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Edited by G. Grandi and S. Grigoletto

L. Alici, T. Chapman, G. Grandi, S. Grigoletto, B. Pali,
F. Schweigert, E. Tiarks, S. Worboys, H. Zehr

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RESTORATIVE JUSTICE AND CONVIVIALITY IN INTERCULTURAL CONTEXTS

by Brunilda Pali*

Abstract. *Due to the rise of culturalised forms of politics, even the most 'banal' conflicts are increasingly being framed in Europe in cultural terms, and these framings are creating further divisions and proliferating sentiments of resentment, fear and anxiety. In this process, security – based mechanisms are created for social coexistence, endangering both justice and community. Whether real or imagined, cultural diversity introduces challenges related to security and justice. In their everyday conviviality, communities are increasingly prone to uncertainty with regards to the shared norms, values, feelings, languages, and it is these uncertainties that – if not worked with – can lead to social anxiety and withdrawal from communal life. In that regard, restorative justice philosophy which is based on participatory practices, encounters and dialogue, elaborating norms, restoring relations, building trust and promoting cooperation, has a huge potential to become a convivial project. The application of restorative justice in complex intercultural contexts that could be characterised by issues of social exclusion and intercultural tensions remains particularly underexplored. This paper repositions restorative justice as a fresh proposal to the security responses to intercultural contexts. The main argument is that for restorative justice, becoming a counter-security proposal means not giving up security but 'doing security otherwise'. At the same time, in that process of restorative justice becoming a counter-security project, it also means simultaneously 'doing justice first'.*

Keywords. *Justice; Security; Restorative Justice; Intercultural Contexts*

1. Introduction

*Partly because of empire, all cultures are involved in one another;
none is single and pure, all are hybrid, heterogeneous,
extraordinarily differentiated, and unmonolithic.*
Edward W. Said¹

Restorative justice is a rapidly growing field of research and practice which has primarily found its gravitational centre within

* Katholieke Universiteit Leuven

¹ E.W. Said, *Culture and imperialism*, New York (NY), Knopf, 1993, p. xxv.

the criminal justice system, as an alternative of dealing with the aftermath of crime. It challenges the criminal justice system mainly on three grounds: 1) it views crime as a harmful event for the people concerned rather than as a breaking of the law; 2) it attempts to ‘give back’ to those affected by crime the power to participate in a decision making process about its consequences rather than delegating to the state the power to deal with it; and 3) it emphasizes restoration of the harm – like healing broken relations, offering reparations to the victims, reintegrating offenders, and restoring a sense of security – rather than delivering punishment for the sake of inflicting pain.

Some proponents go beyond the articulation of restorative justice as alternative paradigm of criminal justice to conceive of restorative justice as a new social movement and a life philosophy². They argue that restorative justice should be also about creating non-violent and just social relationships. This way of conceiving restorative justice has led to its growing applications beyond criminal justice, in areas of everyday life, such as schools, workplaces, communities, and cities. Among these ‘alternative’ applications of restorative praxis, its application in complex intercultural contexts that could be characterised by issues of social exclusion and intercultural tensions remains particularly underexplored.

Nevertheless, some noteworthy examples are: the Hate Crimes Project at Southwark Mediation in South London which was set up to deal with conflict in local communities with incidents of hate or prejudice³; the application of restorative circles for interracial violence and conflict⁴; the application of restorative justice in

² D. Sullivan, L. Tiffit, *Restorative justice: Healing the foundations of our everyday lives*, Monsey (NY), Willow Tree Press, 2001.

³ M. Walters, C. Hoyle, *Healing harms and engendering tolerance: The promise of restorative justice for hate crime*, in N. Chakraborti (ed.), *Hate Crime: Concepts, Policy, Future Directions*, Cullompton, Willan, 2010, pp. 228-248; M. Walters, C. Hoyle, *Exploring the everyday world of hate victimization through community mediation*, «International Review of Victimology», XVIII (1), 2012, pp. 7-24; T. Gavrielides, *Contextualising restorative justice for hate crime*, «Journal of Interpersonal Violence», XXVII (18), 2012, pp. 1-20.

⁴ M. Lyubansky, D. Barter, *A restorative approach to interpersonal racial conflict*, «Peace Review: A Journal of Social Justice», XXIII (1), 2011, pp. 37-44; M. Lyubansky,

response to anti-Arab and anti-Muslim harassment and after September 11-related hate crimes⁵; the community-based conflict resolution process centred around the use of peace committees known as the Zwelethemba model in South Africa⁶; and the FP7 Alternative Project which applied restorative approaches in intercultural contexts⁷. An interesting current development taking ground, while not explicitly focusing on intercultural contexts, but often including in their philosophies attention to such contexts, has been the development of the restorative cities concept⁸.

Restorative justice for Trayvon Martin. Special Issue on Violence against Individuals and Communities: Reflecting on the Trayvon Martin Case, «Journal for Social Action in Counseling and Psychology», V (1), 2013, pp. 59-72.

⁵ M. Umbreit, R. Ritter, *Arab offenders meet Jewish victim: Restorative family dialogue in Israel*, «Conflict Resolution Quarterly», XXIV (1), 2006, pp. 99-109; M. Volpe, S. Strobl, *Restorative justice responses to post-September 11 hate crimes: Potential and challenges*, «Conflict Resolution Quarterly», XXII (4), 2005, pp. 527-535; R. Coates, M. Umbreit, B. Vos, *Responding to hate crimes through restorative justice dialogue*, «Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice», IX (1), 2006, pp. 7-21; *Iid.*, *Final report: Community peacemaking project: Responding to hate crimes, hate incidents, intolerance and violence through restorative justice dialogue*, St. Paul (Center for Restorative Justice and Peacemaking), University of Minnesota, 2003; M. Umbreit, T. Lewis, H. Burns, *A community response to a 9/11 hate crime: Restorative justice through dialogue*, «Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice», VI (4), 2003, pp. 383-391; M. Umbreit, R. Coates, *Multicultural implications of restorative justice: Potential pitfalls and dangers*, St. Paul (Center for Restorative Justice and Peacemaking), University of Minnesota, 2000; B. Vos, R. Coates, M. Umbreit, *Community peacemaking project roundtable report*, St. Paul (Center for Restorative Justice and Peacemaking), University of Minnesota, 2002.

⁶ C.D. Shearing, *Punishment and the changing face of the governance*, «Punishment and Society», III (2), 2001, pp. 203-220; D. Roche, *Restorative justice and the regulatory state in South African Townships*, «British Journal of Criminology», XXXXII (3), 2002, pp. 514-533.

⁷ B. Pali, I. Aertsen (eds.), *Restoring justice and security in intercultural Europe*, Oxon, Routledge, 2018; I. Vanfraechem, I. Aertsen (eds.), *Action research in criminal justice*, Oxon, Routledge, 2018.

⁸ G. Mannozi, *The emergence of the idea of a 'restorative city' and its link to restorative justice*, «The International Journal of Restorative Justice», II, 2019, pp. 288-292.

With the exception of the Zwelethemba Peacemaking Committees and the FP7 Alternative project, none of the projects mentioned above has articulated explicitly a counter-security focus for restorative justice. Nevertheless, in their underlying philosophies, often they do propose counter-security objectives without making them explicit. Within criminology, several scholars have suggested that restorative justice may be able to provide an approach to justice that can bridge a moral approach for confronting the past with a security-oriented approach for governing the future⁹. By endorsing a counter-security focus restorative justice finds allies therefore in criminology (and security studies) that propose alternative approaches to security, like everyday security, emancipatory strands of security, sustainable security, and positive security¹⁰.

Nevertheless, restorative justice scholars have been cautious not to emphasise a link with security too strongly and when they have done so, have paid particular attention to qualify it. Applying restorative justice principles and methods to create a counter-security approach to intercultural contexts, raises a whole set of conceptual as well as practical challenges, which restorative justice cannot address in isolation from other disciplines. In that regard, drawing on philosophy, political theory, sociology, and urban studies is crucial if restorative justice is to understand its conditions of possibility and impossibility as a counter-security discourse, and if it is not to remain a naïve answer.

In this paper, I reposition restorative justice as a fresh proposal to the security responses to intercultural contexts which are mostly characterised by an excessive focus on technology and

⁹ A. Crawford, *Temporality in restorative justice: On time, timing and time-consciousness*, «Theoretical Criminology», XIX (4), 2015, pp. 470-490; P. O'Malley, *Risk and restorative justice: governing through the minimisation of harms*, in I. Aertsen, T. Daems, L. Robert (eds.), *Institutionalising restorative justice*, Cullompton, Willan, 2006, pp. 216-236; Shearing, *Punishment and the changing face of the governance*.

¹⁰ Crawford, *Temporality in restorative justice*, W. De Lint, S. Virta, *Security in ambiguity: Towards a radical security politics*, «Theoretical Criminology», VIII (4), 2004, pp. 465-489. P. O'Malley, *Risk, uncertainty and government*, London, GlassHouse, 2004. M. Schuilenburg, R. van Steden, *Positive security: a theoretical framework*, in M. Schuilenburg, R. van Steden, B. Oude Breuil (eds.), *Positive criminology: reflections on care, belonging and security*, Den Haag, Eleven, 2014, pp.19-33.

surveillance¹¹. Security projects are extremely thin and I would say ‘paranoiac’ and in the long run proliferate insecurity, increase social boundaries and are not sustainable. In intercultural contexts the consequences could be even more problematic. Due to the ‘cultural turn’ that gained currency in the 1990s and led to culturalised forms of politics, culture started to become increasingly an important refracting lens in social conflicts¹². Even the most ‘banal’ conflicts are increasingly being framed in Europe in cultural terms, and these framings are creating further divisions and proliferating sentiments of resentment, fear and anxiety in these societies. Cultural difference gets framed as a threat to societal identity making it seem rational and legitimate to preserve one’s culture through the exclusion of other cultural groups. In this process, communities become reified (treated as constant and unchanging), and security-based mechanisms are created for social coexistence. It has been argued that the prioritisation of security to an obsessive level has endangered both justice and community¹³.

Whether real or imagined, cultural diversity introduces challenges related to security and justice. In their everyday conviviality, communities are increasingly prone to uncertainty with regards to the shared norms, values, feelings, languages, and it is these uncertainties that – if not worked with – can lead to social anxiety and withdrawal from communal life. These challenges call for dialogic and participatory approaches to support the handling of social conflicts, while aiming at reducing social uncertainty, restoring trust and promoting cooperative actions. It is only through meeting ‘real others’ that we are able to counteract images and ideologies that

¹¹ B. Pali, *Mapping the cultural turn in (in)security discourses: highlighting the path for restorative justice*, in Pali, Aertsen (eds.), *Restoring justice and security in intercultural Europe*, pp. 23-37.

¹² V. Stolcke, *Talking culture: New boundaries, new rhetorics of exclusion in Europe*, «Current Anthropology», XXXVI (1), Special Issue: *Ethnographic Authority and Cultural Explanation*, 1995, pp. 1-24.

¹³ R. Esposito, *Terms of the political. Community, immunity, biopolitics*, Fordham, Fordham University Press, 2012; W. Brown, *Edgework: Critical essays on knowledge and politics*, Princeton, Princeton University Press, 2005.

promote fear. In that regard, restorative justice philosophy which is based on participatory practices, encounters and dialogue, elaborating norms, restoring relations, building trust and promoting cooperation, has a huge potential to become a convivial project. My argument in this paper is that restorative praxis has the potential to create a sense of security and justice rooted in the *lifeworld* of communities, but this ‘restorative mobilisation’ of the communities requires at the same time exposing and addressing underlying structural inequalities and differential social conditions which generate disputes and conflicts¹⁴. My main argument is that for restorative justice, becoming a counter-security proposal means not giving up security but ‘doing security otherwise’. At the same time, in that process of restorative justice becoming a counter-security project, it also means simultaneously ‘doing justice first’.

In the paper, I first trace the rise of ‘cultural difference’ and propose a reading of this trend as a problematic sign of a new form of racism. Next, I link the intrinsic relation of racism with security by drawing on the work of philosophers, such as Michel Foucault and Roberto Esposito in order to shed light on the ways in which security projects (ab)use difference. Finally, in the paper I also pay attention to political theories of justice by drawing on philosophers such as Nancy Fraser and Judith Butler, as a way to embrace emancipatory forms of politics that go beyond culturalised forms of politics.

¹⁴ Roche, *Restorative justice*; A. Crawford, S. Hutchinson, *Mapping the contours of ‘everyday security’: Time, space and emotion*, «British Journal of Criminology», LVI (6), 2016, pp. 1184-1202.

2. *The rise of 'cultural racism'*

*There has never been more talk of culture:
culture as it pertains to the media, young people, immigrants.
The intensive use of this word, more or less uncontrolled,
is itself a piece of ethnological data.*

Marc Augé¹⁵

The so-called 'cultural turn' that gained currency in the 1990s has led to an abuse of the word 'culture' and to culturalised forms of politics that have been criticised by both philosophers and social scientists. Culture has become «all too utterable»¹⁶ and «loose on the streets»¹⁷ and «ubiquitous»¹⁸. As a result of this discursive shift, culture is currently almost universally used to categorize human groups and to refer to the differences between them articulated mainly as differences of nationality, ethnicity and religion¹⁹. This leads to culturalised forms of politics.

According to philosopher Slavoj Žižek²⁰, politics becomes culturalised when differences that are conditioned by political or economic inequality are neutralised and naturalised into cultural differences and different 'ways of life' which are presented as given and therefore as things that cannot be overcome. This type of politics relies on the presupposition of cultural difference as the foundational basis of identity. More than that, this presupposition

¹⁵ M. Augé, *A Sense for the Other. The Timeliness and Relevance of Anthropology*, Stanford (CA), Stanford University Press, 1999, p. 39.

¹⁶ M. Strathern, *Comments: talking culture*, «Current Anthropology», XXXVI (1), 1995, p. 16.

¹⁷ U. Wikan, *Culture: a new concept of race*, «Social Anthropology», VII (1), 1999, pp. 57-64, p. 57.

¹⁸ Stolcke, *Talking culture*, p. 1.

¹⁹ W. Kymlicka, *Multicultural citizenship*, Toronto, Oxford University Press, 1995; C. Taylor, *Multiculturalism and 'the politics of recognition'*, Princeton, Princeton University Press, 1992.

²⁰ S. Žižek, *Violence*, London, Profile Books, 2008.

entails an understanding of culture that is essentialised, reified, biologised, static, and ‘uniformly shared by all members of a group’²¹.

Thus, what is worth noticing is not simply the ‘rise of culture’, but the rise of an essentialist version of culture. The danger of cultural essentialism has been read as a symptom of a ‘new racism’²², whereby notions of racial difference based on a purely biological foundation were increasingly «concealed inside apparently innocent language about culture»²³. At the same time, the notion of ‘cultural racism’ (the name given to enunciation of difference on cultural grounds), conceived as classic «racism in disguise»²⁴ and articulated through a language of essentialized cultural difference²⁵, also arose in social science literature to describe such discourse²⁶.

The increasing emphasis on culture was a means of bringing about a state of ‘racelessness’, reflecting the strong need to replace ‘race’ at all costs while describing human difference. In this move, neutrality is attached to the concept of culture as if it refers to a

²¹ M. Banton, *The cultural determinants of xenophobia*, «Anthropology Today», XXII (2), 1996, pp. 8-12; P. Gilroy, *There ain't no black in the Union Jack: The cultural politics of race and nation*, London, Hutchinson, 1987; R. Grillo, *Cultural essentialism and cultural anxiety*, «Anthropological Theory», III (2), 2003, pp. 157-173; M. Gullestad, *Blind slaves of our prejudices: debating 'culture' and 'race' in Norway*, «Ethnos», LXIX, 2004, pp. 177-203; Strathern, *Comments: talking culture*; U. Hannerz, *Reflections on varieties of culturespeak*, «European Journal of Cultural Studies», II, 1999, pp. 393-407; Wikan, *Culture: a new concept of race*, p. 62.

²² Also referred to as ‘neo-racism’; cfr. E. Balibar, *Racism and nationalism*, in E. Balibar, I. Wallerstein (eds.), *Race, nation, class: Ambiguous identities*, London, Verso, 1991, pp. 37-67. See also ‘differentialist racism’ in Taguieff, *The New Cultural Racism in France*.

²³ M. Barker, *The new racism: Conservatives and the ideology of the tribe*, London, Junction Books, 1981, p. 3.

²⁴ Stolcke, *Talking culture*, p. 4.

²⁵ Barker, *The new racism*; A. Policar, *Racism and its mirror images*, «Telos», LXXXIII, 1990, pp. 88-108; G. Seidel, *Culture, nation and 'race' in the British and French New Right*, in R. Levitas (ed.), *The ideology of the new right*, Cambridge, Polity, 1985, pp. 107-135; P.A. Taguieff, *The New Cultural Racism in France*, «Telos», LXXXIII, 1990, pp. 109-122; T. Todorov, *On human diversity: Nationalism, racism and exoticism in French thought*, Cambridge, Harvard University Press, 1993.

²⁶ A. Lentin, *Replacing 'race', historicising 'culture' in multiculturalism*, «Patterns of Prejudice», XXXIX (4), 2005, pp. 379-396.

non-hierarchical and non-racial understanding making the notion of difference an inherent part of cultural racism. In her article on 'cultural fundamentalism', Verena Stolcke²⁷ argues that new 'doctrines of exclusion' differ from older varieties of organicist racism in positing irreducible cultural differences, deep fears and hate for strangers, and the wish to live among people of the same national group. What is emphasised in 'cultural fundamentalism' is incommensurability, the idea of differences as unbridgeable and incommunicable²⁸.

The most influential thesis for the rise of 'cultural fundamentalism' at the end of the Cold War has been the 'clash-of-civilisations' thesis which originates in the work of Samuel Huntington²⁹. This thesis postulates a global clash between pluralist democracy (represented by the West) and repressive collectivism (mainly represented by Muslims). Declaring the onset of «a new phase in global history», Huntington defines «the fundamental sources of conflict» in the current world, not as economic or ideological, but as cultural. For Huntington, each civilization has a primordial cultural identity, so that the «major differences in political and economic development among civilizations are clearly rooted in their different cultures»³⁰. According to him, «culture and cultural identities...are shaping the patterns of cohesion, disintegration, and conflict in the post-Cold War world... The rivalry of the superpowers is replaced by the clash of civilizations»³¹.

Whereas 'culture' in the past was probably a term with mostly consensual and positive overtones, it now very often shows up in contexts of discord – 'culture clash', 'culture conflict', 'culture

²⁷ Stolcke, *Talking culture*.

²⁸ Ivi, p. 8.

²⁹ S. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York (NY), Simon and Schuster, 1996.

³⁰ Ivi, p. 20.

³¹ Ivi, pp. 28-29.

wars', and 'culture shock'³². Della Porta and Diani³³ have argued that it was the eclipse of the left-right ideological axis that had defined the grand lines of conflicts since the French Revolution and the rising disillusion with a strong Marxist intellectual tradition in Europe which contributed to a search for new non-class based dimensions of conflict, leading to the 'ethnic or cultural turn' in the study of political violence, international relations, and security studies.

3. *Racism and security*

*What in fact is racism?
It is primarily a way of introducing
a break into the domain of life that is under power's control:
the break between what must live and what must die.*
Michel Foucault³⁴

What the above-mentioned arguments tell us in other words is that racism has never left us. Others have suggested even a more intimate link of modernity with racism, arguing that racism is constitutive to the project of modernity and to our democracies³⁵. Among these philosophers, particularly interesting is Foucault's reading of racism, which is inextricable from the concept of biopower and security.

In his diagnosis of shifting forms of power from sovereignty, to disciplinary and to governmentality, Foucault traces how in time,

³² Hannerz, *Reflections on varieties of culturespeak*, p. 349.

³³ D. Della Porta, M. Diani, *Social Movements*, Oxford, Blackwell Publishing, 1999.

³⁴ M. Foucault, *Society must be defended. Lectures at the Collège de France, 1975-1976*, London, Penguin, 2003, p. 254.

³⁵ H. Arendt, *The origins of totalitarianism*, New York-London, Harcourt Brace, 1966 (1951¹); Z. Bauman, *Modernity and the Holocaust*, Cambridge, Polity Press, 1989; Id., *Modernity and ambivalence*, Cambridge, Polity, 1991; Foucault, *Society must be defended*; Id., *Security, territory, population. Lectures at the Collège de France, 1977-1978*, London, Palgrave Macmillan, 2007; Id., *The birth of biopolitics. Lectures at the Collège de France, 1978-1979*, London, Palgrave Macmillan, 2008.

it is population – seen as a biological and vital species – whose life preservation becomes the primary objective of political action³⁶. Precisely because it is considered a natural entity, the population escapes the sovereign's direct action and intervention, and comes to be acted upon in terms of apparatuses³⁷ of security.

Under this governmental mode of power that has population as its object and the apparatuses of security as its technique, we see the emergence of a completely different problem that is no longer of fixing and demarcating the territory, but of allowing circulations to take place, of controlling them, sifting the good and the bad, ensuring that things are always in movement, in a way that the inherent dangers of the circulation are cancelled out³⁸.

The gist of this argument is that we have moved from being governed through confinement or prohibition towards being governed through freedom, 'naturalness', and circulation. Currently, the field of interventions for security apparatus is not primarily the way in which things and people should be stopped but how should they circulate. Going a step further in his analysis, Foucault links security apparatus to biopower and racism. Biopower refers to the intense and direct involvement established between political dynamics and human life, and as a consequence, biopolitics refers to a form of politics that is concerned with the life processes of its population.

³⁶ Foucault, *Society must be defended*.

³⁷ By the term apparatus, Foucault means the network or system of relations that can be established among these heterogeneous and diverse phenomena: «discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions», which are both linguistic, extra-linguistic and non-linguistic. See M. Foucault, *The confession of the flesh* in C. Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings*, New York (NY), Pantheon, 1980, pp. 194-228, p. 194.

³⁸ Id., *Security, territory, population*, p. 65.

Foucault argues that biopower as a form of power promoting life could not have been integrated into the technologies of power without introducing clear means of division and hierarchisation, of subdividing populations into subspecies. The mission to cultivate life entails the imperative to destroy ‘the other’: the abnormal, the deviant, the diseased, the migrant and so on. It was this state racism operating now as a technology that allowed for the modern state’s right to kill. Foucault argues that it was paradoxically as biopower developed to ensure the survival of the population as a whole, that the modern Western states became racist, appealing to a clear distinction between ‘us’ and the ‘other’, mobilising entire populations against races perceived as threats to their purity and health. Prophetically, Foucault writes: «This is an internal racism of permanent purification, and it will become one of the basic dimensions of social normalisation»³⁹.

Other scholars have contributed further to our understanding of security, in ways that might be more fruitful for conceiving the contribution of restorative justice. In particular, the Italian philosopher Roberto Esposito⁴⁰ has complemented the Foucauldian analysis of biopower with the ‘paradigm of immunisation’.

4. *Security as immunity*

*An extremely fenced and walled community is
a ‘perversion of the idea of community into its opposite’.*

Roberto Esposito⁴¹

Taken directly from the critical tradition of theorizing of the notion of ‘biopower’, the ‘paradigm of immunisation’ investigates further attempts that are made to draw a mark between self and other, communal and foreign, normal and pathological, order and disorder, especially in times of crisis and anxiety. Esposito’s

³⁹ Id., *Society must be defended*, pp. 61-62.

⁴⁰ R. Esposito, *Bios: Biopolitics and philosophy*, Minnesota, University of Minnesota Press, 2008; Id., *Terms of the political*.

⁴¹ Ivi, p. 43.

particular thesis is that immunity is a reaction to community. Differently from others who have focused on the first part of the root of community (*com*) to define it as something which we share and have in common, Esposito focuses on the second part of the word, *munus*, which means both gift and obligation toward another. Given that *munus* is something that community and immunity share, focusing on this part of the root enables Esposito to make the conceptual link between the two more clearly. For Esposito⁴² we have to think the idea of community (*communitas*) and that of immunity (*immunitas*) as reciprocal.

When defined as a common obligation towards one another, as a giving up of the proper, as a being in common, community exposes each of us to a contact with another, in the face of which a process of immunisation is activated. He argues that «if *communitas* binds individuals to something that pushes them beyond themselves, *immunitas* reconstructs their identity by protecting them from a risky contiguity with the other, relieving them of every obligation towards the other»⁴³.

According to Esposito, while immunity in itself is necessary for the protection of life and safeguards the individual and collective body, when it is carried past a threshold (with regards to risk and insecurity), it becomes a form of autoimmunity, slowing down and eventually destroying the growth and development of a collective body. Using therefore the immunological analogies, he argues that «a surplus of defence with regard to elements outside the organism turns against the organism, with potential lethal effects»⁴⁴.

Moving from the realm of disease to the realm of immigration, according to Esposito, confirms this tendency: the fact that the flows of immigrants are thought to be one of the worst dangers for our societies suggests how central the immunitary question is becoming. Under this frame, new walls and dividing lines are erected against something amorphous that seems to threaten our

⁴² Id., *Bios*.

⁴³ Id., *Terms of the political*, p. 49.

⁴⁴ Ivi, p. 62.

biological, social and environmental identity. But an extremely fenced and walled community, would be according to Esposito's arguments only a «perversion of the idea of community into its opposite»⁴⁵.

Reading security within an immunitarian frame is refreshing as it does not problematise the idea of security itself, but its obsessive and autoimmunitarian tendencies. Just as there is a danger in pursuing security to a point of destruction of community, there is just as much danger in the idea that we can do away with the pursuit of security completely. As Esposito implicitly seems to argue, security conceived as some healthy dose of immunity is a necessary part of conviviality.

5. *Immunity as conviviality*

Originating from Ivan Illich's work *Tools for conviviality*⁴⁶, conviviality is based on the Latin roots of 'living-with'. Proposing the vision of a convivial society as an alternative to what he called «technocratic disaster», Illich used the term to designate the opposite of industrial productivity.

I intend it to mean autonomous and creative intercourse among persons, and the intercourse of persons with their environment; and this in contrast with the conditioned response of persons to the demands made upon them by others, and by a man-made environment. I consider conviviality to be individual freedom realized in personal interdependence and, as such, an intrinsic ethical value... A convivial society would be the result of social arrangements that guarantee for each member the most ample and free access to the tools of the community and limit this freedom only in favour of another member's equal freedom⁴⁷.

⁴⁵ Ivi, p. 43.

⁴⁶ I. Illich, *Tools for conviviality*, London, Harper & Row, 1973.

⁴⁷ Ivi, pp. 24-25.

Whereas Illich's use is extremely fertile, for the thread of arguments proposed here I make use of the notion of conviviality as it applies specifically to intercultural contexts. Using the notion of conviviality as an alternative to multiculturalism, identity and culturalised politics, Paul Gilroy⁴⁸ has described the process of conviviality as processes of «cohabitation and interaction that have made multiculturalism an ordinary feature of social life». Conviviality therefore for Gilroy is a social pattern in which different metropolitan groups dwell in close proximity and where their racial, linguistic and religious particularities do not add up to insuperable problems of communication. They rather become unremarkable, ordinary, mundane.

The notion of conviviality seen in this way is an alternative to the more celebratory but naïve notion of diversity. The notion of diversity while attempting to challenge the links of conflict (or deficit) and interculturality, makes intercultural encounters seem a sheer matter of curiosity and strengths, represented best under a rainbow type of metaphor. Conviviality on the other hand, has been characterised by a subtle balance between building relations across difference and keeping a distance, avoidance of contact and engagement, boundary-crossing and boundary-maintenance, inter-ethnic solidarities and ethnic exclusion, conflict and friendliness. Yearning for human togetherness coexists with tensions and conflict constituting community life. This relates at the same time also to people's basic need for protection and security⁴⁹, especially under the uncertainties which characterise and shape local convivial interactions.

Thus, besides curiosity and openness towards 'the other', it has been argued that indifference to ethnic or cultural differences

⁴⁸ P. Gilroy, *After empire: Melancholia or convivial culture?*, London, Routledge, 2004, p. xi.

⁴⁹ D. Vigneswaran, *Protection and conviviality: Community policing in Johannesburg*, «European Journal of Cultural Studies», XVII (4), 2014, pp. 471-486.

might also be a mode of ‘dealing with diversity’⁵⁰. This becomes especially visible in super-diverse contexts, such as London for example, where pragmatism often takes the lead and differences are acknowledged as a matter of fact. Treating people differently according to their backgrounds becomes in such contexts almost meaningless because everybody comes from elsewhere⁵¹ and the acceptance of the others does not always translate into a deeper interest in each other, because actively engaging with differences might go beyond one’s capacity and might be grounded in attempts to avoid tension and conflict. Neal⁵² describes these ‘mundane competencies’ for living cultural differences as ‘cool conviviality’ or ‘light engagement’. Noble⁵³ refers to acceptance of people who are different as ‘unpanicked multiculturalism’ contrasting it with the ‘panicked multiculturalism’ which dominates public discourses.

While ‘cool conviviality’ might sound cool indeed, there is more pessimistic strand of research on social capital which shows that the rise of diversity will in time reduce trust and lead to social isolation, whereby inhabitants withdraw from collective life⁵⁴. The most important implication of Putnam’s research on social capital is that diversity in the long run will not cause necessarily differential group solidarities, but will reduce solidarities altogether. Another problem thus emerges: withdrawal from social life and from collective and cooperative action. Pushed by security-based neoliberalism, increasingly public spaces are being cut down,

⁵⁰ B. van Leeuwen, *Dealing with urban diversity: Promises and challenges of city life for intercultural citizenship*, «Political Theory», XXXVIII, 2010, pp. 631-657.

⁵¹ S. Vertovec, *Super-diversity and its implications*, «Ethnic and Racial Studies», XXX, 2007, pp. 1024-1054.

⁵² S. Neal, K. Bennett, A. Cochrane *et al.*, *Living multicultural: Understanding the new spatial and social relations of ethnicity and multiculturalism in England*, «Environment and Planning C: Politics and Space», XXXI (2), pp. 308-323.

⁵³ G. Noble, *Everyday cosmopolitanism and the labour of intercultural community*, in A. Wise, S. Velayutham (eds.), *Everyday multiculturalism*, Basingstoke, Palgrave Macmillan, 2009, pp. 46-65.

⁵⁴ R. Putnam, *E pluribus unum: Diversity and community in the twenty-first century. The 2006 Johan Skjotte Prize Lecture*, «Scandinavian Political Studies», XXX (2), 2007, pp. 137-174, pp. 149-151.

collective forms of actions are being discouraged, and cooperative actions reduced⁵⁵. How should communities be mobilised into collective actions? Where should our priorities lie? Starting by shifting attention from the primacy of security projects towards social justice is an important project of philosophy and political theory.

6. *From security to justice*

*Take away justice [...] and what is a state
but a large robber band?*
St. Augustine⁵⁶

According to Ken Booth, the study of security must be oriented towards the identification, analysis and redressing of the insecurities and injustices affecting individuals and groups in particular contexts⁵⁷. In this proposal, insecurity is articulated as a form of injustice constituted of oppressive relations and structures (economic, social and political) that determine the lives of individuals and groups.

The paradigms of justice in the West, especially as articulated by political theory, shifted in the 1980s from the politics of structural equality focusing on issues of redistribution to a politics of difference focusing on issues of recognition. This involved claims of feminist, anti-racist and gay liberation activists that the difference-blind ideal embodied by the paradigm of equality was part of the problem and that a commitment to equality requires attending *to* rather than ignoring differences⁵⁸. As argued at the beginning of

⁵⁵ Brown, *Edgework: Critical essays on knowledge and politics*.

⁵⁶ *The City of God*, Book IV.

⁵⁷ K. Booth, *Realities of security: Editor's introduction*, «International Relations», XVIII (1), 2004, pp. 5-8, p. 7.

⁵⁸ N. Fraser, *Social justice in the age of identity politics: Redistribution, recognition, and participation*, Paper presented at the Tanner lectures on human values delivered at Stanford University, April 30-May 2, 1996.

this paper, in the 1990s another – more problematic – version of politics of cultural difference gained currency, focusing on differences of nationality, ethnicity and religion, emphasising the cultural distinctness of individuals⁵⁹.

To counter these tendencies and the limitations of single-focus paradigms of justice, Nancy Fraser has articulated a *three dimensional theory of justice* which keeps together three core elements – redistribution, recognition and representation. The third dimension of justice, representation (or the political), provides the stage on which struggles over distribution and recognition are played out. In her view, the most general meaning of justice is *parity of participation*. According to this principle, justice requires social arrangements that permit all human beings to be conceived as partners of interaction of equal moral worth, while overcoming injustice means dismantling institutionalised obstacles that prevent some people from participating on a par with others, as full partners in social interaction⁶⁰.

Justice therefore appears as one of the safeguards that helps us to move beyond an identity politics on which security projects are based. But which point of departure will we take for a rethinking of a progressive politics of social justice in ways that traverses the categories of identity? Philosopher Judith Butler⁶¹ has argued that only the recognition of shared precariousness introduces strong normative commitments of equality and invites a more robust universalising of rights that seeks to address basic human needs for food, shelter, and other conditions for persisting and flourishing. Linking the existential conception of ‘precariousness’ with the more political notion of ‘precarity’, Butler argues that life requires various social and economic conditions to be met in order to be sustained as a life. It implies that one’s life is always in the

⁵⁹ Kymlicka, *Multicultural citizenship*; Taylor, *Multiculturalism and ‘the politics of recognition’*.

⁶⁰ N. Fraser, *Recognition or redistribution*, London, Verso, 2003; Ead., *Reframing justice in a globalising world*, «New Left Review», XXXVI, 2005, pp. 69-88; Ead., *Scales of justice. Reimagining political space in a globalising world*, Cambridge, Cambridge University Press, 2008.

⁶¹ J. Butler, *Precarious life: The powers of mourning and violence*, London, Verso, 2004.

hands of others, a dependency on people we know, barely know, or know not at all.

7. *Restorative justice as a convivial project?*

Convivial tools are those which give each person who uses them the greatest opportunity to enrich the environment with the fruits of his or her vision.

Ivan Illich⁶²

Based on the analysis and considerations that were made in this paper so far, the question is what is the best way of imagining restorative justice's contribution in intercultural societies? What I have tried to argue – perhaps more implicitly than explicitly – in this paper is that the potential of restorative justice in becoming a counter-security project in intercultural contexts is invaluable.

But before considering under which conditions should we promote restorative justice as a counter-security convivial project, I would like to emphasise again the importance of security. In relation to an undifferentiated critique of security, which does not take into account how intimate and constitutive this apparatus has become to modern societies, my analysis points to the futility of rejecting the pursuit of security altogether. At the same time, placing 'racism' as a constant mechanism of internal differentiation at the heart of this apparatus and its obsession with *biopower* also points at the futility of simple anti-racist discourses or stances. The plague runs deeper than that and the work required of us is harder.

By making the links further with community/immunity/conviviality, my analysis also tried to argue that in intercultural contexts, it is not boundary-making or boundary-maintenance that should be deemed as the problem but only rigid and hermetic boundaries which can feed homogenisation, essentialisation and demonisation of the other are problematic. This is the reason why

⁶² Illich, *Tools for conviviality*, p. 34.

I place hope in the notion of ‘conviviality’, as a less naïve and more differentiated notion for restorative justice to engage with. Conviviality means that at the community and societal level, processes of boundary-making go along with simultaneous processes of boundary-unmaking.

But what are some of the conditions for a restorative justice engagement with counter-security projects in intercultural contexts? First, I suggested a critical reading of the notion of culture. Projects in intercultural contexts should be aware of the culturalisation trends in public discourse and remain vigilant to the framing of conflicts and contexts. They should attempt to decouple the necessary assumed link between culture and conflict, while still paying attention in these contexts to the prevailing uncertainties with regards to the shared norms, values, feelings, languages, and to what these uncertainties – if not worked with – can lead to, such as social anxiety, resentment and withdrawal from communal life. Restorative justice can contribute to the unveiling of relations of power in communities and especially focus on the differences which are conditioned by political inequality or economic exploitation. This means moving beyond a ‘culturalised politics’, while at the same time working on the reduction of uncertainty that may result from sustained open communication and restoration of trust, empowering alternative discourses and local leaders able to challenge the credibility of securitising actors, and de-coupling socio-economic inequality from cultural diversity through cooperative action for social justice.

In my paper I argued that any agenda for security must be realigned with social justice agenda, whereby security must be oriented towards the identification, analysis and redressing of the insecurities affecting individuals and groups in particular contexts⁶³, rather than with the social management of crime. The discourse on social justice offers more robust and normative principles when compared to the discourse of security. The proliferation of restorative justice as a governmentality of conflicts must therefore be promoted based on the goal of participation as a social activity which leads to endless *norm-clarification* oriented

⁶³ Booth, *Realities of security*.

towards social justice, rather than towards speedy crime prevention and management.

Second, the potential of restorative justice for community-building has to be prioritised. As I argued, security projects in intercultural contexts risk pushing towards isolation and hunkering down of communities into immunitary forms of coexistence, where inhabitants withdraw from collective life. As groups withdraw into themselves more room is left for radicalising of boundaries among them, and the proliferation of dangerous elements which move further into radicalised forms of thought and action, be this in political fronts or religious fronts, as can be seen from terror attacks, and the reactions to the refugee crisis⁶⁴. Therefore, the role of restorative approaches as a counter-acting force for these tendencies, towards becoming a *revitaliser of communities* is extremely important.

This objective for restorative justice is not novel. Already in 1977, Nils Christie has talked about community as owner of the conflict and responsible for repairing broken relations. According to him, the harm of the (criminal) conflict is twofold: on one hand the harm that crime causes to the 'community', and on the other hand the harm that the 'stealing of the conflicts' by the criminal justice system causes to 'communities', or what he calls as 'killed neighbourhoods'. Christie is perhaps the most radical scholar arguing for the potentiality of conflicts as opportunities, viewing conflicts as something of value and a commodity not to be wasted⁶⁵. According to him we should cultivate conflicts especially because conflicts offer an opportunity for 'norm-clarification'⁶⁶. For Christie, participation in solving conflicts is more important than solutions⁶⁷. Others have argued in a similar vein. By dealing with the aftermath of the crime, communities can be strengthened

⁶⁴ Esposito, *Terms of the political*.

⁶⁵ N. Christie, *Limits to pain*, Oxford, Robertson, 1981.

⁶⁶ Id., *Conflicts as property*, «British Journal of Criminology», XVII (1), 1977, pp. 1-15, p. 1.

⁶⁷ Id., *Limits to pain*, pp. 92-93.

develop the capacity to resolve problems by themselves and reinforce values of respect and compassion⁶⁸. For this reason, Barton (2000) considers this community building (in his words ‘empowerment’) the strongest point of restorative justice interventions. Restorative encounters have been viewed as pedagogical experiences in which the community can learn skills and to generate new capacities to resolve conflicts⁶⁹, generating moral growth and a sense of community⁷⁰.

Importantly through, the ‘community’ that is to be revitalised (or created) must be different from the close bounded community usually understood as a ‘common being’, towards a *convivial* ‘being together’, or ‘being in common’. Notions that challenge not to the idea of difference itself, but the constant and perpetual division and hierarchisation in societies, must be developed and elaborated. I suggested here especially examples from political philosophy and anthropology, such as *communitas*, conviviality and precarity.

8. Conclusion

This brings me to my conclusion. Alternative ways of living together, or doing things together will not just happen organically given the forces and forms of power that push and pull communities in certain directions. It is rather more likely that forms of ‘social craftsmanship’ are strongly needed, and this is where the role of restorative justice becomes important, in countering at the same time societal divisions and societal withdrawal, by nourishing trust and putting things under a multidimensional perspective of justice. ‘Social craftsmanship’ can therefore take place at multiple levels: at

⁶⁸ L. Kurki, *Restorative and community justice in the United States*, «Crime and Justice», XXVII, 2000, pp. 235-303; D. van Ness, K. Heetderks-Strong, *Restoring justice*, Cincinnati (OH), Anderson Publishing, 2006³.

⁶⁹ A.W. Dzur, S.M. Olson, *The value of community participation in restorative justice*, «Journal of Social Philosophy», XXXV (1), 2004, pp. 91-107; L. Walgrave, *Restorative justice, self-interest and responsible citizenship*, Cullompton, Willan, 2008.

⁷⁰ G. Johnstone, *Restorative justice: ideas, values, debates*, Cullompton, Willan, 2002, p. 144.

the level of material production and redistribution issues, at the level of framing of subjectivities and at the level of participation, cooperation and solidarity.

The notion of «social craftsmanship» comes from Richard Sennett⁷¹, who writes about the importance of repair work in craftsmanship, using that analogy to think more specifically about forms of *social craftsmanship*. Community building and community repair will not happen by itself. There should be a proliferation of projects, forums and social actors working simultaneously on many levels: affects, frames, norms, trust-building, relations, social conflicts, welfare and citizenship rights, and cooperation and solidarity. Restorative processes in intercultural contexts have the potential to stage different values, identify and communicate contradictions, clarify different social norms among social actors, unblock dialogue, challenge the monologising forces and voices, uncover inequities which might have generated the conflict, nurture conflicts and create collective actions, and therefore become a promising tool for conviviality.

⁷¹ R. Sennett, *The craftsman*, London, Penguin, 2009; Id., *Together: The rituals, pleasures and politics of cooperation*, London, Penguin, 2013.

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