alberstein, *Managerial Judicial Conflict Resolution (JCR) of Plea Bargaining: Shadows of Law and Conflict Resolution*, 22 NEW CRIM. L. REV. 494 (2019).

29. Chrysanthi Leon & Corey Shdaimah, *"We'll Take the Tough Ones": Expertise in Problem-solving Justice*, 22 NEW CRIM. L. REV. 542 (2019).

criminal proceedings through the introduction of guilty pleas, out-of-court settlements, and simplified proceedings.[30] They describe the development of various frameworks for criminal justice as a multi-door arena, of which plea bargaining is but one of several possibilities. As they show, France and Italy have followed different paths in incorporating adversarial and inquisitorial elements to increase efficiency. The French system made gradual modifications and has changed from within. Aside from the recent integration of two different proceedings outside the courtroom, inspired by plea bargaining, it has developed doors of expedited procedures in which the investigation stage is omitted. By contrast, the Italian system has brought about a drastic change to an adversarial framework of trial. It has also adopted out-of-court proceedings that include elements inspired by plea bargaining, and in-court proceedings in which the investigation is waived. The authors describe the sequence of transformations of these systems as a patchwork of doors of criminal justice.

Considering solutions outside the courtroom, the article by *Lode Walgrave* discusses restorative justice and the threat of this radical philosophy being co-opted by existing punitive and controlling trends. As an antidote to this threat, Walgrave places restorative justice in the wider context of the "criminology of trust,"[31] suggesting that all policy regarding crime, justice, and (un)safety must rest upon the pursuit of social cohesion, respect, solidarity, equity, and participatory democracy. His article follows previous writing questioning the role of the State as the principal entity authorized to respond to crime, and emphasizing the interest of the community in resolving conflicts and regulating behavior.[32]

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30. Béatrice Coscas-Williams & Michal Alberstein, *A Patchwork of Doors: Accelerated Proceedings in Continental Criminal Justice Systems*, 22 NEW CRIM. L. REV. 585 (2019).

31. Lode Walgrave, *Restorative Justice in Severe Times: Threatened or an Opportunity?*, 22 NEW CRIM. L. REV. 618 (2019).

32. *See, e.g.* David R. Karp & Todd R. Clear, *Community Justice: A Conceptual Framework*, *in* CRIMINAL JUSTICE, VOL. 2, BOUNDARY CHANGES IN CRIMINAL JUSTICE ORGANIZATIONS 323 (Charles M. Friel et al., eds., 2000), *available at* https://www.ncjrs.gov/criminal_justice2000/vol2_2000.html (defining community justice and the interconnections between crime and the local community); Tali Gal, *"The Conflict is Ours": Community Involvement in Restorative Justice*, 19 CONTEMP. JUST. REV. 289 (2016); Laura L. Appleman, *Local Democracy, Community Adjudication, and Criminal Justice*, 111 NW. U.L. REV. 1413, 1428 (2017) (describing participation by the community as a type of democratic localism that is essential for the proper functioning of the criminal justice system).

Part 2 of this Symposium Issue (23:01) explores the multi-door criminal justice phenomenon from a wider perspective. The article by *John Braithwaite* provides a socio-historical analysis of international criminal law and of transitional and peacemaking mechanisms. Reflecting upon the diversity of these mechanisms, the article theorizes them using a flexible and dynamic approach. When applied to criminal justice mechanisms, this approach can help us better understand the abundance of solutions available in criminal law, and the possibility of using multiple doors for single cases, offering various justice responses as the case evolves over time.[33]

The next four articles offer a critical analysis of the phenomenon of multi-door criminal justice. *Douglas Husak* reminds us that together with the skepticism regarding the legitimacy of criminal law, its goals, and methods, it is important to consider the valuable functions it serves.[34] Particularly in a Symposium Issue that explores alternatives inside and outside of the mainstream criminal process, it is crucial to ask whether innovative alternatives can achieve the functions of criminal law in full, and if not, to what extent.

Richard Bierschbach argues that any discussion about multi-door criminal justice must include an account of whether and how it is compatible with the concept of equality, which is considered to be a desired goal in the criminal context.[35] Although multi-door criminal justice does not fare well under the dominant conception of equality of outcomes in Anglo-American criminal justice, the tension between a multi-door system and the reigning approach to equality suggests reasons for questioning the latter more than the former. Alternative conceptions of equality, which are more flexible and process-oriented, may better accommodate a multi-door world, while still protecting and advancing important egalitarian norms and ideals. Yet, shifting our perspective on equality does not eliminate all concerns about equality that follow from multi-door criminal justice. Although some of these concerns may recede into the background, others remain, and new or different ones—such as concerns surrounding race, gender, class, and the treatment of victims—may surface or resurface. The

33. John Braithwaite, *Many Doors to International Criminal Justice*, 23 NEW CRIM. L. REV. (forthcoming, Jan. 2020).

34. Douglas Husak, *The Price of Criminal Law Skepticism: Ten Functions of the Criminal Law,* 23 NEW CRIM. L. REV. (forthcoming, Jan. 2020).

35. Richard A. Bierschbach, *Equality in Multi-door Criminal Justice,* 23 NEW CRIM. L. REV. (forthcoming, Jan. 2020).

question becomes not whether the multi-door criminal justice is equal, but rather whether it is less unequal than what we have now, or unequal in more palatable way.

Ekow Yankah considers the weak position of reintegrative and rehabilitative programs for offenders in Western democracies.[36] Particularly in the United States, questions of punishment center on how wrongdoers ought to suffer for transgressions. The implementation of reintegrative programs are too often viewed as a question of grace for the State. According to a republican political theory, in contrast, which promotes the ability of all members of society to maintain a common civic life, the right to punish and the obligation to reintegrate are complimentary political duties. The article therefore explores reintegration as a right: the obligations the State owes ex-felons in reintegrating them into civic society across a range of political and civic rights.

Malcolm Feeley offers an overlook on the emerging theory of multi-door criminal justice.[37] According to Feeley, criminal justice has always involved multiple doors or processes, but only recently have scholars begun to notice that doors such as problem-solving courts and restorative justice are part of the system, not abnormalities of it. Braithwaite's responsive regulation theory is referred to as the most advanced attempt to capture the administration of a comprehensive criminal justice system that involved a plurality of processes and outcomes. Considering the existence of doors other than restorative justice (on which Braithwaite's responsive regulation theory is focused), Feeley suggests that the multi-door paradigm not only accounts for practices found everywhere and always in the criminal process, it also forces us to be more self-conscious about the nature and functions of the administration of justice, and consequently to be more attentive to the design of the criminal process.

Concluding the Symposium Issue and offering an overlooking methodology for the multi-door phenomenon, the article by the guest editors, *Tali Gal* and *Hadar Dancig-Rosenberg*, presents a new analytical and comparative instrument: the Criminal Law Taxonomy (CLT). The CLT compares characteristics that relate to the structure, content, stakeholders, and

36. Ekow Yankah, *Reintegration as Right*, 23 NEW CRIM. L. REV. (forthcoming, Jan. 2020).

37. Malcolm Feeley, *The Criminal Process as a Regulatory Process*, 23 NEW CRIM. L. REV. (forthcoming, Jan. 2020).

outcomes of various justice mechanisms, emphasizing the plurality we have today in criminal law. It offers policymakers and criminal justice practitioners a new methodology for analyzing, comparing, and selecting different mechanisms for different cases in various circumstances. The article demonstrates the CLT through an empirical, comparative analysis of three criminal justice programs that reflect different social and ideological accounts: community courts, arraignment hearings, and community restorative justice.[38] Whereas the CLT has been previously used by the authors to describe specific doors, this is the first time the instrument is used for a multi-door comparison. Beyond the insights emerging from this comparison, this type of analysis can be used with existing and future criminal justice doors, as they emerge.

38. Tali Gal & Hadar Dancig-Rosenberg, *Characterizing Multi-door Criminal Justice: A Comparative Analysis of Three Criminal Justice Mechanisms*, 23 NEW CRIM. L. REV. (forthcoming, Jan. 2020).