

RACE EQUALITY & THE PARADOX OF RESTORATIVE JUSTICE

Theo Gavrielides - Post No 1 Bi-monthly e-newsletter from theogavrielides.com

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SPECIALIZATIONS - RESTORATIVE JUSTICE, CRIMINAL JUSTICE, EQUALITY & HUMAN RIGHTS, YOUTH JUSTICE, LEGAL THEORY & PHILOSOPHY, USER-LED TRAINING

Happy autumn! The lack of restorative justice literature on race worries me, and I have written elsewhere that if the restorative justice movement does not address this gap in theory and practice it will soon face its demise. This is why I decided to dedicated this first bi-monthly e-newsletter to race and restorative justice.

Some argue that one of the reasons that restorative justice was brought back into the modern world of policy and practice is the growing disappointment of our criminal justice systems. These writings tend to quote the increasing incarceration rates, recidivism statistics, the rising costs of justice and the inability to protect the public from current and new forms of criminality. Therefore, it is surprising why race hasn't featured more prominently in the restorative justice discourse. I will call this the 'paradox of restorative justice'.

We now have enough evidence to safely claim that one of the groups that are let down the most by our criminal justice systems is black and other racially under-represented groups (Kang, 2005; Dorling, 2011). The international literature on disproportionality (e.g. prison population, stop and search, arrests and sentencing patterns), race relations between offenders and criminal justice agents (police, judges, prison and probation staff), the appropriateness of interventions and issues around explicit and implicit racism is rich. Since restorative justice is brought back as a reaction to a failing criminal justice system, a newcomer to restorative justice would expect that its first normative promises and aspirations should have been for those who are let down the most. But as this article will show, the criminal justice system and the policies, laws, institutions and structures that support it do not exist in a vacuum. They are informed by our subconscious and sometimes overt bias against various social categories. It is also not surprising that those who have been named as fathers, mothers and grandfathers of restorative justice are mostly white. This should not be read as an attack against the impressive work that has been carried out by passionate researchers, practitioners and campaigners.

Bringing race into the restorative justice debate for research, policy and practice is a much-needed and belated task with many challenges. This is for at least three reasons, which may indeed provide an explanation and context for the aforementioned paradox of restorative justice.

First, governments are faced with increasing financial pressures to deliver more for less. Priorities are being shifted with an emphasis on costs and efficiency. Issues of equality, including race, do not feature prominently in the many waves of institutional and legislative reforms (Patel and Tyrer, 2001; Gavrielides and Blake, 2013). Equality and race equality are yet to be seen as

drivers of reducing costs, increasing productivity or achieving financial success (Gavrielides and Blake, 2013).

Second, proposing to treat race as the starting point of our investigation assumes an attitudinal challenge for many readers and writers. It requires a shift in thinking as race related matters within the context of restorative justice have never been explored in their own right. Traditionally, they have been treated as side issues of various problematic areas of implementation.

Third, to have a debate on race for restorative justice, first there needs to be an acknowledgement that such a debate is needed. Many have argued that the “Trojan horses of race” (Kang, 2005) make it difficult for the white decision-maker and researcher to overcome the implicit bias that is ingrained against racial minorities notwithstanding sincere self-reports to the contrary. This subconscious resistance is also experienced from non-white groups. For example, I assume an acceptance of the term ‘race’ within a sociological understanding. This might indeed be a challenge for certain countries that seem to be focused on a ‘black’ interpretation of the term. In my view, focusing exclusively on black communities does not fully reflect the impact of power structures that affect us all, and indeed on how society uses the term ‘race’ to refer to all those affected by such dynamics. Let me be clear that specialist services and focused research and programme must continue in order for practices and policies to be effective.

This post aspires to start a debate that will allow empirical testing in the area of restorative justice and race. I honestly believe that in the context of conflict resolution and restorative justice, the significance of race and cultural differences extends far beyond the inter-personal level. I agree with Zehr that understanding better the significance of race for restorative practices will help us develop a stronger restorative justice movement. Ultimately, this will bring a positive impact upon restorative processes and outcomes and indeed the future development and direction of the restorative justice notion. Charkoudian and Waybe argue, “Culture affects both how conflict is pursued and how it can be addressed. It influences people’s values, beliefs and understandings and frames the context in which conflict occurs” (2010: 30). Avruch also argues “Culture creates the mental and emotional structures through which people understand their actions and those of others in conflict” (2003: 143).

As a voluntary and complementary practice, restorative justice often struggles to find its space within the criminal justice system. Implemented mainly by and through the community (Pavlich, 2009; Gavrielides, 2012a), restorative practices often have to compete with entrenched practices and the dominant punitive mind-set of criminal justice agents (e.g. police officers, probation staff, judges, prosecutors and prison staff). This raises some concerns as to how realistic our expectations can be in relation to its role for race equality.

And let me conclude. The restorative process demands power-sharing that is based on the premise that all parties in conflict are equal in the identification of harm, and in reaching an agreement for restitution. Relinquishing power within the current philosophy of adversarial justice and economics is in itself a challenge. Relinquishing power within a system that is challenged by the implicit biases and ‘Trojan horses of race’ is an even more complex matter.

To read my work on race and restorative justice follow [this link](#).

- **3rd International Symposium on Restorative Justice**

Skopelos, 37003, Sporades, Greece

- **When**

Friday, June 17, 2016 8:00 AM —

Friday, June 24, 2016 9:00 AM EEST

- **Get in Touch**

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