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Editorial: Restorative Justice and Complex Cases – Dispelling Myths, Special Issue Restorative Justice and Complex Crimes, ISBN: 978-1- 911634-05-8

Theo Gavrielides

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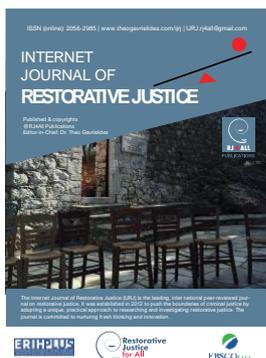


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Editorial

Welcome to the second Special Issue of the [Internet Journal of Restorative Justice \(IJRJ\)](https://www.theogavrielides.com/ijrj). The [first Special Issue](https://www.theogavrielides.com/ijrj)¹ focused on celebrating five years since the journal’s establishment. It is with great pride and indeed honour that I am writing this Editorial. Eight years after its inception, the journal has established itself as the leading, international peer reviewed publication dedicated to restorative justice. There is still much to learn about restorative justice, and our publication aims to bridge a gap in academic, policy and practice knowledge. Since our establishment, the primary aims of the journal remain the publication of scholarly and peer-reviewed articles of the highest standard from various areas of expertise including but not limited to restorative practices in schools, neighbourhoods, organisations and businesses, family matters and (youth) care, the criminal and juvenile justice systems, prisons, and the community.

Why Restorative Justice With Complex Cases?

We chose a difficult and controversial topic for our second Special Issue, because we believe that it is through challenging and evidence-based debates that we can progress knowledge and practice.

¹ <https://www.theogavrielides.com/si-ijrj>

Since the re-birth of restorative justice in the 1970s, we have seen an unprecedented volume of academic and policy discussions on its potential. Braithwaite (1999), Christie (1977) and Zehr (1990) spoke about the transformative potential of its paradigm and its 'changing lenses' on how we view crime. Barnett (1977) spoke first about a 'paradigm shift', claiming that we are living a "crisis of an old paradigm," and that "this crisis can be restored by the adoption of a new paradigm of criminal justice" (244).

Numerous state and independent evaluations of restorative practices have also been carried out. Consequently, commentators noted, "The evidence on restorative justice is far more extensive, and positive, than it has been for many other policies that have been rolled out. restorative justice is ready to be put to far broader use . . ." (Sherman and Strang 2007: 4). However, restorative justice is still far from being mainstreamed or even accepted as an official response to crime.

This is particularly true when it comes to serious crimes. Subsequently, this Issue focused on developing a more in-depth understanding of restorative justice with complex cases. The Issue's philosophy is based on the premise that the restorative justice rhetoric should be on the development of restorative practices, processes and principles and not on the superiority of the restorative justice paradigm.

The Issue is also based on the premise that claims about restorative justice and any criminal justice policy must be evidence driven. Interestingly and against statements in the media and political speeches, the scant evidence suggests that the more complex and serious the crime is, the most likely victims would opt for restorative justice (Gavrielides, 2018). This is aligned with the reasons they would prefer restorative over criminal justice. These include making a difference not so much for them, but for the offender and the community. It is also apparent that it is more likely for offenders to opt for restorative justice than victims. Again, unlike what many tabloids have reported, this is not to get "off the hook", but to help make a difference for the victim. They also want closure for themselves, and to

be able to move on and heal. It must be pointed out that restorative justice engages with offenders who had admitted guilt and are genuinely ready to engage in dialogue.

This Special Issue

It is an honour to open this Special Issue with a paper by Professor Acorn, who has been a long sceptic of restorative justice. Titled “Healing the Will to Annihilate: Can Restorative Justice Restore After Hate-Crime”, Acorn draws on Aristotle and William Ian Miller to analyse hatred as a belief in the desirability of the non-existence of the other to inquire into the relationship between hatred as an emotion and hate crime as a social phenomenon. I have argued elsewhere (Gavrielides, 2012) that hate incidents are complex phenomena that involve multiple power relationships that put restorative justice into questioning. Acorn’s paper examines the particular difficulties hatred as an emotion may bring to the restorative process. Acorn argues that despite the many benefits that restorative justice may have in healing the harms and causes of hate crime, it fulfils the expressive role of authoritative state repudiation of prejudiced belief. The paper argues that this drawback of restorative justice may be problematic in the current political climate where it is increasingly unclear as to whether states repudiate or endorse beliefs in the desirability of the non-existence of minorities who are the victims of hate crime.

The second paper by Barefoot could not be more timely. Titled “Finding Justice for Black Women: Towards a Black Feminist Praxis of Addressing Gender-Based Violence Using Restorative Justice”, takes the debate on restorative justice and race equality a step further. I have written about how under-researched this area of practice and theory is (Gavrielides, 2014), and this paper brings to light some new evidence and arguments on the topic. Barefoot argues that despite restorative justice’s intersectional roots, its scholarship often erases the contributions and experiences of Black women leading to gender-only analysis of sexual assault and domestic violence. The paper examines the gap between restorative justice scholarship and grassroots women of colour-led restorative justice practices in relationship to Black feminist theory. Barefoot presents evidence from an intervention that

uses a Black feminist praxis to provide a holistic approach to gender-based violence by centring women of colour to address gender-based violence. The paper argues that by starting and continuing to follow the work of women of colour, restorative justice can better meet the needs of survivors by expanding beyond a gender-only analysis to an intersectional analysis; allowing the practice to better meet the needs of different groups of survivors.

Bromwich then writes about “Restorative Justice Processes and Complex Cases Involving Corporate Liability for Environmental Harms in Canada: Pitfalls, Problems, Promise and Potential”. This paper specifically considers the potential criminal and regulatory liability of oil and gas companies for environmental harms. Working from the example of Environmental Justice Forums now being used as a restorative measure in the Canadian province of British Columbia, Bromwich critically assesses problems with, and considers the potential of, using restorative justice principles as frameworks around which to design mechanisms to govern the conduct of large corporations.

Devi-McGleish and Cox, then look at “The use of restorative justice in large-scale financial fraud offences”. Cases of financial fraud can be particularly complex when identifying culpability within an organisation, and also victims, who may not be aware of their victimhood. Alongside discussion of the complexities of using restorative justice for large-scale financial fraud, the paper draws on various cases of fraud and the resultant public apology from the early 18th century onwards. Several forms of what we now term restorative justice are illustrated from before the modern-day resurgence of this type of justice.

Subsequently, Kalemi et use the results of their empirical study at the Greek Detention Department of prison “Koridallos” with 27 HIV – positive sex workers who were arrested and prosecuted under the charge of attempting both serious and intended physical injury. The authors claim that during the interview process it became evident that those women had been living as both victims and offenders, since patterns of recurring physical and/or sexual abuse were present throughout their childhood and adult life. Most of those women viewed past trauma experiences as a baseline for tolerating the current stigma and secondary victimization. Many of them had chosen not

to reach out to their families and preferred to receive support from other sex workers- fellow prisoners and professional staff. Within this context those women received care, developed mutual understanding and felt safe to share their stories as both victims and “offenders” gradually refraining from self – harming behaviors. The paper examines whether this approach could be a restorative justice one as opposed to the one that prisons are used.

Radhi then looks at “[restorative justice and marijuana legalisation](#)”. She investigates the US Marijuana Justice Act 2017 as she claims that it prompted the employment of restorative justice theories in an entire new context: to repair the historical damages to minority communities from ‘the war on drugs.’ The article advocates for the use of restorative justice to address current and past serious criminal offences.

Finally, Walker, Rodgers and Umbreit, in “[What is Restorative Justice about Teen Court?](#)”, present the original results of a recent study that randomly reviewed 164 teen court websites for American programme and found 32 claimed to be restorative. The study applied the teen court process to criteria for restorative programmes established by Eglash (1977) and Christie (1977) which determined teen court is not restorative. The authors claim that teen court is an autocratic and adversarial process used primarily for determining punishment. The paper then critically explores how teen court programs can be restructured into restorative justice programs looking at two former teen court directors who turned their programmes into restorative ones.

The Special Issue concludes with a review of one of our latest books Gavrielides, T. (2018). [Human Rights and Restorative Justice](#), London: restorative justice4All Publications. ISBN 978-1-911634-00-3.

About the IJRJ

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References

- Barnett, R. (1977) 'Restitution: A New Paradigm of Criminal Justice', *Ethics: An International Journal of Social, Political, and Legal Philosophy* 87(4), 279-301.
- Braithwaite, J. (1999) 'restorative justice: Assessing Optimistic and Pessimistic Accounts', *Crime and Justice: A Review of Research* 25, 1-127.
- Christie, N. (1977) 'Conflicts as Property', *British Journal of Criminology* 17(1), 1-15.
- Eglash, A. (1977) 'Beyond Restitution: Creative Restitution', in J. Hudson and B. Galaway (eds) *Restitution in Criminal justice*, Lexington, MA: DC Heath and Company.
- [Gavrielides, T. \(2018\). "Victims and the restorative justice ambition: A London case study of potentials, assumptions and realities". *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*.](#)
- Gavrielides, T. (2018). [Human Rights and Restorative Justice](#), London: restorative justice4All Publications. ISBN 978-1-911634-00-3.
- Gavrielides, T. (2012). ["Contextualising Restorative Justice for Hate Crime"](#). *Journal of Interpersonal Violence* Vol 27, Issue 18, pp. 3624 – 3643. <https://doi.org/10.1177/0886260512447575>
- [Gavrielides T. \(2014\). "Bringing Race Relations into the Restorative Justice Debate". Vol. 45: No. 3, *Journal of Black Studies*, pp. 216-246. doi/abs/10.1177/0021934714526042](#)
- Sherman, L. and Strang, H. (2007) *restorative justice: the evidence*. London: The Smith Institute.
- Zehr, H. (1990) *Changing Lenses: A New Focus for Crime and Justice*, Scottdale, Pennsylvania Waterloo, Ontario: Herald Press.