

BOOK REVIEW WITH A FOCUS

Where is 'race' in restorative justice? Creating space for book reviews 'with a focus'

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In *The International Journal of Restorative Justice*, there have been issues in which books have been intentionally grouped together in our book review section according to a specific theme, focus or author – for example, when we had John Braithwaite's publications reviewed for a celebratory issue on the 30 years of his *Crime, shame and reintegration*.¹ Review essays, book symposia and documentary reviews are just some of the past and future projects of the journal. And the hopes are manifold. In a busy field, documented in so many ways, languages, cultures and places, one of our hopes is to spread news about what is happening around the (tentatively) 'restorative' world. In so doing, we hope to bring information and inspiration from all corners of the globe, including 'peripheral countries' where non-English-speaking experiences of restorative justice exist and, when not cherry-picked to be reported to the 'world centres', remain largely unknown to the North or, even, to the 'elites' of our 'margins'.² This has allowed for reviews written in English of books published in Portuguese, Spanish, Italian, Japanese and Czech, to name but a few languages, for widening the circle of reviewers and for the circulation of new names in the field. Moreover, the inclusion of non-English books can, hopefully, contribute to a better understanding of the role of language in some conceptualisations of restorative justice. In short, as with any book review section of any scholarly journal, this one has been a 'compass' to help our readers navigate through 'what's out there' – hopefully, a truly international compass capable of pointing out directions without borders.

The difference now is that this book review section 'with a focus' is not the product of a special issue or of book review submissions that established an unpremeditated dialogue about a common (sub)theme. This special book review section was and is intentional in its focus: race. It has one very straightforward, primary aim: to draw attention to the growing body of racially conscious

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1 See Issue 3(1), 2020.

2 When using terms such as 'peripheral', 'world centres', 'margins', we are imaging a restorative justice wall map and borrowing from Katja Franko Aas' (2012) criminology wall map metaphor when she reflects on the geopolitical imbalances and 'situatedness' of criminological theorising.

publications in the field of restorative justice. And there is at least one story behind it that we – Fernanda and Kennedy – would like to share.

I (Fernanda) am a White, middle-aged woman, born and raised in Recife, Brazil, where I have lived for most of my life. I have, however, lived abroad a few times – in England, during primary school, when my (also White) father was doing his PhD; then in Belgium, during my Master's studies at the Catholic University of Leuven;³ then again in England, during my doctoral studies at the University of Oxford.⁴ I am a university professor in Brazil and met Kennedy when he became my undergraduate research student at the Catholic University of Pernambuco.⁵ After a few group gatherings to discuss foundational restorative justice texts, we met to discuss his topic of interest and to start working on his research proposal. At that first one-to-one meeting, he asked: '*Nanda, cadê raça na justiça restaurativa?*' ('Nanda, where's race in restorative justice?'). I did not know the answer. In fact, I had never asked myself that question.

I (Kennedy) am a Black man, in my twenties, and live with my family in a low-income neighbourhood of Recife's periphery. I am a law student in my final year, and the first person in my family to be able to pursue a university education, thanks to affirmative action policies designed during President Lula's administration and aimed at fostering equitable access to higher education in Brazil. And although I did wonder where 'race' was in our first discussions about restorative justice, I was not completely surprised by its absence on Nanda's reading list at the time. Indeed, before joining her restorative justice (sub)group, and in parallel to its workings, I was introduced to authors such as Abdias do Nascimento, Ana Flauzina, Lélia Gonzalez, Sueli Carneiro, Thula Rafaela de Oliveira Pires, all African Brazilian scholars, and, probably more known to the readership of this journal, Angela Davis and bell hooks.⁶

1 The search for 'race' (in restorative justice)

Notwithstanding its many streams or agendas (Johnstone, 2008), restorative justice's developments were (and are) very markedly impacted by a long-standing and (yet) growing discontent with the way our criminal justice systems (still)

3 Where I heard about restorative justice for the first time.

4 Where I conducted my first empirical study in the field of restorative justice.

5 Although my role at IIRP is not the point of encounter between me and Kennedy, I must add that IIRP's recent training sessions for staff on anti-racism terminology and other pieces aimed at developing our competencies to challenge bias and develop structures that support inclusion have greatly influenced the way I now try to work and write.

6 It is important to say that being exposed to such authors is not the norm in Brazilian (still too white) law schools. But I was fortunate enough to cross paths with the *Asa Branca* Group of Criminology, which is a research group working at UNICAP. The group has a variety of items on its research agenda – restorative justice, with Fernanda, is just one of them. As an '*Asa* student', however, we are allowed to attend other meetings and to experiment with other subgroups. And there was another reading list – by Professor Marília Montenegro Pessoa de Mello – that drew my attention as it included a great deal of Black scholars. Over a year into law school, I had finally been presented a reading list that included Blacks.

function.⁷ And the racial and ethnic disparities that pervade our criminal justice systems are well known and debated all over the world. In Brazil, for example, Blacks are more likely than Whites to be arrested, convicted and to experience lengthy prison sentences,⁸ and to be killed while in contact with the criminal justice system (e.g. Flauzina, 2017). As such, it should be expected that issues of race would figure prominently in restorative justice debates. However, research, policy and practice in the field seem to have been developed without due regard to the dimension of race, which has only rather recently been denounced as a paradox (e.g. Gavrielides, 2014): restorative justice is often presented as a reaction to failing criminal justice systems (and/or other systems alike), and people of colour are those 'who overwhelmingly bear the brunt of the horrific inequities of such systems' (Davis, 2019: 1-2), but race-related issues have not normally been addressed in its denunciations, aspirations and applications. Or, to put it differently, how can restorative justice intend to break free from the ways through which our current (criminal justice) systems operate without engaging in debates about race and racism?

Well, the lack of debate on race relations is not a new problem, nor is it limited to the restorative justice pitch. In fact, 'race' has traditionally been a 'forbidden' theme. This is what Nascimento (2016) teaches us in his book *The Genocide of the Black Brazilian: a process of disguised racism*. He remembers, for example, the incineration, in 1899, of all documents related to slavery, slave trade and enslaved Africans in Brazil, including statistical, demographic and financial data. He also recaps the time when, in the 1970s, it was decided that all data regarding the racial origin and/or skin colour of respondents of Brazil's national census should be deleted. This decision, despite being taken as far back as the 1970s, still reverberates today. For example, over the last decade, in all empirical studies conducted by the *Asa Branca* Group of Criminology, it has always been a challenge to trace the socio-economic profile of the populations that we study, notably because of the repeated lack of information on race in the documents that typically underpin our documentary analysis (police files, court files, etc.). Things of that sort have led to what has been termed 'the myth of Brazilian racial democracy', that is, a false and widespread belief in the country (so very much alive today) that Brazilians live in a 'harmonious fusion of a variety of races who have learned to live together and work together in an exemplary community' (Nascimento, 2016: 88) – as if race were not an issue, as if there were no racial disparities in access to health care, employment, wages, housing, or income – not to mention the (genocidal) inequities pervading our criminal justice system.

7 And the same can be said for other systems, as demonstrated in Emling's (2020) accounts of racism and how it becomes embedded in society through land ownership, housing, education, health care, employment, etc.

8 This is also the case in England and Wales, where the proportion of Black and mixed-race people in prison significantly tops that in the general population; in Australia, where the same applies to the Indigenous peoples; in the Netherlands, where there is an over-representation of non-nationals in Dutch prisons; in Hungary's prisons, where Roma and Gypsy people are over-represented; and the same applies to many other countries (ICPR, 2017).

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Also, who produces knowledge and can afford to have it disseminated? This is another important issue, which also transcends, but connects to, the restorative justice field. Although ‘ours’ is (said to be) a field with Indigenous roots and connections, the truth is that it has not been as skilful as one would expect in recognising the ‘different ways of knowing’ (de Sousa Santos, 2016), or as competent in opening its microphones to all voices. In fact, we agree,

[t]he marketing of RJ [restorative justice] products is underpinned far too often by the reiteration of unsupported myths designed to demonstrate the “indigenoussness” of what is ostensibly a white, middle-class dominated ... business. (Tauri, 2019: 352)

Indeed, most of the known or widespread literature on restorative justice was and continues to be produced by Whites. And this also helps to partly explain the lack of intersections made between restorative justice and race. There is no need to sort something out racially when those sorting things out are the cultural reference, as Moreira (2019: 166-167) points out:

Why would white people think race is relevant in their lives? ... Being White within our society does not mark a specific social place, it marks a cultural reference from which all people are judged. This is the reason why many authors say that being White is a place of total transparency because there is no sense in racially classifying oneself when the person is the cultural reference. [Our translation]

And it would be unfair – or, simply, inaccurate – to say that such preoccupations have been completely absent in the restorative literature, including that produced by Whites. Heather Strang and Lawrence Sherman’s Annual Lecture for this journal (known in its previous life as *Restorative Justice: An International Journal*), for example, drew our attention to a potential *negative* effect of restorative justice conferences on *Aboriginals* – Fernanda remembers reading with astonishment (Kennedy was not as astonished years later when he first read it) about

the overall *lack of harm to white offenders* from restorative justice conferences when both property crimes and violence were combined, and the overall *increase in harm for Aboriginal offenders* randomly assigned to restorative justice conferences for both property crimes and violence. (Strang & Sherman, 2015: 10)

The works of Chris Cunneen (e.g. his part in Cunneen & Hoyle, 2010) and Harry Blagg (e.g. Blagg, 2017) have been even more intentionally focused in denouncing how racial/ethnic inequities play out in restorative justice. But, as Cida Bento (2002), a Brazilian psychologist and Black activist, says, Whites need to break free from the ‘narcissistic pact of whiteness’. That is, they need to break free from ‘a tacit agreement among Whites not to recognise themselves as an essential part of

the persistent racial tensions (in Brazil)⁹ (Pires, 2017: 6). Indeed, well beyond having 'race' as a theme, a variable, a category of analysis, we need to accept that

institutional racism is something that does not only occur in criminalisation agencies [or within systems], but that operates even among those who were [are] willing to think critically about the criminological [or restorative justice] field, precisely because they did not [yet] break free from the narcissistic pact of whiteness. (Pires, 2017: 5)

What can I (Fernanda) do to break free from the 'narcissistic pact of whiteness' in restorative justice?

The fact that restorative justice has not been (more) intentionally engaged with the topic of race is thus both surprising and yet unsurprising.

2 A 'turn' in the literature of restorative justice?

More recently, however, there seems to be a movement in the literature towards bringing race into the centre of discussions about restorative justice. And that is what this book review section 'with a focus' is about. For example, in 2019 and 2020, when this section was gestating and started to 'happen', we found the publication of four books entirely dedicated to this effort, and they are precisely the four titles that we have reviewed for this issue: *The little book of race and restorative justice* (Davis, 2019); *Colorizing restorative justice* (Valandra, 2020); *Institutional racism and restorative justice* (Emling, 2020); and *The little book of racial healing* (Dewolf & Geddes, 2019). The four titles by no means summarise 'what's out there' as regards race and restorative justice. In fact, today, the theme also appears more frequently in collections dedicated to the discussion of other (broader) issues, in a growing demonstration of the impossibility of talking about restorative justice and its future (whatever the focus is) without intersecting it with race. See, for example, the *Routledge international handbook of restorative justice* (Gavrielides, 2019) and *Listening to the movement* (Lewis & Stauffer, 2021). There also seem to be a growing number of publications in the field of racial justice that are making room for restorative justice, such as in *Radical empathy: finding a path to bridging racial divides* (Givens, 2021).

It should be noted that the four books featured in this issue – all Anglophonic, by the way – are heavily US-based in their contextualisation and realisations. But their reach extends far beyond the US borders. For example, Fania Davis¹⁰ work and that of her non-profit organisation (Restorative Justice for Oakland Youth) has been very influential, and not only in the USA, as she guesses in this issue's Conversations section. In Brazil, for example, she was recently invited to deliver the opening keynote of a memorable conference on restorative justice that looked nothing like the nearly all-White, expensive-to-

9 And we think we could add many other countries to the list.

10 See the Conversations section in this Issue.

attend conferences that have been the norm in the country. The theme of this conference, held online in July 2021, was 'Restorative justice: dominant discourses and pathways to resistance', and although it was organised by the Restorative Justice Commission of the São Paulo's Bar Association, it was done so in cooperation with many small Black, (Black) Women and Indigenous rights organisations.¹¹ The programme had 'the most colourful list of speakers' that a restorative justice event has ever had in the country, one of the organisers was happy to say (in personal communication with Fernanda). And she confessed that Davis' *Little book*, as well as the way 'Colorizing Restorative Justice' was conceptualised and brought about, with more than 20 authors of colour having a true voice, was an inspiration to the team that organised the conference. The conference's workings have led to the drafting of a letter of commitment for an anti-racist restorative justice in Brazil. Among other provisions, the letter foresees a commitment to applying the same quota system that Brazil applies for public universities and government jobs – that is, committed restorative justice programmes must reserve at least 20 percent of its positions (for coordinators, facilitators, etc.) for non-Whites.¹²

Such efforts, and definitively the books reviewed for this special section, have hopefully drawn attention to uncomfortable facts about the way restorative justice has been conceived, promoted and practised to date. For example, to name but a few: (a) restorative justice is typically seen (and operated) simply as a new programme (or toolkit) and not as a paradigm shift (it has been, therefore, much more about permanencies, not changes, than we, restorative justice advocates, may want to admit); (b) as such, there is not enough concern about its current inability to reduce incarceration rates; (c) very closely linked to this, there are too few concerted efforts to discuss the use of restorative practices in cases of drug-related crimes (considered to be one of the main reasons, in countries like Brazil, for our massive incarceration rates and the racial disparity underlying them); (d) training in restorative justice, as a rule, does not incorporate the need to understand that violence is both interpersonal and (always) structural; (e) in fact, as Davis also reminds us in her *Conversation with Dzur* (this issue), restorative justice training curricula do not usually include (enough) about implicit bias, White privilege, White supremacy or the systemic nature of racial and social harm; and, finally, just to keep the list short, (f) this 'turn' in the literature also invites us to reflect even more critically on how restorative justice has been institutionalised in our countries, who drives the movement for institutionalisation and what are the (unequal) consequences of such moves? These and other questions are highlighted in the four excellent book reviews that accompany this issue, and we are greatly indebted to the reviewers for the

11 The Conference's programme is still available online, here: <https://sites.google.com/oabsp.org.br/congressojusticarestaurativa/in%C3%ADcio> (last accessed 19 September 2021). And Fania Davis' keynote can be found on YouTube, here: <https://youtu.be/Ryf-cTAFJcC> (last accessed 19 September 2021).

12 This is the (provisional) link to the drafted letter (available in Portuguese only): <https://drive.google.com/file/d/1qcXmb7ouo5bL8woLWUqNkSQWKZGPPerzl/view> (last accessed 19 September 2021).

enthusiasm with which all of them got on board for this project – thank you, Ezzat Fattah, Geri Hubbe, Martin Wright and Rasheedat Fetuga!

3 Moving forward

Keeping race relations far from the centre of debates about restorative justice has not necessarily been a strategy, a thoughtful, intentional way used by some to perpetrate racism. Kennedy always likes to point this out. But he also likes to emphasise that some people, more than others, cannot escape the reality of ethnic diversity and what this means for restorative justice, since skin colour has different consequences for Blacks and Whites. And even before reading DeWolf and Geddes (2019), maybe more reluctantly than overtly, his message to Fernanda has often been like Tom's (in DeWolf & Geddes, 2019: 96), namely for her to use 'the advantages Whiteness affords you to make a positive difference'. We are both still trying to understand what this and all the preceding discussions mean to us (personally and relationally) and their implications for the restorative justice movement (in Brazil), but throughout this (unfinished) journey, we have arrived at several common denominators. And maybe the following denominator can summarise the rest: we both now understand that the restorative movement needs to move forward more attentively to the structural and institutional racisms that operate and that tend to continue operating *within* restorative practices, simply (well, nothing is simple) because that is the pattern.

Indeed, as the many authors of the books that have been reviewed for this book review section 'with a focus' demonstrate, if the restorative movement does not address issues of the magnitude of racism and coloniality, it will function in racist and colonising ways, because that is the pattern. Restorative justice (scholars, advocates, practitioners, policymakers, programmes...) must increase its critical self-awareness, especially regarding its complicity with oppressive and colonising institutions. And this is not a call for a restorative justice 'panacea' (Walgrave, 2017), as we also share the worry that restorative justice may lose its identity and significance if packed with too many meanings. But the greater risk now, we argue, is that restorative justice in its too focused definitions (e.g. as, simply, a better set of practices to deal with crime) will come to mean more of the same or just 'another good reform gone bad' (Greene, 2013).

How can I (Fernanda) help to add an anti-oppressive lens to the way restorative justice is taught where I teach it? Working on this first book review section with a focus, this is one of the most practical questions that I am left with. And I would never have formulated this question or written this introduction on my own. In Brazil, we have a group dance called *ciranda*, which is performed in a circle around a small band of musicians and a singer. Holding hands, dancers face the centre as they collectively take several steps to the right and one back to the left so that the circle slowly moves counterclockwise. I was able to see 'race' in restorative justice only because of our 'ciranda' – thanks for holding my hands, Kennedy (and the *Asa Branca*), and for helping me to move 'counterclockwise'. I

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will never see restorative justice the same way – and in the same direction – as I did before.

References

- Aas, K.F. (2012). The earth is one but the world is not: criminological theory and its geopolitical divisions. *Theoretical Criminology*, 16(1), 5-20. doi: 10.1177/1362480611433433.
- Bento, M.A.S. [Cida]. (2002). Branqueamento e branquitude no Brasil. In I. Carone & M.A.S. [C] Bento (eds.). *Psicologia social do racismo: estudos sobre branquitude e branqueamento no Brasil* (pp. 25-58). Petrópolis: Vozes.
- Blagg, H. (2017). Doing restorative justice 'otherwise': decolonising practices in the global outh. In I. Aertsen & B. Pali (eds.), *Critical restorative justice* (pp. 61-78). Oxford: Hart Publishing.
- Cunneen, C. & Hoyle, C. (2010). *Debating restorative justice*. Oxford: Hart Publishing.
- Davis, F. (2019). *The little book of restorative justice: Black lives, healing, and US social transformation*. New York: Good Books.
- De Sousa Santos, B. (2016). *Epistemologies of the South: justice against epistemicide*. Abingdon: Routledge.
- Dewolf, T.N. & Geddes, J. (2019). *The little book of racial healing: coming to the table for truth-telling, liberation, and transformation*. New York: Good Books.
- Emling, D.C. (2020). *Institutional racism and restorative justice: oppression and privilege in America*. Abingdon: Routledge.
- Flauzina, A.L.P. (2017) *Corpo negro caído no chão: o sistema penal e o projeto genocida do Estado brasileiro* (2nd ed). Brasília: Brado Negro.
- Gavrielides, T. (2014). Bringing race relations into the restorative justice debate: an alternative and personalized vision of “the Other”. *Journal of Black Studies*, 45(3), 216-246. doi: 10.1177/0021934714526042.
- Gavrielides, T. (ed.) (2019). *Routledge international handbook of restorative justice*. Abingdon: Routledge.
- Givens, T.E. (2021). *Radical empathy: finding a path to bridging racial divides*. Bristol: Policy Press.
- Greene, D. (2013). Repeat performance: Is restorative justice another good reform gone bad? *Contemporary Justice Review*, 16(3), 359-390. doi: 10.1080/10282580.2013.828912.
- ICPR – Institute for Criminal Policy Research (2017). *Prison: evidence of its use and over-use from around the world*. London: ICPR. Retrieved from www.prisonstudies.org/sites/default/files/resources/downloads/global_imprisonment_web2c.pdf (last accessed 16 September 2021).
- Johnstone, G. (2008). The agendas of the restorative justice movement. In H.V. Miller (ed.), *Restorative justice: from theory to practice* (pp. 59-79). Bingley: Emerald Group Publishing.
- Lewis, T. & Stauffer, C. (2021). *Listening to the movement: essays on new growth and new challenges in restorative justice*. Eugene: Cascade Books.
- Moreira, A.J. (2019). *Pensando como um Negro: Ensaio de hermenêutica jurídica*. São Paulo: Contracorrente.
- Nascimento, A. (2016). *O genocídio do Negro Brasileiro: Processo de um racismo mascarado* (3rd ed). São Paulo: Perspectiva.

- Pires, T.R. de O. (2017). Criminologia crítica e pacto narcísico: Por uma criminologia apreensível em português. *Revista Brasileira de Ciências Criminais*, 135, 541-562.
- Strang, H. & Sherman, L. (2015). The morality of evidence: the second Annual Lecture for Restorative Justice: An International Journal. *Restorative Justice: An International Journal*, 3(1), 6-27. doi: 10.1080/20504721.2015.1049869.
- Tauri, J.M. (2019). Restorative justice as a colonial project in the disempowerment of Indigenous peoples. In T. Gavrielides (ed.), *Routledge international handbook of restorative justice* (pp. 342-357). Abingdon: Routledge.
- Valandra, E.C. (2020). *Colorizing restorative justice: voicing our realities*. St. Paul: Living Justice Press.
- Walgrave, L. (2017). Restorative justice is not a panacea against all social evils. In I. Aertsen & B. Pali (eds.), *Critical restorative justice* (pp. 95-110). Oxford: Hart Publishing.