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Abstract

Book review of *A gift to the world: The youth justice family group conference*, by Carolyn Henwood and Stephen Stratford, published by the Henwood Trust (2014).

Keywords

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‘Beware Justice Advocates Bearing Gifts’: A Commentary on the Glorification of Family Group Conferencing

Reviewed by Juan Marcellus Tauri

This commentary comprises an extended review of Carolyn Henwood and Stephen Stratford, *A Gift to the World: The Youth Justice Family Group Conference*, published by the Henwood Trust (2014).

Introduction

Thus planetarised, or globalised in a strictly geographical sense, by this uprooting at the same time as they are de-particularised by the effect of false rupture effected by conceptualisation, these commonplacéd of the great new global vulgate that endless media repetition progressively transforms into universal common sense manage in the end to make one forget that they have their roots in the complex and controversial realities of a particular historical society, now tacitly constituted as model for every other and as a yardstick for all things. (Bourdieu and Wacqaunt, 1999: 42).

The quote from Bourdieu and Wacqaunt came to me part way through my first reading of Carolyn Henwood and Stephen Stratford’s offering *A Gift to the World: The Youth Justice Family Group Conference*. The sentiments expressed in the quote neatly summarise their stance on the purpose of the FGC forum, and the place they believe it has in New Zealand’s youth justice system. In short, Henwood and Stratford’s text represents a recent edition to the growing lexicon that is providing the ideological fuel that has been driving the globalisation of the FGC forum since the mid-1990s (see Richards, 2007; Tauri, 2014). I will return to the links between the quote and the book under review later, but first I wish to provide a brief overview of the focus and aims of the book.

The Aims of ‘A Gift to the World’

Early on, the authors of *A Gift to the World* make it clear that the book is intended as a celebration of the FGC forum, a justice process they believe “can be a life-changing process for all involved and for New Zealand” (Henwood and Stratford, 2014: vii). The aims of Henwood and Stratford’s book are fairly straightforward: a) to provide a detailed description of how FGC’s ‘work’ (as in the process and

the impact of the forums); b) give voice to the experiences of youth, their family members and professionals involved in the process, and c) challenge a number of ‘myths’ associated with the forum, including that it is “an indigenous, Māori response to offending”, that “it is a soft [sentencing] option”, and that it “doesn’t work” to reduce crime (ibid: 85).

To achieve these aims the authors utilise a combination of methods including analysis of FGC plans, and interviews with participants and justice practitioners. This material was in turn used to construct seven case studies that are employed to inform the reader of the types of offences, offenders, victims and families an FGC forum can deal with, and the sorts of ‘outcomes’ the process leads to. While the case studies appear to have been purposely selected to provide positive stories about FGC practice, nevertheless they represent one of its key strengths by providing critics and advocates alike with detailed descriptions of the FGC process that has till now been largely absent from the literature.

I wish now to return briefly to the quote from Bourdieu and Wacquant that introduced this piece, before I launch into the substantive commentary: This quote came to mind because the Henwood and Stratford present the FGC forum as a gift not just for New Zealanders, but to the world. It is true the forum has been uprooted and planitarised; transferred across and into numerous jurisdictions over the past two decades. It has been globalised to such an extent that advocates readily describe it as one of the most innovative and popular justice products developed during the 20th century (Maxwell, 2008). Policy makers and advocates alike wax lyrical about the crime reduction potentialities of the forum, and the ability of practitioners to create communities of concern that can work together to find meaningful ways of restoring social harmony, whilst holding youth offenders accountable for their behaviour (see Cary, 2000; Consedine, 1995; Zehr, 2002).

However, in some instances advocates, including Henwood and Stratford, make such claims largely in the absence of empirical evidence derived from *critical engagement* with population groups most often impacted by the practice of the forum; including Māori in New Zealand, and Indigenous peoples residing in settler-colonial jurisdictions into which it has been transferred (Tauri, 2014). In doing so, advocates create supposed ‘common sense’ understandings of the purpose and impact of the forum that “make one forget that they have their roots in the complex and controversial realities of a particular historical society” (Bourdieu and Wacquant, 1999: 42). What is often written out of the history of

the FGC forum and similar interventions (such as Sentencing Circles), is the fact that it was introduced at a time when it was commonplace for policy workers in settler-colonial jurisdictions to respond to Indigenous justice ‘issues’ by creating and/or importing *indigenised justice forums* that utilised ‘acceptable’ (meaning civilised) elements of Indigenous cultural practice. Often shaded from view, is the part played by interventions like the FGC in the settler-colonial states multi-pronged strategy for blocking Indigenous attempts to attain a measure of jurisdictional autonomy (Lee, 1997; Tauri, 2004; Victor, 2007).

FGC Advocacy and the Silencing of the Critical Indigenous Perspective

Like many academics, upon receiving a new book or journal article that falls within my research interests primary areas of research - driven as much by a concern that the material reflect the Indigenous experience as to replenish my ego - I turn to the bibliography to see if the authors have engaged meaningfully with the work of critical scholars. For example, when reading a text that claims to offer an indepth discussion of myths associated with the FGC, one can reasonably expect to find that the authors have engaged with the work of Shad Maruna, Chris Cunneen, Kelly Richards, to mention but a few. Similarly, it is emanantly reasonable to expect that when an author claims that their book or article on the FGC forum engages with Māori/Indigenous ‘issues’, to find the work of Wenona Victor, Harry Blagg, Chris Cunneen, Gloria Lee and myself, given a dismissive mention in a footnote at the very least. Tellingly, none of the critical Indigenous material appears to have been on the reading list of the authors when they were contemplating writing ‘A Gift to the World’.

A ‘Gift to the World’ suffers from one of the common weaknesses the FGC-related advocacy literature; namely that research and critical perspectives of Indigenous scholars, practitioners and community members is largely missing. Instead, ‘expert’ commentary on issues of importance to Indigenous peoples is almost entirely based on the views and experiences of middle class justice professionals, While members of this group have a right to be heard, one can also reasonably argue that they have a significant stake in presenting the forum in the best possible light.

What is largely missing ‘A Gift to the World’ is the critical lived experiences of Māori/Pacifica professionals or participants whose experience of the forum have been less than positive, or that expose the mythology that sits behind many of the ‘truth claims’ of FGC advocates, such as the belief in the ability of the forum to accommodate any and all ‘difference’, be it based on class,

gender, sexuality of ethnicity (more on this issue below). As indicated above, it is no longer possible to contend that materials that report the negative experiences of Māori and Pacifica participants, or Indigenous peoples in settler-colonial jurisdictions that have imported the forum, are rare or difficult to source. The work of Love (2002), Moyle (2013) and my own work (Tauri, 1998; 1999; 2004; 2014) on the New Zealand context, and Rudin, Lee, Victor, Cunneen and others I mention above who report on the experiences of Indigenous peoples in other jurisdictions, leaves little room for advocates to justify ignoring these perspectives.

In failing to engage with the critical research and literature, the authors create an interesting contradiction, in that they end up lending weight to some of the myths they seek to discredit. For example, on page 89 they attempt to debunk the myth that “the family group conference is an indigenous, Māori response to offending”. Given that a lot of my own work in the FGC forum focuses on this issue, it was heartening to see that Henwood and Stratford were willing to tackle it head on. Unfortunately their approach to this issue reinforces key issues identified earlier, including failing to engage meaningfully with the extant, critical literature, and an over-reliance on the views of justice practitioners. Furthermore, their argument that while the FGC is not a Māori justice form, it nevertheless “promote[s] participation... by a young Māori who has offended” by offering Māori participants “the opportunity to have the conference in chosen familiar surroundings, including on marae (traditional meeting area) (Ibid: 89) is severely compromised by a lack of engagement with research that contradicts this position.

A cursory glance at the critical literature and government sponsored reviews of the process demonstrates that Māori whanau and communities are rarely ‘offered’ the gift of holding FGC’s in “familiar surroundings” (see for example, Morris and Maxwell, 1993; Maxwell, Robertson, Kingi, Morris and Cunningham, 2004; and Tauri’s 2011 analysis of their research in demonstrating the failure of the implementation of the FGC to enhance Māori ability to ‘practice justice’). The failure to critically engage with the relevant research underlines the importance of distinguishing between what advocates and policy makers *claim* to be the aims of particular interventions, and the *actual* outcomes that result from practice. In this instance, practice does not match the rhetoric that the FGC is a forum that offers Māori the opportunity to ‘lead’ the justice systems response to the offending of their own (Tauri, 2014).

Another key myth of the FGC supported by the authors of ‘A Gift to the World’, is that the forum responds easily to the cultural values and practices of diverse ethnic groups. On pages 15-20 the authors replicate the oft-told myth of the forums ability to accommodate any and all ‘cultures’. In comparison, a number of Indigenous and critical non-Indigenous scholars argue that the forum is more accurately described as a Eurocentric, standardised youth justice process that utilises fragments of Indigenous cultural practice others, but does little to empower us (see Blagg, 1997, 1998; Cunneen, 1997, 2002; Lee, 1997; Moyle, 2013; Tauri, (1998; 1999; 2004; 2014) and Victor, 2007). I employ the term ‘standardised’ to describe the FGC forum with intent, for it is one of the great self-deceptions of justice practitioners and policy makers in settler-colonial jurisdictions is that justice forums derived from western criminal justice and criminological paradigms, can *work for everyone or anyone* regardless of ‘race’, differences in social or historical context (Tauri, 2009).

To add gravitas to their portrayal of the cultural flexibility of the forum, Henwood and Stratford (2014: 20) cite Judge Fred McElrea who claims that “[t]he family group conference model is receptive to different cultural influences and can accommodate indigenous, European, and immigrant cultures with little difficulty”. Unfortunately for Henwood, Stratford and Judge McElrea, critical literature that exposes the *diversity of Māori experiences* (and of Indigenous peoples in other settler-colonial jurisdictions), says otherwise. For example, what are we to make of the Judge’s comment in light of the experiences of Māori social work practitioners and whanau participants surveyed by Paora Moyle (2014; forthcoming) for her Masters and Doctoral research, who state that:

The family group conference is about as restorative as it is culturally sensitive... in the same way Pākehā [European] social workers believe they are competent enough to work with our people... Pākehā think they’re the natural ordinary community against which all other ethnicities are measured (participant 19).

In the FGC we were talking about how ‘Pākeha’ the caregiver training was when most kids in care are Māori. The social worker said, “our training teaches all prospective parents how to be culturally sensitive... culture is important to us (to child protection) but the health and wellbeing of a child must come first.” Like, being Māori is secondary, an add-on, or a choice!

And finally participant 21, a kaumatua (respected elder) who pointedly stated that:

CYF (Child Youth & Family) said I couldn't attend the FGC because I wasn't whānau [family]. But the whānau wanted a tikanga [philosophy] process and I was the kaumatua. Then the next week CYFs ring and ask me to attend a different FGC... talk about 'dial a kaumatua.'

The material drawn from Moyle's research demonstrates that the FGC forum does not always meet our specific cultural and social needs. In particular, it highlights that in some instances justice officials actively work against whanau in ways that contradict claims that the forum responds to the needs of all ethnic groups with 'little difficulty'.

A Gift to the World?

If, as Henwood and Stratford infer in the title of their book, the FGC forum is New Zealand's 'gift to the world', then it would be a good idea to find out how it is being experienced 'out there'. And, being a critical Indigenous scholar and given the propensity for RJ advocates to overegg the 'Māoriness' of the forum (see Richards, 2007), by 'the world' I am referring to indigenous individuals, communities and organisations residing in settler-colonial jurisdictions, and not members of the judiciary or government agencies, or FGC/RJ advocates motivated at least in part to ensure the forum is marketed as positively as possible (Tauri, 2014).

For example, engaging with the critical work of the Stolo First Nation criminologist Dr Wenona Victor (2007) or the Cree scholar Gloria Lee (1999), reveals a world in which the cross-jurisdictional transfer of the forum is experienced less as a gift, and more as the imposition of a Eurocentric, standardised crime control process that impedes the development of Indigenous-led initiatives (Tauri, 2011). Furthermore, engaging with the work of Kelly Richards (2007) reveals that the transfer of the FGC forum from New Zealand and Australia out to 'the world', was made possible in large part because policy makers and RJ advocates purposely exaggerated the Māori/Indigenous basis to the forum, especially to jurisdictions such as the U.S and Canada that were also experiencing high level of Indigenous over-representation in the criminal justice system (see also Tauri, 2005; 2014).

If the authors of 'A Gift to the World' took time to engage with the critical research of Indigenous and our critical, non-Indigenous collaborators, they would find a world in which the FGC is a gift of the Trojan Horse variety. They would find a world where once you dig through the thick veil of rhetoric about the cultural appropriateness of forums like the FGC, there lies a different reality.

They will find a situation where the forum is being experienced by some participants as an orientalised, state-dominated processes that has been imposed on Indigenous peoples, and impedes their attempts to develop responses to social harm based on their own cultural contexts (Tauri, 2004, Victor, 2007).

Overall, the lack of attention given by the authors' of 'A Gift to the World' to the range of experiences of Indigenous peoples of the FGC forum, detracts from the powerful stories revealed through the case studies. In particular, the lack of attention to the negative impact the cross-jurisdictional transfer of the FGC has had on Indigenous people around the world, provokes me to conclude this commentary by paraphrasing a well known Indigenous dictum that underlines why Indigenous peoples should be wary of works that glorify the FGC forum: '*Indigenous peoples everywhere, beware RJ advocates bearing gifts*'.

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