

Restorative Justice Principles and Practices Beyond Dialectics

The authenticity of restorative justice must be safeguarded from being compromised or adulterated by ideologies inconsistent with restorative justice values and principles, and practitioners must maintain the integrity of restorative practices being consistent with their professed restorative values and principles that shall determine their purpose, strategy, and action.

Terms such as "social justice" and "fairness" and "equality," as responses to actual or perceived injustices of discrimination and oppression and exploitation, reflect fundamental values that all would share or would want to believe are shared. For their sensibilities, none are likely more concerned nor committed than restorative justice practitioners. The language itself, however, exploits these concerns for appealing to the sympathy of those easily beguiled into retributive activism that creates or intensifies conflicts for the revolutionary purpose of deconstructing and destroying any institution considered offensive rather than promoting action that respects and preserves restorative values and outcomes.

Although seductively attractive for appealing to legitimate humanitarian concerns for resolving social inequities of oppression and domination, activist movements induced by the various Marxist iterations that include critical theory, social justice, distributive justice, structural justice, and intersectionality characteristically engage in retributive practices that, consistent with Hegelian-Marxist philosophy, intentionally exacerbate conflicts and are incompatible with restorative justice principles and practices.

Engaging in conflict seductively appeals to the outrage that prompts participation in retributive activism. Pertinent comments from the conclusion of a thorough mixed-methods empirical study by Stürmer and Simon (2009) are highlighted:

the true potential of anger in social movement participation lies precisely in...the link between individual emotional experiences and the politicization of collective identity.... This process ensures that anger unfolds its energizing potential in...purposeful actions in the service of the collective. ...it is thus certainly an important task for...social movements to direct the translation of feelings of anger about collective injustice into politicized collective identity.... (p. 704)

The strategy for community organizing was developed and published in 1971 by Saul Alinsky in *Rules for Radicals* espousing methods aligned with Marxist ideology. The approach is intuitively aligned with the validating study later conducted by Stürmer and Simon (2009). "Alinsky became a community organizer by seeking to remove power from those with it and transferring it to those without...developing and cultivating conflict between groups using unconventional and often even controversial means" (Mackie & Liebowitz, 2013, p. 77) recognized as the "conflict community practice model" (p.74)... With complete disregard and disrespect for the opposition, the model effectively creates and exacerbates conflict through deception, ridicule, persistent threat, and unrelenting pressure. The techniques...represent the epitome of the most extreme exploitation of conflict for seizing and transferring power from the opposition, referred to as "the enemy." In contrast, Eichler asserts the following:

Power does not have to be redistributed but it can be grown, mutual self-interest provides a powerful tool for change, people often behave in reasonable ways when given reasonable choices, and alliances that support social justice goals can be formed between people of divergent backgrounds. (as cited in Mackie & Liebowitz, 2013, p. 80).

Intending to align the "self-interest of community members to the self-interest of others in pursuit of a common goal" (p. 80), Eichler's model represents an approach consistent with valuing social capital, which Putnam (2001) paraphrases as the interconnectedness of individuals in a network of relationships (as cited in Wachtel, 2016, p. 1). The model is aligned with restorative justice practices that respect all interests and the common ground of shared values. "Eichler's consensus model for community organizing focuses on the shared experiences, needs, and desires of all stakeholders..." and "...on identifying elements of strength, value, and agreement among otherwise divergent constituencies to resolve conflict" (Liebowitz, 2013, p. 81).

Utilization of either the conflict model or the consensus model is considered contingent upon the unwillingness or the willingness of the identified oppressor; however, even the discriminating use of conflict...remains retributive and in conflict with the values, principles, and practices of restorative justice.

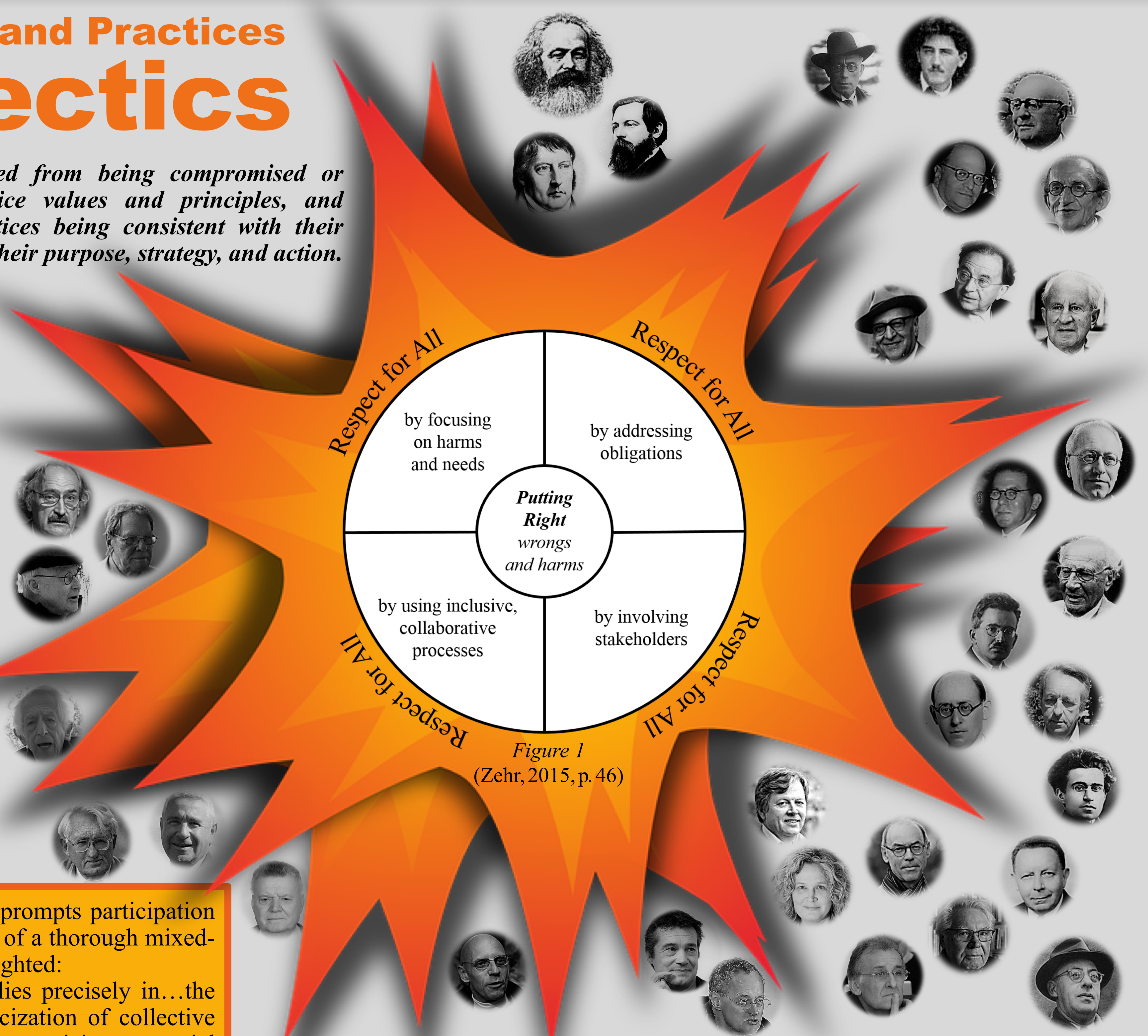


Figure 1
(Zehr, 2015, p. 46)

Beck (2012), paraphrasing John Paul Lederach (2003), asserted the following on transforming communities and community building:

Restorative justice supports the idea that transformation can occur when individuals interact with each other from a place of shared values...to change the structure of the relationship so...creative responses and solutions are found. (as cited in Beck, 2012, p. 397)

Lederach reflects a key concept of restorative justice in the principle of engaging "with" people accomplished in recognition of "shared values" rather than engaging people with retributive intent and a spirit of revenge to dominate and control with punishment and subjugation or to make dependent by usurping personal responsibility.

Howard Zehr (2015) most eloquently expresses the importance of respect as the core imperative of restorative justice:

If I had to put restorative justice into one word, I would choose respect: respect for all—even those who are different from us, even those who seem to be our enemies. Respect reminds us of our interconnectedness but also of our differences. Respect insists that we balance concern for all parties. (p. 49).

Diametrically opposed and distinct, then, from the core imperative of dialectical Marxism and neo-Marxism in critical theories intent on deconstruction of established power structures by employing strategies and tactics that exploit conflict for revolution, the core imperative of restorative justice intends to construct resolutions to conflict in agreements respective of all interests and positions.

If restorative justice initiatives are intended to be considered activism, then restorative justice practitioners must be responsible for the prevailing perception of activist endeavors being experienced as exacerbating conflict for accomplishing retributive outcomes. The common perception of activism must be redefined and transformed. Restorative justice activism must be presented in a responsible manner to not risk alienating stakeholders who might be willing to engage in a restorative process. If not, practitioners risk violating the fundamental values of restorative justice and compromising the success of potential restorative works, so any purported restorative justice initiative that promotes the use of force or coercion or justifies conflicts between classes or against dominant power structures would eventually corrupt and render the restorative intent impotent and indistinguishable from the intention of retributive justice to reestablish equity by punishing and shaming.

Summary

Conflict and the threat of conflict saturate society with a magnified consciousness of inequities and injustices whether actual or perceived. The dialectical paradigm for effecting revolutionary change intends to exploit conflict, as its core imperative, for resolving social injustice. Inherently violent, the process employs retributive means for accomplishing retributive justice outcomes through deconstruction of the institutional and cultural status quo, regardless of the ensuing violations, violence, damage, and harm. The core imperative of restorative justice demands respect for all stakeholders that facilitates participation for developing consensus rather than deconstruction and revolution through exacerbating conflict. Practitioners represent the values and principles of restorative justice in all contexts, both public and personal, if the paradigm is to have credibility. If not, restorative initiatives shall be construed as a sham and pretense for advancing retributive agendas that would evoke fear and hostility. The resulting provoked resistance would sabotage the declared restorative intention to fulfill on successfully addressing harm and the needs of all affected in a conflict, securing accountability for the obligations that ensue from offenses committed, engaging in collaborative processes that are inclusive, and involving all stakeholders in the spirit of love with respect for all.

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