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Restorative Justice and Social Justice: an international perspective

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Restorative Justice and Social Justice: an international perspective

Abstract: This article examines the relationships between restorative justice and social justice from a global viewpoint. Restorative justice, traditionally viewed as a transformative approach within criminal justice systems, is constructed as a catalyst for broader social justice reforms. Drawing on data from a series of online workshops, including participants from North America, Europe, and Africa, reflexive thematic analysis was used to generate perspectives on how restorative practices address social injustices. Findings highlight varied interpretations across different socio-political contexts, suggesting that although restorative justice may inherently hold transformative potential, its efficacy in fostering social justice is contingent on conscious integration of social justice considerations. This article contributes to the ongoing debate on the role of restorative justice in societal change, arguing that a nuanced application, which acknowledges the complexities of social injustices, can enhance impact beyond individual cases, and contribute meaningfully to the pursuit of social justice on a broader scale.

Keywords: restorative justice, social justice, inequity, divergent ideology, violence.

Introduction

Restorative justice is an approach to dealing with conflict that works to bring those that have created harm together with those that have been harmed (Rossner, 2017). For some, however, it is also more than this, viewed as a global social movement which advocates for wider reformation of the criminal justice system (Braithwaite, 2000) and as a vehicle for transformation within a broader social justice context (Winslade, 2019). This article explores this broader understanding of restorative justice, in particular the relationship between restorative justice and social justice. In doing so, it aims to shed light on the ‘panoptic arrangement’ of political and socially constructed space (Levine, 2017, p. 7). These relationships are theorised through the ideas and experiences of restorative justice practitioners, academics, and professionals from countries in three continents with different political, social, and justice needs.

This article provides insight into these needs and the ways in which restorative justice is used in those contexts. As such, it conceptualises restorative justice as taking many forms, which are the ‘shapes and configurations, all ordering principals, all patterns of repetition and difference’ (Levine, 2017, p. 3). These forms are a product of drivers such as dominant social and historical narratives and the needs of the communities in which the restorative processes exist. In this case, we can understand these as invested forms where ‘politics operates through different kinds of forms - spatial containers, repetitions and durations over time, vertical arrangements of high and low, networks of interconnection’ (Levine, 2017, p. 23). Understood in this way, forms govern dominant experiences and narratives of power which define whose voice is heard, who belongs where, what is repeated, what is reinforced, and the boundaries and possibilities. Invested forms ‘enforce hierarchies’ (Levine, 2017, p. 4); and therefore create ‘positive peace’ (Cremin & Bevington, 2017) or reinforce structural and cultural violence (Galtung, 1969, 1990).

This paper contributes to the current and ongoing debates around the way in which inequity is currently ‘affirmed and reproduced’ through the language of restorative justice (Hooker and Schiff’s 2019, p. 214; cf. Winslade, 2019; Bava and McNamee, 2019). However, in this work we extend these ideas beyond language to consider how the ‘forms’ might coincide with struggles for social justice in different contexts. Through analysis of discussion between restorative justice practitioners, academics, and professionals it considers how restorative justice might overlap with or contribute to struggles for social justice and the

extent to which restorative justice is a part of, or apart from, the broader social struggles that shape people's everyday lives.

What is restorative justice?

Restorative justice is an approach to dealing with conflict that works to bring those that have created harm together with those that have been harmed (Braithwaite, 1989; Rossner, 2017). In contrast to retributive justice, which regards violations as crimes against the state or laws, and rehabilitative justice, which regards the offender¹ as in need of therapeutic treatment, restorative justice understands harm as a violation of a relationship between individuals or individuals and communities. These processes within restorative justice place the ownership of conflict with those that have the greatest stake in the event (Dzur & Olson, 2004), as opposed to punitive or legalistic approaches whereby there is potentially a lack of agency felt by those involved. A restorative process therefore aims to amplify victims' voices to help offenders understand the impact of their behaviours, and by doing so, helps to address the causes of those behaviours. Where applicable, restorative justice engages communities (be they geographic, familial, or epistemic) in supporting victims and reintegrating offenders whilst aiming to reduce the likelihood of such events taking place in the future by addressing community issues that might lead to conflict (Van Camp & Wemmers, 2013; Zehr, 1990).

Although typically understood as a process involving mediation and/or conflict resolution with participants (i.e., harmed, harmer, and community members), restorative justice takes a wide variety of forms. This might be dictated by the cultural context in which the process takes place, the institutional framework within which a restorative service sits, and/or (importantly) the needs of the harmed and the harmer. In the case of the first shaping force, restorative justice has a wide and deep set of cultural roots in many different countries (Weitekamp, 2015) and the approaches and shapes of restorative interventions often reflect these histories. In the case of the second two shaping forces, Wachtel (2016) describes a continuum from informal to formal restorative processes, with quicker processes involving fewer people at one end, to more involved, much bigger group conferences at the other. Hobson, et al. (2022, p. 2) similarly illustrate a spectrum of restorative approaches ranging from direct contact to overlapping or discrete processes:

¹ Although this article uses the term offender, it recognises its problematic nature and the way in which it reinforces a negative narrative and objectifies people. It is however, used to offer clarity of meaning within the context of the criminal justice system.

- Direct contact (face-to-face): for example, victim-offender conferences, circles;
- Indirect contact (non-face-to-face): for example, letter writing, shuttle work;
- Potentially overlapping processes: for example, victim and offender circles that may or may not intersect, surrogate offender interactions;
- Discrete processes: for example, healing circles for victims, community or family to repair relationships

Fundamental to restorative justice is the understanding that offenders have interests and needs to be addressed. Restorative justice outcomes often include victim-offender reconciliation, restitution, or community service (Hobson, et al., 2022; Wachtel, 2016). These practices link to social justice where there may be a need for reparation, or wider collective healing. Where it is used, restorative justice is often part of wider processes, particularly in the criminal justice system where it might sit alongside punitive approaches.

Over the past 30 years, there has been a worldwide growth in the use of restorative justice, for both young people and adults. This mainstreaming of restorative justice into the broader workings of states (Hobson & Payne, 2022; Rossner & Bruce, 2016) is particularly evident when it comes to criminal justice systems. Within the European context policy announcements have supported the embedding of restorative justice into criminal justice systems. These include the European Union’s 2012 Victims’ Rights Directive 2012/29/EU, the 2018 Council of Europe recommendation CM/Rec encouraging member States to ‘develop and use restorative justice with respect to their criminal justice systems’, the European Commission’s 2020–25 EU-wide Strategy on victims’ rights that recognised a role for restorative justice in helping to empower victims of crime, and the 2021 Venice Declaration on the Role of Restorative Justice in Criminal Matters - see also Marder and Zinsstag (2020).

Outside of Europe, restorative practices have long been embedded in a range of criminal justice systems. For example, Rossner and Bruce (2018) detail some of the applications on restorative justice in Australia and New Zealand at both the pre- and post-sentencing stages, whilst in Canada, Roach (2013, p. 167) describes how ‘restorative jurisprudence’ is increasingly present in legal structures and processes. In the USA, there is a long and broad history of restorative justice although it is not legally enshrined at a federal level. Instead, individual states, and communities have applied a range of different approaches. O’Brien (2023, p. 686) describes how such programmes often operate ‘in a grey-

zone between the legal rigidity of the criminal legal system and the community-oriented approach adopted by the restorative justice community’.

New legislation on criminal reconciliation that ‘shares the same format with victim-offender mediation’ exists within China, albeit with limited support (Zhang & Xia, 2021, p. 6). Whilst, in Indonesia, restorative approaches are embedded in several different areas of criminal justice, including drug courts and for use with domestic abuse. These ideas of applying restorative justice to domestic abuse are explored further by Rahmat and Umar (2023, p. 3400) through legislation that allows public prosecutors to stop prosecutions based on restorative justice in certain circumstances. Finally, in post-conflict Rwanda, De Ycaza (2010, p. 13) describes how the gacaca community-led trials system allowed ‘for the restoration of a connection between survivors and their community through the mechanism of community restorative justice’.

Evidencing the impact

Alongside these increasingly diverse applications, the empirical evidence to support efficacy is also growing. Restorative justice has been found to enable victims to have an active part in the justice process (Shapland et al., 2011; Zehr, 1990), to be included, empowered, to have a voice, to ask questions and get answers, and to gain closure and move forward. Similarly, Braithwaite (2002) and Johnstone and Van Ness (2007) argue that when applied properly restorative justice emphasises the principles of ‘inclusivity’, ‘stakeholder involvement’, ‘empowerment’ and ‘engagement’. Extant research demonstrates that the approach is consequently hugely beneficial to victims, providing them with the opportunity to have a voice; explain to offenders the impact of the offence; gain answers to questions; be part of a decision-making process from which they are traditionally excluded; be empowered; gain closure; and experience reduced levels of stress and fear (Angel, 2005; Banwell-Moore, 2023; Shapland et al., 2011; Van Camp & Wemmers, 2013; Zehr, 1990). In support of this, research funded by the UK government found that 90% of the victims who participated in a RJ process were ‘very satisfied’ or ‘satisfied’ with the process (Shapland et al., 2011).

A study conducted on behalf of the UK Ministry of Justice (Shapland et al., 2008, p. 66) found that restorative interventions for adults resulted in ‘statistically significantly fewer offences (in terms of reconvictions) in the subsequent two years than offenders in the control group’. Similarly, meta-analyses focusing on young people (Kimbrell et al., 2023), and adults (Fulham et al., 2023), show small, but statistically significant positive effects of restorative justice programmes on recidivism. It is, however, not in recidivism alone that the benefits of

restorative justice can be measured. The meta-analysis conducted by Fulham et al. (2023, p. 18) goes on to demonstrate that restorative interventions show ‘significant and moderate increases in victim and client satisfaction, victims’ perceptions of procedural justice and fairness, and overall client accountability’, although it is less clear on impacts to recidivism. Such findings are common in qualitative and quantitative studies that focus on victim and offender wellbeing, including work on victim satisfaction (Strang & Sherman, 2003), Vanfraechem and Bolívar (2015), and Rossner (2017). Evidence is also well established regarding the wider impact of restorative justice on those who cause harm in many different contexts, including the long-term impact of restorative justice for those considered as juvenile offenders (Bergseth & Bouffard, 2007) adult offenders (Shapland et al., 2011) and on the ability for women in prison to understand and begin to address their offending behaviour (Rees & Hobson, 2021).

Offender specific benefits of restorative justice are also well-evidenced, including the opportunity to provide solutions to even the most serious crimes. Evidence shows restorative justice can enable offenders to reflect meaningfully on their use of violence, foster guilt and concern for the hurt caused, therefore enabling offenders to reconsider the use of violence altogether (Wallis et al., 2013). Various studies have shown the impact of this on reoffending. For example, Shapland et al. (2011) found where restorative justice was used reoffending was reduced by 14%; and Hobson, et al. (2022) showed a difference in 12-month reoffending of 34% average for all disposals type compared to 14% where restorative justice was used.

Restorative justice outcomes can also be evidenced where it has been adopted into other contexts, often described as restorative practice in schools where it refers to a wide range of different activities such as restorative circles (Wang & Lee, 2019), conferences (Payne & Welch, 2015), pro social skills within the context of coaching and peer mentoring (Hibbin, 2023), as a strategy to approach serious harm (Mateer & Dickmann, 2014) and as a whole school model that begins with restorative mindsets (Procter-Legg, 2022). Outcomes commonly cited include reductions in exclusions (Thompson, 2016), lower rates of bullying (Stinchcomb et al., 2006; Wong et al., 2010), increased reasoning and decision making (Short et al., 2018) and improved school culture (Cavanagh, 2007). However, some studies within education show little overall effect of restorative justice (Leach & Lewis, 2013; Standing et al., 2012), citing the lack of positive implementation and shame experienced by children during circle time activities. Despite this, studies often link restorative practice to reductions in inequities such as disproportionality of exclusion of black boys and children with special

educational needs (Anyon et al., 2016; Mansfield et al., 2018), suggesting that education may be a potential site where restorative work could affect social justice.

Alongside their growing popularity, restorative approaches have attracted some criticism. In the context of criminal justice systems, Morris (2002) describes how ‘restorative justice erodes legal rights; restorative justice results in net-widening; restorative justice trivializes crime, particularly violence against women; restorative justice fails to restore victims and offenders; it results in discriminatory outcomes; it extends police powers; and leaves power imbalances’. Likewise, in schools, Lyubansky (2019) notes nine criticisms of restorative justice, including that it ‘takes too long’, is ‘emotionally draining’, that it places an ‘unfair expectation on victims/survivors to forgive those who have harmed them’, and that it is ‘often not implemented restoratively’.

Post conflict environments and the role of peace

As well as its use in criminal justice systems, restorative justice has been used in peacebuilding and post conflict contexts. For example, in Northern Ireland, restorative justice played a significant part in the post-conflict transitional justice mechanisms (Doak & O'Mahony, 2012) and in challenging cultures of violence (Eriksson, 2008). Although not always explicitly referred to as ‘restorative justice’, such approaches can be seen in post-conflict Truth and Reconciliation Processes, for example in South Africa where some authors argue for degrees of similarity with ‘both ubuntu and with African indigenous justice systems’ (Gade, 2013, p. 10). In Sierra Leone, where a Truth and Reconciliation Commission established after the 11-year civil war embraced approaches that worked to support individuals and communities to overcome the harm inflicted and rebuild civil society (Friedman, 2015); and in Rwanda, where the traditional justice Gacaca court approach to community justice includes elements that are often referred to as reflecting restorative justice approaches (Wielenga & Harris, 2011). In all these cases, restorative justice was not used in isolation but was part of much wider justice and reconciliation processes that included more punitive criminal justice processes and other forms of community rebuilding. Whilst in each case restorative justice could be considered to have weaknesses and limitations, it could also be framed as having an important part in supporting individuals and communities in the maintenance of peace.

The ‘peacebuilding’ role of restorative justice (Zehr, 2008, p. 1) can be conceptualised as more than conflict management, instead a process that seeks to ‘reframe the way we conventionally think about wrongdoing and justice: away from our preoccupation with

lawbreaking, guilt and punishment, toward a focus on harms, needs and obligations' (Zehr, 2008, p. 3). As such, it is easy to understand how such approaches have, in many cases, become entwined with wider discussions on the differences and, at time, inequalities that often underpin broader social relationships, systems, and structures. Cunneen (2008, p. 15) makes this link between restorative justice and social justice:

This vision of restorative justice where hybridity and cultural difference can be accepted is emancipatory in a broader political sense, whereby restorative justice is not only a tool of criminal justice; it is a tool of social justice.

There are a range of potential reasons for this overlap. In one sense, restorative justice approaches are often viewed as a challenge to the orthodoxy of a system, be it educational, criminal justice or other, insofar as they seek to offer alternatives to overcoming conflict and harm that proponents, and the growing body of evidence suggest, are more effective (Petrosino et al., 2012; Strang & Braithwaite, 2001). Winslade (2018, p. 4) describes restorative practices as emanating from 'asking a different set of questions about a particular situation ... [in which] ... The focus is on the impact of the behaviour on others, instead of on the rule violations. Hence restorative justice is more focused on relationships than on individuals'. The kinds of questions in this process include: Who was affected by the offense? How were they affected? What do these effects suggest needs addressing? Whose responsibility is it to address these needs? How might the offender be invited to address these needs? Who else might be responsible for helping address the situation? Such questions are designed to lead to a holistic understanding of harm and its causes, and consequently lead to broader conceptualisation of individuals and circumstances within the milieu of social interaction. In this, it is increasingly possible to see the more hidden dimensions of power that act upon individual worldview, life chances, and possibilities. On a marginal level, we might conceptualise this as generating a better understanding of complex criminal or educational circumstances – for instance the interplay of power in coercive control and domestic violence, or the role of family bereavement in a young person's behaviours. In their deeper form, we may see the hand of institutionalised racism, culturally embedded misogyny, and the lasting impacts of colonial violence. These are the deeper forms of Galtung's (1969, 1990) phenomenology of violence, the cultural and structural violence, that operates alongside the more visible, physical violence.

Restorative Justice and Social Justice

In the above ways, it is evident how restorative justice can become entwined with addressing the broader harm that underpins the life of the individual and the society. But social justice is, itself, a complex and contested term with some scholars suggesting that a current definition is not possible, nor desired (McArthur, 2023). Whilst situated within social justice theory, some refer to it as giving precedence, or equal weight, to the least advantaged groups in society. Whereas others, such as Sen (1999) and Nussbaum (2003) centre their theory on the individual with the goal of activating individual agency, articulated as capabilities (referred to as the capabilities approach). Their focus is on the freedoms that link to well-being, and the activation of the aspirations of individuals. Importantly, when discussing rights within the context of forms, Levine (2023, p. 14) reminds us that these are differing individual aspirations and that we must recognise ‘cultural heterogeneity: it does little good to have the right job if one cannot leave one’s home, and it is not enabling to be offered food that it violates one’s religion to eat’.

Other scholars, however, have advocated for a ‘radical-democratic interpretation of the principle of equal moral worth, [where] justice requires social arrangements that permit all to participate as peers in social life’ (Fraser, 2008, p. 36). This model of ‘Parity of Participation’ reflects a definition of social justice that refers both to the redistribution of wealth or substantive freedoms and recognition and representation within society. Consequently, Fraser (2008, p. 36) argues that ‘theories of justice must become three-dimensional, incorporating the political dimension of representation alongside the economic dimension of distribution and the cultural dimension of recognition’. Finally, social justice is affected by our own positionality: including the way in which the authors approached epistemology within this study; with some scholars arguing that ‘There is no social justice without global cognitive justice’ (Santos, 2014, p. 207). This argument, of ‘ecologies of knowledge’, asks the reader to not only consider the need for redistribution, recognition, and representation; but to reconsider the way in which we exert power through knowledge creation itself (Santos, 2014). Reinforcing these ideas of decentring dominant western epistemologies, McArthur (2023, p. 5) asks the reader to ‘start the task of thinking of social justice in decolonial terms by acknowledging that social justice itself is a western term, and other societies may phrase and understand these issues differently’. These oscillating theories and lack of agreed definitions, begin to highlight the intrinsic issues of aligning restorative justice and social justice, and foreground the evaluation of the data that follows.

In the context of restorative justice and its relationship to social justice, there are those, such as Quimby (2021, p. 268) that challenge the association of restorative justice and social justice:

Restorative justice's movement lacks collaboration and solidarity with broader movements, such as mobilization for equity, peace, and environmental justice... [it] minimizes daily realities of subjugation and intimidation experienced by marginalized peoples, such as police brutality, sanctioned corruption in criminal injustice system, hate crimes, and mass incarceration... Patriarchy and white supremacy are not addressed. Inequity is normalized. Structural inequities are not illuminated.

For others, such as Umbreit et al. (2005, p. 254) the relationship is more nuanced – and whilst restorative justice might not be a social justice movement, it ‘has become a social movement that impacts the way we understand and respond to crime and conflict in diverse communities throughout the world’. These complex and often competing ideas are considered within this article, where the relationships between restorative justice and social justice are explored using a series of conversations between practitioners, sector leaders and academics from different countries. By considering the elements within restorative justice that are discussed in these conversations we can begin to better understand the way in which restorative justice reinforces or challenges inequity. These elements or forms such as the dichotomy of the victim offender model and the discoidal shape of the restorative circle are obvious spatial considerations which could be looked at individually considering the way in which they are built into the history of restorative justice and, therefore, bring connotations which emerge ‘out of particular cultural and political circumstances’ (Levine, 2017, p. 3). Similarly, considering formal elements can help us understand the roles played by narrative, temporality, and routine; elements which are all explored further in the data and discussion.

Methodology

Aim and methodological approach

Considering the complexities of restorative justice and its interactions with social justice, this qualitative study sought to better understand the relationship while providing considerations for practitioners, academics, and others looking to align their work more closely with social

justice. These considerations draw on qualitative data from a series of online workshops, run by the Global Alliance for Restorative Justice and Social Justice across the year 2020, entitled ‘Conversations on Aligning Restorative Justice and Social Justice’. Themes were constructed through reflexive thematic analysis, selected due to its suitability when including researchers within the data set and for its acknowledgement that themes are constructed through invested individuals.

Participants

Matching with reflexive thematic analysis (Braun & Clarke, 2006, 2019), this article avoids using the term sample. The group data set, however, represents participants in the Global Alliance for Restorative Justice and Social Justice, a group of restorative practitioners and researchers brought together by the Restorative Justice Council (an independent third sector body for RJ and RP in the UK), Howard University (USA) and University of Gloucester (UK). The group was predominantly made up from academics, practitioners, and trainers from North America, Europe, and Africa. This included 25 individuals listed below (see Table 1).

Table 1- Participant information

Participant	Job Title	Location
Participant A	Executive Director	United States
Participant B	Dean of Students	United States
Participant C	Executive Director	United States
Participant D	Consultant Trainer	United States
Participant E	Assistant Professor	United States
Participant F	Head Teacher	Europe
Participant G	Restorative Justice Practitioner	United States
Participant H	Independent Consultant	United States
Participant I	Chief Executive	Europe
Participant J	Restorative Justice Practitioner	Europe
Participant K	Lead for Restorative Approaches	Europe
Participant L	Director	Europe
Participant M	President & Founder	United States

Participant N	Special Projects Program Manager	United States
Participant O	Facilitator Coordinator	Europe
Participant P	Trainer, Consultant and Researcher	Europe
Participant Q	Executive Director	United States
Participant R	Professor of Criminology	Africa
Participant S	Policy Officer	United States
Participant T	CEO	Europe
Participant U	Professor; RJ Facilitator	United States
Participant V	Trustee	Europe
Participant W	Volunteer Mediator, RJ Trainer, Family Mediator	Europe
Participant X	Counsellor / Restorative Practitioner	Europe
Participant Y	Pastor	Africa

The group pre-existed the research, therefore the selection criteria for participants was by group membership. This took the form of direct invitation from senior leaders within Howard University (USA) and the Restorative Justice Council (UK); actioned through personal invites made to individuals who represented those who were in positions to lead change either within their organisation or community. These individuals were then able to make recommendations for additional members through their own networks.

The group sessions were themed to support a guided discussion on key issues, although the discussions within each session were loosely structured and allowed to develop as the group saw fit. Each session was led by a different volunteer from within the group, and included an initial conceptualisation of the issue, group discussion (with groups of no more than 5), and then a final plenary where individual groups fed back into a wider discussion.

Table 2 shows the session titles:

Table 2 - Session Titles

Session	Title
Session 1	The meaning of Restorative Justice
Session 2	The meaning of Social Justice
Session 3	Meanings of Aligning Restorative Justice with Social Justice

Session 4	Rationale for Aligning Restorative Justice with Social Justice
Session 5	Suggestions for Aligning Restorative Justice with Social Justice

Data collection and analysis

The initial conceptualisation and plenary sessions were recorded and transcribed, and this data forms the basis of our data set. In addition, notes were taken by each session leader, these have also been used to help the analysis. The data was then deductively coded as part of a process which followed the six stages of reflexive thematic analysis (Braun & Clarke, 2006, 2019). Reflexive conversations between researchers were very much part of this process where researchers used regular online meetings to discuss the data, refine the codes and talk about current issues within their own restorative work. Theme development in this case represented patterns of shared meaning, where themes were constructed to represent the groups' perspectives on the key factors that influence restorative justice and social justice. The themes and simple descriptions are provided below (see Table 3).

Table 3 - Theme Summary

Theme	Description
Theme 1: It matters how we think about restorative justice	The overlap and alignment between restorative and social justice, both from a practical and philosophical perspective
Theme 2: It matters how we think about harm	The ways in which individual and group context shapes harm and how it is understood.
Theme 3: It matters how we think about neutrality and power	The role of neutrality and the way in which it interacts with power structures to inform the restorative process

The methodology was designed to encourage individual voices, whilst capturing overriding group themes through thematic analysis. These themes are presented in the data and discussion and subsequently operationalised into considerations for practice. The research received clearance from the University of Gloucestershire School of Natural and Social Sciences ethics panel. The researchers were also included in the group data set. The insider researcher dynamic is mitigated somewhat due to the timeline of the research taking place after the recorded sessions however, the researchers are also aware of the 'insider-outsider' dynamic (Dwyer & Buckle, 2009). The participants in the discussions were keen to avoid the

notion of claiming that they had an answer, instead offering a multiplicity of voices and experiences. To this end this study understands that participants provide us with conversations for enquiry, designed to assist understanding rather than finite results.

Data and discussion

Theme 1: It matters how we think about restorative justice

The first theme focusses on the overlap and alignment between restorative and social justice, both from a practical and philosophical perspective. It was clear that there were more similarities for those that saw restorative justice as an ideology as opposed to a linear process. Those that embraced the underlying philosophy of restorative justice as an integral way of life (foregrounding in their own lives nonviolent communication, dialogue, and restorative approaches to conflict) were more likely to advocate for restorative justice as being a social justice movement. For this group, restorative justice was more than the immediate repairing of harm, but instead became a tool for supporting inclusivity, addressing disproportionality and part of a broader liberation philosophy. This abstraction away from a linear process, towards an ideology, changed the affordances of restorative justice for these participants in a way which offered greater possibility. These ideas begin to speak to forms such as storytelling, the way in which participants understood the narrative of restorative justice and the way in which they saw themselves within the frame. Participants identified the way in which a philosophical understanding of restorative justice can be understood as a value which is intrinsically linked to a process and how this shaped the way in which they lived their lives.

we talked about social justice as [a] value a condition and a process... a value that we hold... towards justice, toward equity, towards feelings of freedom that we can all be who we are and live in the fullness of our lives and have a sense of belonging and a community. (Session 2)

They went on to describe how the idea of restorative justice as a philosophy needed to be conceptualised through context. This was foregrounded through conversations on positive peace (Cremin & Bevington, 2017), an idea which promotes the ‘value of peace’ and the ‘presence of justice’ (Session 2). For Winslade (2018, p. 3), this is borne, in large part, from understandings of context and the individuals wider or immediate social reality:

‘what social justice and restorative justice share is an interest in the contextual forces around the individual. They both invoke this context to help understand what is operating on a person... Social justice does this by directing the focus on the identity group. Restorative justice does it by focusing on the group of people that is constituted by an event’.

So, whilst both are based on a similar principle, the underlying factors differ. For those that equate restorative justice as a philosophy in action it seemed easier to understand harm as a product of identity group inequalities: a macro issue made visible in individual’s harms. One which resonates with Galtung (1990, p. 291) where structures such as ‘religion’, ‘language’, ‘art’, and ‘empirical science’, ‘legitimise direct or structural violence’. For those that view restorative justice as more aligned with processes, linearity and procedural justice; harm was more likely to be a micro issue, more directly relating to the individuals and perhaps also the immediate systems of their milieu. In this way, this theme suggests that by taking a philosophical approach to restorative justice, we are more able to understand harm is a public issue as opposed to a private trouble (Mills, 1956) and therefore have greater potential to work towards social justice. These ideas link directly to Theme 2, the idea that it matters how we think about harm.

Theme 2: It matters how we think about harm

Given that harm is a contextual event, the second theme highlights the ways in which individual and group context shapes harm and how it is understood. Participants discussed context in terms of geographic location, race, vocation, religion, and other instrumental characteristics. Moreover, the role of restorative justice was felt to be highly dependent on these contexts. For instance, in some cases restorative justice was being used as an emancipatory tool that was emblematic of broader social justice movements. This use of a restorative response could be considered as in opposition to cultural harm, therefore perhaps described as ‘cultural peace’ (Galtung, 1990). However, as Galtung points out, this use of a restorative process as cultural peace becomes a paradoxical issue as soon as it becomes ‘internalised’, embedded in culture, and made ‘obligatory’; due to its possibility of becoming cultural violence in itself (Galtung, 1990, p. 291); therefore, the positionality of restorative justice as ‘divergent’ could be considered as an important aspect of the way in which it addresses harm.

Nevertheless, participants felt that for restorative justice to become a part of a social justice movement, the power dynamics of that social movement need to be made explicit and integral to the understanding of harms. In the discussions, the group were particularly focused on the role that violence and inequality (in their many forms) play in the way in which harm is manifested during restorative processes. Participants spoke of the systemic roles played by issues such as racism, sexism, patriarchy, white supremacy, poverty, and war in everyday relationships. Where this became integral for the association between restorative justice and social justice was the importance of understanding these issues as, in varying degrees, fundamentally part of everyday conflict. The goal of a restorative process, therefore, was not just the restoration of the individual harm, but the desire to work towards addressing the wider social harm that underpins those relationships. For those that were using restorative justice as part of a social justice movement, discussion around harm included the historical and material circumstances underpinning the wider social justice issues:

... it can't really happen without most probably addressing some of the historic stuff which we see now, but I think it's ever present in society there's some aspect of historic. (Session 2)

These ideas speak to the need to understand harm within a temporal context, within which we can also see how the undertaking of power dynamics moves away from the individual towards the social – that harm is the underpinning contextual event, fundamental to shaping interaction. Failing to address this, some argued, was akin to reinforcing, tacitly or otherwise, those structures of oppression. An example of this came in discussion around the nature of restorative justice and social justice in South Africa. For some, South Africa resembled a model of restorative work that enacted social justice whilst conversely, others felt it an illusion of social justice.

without structural reform without revolutionary structural change, and those two don't mean the same, what we will have is what we have now continued post-apartheid inequality, inequity and decimation in many ways of progressive peoples hopes and struggles and in that context I would argue that what we're witnessing in South Africa is not a model of restorative justice... [or] social justice what we're witnessing, if anything is the illusion of it and the continued disempowerment of people. (Session 3)

Similar examples were given in the North American context, where there was concern that any adoption of restorative practices that didn't consider the broader underpinning social relationships and historical harms would not only fail in addressing inequalities but also risked reinforcing the status quo and undermining the social movements designed to address those issues. This theme leans into forms and concepts such as temporality, individual and collective harms, hierarchy and power – ideas which are further developed in theme 3.

Theme 3: It matters how we think about neutrality and power

The final theme is focussed on the central organising concept of the role of neutrality and the way in which it interacts with power structures to inform the restorative process. Neutrality is often regarded as an important aspect of a restorative facilitator's role, allowing them to mediate between the different participants in a process (Braithwaite et al., 2010); however, a social justice reading of restorative justice as existing in, and responding to systemic violence brings neutrality into question. The group felt that for restorative justice to enact social justice it could not emerge from a neutral standpoint, and that the inequalities that underpin social action must be acknowledged as influencing factors on the behaviour and experiences of all involved:

we need to be aware of our own internal biases and actually facilitators should be invested in their process and people rather than necessarily being neutral.

(Session 3)

This references how neutrality within an inequitable state is not neutral, a perspective that was foregrounded in the group data and the idea that restorative practice was in some cases reinforcing the underlying inequalities within the social and political systems. Achieving this, however, was understood to be challenging. Participants spoke about the need to be flexible and find your 'entry point' - both in practice and in policy. The group raised the need to think more critically about the nature of volunteerism, who can afford to volunteer, what characteristics this is likely to promote, what belief systems they embody and what their positionality is within the community. Understanding, acknowledging and acting on these characteristics seemed essential for restorative justice that enacts social justice.

Considering how these notions of neutrality link to power, participants made links back to the first two themes and how they might be manifested in practice. For restorative justice delivery to be part of a social movement, it was felt that it would need to move beyond the micro immediacy of repairing individual relationships and embrace relationships as

macro manifestations of historical and contemporary inequality that shape the power dynamics of society. However, to do this from a neutral perspective brings in significant added complexity. Participants felt that restorative justice was well placed to achieve social justice, however, neutrality needed to be considered both professionally and personally, “how we bring messages of justice of social justice to our children, how we teach them what justice is when we live in an unjust world... it's a very difficult concept... for us to be able to communicate (Session 2).

In terms of practice, it was felt that a full embodiment of transformative potential from restorative justice necessitated a personal employment of the principles by practitioners who were not neutral but invested individuals. Likewise, whilst the positionality of restorative practitioners was important, the way in which we understand individual accountability and responsibilities demanded equal consideration. This required acknowledgment of the existence of power and that by externalising oppression we are more able to address inequity, ‘For example, it is not possible for restorative justice to put a dent in racism, or sexism or homophobia (or whatever) unless we are willing to talk about it openly’ (Winslade, 2019, p. 284), a concept which requires us to focus on the societal power structures rather than individuals. This can be done through ‘externalising’ or ‘objectifying a problem’ while encouraging those involved to ‘disidentify with it’, creating an explicit stance: for example ‘Racist persons are not the problem; racism is the problem’ (Winslade, 2019, p. 285).

This was a mindset that the group data set acknowledged, referring to systems being bigger than individuals, and how these “systems are predicated on injustice... [and] that capitalism, patriarchy and racism are the foundations of many of our... societies” (Session 2), but that restorative justice did not always highlight this mindset, especially in situations where neutrality was being prioritised.

Key findings

Participants’ reflections highlight varied interpretations across different socio-political contexts, suggesting that although restorative justice may inherently hold transformative potential, its efficacy in fostering social justice is contingent on conscious integration of social justice considerations. This was presented in the data and discussion section across three themes constructed from all five online sessions leading to key findings (see Table 4).

Table 4 - Key findings

Key findings

Restorative justice can be conceptualised on a continuum between a process and an ideology. The way in which this is conceptualised by practitioners matters, both creating different affordances whilst reinforcing or challenging injustice.

Harm can be considered as an individual macro issue or one of a societal micro issue. This encourages us to consider the systemic roles played by issues such as racism, sexism, patriarchy, white supremacy, and how they directly and indirectly impact relationships.

Neutrality is important to restorative justice; however, neutrality is most often not neutral. When it is positioned within systems which seek to provide greater equity. Practitioners can therefore be seen as invested individuals, both within their professional and personal identities, where they may seek to externalise oppression.

The practice of alignment

Whilst restorative justice and social justice have many overlapping constructs, it is clear from the above three themes that there are many complexities to transformational restorative work that enacts social justice. This can be understood by considering the affordances of restorative justice; that restorative justice as a form is designed for a range of capacities and will be successful in many of them, however, that does not limit it to also being used in other ways. This, therefore, requires innovation to ensure the affordances of restorative justice address the inequities felt in society. Levine explores this through the example of the town square, a formal structure (likened here to the formal structure of the restorative process) which offers both affordances to public speaking, social control, and oppression, whilst at the same time, through innovation offers affordances to protests and public uprising (Levine, 2017). Put more simply, restorative justice when considered as a form can be afforded to challenging or reinforcing inequity, depending on its application, and therefore requires constant reflection on the ideas presented above in the three themes. These considerations, we suggest, afford restorative practice a position within which it is capacitating towards social justice. This innovation, however, needs constant reflection. A process which can take place through the following reflections for practice.

- i. Restorative justice programmes should explicitly associate their work with social justice, making it clear, not only what they stand for but how they put this into practice. These ideas ensure that their philosophy and values become

operationalised and that within their networks everyone can identify what it means when they describe a ‘philosophy in action’. There are many ways of doing this, however companies and practitioners can start by simply defining their values through tangible examples of practice, however small they may be.

- ii. Practitioners may weight their restorative enquiry towards societal harm rather than actions of individuals and specific situations. This does not mean that they need to replace all situational centred questions, but simply to expand these questions into the wider social inequity and how systemic violence impacts everyone involved. Practitioners wishing to find out more about this recommendation should explore the narrative enquiry work of Winslade (2019).
- iii. Where possible, practitioners and restorative companies may continue to identify as divergent entities despite the systematised and process driven structures they may exist within. It is recognised that this is a complex and carefully balanced position to hold, however the data shows how divergent ideas are needed to enact social justice and how neutrality is not neutral within inequitable systems.
- iv. Throughout this work practitioners are encouraged to champion the everyday, practical, and repetitive processes that embody restorative principles. It is recognised that over time ‘mundane’ practice has the potential to ‘shape human society’ (Levine, 2023, p. 19), albeit at a slower less aggressive pace.
- v. Practitioners and organisations are encouraged to normalise flexibility. This sits in contrast with institutions that are structurally and procedurally rigid, avoiding a one size fits all approach that potentially reinforces inequity.
- vi. Lastly, but perhaps most important in nature is the possibility of exploring the individual’s and group’s positionality within restorative organisations, considering carefully how this can reinforce or challenge inequity. This can be done through returning to earlier reflective considerations, through externalising the individual’s background, power, and role within the organisation. In doing

so individuals can talk openly about how these factors effect relationships and how inequities can be mitigated through intentional action.

These reflective considerations are not conceived as a set of steps for organisations to take towards achieving a finite, utopian position of social justice. Instead, we encourage them to be used as tools for cyclical reflection in recognition that the way in which we engage in the everyday is important. Conceptualising them in this way also highlights how organisational change is not always linear, can be in constant flux and that transformational change is often manifested through many iterations (see Figure 1).

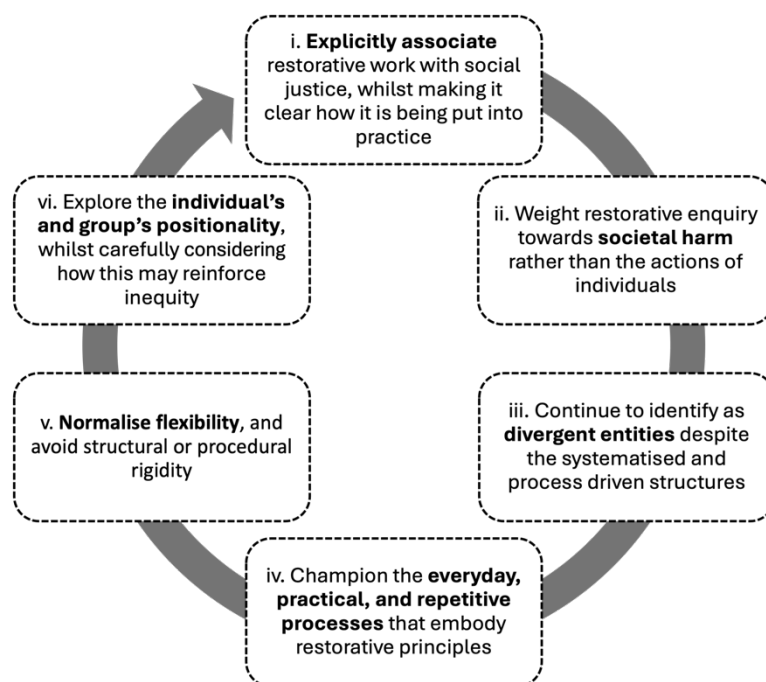


Figure 1 Practical tool for aligning restorative justice and social justice

Limitations

This study drew on data from a small group of invested academics, practitioners, and trainers from North America, Europe, and Africa. It is recognised that the group data set included a limited number of people; however, the more significant limitation is the omission of colleagues from wider geographic locations. That said, the purpose of the group data set was not that of generalisation or data saturation, instead the group represents strength in ‘information power’ (Malterud et al., 2016) due to the inclusion criteria for being in the group i.e., the need to be working within restorative spaces; the diversity of the group and the in-depth discussions which created strong dialogue.

Conclusion

This study was designed to explore how different forms of restorative justice coincide with struggles for social justice in different contexts. It did this by examining the discourse of a group of invested individuals, focusing on similarities and differences between restorative justice and social justice, the underpinning narratives of violence and inequality, and what was needed to enact social change whilst working in the restorative field. It argues that the interactions between restorative justice and social justice are complex and multi-layered, however, within the group there were individuals who felt restorative justice not only had the potential to enact social justice, but that this was a desirable and achievable outcome, albeit one not without significant challenges. The discussions suggest that restorative justice does not enact social justice by default, that there is a need for action and an understanding of specific creative and inventive practice that enables restorative justice to be contextualised, to externalise systemic problems and highlight power imbalances in a carefully navigated way.

In this vein, and in contributing to the wider debates in the field, we argue that restorative justice should not be seen as apart from the broader and particular social contexts in which it exists. Struggles for social justice, institutionalised imbalances of power, historical inequalities shape the everyday nature of social existence, and to divorce a restorative process from these considerations fails to understand the realities of everyday life. Restorative justice is fundamentally a part of broader issues, and we suggest practice and theory should reflect this. It is understood by the researchers that this represents hard work, and that many barriers exist to this work. However, it is our aspiration that by providing clear and direct considerations for practice; practitioners will be able to make small, measurable changes which aid their journey towards greater alignment of restorative and social justice. Moreover, it is our aspiration that researchers will use these considerations as indicators of practice that is aligned with social justice, exploring them through new empirical studies and therefore providing explicit examples in the academic literature that inform policy and practice.

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