



**ORIGINAL RESEARCH ARTICLE**

## **The Bail Boys Court: Conflict Transformation and Restorative Justice in Trinidad**

**Catherine Ali**

*University of the West Indies*

**Abstract:** *Restorative justice can and should, but does not always, produce conflict transformation. This article presents qualitative research on an experimental restorative justice project which demonstrates transformations in the lives of gang youths charged with very serious offences, and transformations in the practices of the criminal justice system. The paper situates the gendered cultural context, outlines a critical transformation framework and methodology, and summarises the transformations of the Bail Boys project at the San Fernando Supreme Court, in Trinidad, between 2009 and 2012. Research application in development, criminal justice, youth justice, masculinities and gang crime are outlined.*

**Keywords:** Gender Transformation, Restorative Justice, Masculinities, Gangs, Youth Justice

Restorative justice has been criticised for maintaining or restoring a previous and less optimal condition. It is mistakenly relegated to less serious offences and considered not robust enough to handle the most difficult conflicts and injustices. These dilutions were reiterated in several papers presented at a recent International Symposium on Youth Justice in Trinidad<sup>1</sup> and fell short of the vision of transformation set out in Trinidad and Tobago's restorative justice policy document, The Task Force Report, 2002.<sup>2</sup>

From the outset, theorists and practitioners have stated that restorative justice was designed for the most difficult and most serious cases because the potential for the greatest transformations reside there.<sup>3</sup> Yet the radical transformation concepts slip out of the framework. The two central challenges are addressed here; the articulation of critical concepts to distinguish transformation from other kinds of change, and the demonstration of restorative justice transformation within local cultural and legal contexts.

This paper argues that 'bending all the rules' prises open innovative spaces, within disempowering systems, where the green shoots of transformation get through.

### **CULTURAL COMPLEXITIES**

Trinidad was ranked the happiest country in the Caribbean and 31<sup>st</sup> happiest country in the world, by the 2013 World Happiness Report from United Nations Sustainable Development Solutions Network.<sup>4</sup> The six variables used were real GDP per capita, healthy life expectancy, having someone to count on, perceived freedom to make life choices, generosity and freedom from corruption.

The UNDP 2012 Caribbean Human Development Report found that perceptions of corruption in Trinidad and Tobago's criminal justice system were the worst of seven Caribbean countries surveyed.<sup>5</sup> In Trinidad and Tobago, 58.7 per cent of respondents thought that judges are corrupt; 69.8 per cent thought that the justice system is corrupt. 70.2 per cent thought that powerful and politically connected criminals go free. Only a quarter (23.3 per cent) of respondents rated the capacity of Trinidad and Tobago's criminal justice system as sufficient and said they felt either secure, or very secure (24.7 per cent). These were the worse scores among the seven countries surveyed.

Trinidad is a cultural paradox. These complexities make development research difficult and call for critical conceptual frameworks capable of capturing and evaluating change and development. To achieve this, Parpart, recommends taking small grounded steps using the everyday language of ordinary people.<sup>6</sup> Kabeer stresses the importance of identifying the local cultural specifications of lived experiences of transformation.<sup>7</sup> In this way, empowerment discourse and praxis remains real, grounded and recognisable.

## **CONCEPTUAL FRAMEWORK**

Gender and Development policies seek empowerment and transformation outcomes. Parsons defines empowerment as power gain through reduced hopelessness and powerlessness of vulnerable groups.<sup>8</sup> The empowerment process is understood as a non-linear dynamic cycle, with psychological, interpersonal and collective dimensions by Gutierrez, Parsons and Cox.<sup>9</sup> The positive increase in power at these dimensions produces two types of change outcomes: immediate change and long term change. The quality of both change outcomes varies. Some are transformations and occur within the on-going empowerment process and generate on-going changes. Transformation in social work practice, and in feminist theory and practice, is understood as facilitating development through empowerment. It is characterised as creative change from within and innovative possibilities.

Mosedale defines the empowerment process for women as 'redefining and extending what it is possible for them to be and do in situations where they have been restricted, compared to men, from being and doing'.<sup>10</sup> However, finding a new or different way of doing something, and new ranges of options can be blocked. Two gendered concepts for understanding the workings of resistances to change are the matrix of domination and structural deflection.

## **THEORISING RESISTANCES**

The matrix of domination is the interaction of variables which mesh together and contrive to power down change.<sup>11</sup> Collins argues that race, class, and gender intersect with many other power indices, for example, religion, geography, violence, kinship and sexuality, to block change from coming about. In Trinidad, the most powerful cultural specifications for gang crimes are geographic location, identity and belonging.<sup>12</sup>

The power to resist change and reduce agency is also hidden in legal systems and embedded in organisational structures. Lazarus-Black notes that 'objective', 'neutral', and 'without gender' are still common assumptions of the law, and uses the term 'regendering the state' to correct the gendered nature of law and law-making.<sup>13</sup> She further argues that constitutions and legal systems are patriarchal and that attempts by the state to correct this imbalance and re-gender the law have not produced changes in actual legal practice in court. Research in Trinidad and Tobago, and in

Commonwealth countries as far apart as India, Africa, Australia and the Caribbean, has shown that domestic violence legislation, which attempted to provide protection for women, can simultaneously both empower and disempower women. The practices, procedures, communication interactions, time delays and bottlenecks, losing paperwork, poor representation, and unhealthy kinship patterns produce structural deflection that push back change.

The theoretical change brought about in rewriting laws was pushed back in the practice of those laws. As women continuously lost work and paid for transport to come to court hearings that were continuously deferred, their cases were frustrated out of the system. Legal practices sliced power off agency even though DV law was designed to increase agency. In practice, agency is constantly re-negotiated through hegemonic court rites, practices and kinship boundaries.

## **RE-THEORISING EMPOWERMENT AND CONFLICT TRANSFORMATION**

Kesby re-theorised empowerment as spatial performances.<sup>14</sup> He recognised that empowerment workshops produce transformation and that as skills are transferred to real life situations outside the training room the power drops out of em(power)ment. He understood that dominating power is inescapable, yet it is not equally dominating everywhere. Less oppressive power can be combined with positive power to outmanoeuvre more oppressive power. A determining factor is providing safe spaces for practising discourse and action, or what to do and say. These virtual performance spaces support and enable smoother transition to real life situations and help keep the power in real life empowerment practice.

While Collins and Lazarus-Black identify resistances to empowerment, the purpose of this research is to seek out the narrow spaces within the intersecting matrix and structural deflections, where empowerment performs transformations. It seeks interstices that can be prised open to enable the green shoots of empowerment to grow from 'insight to action'.<sup>15</sup>

Longeran's theory of insight expands interstices through discovery learning.<sup>16</sup> Curiosity opens up new perspectives, and new meanings, through questioning. Melchin and Picard applied insight theory questioning to conflict transformation, showing how coming to know the intended meaning of words and acts transforms the

interpretations others make of those events and acts.<sup>17</sup> In this way, unimagined and innovative possibilities, and coming to know new understandings, can transform conflict. These are the conflict transformation concepts at the core of restorative justice: transforming human understanding and knowing.

If restorative justice transformations are not about maintaining the inequitable conditions and social injustices that cause social problems, how do marginalised communities and vulnerable youths who have not experienced the most basic foundations for development experience transformation? Where social justice does not exist in lived experiences, community structures or organisational systems, citizens fall back on the highest law. The Preamble to the Constitution of Trinidad and Tobago theoretically provides fair and equitable distribution of goods for the wellbeing and development of all.<sup>18</sup> Trinidad and Tobago has the financial resources to deliver developmental growth, but what kinds of agents and agencies facilitate the delivery of transformation outcomes? What research methodologies capture multiple qualitative levels of transformation needed in young gang members to outmanoeuvre structural resistances and reap the benefits of conflict transformation?

I will turn now to the methodology used to capture and analyse data on how narrow transformation spaces were opened in order to demonstrate restorative justice interstices within the resistant matrix of the criminal justice system.

## **METHODOLOGY**

The research sought out interstices, or narrow spaces, within the intersections of the disempowering matrix and structures where the navigation of empowerment could be tracked in restorative justice processes. To research transformations in situated local contexts, an emic<sup>19</sup> approach was used to learn about the perceptions, meanings and actions of gang members who had been arrested and charged for serious crimes. A qualitative adapted grounded methodology<sup>20</sup> was used with mixed methods to gather all the possible ways for catching emic empowerment meanings, while continuously checking for empowerment practice concepts in the literature.

Ethnographic participant observation and in-depth narrative interviews were conducted mainly with the Bail Boys and the team of change agents who were involved in the three year experimental

programme called the Supervision of Bail Programme, which subsequently became known as The Bail Boys Court. There were no females in the programme. Approximately 30 males, aged 15-30, consisting of slightly more Afro- than Indo- and Mixed Trinidadians, mainly from hotspot locations in Marabella and Laventille, were enrolled in the programme. They were charged with the full range of serious, indictable offences – such as rape, attempted rape, kidnapping, murder and attempted murder - and were in custody pending trial. The monthly hearings at the Bail Boys Court and the weekly probation interviews were observed, documentation read, and the key change agents interviewed.

The court proceedings at the San Fernando Supreme Court where Justice Anthony Carmona presided were a combination of forensic truth and narrative truth (their story of experience) which reflected a mutation in court practices. A blend of due process and restorative justice processes provided due consideration and social parenting. Rich thick descriptive data were gathered and combed for words and meanings. Data analysis methods used were McLeod's coding following reading and re-reading the transcripts using Lincoln and Guba's constant comparative method to identify what empowerment and transformation meant for the respondents.<sup>21</sup> The transformations are reported in the voices of the respondents.

### **MANCHILD IN CRISIS SNAPSHOTS**

'Manchild in Crisis' is the phrase popularised by Carmona to define the life-shaping experiences of some young males who come into the local criminal justice system.<sup>22</sup> The following three excerpts offer snapshots into meanings of the phrase. The first speaker is speaking about masculinities in an empowerment group called 'The Men's' Forum: School for Tabanca', in Point Fortin.<sup>23</sup>

I grow up with tap and clout. I asked adults questions and was called stupid. Ask friends, they don't know, ask a girl she say 'small boy stay home'... *everywhere is trap, trapping emotion inside you... can't talk, don't know how to talk, no place to ask questions.* But now my son is asking me those questions and I don't know what to say...

The intergenerational communication gap blocks emotional intelligence and self-knowing. Group facilitator, Harold Greaves, commented on the effect this has on all the gang members he has come across in his work in local hot spot communities in Trinidad:

All the gang members that I have come across have no father; he is somewhere out there but he's not present to child's life. Boys don't know how to be men; there are no words for feelings.

The vulnerability resulting from male parenting gaps intensifies for those living in shells of communities, without the basic infrastructure for human development. A policy of dependency sets those locations on a lesser development path and ensures that men remain shadows of themselves.<sup>24</sup> Greaves further explains the implications of that lived experience:

Some men are never made human; they have not experienced it. No love, care, communication, emotion, touch, role model, protection, security, education, only cuff and cuss. They haven't learned what it is to be treated like a human and are unable to be human, or they understood themselves to be without the foundations.

Carmona's 'man-child in crisis' represents the relational and social (in)justice background of young males who join gangs and appear before him in the Supreme Court. While remanded in prison they die on many levels as they wait at least a decade for trial, with nothing to occupy them as programmes were not provided for un-sentenced offenders in 2011. This abject life further criminalises youths, destroys what is left of family and social bonds, deepens criminal networks, generates delinquents for drug crime-businesses and demonstrates the harm perpetrated by the criminal justice system.

## **THE BAIL BOYS COURT**

The Bail Boys Court pilot project began in November 2009 with the self-formation of a professional team whose purpose was 'thinking outside the box' to change the lives of young offenders. Justice Anthony Carmona asked the Probation Department for an officer interested in designing bail supervision for an experimental court project. Frances Turton-Long responded and was joined later by a police officer and an attorney-at-law representing the Director of Public Prosecutions.

The main transformations considered are i) the two key change agents and change spaces, ii) Agency, identity and communication changes, iii) Structural power changes, and iv) Gender identity and

character change. These are dynamic and interactive and intersecting changes.

*Change Agents' Voices*

Turton-Long's leadership was motivated by a broader meaning of justice than that operating within the adjudicating structures of the criminal justice system. When interviewed, she said:

I did it ...because it needed to be done. There was no legislation, no training, resources or support, no Cabinet decision, discussion, pilot project, permission or funding.

When asked what her intention was for becoming involved in this project she said:

Coming out of the dark ages! ...I call it restorative justice. Refusing to let young people rot in prison...

Carmona was frustrated by experiences within criminal justice systems at all levels:

I've seen so much. I was the Assistant Director of Public Prosecutions, with experience in Trinidad, regionally, globally-war crimes at the International Criminal Court I feel so much and seen so much, I have to do differently....

The change agents felt compelled to take risks irrespective of consequences and quietly explored transformation opportunities until the experimental procedures were successful.

While the charge and the trial remain on the books, opportunities for human development and citizen security were negotiated. Community corrections, reintegration and re-entry were achieved, through the Bail Boys project which was a pre-trial diversion using bail and intensive probation supervision. Carmona sums up the transformation:

Do you know all have become friends in one family, they're speaking to each other, working together? Almost 30 youths have had an opportunity; they are off the street, and into constructive activity.

### *Empowering Locations/Spaces*

Court offered a change opportunity, under certain conditions, to those who would otherwise have been locked up for a decade. The bail conditions were curfew and drug testing, attending classes, skill training, and talk therapies which were designed to force a response and develop the capacity to respond to obligations and responsibilities. Bail boys participated in a needs and risks assessment and analysis, and in developing a personal strategic plan. The innovative approach came from an entirely different perspective, as Turton-Long noted:

I bend all the rules, I mean, really bend them. I relate to the Bail Boy as I do to my child. When my marriage crumbled I gathered up all my extended family to help me with the children. If I read what they did, instinct sets in... *narrows my view, my ability to relate, care, support, transition...* in essence professionals fill the parenting gap... I read newspapers to find what is available for them, new things, supports, courses, opportunities.

This focus opens imagination to creativity. Perspectives, the gateway to learning, lead mental interactions towards discovery pathways. The spontaneous uncontrollable aspects of empowerment are cultivated by not constraining the mind with stigmatising data that preclude relationship and emphasise threats. This is how words and legal definitions, court regulations, practices and interactions were prevented from causing structural deflection. The push back came about by interrupting their narrowing influence on Turton-Long's thinking. Instead, she blocked accepted professional procedures and sought out a pipeline to human development based on her lived experience of coping with crisis. She became their extended family, filled the parenting gap and combed the media for opportunities for them. After several months when relationships and rapport were established, and neuroplasticity<sup>25</sup> had established new neural pathways, she read their reports. Neuroplasticity, the brain's ability to change itself, was facilitated by a deliberate move from triggering patterned disempowerment to enabling curiosity to raise questions that produced insight into transformation acts.<sup>26</sup> This is how she performed thinking outside the box, as a change agent.

### *Structural Change*

Carmona invented and implemented unwritten policy to ease court bottlenecks, time delays and lengthy procedures. For example, at the beginning of one sitting, he did the unthinkable and maintained it until he left the Bench for Presidency of the Republic of Trinidad and Tobago:

Today we're doing something new... the Probation Officer will be judge for a day. To make the best decisions for you I have to speak with her throughout and where she sits in the middle of the court is too far away to hear. So I am putting another chair beside mine.

No-one objected to the introduction of an innovative power-sharing collaborative process. The Judge attended to all the cases on the docket by conferring with the Probation Office throughout the day on the Bench. Usually, the probation report guides court decisions; this new measure sliced time-consuming bureaucracy and heard the contents of the file directly and allowed for transparent on-the-spot consultations, recommendations and decision-making. It also subverted hierarchical power and enabled Turton-Long to pick up power, increase status and authority in relating with the Bail Boys, because they saw that her words had the power to influence court decisions about their future. They took her more seriously; listened to what she said when they reported to her weekly, if they wanted to stay out of jail.

When each Bail Boy was called up close to the Bench his girlfriend and mother were called to stand beside him and any family member, friend or mentor who wanted to support him in turning his life around. The police officer and DPP Attorney were sitting nearby and drawn into the conversation. Though it was not explicit, what was being constructed inside the court took the shape of a restorative justice offender support circle. This is how the matrix was punctured.

The intersecting constraints of parenting gaps and geographic location, of class and gender, altered. The shift was operationalised by prising open empowering spaces within disempowering court structures, by adding less dominating power to augment Turton-Long's leadership, by interventions to outmanoeuvre more dominating power, and by ameliorating the gendered identity crises. The social parent role of relating with the 'manchild' was deliberately performed by Carmona particularly by cultivating emotional intelligence, and shifting kinship boundaries.

*Agency, Identity and Communication Changes*

The next excerpts from the Bail Boys Court in the San Fernando Supreme Court demonstrate the empowerment of agency and identity through narrative communication. The green shoots of empowerment are encouraged by reducing powerlessness and hopelessness, as noted by Carmona:

I see you are reporting, keeping the conditions. That is excellent, I am so proud of you. How do you feel? Any problems?

The answer was '*No Problems*' and Carmona continues:

Now I want you to think of the future. You have a job. In 10 years from now you can't be working for the same amount, as a labourer. Get qualifications. What are your interests; mason, electrical, welding? The Probation Officer will advise you and I want you to listen to her. These are conditions and Bail is a privilege. If you say to hell with us, we say to hell with you.

Those who don't report consistently are reminded that if Bail is revoked they go back to a crowded cell:

Where men have no toilet, nowhere to sleep! Your mother won't be sleeping either; up crying all night! I do not send you back likely, to hell. It grieves me. What about your child when she doesn't know where you are and everyone else is talking about Daddy?

The 'manchild' who has no words for feelings and does not know what to say to his child, must feel something, when it is publically and meaningfully communicated to him that he is being grieved over by an authority figure. The discourse is laying the foundation for an experience of justice that sets out clear expectations, encourages ambition, and mirrors what responsibility for one's self feels like and sounds like, so as to make it familiar and knowable. The breadth and freedom of narrative truth for experiencing justice reverses forensic truth's fixation on legal issues and definitions as Lazarus-Black found.

Depending on the needs and interests of the 'Boys', they enrol in literacy classes and skills training; some 'Boys' are currently employing other Bail Boys in the same programme and developing skills in positive peer mentoring. Some have acquired certificates

and qualifications, and another is now a student at the University of Trinidad and Tobago.

The value of justice was explained and cultivated through narrative. This is how emotion intelligence and empathy rounded-out manhood, and broadened narrow crimogenic masculinities.

*Kinship, Victimhood and Character*

Victimhood was confronted head-on through narratives of how world leaders deal with injustice:

You want to blame the system, say everything is against you, never had a chance... I met the president of the International Criminal Court. When he was nine he was caught in the war in Korea, lost everything and lived in a bunker under the road with his family for a year. Every day he walked 16km to get food for his family. That was his job. He had to walk over hundreds of dead bodies every day, and that smell is still in his nose today. He had every reason to hate. Today he is president of ICC and not bitter, trying to do justice.

Again, transcending the matrix of race, crime and political corruption, Carmona opens their imagination to interstices where truth and reconciliation are presented as green shoots of empowerment and transformation, both for themselves and their country:

Nelson Mandela's mother and sisters were taken away by gangs; disappeared. When he got out of prison and was in charge he could have set up courts and hanged all those white people. He chose truth and reconciliation instead of bitterness and helped his country.

In this excerpt, Carmona links effort and achievement to those relationships that provide reasons to live meaningful lives. He also acknowledges the corruption of the criminal justice system with which they are familiar, police extra judicial killings and fatal gang kinship patterns which they choose over bringing up their children:

Young people feel court dropped from the moon; I slept in taxi stands, taught Bad Boys in Trenchtown, in Kingston, Jamaica. I had 2-3 jobs when I was in University ... If you hang with [gang] partners in Marabella and things get out of hand, the police will blow you away. When you are dead they [partners] will pretty you up,

drinking beers and playing music and your family bawling! Who will bring up your child? Who will your child look up to?

The vignette demonstrates the transformation of gender identities by interacting at the level of values and lifestyles. The kinship pattern shift highlights the consequences of belonging more to a gang group than to a blood family.

Further, gang kinship destabilisation came with rewards which were used as bail conditions to develop and strengthen family bonds. Over a long weekend curfew was revoked and the Order was presented as an invitation to 'take the family to the beach', 'go to the cinema together, play with your child.' To others Carmona said, 'Go to the fetes, but see trouble in the distance. Keep your eyes open.' At the next probation meeting they would be asked about their weekend activities and again at the next court session, and applauded or warned to reinforce change.

Accepting responsibility for blood kin is a route to a more balanced and mature masculine reputation, and it is a condition of supervised bail. Addressing the relational loss of missing out on bringing up 'a child who will look up to you' identified acts of justice as being about meaningful parental responsibility, in contrast to harmful acts of justice for those languishing in custody for a decade.

These changes constitute the human-making dimension that Greaves identified as missing from the lives of the gang members whom he has come across in hotspots and support groups. It was regained during the court process of ritually installing more rounded definitions of masculinities and manhood. The Bail Boys picked up power, became emotionally involved in relationships and invested in family and children as they de-linked from gang peers and their 'get rich quick or die trying' lifestyle. This is how they became curious, empowered, grew and transformed themselves.

#### *Voices of the Bail Boys: Gender and Masculinities Transformations*

Even though the Boys still have to stand trial, they are already different people, with 'reduced powerlessness through learned hopefulness', who have been educated for a different life. Their self-defining voices reflect agency and masculinities which they recognise as breaking intergenerational cycles of disempowerment. This is highlighted by the following excerpts:

This is the first time me and my father limes. On Sunday night we chatted like two men. I think it's because he has seen me grow [while] on bail, and clean up my life. I registered my business last week and now I feel like a man (Bail Boy 3).

I am going to CCC and I am learning air condition work. I can't be used again and I am able to be a man. I never thought I was capable of doing this, of being a man on my own (Bail Boy 2).

I am able to take care of my child now. I never knew what that was. I didn't know my father but I know my son (Bail Boy 1).

I would not see my son grow up if I was inside. We are getting married soon, and going to Tobago for the honeymoon. I can support my family (Bail Boy 4).

Of the thirty programme participants, eight have had bail revoked for not keeping the conditions, and another eight have been arrested for other offences while on bail. The remaining fourteen are still enrolled in the programme and continue to make progress. The Carmona model is being used as the blueprint for the new Drug Treatment Court, a pilot project which started in the San Fernando and Tunapuna Magistrates' Courts in April 2013.

Empowered responsible facilitators reached out, extended helping relationships, and provided opportunities for unlearning, relearning or first learning. Supervised conditions were continuously checked at on-going court hearings. The group of Bail Boys described these new experiences of justice as self-discovery and as imagining something new. Collectively they tried to pinpoint how the interstices expanded:

He saw a change in me and decide to give me a chance...;  
This judge is able to see it in you;  
Comes like he helping you turn your life around;  
Plenty good coming from this;  
Every time he see you, he tell you something new, and I think about that;  
If you fail to attend the conditions of the probation officer he send you right back to jail and that will take you down;  
It real good, everybody here is helping you;  
The most a man can do is see about himself, and I'm doing that now.

In filling the gaps that Greaves described as leaving men without humanity, the emotional blocks to development became bridges to human development for those who never had the foundations. This

demonstrates that restorative justice transformations of very difficult and serious offences were achieved with small numbers by careful change agents in re-structured empowering spaces and provided a combination of social and criminal justice interventions that addresses the root causes and transformed thinking.

## **SUMMARY OF TRANSFORMATIONS**

The purpose of this paper was to address two central challenges to restorative justice; the articulation of critical concepts to distinguish transformation from other kinds of change, and the demonstration of its occurrence within restorative justice practices in local cultural and criminal justice contexts.

The critical concepts were drawn from empowerment practice, resistances to gender empowerment, new theorising on empowerment and from applications of insight theory for conflict transformation. This critical framework was used in emic research to identify and navigate the workings of empowerment and transformation. Restorative justice did not merely maintain previous conditions. It was robust enough to handle the most difficult conflicts and injustices and therefore should not be diluted in Youth Justice or in other programmes.

The Bail Boys Court at the San Fernando Supreme Court delivered transformation at multiple levels. Strategic structural changes and radical interpersonal and identity changes produced tangible innovative outcomes. The power-maintaining structures and relationships, interactions and gender identities loosened and shifted, and in many cases, completely turned around, with wide ranging implications for women and children.

### *Systematic Power Transformations*

The existing regulation for dealing with pre-trial indictable offences as not eligible for bail was replaced by assessment, a strategic development plan, commitment, support programmes, intensive probation conditions and close supervision of young offenders.

Court processing time was reduced to a fraction of what normally obtains with the repositioning of the probation officer on a level with the judge and *really bending* all the rules. Hearing the listed cases, writing probation reports and decision-making became merged and the time gained was invested in meaningful

court conversations with the Boys who understood how decisions about their future were made, and how strategic life-changes occurred through the framework of bail conditions.

The existing sentencing policy for very serious offences is prison-time and a possible death sentence. Eventually, a trial judge will review the probation report and recommendations based on sustained transformations in the intervening years may outmanoeuvre a custodial sentence altogether.

The social justice provisions of the Preamble to the Constitution of Trinidad and Tobago were actualised for the 'manchild in crisis', resulting in empowering self-transformation. Within the Supreme Court, a restorative justice circle facilitated dialogue on life values. It facilitated enabling conversations about expanding the horizons and strengthening the character and capacities of offenders. Evolving circles may appropriate some functions of sentencing circles and model further transformations in court practices. New practices would then influence the formulation of new policy marking the transition from hierarchical punishing penal policy to collaborative developmental sanctions for Youth Justice Programmes. The concrete and grounded on-going empowerment processes reach into theoretical systematic transformations which are more easily sustained.

### *Gender Transformations*

Arrested gang members experienced new gender relations when the parenting gap was bridged by social parents/caregivers whose self-disclosure made them curious and bail conditions enabled human development. The Boys related to their children from a different self-concept and demonstrated responsibility and involvement. By mentoring the Boys in what to do and say, inviting them to practise, relate, play, reflect and report in safe spaces they were able to transfer empowerment performances into reality. In this way, unhealthy gang kinship was replaced by healthier family kinship relating and behaviour, and continued into sustained transformations, as they became different men.

Parents who had given up and were tired of failing with their sons found re-entry paths at the Bail Boys Court. Repeatedly hearing about what was going on in their sons' lives in court surfaced points of conversation and connection. Lonergan describes a stream of consciousness like the passing parade that we do not attend to, until becoming curious about some aspect and

inquiring into it. Parental curiosity awakened when possibilities beyond 'nothing works' opened into new perspectives that enabled the Boys to network their way back into an empowered family of origin, and into their new young families. By making these networks a condition of bail and by supporting them with a community of care, and through constantly accounting for how things were going, and rewarding positive change, human development deepened.

Gang members charged with very serious offences engaged the transformation process and became responsible, caring fathers and good citizens. The implications for women and children, for gender relationship and for intergeneration change are positive.

Outside-the-box approaches of the Bail Boys project delivered individual, interpersonal and social transformations, including gender transformations. It began with a strategic decision to do things differently. It resulted in re-definition of gender identity development among criminal gang youths, enriched human dignity, expanded human development into innovative possibilities and human security through restorative justice processes.

This is how empowerment navigated the disempowering intermesh, pushed back structural deflection and provided interstices, where the green shoots *got through* and strengthened into transformations.

## **APPLICATIONS**

This is the first in-depth study of its kind in the Caribbean and further research in this field will undoubtedly provide greater insight into the situated workings of empowerment and development. The problems global development agencies encountered in defining and delivering empowerment policy, plans and programmes are ameliorated by theory and practice that put the power back into em(power)ment as demonstrated here. In this way, a local solution has been found for a persistent global problem and provides tools for researching further empowerment knowledge.

Perceptions of corruption will alter when the agents and agencies of the criminal justice find ways to provide grounded experiences of justice. Similar experiences could be generated by community mediation panels and community correction boards that link diversions into healthy kinship, support teams and services, technical and vocational education institutes.

Successful re-entry and re-integration through community corrections was a pre-trial diversion programme that has a range of applications as post-trial alternatives to incarceration, for example, a suspended sentence upon completion of probation conditions. Empowerment, re-entry and re-integration apply also to thousands of Caribbean prison inmates who eventually return to society and the workplace, and to parole and aftercare programmes.

Probation officers who critically maintain and reinforce empowerment and transformation shifts have counterparts; parents, teachers and mentors, social workers mediators and youth justice officers, community correction officers, prison welfare officers, and parole officers, and all need to establish professional teams to comprehensively strengthen human and social development programmes. The methodology and findings can be applied to a range of vulnerable groups and institutions, and to other cultural contexts in the region and internationally, and to different types of conflict.

## NOTES ON CONTRIBUTOR

Catherine Ali is a lecturer, mediation trainer and consultant in gender, conflict trauma and restorative justice. She is an Affiliate of the Centre for Conflict Education and Research at Carleton University, Ottawa, and member of the Lonergan Institute at Boston College. She chairs the International Conference of Penal Abolition in Trinidad, and Community Peacemakers, a voluntary professional mediation service in San Fernando. Email: mediate1@hotmail.com

## NOTES

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- <sup>5</sup> United Nations Development Programme. *Caribbean human development report 2012: Human development and the shift to better citizen security*. New York, NY: United Nations Development Programme, 2012.

- <sup>6</sup> Parpart, Jane L. Fine words, failed policies: Gender mainstreaming in an insecure and unequal world. In *Development in an insecure and gendered world: The relevance of the Millennium Goals*. Edited by Jacqueline Leckie, 51-70. Farnham, UK: Ashgate, 2009
- <sup>7</sup> Kabeer, Naila. 'Reflections on the measurement of women's empowerment.' In *Discussing women's empowerment: Theory and practice*, 17-57. SIDA Studies, 3. Stockholm: Swedish International Development. Cooperation Agency, 2001.
- <sup>8</sup> 'Empowerment practice.' In *Encyclopedia of Social Work. Volume 2, D-I*. 20th ed. Editors in chief Terry Mizrahi, and Larry E. Davis, 123-26. Washington, DC; New York: NASW Press; Oxford University Press, 2008.
- <sup>9</sup> Guitierrez, Lorraine, Ruth parsons and Enid Cox. Eds., 1998. *Empowerment in Social Work Practice: A Sourcebook*. Pacific Grove: Brooks/Cole Pub. Co. See also Parsons, Ruth J. Assessing helping processes and client outcomes in empowerment practice: Amplifying client voice and satisfying funding sources. In *Empowerment practice in social work: Developing richer conceptual foundations*. Edited by Wes Shera, and Lilian M. Wells, 390-417. Toronto: Canadian Scholars' Press, 1999.
- <sup>10</sup> Mosedale expands Kabeer's definition of women's empowerment as strategic choice beyond the personal and immediate, into collective and on-going change. Parpart also expands Kabeer's definition into the micropolitics of decision-making and security. While all three theorists address women's empowerment, patriarchy is nonetheless oppressive for less powerful and powerless men and for marginalised groups and this is a consideration of gendered approaches to empowerment and transformation. Mosedale, Sara. Assessing Women's Empowerment: Towards a Conceptual Framework. *Journal of International Development*. Dec. 17, 243-257, 2005.p.252.
- <sup>11</sup> Collins, Patricia Hill. *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. 2nd ed. New York: Routledge, 2000.
- <sup>12</sup> Plummer, David and Stephen Goefroy. 'When Bad is Cool: Violence and Crime as rites to passage to Manhood'. *Caribbean Review of Gender Studies*. 4: 1-17, 2010.
- <sup>13</sup> Reforming the law in Trinidad and Tobago, and introducing domestic violence legislation are attempts to counter male dominance by making 'private husband and wife business' into a public criminal matter. That law sought to provide agency for women by defining domestic violence as violent crime, which overwhelmingly supports women victims, and some men. Lazarus-Black, Mindie. *Everyday harm: Domestic violence, court rites, and cultures of reconciliation*. Urbana: University of Illinois Press, 2007. The Single Fathers Association of Trinidad and Tobago further complicates gender agency. They complain that court practices do not work in favour of fathers' or children's rights either. They claim discrimination and agency loss because gender hegemony allocate their children mainly to women, leaving them not less privileged, but less equal in accessing quality parental time with their children, who now reside with their mother. See <http://www.sfatt.org/>
- <sup>14</sup> Kesby, Michael. Re-theorising Empowerment as a Performance in Space: Beyond tyranny to transformation. *Signs* 30 (4): 2037-67, 2005.
- <sup>15</sup> Rowlands, Jo. *Questioning empowerment: Working with women in Honduras*. Oxford: Oxfam, 1997, p.15
- <sup>16</sup> Lonergan, Bernard. *Insight: A Study of Human Understanding*. New York: Philosophical Library, 1957.
- <sup>17</sup> Melchin, Kenneth and Cheryl Picard. *Transforming Conflict through Insight*. Toronto: University of Toronto Press, 2008.
- <sup>18</sup> See the Constitution of Trinidad and Tobago, updated 1976, at:

<http://www.ttparliament.org/documents/1048.pdf>

- <sup>19</sup> Kottak, Conrad. *Mirror for Humanity*. McGraw-Hill, New York, 2006.
- <sup>20</sup> Layder, Derek. *New Strategies in Social Research: An Introduction and Guide*. UK: Wiley, 1993.
- <sup>21</sup> McLeod, John. *Quarterly Research in Counselling and Psychotherapy* Thousand Oaks, CA: Sage Publications Limited. 2001. Lincon, Yvonna and Egon Guba. *Naturalistic Inquiry*. Newbery Park, CV: Sage Publications, 1985.
- <sup>22</sup> 'I can't sit here indifferent, day after day, sentencing manchild after manchild...you think it is easy? No, it's not... Our manchild is in crisis, the women are going to do all the make-up classes and the men are in the dock waiting ...that is the problem.' The manchild is in crisis Article, by Uncill Cambridge. Sunday Guardian, March 31, 2013. Also Reshma Ragoonath, *Guardian Achieves*, February 24, 2010.
- <sup>23</sup> Ali, Catherine. Study entitled 'Men's Forum: School for Tabanca' was based on a men's support and transformation group using that name. The group had been meeting monthly in Point Fortin since 2010. Data was collected by dialogue and observations throughout 2011, and a qualitative interview with the facilitator, Hal Greaves. See Ali, C. 'Navigating Empowerment in Mediation and Restorative Justice In Trinidad' (PhD diss., The University of the West Indies, Trinidad 2013).
- <sup>24</sup> Joseph, Cuthbert. *The Life I Recall: other pathways to Human Development*. Kingston Jamaica: Arawak Publications, 2011.
- <sup>25</sup> Doidge, Norman. *The brain that changes itself: Stories of Personal Triumph from the Frontiers of Brain Science*. Penguin Books, 2007.