

Title: "Let's talk about it": Why social class matters to restorative justice

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Abstract

Communication is universal to human beings, regardless of gender, ethnicity, class, sexuality, disability, and so forth. But though communication is a shared capacity, individuals and groups communicate in diverse ways. This study investigates how specifically social class influences participation in scripted restorative justice by affecting how participants communicate. Data from an ethnographic study indicates that restorative justice implementation is not class-neutral because it appears to privilege middle-class forms of communication, and participants from middle-class backgrounds may therefore be more powerfully positioned in restorative justice processes than participants from less advantaged backgrounds. To show this, a comparative methodology is adopted, which involves ethnographic observation and critical discussion of two contrasting restorative justice conferences. The implications of class-based linguistic disadvantage for restorative justice theory is subsequently discussed. The author recommends that restorative justice commits itself to an equality of opportunity which allows stakeholders to participate fully irrespective of their class background.

Title: “Let’s talk about it”: Why social class matters to restorative justice

Language is the most active and elusive part of the cultural heritage which each individual owes to his background (Bourdieu et al., 1996: 8)

Restorative justice is a dialogue-heavy process. The value of such a dialogical and participatory process is often emphasised by restorative justice scholars (Braithwaite, 1996; Braithwaite and Parker, 1999; Marshall, 1999; Zehr and Mike, 2003). Accordingly, restorative conferencing, which involves victims, offenders, and their supporters assembling in a circle to talk through the effects of an offence, is the most commonly researched form of restorative justice (cf. Shapland et al., 2008; Sherman et al., 2014). In these restorative conferences, participants describe events, express their feelings, and explain wider effects of offending behaviour. However, my research indicates that such a communication style may require certain linguistic skills and abilities which are not distributed equally in society. Consequently, some participants could arrive at restorative justice conferences better equipped to participate than others. In this paper, I focus specifically on how social class affects participation in restorative justice conferences.

There is recurrent concern about power imbalance in restorative justice, which is most apparent in debates over whether restorative justice is an appropriate response in cases of domestic and sexual violence (for a bibliographic overview, see Hoyle, 2010). But subtler forms of power imbalance can be found in the unequal communicative abilities of participants. Ethnicity, for instance, may affect communication style, and language barriers could prevent the flow of conversation in restorative processes (Albrecht, 2010; Davidheiser, 2008; Gavrielides, 2014). Equally, face-to-face verbal interaction may be especially challenging for persons living with disabilities such as autism (Littlechild, 2011; Snow, 2013; Snow and Sanger, 2015). As a result of

differential communicative needs, then, some participants are expected to be more powerfully positioned in dialogue-heavy restorative processes compared to those who struggle to express and present themselves in the required way (Levrant et al., 1999; Cohen, 2001; Cook, 2006). While restorative justice theory recognises the possibility of language-based disadvantage, for the most part, the extent of this disadvantage is underappreciated, especially with respect to social class.

Echoing concerns about ethnicity and disability, Levrant et al. warn that the restorative justice processes could favour those with stronger verbal skills, such as (typically) the socioeconomically advantaged (1999). Instead of having professionals speak on behalf of victims and offenders, restorative justice encourages participants to speak for themselves, usually in response to questions asked by a facilitator (Umbreit, 2010; Van Ness and Strong, 2014; Zehr, 2015). Restorative questions can either stem organically from a facilitator, or from a recited restorative justice script. The type of questions stakeholders might be asked include: *what happened; what were you thinking of or feeling at the time/since; who has been affected*, and so on. It is plausible to think that people with greater verbal ability will be able to give more expressive – and thus effective – answers to such questions. This is problematic if socioeconomic background affects an individual’s linguistic development.

Sociological research indicates that communicative disadvantage may very well result from class inequality. In *Unequal Childhoods* (2011), Annette Lareau argues that while both middle-class and working-class parents support their children’s development, how parents do so is dissimilar. Lareau observed a tendency among middle-class parents in her study to engage in continual discussions with children, prompting their descriptions of events, encouraging their opinions and choices on household decisions, and providing them with explanations for given adult directives (2011: 96–103). As a result, Lareau records middle-class children as acquiring verbal

agility, extended vocabularies, a grasp of abstract concepts, and confidence to converse with professionals (2011: 19). Advanced communication skills such as these would be invaluable for articulating ‘what happened’ during a restorative justice conference, enabling a participant to converse confidently and in a restorative way.

In contrast to these middle-class abilities, the skills embodied by working-class participants may hinder their ability to express themselves fully (Charlesworth, 2000; Lareau, 2011). Lareau (2011) found that, since working-class families encounter socioeconomic hurdles that differ from those faced by middle-class families, the skills working-class parents instil in their children must reflect this. The primary concern for working-class parents in Lareau’s study was to ensure that their children’s most basic needs were met; instead of encouraging children to take part in decisions about what to eat, for disadvantaged families, the task of finding something to eat could be more imminent. Therefore, while Lareau observed middle-class families using language as an end in itself, taking pleasure in words for their own sake, language performed a more functional role for working-class families (2011: 94). She found working-class families preferred to keep things short and to the point, sometimes employing body language and gestures rather than extensive explanations, and using directives and commands rather than lengthy negotiations (Lareau, 2011: Ch. 7). Lareau suggests that this nurtures a ‘sense of constraint’ in working-class children, compared to the ‘sense of entitlement’ cultivated in middle-class homes (2011: 16). Such habitual abilities may make the task of describing events, and explaining personal thoughts and feelings, during restorative justice especially challenging for working-class participants.

Lareau derives her distinction between the working class and middle class from Bourdieusian theory. Pierre Bourdieu develops three central concepts for us to understand social class: ‘field’, ‘habitus’, and ‘capital’ (1984, 1986b). Space precludes me from offering a full

exposition of Bourdieu’s theory; however, for the purposes of this article, the concept of capital requires explanation. For Bourdieu, capital describes the multiple sources of advantage that individuals acquire over the course of their lifetimes. It includes economic capital, which covers financial resources such as income, savings, and home ownership; social capital, which is the relational networks individuals can draw on; and finally, cultural capital, which encompasses the cultural resources and tastes that individuals embody. Importantly, Bourdieu recognises that capitals are of unequal value and effect; differing values depend on the type of capital a person possesses and embodies, the context in which it is employed, and how well the capital is used. Bourdieu applies the notion of ‘legitimacy’ to explain how some capital has more social value than other types, such as educational qualifications, which are a form of institutionalised cultural capital that can be used to engender further benefit for its holder in other social spheres.

Lareau’s research focused on how the range of capitals developed within working-class and middle-class families affected their participation in American schools. Notably, Lareau’s interpretation of cultural capital includes skills and abilities individuals develop (1987; Lareau and Weininger, 2003), where language is seen as a significant cultural resource that is particular to the environment in which it is cultivated (Lareau, 2011: 123; Bourdieu, 1991). In accordance with Lareau’s research, those brought up in middle-class homes acquire greater *legitimate* linguistic cultural capital, in contrast to functional language fostered in working-class spaces. Lareau found that, whereas working-class speech is useful in working-class environments, it lacks the legitimacy of middle-class forms of speech that enable its speaker to excel in formal contexts, such as the school. Lareau’s work has been replicated and expanded on in numerous studies, and it has been shown to be applicable in the UK context (Reay, 1998; Reay et al., 2007). However, empirically

examining how these class-based language differences play out in restorative justice – a dialogical form of dispute resolution – has yet to be explored.¹

In this article, I present one of my main ethnographic findings: working-class individuals appear to experience greater difficulty talking in a restorative way than do middle-class participants. This difficulty occurs, I propose, because scripted restorative justice is an essentially formal process, and restorative dialogue reflects linguistic patterns developed in middle-class homes. Indeed, from what I observed, middle-class characteristics of scripted restorative justice prevented working-class individuals from full participation in the process; consequently, working-class participants were less powerfully positioned and at risk of having their rights under-enforced. If these results are replicated in other studies, then I propose that in order for scripted restorative justice to offer a fairer form of dispute resolution irrespective of class background, structural inequality and its effects on linguistic disadvantage must be fully acknowledged and addressed. I contend that continuing to overlook class disadvantage in scripted restorative justice may perpetuate inequality and harm the least advantaged who take part.

The next four sections explain this research finding and reflect on its implications. In the first section, I outline the methodology of the study. In the second section, ‘Unequal Communication’, I present data to illustrate how working-class participants in my study appeared to experience greater communicative struggles during scripted restorative justice conferencing compared to middle-class participants. In the third section, ‘Restoring the Communicative

¹ Several scholars have raised social justice concerns about the need for restorative justice to tackle inequality (see Delgado, 2000; Harris, 2004, 2008; Morris, 2000). Fewer studies have empirically assessed these claims (for exceptions see Cook, 2006; Rodriguez, 2005). Conceptions of class remain largely unexamined.

Balance’, I discuss the significance of these findings, and how they might be applicable to restorative justice theory and practice more widely. In the final section, I offer concluding thoughts.

Methodology

I conducted an ethnographic study in an English working-class town to shine a light on how class-based linguistic differences may affect participation in restorative justice, mindful also of race, gender, and disability (Crenshaw, 1989; Potter, 2015). Influenced by Bourdieu (1984, 1986b), I determined class by reflecting on my research participants’ economic, social, and cultural capital, and my evaluation relied on qualitative observation. For explanatory purposes, like Lareau, I make use of two descriptive categories: working class and middle class. This approach is binary, and so inevitably does not account for the borderline cases which blur the middle- and working-class categorizations. Indeed, Savage et al.’s endeavour to quantify social class in Britain through Bourdieusian theory led them to propose a seven-tiered class system, ranging from the ‘precariat’ to the ‘elite’, with contentious borderline cases (BBC, 2013; Savage et al., 2013). Despite the limitations of classification, categories serve a valuable analytic function: they provide us a way to describe and discuss comparable social phenomena. Therefore, in order to understand how class may affect participation in restorative justice, I make use of working-class and middle-class categories. However, I do so with caution: in all groups, some individuals will acquire greater or fewer skills than others, and there will always be exceptions and borderline cases.

I adopted ethnography because it facilitates inclusion of a board range of qualitative data, which can be used to understand social practice and meaning (Brewer, 2000; Fetterman, 1989). Ethnography permits researchers to go beyond so-called thin descriptions by instead offering ‘thick’ descriptions of the social context (Geertz, 1973: 6). For example, whereas a thin description of an

event can capture an action – *the statesperson signs a document* – a thicker description captures the social significance of the action – *the statesperson’s signature on the peace treaty means the war has ended* (Ryle, 1968: 510). I contend that in order to recognise how power imbalances surface during restorative conferencing, we need to comprehend the social meaning attached to seemingly minor (when described thinly) actions and words. That is, we need to read off thick descriptions from the scenarios we encounter, on pain of misunderstanding, or not fully understanding, disputes and conflicts. To achieve this, I immersed myself in the life of an English working-class community, and I sought to learn what mattered to community members on a day-to-day basis. Gradually, I focused on informal conflict in the community, and what happened when such conflict was taken to restorative justice programmes. In this way, I developed a ‘thick’ and layered understanding of conflict and language usage in the sampled community.

The community under study resides in my hometown – a former steelworks town, which experienced wide-scale unemployment following deindustrialisation in the 1980s. Today, the primary occupation in my hometown is manufacturing, and many participants in my study work under agencies on zero-hour temporary contracts. To conduct the study, I spent a year living with my family on our council estate, which is recorded as among the 10 percent most socioeconomically deprived nationally. In accordance with Savage et al.’s survey, my town was categorised as ‘precariat’, which is a description Savage et al. give to the social group with the lowest levels of economic, social, and cultural capitals (2013). The town is also recorded as having high levels of crime, with violent offences against the person far higher than the national average. As an ‘inside researcher’, engaging in ‘ethnography at home’, I adopted a reflexive approach to provide critical perspective on my interpretations (Harding, 1991). Accordingly, within my larger

study, I reflect on how my intersectional characteristics imbue my ethnographic fieldwork with its own meaning, and how nonetheless it is possible to record valid data by use of such a method.

My complete study examines how conflict is resolved on my estate before criminal justice agencies are involved; subsequently, I assess what happens when community conflicts are taken into restorative justice programmes (Willis, forthcoming). While my current observations and analysis of the restorative justice interactions benefit from the richness of the full ethnography, in this article, I only present the restorative justice data due to limitations of space. I participated as a volunteer in two restorative justice programmes operating in the town. One of the programmes, the Neighbourhood Resolution Forum (NRF), was a community-level initiative set up by the local council in partnership with the police force. In the NRF, restorative justice conferences were facilitated by community volunteers. The second programme I observed was offered by a national state body, the Youth Offender Team (YOT). YOT activities included restorative justice conferencing, facilitated by state-employed YOT workers, and Youth Offender Panels, which consisted of either two or three community volunteer facilitators and a YOT worker periodically meeting with a young offender and their supporters (Crawford and Newburn, 2013; Rosenblatt, 2015).

The primary data I draw on here are NRF volunteer-facilitated restorative justice conferences, which I observed first-hand. I observed 12 NRF conferences in total. In addition to these, I observed one YOT restorative conference. Details of these cases, including the types of offences, and demographics of the research participants, are presented in the following table. My complete restorative justice dataset also includes observations of 35 YOT Youth Offender Panels; notes on 10 unobserved YOT restorative conferences; notes on 55 unobserved NRF restorative

justice conferences; and 59 interviews with victims, offenders, supporters, volunteers, and programme employees.

Table of Observed Restorative Justice Conferences

	Type of offence	Offender details	Offender supporter	Victim details	Victim supporter	Research role	Venue
NRF Conferences Observed by Researcher							
1.	Neighbourhood vandalism and criminal damage	Female teen, from a neighbouring council estate to the sample council estate.	Mother. (Employment unknown.)	Middle-age male, from a comparable council estate to the sample estate. Employed as a lorry driver.	None.	Observer	Police station
2.	Common assault	Female teen, from the sample council estate.	Female social worker (30s).	Female teen, from the sample council estate.	Mother. Employed as a shift worker.	Observer	Police station
3.	Criminal damage (drunken)	Woman, late 20s. Unemployed.	None.	Middle-age male. Employed as a pub landlord.	None.	Observer	Police station
4.	Intra-family violence	Pre-teenage female, from the sample council estate.		Mother. Unemployed.	Step father. Unemployed.	Observer	Youth centre
5.	Intra-family theft	Pre-teenage female, living in a residential estate, attending the school on the sample council estate.	Aunty. Employed as a shift worker.	Mother. (Employment unknown.)	Grandmother Unemployed.	Observer	Youth centre
6.	Common assault	Male teen from the sample council estate.	Mother Employed as a shift worker.	Male teen from the sample council estate.	Mother. Unemployed.	Co-facilitator	School
		Male teen from a neighbouring council estate.	Mother and father (profession unknown).		Female teacher, middle-aged.		
7.	Common assault	Female teen, from a neighbouring council estate.	Mother. Employed as a shift worker.	Female teen, from a neighbouring council estate.	Father. Unemployed.	Co-facilitator	Police station
8.	Criminal damage in school	Male teen from a neighbouring council estate.	Mother. Unemployed.	Female teacher, middle-aged.		Observer	School
9.	Criminal damage	Three pre-teenage males from a neighbouring council estate.	Father. Employed as a shift worker. Father of two brothers (employment unknown).	Middle aged male. Professional.	None	Observer	Police station
10.	Dog bites a child	Male teen from a village (not present in conference.)	Middle age heterosexual married couple. From an affluent village. Professionals.	Female toddler (not present in conference).	Middle age heterosexual married couple. From an affluent village. Professionals.	Co-facilitator	Police station
11.	Criminal damage in school	Male teen from a neighbouring council estate.	Mother. Employed as a shift worker.	Female teacher (20/30s).	None	Observer	Police station
12.	Neighbourhood dispute	Middle age heterosexual married couple from the sample council estate. Unemployed.	Female social services supporter.	Middle-age female, from the sample council estate. Employed as a shift worker.	Middle age female friend, from the sample council estate.	Observer	Council hall
				Council rep attended to raise other complaints made by neighbours.			
YOT Conference Observed by Researcher							
13.	Non-dwelling burglary	Teenage male from a comparable council estate to the sample estate. (Looked after status.)	Brother from a comparable council estate to the sample estate. (in 20s)	Middle-age male. Professional.	None	Observer	Youth centre

The observed conferences accordingly concerned five offences against the person, five criminal damage offences, two theft related offences, and one neighbourhood dispute. Three of the cases involved only adult victims and offenders, the other 10 involved young offenders and a mix of adult and youth victims. The majority of conferences took place at the local police station, three were held in youth or community centres, one was in the council hall, and two were in schools. Both the NRF and YOT adopted the scripted model for the restorative justice conferences. The restorative justice script was developed by Terry O’Connell, and has been adopted by various restorative training providers worldwide (O’Connell et al., 1999).² An organisation called *Restorative Solutions* was contracted to train the restorative justice facilitators from the programme I observed.³ Since the scripted model incorporates questions characteristic of restorative justice more generally, reflecting on this form of restorative communication can offer insights for other styles of conferencing too.

The observations included in this study ranged from marginal to full participation (Cosgrove and Francis, 2011). Initially, I sought to be a non-participant observer in both restorative justice programmes. However, in the process of negotiating entry into the field, I was asked to apply to become a community volunteer, first in YOT and then in the NRF. Because my research focused on class and community, I decided that accepting the invitation to become a volunteer would provide a novel opportunity to gain insight on what it means to be part of a community constructed by a restorative justice initiative. Consequently, I acquired a range of observational data, some of which involved me watching and notetaking during meetings and restorative

² An example of the script is available at <<http://www.realjustice.org/articles.html?articleId=662>> accessed 1st August 2017.

³ Restorative Solutions is a not-for-profit organisation. More information available at <www.restorativesolutions.org.uk> accessed 1st August 2017.

activities, and other data which I generated by being actively involved in the process, notetaking immediately after the observed event. In these ways, I negotiated entry to almost all of the YOT youth offender panels and NRF restorative justice conferences held in my hometown during the 12-month research period.

To analyse the data, I implemented a partially grounded theory approach, thereby allowing sub-themes to emerge from the data. While class and restorative justice were themes that I researched before entering the field, the significance of language and communication arose from my analysis of the data and can therefore be seen as grounded findings. My analysis involved a recurring process of exploring the data, identifying patterns, and then submerging myself into relevant theory and literature. In this way, I developed layers of analysis over a four-year period. The process of coding and exploring the data was aided by *Nvivo* software. In this article, I offer two in-depth comparative examples to demonstrate one of my main ethnographic findings. I selected these examples because they are most illustrative of what my full dataset showed, and they are suitably comparable, as I explain below. Class is an everyday lived experience. Accordingly, I have opted to present lengthier extracts rather than shorter quotes; I aim to *show* social class. Indeed, I propose that for us to appreciate how social class permeates experience, we must observe and become familiar with it through thick description.

Unequal Communication

In this section, I show how some of the working-class individuals I observed struggled to talk in a restorative way, in contrast to typical middle-class participants. To illustrate this, I offer extracts from two contrasting restorative justice conferences. Both conferences were run by the NRF programme, both were facilitated by community volunteers using the restorative script, both

involved parents speaking about an offence that had harmed their child, and both were held in the local police station. Moreover, all participants in these cases were recorded as being of white ethnicity in the police reports.

The first case, ‘Defending honour’, involved an assault by one teenage girl against another. The victim was supported in person by her mother, and the offender was accompanied by her social worker. The second case I present, ‘An awful bite’, involved a dispute between two families in an affluent neighbouring village, with adult parents attending on both sides, and an additional grandparent for the victim. In ‘Defending honour’, I was a non-participant observer and hence I was able to take detailed notes throughout the conference. In ‘An awful bite’, I was a participant observer, co-facilitating the conference alongside the programme coordinator. Despite being a participant observer, my co-facilitation role was limited. Primarily, I took notes, asked participants (towards the end of conference) what they hoped to come out of the meeting, and summed up what had happened.

In what follows, I adopt ‘working-class’ and ‘middle-class’ as terminology, categories which stem from my wider ethnographic findings. For the most part, my ethnographic analysis indicated that offenders in my study were from working-class backgrounds, volunteers tended to be from upper-working-class to middle-class backgrounds, and victims were mixed. These findings accord with earlier work (Delgado, 2000; Dyck, 2000; Crawford and Newburn, 2002; Souza and Dhami, 2008). ‘Defending honour’ involves what I categorised as working-class participants. The victim and offender families in this case lived on my estate, attended the local low-performing state school, lived in non-conventional family arrangements, and their parents were either unemployed or manual workers. The second case, ‘An awful bite’, involves what I categorised as middle-class participants. Both families in the second case were conventionally

structured (two parents with two children), both were home owners in a wealthier nearby village, and at least one spouse in each couple was in professional employment. Let us reflect on the scene in ‘Defending honour’.

Defending honour

A teenage girl and mother stood looking out of the police station window, in a small room at the side of the staff canteen. On the other side of the room, two women were creating a circle with office chairs. A middle-aged volunteer, Jessica, shared difficulties about caring for elderly parents with Sam, another volunteer in her early twenties.

‘Grace, would you like to help yourself to water?’ Jessica said, holding a chair, and nodding towards a jug of water on the corner table. Grace headed over to the table and poured water from the jug into a white, plastic cup.

‘And for Mum?’ Jessica prompted.

Without answering, Grace poured another plastic cup of water and carried two cups over to the window.

Her mother took the drink, checked her phone, and then continued to look out of the window.

‘The circle is ready. You can sit down if you like,’ Sam said, holding the back of one of the chairs. ‘Grace here,’ she indicated, ‘and Mum next to her.’

The mother and daughter sat down.

Jessica continued to explain the problems she was having – a greedy solicitor wanted to charge to look for a copy of the power of attorney.

‘£200, can you believe it, just to look!’ Jessica said. ‘Do you hear that, Grace? You want to keep your eye on a career like that.’

‘I’m not good in school,’ Grace said, her neck slouched into her shoulders.

‘Oh, what subjects do you like?’ Jessica asked.

‘Dance.’

‘Yes?’ Jessica said.

‘Umm. Drama.’

Grace’s mother frowned as Grace spoke.

‘A budding actress, how lovely! Do you do that in school?’ Jessica continued.

‘Yes. I wish all lessons were like it.’

‘Pipe down,’ Grace’s mother warned her daughter.

[...]

Stacy, the offender, arrived with her social worker as a supporter. The volunteer facilitators left the room to meet Stacy. The conference began soon after.

[. . .]

Jessica led the facilitation. She presented reasons why everyone was there – to talk about Stacy assaulting Grace on the walk home from school – and she invited everyone in the circle to introduce themselves. Jessica listed the ground rules: ‘phones on silent, everyone respects when someone is speaking by not interrupting, and no swearing.’

Jessica began the conference by asking Stacy about the incident. After Stacy had spoken, Jessica then moved on to let Grace, the girl who had been assaulted, talk.

‘Grace, would you like to say what happened?’

‘I was walking home,’ Grace began, ‘and Stacy said *What you looking at?* Then she pulled my ponytail, and kicked me.’

‘How did you feel at the time?’

‘It hurt.’

‘Anything else?’

‘Scared, ’cus like I don’t know why she done it.’

‘And how do you feel now?’

‘Crap.’

‘We don’t use swearing in here,’ Jessica reminded Grace, who looked down and muttered an apology.

[. . .]

Grace’s mother was also given a chance to speak about the event.

‘When Grace came back to the flat with blood on her face, we were worried. We didn’t know if she had a tooth knocked out or was hurt in another way.’

‘And how did you feel at the time?’ Jessica asked.

Grace’s mother took a moment to think of an answer. ‘Umm, distressed.’

‘Anything else you felt?’

‘Yes, we was distressed ’cus of the blood. Her face was bad.’

‘Thank you,’ Jessica smiled, ‘and how do you feel now?’

‘Distressed seeing her like that,’ Grace’s mother said. She appeared uneasy with the questions. ‘We didn’t know if it was going to happen again. We wanted to make sure it doesn’t happen again.’

When the conversation didn’t move on, Grace’s mother shifted in her chair. ‘We’re here ’cus Grace wanted to do this.’

[. . .]

From the above, I wish to focus on the communicative aspects of the conference. There are several examples where participants gave one-word answers to the restorative questions. Grace’s mother used the word ‘distressed’ three times to explain how she felt when she found out Grace was hurt. Although she tried to expand on this answer, giving a brief description of the blood and possible further harm, the mother had difficulty describing her feelings far beyond this. The struggle to find sufficient words for self-expression was recurrent in my dataset, especially among socioeconomically disadvantaged individuals.⁴ Simon Charlesworth’s research within an English community documented similar linguistic difficulties experienced by his working-class participants; without the skills to euphemise and self-censor, according to Charlesworth, the language in underprivileged settings diverts to vocal coarseness, unconstrained speech, and single words or simple, short statements rather than long, drawn-out explanations (2000: 215–217). Indeed, in the example I present, Grace’s mother seemed to have a limited vocabulary to express herself beyond feeling ‘distressed’. The word is simple and to the point. Had it have been expressed in a more familiar environment, it would have served its purpose (cf. Lareau, 2011: 94).

We can also see how Grace’s mother justified being present because Grace wanted to be involved in the process, rather than because the mother herself wished to speak about what happened. As in Lareau’s work (2011: 172), there is a risk here that the mother’s behaviour and limited response could be misinterpreted as uninterested or uncaring. Indeed, there was a tendency in my data for volunteers to describe parents as ‘good’ or ‘bad’ on account of how engaged they

⁴ The following participants appeared to experience difficulty expressing themselves: adult male victim in NRF011; girl victim, female adult supporter, and girl offender in NRF02; girl offenders in NRF04 and NRF05; female adult offender-supporters in NRF07, NRF08, and NRF11; male adult offender-supporter and two boy offenders in NRF09; adult female victim and adult male offender in NRF10; adult male offender-supporter in YOS01.

appeared to be in the process (Cook, 2006; Hoyle and Noguera, 2008; Richards, 2017). However, that much is only gleaned from a thin description of Grace’s mother. We can read off a thicker description by interpreting the limited response as her discomfort with speaking in the formal process, and the conference’s being unfamiliar, scripted, and inside the police station. Indeed, Charlesworth found his research participants experienced similar difficulties speaking in even a semi-formal process, such as the research interview (2000: 136).

Grace’s speech was also notably limited in the conference. When asked how she felt at the time, Grace offered a literal answer about the pain: ‘it hurt’. This short description may be apt for a child of Grace’s age. Indeed, Hayes suggests that communication during restorative justice may be especially challenging for young participants who have limited emotional and linguistic development (2017; see also Suzuki and Wood, 2017). Notably, however, in our present example both Grace and her adult mother experienced similar difficulties. Therefore, while age may be a barrier to full restorative communication, social class cannot easily be ruled out as a relevant factor.

The rule not to swear was also invoked by the volunteer facilitator, which had a ‘silencing’ effect on the teenage victim, already struggling to express herself. To recap, asked how she felt, Grace answered ‘crap’; in response, the volunteer reminded Grace ‘We don’t use swearing here’. The victim apologised and continued to labour with her seemingly limited descriptive vocabulary when prompted to speak. Likewise, Charlesworth illustrates the same word being used by one of his interviewees, who, when asked what she thought of the town she lived in, used the single-word answer: ‘crap’ (2000: 114). Yet Charlesworth explains that this offered the woman’s full and honest answer to the question; the simple word had depth of meaning. Given a similarity of background, it is plausible that Grace’s answer too was honest and direct, yet the rules of the game forbade and

dismissed it. Denied the chance to speak informally, and lacking the skills to express formally how she felt, Grace hung her head; her response to the question was ultimately complete.

Notably, the requirement to speak in a restorative conference was of itself distressing for several of my research subjects who had agreed to participate in restorative justice conferences. In three cases, mothers who attended NRF conferences as victim and offender supporters mentioned before the conferences began by saying they ‘don’t like speaking in public’ or did not feel comfortable answering the questions. Additionally, a female adult victim expressed reservations about having to speak in a room full of people, and her friend attended to speak on her behalf if required. There were two female attendees who mentioned that they had medically diagnosed anxiety conditions, which affected their ability to talk in front of others. Further, in one case, a male offender informed me that he and his brother drank a pint of lager before the conference, to give them ‘courage’ to enter the room. In all cases, those who expressed reluctance to speak in my dataset appeared to be working-class.

While anxiety to speak in front of groups can affect individuals from all class backgrounds, it may be especially daunting for working-class persons to speak in formal or semi-formal restorative justice settings. Green et al.’s findings give some weight to this assumption (2014). Green et al. suggest that individuals with ‘people skills’, such as those conducive to work in the service economy, are more likely to take to restorative justice than participants who found the restorative justice process ‘alien and struggled with its communicative style’ (2014: 56). Significantly, in Green et al.’s study, the participants who excelled using restorative styles of speech were in professional and managerial jobs, rather than retail-based occupations more commonly assigned to working-class individuals (cf. McDowell, 2003). Returning to Bourdieu’s concept of cultural capital, advanced ‘people skills’ might be more widely cultivated in middle-

class spaces rather than working-class ones. Thus, it seems middle-class styles of speech and modes of interaction are transferable into restorative justice forums, which could advantage middle-class participants during restorative justice.

The inability to speak during restorative processes may produce detrimental effects. Offenders who struggled to speak in my dataset were often assumed by volunteers and employed facilitators to be uncommitted to the process, sometimes described as only ‘paying lip service’ to the conference aims, in contrast to more verbal offenders who were better able to participate (Choi and Severson, 2009). Similarly, volunteers judged silent parents to be less concerned than active parents who could engage in these processes (Hoyle and Noguera, 2008; Cook, 2006). In these instances, observers assumed that individuals chose to be incommunicative – as a ‘bad’ parent or an ‘insincere’ offender might – rather than recognising that speech limitations may be a product of socioeconomic disadvantage. Victims’ skills in communication were particularly crucial in the process, since this is the primary medium through which participants can express the level of harm (Daly, 2003; Dignan, 2005). Thus, victims who struggled to express themselves were unable to fully relay the severity of the offence, in contrast with more socioeconomically advantaged victims. I will return to this issue after presenting the second case extract, ‘An awful bite’.

An awful bite

An incident occurred in a village. Just before Christmas, a teenager opened the front door of his parents’ cottage, accidentally allowing one of the family’s German Shephard dogs to escape. At the same time, a grandfather was walking along the path with his two granddaughters. The escaped dog ran up to the smallest child, and bit her on the leg and shoulder. The girl was taken to the hospital, and the matter reported to the police.

Eventually, the incident was referred to NRF restorative justice conferencing. The adult dog owners attended as the offenders, and the parents and grandfather of the little girl who was bitten attended as the victims. The conference was facilitated by the NRF programme coordinator, and myself, as a community volunteer facilitator.

[...]

The conference began by the male dog owner explaining what had happened. After he had spoken, the coordinator moved on to ask the mother of the child harmed how she felt about what happened.

[...]

Victim’s mother: ‘It’s hard now because both of the girls are terrified of dogs. When we went to the park as a family, flying a kite together, the girls were letting go of the kite whenever they saw a dog – they were scared and ran away from it. It was distressing for all of us to go through that.’

[. . .]

Coordinator: ‘Who was affected?’

Victim’s mother: ‘My daughter. She was very scared and still is. She had to have three stitches. It could have been so much worse. I am grateful the dog didn’t cause more damage. I was particularly upset that no one asked to see how she was after this happened. Our little girl was taken away bleeding and they weren’t even interested to find out how she was. I couldn’t believe it.’

The grandfather was next to speak.

Grandfather: ‘I feel responsible for it. I feel guilty that it happened and helpless that I can’t make it better. It’s been five months and I still feel affected. We were walking to the church carol service, I was holding each of my granddaughters by the hand, and then the dog ran out of nowhere. My granddaughter ran behind me and my arms were crossed around awkwardly, behind my back. I struggled to use my other arm to help keep the dog away. I wish the dog had bitten me, not my granddaughter.’

Coordinator: ‘What’s been the hardest thing?’

Grandfather: ‘The children are now scared of animals.’

[. . .]

I was the second facilitator in the case. In this role, I asked the victim, ‘What would you like to come out of today?’

Victim’s father: ‘I want the dog gone [. . .] The dog has a taste for blood now; it’s only a matter of time before another child gets hurt. Humans are the superior force. All dogs should be locked up on a lead all the time.’

Male dog owner: ‘It was in the house, it’s the only place the dog’s not on a lead.’

Victim’s father: ‘. . . all dogs that bite should be put down instantly.’

Grandfather: ‘Yes, all of them should get put down! [. . .] It was two deep bites. It tried to maul the child to death, and there was blood running all down the tights. I had to struggle to get the dog off!’

While several issues were raised by this case (preparation, managing expectations, suitability of the case, and so forth), again I focus on communication. Immediately apparent in this case are the

middle-class victims’ abilities to express verbally the level of harm involved, in stark contrast to the participants in ‘Defending honour’. Incidentally, the victim’s mother in ‘An awful bite’ uses the word ‘distressed’ to describe how she felt, like Grace’s mother did. However, by contrast, the mother of the bitten child can offer anecdotal evidence of the cause of her distress; she shares a vivid image of the family flying a kite in the park, an idyllic scene which is traumatically disrupted when a dog comes into view. Evidential reasoning such as this is among the skills that Lareau identified in her study as typically fostered in middle-class homes during the process of ‘concerted cultivation’ (2011: 96–103). It is an effective way to secure advantage through language, and it is far from class-neutral.

The level of harm communicated in ‘An awful bite’ appears more serious than harm involved in ‘Defending honour’. Throughout the ‘awful bite’ conference, the harm as described by the victims was severe, conjuring images of a dog mauling a child to near death, and, therefore, the victims in the case insisted that the only conceivable solution was for the owners to have the dog ‘destroyed’. In fact, these descriptions contradicted police reports of the harm level, which portrayed a less grave and violent incident. By contrast, following the ‘Defending honour’ conference, the volunteers and I discussed our surprise that the case had been taken to the police. The coordinator, however, informed us that the attack had been extremely serious. The young girl had been repeatedly kicked in the head, her face was badly bruised and bleeding, and they had feared loss of teeth. However, relying on the descriptions of the victim and supporter who struggled to articulate themselves, the severity of the harm simply did not come across during the conference discussions. Grace’s mother reported the violent offence to the police precisely because of the serious level of harm involved, yet she lacked the capacity to communicate this during the

restorative forum. Here, Charlesworth’s observation is astute: ‘the most marginal and dispossessed seem to be the least able to articulate their experience’ (2000: 135).

These examples demonstrate how in some instances working-class victims may be at a disadvantage in restorative processes, where they are required to communicate the harm verbally, in contrast to middle-class victims whose skills are better suited to poignant description and to using language to secure their interests in these types of spaces. Because restorative conferences take place in formal to semi-formal arenas, I suspect that working-class participants are more likely to be quiet and unquestioning of the process, adhering to their ‘sense of constraint’, as they might in school meetings (Lareau, 2011). Take, for example, Grace’s mother advising her daughter to ‘pipe down’ before the start of the conference; Grace is encouraged to behave, and avoid getting into trouble, in this formal setting. By contrast, in the middle-class example I present, participants assert a ‘sense of entitlement’ (Lareau, 2011); they fought hard for their rights and had the linguistic abilities to do so. Accordingly, my findings give initial support to Levrant et al.’s conjecture that restorative justice could favour more affluent and well-spoken participants (1999).

This prompts questions about proportionality (Ashworth, 2002). Braithwaite argues that although restorative justice does not strive for proportional sentencing from an offender’s perspective, restorative justice looks to sentence in accord with victims’ needs and the level of harm experienced; thus, he describes restorative justice as contextual justice rather than consistent justice (2002a: 158–160). However, for this approach to be sound, it must assume that victims are equally able to communicate their harm in the dialogical form required by restorative justice. Yet my research indicates that middle-class victims may have greater power to assert their interests in these forums than working-class victims. Such linguistic disadvantage is also detrimental for working-class offenders, who may be less well positioned to tell their stories and assert their rights

(Delgado, 2000: 760). Consequently, working-class victims may be understood as less affected by a crime, and hence in less need of reparation, while working-class offenders may be considered insincere, and thus vulnerable to weightier community sentences. Although traditional criminal justice embodies similar issues, there are at least checks and balances in place that attempt to counter inequality, such as the right to legal representation. Restorative justice is yet to develop comparable procedures.

While my data indicate that participants from working-class backgrounds experienced communication difficulties during restorative justice conferencing, a note of caution is required. Not all participants from working-class backgrounds struggled to express themselves. Some individuals were more linguistically fluent and confident than others. Moreover, some environments appeared to be more conducive for working-class speech to flow, e.g. when conferences were run in less formal settings such as a youth centre, rather than the police station, and when facilitators permitted working-class forms of expression. However, even community centres and schools are formal places, and communication in scripted restorative justice conferencing requires a relatively controlled and formalised way of speaking. If my findings are replicated – if individuals from socioeconomically disadvantaged backgrounds are consistently found to be more likely to struggle with restorative styles of speech – then it may well point to a failure of restorative justice theory to allow for communicative inequality in their conceptions of what restorative justice is and ought to be. This theoretical gap is considered in the next section.

Restoring the Communicative Balance

Scholars have developed sets of ‘values’ that underpin restorative justice. Restorative values include equality, participation, empowerment, responsibility, dialogue, agreement, non-

domination, and healing rather than harming (Johnstone, 2005; Marshall, 1999; Pranis, 2007; Strang and Braithwaite, 2001). Being guided by ideals such as participation, dialogue, and equality, is harder than it may at first seem. For example, equality can be understood in a number of ways – equal time allowed to speak, equal chances to defend or make intelligible certain behaviour, and so on – and pursuing equality in one direction may lead to a loss of equality in another. So if a person suffers from a speech impediment which makes effective speech twice as difficult, then doubling speech time for those affected allows an equality of opportunity; however, doing so forfeits equality of time. Because these sorts of trade-offs are possible, theorists and practitioners need to determine what outcomes and processes (all of which may be described as ‘equal’, ‘participative’, and ‘dialogical’ in some sense) really matter. What kind of equality are we to manifest in restorative processes?

If the above line of thought is right, we ought to prioritise equality of chance over the more formal equality of time allowed to speak. And just as there are various ways of discriminating between kinds of equality, we should also consider other kinds of impediment. Although all of the participants in my study seemingly had an equal opportunity to talk, I have suggested that not all participants were equally equipped with the necessary linguistic skills to benefit from such opportunity, much like how those with speech impediments are unable to benefit from ‘equal opportunity’ understood in one way. I propose that some communicative impediments are interwoven with our classed positions, and accordingly that restorative justice practices must create equal opportunity for socioeconomically disadvantaged participants to express themselves. Just as translators might be required for non-native speakers, or supporters for persons with particular disabilities, persons from disadvantaged backgrounds who struggle with formalised modes of speech might also require support. Perhaps the presence of facilitators and supporters who

understand the relevant cultural aspects of class could bring about more equal opportunity. Or, as I suspect is more likely, perhaps social inequality in our society runs too deep, and so itself must be addressed first and foremost.

Crucially, how we interpret the restorative value of equality may affect how well we are able to live up to other restorative ideals, such as the avoidance of harm. When restorative justice processes fail to accommodate equal opportunity to communicate for participants from disadvantaged classed backgrounds, as the examples presented in this study indicate, participants may be harmed. Disadvantaged participants may feel deprived of an opportunity for meaningful self-expression. Some participants who struggle with the scripted restorative communicative style may experience feelings of personal failure.⁵ Moreover, third parties may assume that a disadvantaged participant’s limited verbal participation in a restorative justice conference is explained by their lack of commitment or sincerity. In turn, assumed to be uninterested, linguistically challenged participants may attain poorer outcomes than they otherwise would. Consequently, their participation in restorative justice could harm their interests.

I propose, therefore, that restorative theory needs to take notice of the inequalities which persist between those whom restorative justice serves. In order to prevent harm and create equal participatory opportunities, social injustices must be tackled as part and parcel of the restorative justice movement (in accordance with suggestions by Cohen, 2001; Delgado, 2000; Gil, 2006; Harris, 2008; Morris, 2000). Importantly, if restorative justice is to live up to its defining ideals – including equality, participation, and dialogue – it must find a way to balance the unequal starting positions of those involved.

⁵ This harm can be further explained in terms of Bourdieu’s concept of ‘symbolic violence’, which I explore in greater depth in the full study.

Concluding Thoughts

I began by positing that class-based communicative disadvantage found in sociological research may similarly affect individuals’ participation in dialogue-heavy restorative justice processes. I then presented empirical data that indicate this concern is warranted. In my study, there was a tendency for working-class participants to struggle with the restorative justice dialogue, whereas middle-class participants were more familiar with the restorative-communicative approach. Subsequently, these class-based linguistic differences risk affecting how participants are received by others during the restorative justice conferences: more verbal victims might be considered to have experienced greater harm than less communicative victims, quieter offenders could be considered to be less sincere, and silent parents might be deemed to be uncommitted. As ethnographic data, these results cannot be generalised, and further research is needed. But even as preliminary findings, a critical question is raised: can restorative justice ensure equal opportunity for participation irrespective of class background?

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