

## “Integrating a consciousness of systemic power and privilege into restorative justice”

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OpenEdge Transforming Conflict

- Welcome, welcome to this session on integrating a consciousness of systemic and privilege into Restorative Justice, peers asking the questions we ask ourselves. I'm Christina De Angelis and this is my colleague Sarri Bater.
- Hi everyone so we're part of OpenEdge Transforming Conflict, we are UK-based charity that works in many different countries. We do all things conflict transformation, including restorative justice and restorative circles and we do a lot of work around identity and difference conflicts. You can find out more about us on our website [openedge.org.uk](http://openedge.org.uk).
- So this offering is an invitation to a generative circle conversation in two parts, this first 30 minute video which offers a sort of framing and then a reflection together in the Q & A session on December 7th. Or more accurately named, questions and more questions session.
- We want to acknowledge here and learn from the work that so many of you have done and are doing to address these questions already in Restorative Justice. And part of this conversation we offer as a framing in which we share some important questions about how power and privilege impacts the work we do in restorative justice. Our intention is to create a space for each of us to reflect on their own questions and answers rather than offer one fixed way of seeing things.
- So then as part of that we want to acknowledge that we ourselves are impacted by the systems we live in and therefore have our own unconsciousness and biases that may very well show up in what we share today. In that vein, we look forward to the co-learning and awareness raising we will have together in the Live session. We wanted to let you know that all the literature we are referring to during the talk can

be found at the end of the talk, as well as a section “For further study” and you can get that as a pdf if you email me. And we are very much hoping that there can be some English subtitles to this, for our deaf colleagues, and those who would like those, acknowledging that not everybody has English as their mother tongue, and we hope there may also be some in other language. It may be that there will be transcripts rather than a subtitles and we want to make this as accessible as possible

- So the aims of the conversation today now and the continued conversation on December 7th are, firstly we want to increase our capacities to see and respond to the impacts on us all, as well as restorative justice, the impacts of the systems that we live within and reproduce invisibly and unconsciously. We are in them and they are in us. Secondly, we want to explore how unless we consciously and proactively design something different our restorative justice may unwittingly reproduce the very things we want to change. Thirdly, we want to name some ways that unconsciousness shows up in our thinking, our structures and our action . We also want to shine a light on the world built for whiteness, where certain ways of being are centred and others discounted and marginalised. And finally we want to share conscious practices for holding a systemic lens of power and privilege both within ourselves and within restorative justice processes.
- So to start us today, I’ve asked Sarri if she wouldn’t mind sharing just a little bit of her story, so we can make this real and centered around real people and real situations.
- Thanks Christina. So, I was born and grew up in London, South East London, a generally affluent area in the 1990s, so not very long ago at all. By the time I was 16, three of my friends had been murdered in racist attacks. And actually across the 1990s, 30 young black and Asian men were killed on the streets in London in racist attacks. At the time, you can imagine whole communities were devastated. We felt powerless, helpless. People were being just literally cut down in the street and nothing was being done to stop it. I had another friend who actually killed himself in that time because of the trauma of living in that experience as a black young man.

And later on, after so much work on institutional racism within the police, I had another friend who actually died in police custody.

So there's systemic patterns on something not being ok around identity and violence and how that violence is being responded to. Now I spent a lot of my time in those days with my communities trying to raise our voice to challenge what was happening, to get support, to get the people that were supposed to help us and protect us to listen to us and hear our concerns. We tried everything. We tried formal meetings and conversations. We tried protests. We tried petitions. We tried all different types of interactions and meetings and conferences and that kind of thing, and we had an experience in our communities, a whole community experience of being totally discounted when we raised our concerns and showed our pain.

By the time I was 17 then, I was actually so traumatised, I was so unsafe in my world where I was supposed to be protected, where there was supposed to be justice, I was so unsafe that I was so traumatised by being discounted that I actually ended up in hospital. And this is not to do with the actions of the individuals that were responsible for the murders. I could understand that. I can understand disaffected white, young men who were being manipulated to go out on streets and kill. Where I was totally discounted and lost all faith and trust was in the power holders and the police service and the justice system that I was growing up in.

Then I went off to university and I started studying all these things and writing about them. And I was involved in the Stephen Lawrence enquiry and the enquiry for those of you who don't know actually named the police in the UK as institutionally racist. So you can imagine that there was all sorts of reforms and actions coming out of that. And suddenly my voice was wanted. I was invited to all sorts of conferences, every conference. I was asked to work for the racial equality Council. I was asked to work for the police, looking at community and race relations. And I actually became an independent adviser to the home secretary at that time. Nothing I was saying was any different, but now I had qualifications and a certificate and I was wearing different clothes. I wasn't wearing my ripped jeans and army boots that the 16-year old was wearing. I was assimilated into a way that was more legitimate to have my voice heard.

In recent times of course, with the murder of George Floyd and the impacts that's

had globally and in the response it has had globally, I am still affected by the trauma of my experience. My nervous system got very, very scared in recent months. I didn't dare to hope for any change. I had no trust that any response would come to anything. I only had an experience of betrayal and disappointment. So here I am today, so it was 26 years ago that my friends were murdered and I'm still impacted by having no processes for restoring. I'm still really longing to sit down with someone, or someones, who represent and are accountable for the systemic experience that I and so many in our communities had. And how can I do that, because there was no one individual who was responsible for that. There's no one person I could identify as the person to sit and do a restorative process with. Who do I go to? Who is it that I have that conversation with? And as you can see the impacts on me are still here today as I've just shared with the sense of total lack of trust in my police system and criminal justice system. And real, there's still pain and impacts of a sense of total betrayal and this justice system is not for me and my community.

Now, I'm just one tiny example. There are generations of communities and peoples who have been impacted by systemic power and privilege and have not had anywhere to go with that, anywhere to respond to that within the justice system. So my experiences really have of course sent me on a path to ask questions about how do we put a systemic lens on justice and of course my interest is particularly in restorative justice. So thank you for allowing me to have a few moments to share a small part of my story and I'm offering here, just as a real life example to help connect to as we go forward in this conversation.

- Thank you Sarri so much for sharing and trusting us with your story. I just really, I want to acknowledge the pain, on you and on the communities that were impacted by all those events and the ongoing lack of some kind of restorative process to be able to address that. Thank you very much.

So we want to take that, we want you to take that into looking at this picture. We'd like you to just have a look at the picture and notice what you see. We'll just take a moment to just give you time to look at the picture and notice what you are seeing. For us this picture is a metaphor of how the world is organised with different people having different access to resources and in different ways.

- We share this picture to remind us that our restorative justice processes already start in this landscape, so we don't do restorative justice in neutral conditions. And again my story is an example of that. So this means, engaging with power and privilege needs to be consciously and proactively designed into everything we do and how we do it or we will definitely reproduce these patterns.

So if you have a look at this picture, I want to just give us some framing to how we can understand what we mean by systemic and linking the personal to the systemic and putting a systemic lens on. What is the system that we're talking about? So if you have a look at this triangle, its from a conflict transformation scholar, Johan Galtung. He calls this the conflict triangle and you can see at one corner there's culture. And by culture what we mean is the underlying assumptions and ideas and beliefs about the world. So how do we frame the world, what actual beliefs and ideas about how the world works do we then organised from.

So another way you can describe this, these collection of assumptions, because we have many at the same time, create our conceptual boundary. How we can see the world and make sense of the world. So an example of an underlying assumption or belief about how the world works, is that people belong to countries or people belong to nation-states. So that's an underlying assumption that we can hold and then we start creating our organisational systems, society systems, on that assumption.

So we have structure as another key part of the system and by structures we mean rules, laws, policies, practices, institutions. Institutions can be justice institutions, financial institutions, health institutions, any of those. You must remember that language, discourse, narrative is also part of the structure of society. So these structures can be formal or informal. So enshrined in law or not. They can be more customary rituals and practices. They can be explicit, but are often implicit. And they can be conscious, but they often unconscious as well. An example, of a structure or structures, based on, if our culture is, an underlying assumption is - people belong to countries - an example of structures built upon that belief are: we then have immigration policies, rules, laws and a whole specific discourse for talking about the experiences of refugees and the identity of refugees and asylum seekers.

At the top of the triangle, you will see direct actions and behaviours. These three points make up a system. Direct actions and behaviours are what we do personally. An example of that could be that a child goes to school, a child from an asylum seeker family goes to school, and gets told to go back to where they belong. So as you can see from the examples I've given you, direct actions and behaviours, the structures and the culture they are all intrinsically linked, they reinforce each other and they justify each other.

So what we want to think about is, if we do restorative justice that only addresses personal actions and behaviours, that only does transformation and change at the top level of this triangle, we are absolutely not engaging with the other parts of what happens in the system and what makes the system. So we are leaving parts of the system entirely unaddressed.

So Johan Galtung would call this negative peace. There's clearly been some kind of change and transformation and personal direct actions, but the parts of the system that contribute to those direct actions and behaviours are still left unattended to. So what we are saying is, if we want positive social justice, positive restorative justice, positive peace, we want to engage all three levels of this, the system. When we have an interpersonal conflict, when we have an interpersonal issue of justice and a case to work on in our restorative justice, how can we put the systemic lens on and make sure we're not only focused at the top part of that triangle, but that we can actually engage with the culture that is at play and the structures that are at play that reinforce and reproduce those behaviours.

- And if you look at this image, we see that not only do we exist within this system, quite independently of ourselves, but the system exist within us. So, for us linking personal experience to the systemic is really vital if we're going to do this restorative justice work. Because it's not just outside it's inside. So, for example, if we look at some of the values of Restorative Justice. There are lots of different definition so we've taken the ones from the European forum : justice, solidarity, responsibility, truth, respect for human dignity. And of course you know, we think of Howard Zehr's metaphor about how restorative justice is a different lens. It's not the retributive lenses, whose to blame, who do you punish and exclude. It's much more, who's been hurt, what are their needs, who has the obligations to address these

needs and put right the harms, and how do we restore relationships? Or another definition I quite like from Fania Davies, “Nothing about us without us.” The people who are involved in the conflict, or the crime, or the situation, are centred when the processes are being created. It's about them and they have voice and they have agency.

- So for us in OpenEdge, key questions we ask ourselves include: how do we use the values of Restorative Justice, such as the ones that Christina is just giving us, to engage at cultural, structural and direct levels of violence and harms. How do we use those values in contexts where historical harm remains unaddressed? And how do we use those values where systemic patterns of exclusion, power and privilege continue and yet are largely *invisible*?

So, for us it's crucial to do any restorative justice activities in the knowledge that in our communities, and globally, there are identity groups, people with certain experiences of life, that are continuously marginalised, and alongside this there are some experiences of life that are always centred and privileged. So we distinguish these historic, systemic experiences of exclusion, which we call otherness, as not the same as individual moments of being excluded or in the margins or the dissenting voice in the room. So we acknowledge that the patterns of experiences, of exclusion is discounting, which is systemic oppression.

- So if we think about this, and keeping in mind Sarri's story, oppression as a regular experience of life creates psychological trauma on individual and collective bodies and the impact of this trauma on the brain and on the nervous system limits our personhood, how we have voice and how we engage with the world. And this is highly significant when we consider equality, access to personal choice, and participation in society.

And then on the other hand, privilege or being centred as a regular experience of life, actually atrophies parts of the brain which stop us from being conscious of that privilege. We become less able to actually see other people's experiences that are not the same as ours. And this is highly significant in how people come together restoratively, or don't, as in what happened with Sarri's experience.

- Together these phenomena lead us to ask questions of not only personal accountability within restorative justice, but systemic accountability.
- An example which is very dear to me is from Australia. So Aboriginal and Torres Strait Islander peoples who are the original, indigenous inhabitants of Australia are about 2 to 3% of the population, yet they are 28% of the population. And the usual unconscious and accepted systemic conditions in Australia means that today an aboriginal child has more chance of going to prison than finishing high school. And this image, which is quite shocking from juvenile detention in the Northern Territory, not that long ago, 2016, is of a 17-year old boy. And one of the scholars in Australia, Cunneen, for him colonialism is the root cause of Indigenous over-representation in criminal justice.

And we might look at why that is. There was an accepted government practice in Australia, from the start of colonisation right up to the 1960s, of removing aboriginal children from their families, this is called the stolen Generations, and not one single family has escaped the effects of that forced removal. And most families have been affected in one or more generations. So young people with parents, or grandparents, or great-grandparents who were taken, are 50% more likely to be charged by the police, 30% less likely to have good health and 10% less likely to have a job.

- So Christina has given us examples from Australia, but let's not fall into the trap of thinking that doesn't happen in my community. All our communities have some impacts of historic, systemic power and privilege that are on-going. So for us in OpenEdge, it's crucial to ask ourselves, and those we work with, how much do we know about historic, systemic power and privilege in our communities? And from whose perspective have we learnt it? Therefore, how does this then inform how we do restorative justice processes?
- So for us it's vital that we put on our systemic goggles so to speak to see these patterns both inside and outside us. To see our own personal direct actions and choices, our Structures (our RJ policies, accessibility, language), our cultures (these underlying assumptions about how the world works). So coming back to Sarri's

story, what would be some of the questions you might be asking, Sarri.

- So of course, I'd be asking - who is it that's accountable for my experience and the experience of a whole community and generation? There was no, one individual to sit down and have a restorative process with. So how can we have a restorative justice process that allows us to engage with a system rather than individual, or as well as individuals, when that's needed?
- In the situation with the aboriginal young man, if he were invited into a restorative justice process, are we inviting him as an offender or as a victim? And if he is both, how does that show up? In contexts like Australia, where there's historic harms that have not been addressed, there's been no reparation, no care, not or not enough care for the needs, the relationships still need to be restored, how do we do restorative justice in those contexts? And if I were facilitating that restorative justice process, how might I be perceived and what would be my own possible unconscious racism and biases? If that young man had the courage to tell me that he experienced me as being unconsciously racist towards him or that our programme did not suit him or his community, what might be my response? And what actions could I take to address that within me and within the process?

So we want to make it really practical. And of course many of you already doing so many things, so we look forward to that discussion on December 7th, but here are just some ideas and thoughts that we have come up with.

So how do we be proactive in dismantling systems of systemic inequality that will be part about RJ processes because we're not starting from neutral ground? So this means becoming conscious of my assumptions about how the world works on the culture level, the deep learning about concepts of identity, power, difference in the world. Decolonising which means becoming conscious of how unconscious structural power and identity shows up in us, and in our spaces in every moment. Building capacity to embrace discomfort for those difficult conversation about how people experience us and the work we do.

So some of those actions could be that we would start learning about the history of our own communities, or our own families. Forming communities of practice to engage with learning about identity, power and difference and decolonizing.

Creating systems of support to strengthen my inner capacity to receive difficult feedback on my unconscious patterns.

- For us, consciously choosing to use a systemic lens of power and privilege in restorative justice means a few things. It means definitely going beyond engaging with power and privilege as an add-on to what we already do and how we do it. Definitely not going towards representation as an answer to power and privilege. It also means committing to not just focusing on interpersonal relationships in restorative justice processes because as we know that leaves the whole problems within the system unengaged with.  
We also want to build conscious systems for inclusion, so that means on-going processes to proactively enquire and respond to how our restorative justice practices decisions, behaviour, spaces, policies, activities impact different peoples differently. We also want to establish frameworks to monitor and measure power and privilege in restorative practice. And review the language we use in restorative justice. So for example, that could be acknowledging individual and systemic victims, offenders and the complexity of crime and conflict where both people can be both victims and offenders at the same time. And finally, we really need to get beyond blame and shame, and making individuals wrong, towards understanding that all behaviours are systemic.  
So we have said a lot today. Some of it may be new to some of you and some of it, some of you will have explored in much more depth than our simple offering today. So we really just are acknowledging the spectrum of experience. But either way we really hope that this has generated some prompts for reflection and further explorations together.
- We want to thank you for your interest and care for this really important subject and for the work you're already doing. And we're looking forward to discussing those with you in our questions and further questions session on December the 7th. Thank you. Bye.
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