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## Book Review of:

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***Theo Gavrielides***

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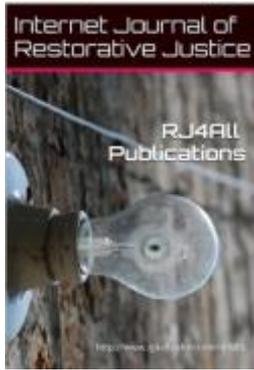
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## **Review of: Walters, M.A. (2014). Hate crime and Restorative Justice**

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### **Professor Theo Gavrielides, PhD**

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At the time of writing, the UK is experiencing an unprecedented spike in hate incidents following the EU referendum. Reports to the police increased by 42% in the week before and after the vote. The decision to leave the EU seems to have given to some groups “the licence to behave in a racist or other discriminatory way”, chief constable of the Police Service of Northern Ireland said<sup>1</sup>. As politicians and criminal justice agents try to calm public opinion down, they react with tougher policies and sentences. To some extent, this punitive reaction can be seen as a natural consequence against actions of pain and injustice. Only rarely we see actions of kindness and generosity against actions of evil and hate. And yet, we know that pain brings pain and that the punitive and adversarial foundations of our justice system have brought us nothing but evidence of disproportionality, further injustice, spiralling costs and increasing incarceration numbers with unexplained reoffending rates. Therefore, a book whose “impetus arose from the proposition that conventional justice measures fail to address effectively both the causes and consequences of hate crime” (page 236) is welcome indeed.

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<sup>1</sup> <https://www.theguardian.com/society/2016/jul/11/police-blame-worst-rise-in-recorded-hate-on-eu-referendum>

The book aims to explore the empirical potential of restorative justice as a response to hate incidents. It is divided into nice sections and is generally based on the investigation of four practices where restorative justice is claimed to have taken place for hate related offences (Sussex Police, Devon and Cornwall Police Service, Oxford Youth Offending Service and Southwark Mediation Centre). The main focus was two of these sites with a total of 38 interviews conducted with victims who had participated in a restorative intervention. 18 observations of direct and indirect restorative justice were also carried out. This qualitative study was complemented with 23 in-depth interviews with restorative justice practitioners. The locus was England and the timeframe was two years.

Although the methodological and geographical limitations of this book are instantly apparent to the international reader and policy maker, it must be pointed out that when it comes to understanding complex notions such as restorative justice and hate crime, quantitative studies may indeed be inappropriate. There has been a strong rhetoric that restorative justice is widespread and generally wanted by parties. In my 15 years of restorative justice research<sup>2</sup>, I have found this to be untrue particularly when it comes to complex cases such as hate crimes and domestic violence (Gavrielides 2011; 2012; 2015a). Therefore, working with 38 hate crime victims who had undergone restorative justice is an achievement and although the conclusions of Walter's book are neither generalizable nor universal truths, they may open new avenues for policy and research.

It is regrettable that the book's conclusions and recommendation are UK focused as lessons could have also been drawn for the international arena. It is also regrettable that the investigation focused only on incidents motivated due to race, religion, sexual orientation and disability. Had the research and indeed definition of hate incidents been broader, the book would have gained a bigger momentum particularly in the current climate where fears (and with them hate) are triggered principally due to someone's migration and economic status. It is also disappointing that the gender aspect of hate attitudes was not adequately considered.

The book makes an important argument. The law alone cannot address the social issue and injustice of hate crimes. "The criminalisation of hate certainly helps to censure prejudice-motivated offences", the author says. The book is also grounded in reality as it reminds us

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<sup>2</sup> <http://www.theogavrielides.com/ri>

that “without the legal framework for hate crime, it is much less likely that criminal justice agencies will dedicate the amount of time and resources that they now do to tackling this type of offending”. How could they do differently, I would ask, when the current paradigm within which they operate is one of legal positivism?

Walters is well aware of where the heart of the problem lies. “The social complexities present in most hate motivated conflicts must not be forgotten, brushed aside or deemed to be either too multifarious or too trivial for the state to address” (page 237). This is precisely why I have argued many times elsewhere that dialogue based approaches to conflict may be able to provide alternative avenues of unravelling the true reasons that lead to hate attitudes (Gavrielides 2007; 2015a; 2015b). Restorative justice is not panacea, as the author indeed points out. However, restorative justice is generally accepted as one form of such dialogue.

Walter’s research is important as it highlights some key omissions of the extant restorative justice literature particularly in relation to complex cases. One such highlight is the significance of preparation and the book makes sure that the reader who is not a practitioner pays attention to this aspect of restorative justice which is generally seen as cheap, quick and easy to deliver (Coates, R., Umbreit, M., & Vos, B. 2006). The reality is somehow different and the author’s direct experience of the complexities of restorative justice is reflected in the grounded arguments that he makes about taking it forward. However, I was disappointed with the repetitiveness of some of the book’s sections particularly sections 1 and 2 (Gavrielides 2012). It was not until section 7 that I really got engaged with the arguments. This limitation is probably due to the fact that the manuscript may have been originally intended for a doctoral thesis. It is also my belief that authors should decide from the outset whether their contribution will be for a niche market (where basic concepts should not be repeated and boundaries are pushed), or for a more basic readership. The extant restorative justice literature is crowded with readings for the basic readership, and thus I was somehow disappointed that despite its potential and evidence based approach this manuscript didn’t push for more.

Furthermore, I was a little bit sceptical about what appeared to be an idealised presentation of the Southwark Mediation hate crime project having observed this myself over many years of research. While on the one hand the researcher acknowledges the limitations

of this practice (e.g. restorative justice in the narrow sense was rare), on the other there seems to be an over-reliance on the data and arguably the relationships that resulted from this particular practice. It would have been useful to have a comparative picture between the four practices particularly given the fact that this particular side was found in the community whereas the other three were statutory (one of which was exclusive focused on juveniles).

Notwithstanding, the book is a must read for anyone with an interest in dialogue based approaches to conflicts with a power element. Section 8 is particularly informative as it unravels dynamics and factors that are crucial for the success of any restorative or dialogue-based approach to conflicts that involve different races or cultures (Walters and Hoyle, 2010). Basic differences such as language, culture, history and status are often underestimated by policy makers, researchers and even practitioners in their attempt to roll out restorative justice (Gavrielides 2014; Albrecht, 2010). This book presents original findings while combining them with the limited literature on the matter to alert reformists that restorative justice is not easy, and that appropriate training, safeguards and processes must be in place. The 'check list' on page 240 is particularly useful and in combination with the various case studies that are scattered throughout the book they could form the basis for a timely practitioners' manual for hate incidents dealt through restorative justice.

The author is right in saying that "despite aiding victims' emotional recoveries, restorative processes could not alleviate the broader socio-cultural and socio-economic disadvantages which are manifest in contemporary society". Restorative justice is not a new religion. However, I have argued elsewhere that restorative justice may indeed encompass the values that our godless era may be seeking in drafting and testing a new justice system (Gavrielides, 2015c). A system that is not founded on structured impositions of adversarial and inquisitorial forms of justice, but one that puts fairness and Aristotelian equity on the scales of blindfolded Goddess. This is the level of sophistication that I would have expected from this timely and well informed manuscript and which I hope to read in the author's subsequent work.

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