

**Diversity in Restorative Justice:  
A Research Practicum Report**

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## DIVERSITY IN RESTORATIVE JUSTICE

### **Abstract**

The research report focuses on the notion of restorative justice, which attempts to address the harm caused by the criminal acts, as well as underlying structural issues and issues of power and privilege. Restorative justice is fairly inclusive in terms of involving the victim, offender and the community. Restorative justice includes the ideas of dialogue and story-telling, which align with anti-oppressive approaches by giving people opportunity to voice their views and be involved in addressing crimes and conflicts, which can be empowering. Restorative justice also grapples with structural issues, oppression and the increasing diversity in Canadian society. The report addresses practices that could make restorative justice more responsive to the needs of diverse clients including integrating restorative justice with cultural safety and moving towards structurally transformative restorative justice by addressing issues such as racism, marginalization and poverty. Providing restorative justice practitioners with training in various areas such as cultural safety, intersectionality, application of anti-oppressive approaches and how to link their daily work with larger structural issues also is discussed.

Over-representation of Indigenous people and racialized ethnic groups in the criminal justice system and limited literature on power, privilege and ethnicity in relation to restorative justice leads to the question of how power and privilege affects the practice of restorative justice in a diverse society.

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## **Introduction**

The primary purpose of this report is to discuss restorative justice in the context of the growing diversity in Canada, and to examine how aspects of structural oppression have influenced development of restorative justice practices. The methodological approach involved secondary data analysis. The literature review was based on developed countries and therefore looked at journal articles, research studies, books and book reviews mostly from Canada, New Zealand, Australia, the United States of America, Finland and Norway and analysed how diversity has been incorporated in restorative justice. The theoretical approach adopted for this research is based on power, privilege, and intersectionality perspectives, anti-oppressive practices and Marxist criminology. Diversity in restorative justice is a fairly new area so there is scarce literature on this topic. Therefore, most of the literature was drawn from general sources about restorative justice, Indigenous justice issues and anti-oppressive practices.

Diversity in restorative justice is an important topic because changing immigration patterns provide an opportunity to educate ourselves about power and privilege and injustices in society and how they affect our daily life. Failure to do so will increase the potential for crime and marginalization of racialized ethnic groups. Wood & Suzuki (2016) indicate that racism and discrimination are extensive in the western criminal justice system, which reflects social stratification and marginalization. The racism manifests itself in the over-representation of Indigenous people and various ethnic minorities in the justice system. Similarly, debates about the tragic cases involving police shootings and members of minority groups are other examples of racism in the United States that has advocates talking about whether restorative justice can help. It is important for Canadian restorative justice practitioners to also start considering this subject of diversity.

For the past ten years, I have worked with young offenders and often support youth who through the court have been referred to alternative measures programs. This led to my interest in wanting to explore and learn more about restorative justice. Therefore, my research practicum at the Ministry of Justice, Community Service Branch was able to provide me the opportunity to do so.

Throughout my research practicum, I was involved with the Federal-Provincial-Territorial Working Group on restorative justice as a subcommittee member for the diversity in restorative justice project. The Federal-Provincial-Territorial Working Group on restorative justice involves Justice Canada, Correctional Service Canada, Public Safety and Emergency Preparedness Canada, the Royal Canadian Mounted Police (RCMP), and the National Parole Board. This Working Group was created due to the growing interest in restorative justice in Canada. Its role is to coordinate discussions on administrative, policy and evaluation of matters that emerge from the implementation of restorative justice and related alternative criminal justice programs.

I was a part of the restorative justice diversity subcommittee, which included government officials from Saskatchewan and the government of British Columbia. We met monthly through conference calls and discussed matters related to diversity in restorative justice. My role on the subcommittee included conducting a literature review report on diversity in restorative justice. This report was requested to inform the Working Group on future programs on diversity in restorative justice. Upon completion of the report, I did a presentation to the Federal-Provincial-Territorial Working group on February 03, 2017.

On August 17, 2016, I did a presentation of this report to my academic committee and University of Regina faculty of social work staff and students. I also applied and was accepted to

present this report at the 1<sup>st</sup> International Peace and Conflict Studies Graduate Student Conference, at the University of Manitoba. The theme of the conference was Peace Leadership. I attended the conference and presented on October 22, 2016.

Restorative justice is an innovative approach to crime and conflict that is increasingly being used in Canada. The approach draws on the histories and cultural practices of many people across the world, and is used both in the criminal justice system and in civil society to resolve conflicts (Wachtel & McCold, 2001). Changing demographics, globalization and immigration have resulted in Canada becoming more diverse (Mirchadani & Chan, 2001). For diversity to be addressed in restorative justice, there is a need to understand how structural factors such as social, economic, and political realities, power and privilege, and intersecting factors such as race, class, gender and sexual orientation impact daily experiences of people (Mullaly, 2010). As mentioned above, restorative justice draws its influences from many cultures but has simultaneously been heavily shaped by Eurocentric values and thinking. Therefore, it is important for restorative justice to consider and incorporate diverse approaches to address these varying issues.

This paper focuses on diversity in restorative justice within the criminal justice system. First, it defines restorative justice and discuss how it is practiced in Canada, including the dialogue process and basic principles of this approach. Next, the types of restorative justice processes in Canada such as victim offender mediation, Indigenous circles, conferences, and community and youth justice committees are explored. Macro subjects related to diversity and restorative justice such as patterns of immigration to Canada and multiculturalism are presented. The over-representation of Indigenous people and racialized groups in the criminal justice system are presented.

In the theoretical perspectives section, the causes of crime in the society are discussed from a Marxist criminology point of view. Power, privilege and intersectionality perspectives and how they shape experiences of those marginalized in the society are analysed, and how anti-oppressive theories are used to promote social justice by addressing unequal power relations and systems of oppression to decrease or eliminate marginalization and oppression in the society.

In the analysis the key findings are presented including:

- The need for more research,
- Incorporating cultural safety,
- Addressing “one size fits all” assumptions about restorative justice,
- Increasing awareness of intersectionality,
- Incorporating anti-oppressive approaches, and
- Incorporating interdisciplinary approaches.

Different ways and roles on how social work can be involved in strengthening diversity in restorative justice are discussed in this section titled Implications of diversity in restorative justice to social work.

The conclusion section provides an overall summary of the report. Identified gaps in diversity in restorative justice are highlighted. For instance, structural issues which are the root causes of oppression and marginalization of Indigenous people and racialized ethnic groups are presented. Hence, this has led to their over-representation in the criminal justice system. Suggestions and recommendations are provided that could help address the structural issues. These suggestions include training restorative justice practitioners on application of anti-oppressive approaches, cultural safety, intersectionality to enhance inclusion and diversity in restorative justice.

## Literature Review

### Development of Restorative Justice

As restorative justice is still developing and our understanding and practices continue to expand and adapt, there is still no single, universally accepted definition (Leonard, 2011). However, a central feature of existing definitions includes some concept of repairing the harm caused by the crime and reinstating the parties to a state of wellness or wholeness as much as possible after the criminal act (Cormier, 2006). In this paper, restorative justice will be defined as:

An approach to justice that focuses on addressing the harm caused by crime while holding the offender responsible for his or her own actions, by providing an opportunity for the parties directly affected by the crime - victim(s), offender and community - to identify and address their needs in the aftermath of crime. (Federal-Provincial-Territorial Working Group on Restorative Justice, 2009, pp. 1)

Thus, restorative justice supports healing and reintegration, prevents future harm and provides reparation where applicable.

Restorative justice emerged in the 1970s as a grassroots community-based movement. Four main approaches are believed to have contributed to the development of restorative justice:

- Approaches based on practices of Indigenous people in Canada and all over the world
- the development of victimology and victim's advocacy
- the community-based corrections movement and efforts to rehabilitate offenders
- The work of faith communities in prison ministry and addressing social justice issues (Tomporowski, Buck, Barga & Binder, 2011).

In Canada, restorative justice developed from experimentation by community members and justice officials who were pursuing a better approach to dealing with crimes. For over 30 years, restorative justice has been integrated into the Canadian justice system in one way or the other (Tomporowski et al., 2011). For instance, in 1996 the *Criminal Code of Canada* was amended to authorise community-based sentencing alternatives for adults, and in 2003 the *Youth Criminal Justice Act* (Y.C.J.A) increased the use of restorative justice by including provisions for referring youth to extrajudicial sanctions. Now, in every province and territory there is some restorative justice taking place, although the number of cases and programming varies (Tomporowski, 2014).

In restorative justice, crime is viewed as a violation of personal and social relations, therefore impacting the stability of a community (Umbreit, 2000; Zehr, 2002). In restorative justice, justice begins with concerns for victims and their needs and seeks to repair the harm caused on them as much as possible both concretely and symbolically (Zehr, 2002). The victim, offender and the community work collaboratively to ensure accountability and repair the damage caused as much as possible given the kind of crime and harm experienced by the victim and the community (Umbreit, 2000). Restorative justice is not limited to first time offenders or minor forms of crime, it is also used with violent and serious offenses. Available academic literature indicates:

That restorative approaches may have the greatest impacts in more severe cases.

Moreover, if the principles of restorative justice are taken seriously, the need for restorative approaches is especially clear in severe cases where the greatest harm has occurred. (Zehr, 2015, pp. 17)

Offenses that include power imbalances such as domestic violence, child sexual abuse, hate crimes and bullying can be particularly challenging for restorative approaches. Thus, it is an obligation for restorative justice facilitators to be well trained regarding the underlying issues in these matters, and restorative program designs have to take into account the potential for violence and power imbalances (Zehr, 2015). This issue will further be discussed in the analysis.

According to a report by the Federal-Provincial-Territorial Working Group on Restorative Justice (April 2, 2016) which provided a snapshot of how restorative justice is used in Canada, thirteen ministries funded or supported over 400 restorative justice programs within the criminal justice sector in 2009/2010 and approximately 34,000 adults and youth criminal matters were facilitated with restorative justice. The referrals were from the pre-charge, post-charge, post sentencing and reintegration phases of the justice process. The report also indicated that the most commonly used restorative justice processes were conferences, victim-offender mediation and Indigenous circles. This report does not include information from Quebec and Prince Edward Island.

In 2004, Justice Canada published Canadian values, guidelines and principles for restorative justice in the criminal justice system. Recently revised drafts of these Canadian documents note that restorative justice can incorporate different cultural and spiritual practices, thus respecting individual and community diversity, and that participation in restorative justice is voluntary (Federal-Provincial-Territorial Working Group on Restorative Justice, 2016).

Restorative justice includes collaborative processes, inclusiveness and consensual outcomes. It emphasizes the significance of participation for those impacted by the crime. This is usually through direct, facilitated, face-to face meetings involving adequate screening, preparation and safeguards. A meeting enables those harmed and causing harm to discuss what

happened, provides an opportunity to ask questions of each other and consider how to repair the harm caused by the offence (Zehr, 2015). However, a direct meeting might not always be possible as the victim may not be willing to meet the offender, and in some circumstances a direct meeting with the offender might not be safe or appropriate. If a victim wishes to participate in some form of restorative justice that does not involve a face to face meeting, indirect encounters such as a letter, video exchange or use of a surrogate who represents the victim can be utilized. Every effort is made to ensure that there is maximum involvement and exchange of information among those impacted by the crime and that they have the opportunity to participate in the way they wish (Zehr, 2015).

### **Stages When Offenders are Referred to Restorative Justice**

There are four stages at which offenders are referred to restorative justice in Canada:

- police (pre-charge and post-charge),
- Crown (pre-charge, post-charge and pre-conviction),
- courts (pre-conviction, post-conviction and pre-sentence), and
- corrections (post-sentence and reintegration) (Goff, 2008; Tomporowski et al., 2011).

Many restorative justice programs funded by federal, provincial and territorial governments in Canada currently focus on pre-charge and post-charge offences (Federal-Provincial-Territorial Working Group on Restorative Justice, 2016).

### **Dialogue Process in Restorative Justice**

Dialogue is vital to restorative justice because it help to develop the process and the structure for safe and respectful engagement and the opportunity for healing, accountability, and life changing outcomes for involved parties. Even though there are variations in restorative

justice processes, the dialogue process usually has three phases: the preparation, a dialogue meeting which includes storytelling and reparation, and follow up (Umbreit & Armour, 2010). The dialogue process in restorative justice begins when a case is referred to a restorative justice program. Most restorative justice programs in Canada are run by community-based agencies, faith groups and probation departments. Usually restorative justice referrals come from a judge, prosecutor, defense attorney, police officer, probation officer or victim advocate (Beck & Wood, 2011; Umbreit & Armour, 2010).

First, when the facilitator receives a referral he/she gathers all the relevant information about the case, the offense and the participants. This information can include any available assessment of the offender, the victim's personal statements, and information about the victim and offender such as their culture, spiritual and language needs. The preparation process includes initiating contact with the participants, meeting with each individually and explaining the dialogue process, expectations and objectives, reviewing any concerns, identifying needs, building rapport, and assessing safety and readiness to participate. If the victim and the offender show interest in participating in the restorative justice process, the facilitator prepares them for the dialogue meeting including setting ground rules and confidentiality rules (Beck & Wood, 2011; Umbreit & Armour, 2010).

The role of the facilitator is significant because when people are hurt and angry, it can be challenging to start a dialogue. Therefore, the facilitator sets the stage for what will happen by preparing the participants, providing a safe environment for discussions, starting the dialogue and introducing processes such as opening and closing rituals. The facilitator also provides the opportunity for participants to engage and resolve their concerns without taking sides. He/she ensures the offender understands the impact of the crime and supports the participants in making

a decision to resolve the harm, intervenes where necessary, formalizes any agreements made in the session and does follow up (Umbreit & Armour, 2010).

Second, restorative justice dialogue involves story-telling of the story and coming to consensus on reparation or what, if anything, the offender can do to make amends. Through storytelling, participants communicate their thoughts, experiences and feelings, regarding the impact of the crime. Listening and validating a person's story is empowering to them and arouses empathy. Reparation can include negotiations on losses caused by the crime as well as many other outcomes. This can include restitution, the offender taking steps to change his behavior such as attending anger management classes, writing an apology letter, or doing community work (Umbreit & Armour, 2010).

Third, the dialogue process also involves the follow up stage. Follow up is crucial as it ensures support and holding offenders accountable. The dialogue process requires key participants to gather and discuss what was achieved or not achieved and whether alternate arrangements can be made to fulfil pending goals (Umbreit & Armour, 2010).

Dialogue is a key when addressing diversity in restorative justice, as power imbalances in relation to race, class, culture, gender, sexual orientation and religion can occur. Power imbalance already occurs between a victim and offender when an offence takes place because many victims feel powerless and degraded. Through restorative dialogue processes, accountability, forgiveness, healing and restoration can take place. However, the power imbalances and inequalities between the victim and the offender may be deeply rooted in social inequalities, economic disparities and histories of social conflicts. For instance, when an Indigenous youth offender participates in a victim-offender conference in which the victim and the facilitator are from the dominant group, there may be differences in culture, age, and social

relationships in terms of power, privilege and the experience of oppression. During restorative dialogue these issues can come to light (Umbreit & Armour, 2010). It is therefore critical for restorative justice to consider the impacts of power imbalances, inequalities and oppression.

### **Role of Participants in Restorative Justice**

#### *Role of the victim*

Crime and its aftermath can be daunting for the victim, as they are likely to experience emotional losses, as well as physical harms and bearing the stigma associated with being a victim. The victim may also feel that they are inadvertently responsible for instilling fear in the community by making other people feel vulnerable or afraid that it could happen to them too (Van Ness & Strong, 2015). Umbreit (2000) indicates that restoration for victims of crime can take place when they have the opportunity to choose to be involved in the justice process. This enables the victim to feel validated as the individual who has been hurt. The victim may receive an apology, restitution, or have the offender make some other kinds of amends. Through restorative justice approaches, the victim can tell how the offence has impacted them and can come to a resolution with the offender, thus restoring peace in the community (Zehr, 2015).

#### *Role of the offender*

Restoration for the offender can occur if he has the opportunity to accept his responsibilities and obligations towards the victim and the community (Umbreit, 2000). Offenders must accept responsibility for the crime they have committed, take steps to be accountable, identify their needs, understand the effects of their crime on the victim, offender's family and the community as a whole, and take part in the process of resolving the harm. Depending on the nature of the crime the offender may demonstrate that he accepts responsibility by paying restitution or taking other steps to make amends. Restitution may not be relevant to the

victim in cases of personal harm, but the victim might still want an apology or for the offender to do something practical or symbolic to demonstrate that they are sincere and willing to make amends (Van Ness & Strong, 2015).

According to Zehr (2015), if harm and causes are to be truthfully addressed, the harms that offenders have experienced need to be acknowledged. Studies have shown that many of the people who offend have been victimized or traumatized and see themselves as victims, and committing crime can, at times, be a reaction to dealing with their own sense of victimization (Van Ness & Strong, 2015). In some cases, it is beneficial when the offender's past history of victimization is acknowledged however, in other cases the offender's perception of being a victim has to be challenged (Zehr, 2015).

#### *Role of the community*

Communities have an obligation to sustain harmony, to acknowledge and deal with the root cause of crimes, and ensure victims and offenders are restored to the community (Harris, 2008). "Community" is a broad term that encompasses race, gender, age, language and geographic location. In this paper, it includes the victim, offender and all those affected by the crime and seeking to resolve the matter in non-violent ways (Shantz, 2008). Community is comprised of networks of associations that connect people based on mutual interests and obligations. People may be members of numerous communities, for instance, family, work association, and friendship networks (Law Commission of Canada, 1999).

Harris (2008) states that the realization that all crimes are concerns of the community is a key to the development of restorative justice. Crime takes place in communities, those victimized by the crime are part of the community, and those who commit crimes have to be integrated from prison to the community. According to the Law Commission of Canada (1999), community is

where justice is realised and where social transformation takes place. Crimes impact the community in different ways, for instance, community members get harmed by the offence or feel threatened, bear the economic costs of crime and the crime may reveal social issues that the community needs to deal with in order to reduce the potential for future crimes (Van Ness & Strong, 2015).

Order, stability, nurturing, and group solidarity is often associated with community. However, community can be both inclusive and exclusive. For example, some groups may have greater powers or advantages based on their political affiliation, race, gender, class, age and/or religion. A community may consist of groups who differ on what might be termed as acceptable and not acceptable behaviour, and some groups may feel pressured to conform in order to fit in (Law Commission of Canada, 1999). Thus, for restorative justice to embrace diversity, it needs to clearly understand the complexity and tensions that exist within a community as well as the connections that bind it. Having more just and peaceful communities will require eliminating marginalization, and not assuming that people who share ethnicity or live in the same geographical region share the same interests (Brooks & Lopez, 2015). “To build community requires awareness of the work we must continually do to undermine all the socialization that lead us to behave in ways that perpetuate domination” (Hooks, 2003, p. 36).

Active involvement of the community is a significant aspect of restorative justice implementation. Community is victimized by the occurrence of offences. Involving community members in restorative justice processes can be empowering and enable the community to become stronger, more capable of resolving its own conflicts. It can build the capacity to reduce crime. For instance, when community is involved in restorative justice, that becomes an opportunity for people to meet one another. Since neighbors are no longer strangers, informal

social control is increased (Rosenblatt, 2015). When community members meet, this gives them the opportunity to give voice to many aspects of harms they face, express disapproval of criminal behaviors, show solidarity with victims, and clarify a collective agreement to social rules. They hear the offender take responsibility and make efforts to repair the harm as much as possible, and establish resources to help the victim and the offender (Sharpe, 1998). Crime and conflict can bring pain and suffering but also present an opportunity for growth and development. For instance, realizing social issues impacting the community and addressing those issues could reduce crime in the community. Thus, through restorative justice approaches, the community should respond to crime and conflict in ways that lead to social transformation (Law Commission of Canada, 1999). Moreover, according to Umbreit (2000), restoration for the community can happen if resources are established to deal with the needs of the victims and offenders and to prevent future criminal acts. The community's primary goal is to restore a sense of safety, which is one of the immediate needs of victims who are affected directly by a crime. For example, the community can meet this need by providing resources such as shelters and assistance in securing the victim's home (Sharpe, 1998).

#### *The role of the formal justice system*

The formal criminal justice system often holds offenders accountable through punishment and the offender is not encouraged to understand the consequences of his criminal acts and how the crime impacted the victim and society (Zehr, 2002). Proponents of restorative justice argue that real accountability involves facing up to what one has done and to the people who have been harmed, encouraging the offender to understand the impact of their criminal act and taking actions to repair the harm caused. This form of accountability involves all those who have been impacted by the crime and encourages healing, recovery, restoration of peace and justice (Zehr,

2015). Yet, while restorative justice is often contrasted with the formal criminal justice system, it is not an alternative to the current system, it is integrated into the system to some extent and has the unique philosophy of involving the victim and the community (Goff, 2008).

### **Types of Restorative Justice Processes in Canada**

In Canada, there are four basic types of restorative justice processes: victim-offender mediation, conferences, Indigenous circles and justice committees. These processes can be adapted in many ways in regards to the needs of those involved and the type of services offered by the restorative justice agency (Tompson et al., 2011).

#### *Victim-Offender Mediation*

Victim-offender mediation began as an experiment to help young offenders recognize the harm they caused and apologize to the victims. While preparing a court report for the judge in Elmira, Ontario, in 1974, Mark Yantzi, a probation officer had a conversation with Dave Worth, a volunteer from the Mennonite Central Committee regarding the two youth who had pleaded guilty for vandalizing cars and houses. During their conversation, they thought it would be beneficial for the offenders to meet the victims, apologize and pay restitution. The judge agreed that Yantzi and Worth should take the youth to apologize, which led to the development of victim-offender mediation (Van Ness & Strong, 2015).

Today, victim-offender mediation includes a facilitated dialogue between the offender and the victim by trained mediators who help the participants communicate in a safe and structured environment (Tompson et al., 2011). The goal is to have the victim and offender, with the help of a mediator, express their feelings, reach new understanding and make decisions together on how to repair the harm done. The mediator has to be unbiased and his major role is to guide the offender and the victim through the restorative process. This is done by helping each

party express their views and feelings, and focuses the discussion on the key areas to explore those areas more deeply (Sharpe, 1998).

### *Conferences*

Conferences originated in New Zealand, where the Maori people were concerned about the involvement of their youth with the criminal justice and child protection systems and the inability of those systems to deal with the criminal behavior and social issues effectively (Sharpe, 1998). In 1989, the New Zealand government implemented *the Children, Young Persons and Their Families Act*, making family group conferences a step to be taken in facilitating most matters involving children/youth and their families (Van Ness & Strong, 2015).

The family group conferences involve offenders, victims, facilitators and supporters who may be family or non-family members. For example, a supporter for the offender could be anyone who is close to and respects the offender, and is willing to support him or her through the journey of making matters right. The supporters are significant players as they know the person as more than an offender, and ensure they follow through on what is agreed upon in the conference (Sharpe, 1998). In Canada, both victims and offenders are allowed to bring supporters, and the family group conferences model has also been adapted into community justice forums in which the facilitator uses a script and a police officer is often the person mediating the cases (Tompsonski et al., 2011).

### *Indigenous Circles*

Indigenous circles emerged at approximately the same time as family conferencing and reflect Indigenous people's understanding of justice. The circles are known by numerous names such as sentencing circles, community circles, and healing circles (Van Ness & Strong, 2015). The first known application of circles was in the Yukon Territory of Canada by Judge Barry

Stuart in 1981 when he repeatedly saw the same people coming back to the court. He asked the community to assist him in finding sentences that encouraged rehabilitation. He invited elders to sit in on a case and engaged with the community members while seated in a circle, and the term circle sentencing originated from that (Sharpe, 1998). Circles usually have more individuals involved than victim-offender mediation and conferences. Participants can include community members, justice officials, family members, and others, including various professionals (Tomporowski et al., 2011). Ideally, circles bring all the participants together and participants have an equal voice without any hierarchy. However, one criticism of sentencing circles is that the judge retains the power to determine the sentence and can reject the circle's recommended actions (Sharpe, 1998).

#### *Community and Youth Justice Committees*

Community and youth justice committees are widely used across Canada. The committees are made up of community volunteers who discuss matters that concern the community with the police and other justice agencies. The committees are involved with at risk groups, and take part in crime prevention and public education regarding crime. Some committees also are involved with resolving youth and adult criminal matters that are referred as alternative measures under the *Criminal Code* or youth extrajudicial sanctions under *the Youth Criminal Justice Act* (Tomporowski et al., 2011).

### **Macro Subjects Related to Diversity in Restorative Justice**

#### *Patterns of Immigration to Canada*

Canada is a country of immigrants, with the exception of Indigenous people who are the original occupants of the land (Simmons, 2010). Foreign ancestors of Euro Canadians arrived in Canada in the 16<sup>th</sup> and 17<sup>th</sup> century, mostly English and French traders and settlers. After the

establishment of British Colonial governance in 1763, settlement projects brought in new influxes of European-origin immigrants and United Empire Loyalists from the United States. The mass immigration that has led Canada to be a multi-ethnic nation began slowly after Confederation in 1867, followed by waves of immigrations in the 1800s and early 1900s that reached a peak of 400,000 immigrants just before the First World War. During the Two Great Wars and the 1930s depression, immigration largely closed down due to economic downturn, but resumed at a high level after the Second World War (Simmons, 2010).

In the contemporary period, Canada's cultural diversity has continued to grow. Immigration has been utilized to grow the economy and meet the challenges associated with an aging population and low birth rates (Antoine, Luc & Ekrem, 2012). Thus, immigration levels have stayed relatively high, with more immigrants coming largely from non-European countries in Asia, Africa, the Caribbean and Latin America (Simmons, 2010). Canada also has a history of resettling refugees from war-torn countries and providing asylum to persecuted persons. Each year, Canada provides asylum to over 10,000 people and resettles at least 12,000 refugees. For instance, the current Liberal government that came to power in October 2015 vowed to resettle 25,000 Syrian refugees by December 2015, and by February 2016, 26,166 Syrian refugees were calling Canada home (Citizenship and Immigration Canada, 2016).

The increasingly diverse backgrounds of immigrants have led to Canadian multicultural transformation. Immigrants from different parts of the world bring new languages, values and cultures. This diversity also affects the challenges immigrants face in relation to social, economic, and cultural integration. For instance, more immigrants are coming from countries where English or French languages are not widely spoken. When they arrive in Canada, some immigrants often struggle to learn English or French in order to integrate and find a job and be

economically independent. In other cases, immigrant's academic credentials from their country of origin may not be recognized in Canada, requiring them to take a different job than what they had previously (Simmons, 2010).

Canadians also have been impacted by the inflow of immigrants from various nationalities and new cultures and have to understand, accommodate and accept them (Simmons, 2010), but this has not been without challenges and controversies. Canada faces criticism in relation to racial and cultural discrimination, racial bias and racial profiling in the criminal justice system and the racialization of crime. Racialization is defined as the process of categorizing people based on biological characteristics that lead to the definition and exclusion of individuals based on their physical appearances (Mirchandani & Chan, 2001). This issue has a long history in Canada. For instance, as early as the 1800s, federal and provincial governments discriminated against Asian people with respect to immigration, taxation and employment. In 1875, a \$50 head tax was imposed by the federal government on Chinese people who were brought to work in gold mines and the construction of the Canadian Pacific Railway (Mosher & Mahon-Haft, 2010). In the 1930s and 1940s, racist fears resulted in Japanese Canadians being considered "aliens" and being exempted from serving in the military. Their prominent role in fishing, lumbering and market gardening raised public and political pressures as they were considered "outsiders" overtaking the coastal area. During the Pacific War those Japanese Canadians who were living along the British Columbia coastal area had their industries and properties seized by the government and were relocated to the interior, and large numbers were also deported to Japan even though they were not considered a threat to national security (Granatstein & Johnson, 2008).

More recently, in 1995, amendments to the *Immigration Act* through Bill C-44 removed the right of permanent residents to appeal deportation orders based on criminality (Bahdi, Parsons & Sandborn, 2010). Bill C-44 was viewed as an attempt to get “tough on crime” within certain communities. Later in 2002, a study released by the African Canadian Legal Clinic indicated that, since Bill C-44 was established, about 40% of the deported people from Ontario were Jamaicans, which was more than the number of deportees to all of Europe, United States and South America combined (Bahdi et al., 2010). These are not isolated cases but show a pattern of racism and exclusion within the immigration policies and practices.

There is some evidence that Afro-Canadians, South Asians and other racialized groups have faced bias and discrimination (Bahdi et al., 2010). For example, the Criminal Intelligence Service Canada (CISC) each year provides reports linking south Asians to drug trafficking, which increases scrutiny by police. The Ontario Systemic Racism Commission has indicated that profiling African-Canadians has led to high incarceration rates, which reaffirms stereotypes about a relationship between “blackness” and crime or to rephrase black people, especially young black males, deserve to be under police surveillance (Bahdi et al., 2010). After the September 11, 2001 attack on the Twin Towers in the United States, there has also been evidence of profiling Muslims and Arabs in Canada, facilitated by the passage of Bill C-36, the *Anti-Terrorism Act*, and Bill C-17, the proposed *Public Safety Act* allowing disclosure and sharing of personal information to foreign governments (Bahdi et al., 2010; Mosher & Mahon-Haft, 2010). This is not to say that law enforcement and security organizations should not take actions to ensure public safety and prevent further crimes. But, this should be done without labelling, stigmatizing and making generalizations about people based on racial bias. As Bahdi et al. (2010) indicate that racialized groups are socially constructed in order to view them as inferior

and powerless, which leads to an unequal share in regards to the benefits of economic, political and social life. Thus, these groups are over-policed, unfairly scrutinized and disproportionately represented in the criminal justice system.

Patterns of immigration to Canada have brought a lot of social changes which are beginning to affect the justice system. According to Statistics Canada (2015), approximately three in ten Canadians could be a member of a visible minority group by 2031. This immigration pattern implies that, as Canada's cultural diversity continues to expand, these changes will have to impact how restorative justice approaches are put into practice. For instance, restorative justice programs need to incorporate practices that respect the needs of diverse group of people. This will be discussed further in the analysis.

### *Multiculturalism*

In 1971, Canada was the first country in the world to adopt multiculturalism as a state policy, and since then, Canada has continued to be a global leader in the promotion of multiculturalism (Saskatchewan Polytechnic Course Manual, 2016). The establishment of a multiculturalism framework was Canada's way of governing its diverse population (James, 1996). Canada has been culturally diverse since its formation and has a set of values and practices that are widely shared and tacitly understood, which are termed "the Canadian culture." Culture is defined as the sum of ways of living and includes values, beliefs, norms, patterns of thinking, linguistic expressions, and ways of seeing and interacting with the world (James, 1996). Even though culture is commonly associated with ethnic groups, everybody has culture, which includes individual and collective world views, lifestyles, learned and shared beliefs and values, knowledge, symbols and rules that guide behaviour and create meaning. For instance,

people participate in professional/work culture and student culture (Aboriginal Nurses Association of Canada, 2009).

Culture is also dynamic, meaning that it is always changing as people acquire new information through interaction with technologies, other people and the media (James, 1996). Within cultures there are subcultures which are groups of people who share cultural characteristics that are distinct and notable from others within the same culture. This can include characteristics such as different dialects or linguistics, and can refer to ethnic and racialized minorities. Subcultures combine with the dominant culture in order to ensure they survive and participate in the dominant culture and are, therefore, likely to be bicultural, multicultural and also to create new cultures (James, 1996).

The multiculturalism framework was based on the concept that ethnic groups contribute to society and can maintain their culture and traditions within Canada (James, 1996). Canada's commitment to multiculturalism was a foundation for diversity, living together in harmony, tolerance, accommodation and cooperation (Fleras, 2014). Supporters of multiculturalism indicate that Canada and the whole world is becoming increasingly diverse and interdependent, and to understand diversity, cultural differences need to be drawn into focus. Multiculturalism is also an important contributor to global connectedness (Saskatchewan Polytechnic Course Manual, 2016).

Despite the philosophy of multiculturalism, Eurocentric approaches have continued to dominate Canadian society, and ethnic and racialized groups have to adapt to the dominant culture in order to access and utilize resources (James, 1996). Multiculturalism has been criticized for dividing people by accentuating difference instead of their similarities. In addition,

it does not account for the power imbalance between dominant and non-dominant groups (Saskatchewan Polytechnic Course Manual, 2016).

Since multiculturalism was introduced in 1971, its concepts and understandings of oppression and cultural relationships have changed. The table below describes some of those changes and leads into the discussion of anti-oppressive theories and approaches.

	<b>Phases of Multiculturalism</b>
Phase 1: Cultural preservation	(Early 1970s) <ul style="list-style-type: none"> <li>• Emphasized cultural preservation within ethnic groups</li> <li>• Focused on cultural celebrations</li> <li>• Main focus was on European immigrant groups</li> </ul>
Phase 2: Group relations	(Late 1970s) <ul style="list-style-type: none"> <li>• Focus shifted to group relations; multiculturalism belonged to everyone, not only to ethnic groups</li> <li>• Called for cultural sensitivity and respect for diverse cultural values, as the majority of new immigrants to Canada were now visible minorities</li> <li>• Focused on improving race relations and combating prejudice and discrimination</li> </ul>
Phase 3: Anti-racism/Anti-oppression	(Late 1980s) <ul style="list-style-type: none"> <li>• Focused on “leveling the playing field” through initiatives such as employment equity and changes to hiring policies</li> <li>• Forms of oppression such as age, gender, class, disability, and sexuality were recognized</li> <li>• Acknowledgement of structural, relational and cultural power relations</li> <li>• Use of anti-oppressive approaches to challenge unequal power relations in society</li> </ul>
Phase 4: Integration	(2000 to present) <ul style="list-style-type: none"> <li>• Focused on cultural supports, human rights, anti-racism, social justice, and the impact of globalization</li> <li>• Policy goals include identity, social justice and civil participation</li> </ul>

Saskatchewan Polytechnic. (2016, p. 32). SOCI 261-Sociology 3 Course Manual. SK, Canada: Saskatchewan Polytechnic.

*Over-representation of Indigenous People and Indigenous Justice Issues*

The over-representation of Aboriginal people in the justice system is a concern in countries with a large population of Indigenous people such as New Zealand, Australia and Canada. Over-representation occurs when the proportion of a given group in the criminal justice system or other social systems is disproportionate to their numbers in the general population

(Dickson-Gilmore & La Prairie, 2005). Over-representation is connected to broader problems of colonization, marginalization, social exclusion, and to historical patterns of migration, slavery, poverty and racism (Rowe, 2012).

In Canada, Indigenous people have been over-represented at every level of the criminal justice system. Perreault (2009) reports that in 2007/2008 Aboriginal adults accounted for 22% of sentenced custody while representing 3% of the Canadian population. Some of the provinces with high rates of incarceration of Aboriginal people include the Prairie provinces of Saskatchewan and Manitoba. For instance, Saskatchewan has an Aboriginal population of about 15%, but 82% of custodial admissions in 2006 were Aboriginal persons (Canada, 2008). This over-representation is linked to colonial policies and issues such as unemployment, poverty, discrimination, and bias in the criminal justice system (Dickson-Gilmore & La Prairie, 2005). Many Indigenous cultural and spiritual practices that held communities together and were significant in helping to maintain their own system of justice were damaged during the colonial period, through policies such as removing children from their families and sending them to residential schools. Many of those children became victims of physical, sexual, psychological, and emotional abuse and neglect, which resulted in a loss of parenting skills and ongoing abuse. This transformed generations of Indigenous people continue to struggle with cultural identity and social dysfunctions and to search for healing from the trauma and the cultural genocide caused by colonization and its impact on their daily life (Usher & Lawrence, 2011).

In Canada, Indigenous people were the first to come in contact with European colonial powers and the Eurocentric organization of institutions. Other groups who were impacted later by racialization include African Canadians and Asian Canadians (Kobayashi & Johnson, 2007). Unfortunately, the effects of racialization have continued to impact these groups to the present

day. Lewis (1996) indicates that the Canadian criminal justice system is embedded in dominant Eurocentric values and perspectives, which are not necessarily beneficial when applied to Indigenous people and non-European cultures. As previously discussed, monocultural norms of what is acceptable and desirable systematically empower some groups at the expense of others, especially in a country as diverse as Canada. Those of non-European culture may find themselves disadvantaged within mainstream institutions, including the criminal justice system, which are not designed to reflect their needs, realities, experiences or interests (Fleras, 2014; Ragnhild, 2014).

It is clear that Indigenous people have suffered significant adversities through colonization and its impacts. However, what is less visible is the resilience that has led to their survival and courage to continue to seek self determination. Even though some of their cultural practices were lost, many others were preserved and have continued to be practiced as a way of maintaining their well-being (Weaver, 2005). For example, the basic principles of restorative justice are believed to have been influenced by the healing traditions of different cultural frameworks underlying most Indigenous justice world views (Usher & Lawrence, 2011).

The over-representation of Indigenous people in Canada has prompted support for the community justice and restorative justice movement in Aboriginal communities (Dickson-Gilmore & La Prairie, 2005). Indigenous people have developed their own restorative justice models and institutions, and practices such as sentencing circles, Aboriginal policing, Aboriginal courts and self-government have been developed and contributed to changes in justice for Indigenous people (Hurlbert, Durst & Greenberg, 2010). For instance, restorative justice approaches have been undertaken by community justice programs through the Aboriginal Justice Strategy, which is cost-shared by the federal government, provinces and territories

(Tompsonski, 2014). These community justice programs integrate local cultural practices and provide services such as sentencing alternatives, resolving cases, victim support, and offender reintegration. First Nations, Tribal Councils, Métis and other Indigenous organizations operate and staff these programs (Tompsonski, 2014).

There have also been reforms in Canadian legislation to address the issues of inequality in the Canadian criminal justice system. In the 1990s, it was recognized that there were alarming rates of Indigenous people who were incarcerated. In 1996, the passage of Bill C-41 attempted to reduce the use of custody by encouraging community-based sentencing alternatives such as restorative justice and conditional sentences. Additionally, the Gladue provision was an attempt to reduce the number of Indigenous offenders in custody by encouraging restorative justice consistent with Indigenous cultural values (Comack & Balfour, 2007). Section 718.2(e) of the *Criminal Code* instructs judges that “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.” This sentencing provision later became known as the “Gladue” principle.

Even though the Gladue principle was well intentioned, it faced controversies and challenges. For instance, in some jurisdictions *Gladue* resulted in the production of pre-sentence or Gladue reports that outlined the background and circumstances of Indigenous offenders, and that were helpful to judges in sentencing decisions. However, in other jurisdictions, there were not enough resources to support the intensive, specialized and culturally sensitive work required to produce Gladue reports. In 2012 the Supreme Court reaffirmed Gladue and its application even with serious offences. Even with the strong mandate given by the Supreme Court and well prepared Gladue reports across Canada, it would be meaningless without realistic alternatives to

imprisonment and intensive community programs that address the social, economic and other issues causing Aboriginal people to offend. Inequality in the Canadian criminal justice system was also addressed in the Truth and Reconciliation Commission of Canada that was established in 2008 under the terms of the Indian Residential Schools Settlement Agreement (Truth and Reconciliation Commission of Canada, 2015).

Truth and Reconciliation Commissions are temporary bodies that examine past human rights abuses by incorporating restorative justice principles. They include multiple forms of justice, involve multiple stakeholders, respond to victims needs, address social harms and relationships broken by violence. Through truth seeking and reconciliation, Truth and Reconciliation Commissions attempt to prevent future violence (Androff, 2013). The Truth and Reconciliation Commission of Canada that was established in 2008 was mandated to expose the complicated truth regarding the history and the legacy of residential schools. To guide and inspire a process of truth, healing, and reconciliation with Indigenous people, non-Indigenous people, churches, communities and all Canadians to understand, acknowledge and be involved in the healing and reconciliation process as a nation (Truth and Reconciliation Commission of Canada, 2015).

The Truth and Reconciliation Commission of Canada issued calls to action and reports with the intention to enlighten all Canadians about the realities of Indigenous people in Canada. For instance, some of the calls for action were to eliminate the over-representation of Indigenous people in the criminal justice system by addressing its root causes and other social issues facing Indigenous communities. Among other things, the commission recommended the provision of adequate resources in Indigenous communities to support alternatives to incarceration and address underlying causes of offending (Truth and Reconciliation Commission of Canada, 2015).

It is, therefore, crucial for governments and all Canadians to take part in addressing structural issues.

*Over-representation of Various Racialized Groups in the Criminal Justice System*

In Canada, is not uncommon to hear allegations of cultural bias in the criminal justice system towards various racialized groups (Gordon & Nelson, 1999). These allegations may be directed towards various points in the criminal justice process such as during police arrests and practices, bail and remand hearings, jury selections, sentencing and the activities of prosecutors and judges. Another concern is that policies suitable for one group may have negative effects on others, and there are allegations that certain minorities and immigrants are perceived as more likely to commit crimes (Gordon & Nelson, 1999). The news media, where the majority of the public derive their information on crime and justice, contribute to the issue of racialization and crime by linking specific crime reports with ethnicity of the suspect or accused (Roberts, 2001). In Canada, reports on ethnicity in the criminal justice system are not routinely collected and reported to the public except for correctional statistics that already reveal overrepresentation of Indigenous people and racialized groups in the criminal justice system (Reasons et al., 2016).

Geographic locations have strongly shaped which racialized groups or individuals are over-represented in the criminal justice system. For example, African-Canadian communities in Toronto and Nova Scotia have high levels of crimes and are over-represented in the criminal justice system (Chan & Chunn, 2014). Research shows that African Nova Scotians represented only 2% of Nova Scotia's population in 2011-2012, but accounted for 18% of youth in remand and 14% of youth in sentenced custody (Williams, 2013). The involvement of African-Canadians with the criminal justice system is rooted in a socio-historical context of segregation, exclusion and discrimination (Mosher & Mahon-Haft, 2010). There have also been frequent references in

official government and media sources regarding people of Asian and Vietnamese decent linked to organized crimes, drug crimes and gangs in the western provinces. Yet there are both Asian crime gangs and Aboriginal gangs, and raising awareness of these issues does not necessarily prove racial profiling. Hence it depends on the context, the validity of the data, and how the facts are presented (Mosher & Mahon-Haft, 2010; Chan & Chunn, 2010). Nonetheless, concerns about the over-representation of racialized ethnic groups continue, and may become more significant with continuing immigration and increasing diversity in Canada.

*Diversity in Restorative Justice and Anti-Oppressive Approaches*

Having introduced restorative justice and explained some basic concepts, this paper will now look into three research studies that considered diversity in restorative justice. While there has been a great deal of research regarding restorative justice and Indigenous people, there are scarce research studies in Canada on this topic in regards to racialized ethnic groups. The three studies in this literature review are from four countries: Canada, Australia, Finland and Norway (combined in one study).

*Williams (2013)*

Williams (2013) conducted research on how the structure and function of the current Nova Scotia Restorative Justice Initiative (NSRJ) may inhibit the realization of justice for African Nova Scotians. At the time, NSRJ was open to youths between the ages of 12 to 17. The research included a literature review, program surveys, and conducting a focus group with restorative justice staff, criminal justice personnel, and African Nova Scotian youth who had been through the restorative justice process in Halifax Regional Municipality (HRM). As well, it included focus groups and interviews with African Nova Scotian criminal justice personnel and community leaders in Halifax and Digby.

Williams concluded that restorative justice as structured and practiced in Nova Scotia had fallen short of its transformative potential. He listed three areas of concern:

- i). Conceptual limitations which were about systematic constraints to address the root cause of delinquency. He concluded that restorative justice failed to address existing structural, institutional, systematic and individual racial issues.
- ii). The procedural and due process concerns were about the NSRJ and its inability to address issues related to selective law enforcement and associated problems such as “net widening” and “gate keeping.” “Gate keeping” refers to denying youth who are in need of the program the opportunity to participate. It happens when youth do not get into a program to address their criminogenic issues. They are likely to be re-arrested and eventually incarcerated, when this could have been prevented through early intervention. “Net widening” refers to using restorative justice to resolve incidents that otherwise would not have entered the criminal justice system, when other methods of intervention would have been effective such as “getting a warning.” In regards to selective law enforcement, the NSRJ did not address racial profiling, selective surveillance, police harassment and discrimination, which can lead to the over-representation of African Nova Scotian youth in the justice system.
- iii). Within the practice of restorative justice, Williams advised that NSRJ did not address or incorporate race issues in practice despite having committed, caring practitioners and volunteers. However, he mentioned that ground-breaking work had been taken by Halifax Regional Municipality Community Justice Society such as Afro-centric projects.

Overall, Williams (2013) recommended the development of a critical race consciousness in a restorative justice approach. It would be culturally specific to the African Nova Scotian community, including the establishment of resources and programming that are empowering to

the group and reflect Afrocentrism. He also suggested that these programs should incorporate spirituality and the development of individual identity in relation to the community. As well, he recommended developing equity policies and gathering race-based statistics in order to track the experiences of racialized participants and adjust programs and policies. Furthermore, he suggested that statistics and policies could be developed in relation to gender, sexual orientation and disability.

*Albrecht (2010)*

Albrecht (2010) conducted a study in Finland and Norway to investigate the value of restorative justice for migrant minorities. Four case studies of restorative justice involving parties with different cultural background were studied through participant observation and follow up interviews between June-September 2008. Data collection included qualitative interviews with 31 mediators, administrative staff and project leaders. Results from both Finland and Norway showed that restorative justice seemed to be beneficial for minorities. It costs less compared to the formal criminal justice system and can be used as an integration tool. For instance, mediation enabled individuals to learn about each other's culture, which can lead to greater tolerance regarding cultural diversity. Thus, restorative justice has a potential to contribute to social integration. This research also indicated that mediators need to take into account the vulnerable position of immigrants and refugees who are impacted by criminal and residency law and fear the possibility of deportation.

*Strang & Sherman (2015)*

A paper by Strang & Sherman (2015) discusses the effect of face to face restorative justice conferences on Indigenous people in Australia. The paper begins with a description of a case in which a restorative justice conference was conducted by a police officer and the

offenders were 9 and 11-year-old Aboriginal brothers who had committed a theft. They were accompanied by their grandmother to the conference. The victims were four young Caucasian Australians accompanied by their family members. During the conference, the offenders did not engage and only their grandmother spoke on their behalf. Each victim spoke and explained how the crime impacted them and what they felt should be done to repair the harm. Both the offenders and the victims were interviewed a few weeks after the restorative justice conference. The offenders did not have a clear memory about it, while the victims remembered it and the impact it had on them. Ten years later, the younger brother had died of overdose and the other one was in prison.

Strang and Sherman argue that the restorative justice conference was ineffective and caused harm to the two offenders because one of them died and the other eventually entered prison. This case suggests that there were issues in terms of engaging the boys during the conference and reintegrating them. However, this case only describes one restorative justice interaction and does not indicate whether any attempts were made by the restorative justice practitioners or any other organization to address the underlying causes of crime such as poverty and addictions. Restorative justice programs are usually not designed to address these underlying needs. This case study suggests that it would be beneficial for restorative justice programs to be linked to other services such as addiction treatment and processes to address socioeconomic issues such as poverty.

### **Theoretical Perspectives**

The literature review in this report indicates that structural issues such as power imbalances, inequality and marginalization impact crime in the society. This situation leads to overrepresentation of Indigenous and racialized groups in the criminal justice system. Three

theoretical perspectives in relation to structural issues will be looked into. The Marxist criminology perspective examines issues of power, privilege and intersectionality and includes anti-oppressive perspective.

### **Marxist criminology on structural causes of crime**

Marxist criminology explains how structural issues and inequalities in the society result in to crime due to power imbalance, unequal share of resources and how social relationships are established in a society that is capitalist. Marxism has roots in anti-oppressive approaches and acknowledges power differences and its impact on crime (Sims, 1997). Therefore, the Marxist criminology perspective is used in this paper to explain the structural causes of crime.

From a Marxist criminology perspective, crime occurs due to social and economic conditions and how a society organizes itself. Economic systems like capitalism produce crimes. Resources are unequally distributed and divisions of class are created to maintain the power and privilege of the ruling class, at the expense of marginalized subordinate groups. When there is unequal distribution of resources, those who are marginalized, unemployed and poor are likely to commit street crimes involving property and interpersonal violence to meet their needs (Matthews, 2003). While not all marginalized, unemployed and poor people commit crime, Marxists argue that almost everyone is prone to crime due to the emphasis that capitalism places on individual success and competition. Even the wealthy and economically advantaged may commit white-collar crimes and corporate crimes (Matthews, 2003).

From a Marxist perspective, economic system brings stratification and classification of people into “haves” as those who own the means of production and “have nots” as those who depend on the “haves” for their economic needs (Sims, 1997). The relationship between the two classes is resentful with those who own the most securing power and domination over those who

are less fortunate. Those in power do not only control the economy but also all other social institutions such as political, juridical, family, religious, community and education (Sims, 1997).

Morris (2000) points out that the majority of people who go through the criminal justice system are charged with street crimes, theft, and violent offences which have been accepted as the measure of crime. This reflects underlying structural issues such as poverty, inequality and discrimination, yet fraud and corporate crimes committed by the economically privileged and resulting in greater social damage are given less attention. Marxist criminological theories suggest that the ruling class capitalist has control over legal processes and the capacity to define which activities are deemed “criminal.” A lot of attention is focused on subordinate groups in regards to crime, which leads to the production of a deviant class that is viewed as problematic and which “deserves” to be controlled in order for the capitalist class to maintain power and promote its own self interest. This enables the exploitive nature of capitalism and the privileged position of the ruling class to go unnoticed (Matthews, 2003).

#### Power, privilege and intersectionality

Systems of privilege and power exist worldwide in different form and contexts. Intersectionality perspectives recognize how multiple interlocking identities such as race, gender, class, sexual orientation, ethnicity and age are defined in terms of power and privilege, and how they shape people’s individual and collective identities and experiences (Parent, DeBlaere & Moradi, 2013). Intersectionality perspectives provide a clear understanding of the experiences of those who possess multiple subordinate statuses as opposed to those who enjoy “dominant” or non-marginalized statuses. Since hierarchies of power intersect in both social structures and social interactions, individuals may be advantaged by particular identities and disadvantaged by others. For instance, a gay Asian American man may experience privilege due to his gender, yet

be marginalized due to his race and sexual orientation. Therefore, the experiences of those who possess multiple marginalized identities are different from those who possess both marginalized and privileged identities (Marsiglia & Kulis, 2015). The intersectionality perspective can be valuable in understanding diversity in restorative justice as it can provide clients and practitioners with a better understanding of their social perspectives and cultural boundaries, which can be significant in developing a supportive and collaborative approach. For instance, a shared ground between a practitioner and a client could be gender identity, while ethnicity could be a border to be crossed and negotiated. Or a client might share the same ethnicity with the practitioner, yet they may come from different social classes (Marsiglia & Kulis, 2015).

According to Case (2013), “privilege” is the unearned benefits that are perceived as normal or expected by the dominant group that controls the economic, political and social participation of “other members” of the society. The “other members” are seen as subordinate, inferior and less than (James, 1996). For instance, through colonization and the processes of immigration and settlement, certain groups in Canada have been identified as “others” such as Indigenous people and various ethnic groups, which led to the racialization and criminalization of those groups. The physical and racial characteristics of these subordinate groups became identifiers of their assumed inferiority (Jiwani, 2001). Categories of groups are constructed, discriminated, oppressed and subordinated through racialization, which leads to economic inequality and their criminalization (Mirchandani & Chan, 2001).

Canada is a diverse country made up of people of different ethnicities, languages, ethnicities and religions. However, “who is Canadian” is still perceived to be the English and French people of European descent even though Indigenous people occupied the land before the English and the French arrived (James, 1996). When the Europeans arrived in Canada, they

established institutions such as governments, the criminal justice systems and schools according to European models, which was a way to ensure their culture survived. At the same time, policies such as residential schools and the *Indian Act* suppressed the Indigenous peoples' cultures (James, 1996). How this relates to restorative justice will be further discussed in the analysis.

Inequalities and the marginalization of racialized groups is detrimental and affects the social fabric of society through low social status and perpetuating dysfunctional communities. This can lead to lack of social trust and impact healthy social relations. The inequitable relationships between racialized groups and the dominant group are created, expressed and sustained at the macro level through founding principles and institutional structures, social systems and law, and intergroup dynamics that strengthen patterns of power and privilege (Fleras, 2014). A well-intentioned policy based on what is "normal" and "universal" that ignores cultural and diverse differences may place some groups in a disadvantaged position. For instance, the carding policy used by the Toronto Police Service requiring officers to stop people on the street, interact and log the interaction information indefinitely in a database even when he/she does not suspect any criminal intent of those people (Canadian Broadcasting Corporation, 18 June 2015). According to an Ontario Human Rights Commission Report by Susan Eng (June 06, 2013) on concerns about carding, collecting this information is not illegal. However, this policy has been perceived as discriminatory and targets racialized groups. Regardless of the police service's good intention of increasing interaction with the public, their actions marginalize various ethnic groups. In order to avoid these kinds of pitfalls restorative justice programs must consider how systems of power and privilege intersect with other identities such as race, gender and sexuality and result in oppression.

### **Anti-Oppressive Theories and Approach**

Anti-oppressive theories and approaches were developed by social identity theorists who sought to understand how multiple and intersecting identities relate to the experience of oppression. Social identity theorists disagree with mainstream theories that illustrate “difference” as inferior and problematic. These theorists belong to social movements such as disability, Aboriginal, “queer” and others that focus on the elimination of oppression (Moosa-Mitha, 2005).

The first wave of anti-oppressive theories emerged in the 1990s. The focus shifted from anti-racist practice to anti-oppressive practice, including other forms of oppression and discrimination such as age, class, disability, sexuality and gender (Laird, 2008). The anti-oppressive approaches provide a framework for understanding how difference has often been used to oppress people. Further, it acknowledges subordinate and dominant power relations that are structural, relational and cultural in nature and are the root causes of different forms of oppression that exist in many societies. Anti-oppressive practices also commit to promoting social justice by addressing systems of oppression and unequal power relations and looking into the strategies that oppressed people use to resist oppression and transform social justice institutions (Danso, 2015).

Anti-oppressive practices are widely used in Canada in disciplines such as social work. They embrace maximizing the rights to which all people are entitled, minimizing power differences, reducing oppressive factors and restoring justice in society (Wormer, 2004). Anti-oppressive practices recognize identity and identity formation as essential because they involve social relations that result from the interaction of individuals with others. Through the process of identity formation, individuals and groups are excluded based on physical, psychological and sociological characteristics that lead to labels such as “us versus them,” “superior versus

inferior” and “insider versus outsider.” Whereby, “they,” “inferior” and “outsiders” are socially constructed as marginalized, abnormal and deviant. This becomes the foundation of oppression (Hines, 2012).

Anti-oppressive approaches address how the practitioner relates to the client in the client’s social context, and considers how the marginalized person’s behaviour and opportunities to grow into their full potential are impacted by personal, institutional, cultural and economic factors (Hines, 2012). Hence, anti-oppressive practices support individual and structural changes that improve the lives of marginalized groups and can be applied at the macro, cultural and individual levels. These three levels interact and strengthen each other (Laird, 2008; Hines, 2012).

The goal of anti-oppressive approaches at the macro level is to eliminate oppression or reduce social inequality that results from institutional arrangements, social processes and practices that exclude and marginalize some groups or individuals (Laird, 2008). For fundamental change to occur at a macro level, the underlying causes of oppression must be addressed. For instance, a policy may be enacted to decrease racialization within the criminal justice system. Such measures may seem to address the situation however, policy alone cannot address oppression as it is unclear on how to legislate against bias, stereotypes and prejudice (Mullaly, 2010).

Anti-oppressive approaches are also characterized by constructive resistance against mainstream theorizations of universal “truth” that fail to acknowledge differences and give no voice to marginalized individual experiences and knowledge (Moosa-Mitha, 2005). Resistance can take place at the macro level through actions against social injustice and the unjust social relations that produce them. Oppressive issues are exposed, acknowledged, explored with the

people who are facing the oppression, and work occurs to bring positive changes. For example, Eurocentric approaches have been challenged by Afrocentricity, orientalism and post-colonial approaches, and heterosexuality has been resisted and confronted by gay, lesbian and bisexual movements (Mullaly, 2010).

As previously mentioned, “difference” is an essential concept in anti-oppressive theories. Anti-oppressive theories have envisioned what it means to have a society that is difference-centered, and the transformations that take place when “difference” is treated as the foundation of social relations instead of an exception that results in the exclusion of membership (Moosa-Mitha, 2005). Anti-oppressive approaches challenge the assumption that we do not see people’s differences or ethnicities, which fails to acknowledge the historical and sociopolitical contexts that generate social inequality and diminishes the lived experiences of ethnocultural groups (Ragnhild, 2014). It acknowledges that individuals may possess several identities with more than one oppressed group such as being immigrant, a woman, lesbian and disabled, and this identity evolves throughout a lifetime (Hines, 2012). Anti-oppressive or difference-centered theories are also multidisciplinary in nature, emphasizing the flexibility, interweaving and intersectionality of social phenomena. Thus, it is important to ensure that resistance is multidisciplinary and uses multiple methodologies in order to resist oppression and move toward a vision of a difference-centred society (Moosa-Mitha, 2005).

Anti-oppressive practices at the cultural level involve oppressed groups denouncing all forms of cultural oppression through cultural revolution. This includes supporting, promoting, developing and reclaiming their authentic identity, and celebrating cultures that may have been suppressed. For instance, groups such as Indigenous people have challenged stereotypes imposed on them and proclaimed the positive aspects of their culture. Hence, cultural practices that were

once seen as inferior may come to be celebrated, valued and enjoyed by everybody (Mullaly, 2010). In doing so, it is important that cultural groups have the right to self determination and exercise their culture without hurting or invading the rights of others (Wormer, 2004).

Anti-oppressive approaches at a personal level link the personal with the political. This is a method of analysis that was developed by feminists. It recognizes that social environments shape who we are in terms of our personality and links individual situations and experiences to larger social dynamics such as class, race and gender. The “personal is political” analysis is significant in understanding the nature and extent of racism and sexism in society and how they contributed to the oppression of racialized groups (Mullaly, 2010).

Anti-oppressive practices at a personal level involve empowerment and strength-based perspectives that enable marginalized groups to realize the power dynamics that impact them, develop skills and be in control of their lives, which can be the first step in gaining personal autonomy. Power can be excluding but it can also be emancipating, and gaining personal power can move individuals from emotional apathy to positive social action (Wormer, 2004).

According to Mullaly (2010), empowerment is a key concept of anti-oppressive practice, and it refers to a process through which marginalized people diminish their sense of powerlessness and gain greater control over all aspects of their lives and their social environment. By realizing oppressive patterns, establishing non-exploitive ways of addressing oppression, defining their own identity, reclaiming their own history and establishing solidarity with the other members of the marginalized group, members can gain a sense of confidence and overcome oppression.

Anti-oppressive practices recognize that power is not equally shared by the dominant group. Therefore, restorative justice practitioners should examine and eradicate any form of oppression within their own practice and the larger society. It is vital for practitioners using anti-

oppressive approaches to examine themselves and their practice, as practitioners may fail to recognize how they contribute to oppression. It is essential for practitioners to challenge oppression by examining how their own identity as practitioners will be shaped by their own background, especially if they do not reflect on their unconscious values, experiences and world views. If practitioners fail to do this, they may be unaware of their own and the client's identity and how this can impact interactions, inadvertently causing them to minimize and ignore the issues of race, gender, class, ability and sexual orientation; fail to share power with clients; and to link individual issues to structural inequalities. Self-reflection is, therefore, critical to ensure practitioners are not perpetuating domination, but are drawing attention to structural inequalities and supporting diversity at all levels (Hines, 2012).

Anti-oppressive approaches could be integrated in restorative justice to strengthen ways of addressing diversity. As mentioned above, anti-oppressive approaches recognize power imbalances in society, acknowledge differences in people and empower those who are powerless. Restorative justice is fairly inclusive of those impacted by crime in a power sharing and non-hierarchical way which leads to accountability, healing and reconciliation. Thus, both approaches share common themes and could work collaboratively to empower and support diversity and address structural issues that are the root causes of social injustice.

### **Analysis**

The increasing diversity of Canadian society needs to be considered in the criminal justice system and in restorative justice. Restorative justice is fairly inclusive by emphasizing the participation of those impacted by crime (the victim, offender and the community) in order to repair the harm caused through accountability, restoration, healing, reintegration and reparation.

Through restorative justice processes such as circles, conferences and victim-offender mediation, the individual impact of crime and conflict can be dealt with. Nevertheless, restorative justice has been criticized for focusing on individual cases and failure to address structural issues. Dyck (2000) refers to restorative justice as crisis-driven, “quick fix” reactions. For restorative justice to embrace diversity, it need to move towards transformative justice which involves addressing structural issues such as power imbalances, social injustice, and the economic, political and cultural realities which lead to oppression, marginalization and exclusion (Morris, 2000; Dyck, 2000). Authors such as Morris (2000) and Dyck (2000) voice the need for restorative justice to be rooted in a structural approach as a long-term solution to crime and conflicts. As Dyck (2000) indicates, social arrangements that begin with being structurally restorative by involving all parties impacted by the crime begin the healing process because they attend to the needs of all. Below are different methods and approaches that could be used to address the structural issues of crime and support diversity in restorative justice.

### **Need for Further Research**

Restorative justice has its roots in many cultures, and what little research exists suggests that it can be adapted to various cultures and resolve crime and conflicts in diverse societies (Gavrielides, 2014). Yet, other than Indigenous justice, there is scarce literature regarding the integration of various practices in restorative justice. There is need for additional research to provide data on whether there are other cultural models and approaches that are or could be used in restorative justice, how they are being used, and their impacts and outcomes.

Raye and Roberts (2007) have suggested that emerging restorative justice models and approaches are being used to address matters involving power, gender, class, cultural bias, and other circumstances. However, this literature review did not uncover any research indicating to

what extent these emerging models are being used and their effectiveness. For example, according to Jenkins (2004), an Afro-centric restorative justice approach is used in the United States with African-American communities and other non-European cultures. However, that paper did not demonstrate how Afro-centric values are being incorporated or the impact of these models. This literature review did not uncover other information regarding whether culturally responsive approaches have also been used with racialized ethnic groups such as Asians and Latinos.

Research with racialized groups could be critical in understanding their involvement and perspectives in restorative justice. As Danso (2015) indicates, research is a powerful tool for social and structural change because it generates knowledge that is critical in translating theory into practice. Therefore, it is vital for ethno-cultural groups to participate in research as both participants and researchers, and for restorative justice to provide the opportunity and involve racialized ethnic groups in supporting and conducting research on diversity.

### **Incorporating Cultural Safety Practices in Restorative Justice**

Incorporating cultural safety can enhance cross cultural practices in restorative justice and other human service areas. Cultural safety is defined as:

That state of being in which the individual knows emotionally that her/his personal wellbeing, as well as social and cultural frames of reference, are acknowledged even if not fully understood. Furthermore, she/he is given active reason to feel hopeful that her/his needs and those of her/his family members and kin will be accorded dignity and respect. (Fulcher, 1998, pg. 333)

In the 1980s, the concept of cultural safety was developed in New Zealand in response to racism the Maori people were facing within the mainstream health care system. A group of

Maori nurses began to challenge dominant approaches that marginalized the Maori people by not considering their cultural ties and beliefs. Cultural safety calls for an environment in which there is mutual respect, openness, willingness to listen, and shared understanding and acknowledgment of the unique identity of others (Lenette, 2014).

Cultural safety includes cultural awareness, which means awareness of cultural differences and which is the initial step towards culturally safe practices. Cultural sensitivity, focuses on respecting people who are culturally different. Cultural competence emphasizes service provider skills, knowledge and attitudes when working with culturally diverse people. However, cultural safety goes beyond these concepts and recognizes and addresses power imbalances based on colonization, marginalization, and systemic discrimination. It offers power and autonomy back to the marginalized, and is grounded in humility and humbleness (Rego, 2014; Indigenous Health Studies Teaching Manual University of Regina, 2016).

Cultural safety focuses on client needs and the uniqueness of each individual, which is critical in cross-cultural encounters. The client decides whether they feel safe while receiving services (Lenette, 2014). Cultural safety emphasises that the knowledge, reality and experiences of every person are valuable and should be respected regardless of nationality, sex, race, age, gender, sexual orientation, political or religious beliefs (Saskatchewan Polytechnic, 2016).

Cultural safety requires service providers to identify their own beliefs and biases, question their attitudes and assumptions, and be open and accepting of others. Service providers must understand the social relations around them, how authority, privilege and power relations support these social relations, and how this can influence relationships with their clients. Thus, self-reflection is essential to cultural safety, and culturally safe practices occur through establishing trust with clients. If cultural safety is put into practice appropriately, it empowers

both the client and service provider as it is an action oriented approach that challenges and addresses power differences and social inequalities (Saskatchewan Polytechnic, 2016).

Cultural safety should be included at all structural levels. A transformative approach requires:

That we must be able to recognize that relations of unequal social power are constantly being negotiated at both micro (individual) and macro (structural) levels. We must understand our own positions within these relations of unequal power. We must be able to think critically about knowledge and most importantly, we must be able to act from this understanding in service of a more just society. (Sensoy & DiAngelo, 2012, pg. 145)

However, it must be acknowledged that cultural safety can be challenging because the process requires shifts in personal and institutional values. Despite institutional commitment to equity and diversity, systemic constraints can limit its application. Knowledge about diversity is the first step, requiring deeper self-awareness, internalizing changes in attitude and behavior, dedication, emotional work, and time. Agencies and people who make this shift report that they increase their empathetic ability and work more effectively with diverse groups (Lenette, 2014). Restorative justice practitioners could draw on these approaches and incorporate them in their own practice. For example, practitioners could educate themselves about colonization and its impacts in order to avoid imposing their own views unconsciously by assuming that they know how to do restorative justice in a way that reflects Indigenous practices.

### **Addressing “One Size Fits All” Approaches to Restorative Justice**

As diversity increases in Canada, the issues of power, privilege and ethnicity and how they relate to restorative justice cannot be ignored. People should have equal access, equal rights

and be assured of equal possibilities before judicial, health, educational and other social systems. Also, personal differences should be taken into account in assuring these equalities (Walgrave, 2008). However, this is not always the case, and Indigenous people and racialized ethnic groups continue to be over-represented in the criminal justice system due to societal power imbalances. Gavrielides (2014) suggests that restorative justice has the best chance to resolve these issues. Yet there are few suggestions about operational ways to achieve this, particularly when there is limited literature about the interaction of power, privilege, ethnicity and restorative justice.

Restorative justice is believed to have partly been derived from Indigenous justice in Canada and around the world (Tomporowski et al., 2011) For instance, in Canada, circles (sentencing circles, community circles, healing circles) reflect Indigenous people's understanding of justice, and in New Zealand, family group conferences incorporate Maori practices (Gavrielides, 2014), at least to some extent. However, the Eurocentric approaches which leads to hegemony of knowledge and are viewed as "universal" have continued to dominate restorative justice approaches, which risks marginalizing racialized ethnic groups and continues to place them in a disadvantaged position (Jenkins, 2004; Ragnhild, 2014). Furthermore, Caucasian, middle and upper class professionals continue to dominate restorative justice, which reinforces the idea that it is neutral regarding class and ethnicity while continuing to serve the interests of the powerful (Dyck, 2000).

Restorative justice needs to incorporate multi-cultural, multi-intervention approaches along with Eurocentric approaches in order to meet the needs of diverse groups and address structural causes of crime. In addition, there is a need to challenge the color-blind collective identity, which implies universal experiences and assumes that all people feel equally engaged in mainstream society. It fails to take into account institutionalized injustice, racialized inequalities

and other forms of oppression rooted in historic and structural processes. For restorative justice to be diverse and to break cultural barriers, it needs to broaden its cultural influences and approaches and address power imbalances, social injustice, and economic, political and cultural realities (Ragnhild, 2014).

For restorative justice to address Eurocentric approaches and the color-blind collective identity, it needs to incorporate anti-oppressive approaches such as positive resistance that opposes mainstream theories of universal truth (Mullaly, 2010). As Moosa-Mitha (2005) suggests, “difference” should be used as a foundation for inclusion and it is important to acknowledge the historical contexts that result in social inequality and take the necessary action to eliminate them. This could be achieved through training practitioners on how to examine critically what they experience in their day to day work, and link it to larger structural issues. Failure to do so could be harmful and misleading and imply to the victim and the offender that the problem they are facing is a result of their personal failures (Dyck, 2000).

Morris (2000) advocates for the need to address structural causes of crime by taking into account the past and recognizing the widespread injustice in the society. For instance, many young offenders involved with the criminal justice system have failed to be protected from dysfunctional homes and unfit foster homes, and many adult offenders do not hold a job. Comack and Balfour (2007) suggest that the majority of incarcerated people in Canada are economically disadvantaged, unemployed at the time of arrest, and have less education. As previously discussed, when there is unequal distribution of resources in the society, the poor and marginalized are likely to commit street crimes as a way to meet their basic needs (Matthews, 2003). Morris (2000) suggests that each crime should be used as an opportunity to transform the

victim, offender and the community and restorative justice can do so by addressing the underlying structural issues that resulted in their involvement with crime.

### **Increasing Awareness of Intersectionality**

Intersectionality perspectives as described earlier as the interlocking identities defined in terms of power and privilege, and shape individual and collective identities and experiences, are also promising for addressing power, privilege, ethnicity and structural issues in restorative justice. As previously discussed, an individual can be advantaged in one situation and disadvantaged in another, possessing multiple marginalized identities or a combination of marginalized and privileged identities that shape their experiences and access to economic and social status. An awareness of intersectionality can provide practitioners with better understanding of their social and cultural boundaries, which help in developing a supportive, trusting and collaborative approach with clients. For instance, a client may share the same ethnicity with the practitioner, but they may come from different social classes and may, therefore, have different life experiences (Marsiglia & Kulis, 2015). Each case is different and people should be treated uniquely based on their needs and experiences, rather than having the practitioner simply assume that he or she understands “where the client is coming from” because they happen to share a common ethnic background. To do this, restorative justice practitioners will need training regarding intersectionality, cultural safety and anti-oppressive practices. This training could be done at local workplaces as well as being incorporated in institutions that train restorative justice practitioners.

### **Incorporating Anti-oppressive Approaches into Restorative Justice**

Linking anti-oppressive approaches, empowerment and strength-based perspectives could promote diversity in restorative justice. Anti-oppressive practices recognize that focusing only on

individual cases ignores social structures and structural problems that are the root causes of oppression. These approaches involve strategies such as participation in collective actions to address social injustices, educating practitioners and the public, promoting anti-oppressive approaches in institutions that train restorative justice practitioners, and collaborating with other agencies to ensure that anti-oppressive approaches are established and used to promote critical awareness of oneself and others (Hines, 2012).

Empowerment and strength-based perspectives enable marginalized groups to recognize the power dynamics that impact them, develop skills, be in control of their lives and gain personal power and responsibility for change (Mullaly, 2010). This can take place in restorative justice because it provides a safe environment where dialogue and storytelling occur. As mentioned earlier in the paper, restorative justice processes are built on the assumption that dialogue engages the victim, offender and the community in sharing their experiences, identifying their needs and coming to an agreement on actions that can lead to healing and restoration. When people tell their stories and are heard and understood by others, healing and empowerment can occur. When harms are acknowledged and mourned, shame and guilt is shed and courage is celebrated. Through dialogue and storytelling, people can recover lost meaning and identity and overcome challenges, which is similar to anti-oppressive practices.

Restorative justice can be said to be a form of positive resistance by giving power back to those affected by the crime and enabling them to have the opportunity to participate, be heard, raise their concerns, and resolve the issue. As Rosenblatt (2015) indicates, involving community members in restorative justice processes enables the community to become stronger and builds its capacity to resolve its own conflicts. This can also strengthen ties within the community and help integrate members of various groups. For instance, when the community is involved in

restorative justice, it becomes an opportunity for people to meet one another, and ethnic groups who may have felt isolated get the opportunity to feel a sense of belonging. As the study by Albrecht (2010) indicated, restorative justice can be used for people of varying cultural backgrounds to learn about each other, which can lead to cultural tolerance.

### **Incorporating Interdisciplinary Approaches into Restorative Justice**

Even though offenders may participate in the best possible restorative justice intervention, they are more likely to offend if they fail to receive support in areas that led them to commit crimes such as unemployment or addictions. Therefore, it is crucial for restorative justice to collaborate with other institutions in order to address the root causes of structural issues and to support diversity.

For these structural and systemic changes to take place, restorative justice needs to incorporate interdisciplinary approaches by involving and working collaboratively with education, social services, health, and other agencies that work directly with marginalized groups. This could equip, engage and empower victims, offenders and communities (Brooks & Lopez, 2015). For instance, partnering with mental health services could address the reality that many people in the criminal justice system struggle with mental health and addictions issues. The research study by Strang & Sherman (2015) indicated that it is beneficial for restorative justice programs to be linked to other services such as addiction treatment. Different institutions could partner and work together to end marginalization and address root causes, making resources and services such as education, job training, employment, and health accessible to all marginalized groups.

### **Diversity in Restorative Justice and Its Implications to Social Work**

Both social work and restorative justice seek to create more equitable and just society by promoting positive change for individuals and the society. The social work profession began in the late 1800s as a call to help the disadvantaged in the society due to structural issues such as stratifications within society, poverty, illiteracy, mental health issues among others that were as a result of Industrial Revolution thus, there was a need to address these issues (Kropf, 2011).

The mission of Social work is founded in a set of core values that reflect what is unique to the social work profession. These values are:

1. Respect for inherent dignity and worthy of persons
2. Pursuit of social justice
3. Service to humanity
4. Integrity of professional practice
5. Confidentiality
6. Competence (Canadian Association of Social Workers, 2005).

The social work values are applied at individual, groups, organizations, communities and legislative levels. Social justice as one of the core value of social work is an appropriate goal for an equitable and fair society. It seeks to realign social institutes, law and regulations, and resources allocations in efforts to decrease inequalities. It also seeks to address barriers experienced by marginalized groups in the society through social justice interventions such as policy practice, social advocacy and anti-oppressive approaches that emphasize on individual and social change goals (Kropf, 2011).

With the growing diversity in Canada and around the world, there is a need for Social work involved with restorative justice to understand how structural issues have led to over

representation of indigenous people and racialized groups in the criminal justice system and how to address those issues. Social workers need to be well equipped with knowledge and skills on how to work with marginalized groups and individuals at all levels.

Central to restorative justice is the commitment to attend and address the needs of those impacted by crime and its related harms (Toews & Harris, 2011). Social work involvement with restorative justice could include interventions to deal with trauma after a crime. Trauma after a crime can be devastating and can impact the victim, offender, and community. The victim has to cope with fear, rage and feelings of powerlessness after a crime. The impact of trauma on the offender is often overlooked and can cause the offender to perpetuate more crimes. The community can be traumatized by crime events in the community leading to fear, sadness and hyper-vigilance. Therefore, social work and restorative justice need to be well equipped with knowledge and skills on effects and process of trauma, trauma intervention and its healing process (Good & Gustafson, 2011). Furthermore, it is significant for social workers to be knowledgeable on how trauma through experiences of abuse and neglect in residential schools has impacted Indigenous people and led to their overrepresentation in the justice system.

Other responsibilities for social work involved with restorative justice would be addressing structural issues using anti-oppressive approaches. It can include:

- Facilitating restorative justice processes such as victim-offender mediation and conferences,
- Conducting research on diversity in restorative justice,
- Advocating for tailored programs and resources for marginalized groups,
- Advocating for implementation of culturally sensitive programs, and

- Connecting victims and offenders with available resources in the community, and establishing and implementing crime prevention programs.

### **Conclusion**

As restorative justice continues to be increasingly used in Canada and throughout the world, it needs to address the personal harm caused by the criminal act as well as underlying structural issues and issues of power and privilege. Restorative justice is fairly inclusive in terms of involving the victim, offender and the community, and dialogue and storytelling align with anti-oppressive approaches by giving people an opportunity to voice their views and be involved in addressing crimes and conflicts. This can be empowering, yet there is also a need to grapple with structural issues, oppression, and the assumption that Eurocentric approaches are the norm in restorative justice practices.

Restorative justice need to include cultural safety, address structural issues such as poverty, mental health and addictions. Restorative justice practitioners need training on how to link their daily work with larger structural issues. Also, training on cultural safety, intersectionality, and anti-oppressive approaches could make restorative justice more responsive to the needs of diverse clients.

More research is required on diversity in restorative justice. Currently there is little literature regarding the integration of various ethnic practices in restorative justice and scarce research on how power, privilege and intersectionality influence restorative justice. Furthermore, restorative justice needs to support and encourage racialized ethnic groups to participate in diversity research as both participants and researchers; it will provide more accurate and meaningful data which could be useful in supporting and implementing diverse approaches.

It is crucial for restorative justice to embark on interdisciplinary approaches to address structural issues. Collaborating with other agencies and professions could provide clients with opportunities to address underlying causes of crime. Connecting clients with other resources available in the community could also be empowering, as they become aware of other beneficial support systems.

Ultimately, the restorative justice movement has the potential to address racialization and structural issues if restorative justice practitioners commit themselves to self reflection and being educated regarding anti-oppressive approaches. Taking action will embrace diversity in restorative justice and provide a brighter future for all Canadians, new and established.

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