



Exploratory Workshop Scheme

Scientific Review Group for the Social
Sciences

ESF Exploratory Workshop on

**Critical justice: an exploration of the limits
and potential of restorative justice to
address crimes, conflicts and injustices in
intercultural Europe**

Leuven (Belgium), 15-17 October 2014

Convened by:
Ivo Aertsen and Brunilda Pali

SCIENTIFIC REPORT

1. Executive summary

The meeting was held at the Maria Theresia College, part of the Faculty of Theology, in a very beautiful, warm and significant room (Romerozaal), named after Oscar Romero, who received his honorary doctorate from the University of Leuven in February 1980, just one month before being assassinated for his opposition to the military regime in El Salvador and criticizing part of the Catholic church for supporting the regime. Thus in the critical spirit of this action, this room was seen fit to become home to a critical seminar on restorative justice (RJ).

The seminar started after a common lunch on Wednesday, 15 October, and ended with a common lunch on Friday 17 October. In between we had two common dinners, again in warm environments, which have contributed greatly to the bond that was created among the participants.

There were 23 participants who came from 10 countries (Spain, Belgium, the Netherlands, Brazil, Canada, Italy, Denmark, Austria, UK, Hungary). Two participants could not make it at the very last moment due to health reasons, and we invited two additional scholars from Belgium instead. Furthermore, the local researchers working on the "Restorative Justice research line"- based in Leuven Institute of Criminology in KU Leuven- were invited during the first two days in order to benefit from the intellectual exchange and contact with several renown scholars in the field, with the exclusion of the last days, which we held within closed doors, given that we were discussing further collaboration.

The diversity of the participants, in terms of gender, age, experience, nationality, and scholarly background/discipline was extremely enriching and fruitful. The atmosphere was very respectful despite diverging views, and it was impressive the degree to which the participants found synergies, were interested in each other's work and ideas, and this was reflected especially in the interest they showed to continue the collaboration together.

The scientific aim of the workshop was mainly to bridge restorative justice and the critical theory tradition, thus on the one hand to take into account the limits of restorative justice as they have been articulated, or can be articulated through critical social theory, and on the other hand to emphasise the ground breaking potential that restorative justice can bring to this tradition, mainly as a way to address crimes, conflicts and injustices, and pursue justice in intercultural Europe. The workshop also aimed at producing common publications and initiating new collective research projects in the intersection of critical social theory and restorative justice, leading to a new conception of critical restorative justice.

There were 18 papers presented, and thoroughly discussed. All papers were circulated before the seminar among the participants, who had therefore read the papers beforehand. Each author had twenty minutes to present their main ideas and raise questions for the rest of the participants. Discussion was organised after each cluster of presentations (generally three papers each cluster), and the papers were clustered together under common themes. The common themes were mainly "philosophical and original approaches to RJ", "democracy, procedural justice and RJ", "abolitionism, critical criminology and RJ", "social justice and RJ", and "multiculturalism and RJ".

Regarding the publications, we concluded that we will prepare an edited volume with the papers that have been written, in a peer reviewed format, and we will also prepare a special edition for "Restorative Justice: An International Journal". Both the book and the special issue of the journal will be edited and coordinated by the convenors of the workshop.

Regarding the collaborative projects, we had several ideas on projects and funding opportunities which we will attempt in the months to come to pursue and make reality. KU Leuven will take the lead on this whenever possible, either as a coordinator, or as a partner organisation. Some of the preliminary funding schemes seem to be HERA (Uses of the

Past), Marie-Curie Actions (RISE Networks), H2020's Societal Challenges (Reflective societies and Secure Societies), and NORFACE (either Welfare or Migration).

2. Scientific content of the event

Ivo Aertsen from the Leuven institute of Criminology (Belgium) opened the seminar with several arguments that emphasized the rationale and importance of having such a seminar for producing knowledge at an advanced level and bridging critical social theory and restorative justice. In particular, RJ has traditionally focused on individualisation with little attention to social structures, social harm and micro-macro linking mechanisms.

Claudia Mazzucato from the Università Cattolica del Sacro Cuore in Milan (Italy) opened the paper series with a presentation on '*Restorative justice and the potential of 'exemplarity'*'. In the paper she highlights the difference between criminal justice system which focuses on punishment, coercion, deterrence, incapacitation, enforcement, and negative sanctions, with restorative justice and responsive regulation which focuses on rule of conduct, compliance, persuasion, participation, positive sanctions, and reparation. She argued that restorative justice can show criminal law how to work in a different way, and rethink its aims. Participation and compliance play a central role, both in designing norms and in responding to their violations: this drafts an idea in which the law and the justice system have the primary task to protect, not to control or punish. A new theory of criminal law in which norms of conduct are more important than mere sanctions is put forth. Furthermore, she argued that learning from the encounter with the "vulnerability of the concrete other", restorative justice-oriented norms talk about the experience of injustices with the "force of example" (she uses for this the philosophy of Alessandro Ferrara). 'Examples' are "atoms of reconciliation where *is* and *ought* merge, and in so doing they liberate an energy that sparks our imagination". Norms address the citizens as examples do, and stimulate their reflective judgment, persuading them, and asking them to comply. As a conclusion, sanctions should also address citizens as examples do, stimulating their reflective judgment, persuading them, and asking them to comply (and not by negative example, like death penalty). She also showed a very brief sequence from the film 'One day after peace', to highlight through the act of forgiveness what is meant by the "force of example".

Discussion: The paper was very much appreciated for its original contribution. The discussion focused on three main points: One was the strict different characterisation of criminal justice system versus restorative justice. Some argued that coercion is also part of restorative justice, and the two systems cannot be presented with such a paradigmatic difference; at least inasmuch restorative justice is to be implemented within a state-like polity that claims the monopoly of legitimate violence where state coercion is viewed as necessary and inescapable. The second point touched on the liberal idea of compliance: for scholars who have a more conflictual idea of a society, spontaneous compliance with the rules of the state is problematic, both for their content (as often these rules are unjust and need to be challenged), and for the techniques of government aimed at shaping and fostering compliance. The third point regarded the philosophical difference between the *exemplarity* of certain punishments and the *force of example* of the atoms of reconciliation proposed in the paper.

Raffaella Pallamolla from the University of Barcelona (Spain) presented her paper on the relation of '*Restorative justice and the decision-making process*', in which she used both a representative scholar from the deliberative democracy (Seyla Benhabib), and from the communicative democracy model (Iris Marion Young). The paper aims at bringing together restorative justice and theories of democracy. More specifically, the main objective is to understand whether restorative justice can be understood as a form of deliberative democracy or as a form of communicative democracy (which given the highly social heterogeneity of the Brazilian society where the field work is based, is deemed to be more enabling to think democracy). The paper also questions whether restorative justice is able to modify the standard (or the logic) of the decision-making processes of the criminal justice system and to change, consequently, the quality of such democratic processes.

Discussion: Discussion on this paper focused on whether the politics of difference is a good agenda to pursue. At the same time, the relation of justice, violence, and democracy was deemed to be intrinsic, whereby justice is more than a relation between two people in a room.

Josep Tamarit Sumalla from the University of Lleida (Spain) presented on '*Restorative justice, procedural justice and care*'. The paper argued in a counter critique fashion, that the criticism

on restorative justice fails to take into account empirical research into account. The presenter brought the results of a research on the VOM programme of Catalonia that confirm that restorative justice is able to satisfy participants and communities, particularly victims' needs, by improving their wellbeing and reducing the emotional distress produced by crime. Based on these empirical findings, the presenter argued that theoretically, justice in a restorative practice can be valued both from a therapeutic justice perspective, and particularly from the procedural perspective, as far as victims can feel that they have been heard and treated fairly, being a secondary contribution the reparation obtained (outcome). Thereby, he argues that restorative justice can actually be a bridge between care needs and the demands for justice.

Discussion: The audience agreed on the importance of empirical research, and on linking these results to the theoretical insights. Nevertheless empirical research needs theoretical insights precisely because if without such insights, it can reify and produce shallow results, for example with a focus of empirical research on satisfaction.

Adam Crawford, from the University of Leeds (UK) presented his paper on '*Temporality in restorative justice: The place of restorative principles and values in building sustainable societies*'. The paper focused theoretically on the issue of temporality in restorative justice and sought to connect this with notions of 'social sustainability'. Unlike the retrospective gaze of criminal justice - that attempts normatively to reorder the past – restorative principles and values explicitly look to what is to come. Restorative justice has an explicit future-orientation; it endeavours to engender active responsibility and to prevent future conflicts. It is concerned not simply with resolving present conflicts and dealing with past harms but also with governing as yet unknown futures. The presenter argued that the construction of a sustainable social order is one that seeks continuously to provide the basis for human flourishing by reducing social inequalities; ensuring legitimate forms of authority and dispute processing; safeguarding deliberative forms or democracy; and providing foundational security, and in all that, restorative justice has a significant place to play in the construction of a just sustainable social order. The paper explored the intersections between temporality in restorative justice principles and notions of social sustainability to identify limitations and possibilities for conceptual contributions to social justice.

Discussion: The presentation was deemed as very interesting, and creative, bringing forward new ideas and directions for research. One of the points of discussion was how long in time does reparation have to look, and how does that implicate the issue of moral responsibility. Everybody agreed that restorative justice as a way to look both at the past and the future is an extremely important balance between justice and security. The different temporalities of victim/offender and justice system also raises questions as to how to strike a balance between them.

Federico Reggio from the University of Padova (Italy) presented '*Beyond restorative justice's paradigm-shift proposal: The challenge of re-envisioning the role (and the rule) of law*'. The author argued that restorative justice makes a deep provoking question about the possibility and the necessity of rethinking law and justice in light of different conceptual premises and underlying values. Nevertheless, he argued that the possibility of rooting restorative justice's proposals in solid philosophical and ethical grounds is challenged by the contemporary ("post-modern") western culture, characterised by a highly secularised and sceptical tendency and by a widespread lack of systemic thinking. The author argued on the possibility of consolidating the restorative paradigm in light of the idea of a "dialogical justice" (which is relational), with the aim of offering both some critical arguments and hopefully innovative philosophical proposals to the current debate.

Discussion: The paper was appreciated for the interesting connections it made, and for the support of the idea of dialogue from a philosophical perspective. The fact that we are bound to relations shows how indigent and partial our truths are and how we all need each other in dialogue to see and understand more.

Leo Van Garsse from the University of Gent (Belgium) presented a paper on '*Restorative justice and democratic citizenship: Towards a new social pedagogy or back to 'social defence'?*'. The author argued that to maintain its critical potential, restorative justice is in need of finding a proper language and moving away from offering a merely instrumental approach. Focussing upon the implicit social-pedagogical potential of restorative justice, promoting restorative justice as a learning process in democratic and participatory citizenship, could be an

attractive option worth considering. The author nevertheless reflects on the historical 'Social Defense' doctrine in Belgium, to show that questions and contexts of today only seem new, but have many parallels in history. He therefore drew attention to certain lessons that could be learned from history in situating the pedagogical restorative justice agenda in a defensible balance between private concerns and the collective interest (whether the State's or the community's), between pragmatism and legality.

Discussion: Here the debate was between on the one hand realising the importance of the lessons of history, and on the other hand on the difficulty of superimposing a different historical context to today's reality.

Ronnie Lippens, from the University of Keele (UK) presented a paper on "*Ambivalent sovereigns and restorative justice*". The author referring to Bauman and others, argued that ambivalence has become an ineradicable fact of life, and that we have to learn to live with it. He then proceeded to trace the origins of this late modern awareness (i.e. the awareness of the fact that ambivalence is ineradicable) to the emergence, in the immediate post-war years, of a new form of life that cuts across social divisions. The author argued that this new form of life discerns, at the very heart, a deep desire for, or will to personal sovereignty. He argued how this form of life and the sense of ambivalence manifested themselves in the emergence and subsequent development of what we now know as the restorative justice movement. But, he argued that, where once they formed the conditions of possibility for anything like restorative justice to emerge at all, the question arises as to whether or to what extent they have now become its conditions of impossibility. His proposal was that in order to tackle these challenges restorative justice has to connect to the sovereign aspirations on the one hand, but acquire transformative communication on the other hand.

Discussion: The audience appreciated the philosophical angle on the subject. The presentation brought light on very subtle but profound mechanisms which have to do with all alternative movements today, including the restorative justice one. It also shed light on the importance of distinguishing between 'real' sovereignty and 'parody' sovereignty, as epitomised for example in consumer culture as the self-deluding redoubt of the aspiring sovereign. Understanding all the subtle and powerful social developments and the feelings these produce into subjects, is crucial for restorative justice to tune itself in the right direction, while maintaining its difference.

Daniel Achutti from the University of Unilasalle (Brazil) presented "*Is a critical model of restorative justice possible? A critical criminology perspective*". The paper explored the main propositions of critical criminology, especially those of penal abolitionism, to verify whether such approaches are able to offer critical analysis to be considered to avoid that restorative justice programmes becomes another tool for the enhancement of penal control in the Latin-American context. From such theoretical background, the analysis aims to provide a critical look at the so-called "alternatives to penal measures" that should supposedly reduce the use of the penal system, and to propose a realignment of restorative justice with the constructive proposals of penal abolitionism as a safeguard.

Discussion: The discussion focused on the lure of guarantees offered by the criminal justice system, which is at the same time a necessity, and a fake promise. Many pointed out how the system as a norm is very different from the system as a reality.

Rene van Swaaningen from the Erasmus University of Rotterdam (the Netherlands) presented "*Just cherry picking*". He argued that in order to prepare restorative justice for the socio-political challenges of the 21st century we can take a broader look at some contemporary developments in criminology, among which penal abolitionism, green criminology, global criminology, and cultural criminology. Arguably, each of these criminological strands have tackled some of the problems that face restorative justice today (penalisation versus harm reduction approach, focus on past versus focus on future, powerful offenders and opaque victims, concept of community, diversity in relation to ideas of justice, etc.), and have therefore important lessons we can learn.

Discussion: Restorative justice, different from the abolitionist and the social harm critique is certainly lacking an emphasis on decriminalisation. It also ought to look at the literature that links prison and welfare.

Ida Helene Assmussen from the University of Copenhagen (Denmark) presented “*Young men in RJ-settings: An offstage performance*”. Based on qualitative research, the author challenged the image held of “non-acting” or “silent” young men (offenders and victims) in mediation as reflecting lack of empathy and moral reasoning. Applying both Goffman’s notion of people performing a preferred identity, and Foucault’s conception of power as productive, she argues instead that the youngsters’ “non-attitude” could be seen as a resignation or refusal of being dictated by the meeting’s RJ-script. Such a script expects self-reflection and articulation of personal feelings, which does not correspond to traditional ideals of masculinity as strength, authority and control. From this point of view the young men are resisting by not entering the “scene” - doing what she calls, an “offstage” performance.

Discussion: The discussion evolved around the fact that the criminal justice system can in such cases be a safeguard for the very ‘exceptional man’, for the ones who prefer resistance, silence, and offstage performance, and responding instead in front of an impersonal justice system judging his or her actions without negotiating with his emotions or inner self. Another line of discussion was whether the cultural-absolution script that was observed in the Scandinavian countries by the researcher is the only one existing script within mediation services. According to some discussants, there are other scripts and absolution is certainly not promoted in other settings. One of the possible scripts is the script of active responsibility towards another. Nevertheless, the final conclusion is that there is a script in every restorative justice intervention, and it is a powerful script precisely because it is hidden.

Inge Vanfraechem from the Leuven Institute of Criminology (Belgium) presented on “*Nodal governance and restorative justice*”. The paper analysed the potential of ‘nodal governance’ as formulated by Shearing and Wood through linking it to the writings of Boutellier on ‘nodal order’, to further understand the dynamics of community, rather than the static conception as it is now found in RJ literature. She further built upon the findings of the EU FP7 ALTERNATIVE project on perceptions of justice/security and the possibilities of restorative justice approaches in order to find out how restorative justice can offer a different way of providing justice in a neo-liberal society which is trying to exclude all security risks and mostly limiting the idea of justice to increasing imprisonment.

Discussion: The discussion moved around the potential of the idea of nodal order/network as compared to the notion of community, and how that can be used within restorative justice. Some of the cases of the Alternative project offer clear potential for mapping such a ‘nodal order’ and understanding how to activate people and resources within this order, depending on the issue and on the context.

Daniela Bolivar from the Leuven Institute of Criminology (Belgium) presented on “*Deconstructing empowerment in RJ*”. She argued that empowerment is one of the most central notions within the restorative justice philosophy. Nevertheless, empowerment is one of the less defined concepts in the field. The author argued that restorative justice advocates have been unable to develop further neither at theoretical nor at practical level the social dimension involved in the restorative justice’s philosophy, and therefore to construct a framework seriously engaged with the transformative aspect that the notion of empowerment is supposed to embrace. The author analysed the concept of empowerment through the lens of the community psychology, deconstructing the notion of empowerment at individual, organisational and community level, and drawing important lessons for restorative justice. A psychologically rooted notion of empowerment as ‘lack of fear in front of the unknown’ can constructively link RJ with de-securitization processes.

Discussion: The discussion focused on how in many concrete situations restorative justice is actually offering empowerment for the already empowered, and how can this be changed. The audience also agreed that it is not possible to claim to offer empowerment without having first a clear understanding of power relations and dynamics within a society, and second resources to deal with this in an adequate way.

Christa Pelikan and Katrin Kremmel from IRKS in Vienna (Austria) presented a paper called “*The age of exploitation will not be shortened – Restorative justice’s failure and restorative justice’s potential to change the (Criminal Justice) System*”. In their presentation they started with different critical positions pointing to potential traps when trying to set up radical

alternatives in society. It is first of all the traps as described by the protagonists of German critical theory – denoted as the dialectics of the Enlightenment. Then there are the traps Foucault talks about contained in the governmentality and the concomitant call for self-responsibilisation. And finally, we see another example of the cunning of history and the traps it sets: Nancy Fraser has written about neoliberalism sitting beside second-wave feminism – meaning that it is ‘in tune’ with the rationale of the former, that they prospered in tandem. Fraser points to a resignification of the emancipatory promise of second-wave feminism. In a similar way they tried to preserve the quality of RJ as a radical project, one that significantly contributes to changing the ways we are dealing with conflict – in broad sociological sense and with tackling incidences of ‘infringements of people’s dominion. The three core elements of RJ (*lifeworld*, participation, and reparation) serve as a constant reminder of what RJ ought to look like, and how it ought to look different from the CJS. It requires continuous counter-efforts to resist, to negotiate and to defend RJ practices.

Discussion: The discussion evolved around the core and mission of restorative justice, its limit and its potential. The main issue of importance is the questionable sustainability of community initiatives in the shadow of rapid and abrupt political changes, which is quite source of pessimism.

Lode Walgrave from the Leuven Institute of Criminology (Belgium), presented the paper “*Restorative Justice is not a panacea against all social evils*”. The author argued that many scholars evaluate all social institutions and social movements through their potentials to diminish social inequalities. Accordingly, restorative justice is criticized not to include a strategy to eliminate deprivation, inequality and discrimination, which are – rightly – considered as fundamental causes of crime. He further argued against this criticism as being based on a misconception of restorative justice and on the complex of social institutions. Restorative justice thus must not be conceptualised as a movement for social change in the way we live, but to change the way we respond to crime. However, this “fundamentalist” position according to him, does not mean that the RJ movement can remain blind to the structural social problems.

Discussion: The discussion here moved along two lines: One was the defense or not of what we might call the 'strategic consolidation' position, of calling restorative justice only what takes place within the criminal justice system as a response to crime, as opposed to the 'expanding' position of applying RJ approaches and methods to a wider notion of 'conflict' in society. This constitutes clearly one of the main debates within the audience. The next discussion line moved around the clear separation of criminal justice system (and thus also restorative justice system) with social justice. If the critique on the intersection of crime and social inequalities is taken seriously then insisting on the separation of these fields so clearly becomes difficult. The argument is not that criminal justice system and social justice should be or become the same, but that they are deeply intertwined, and this fact has to be well understood and analysed. The debate also revolved around the tension between the idea of individual responsibility and social responsibility.

Borbala Fellegi and Gabor Hera from Foresee Research Group in Budapest (Hungary) presented their paper “*To talk or not to talk? The limits and potential of RJ to address social inequalities*”. The main question addressed in their paper is whether restorative justice can challenge existing class and power structures. The introduced data showed that being influenced by social deprivation and discrimination can lead to criminal offences. They referred to the main historical and sociological processes that have led to the current state of social inequalities in the Hungarian society, with special emphasis on the situation of the Roma population, and to emerging discourses that link poverty, ethnicity and criminality. Based on their empirical research conducted at a village in Hungary, they tackled the following questions: what is considered as conflict by the villagers, to what extent are the local Roma and other highly marginalised population linked to criminal activities as victims and/or offenders, and who is considered locally as socially disadvantaged, and what is their position within the local power structures? They discussed the potential and the limitations of the restorative justice approach in this context.

Discussion: The discussion moved around the tension between conflict/crime and social conflict/injustice. Whereas a mediator is by profession supposed to remain neutral in the light of a conflict, in order to be able to bring the parties together in search of a solution, social injustice requires often strong side-taking in the eradication of oppression, inequality, and injustice. How much should a mediator be influenced by the societal dynamics and how much should s/he interfere with the societal course? How to use the conflict as a doorway to understand underlying societal dynamics and issues, while at the same time making a real effort to tackle the concrete conflict? The other issue of importance is the questionable sustainability of community initiatives in the shadow of rapid and abrupt political changes.

Erik Claes from the University of Brussels (Belgium) presented his paper “*Digital Stories and Restorative Justice in Brussels*”. The paper explored the potentials of digital storytelling for restorative justice, as grounded in current action-research on restorative justice in the very heart of Brussels: the Anneessens quarter (a highly dense, superdiverse transit zone for migrants with high unemployment rates). The main arguments were: 1) Digital storytelling, combined with other urban interventions (urban walks, occupying urban cracks) has the potential to reinvent restorative justice concepts and integrate them in a framework of urban citizenship. But therefore it should be integrated into a set of urban interventions that: a. connect social networks; b. transform conflict zones in public spaces; c. aim at making civic aspirations visible in urban projects. 2) Digital storytelling has the power to transform classic restorative justice programmes into innovative, restorative practices that meet urban challenges in a digital era. 3) Digital storytelling, as a participative project, has also ground breaking potentials for restorative justice research. As an environment of self-expression, it invites researchers who take part in digital storytelling to reflect upon their role as a researcher, the legitimacy of their interventions, and their deeper, personal aspirations.

Discussion: The discussion focused on whether this model can be seen to be restorative justice, and on how restorative justice can adopt itself to respond to urban and intercultural challenges. The model also proposes the elements of *lifeworld*, participation, and reparation as key to the adaptation of restorative justice in urban contexts.

George Pavlich from the University of Alberta (Canada) presented the paper “*Promising Common Justice*”. The paper relied on Roberto Esposito’s conception of community /immunity, and through a ‘dissociative’ critique of the community justice measures offered reflections on possibilities for current practitioners in restorative justice fields. According to the author restorative justice should be seen as a transformative endeavour always located in processes of ‘being with’. It is mobilised when relations are problematised in context, around the name of crime, or destructive conflict. The focus of such programmes should be on changing the relations that bring people to wrongdoing. How have past relations defined wrongdoing, what subjects did they require, and what collective forms emerged, what local political engagements could community and restorative justice fashion? Furthermore they should emphasise the work needed at relational thresholds of problematised being, to help negotiate new forms of life (i.e., channel loss in ways that open out to new subject forms and relations and away from those that led to injustice/ wrongdoing - however this is locally formulated). Restorative justice has to be cognizant of the obligations that its specific practices require, paying attention to the kinds of subjects its truth-telling demands - obligations that open subjects out to new relational possibilities. Its practices should neither fix individuals as offenders or victims, or communities as strong or weak. They should focus on changing rather than fixing identities, but without denying responsibility for provisional wrongdoing, conceived as democratic promise. Finally, both law and restorative justice could be articulated to a transformative politics that emerges where everyday life is arrested through harms and permanently struggles to project a promise of justice that - heterogeneously - is always of the future, to come. The promise here is of an affirmative politics that continuously works out normative impetuses, law, peace and justice in context, but without the pretensions of absolute or necessarily better ways to calculate, in finite contexts, what is ultimately infinite, what may be described as always on the way, to come.

Discussion: The discussion moved around the issue of whether the community should be involved in crime control or social defence. All agreed that restorative justice and criminal justice should be integrated into a political movement that will change both.

Brunilda Pali from the Leuven Institute of Criminology (Belgium) presented a paper on “Intercultural RJ between justice and security”. The focus of this paper was a critical understanding of the potential and limit of restorative justice discourse to address conflicts taking place in intercultural contexts in Europe, by aspiring both at an enhancement of justice and security. The paper examined the relation of discourses of security and justice in intercultural Europe, by investigating their discursive contours and intersections, and the ways in which they are cast in cultural terms, around crime and conflict. The author focused on the tension between on the one hand operations of ‘othering’ (especially as reflected in the objectification, criminalisation, and securitisation of migration), both in the social sciences and social control institutions as part of the security discourse, and on the other hand emancipation advocated by the politics of difference as part of the social justice discourse. The author argued that while both the security discourse and the social justice discourse have produced an ‘excess of culture’, restorative justice discourse has ignored (almost) completely the question of culture or the politics of difference by producing a very dominant white, Christian, and middle class theory and practice. Furthermore, its relation, correlations, intersections, or divergences from both the security and the social justice discourse were also highlighted, and a realignment with the social justice discourse was proposed.

Discussion: The discussion took a different angle from the paper. It focused mainly on the different merits and shortcomings of needs-based and rights-based approaches. One of the scholars argued that there is a problems in wanting to design absolute rights/needs, and it is a matter related to the idea of absolute community. Quite some people from the audience doubt the needs approach, and a few others doubt the usefulness of a rights approach. As a conclusion it was said that rights can be used to mystify situations, but they may be used to claim protections. Human rights' role in setting the boundaries and giving the orientation is tremendously important as such. The main question for restorative justice is that it should always be implemented within the constitutional human rights legal framework, with a critical task to improve this framework.

3. Assessment of the results, contribution to the future direction of the field, outcome

The scientific aim of the workshop was mainly to bridge restorative justice and the critical theory tradition, thus on the one hand to take into account the limits of restorative justice as they have been articulated, or can be articulated through critical social theory, and on the other hand to emphasise the ground breaking potential that restorative justice can bring to this tradition, mainly as a way to address crimes, conflicts and injustices, and pursue justice in intercultural Europe.

Several scientific results were achieved through this workshop.

1. One was the new areas for research that some of the papers proposed: temporality and restorative justice, the force of example and restorative justice, restorative justice as dialogical justice, ambivalent sovereignty and restorative justice, community/immunity and restorative justice. These are certainly original contributions to the restorative justice scholarship, and serve as creative angles to move out of the old debates.

2. Second was the strong critical stance brought by some of the papers: empowerment and restorative justice, questioning the script of restorative justice, the lack of decriminalisation strategies within restorative justice. These papers certainly took a strong stance to reinforce the critique both on the neutrality of restorative justice, on the thin empowerment discourse within restorative justice, and especially on the distance the field has taken from the positive propositions of critical criminology, especially penal abolitionism.

3. Third was the intersectional analysis proposed by some of the papers: realigning deliberative and communicative democracy with restorative justice, realigning social justice

with restorative justice. The debates here moved around on the one hand the notion that crime is a very specific phenomenon and belongs exclusively to the criminal justice field, and on the other hand that crime is strongly related to other social problems and thus requires a more comprehensive response not restricted (especially) to the criminal justice field. Furthermore restorative justice is seen by many as a way to exercise citizenship and democracy, while by others this is too far stretched as an ambition.

4. Fourth was the lessons to be learned from other fields and historical analysis: alternatives proposed by critical theory and restorative justice, alternatives proposed within critical criminology and restorative justice, and lessons to be learned by historical doctrines. The conclusions here are that restorative justice is neither unique, nor operating in a vacuum, but that there are several other fields which attempt to propose alternatives.

5. Fifth was the reminder that theory has to be realigned with empirical research. Nevertheless while empirical research has certainly to be taken on board of theoretical analysis, this cannot happen as an afterthought, but their relationship has to be more intertwined and move together.

6. Sixth was the debate on the limits and potentials of the field: on the one hand the defence of restorative justice as a movement that happens as a response to crime within the criminal justice system, and on the other hand restorative justice as a broader social movement that responds to social and urban conflicts and does not start with the category of crime. Several papers proposed action research in urban or rural settings where experiments are being tried out, and thus the boundaries of the discipline are being stretched and tested to fit into new contexts.

7. The workshop also aimed at producing common publications and initiating new collective research projects in the intersection of critical social theory and restorative justice, leading to a new conception of critical restorative justice.

Regarding the publications, we concluded that we will prepare an edited volume with the papers that have been written, in a peer reviewed format. There will be 18 papers in total (between 6000-8000 words each), and the deadline for the first drafts is end of January, 2015. Meanwhile the editors are preparing an introductory chapter to the book and have contacted a few publishers. Additionally we will also prepare a special edition for the 'Restorative Justice: An International Journal'. Both the book and the special issue of the journal will be edited and coordinated by the convenors of the workshop.

Regarding the collaborative projects, we had several ideas on projects and funding opportunities which we will attempt in the months to come to pursue and make reality. KU Leuven will take the lead on this whenever possible, either as a coordinator, or as a partner organisation. Some of the preliminary funding schemes of interest seem to be HERA (Uses of the Past), Marie-Curie Actions (RISE Networks), H2020's Societal Challenges (Reflective societies and Secure Societies), and NORFACE (either Welfare or Migration). Meanwhile, the convenors have already sent a preliminary proposal to the HERA funding scheme and have been accepted to participate in the matchmaking event organised in January, 2015.

The topics of interest are related to migration and social conflicts, extremism and radicalisation and restorative responses to both, application of restorative justice in cases of severe crimes, conflict prevention and temporality, security and freedom, power and language, conflict governing, abolition and sovereignty. Collective actions have to take place around the reimaging/reframing of some of the above-mentioned topics, and overall, the participants showed an interest on topics that bring forward the intersectoral strengths, and action research based projects.

4. Final programme

Wednesday, 15 October 2014

Morning *Arrival*

12.00-13.00 *Lunch (De Werf)*

13.00-13.20 **Welcome by Convenor Ivo Aertsen** (Leuven Institute of Criminology, Leuven, Belgium)

13.20-13.40 **Presentation of the European Science Foundation (ESF) Brunilda Pali** (Scientific Review Group for the Social Sciences)

13.40-14.00 **Presentation 1 “Restorative justice and the potential of ‘exemplarity’: In search for a ‘persuasive’ coherence within criminal justice” Claudia Mazzucato** (Università Cattolica del Sacro Cuore, Milan, Italy)

14.00-14.20 **Presentation 2 “Restorative justice and the decision-making process: Beyond deliberative democracy” Raffaella Pallamolla** (University of Barcelona, Barcelona, Spain)

14.20-14.40 **Presentation 3 “Restorative justice, procedural justice and care” Josep Tamarit Sumalla** (University of Lleida, Spain)

14.40-15.30 **Discussion**

15.30-15.50 *Coffee / Tea Break*

15.50-16.10 **Presentation 4 “Temporality in restorative justice: The place of restorative principles and values in building sustainable societies” Adam Crawford** (University of Leeds, Leeds, UK)

16.10-16.30 **Presentation 5 “Beyond restorative justice’s paradigm-shift proposal: The challenge of re-envisioning the role (and the rule) of law” Federico Reggio** (University of Padova, Padua, Italy)

16.30-16.50 **Presentation 6 “Restorative justice and democratic citizenship: Towards a new social pedagogy or back to ‘social defence’?” Leo Van Garsse** (University of Gent, Gent, Belgium)

16.50-17.30 **Discussion**

19.30 *Dinner (Officina Clandestina)*

Thursday, 16 October 2014

09.00-09.20 **Presentation 7 “Ambivalent sovereigns and restorative justice: Exploring Conditions of Possibility and Impossibility for Restorative Justice in a Post-Communicative Age” Ronnie Lippens** (University of Keele, Keele, UK)

09.20-09.40 **Presentation 8 “Is a critical model of restorative justice possible? A critical criminology perspective” Daniel Achutti** (University of Unilasalle, Unilasalle, Brazil)

09.40-10.00 **Presentation 9 “Just cherry picking” Rene van Sweningen** (Erasmus University, Rotterdam, The Netherlands)

10.00-11.00 **Discussion**

11.00-11.20 *Coffee / tea break*

11.20-11.40 **Presentation 10 “Performing modern absolution in restorative justice” Ida Helene Assmusen** (University of Copenhagen, Copenhagen, Denmark)

11.40-12.00 **Presentation 11 “Nodal governance, restorative justice and security” Inge Vanfraechem** (Leuven Institute of Criminology, Leuven, Belgium)

12.00-12.20 **Presentation 12 “Deconstructing empowerment in RJ” Daniela Bolivar** (Leuven Institute of Criminology, Leuven, Belgium)

12.20-13.15 **Discussion**

13.15-14.30 *Lunch (Sandwiches at the Romero Zaal)*

14.30-14.50 **Presentation 13 “The age of exploitation will not be shortened – Restorative justice’s failure and restorative justice’s potential to change the (Criminal Justice) System”** **Christa Pelikan and Katrin Kremmel** (IRKS, Vienna, Austria)

14.50-15.10 **Presentation 14 “Restorative Justice is not a panacea against all social evils”** **Lode Walgrave** (Leuven Institute of Criminology, Leuven, Belgium)

15.10-15.30 **Presentation 15 “To talk or not to talk?: The limits and potential of RJ to address social inequalities”** **Borbala Fellegi, Gabor Hera and Gabriella Benedek** (Foresee Research Group, Budapest, Hungary)

15.30-16.10 **Discussion**

16.10-16.30 *Coffee / tea break*

16.30-16.50 **Presentation 16 “Digital Stories and Restorative Justice in Brussels”** **Erik Claes** (University of Brussels, Brussels, Belgium)

16.50-17.10 **Presentation 17 “Promising Community Justice”** **George Pavlich** (University of Alberta, Alberta, Canada)

17.10-17.30 **Presentation 18 “Intercultural RJ between justice and security”** **Brunilda Pali** (Leuven Institute of Criminology, Leuven, Belgium)

17.30-18.10 **Discussion**

19.30 *Dinner (Koerier van Navarra)*

Friday, 17 October 2014

09.00-10.00 **Discussion on the book proposal**

10.00-11.00 **Discussion on project applications/network/collaboration**

11.00- 11.20 *Coffee / Tea Break*

11.20-12.30 **Discussion on project applications/network/collaboration**

12.30-13.00 *End of Workshop*

13.00-14.00 *Lunch (Thai House)*

5. Final list of participants

Ivo AERTSEN, Leuven Institute of Criminology, Belgium

Brunilda PALI, Leuven Institute of Criminology, Belgium

Inge VANFRAECHEM, Leuven Institute of Criminology, Belgium

Lode WALGRAVE, Leuven Institute of Criminology, Belgium

Daniela BOLIVAR, Leuven Institute of Criminology, Belgium

Mario RAGAZZI, Leuven Institute of Criminology, Belgium

Erik CLAES, University of Brussels, Belgium

Leo van GARSSE, University of Gent, Belgium

Ronnie LIPPENS, University of Keele, UK

Adam Crawford, University of Leeds, UK

Daniel ACHUTTI, University of Unilasalle, Brazil

John BLAD, Erasmus University Rotterdam, The Netherlands

Rene van SWAANINGEN, Erasmus University Rotterdam, The Netherlands

Borbala FELLEGI, Foresee Research Group, Hungary

Gabor HERA, Foresee Research Group, Hungary

Katrin KREMMEL, Institute for Sociology of Law and Criminology, Austria

Christa PELIKAN, Institute for Sociology of Law and Criminology, Austria

Claudia MAZZUCATO, Università Cattolica del Sacro Cuore, Italy
Federico REGGIO, Università di Padova, Italy
Raffaella PALLAMOLLA, Universidad Autónoma de Barcelona, Spain
George PAVLICH, University of Alberta, Canada
Ida Helene ASSMUSSEN, University of Copenhagen, Denmark
Josep TAMARIT SUMALLA, University of Lleida, Spain

6. Statistical information on participants

Gender: Among the participants there were 14 men, and 9 women.

Age: There were 11 participants aged 30-40 yrs, 8 participants aged 40-60 yrs, and 4 participants aged over 60 yrs.

Country of Residence: There were 8 participants from Belgium (2 were replacing 2 participants from Norway and Australia who couldn't travel last minute), 2 from UK, 1 from Brazil, 2 from Spain, 2 from Italy, 2 from the Netherlands, 2 from Hungary, 2 from Austria, 1 from Canada, and 1 from Denmark.

Country of Origin: 6 Belgium, 3 Italy, 2 Brasil, 1 UK, 1 Chile, 2 Netherlands, 1 Albania, 2 Austria, 2 Hungary, 1 South Africa, 1 Spain, 1 Denmark.

Scientific Speciality: There were 7 participants from Criminology, 1 from Gender and Cultural studies, 1 from Psychology, 2 from Political science, 4 from Philosophy, 1 from Pedagogy, 3 from Law, 2 from Sociology, 1 from Anthropology, and 1 from History. These are the main background, but most of the participants have mixed background (ex. law and psychology, history and law, philosophy and law, law and criminology, political science and philosophy, and so on).