Introductory Readings

Restorative Justice in Everyday Life: Beyond the Formal Ritual

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Punishment in response to crime and other wrongdoing is the prevailing practice, not just in criminal justice systems but throughout most modern societies. Punishment is usually seen as the most appropriate response to crime and to wrongdoing in schools, families and workplaces. Those who fail to punish naughty children and offending youths and adults are often labelled as "permissive."

Figure 1:
Punitive-Permissive Continuum

This punitive-permissive continuum (Figure 1) reflects the current popular view, but offers a very confined perspective and limited choice—to punish or not to punish. The only other variable is the severity of the punishment, such as the amount of the fine or the length of the sentence. However, we can construct a more useful view of social discipline by looking at the interplay of two more comprehensive variables, control and support.

We define "control" as discipline or limit-setting and "support" as encouragement or nurturing. Now we can combine a high or low level of control with a high or low level of support to identify four general approaches to social discipline: neglectful, permissive, punitive (or retributive) and restorative.[1]

We subsume the traditional punitive-permissive continuum within this more inclusive framework. The permissive approach (lower right of Figure 2) is comprised of low control and high support, a scarcity of limit-setting and an abundance of nurturing. Opposite permissive (upper left of Figure 2) is the puni-

tive (or retributive) approach, high on control and low on support. Sadly, schools and courts in the United States and other countries have increasingly embraced the punitive approach, suspending and expelling more students and imprisoning more citizens than ever before. The third approach, when there is an absence of both limit-setting and nurturing, is neglectful (lower left of Figure 2).

The fourth possibility is restorative (upper right of Figure 2), the approach to social discipline that brings us all together at this conference. Employing both high control and high support, the restorative approach confronts and disapproves of wrongdoing while supporting and valuing the intrinsic worth of the wrongdoer.

In using the term "control" we are advocating high control of wrongdoing, not control of human beings in general. Our ultimate goal is freedom from the kind of control that wrongdoers impose on others.

This social discipline window can be used to represent parenting styles. For example, there are neglectful parents who are absent or abusive and permissive parents who are ineffectual or enabling. The term "authoritarian" has been used to describe the punitive parent while the restorative parent has been called "authoritative."[2] Further, we can apply John Braithwaite's terms to the window: "stigmatizing" responses to wrongdoing are punitive while "reintegrative" responses are restorative.[3]

A few key words—NOT, FOR, TO and WITH—have helped clarify these approaches for our staff at the Community Service Foundation's schools and group homes. If we were neglectful toward the troubled youth in our agency's programs, we would NOT do anything in response to their inappropriate behavior. If permissive, we would do everything FOR them and ask little in return. If punitive, we would respond by doing things TO them.
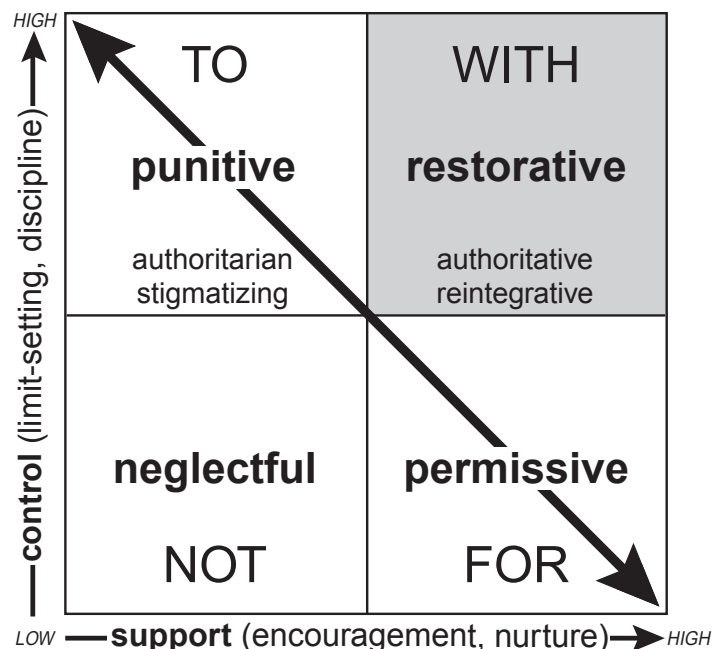

Figure 2: Social Discipline Window

informal   **formal**

▲ affective statements   ▲ affective questions   ▲ small impromptu conference   ▲ large group   ▲ formal conference

Figure 3: Restorative Practices Continuum

But responding in a restorative manner, we do things WITH them and involve them directly in the process. A critical element of the restorative approach is that, whenever possible, WITH also includes victims, family, friends and community—those who been affected by the offender's behavior.

Although the restorative approach to social discipline expands our options beyond the traditional punitive-permissive continuum, the implementation of restorative justice to date has been narrowly restricted. Our concept of restorative justice is confined to a few programs like community service projects designed to reintegrate offenders and formal rituals such as victim-offender mediation, sentencing circles and family group or community accountability conferences.

John Braithwaite, in his keynote address at the first North American Conference on Conferencing, asserted that "restorative justice will never become a mainstream alternative to retributive justice unless long-term R[esearch] and D[evelopment] programs show that it does have the capacity to reduce crime."[4] If that is so, then I fear that restorative justice is doomed to a peripheral role at the fringes of criminal justice and school disciplinary systems. We have all sorts of evidence that victims, offenders and their respective supporters find restorative justice rituals satisfying and just, but we have yet to conclusively demonstrate that any restorative justice ritual significantly reduces re-offense rates or otherwise prevents crime.

Although a conferencing advocate, I would be naive to think that a single restorative intervention can change the behavior and mindset of the delinquent and high-risk youths who participate in our agency's counseling, educational and residential programs. Yet we do experience significant positive behavior change from these young people when they attend our programs. This is because, as Terry O'Connell, the police officer who developed the scripted model of conferencing, remarked when he first visited one of our schools in 1995, "You are running a conference all day long." It has taken

me several years to fully appreciate his comment. Although we had never used the term "restorative justice," we now recognize that we have created an environment characterized by the everyday use of a wide range of informal and formal restorative practices.

The term "restorative practice" includes any response to wrongdoing which falls within the parameters defined by our social discipline window as both supportive and limit-setting. Once we examine the possibilities, we see that they are virtually unlimited. To illustrate, we offer examples from everyday life in our schools and group homes and place them along the restorative practices continuum (Figure 3). Moving from the left end of the continuum to the right, the restorative interventions become increasingly formal, involve more people, more planning, more time, are more complete in dealing with the offense, more structured, and due to all of the those factors, may have more impact on the offender.

On the far left of the continuum is a simple affective response in which the wronged person lets the offender know how he or she feels about the incident. For example, one of our staff might say, "Jason, you really hurt my feelings when you act like that. And it surprises me, because I don't think you want to hurt anyone on purpose." And that's all that is said. If a similar behavior happens again, we might repeat the response or try a different restorative intervention, perhaps asking, "How do you think Mark felt when you did that?" and then waiting patiently for an answer.

In the middle of the continuum is the small impromptu conference. I was with our residential program director a few weeks ago, awaiting a court hearing

about placing a 14-year-old boy in one of our group homes. His grandmother told us how on Christmas Eve, several days before, he had gone over to a cousin's house without permission and without letting her know. He did not come back until the next morning, just barely in time for them to catch a bus to her sister's house for Christmas dinner. The program director got the grandmother talking about how that incident had affected her and how worried she was about her grandson. The boy was surprised by how deeply his behavior had affected his grandmother. He readily apologized.

Close to the far right of the continuum is a larger, more formal group process, still short of the formal conference. Two boys got into a fistfight recently, an unusual event at our schools. After the fight was stopped, their parents were called to come and pick them up. If the boys wanted to return to our school, each boy had to phone and ask for an opportunity to convince the staff and his fellow students that he should be allowed back. Both boys called and came to school. One refused to take responsibility and had a defiant attitude. He was not re-admitted. The other was humble, even tearful. He listened attentively while staff and students told him how he had affected them, willingly took responsibility for his behavior, and got a lot of compliments about how he handled the meeting. He was re-admitted and no further action was taken. The other boy was put in the juvenile detention center by his probation officer. Ideally, he will be a candidate for a formal family group conference.

We often create informal restorative interventions simply by asking offenders questions from the scripted formal conference. "What happened?" "What were
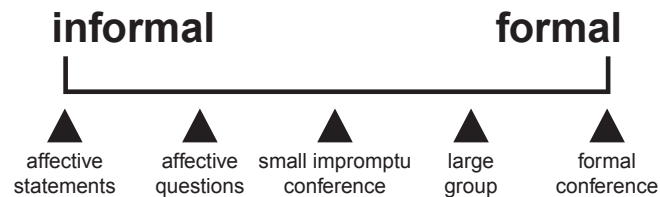
you thinking about at the time?" "Who do you think has been affected?" "How have they been affected?" Whenever possible, we provide those who have been affected with an opportunity to express their feelings to the offenders. The cumulative result of all of this affective exchange in a school is far more productive than lecturing, scolding, threatening or handing out detentions, suspensions and expulsions. Our teachers tell us classroom decorum in our schools for troubled youth is better than in the local public schools. But interestingly, we rarely hold formal conferences. We have found that the more we rely on informal restorative practices in everyday life, the less we need formal restorative rituals.

Restorative justice is a philosophy, not a model, and ought to guide the way we act in all of our dealings. In that spirit the Community Service Foundation uses restorative practices in dealing with its own staff issues. As director, I strive for an atmosphere in which staff can comfortably express concerns and criticisms of me and other supervisors. I also take ownership for inappropriate behavior on my part and address problems with staff in a restorative way.

Last year several employees became engaged in a squabble that was disrupting our workplace. I felt removed enough from the situation to act as facilitator in a conference to deal with the spiraling conflict. In this conference there was no clearly identified wrongdoer. Rather, when I invited the participants to the conference, I asked each of them to take as much responsibility as possible for their part in the problem and assured them that I was asking everyone else to do the same. I was pleased to find a lot of self-disclosure and honesty in my preliminary discussion with each participant and felt confident that the conference would go well. In fact, it exceeded my expectations. Not only did a great deal of healing taking place while we met, but several individuals made plans to get together one-to-one to further resolve their differences. To the best of my knowledge the conflict is now ancient history and no

longer a factor in our workplace.

Restorative practices are contagious, spreading from our workplace to our homes. A new staff member recently told me how she, her husband and her younger son restoratively confronted her young adult son, who had just entered the world of work. They told him how annoyed they were with his failure to get himself up on time in the morning. Mom and Dad expressed their embarrassment

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that their son had been late to work at a company where they knew a lot of his co-workers. They insisted that they were stepping back. If their son lost his job, it was not their problem, but his. As a result of the informal family group conference, the young man now sets three alarm clocks and gets to work on time.

A police officer who was trained in conferencing shared how he confronted his little boy, who had torn off a piece of new wallpaper, with questions from the conference. The youngster became very remorseful and acknowledged that he had hurt his mother, who loved the new wallpaper, and the workman he had watched put up the new wallpaper. Dad felt satisfied that the intervention was far more effective than an old-fashioned scolding or punishment.

A police officer ran a variation on a family group conference with a dispute between neighbors about a barking dog; another held an impromptu conference on the front porch between a homeowner and an adolescent prankster who stole a lawn ornament. Still another police officer held a conference for the families of two runaways, helping the teenagers' understanding of how hurtful their actions were, although they had not committed a crimi-

nal offense that would typically require the officer's involvement. An assistant principal made two teenagers, on the verge of a fight, tell each other how they were feeling and brought them to quick resolution. A corrections officer addressed an inmate's angry outburst with a conference. A social worker got family members talking to each other in a real way about a teenager's persistent truancy and got the youth to start going to school. Beyond the formal criminal justice ritual, there are an infinite number of opportunities for restorative interventions.

For restorative practices to be effective in changing offender behavior, we try to do the following:

1. Foster awareness. In the most basic intervention we may simply ask a few questions of the offender which foster awareness of how others have been affected by the wrongdoing. Or we may express our own feelings to the offender. In more elaborate interventions we provide an opportunity for others to express their feelings to the offenders.

2. Avoid scolding or lecturing. When offenders are exposed to other people's feelings and discover how victims and others have been affected by their behavior, they feel empathy for others. When scolded or lectured, they react defensively. They see themselves as victims and are distracted from noticing other people's feelings.

3. Involve offenders actively. All too often we try to hold offenders accountable by simply doling out punishment. But in a punitive intervention, offenders are completely passive. They just sit quietly and act like victims. In a restorative intervention, offenders are usually asked to speak. They face and listen to victims and others whom they have affected. They help decide how to repair the harm and must then keep their commitments. Offenders have an active role in a restorative process and are truly held accountable.

4. Accept ambiguity. Sometimes, as in a fight between two people, fault is unclear. In those cases we may have to accept ambiguity. Privately, before the con

ference, we encourage individuals to take as much responsibility as possible for their part in the conflict. Even when offenders do not fully accept responsibility, victims often want to proceed. As long as everyone is fully informed of the ambiguous situation in advance, the decision to proceed with a restorative intervention belongs to the participants.

5. <u>Separate the deed from the doer</u>. In an informal intervention, either privately with the offenders or publicly after the victims are feeling some resolution, we may express that we assume that the offenders did not mean to harm anyone or that we are surprised that they would do something like that. When appropriate, we may want to cite some of their virtues or accomplishments. We want to signal that we recognize the offenders' worth and disapprove only of their wrongdoing.

6. <u>See every instance of wrongdoing and conflict as an opportunity for learning</u>. The teacher in the classroom, the police officer in the community, the probation officer with his caseload, the corrections officer in the prison all have opportunities to model and teach. We can turn negative incidents into constructive events—building empathy and a sense of community that reduce the likelihood of negative incidents in the future.

I am not speaking theoretically or hopefully. I am speaking about my direct experience with our schools and group homes. Juvenile courts and schools from four counties send us 250 of their more troublesome young people at any one time. Thanks to restorative practices, they change their behaviors, cooperate, take positive leadership roles and confront each other about inappropriate behavior.

I lacked an adequate way of expressing why these changes occur until I encountered the concept of restorative justice. We are currently undertaking a research project to evaluate more specifically how our agency's restorative practices impact young people, what specifically changes and to what extent those changes are sustained after our students and clients leave us. But I can assure you

that something positive is happening as a result of systematic implementation of restorative practices in what might otherwise be a very negative and challenging environment.

The Community Service Foundation is the sponsoring agency for the Real Justice program internationally and has subsidized its efforts for the last four

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years. Having trained more than 3,000 people in conferencing, we find that many trainees never actually conduct conferences. Some hesitate to facilitate a formal conference because they are afraid. Many do not have the authority to bypass existing procedures and sanctions, like zero tolerance policies in schools. So a large number of people have implemented restorative practices informally in the ways I have described above.

In recent months Real Justice has added the concept of restorative practices to its trainings, specifically encouraging people to try less formal interventions when they cannot do conferences. The idea has been well received. For example, educators who claim that they do not have time to pull together a full-blown conference are enthusiastic about more spontaneous restorative strategies. Real Justice is also working directly with a local school district to train teachers in informal restorative practices that they might use with daily classroom disciplinary problems.

We all know that the world will change only very slowly and very imperfectly. We cannot afford to be unrealistic or utopian. We must be flexible and experimental.

Some people think that police officers should not be facilitating conferences as part of their professional role and

others believe that volunteers are the only ones neutral enough to facilitate criminal justice conferences or mediations. Surely these people hold such views for what they believe are the best of reasons, but our experience with restorative justice has been too brief to adopt such fixed boundaries. We must allow ourselves to move beyond the limited framework of the formal ritual and recognize the wider possibilities, allowing everyone to use restorative practices freely in their work.

If systems are not innately restorative, then they cannot hope to affect change simply by providing an occasional restorative intervention. Restorative practices must be systemic, not situational. You can't just have a few people running conferences and everybody else doing business as usual. You can't be restorative with students but retributive with faculty. You can't have punitive police and restorative courts. To reduce the growing negative subculture among youth, to successfully prevent crime and to accomplish meaningful and lasting change, restorative justice must be perceived as a social movement dedicated to making restorative practices integral to everyday life.

Endnotes

[1] Adapted by Paul McCold and Ted Wachtel from Daniel Glaser, *The Effectiveness of a Prison and Parole System,* Indianapolis, Indiana: Bobbs-Merrill, pp. 289-297, 1969.

[2] Diana Baumrind presenting an ongoing study at the 1989 American Psychological Association annual meeting, New Orleans, Louisiana, as reported by B. Bower, "Teenagers reap broad benefits from 'authoritative' parents," *Science News*, Vol.136, Aug. 19, 1989.

[3] John Braithwaite, *Crime, Shame and Reintegration,* New York: Cambridge University Press, 1989.

[4] John Braithwaite, "Linking Crime Prevention to Restorative Justice," presented at the First North American Conference on Conferencing, Minneapolis, Minnesota, August 6-8, 1998.

For more information visit
<u>www.realjustice.org</u>
<u>www.restorativepractices.org</u>

SaferSanerSchools:
Transforming School Culture with Restorative Practices

LAURA MIRSKY

Twelve-year-old Tiffany (not her real name) rushes into the student office at Palisades Middle School, in southeastern Pennsylvania, U.S.A. "Hi Tiffany," says the office secretary, Karen Urbanowicz, "What are you doing here?" Tiffany says that she was getting in trouble in class. Mrs. Urbanowicz asks Tiffany what happened and Tiffany tells her story. "Did your teacher send you here?" asks Mrs. Urbanowicz. "No," says Tiffany, "I sent myself." "Good for you!" says Mrs. Urbanowicz. She takes Tiffany's personal journal out of a file and hands it to her, saying, "Write about what happened and what you think you can do better in the future." Tiffany sits down and begins to write.

What made Tiffany feel comfortable enough to refer herself to the student office? How did the office secretary know what to do when Tiffany showed up? The school was introduced to restorative practices, through a new program, SaferSanerSchools.

SaferSanerSchools, a program of the International Institute for Restorative Practices (IIRP), was developed in response to a perceived crisis in American education and in society as a whole. Said Ted Wachtel, IIRP president, "Rising truancy and dropout rates, increasing disciplinary problems, violence and even mass murders plague American schools. The IIRP believes that the dramatic change in behavior among young people is largely the result of the loss of connectedness and community in modern society. Schools themselves have become larger, more impersonal institutions and educators feel less connected to the families whose children they teach."

The IIRP was created to be the training and education arm of its sister organization, the Community Service Foundation (CSF). CSF was founded in 1977 by Ted and Susan Wachtel, teachers who left the public school system with a dream of building a different type of educational community. Over 25-plus years, the private, non-profit schools

A circle in progress in a classroom at Springfield Township High School, Pennsylvania.

that they created evolved strategies to work with the toughest adjudicated delinquent and at-risk kids in southeastern Pennsylvania. These methods developed by way of trial and error, out of necessity, not ideology.

The name they gave to these strategies is "restorative practices." Restorative practices involve changing relationships by engaging people: doing things WITH them, rather than TO them or FOR them—providing both high control and high support at the same time. Said Ted Wachtel, "In our schools, we provide a huge amount of support. We're very understanding and find all sorts of ways to help kids understand their behavior, but at the same time we don't tolerate inappropriate behavior. We really hold them accountable."

Instead of zero tolerance and authoritarian punishment, restorative practices place responsibility on students themselves, using a collaborative response to wrongdoing. Students are encouraged to both give and ask for support and are responsible for helping to address behavior in other students. This fosters a strong sense of community as well as a strong sense of safety. "Restorative practices are not new 'tools for your toolbox,' but represent a fundamental change in the nature of relationships in schools. It is the relationships, not specific strategies, that bring about meaningful change," said Bob Costello, IIRP director of training.

Eventually, the IIRP began to articulate these practices and find ways to teach them to others. They also found that the processes applied to many settings, not just with troubled kids. Since restorative practices worked so well with the toughest kids in their own schools, the IIRP thought they ought to be able to work in other schools, as well.

Through a SaferSanerSchools pilot program, restorative practices have been introduced to Palisades High School (732 students), Palisades Middle School (559 students) and Springfield Township High School (855 students). The program is in various phases of implementation at the

three schools. All have implemented restorative practices in creative ways.

A visitor walking the hallways at any of these schools feels immediately welcomed into a lively and cheerful community. Ask any student for directions and he or she provides them in a spirit of open friendliness. Staff members seem just as congenial. An observer in classrooms and at special events perceives that students have a strong connection to their school, the staff and each other.

Palisades High School was the first SaferSanerSchools pilot school. Asked how restorative practices have changed the school, Principal David Piperato said that before the program was introduced there was "a level of caring and respect that was so lacking you could have measured it." Restorative practices, he said, "created a positive relationship between staff and students that did not exist before." Preliminary data gathered by the school indicate a clear decrease in disciplinary referrals to the student office (Figure 1),

administrative detentions (Figure 2), detentions assigned by teachers (Figure 3), incidents of disruptive behavior (Figure 4) and out-of-school suspensions (Figure 5) from school year 1998-1999 through 2001-2002, the years of the pilot project.

Restorative practices also helped establish a culture of collaboration among staff members. Said teacher Heather Horn, "The traditional mindset of, 'If you're doing something wrong it's not my job to confront you.' has become: 'This is a team thing and your behavior is affecting me as a teacher.'" The administrator-teacher relationship is now collaborative rather than just supervisory, said Piperato: "the right style for a high school." Restorative practices have also had a positive effect on academic performance, he said, adding, "You cannot separate behavior from academics. When students feel good and safe and have solid relationships with teachers, their academic performance improves."

Restorative practices were introduced at Palisades High School in the 1998-1999 school year. In the fall, the school had launched a new program, the Academy, for students who didn't feel connected to school and were struggling with behavior or academic performance. The Academy is project-based. Kids work with clients outside school to design websites, produce videos and build construction projects. But, said Piperato, "We made a critical error: we addressed the content of the program, not relationships between teachers and students. And from the first day, the program was as close to a disaster as you can imagine." Rebelling against the lack of structure, unmotivated kids roamed the building, their behavior rude and belligerent. Teachers turned on each other, frustrated and upset.

At that time, the IIRP presented their idea of implementing restorative practices in schools to Joseph Roy, then Palisades High School principal, and Piperato, then assistant

Palisades High School Disciplinary Data
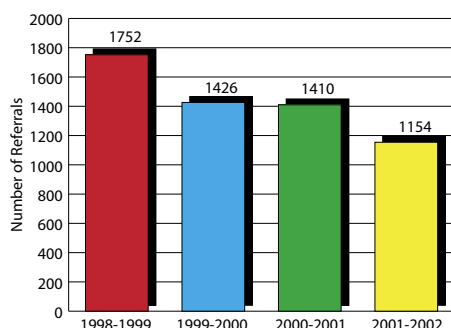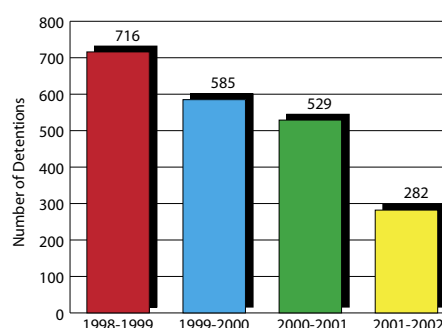

Figure 1
Disciplinary Referrals to Student Office

Figure 2
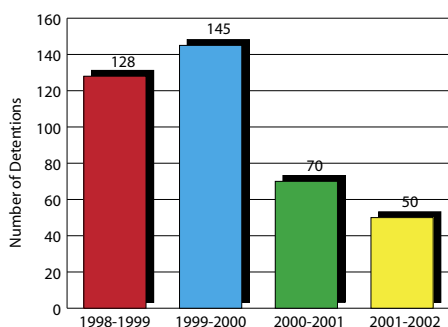Administrative Detentions

Figure 3
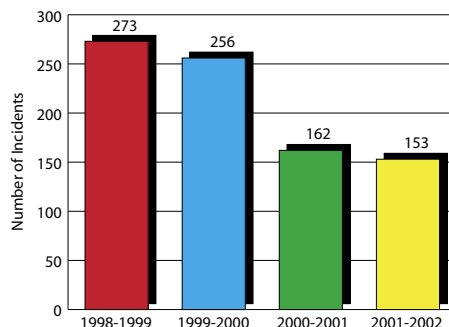Detentions Assigned by Teachers

Figure 4
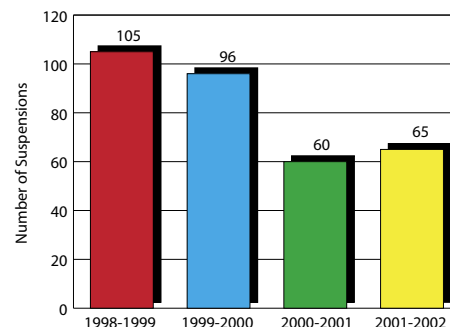Incidents of Disruptive Behavior

Figure 5
Out-of-school Suspensions

principal. Roy and Piperato realized that they could use the IIRP's assistance with the Academy immediately. Said Piperato, "This was an opportunity for them to test their theory in our most difficult setting."

Piperato said he knew that he and Roy needed to be intimately involved with the experiment from the beginning—supportive and willing to take risks. "The IIRP staff spent hours listening to us, gave us strategies for dealing with the kids and held us accountable for using them," he said. They started to see some success with the way the teachers were feeling almost immediately. The biggest step, said Costello, was when the teachers recognized that they had to take care of themselves as a team before they could help the kids. "They needed to respect their style differences, be honest, practice what they preached and work on their issues: do all the things they were asking the kids to do."

The IIRP taught the Academy staff to use the continuum of restorative practices, starting with affective statements and questions—sharing and eliciting emotions—to help students understand that they were as responsible for the success of the Academy, as well as to and for each other, as the teachers were, said Piperato. The teachers also learned how to use circles, interventions, one-on-ones and group meetings with kids. They introduced "check-in" and "check-out" circles at the beginning and end of each 90-minute class period—an opportunity for students to set goals and expectations together.

The strategies quickly started to show results with students. "Restorative practices helped us help students see that they need to buy into the community that we're building," said Academy teacher Eileen Wickard. Comments from Academy students indicate a strong sense of community: "We're a big family. We're all so different but we all work together." "If two people are arguing, a group of us will get together and talk to the people and try to work it through. As a group we've managed to make ourselves more mature."

Word soon spread throughout the school that the Academy had been successful with students no one had been able to reach before. Academy kids were also receiving positive recognition from the community.

> **"You cannot separate behavior from academics. When students feel good and safe and have solid relationships with teachers, their academic performance improves."**
> —David Piperato

Teachers in the rest of the school consequently became more willing to listen to the "wacky touchy-feely stuff going on in the Academy," said Piperato. Roy and Piperato decided to phase in restorative practices in the rest of the building over a three-year period. They divided the staff into thirds: the "believers," the "fence sitters" and the "critics." The first year, the IIRP provided basic knowledge of restorative practices for the believers, teaching them to be a support group for each other. "That was phenomenal for us," said Horn. Teachers used to complain to each other about kids and judge them, she said. But the IIRP taught teachers how to discuss students' behavior, rather than their personalities, and brainstorm as a group about how to handle it. "Before, it was almost a taboo," said Academy teacher John Venner. "You never talked to another teacher about how they talked to kids. It was their own damn business in their own classroom. Now

we find it very acceptable to hold each other accountable."

By the second year, said Piperato, the fence sitters had begun to notice the positive effects of restorative practices. The believers and the fence sitters were combined into two mixed groups, and the IIRP trained them together. The believers modeled, provided support and told stories about their experiences with restorative practices and the fence sitters learned from them. By the third year, teachers who needed evidence that the program worked were seeing it. Those who had been resistant were less so and many teachers retired. Newly hired teachers were trained with the third group. All teachers were encouraged to use restorative practices in the classroom.

English teacher Mandy Miller said that she uses restorative practices, including circles, to build relationships between students. She told a story of a girl who felt that other students were getting in the way of her learning and asked for a circle meeting to address the issue. During the circle, the girl realized that she was actually causing most of the problem herself. "That was a really hard day and people were in tears," said Miller, but since then, the entire class has been getting along fine. Miller has also found restorative practices helpful with discipline problems. "I can say, 'This is how I'm feeling. How are you feeling? And what are we going to do to work together?'" Students seem to value and understand the processes. A ninth-grade girl commented, "We do fun team-building activities in biology class to learn how to work with people you're normally not used to working with."

Assistant Principal Richard Heffernan said that in 2001-2002 they saw an increase in "harassing types of behavior," not high level incidents, but those that were creating problems nonetheless. Said Heffernan, "We asked the IIRP staff, 'Why do you think this is happening? We're supposed to have restorative practices, express our feelings, treat people with respect and be responsible for our actions.' They said the reason we'd seen this increase was that students were reporting it more, because we had created a safe environment." The culture of the students as a whole had changed. It had become acceptable

"We get along here, and that's because the kids are respected and they know it."

—Edward Baumgartner

to "tell" when another student was making them feel unsafe. Added guidance counselor Monica Losinno, "Kids feel safe reporting it because they believe it will be addressed."

Heffernan and Losinno devised a program whereby a staff member is available every period of the school day to facilitate conflict resolution in a restorative manner. Eight teachers and teaching assistants received IIRP group facilitator training. When a problem arises, one of the eight talks with each of the students involved, then brings them together to help them work it through. Teacher and "conflict resolution manager" Richard Kressly said that the entire school staff was educated in restorative practices and asked to be more present

in the hallways and more diligent about low level incidents. The program does not relieve teachers from handling disruptive situations in class, said Heffernan.

Kids seem to appreciate the ways in which restorative practices have created a congenial climate in their school. Said a ninth-grade boy, "If kids get in a fight they have someone to help them work it out." A ninth-grade girl added, "We don't get many fights. I think there's only been two all year. That's not many at all for a high school. Most people get along real well." A 10th-grade girl who had transferred from another school said of Palisades High School, "One thing I noticed right way was the friendly atmosphere."

Restorative practices came to Palisades Middle School (PALMS) in the fall of 2000. Said Palisades Middle School Principal Edward Baumgartner, "When I took over here two-and-a-half years ago, we were suspending 200 students a school year for everything from disrespect to not making up gym." The school climate was discourteous and disrespectful and altercations were common, he said, adding, "The behavior was the result of treatment, perceived or actual, in many cases. You've got to give respect to get it." Then, said Baumgartner, "I sat on the stage for graduation at Palisades High School in June of 2000 and saw a phenomenon that I didn't understand: kids that had routinely been behavior problems at the middle school were hugging the assistant principal and thanking her." Baumgartner learned that the high school had implemented the

SaferSanerSchools program and decided to follow suit at PALMS.

"Two-and-a-half years later," he said, "everybody in this building's been trained, including all the support staff. It's changed the way we teach kids; it's changed the way we think about discipline and behavior management. We get along here, and that's because the kids are respected and they know it." And, said Baumgartner, "We've seen a statistically significant decrease in the amount of actual problems that occur each and every day." Data gathered by PALMS indicate a substantial drop from school year 2000-2001 to 2001-2002 in discipline referrals to the student office (Figure 6), discipline referrals by source: teacher, cafeteria and bus company (Figure 7) and in incidents of fighting (Figure 8).

In addition, there has been a significant increase in students reporting other students for behavior problems, students self-reporting and parents reporting their children. Kids feel comfortable saying, "I've got a problem; I need help," said Baumgartner. Also, he said, "The school cafeteria is a place where I'm real proud of the kids, a place that I would invite board members to come in and sit down every day."

"I've had an epiphany, a metamorphosis," said Baumgartner. "I used to be one of these black and white, law and order guys. Kids had to be held accountable and the only way to do that was to kick them out of school—to show the other kids that you're the boss. That doesn't work," he said. "I didn't solve prob-

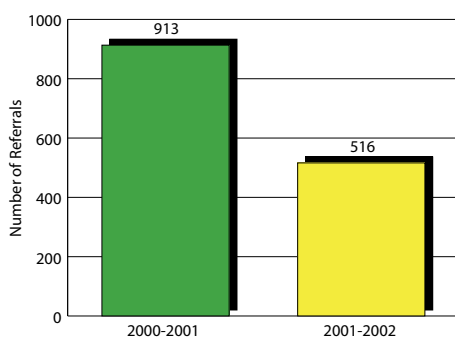## Palisades Middle School Disciplinary Data

Figure 6
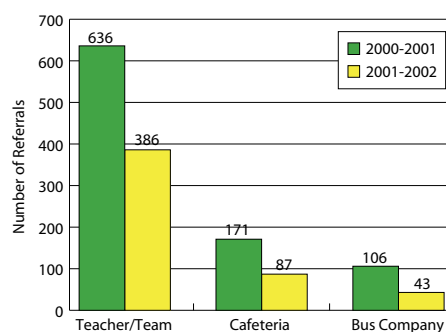Disciplinary Referrals to Student Office

Figure 7
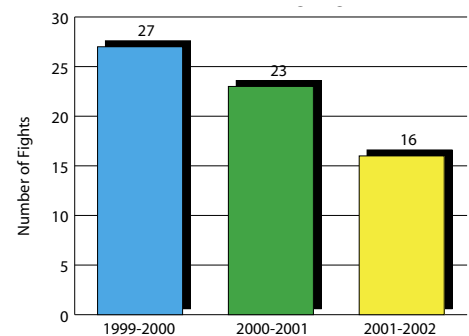Disciplinary Referrals by Source

Figure 8
Incidents of Fighting

lems; I just postponed them until they got to high school and then somebody else had to deal with them. Restorative practices work. We now fix and solve problems."

Asked if restorative practices have had a positive effect on academic performance, Baumgartner said, "Kids can't learn in a dysfunctional environment. If the teacher is spending valuable instructional time address-ing a student who's acting out, that detracts from the instruction. If teachers can be more focused on instruction, the answer to your question has to be yes. We've gone down 400 classroom referrals, so I know that the answer is yes."

Palisades Middle School Dean of Students Dennis Gluck is also the intervention special-ist—someone to facilitate restorative circles and model restorative practices for others. Gluck helped the IIRP implement restorative practices at PALMS. First, he said, the school identified six or seven kids who were really struggling and set up a restorative classroom with them. "It was really successful," said Gluck. "It showed the rest of the staff that this could work with the toughest kids in the school. The kids not only did well, but were able to help other kids." The whole staff then got excited about the possibilities of restor-ative practices, he said.

Restorative practices are used in class-rooms in the form of circles, when kids and staff share information and problems. In discipline situations, kids can write in their personal journals, kept in the student of-fice, about what happened and suggest how to take care of it. "Through that we process what would be appropriate, from an informal plan to a formal plan to a restorative confer-ence," said Gluck.

Gluck said that they put a lot of thought into the processes that they developed. "We created a cafeteria committee to deal with problems, we had kids help other kids when they were in jams, and at the end of the year, some of the kids that had struggled the most went on the P.A. (public address) system say-ing that they loved the administrators."

Staff members appear enthusiastic about restorative practices. Veteran PALMS educa-tional assistant Karen Bedics said that she has seen a big change in the students due to the

approach. "Students at this age are very self-centered. They need a constant reminder that other people are affected by what they do. If we have a conflict, we will meet as group and tell what part each of us, including the teach-ers, played in it. I'm not afraid to tell them my feelings and I always keep their feelings in mind," she said. Also, said Bedics, kids now "reprimand each other if they mess up. It means more to them to hear it from their peers." Fran Ostrosky, long-time PALMS teacher and president of the Palisades Educa-

"Usually kids will catch onto 'OK, this is how we behave at this school, this is what the expectations are and this is the culture' and they get on board."
—Joseph Roy

tion Association (the teachers' union), said, "I've gotten more out of my students with this approach than I did with a more rigid approach to discipline problems. When you solve problems with them rather than coming down from 'on high' they buy into it much better." Disciplinary aid Gretchen Carr said that restorative practices have "made a tremendous impact on these kids, in their behavior, in their respect for one another and the adults. It also helps that everybody in this district has adapted to it and is practicing the same thing," said Carr. "It's not going away and the kids realize that."

Kids seem to welcome the approach. "I used to get in a lot of trouble, but teachers

talk to students and help you make the right decisions here. In homeroom we sit in a circle and talk about anything that needs to be brought up," said an eighth-grade girl. Said a seventh-grade boy, "When I disrespected a teacher and I apologized to her, it felt good. If they feel bad it'll make you feel bad too." An eighth-grade girl said, "The school has got-ten to be a really nice community and people really treat each other fairly now."

District administrators are thoroughly supportive of SaferSanerSchools. "Restor-ative practices work," said Palisades School District Superintendent Francis Barnes. "It requires a certain level of self-discipline from all of our staff and they have accepted that challenge and the students have responded very well." Said Assistant Superintendent Marilyn Miller, "Consistently what we hear from people who visit the schools from the outside is that our students are confident, happy and articulate. That was not the case in 1998."

After helping to implement restorative practices at Palisades High School, Joseph Roy became principal of Springfield Town-ship High School in January of 2000. His strategy for introducing restorative practices at Springfield has been to "start with a small group and then do another small group and start to expand critical mass." He picked a few teachers he thought would be interested in restorative practices training, then a few more. "We're still at the beginning of the process here," said Roy.

Specific groups have been trained, includ-ing those working with poorly motivated, at-risk students in the Spartan Project, an American studies class that combines English and social studies, as well as teams of eighth- and ninth-grade teachers. Roy finds that the teaming concept is consistent with restorative practices. The entire faculty was introduced to restorative practices in the fall of 2001. "The goal," said Roy, "is to integrate the practices throughout the school. Our challenge here is changing the traditional school culture to become more restorative." Roy considers re-storative practices to be "one piece of many things we do for culture-building," including treating kids with respect and having a team of teachers and parents identify the school's

core values. "I guess you could tie it all in to restorative practices," he concluded.

The demographics at Springfield are different from those at Palisades, said Roy. "We're the first ring of suburbs around Philadelphia," he said, "so we have a lot of transfer-ins from families moving to the suburbs for the better schools. These kids are much more city street smart than suburban kids. That's part of the challenge—to take kids that are coming from a different system and have them be integrated into the culture of this school and not have the culture of this school shift toward the behavior of the Philadelphia schools." Roy said that restorative practices had definitely helped with that concern. "Usually kids will catch onto 'OK, this is how we behave at this school, this is what the expectations are and this is the culture' and they get on board," he said.

The number of discipline referrals is down dramatically already since he came to Springfield, Roy said. Data gathered by the school indicates decreases in incidents of inappropriate behavior (Figure 9), disrespect to teachers (Figure 10) and classroom disruption (Figure 11). Added Roy, "They're lower-level stuff: Johnny didn't come back to study hall after he went to the library—stuff like that." In the past, said Roy, there were many more incidents of disrespect and defiance.

Said Roy, "When I first got here there was something called 'time out.' Teachers would kick kids out of class and send them to a 'time out room.' Sometimes they'd get there, sometimes they wouldn't. If they got

there they just hung out. There was no followup. We put an end to that. Now, not nearly as many kids get kicked out of class, and if they do they come to our in-school suspension room and teachers are required to follow-up and to contact the parents."

Now, instead of just "hanging out," said Assistant Principal Michael Kell, during in-school suspensions, a student is given a list of seven questions to think about along the lines of those asked in a restorative conference, i.e., What happened? Who do you think has been affected by your actions? What can you do to repair the harm? Kell discusses the questions with the student, sometimes bringing in the teacher involved, as well. He asks both to talk about how they feel and helps them mend their relationship.

Kell is an enthusiastic proponent of restorative practices. "Usually the assistant principal—the chief disciplinarian—sets the tone for the building, and in that tone we've tried to create a restorative culture here," he said. He also works with teachers to help them be more restorative and trust the practices instead of simply blaming kids for problems. "One teacher thought we were lowering his authority in the classroom by using circles," said Kell. "I told him, 'I felt bad that you felt that I wasn't supporting you. You have the ability as a teacher to say how you're going to change things. Think of it as an investment. You're going to get dividends in the future.'"

Kell facilitates formal restorative conferences when serious problems arise. One con-

ference brought a school custodian together with students who had been disrespectful to him. The custodian told the kids how they had hurt him and that he felt great pride in his work. The kids apologized to him and had new respect for him after the conference. Guidance counselor Kevin McGeehan also facilitates restorative conferences. He ran a conference after members of an athletic team scratched their names into some new lockers during a school renovation. Chuck Inman, facilities director, who participated in the conference, was very impressed with the process, saying, "The kids got to realize that their actions had affected more people than they thought"—their teammates, the construction workers and the taxpayers. The incident represented $900 worth of damage—a tiny fraction of the $27,000,000 school renovation, but "it was the principle that was important," said Inman. As a consequence of their actions, the kids had to pay to replace the locker doors.

McGeehan also uses a restorative approach in everyday interaction with kids. "When I see a kid acting up in the hallway, instead of immediately dragging him into the discipline office, I'll pull him over, one-on-one, and try to find out exactly what's happening and to understand where he's coming from," he said. "A lot of times it's not the specific incident that's caused the conflict, but rather something that's happened earlier in the day or at home or in a previous class. Allowing that venting process alone tends to diffuse it, along with the feeling that an adult is listen-
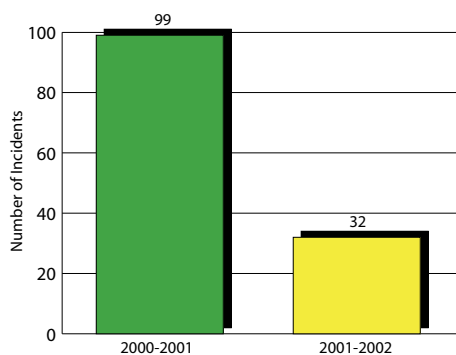
Springfield Township High School Disciplinary Data
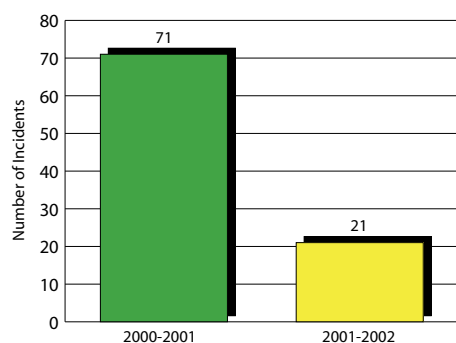

Figure 9
Incidents of Inappropriate Behavior

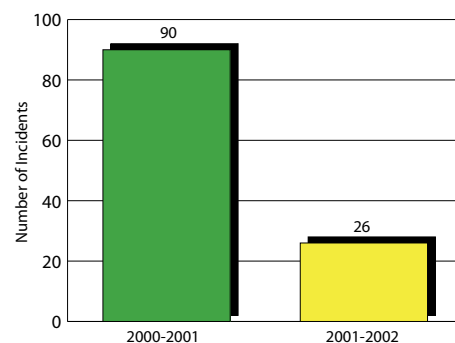**Figure 10**
Incidents of Disrespect to Teachers

Figure 11
Incidents of Classroom Disruption

Palisades Middle School Dean of Students Dennis Gluck leads a circle.

ing and understanding." Said Roy, "When you get to the point where it's informal but constant, that's where you want to be."

Roy encourages teachers to use the check-in and check-out model with both classroom management and academic issues to "create the culture that says, 'We talk about stuff as a group and we help each other out.'" Eighth-grade teacher Michele Mazurek uses check-ins on Mondays and check-outs on Fridays "to get a sense of community within the classroom." Just doing it twice a week has cut down on the number of incidents of teasing because students have heard each other relate some of their goals and aspirations, she said. A 12th-grade girl said that check-ins were "a way for people to open up and share what's important to them, then somebody else might relate to it. So people can relate to each other in ways they might not have."

Social studies teacher Dave Gerber was skeptical about the restorative practices training at first but is now an enthusiastic proponent of the approach. "My students know that I treat them with genuine respect and I think that's where restorative practices begins and what really helps it take shape in the classroom," he said. A senior girl agreed, saying, "The teachers respect us and we respect them back. They talk with us instead of at us." Gerber said that it's possible to use restorative practices regardless of class level or content. In response to teachers who say they don't have time to implement the approach, he said, "You don't have to spend 40 minutes doing a circle. You can spend five minutes and it is effective. You'll be able to go back next class and make up for that five minutes of

content you didn't get in. If you have people arguing in the classroom all the time, what kind of learning is taking place?"

Students at Springfield Township High School seem to appreciate their school's climate. A 12th-grade girl said, "Everybody accepts everybody for who they are. Our teachers are awesome. I try and do my best just so I can be like: I'm from Springfield, this is what they've taught me; this is what I'm doing; I'm going places in life. I have that feeling. I think the majority of our school does, too."

Administrators and teachers at the three pilot schools believe that more needs to be done to continue to implement restorative practices in their buildings, but all feel that they have a solid foundation on which to build. Palisades High School teacher Heather Horn talked about the difficulties at the beginning of school year 2002-2003, due to contractual problems and a threatened teachers' strike (which never materialized) as well as a building torn apart by construction. Despite the turmoil, said Horn, there was a willingness to work toward repairing the climate among the entire staff, adding, "The effects of restorative behavior were clearer last fall than ever before."

Staff members at Palisades High School, Palisades Middle School and Springfield Township High School know that their education in restorative practices will be ongoing. To cite one example, Joseph Roy said that Bob Costello, IIRP director of training, scheduled to help Springfield implement a restorative practices-based program for the eighth grade. Time will be set aside for kids and teachers to break into small groups that will focus on goal-setting, community-building and academic issues. As Palisades High School Principal David Piperato said, "Learning to be restorative is a lifelong process." ◍

Additional SaferSanerSchools pilot programs are in operation in the Netherlands, Australia and Michigan, U.S.A.

• **Roel van Pagée and Joke Henskens-Reijman** are school administrators who have pioneered the use of restorative practices in two ethnically diverse schools in the Hague, the Netherlands.

• **Terry O'Connell, director** of Real Justice Australia, an IIRP program, and colleague Matt Casey have introduced restorative practices in 20 schools throughout Australia.

• **Bill Sower, Michigan regional coordinator** for the IIRP, is conducting a controlled research study through the SaferSanerSchools program at a middle school in South Lyon, Michigan, U.S.A. The school has been split into two new schools— one implementing restorative practices and one relying on traditional methods.

All of the people mentioned above will be presenters at the IIRP's Fourth International Conference, August 2003, in Veldhoven, Netherlands.

For information about this conference, go to: www.restorativepractices.org

For more information about the SaferSanerSchools program and available training, go to: www.safersanerschools.org

Restorative justice in schools

BELINDA HOPKINS

In this article Belinda Hopkins provides a welcome introduction to the use of restorative justice (RJ) principles in addressing challenging or disruptive behaviour. As an initiative, it shares much in common with the thinking outlined in the previous article on peer mediation. The underlying principles of the restorative approach suggest its worth as an expression of a school's commitment to, for example, Active Citizenship and the Healthy Schools Programme.

This article explores the potential of a restorative approach in school in addressing challenging or disruptive behaviour and conflict wherever that may occur in the school community. It suggests some steps for introducing restorative philosophy, skills and interventions into a whole school initiative. It describes the initiatives that are already being piloted in certain schools around the UK and some of the issues that are arising from these projects. Finally it highlights current challenges to development and possible solutions and ways forward.

Restorative justice in schools – the potential

In broad terms restorative justice constitutes an innovative approach to both offending or challenging behaviour which puts repairing harm done to relationships and people over and above the need for assigning blame and dispensing punishment (Wright, 1999). Restorative justice is defined not in terms of those who are to blame 'getting their just desserts' but as 'all those affected by an "offence" or incident being involved in finding a mutually acceptable way forward'. In this context the 'offenders' or wrongdoers are also recognised as having been affected and therefore involved in finding the way forward. This approach to justice challenges many notions deeply embedded in western society at least, and enacted in many homes, schools and institutions. These notions include the idea that misbehaviour (however that is defined by those in

authority) should be punished, and that the threat of punishment is required to ensure that potential wrongdoers comply with society's rules. Howard Zehr (1995) refers to the shift from retributive justice to restorative justice in the arena of criminal justice as a paradigm shift. It may be that a similar paradigm shift is needed in a school setting if relationship and behaviour management are to be developed along restorative lines.

Restorative justice is considered here in three distinct ways: as a set of processes and approaches; as a set of skills; and as a distinctive ethos and philosophy (see Figure 1).
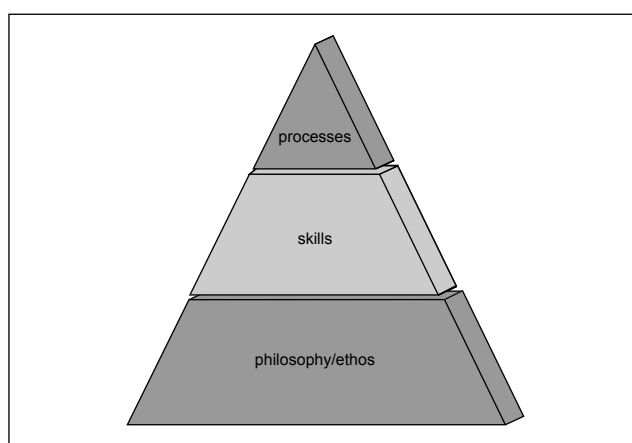
Figure 1: Restorative justice

The processes and approaches are the most public face of restorative justice and include all formal or informal interventions which have as their aim to put things right, to 'repair the harm' as it is often phrased, after some behaviour or event which has adversely affected people. In this context 'to put things right' means that the needs of as many of the people involved as possible have been addressed. These interventions, including mediation, conferencing and healing circles, share certain essential steps. Everyone affected by a behaviour, a conflict situation or a problem, has the opportunity to talk about what has happened, explain how they have been affected by it, describe how they are currently feeling about the situation and what they want to do to repair the harm caused. An important element

in this intervention is that it is voluntary. The success of the processes depends in large measure on the willingness of people to take part and engage.

These interventions require certain skills on the part of the facilitators or mediators and, it could be argued, will be helped considerably if these same skills are being developed in all members of the community likely to be involved in an intervention. These skills include remaining impartial and non-judgemental, respecting the perspective of all involved; actively and empathically listening; developing rapport amongst participants; empowering participants to come up with solutions rather than suggesting or imposing ideas; creative questioning; warmth; compassion and patience.

These skills are informed by an intention, namely the importance of the underlying ethos that encompasses the values of respect, openness, empowerment, inclusion, tolerance, integrity and congruence. This last is crucial in developing a whole school approach to restorative justice for it is saying, in simple terms, 'walk the talk'. In other words the key question becomes 'Is everything we do here at this school informed by this ethos, these values and a philosophy which gives central importance to building, maintaining, and, when necessary, repairing relationships and community?'

Restorative justice does not have the monopoly on such an approach in schools. Those educationalists who espouse a humanitarian, liberal child-centred approach will recognise much of what has been said about ethos and skills (Porter, 2000). However, in the application of these skills and ethos, restorative justice may be offering something new, especially in developing a behaviour management policy. It may be stereotyping slightly the traditional approach to behaviour management but the paradigm in Figure 2, adapted from Zehr (1995), highlights possible differences in approach:

OLD PARADIGM - RETRIBUTIVE JUSTICE		NEW PARADIGM - RESTORATIVE JUSTICE
Misbehaviour defined as breaking school rules or letting the school down	1	Misbehaviour defined as harm (emotional/mental/physical) done to one person/group by another
Focus on establishing blame or guilt, on the past (what happened? did he/she do it?)	2	Focus on problem-solving by expressing feelings and needs and exploring how to meet them in the future
Adversarial relationship and process – an authority figure, with the power to decide on penalty, in conflict with wrongdoer	3	Dialogue and negotiation - everyone involved in communicating and cooperating with each other
Imposition of pain or unpleasantness to punish and deter/prevent	4	Restitution as a means of restoring both parties, the goal being reconciliation and acknowledging responsibility for choices
Attention to rules, and adherence to due process – 'we must be consistent and observe the rules'	5	Attention to relationships and achievement of the mutually desired outcome
Conflict/wrongdoing represented as impersonal and abstract: individual versus school	6	Conflict/wrongdoing recognised as interpersonal conflicts with opportunity for learning
One social injury replaced by another	7	Focus on repair of social injury/damage
School community as spectators, represented by member of staff dealing with the situation; those affected not involved and feeling powerless	8	School community involved in facilitating restoration; those affected taken into consideration; empowerment
Accountability defined in terms of receiving punishment	9	Accountability defined as understanding impact of actions, taking responsibility for choices and suggesting ways to repair harm

Figure 2: Retributive and restorative justice in schools

Claasen (2001) refers to the first of a set of principles of 'Restorative Discipline' (*sic*) which he has developed with his wife Roxanne and which have been incorporated into the behaviour management policy of the school in which she works. This first principle elaborates on the first point in the paradigm:

> Misbehavior is viewed primarily as an offense against human relationships and secondarily as a violation of a school rule (since school rules are written to protect safety and fairness in human relationships).

Claasen acknowledges the importance of rules but suggest that sometimes the real purpose of rules is ignored and the focus becomes the fact of rule breaking rather than the human factors beneath the rule breaking.

> In the community when someone violates a law, we call it a crime. In schools, when someone violates a rule, we call it a misbehavior (*sic*). If a misbehavior is observed that isn't covered by a rule yet, we usually write a new rule. Rules are very important and helpful since they help everyone to know what behavior is not acceptable in that school community. Rules also prevent, or at least reduce, arbitrary punishment because the rules are published for everyone to know and members of the school community can appeal to the rules if it seems that they are being punished arbitrarily.

> Where this becomes a problem is when the primary focus of a discipline program is on the rule violation and because of that, the human violation is ignored or minimized. Since the purpose of establishing rules is to provide for a safe, fair, just, and orderly community, it is important that this underlying reason is not lost in our effort to be sure we follow the rules.

The second point in the paradigm emphasises the difference between a common approach to dealing with conflicts between young people and one that tries to use mediation principles. The intention of the former is to 'get to the bottom of the matter', to sort out who did what and who is to blame. Once the person to blame has been identified this person can be 'dealt with' according to the sanctions policy of the school. This is not to say that such a sanction may not also include attempts at conciliation between the youngsters in conflict, but often this might mean an enforced and insincere apology.

A more restorative approach would be to use the principles of mediation in which both or all sides of a dispute are invited to explain what happened from their perspective, to express how they are currently feeling about the incident and then to be invited to explore a mutually acceptable way forward. Many teachers will say that they use this approach and there are certainly many natural mediators in schools. However the approach is undermined if people are less than impartial in their body language, tone, phrasing of questions, or summing up of the events, or when someone is unable to resist the temptation to offer suggestions or

express an opinion about the nature of the behaviour. These are all issues that can be identified in training, when people are encouraged to try mediating in practice scenarios, with feedback from colleagues on their mediation skills.

Introducing restorative justice into a school

The emphasis on involving the school community in resolving conflicts is predicated on the notion that those in the community want to repair harm and that they have the skills and the opportunities to do so. It is useful to think of a whole school approach as one that not only repairs harm in the event of conflict and inappropriate behaviour but also one that builds and nurtures relationship and community in the first place (Johnston, 2002, p. 14). This is a useful starting point when introducing restorative justice into schools, perhaps at a staff training day. I have found it useful to invite participants, in four groups, to consider what is already happening in their own schools to:

- build and nurture relationships
- develop relational skills in themselves and their students
- repair the harm done to relationship in the event of conflict or inappropriate behaviour
- develop their own and their students' skills to engage in these repair processes.

Figure 3, in its blank form, is used to initiate debate, and the four groups report their findings. The results of group discussion highlight what is already happening in the school and also where the gaps are. The filled-in version can be used to compare what is already happening in a school with what might be possible if a whole school approach is sought.

Often restorative practices build on the initiatives already in place in a school and can be seen as a natural development of where many schools are already or are moving towards. The approach dovetails nicely with developments in Active Citizenship and the commitment by many schools to the Healthy Schools Programme, which emphasise creative conflict management as part of a healthy school. The concern to reduce exclusion and tackle bullying can also be addressed by such an approach, and this is where some initiatives are already being successful.

Current initiatives in the UK

In the last few years there have been several initiatives in the UK involving some aspects of a restorative approach. Most of these have involved outside facilitators offering restorative conferencing to schools in the event of a bullying incident or when exclusion is being considered. Conferencing is the name given to a process involving as many people as possible who feel directly affected by an incident of conflict or by inappropriate or even offending behaviour. It resembles mediation in that the same steps are followed in which everyone has a chance to say how they have been affected by the incident, how they were feeling, how they feel currently and what can be done to repair the harm and make things as right as possible. Some conference practitioners will differentiate the process, which takes place with all involved sitting in a circle, from mediation. The debates about whether the processes are similar and what the underlying theories are which underpin the approach will continue for a long time to come. The debates are not directly relevant to this article but it is important and sad to acknowledge that in a field which promotes conflict management and mutual respect there is conflict about what restorative justice is and how it should be developed (Johnston, 2002).

	RESTORING (repairing harm done to relationships and community)	RELATING (developing/nurturing relationships and creating community)
P R O C E S S E S	**A) undisputed responsibility:** • restorative conferencing • family group conferencing • victim/offender mediation • sentencing circles **B) disputed responsibility, conflict, mutual recrimination:** • mediation • peer mediation • healing circles • no-blame approach to bullying	**including:** • Circle Time for staff (for planning, review, support and team building) • Circle Time for students • school council • circle of friends • peer counselling and mentoring • whole school development of relationship management policy (cf. behaviour management, which tends to be student-focused)
	RELATIONSHIPS	
S K I L L S	**skills include:** • non-violent communication • active non-judgemental listening • conflict transformation • developing empathy and rapport • having difficult conversations • restorative debriefing after critical incidents • understanding and managing anger	**skills include:** • emotional literacy • developing and maintaining self-esteem • valuing others explicitly • assertiveness • acknowledging and appreciating diversity • constructively challenging oppression and prejudice • connecting across differences
	much overlap	

Figure 3: Restorative and relational process skills

A project in Nottingham, a partnership between Nottingham Education Authority and Nottingham Police, began with offering conferencing in school settings with cases of bullying and harassment and has now been extended to peer buddying. Anecdotal evidence suggests that the people directly involved have benefited from the process, the inappropriate behaviour has been reduced and all sides have been able to move forward more positively.

Comments from education professionals, following training in restorative conferencing, include remarks such as:

The techniques can be used for major and minor issues: it should be used in *all* schools.

I have seen nothing as relevant in years.

A deputy head involved in using conferencing and restorative principles in her primary school comments:

The conferences that we've held have been a very positive experience. Children now ask if they can have a conference to sort out problems.

Interestingly this school now trains the young people themselves to run conferences, in the same way that an increasing number of primary and secondary schools are using peer mediators to help resolve conflicts in the playground – another element of the restorative jigsaw in itself.

By far the most important voice, however, is that of the young people themselves. Reflections from the Nottingham project include remarks such as:

Thanks for organising the conference. Amy sits next to me now and we've sorted it out.

(Girl aged 10)

It was good because we talked about it.

(Boy aged 5)

Comments from one of the six secondary schools involved in the project include:

I thought that the Restorative Justice Conference was good and it made me make friends with K ... It was good how we had our parents there, and it made me think how I should behave. The agreement was a good idea and I have still got it.

(Year 10 girl who had been bullying someone else)

There is great enthusiasm for using restorative approaches in schools in the Thames Valley where the Thames Valley Police have been in the forefront of promoting restorative measures for dealing with youth offending. In Oxfordshire the local education authority, in partnership with the Youth Offending Team and the Thames Valley Police, are sponsoring a two-year project aimed at promoting a whole school restorative approach to conflict and inappropriate behaviour. Many police school liaison officers throughout the Thames Valley are using restorative conferencing regularly to deal not only with offending behaviour but also with conflict and bullying in schools.

In January of this year a new project began in Devon, instigated by the Devon and Cornwall Police. This project is using Youth Affairs Officers in six secondary schools to run conferences when needed in the school to which each officer is attached. I have been involved as a consultant in this project and have produced guidelines for enabling the Youth Affairs Officers and the teaching staff to further develop the restorative ethos in the school. My recommendation has been that there needs to be congruence between the way the Youth Affairs Officers deal with serious cases of disruption and the way more minor incidents are dealt with by teaching staff on a day-to-day basis. Initial feedback from this project is positive and encouraging.

Other initiatives include one in Brixton in which non-teaching representatives from several schools were trained in the conferencing process by police officers with a view to developing a restorative approach in their respective schools. The impact of this training on their schools is currently being evaluated. It will be interesting to compare the impact of this project with one in Berkshire where twelve teachers from one secondary school have been trained in the conferencing process. This project is also currently being evaluated.

Interest in the potential of restorative practices in schools is growing and more and more initiatives are being started. For example, the National Association for the Care and Resettlement of Offenders (NACRO) has advertised for a project worker and the Youth Justice Board is offering large sums of money for innovative projects in this field. A partnership of several police authorities (Thames Valley, Nottingham, Surrey, Devon and Cornwall (combined), and possibly Northern Ireland) together with Crime Concern, Mediation UK and Transforming Conflict, is organising a series of 'Restorative Practices In Schools' Travelling Road shows around the country over the next 18 months. A training package for teachers in restorative skills is in the pipeline and being piloted this summer. It will provide experiential practical training in one-to-one challenging situations as well as mediation and conferencing skills.

There is a general appreciation that developing restorative practices in a school is not simply about offering conferences in situations where harm has been caused. The more holistic approach and the potential to enhance the whole school community by relating in a different way is recognised by most people who are familiar with restorative justice (Quill and Wynne, 1993; Johnston, 2002).

Challenges

Effecting change in a school culture is not without its challenges. Interestingly, in both the Thames Valley and in Nottingham a similar story is emerging – that whilst there is undoubted benefit to the individuals involved in conferences most of the time, the school community as a whole remains largely untouched by the process and the philosophy behind it.

As a practitioner and a consultant working in the field of restorative justice in schools I would suggest that the major factors militating against the development of a whole school restorative approach are shortage of time and pressures from conflicting priorities. The shortage of time is in relation to the time available in the school day for dealing with issues in a restorative manner as well as the time available for training, support and review of practice. There are similar pressures on the Initial Teacher Training programmes, which leave little or no room for preparing new teachers in relational and conflict management skills.

There are also issues of relevance and openness to change. Some projects have begun by using outside facilitators, in some cases police officers, to run conferences in the event of extreme behaviour. Although such facilitators may themselves be aware of the wider potential of the approach they have not found it easy to reach the wider school community. For example, in some cases teachers have been understandably cautious about police officers working in school on behaviour management issues. Conversely, in extreme situations where staff welcome outside support, the risk then is that they feel disempowered and are left thinking that the skills of a mediator or a conference facilitator are too difficult for them to use themselves.

A final challenge is to ensure that the ethos and principles of restorative justice are embraced at every stage of the process. Unfortunately there are already examples of the process being imposed on unwilling participants or facilitated by inexperienced facilitators who try to threaten participants or impose their views. There is a significant risk of re-victimisation of those already badly affected by wrongdoing in such cases. Careful preparation of all parties in a conference or mediation is vital to the success of such interventions.

Ways forward

Shortage of time and pressure from other priorities are not to be dismissed. However in my experience these obstacles tend to dissolve once a school community is convinced a restorative approach can make a difference. Dealing with conflict and inappropriate behaviour restoratively takes time initially but greatly reduces the total time that such situations usually take. One part of a whole school approach – peer mediation – greatly reduces the time teachers need to spend on playground conflict for example. In fact, in time such a project, in conjunction with active citizenship and conflict management skills being developed during Circle Time, can greatly reduce playground and classroom conflict anyway. Challenging and distressing incidents have a tendency to send ripples far beyond those immediately involved and bad feeling and bitterness can fester. A restorative approach can bring all of these feelings out in the open and hopefully everyone can move on in a positive frame of mind.

Shortage of time for training, ongoing support and review are real issues, but again I have found that, once convinced, a school finds time and funds for the initiative and can be creative in finding time for training. It is fair to say that most projects are still in their infancy so the question of the necessary ongoing support and review remains an open one.

The question of how to effect behavioural change within a school is complex and the key, to my mind, is in finding common ground and using restorative principles from the beginning. If those affected do not want to take part then the issue needs to be dealt with in a different way. However enthusiastic senior management or governors might be in

restorative justice – and as news spreads many such people want information and in-service training – the project will not be successful unless the majority of the school community is on board. By the community I would include teaching staff, support staff, students, governors, parents, administrative staff, lunchtime staff and caretakers, and this list is not exhaustive. It would seem crucial to consult as many people as possible before embarking on a project and use as many channels as possible to communicate what the project is about. Ideally a steering group comprised of representatives from at least the above mentioned groups would oversee the whole project. A second ideal would be to develop training capacity from amongst these groups so that there is not continued reliance on outside training and support. Whole school involvement is at the heart of effective school improvement (Brighouse and Woods, 2000). This is congruent with the restorative values of respect, inclusion and empowerment and the belief that those with the problems are those most likely to find and embrace the solutions.

It is early days to report on how restorative approaches have impacted on school communities. However, elements of the restorative jigsaw are already well known and highly regarded. Circle Time is gaining popularity in the primary school and beginning to be used at secondary level as a way of increasing students' social and emotional awareness and confidence. Peer mediation is becoming better known and both primary and secondary schools are recognising the value of this process. The next step is for the ethos and values of these two processes to imbue every aspect of school life, and for mediation to be a natural part of every adult's repertoire when dealing with conflict or inappropriate behaviour at school.

Enthusiasts of the approach, and I am clearly one, believe that restorative practices in schools can transform existing approaches to relationship and behaviour management. We believe that building and nurturing relationships is at the heart of a successful and happy school. Repairing the harm done to relationships in the event of conflict and inappropriate behaviour is the next priority. In such an environment people are more likely to want to work, more likely to achieve and less likely to be or feel excluded. The vision is an optimistic one. For real change to occur there will need to be time and resources allocated to restorative projects and, however willing a school is to commit itself to change, it may be that support at a higher level is needed.

It is true that there are often too many conflicting pressures for teachers to see how they can embrace restorative practice effectively. Restorative justice is being advocated enthusiastically by many in the criminal justice world, including the Youth Justice Board and the police. It is to be hoped that soon the links that restorative practitioners are making in school and community settings will be made at government level. If there were support from the Department for Education and Skills (DfES) and the Teacher Training Agency (TTA), initial and ongoing training in restorative and relational skills could become more widely available and seen as fundamental in creating an

effective learning environment. Time in the school day for such an approach could be made and scope given for reconsidering existing behaviour management policies which currently constrain restorative approaches. In time it would be wonderful to think that every child in the country would grow up in a school where they feel safe and where they learn to resolve their own conflicts. It would be a place where their views are heard and appreciated and where inappropriate behaviour or conflict is considered an issue for the school community to address in an inclusive compassionate manner using a healing circle, mediation or conferencing. There is hope however. These are exciting times for restorative justice: an idea whose time has come.

I would like to give the last word to a Year 7 girl who took part in a restorative conference I facilitated earlier this year. She had been on the receiving end of some bullying behaviour since starting secondary school this year. Present at the conference was the girl, her mother, the girl who had been causing her distress, this girl's father, the police officer to whom the matter had been reported and myself. The conference went well. It became clear to the so-called 'victim' and her mother that their own loving, supportive relatively affluent family situation was what both the so-called bully and her father did not have. Apologies and plans for future friendship and support were made. In the final closing 'go-round' I asked if anyone had anything else they wanted to say and the jubilant original 'victim', clearly visibly relieved and elated, said 'Whooppee!' I think that just about sums it up.

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Restorative Practices
EFORUM

Restorative Justice and School Violence: Building Theory and Practice

**BRENDA MORRISON, CENTER FOR RESTORATIVE JUSTICE,
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Paper presented at the International Conference on Violence in Schools and Public Policies, Palais de l'UNESCO, Paris, March 5-7, 2001.

Paper to be published by *The European Observatory of Violence in Schools.*

Addressing school violence has no easy answers. There have been journeys down many different avenues. We have swung between the libertarian ideal of rehabilitation for the damaged lives of perpetrators of violence and the more conservative punitive just deserts approach. Broadly speaking, the former values compassion, while the latter values accountability for individuals' actions. Both approaches aim to (1) achieve behavioural change for the individual; (2) keep our schools and communities safe. The evidence is mixed as to what works best. Is it possible to incorporate both compassion and accountability in the sanctions we impose when dealing with school violence? Advocates of restorative justice answer a tentative yes to this question. Restorative justice is about building communities of care around individuals while not condoning harmful behavior, in other words holding individuals accountable for their actions. This paper will explore recent developments in the building of theory and practice in the area of restorative justice, particularly in terms of addressing one form of school violence — school bullying. Addressing

violence in schools is a pressing social issue. It needs to take center stage in developing the roots of a civil society (Morrison, forthcoming).

Violence in schools is being increasingly recognized as not only a social justice problem but also a public health problem (Mercy & O'Carroll, 1988). Violence casts a web of harm that captures the victims, the offenders and their communities. This web creates cycles of fear and distrust to all who befall its trap, perpetuating antisocial and self-critical cycles of behaviour.

> **Is it possible to incorporate both compassion and accountability in the sanctions we impose when dealing with school violence?**

For offenders, longitudinal studies have shown that there is often a continuity of aggressive and dominating behaviors over time (Huesmann, Eron, Lefkowitz & Walder, 1984; McCord, 1991; Moffitt, 1993; Pepler & Rubin, 1991; Tremblay, McCord & Boileau, 1992). Victims carry with them the emotional scars of nagging self-criticism, suffering the long-term effects of perpetual victimhood (Callaghan & Joseph, 1995; Olweus, 1993; Slee,

1995). Both, in their own way, have been alienated from the communities in which they live. Both need to re-establish their ties with their community.

In the last decade or so we have become increasingly aware that bullying in schools is a serious, and insidious, form of violence that plagues the school system. Internationally, there are countless tragic stories to be told. There is also building empirical evidence of the consequences of its ill effects. Those who bully are more likely to drop out of school, use drugs and alcohol, as well as engage in subsequent delinquent and criminal behaviour (Gottfredson, Gottfredson & Hybl, 1993). Children who are bullied have higher levels of stress, anxiety, depression, illness and suicidal ideation (Cox, 1995; Rigby, 1998; Rigby, 1999). For both, this web of fear becomes an obstacle to learning, self-development and effective citizenship. This fear breaks down the foundation of a civil society. Our concern must be at many levels, not only for the individuals themselves, and their families, but also society at large. For it is society that must support those who befall our justice and health care systems.

In Australia this evidence has been clearly recognised. The National Crime Prevention and the National Anti-Crime Strategy have identified school bullying as a risk factor associated with antisocial and criminal behaviour in their publication "Pathways to prevention: Developmental and early intervention approaches to crime in Australia" (National Crime Prevention,

1999). Early intervention has been advocated as the most appropriate way to break this cycle (Yoshikawa, 1994; Tremblay & Craig, 1995). Schools may be the most appropriate institution to target in addressing these issues, reducing antisocial and criminal behaviour patterns, while promoting productive citizenship and social responsibility.

> **Bullying, and victimization, within schools is an effective behavioural target as these behaviours signal the breakdown of social relationships. In such cases, the re-affirming of positive relationships is vital to individual and social well-being.**

School Bullying as a Target of Early Intervention Practice

Schools are an appropriate target because they capture such a large proportion of the population base. They not only capture children in their formative years, they also capture parents in their most influential years with their children. Schools also capture other members of a child's community of support, such as grandparents, friends, teachers, instructors and coaches. Schools, in essence, are a microcosm of society. Schools have the developmental potential to both stigmatize and exclude, as well as nurture and integrate individuals within society. The process of becoming a chronic offender and victim in society is often fed by the cycles of bullying and victimization that develop in the school system. Bullying, and victimization, within schools is an effective behavioural target as these behaviours signal the breakdown of social relationships. In such cases, the re-affirming of positive relationships

is vital to individual and social well-being. This is reflected in the increasing awareness of researchers who couch deviant behaviour not in terms of individual pathology but in terms of social relationships that sustain individual lives (Ahmed et al., forthcoming; Koh, 1998; Emler & Reicher, 1995; Tutu, 1999).

The task is to re-build relationships in individual's lives at the first sign that the child is becoming disenfranchised from the relationships that sustain their well-being during their years at school. Working with children who bully and who are bullied in schools, particularly in the primary years, seems an effective place to commit our resources. Bullying is an important target as it is one of the most prevalent and insidious forms of domination over others. The ethos of bullying values dominance and control as a powerful form of influence over others. Restorative justice recognizes the ill effects of this form of influence, for influence, through domination, results in an alienated society. The practice of restorative justice does not value dominance but offers mutual respect and human dignity, while holding individuals' accountable. School bullying reflects wider social processes of domination as a form of influence. The study of school bullying offers us an opportunity to not only understand and address the phenomenon itself but also explore wider social issues.

What is Bullying?

The most frequently cited definition of bullying is the "repeated oppression, psychological or physical of a less powerful person by a more powerful person or group of persons" (Rigby, 1996, p.15; see also Farrington, 1993; Olweus, 1993). Three critical points are important in this definition:

Power: Children who bully acquire their power through various means: physical size and strength; status within a peer group; and recruitment within the peer group so as to exclude others.

Frequency: Bullying is not a random act; it is characterized by its repetitive na-

ture. Because it is repetitive, the children who are bullied not only have to survive the humiliation of the attack itself but live in constant fear of its re-occurrence.

Intent to harm: While not always fully conscious to the child who bullies, causing physical and emotional harm is a deliberative act. It puts the child who is bullied in a position of oppression by the child who bullies.

It is important to note that bullying does not define all forms of conflict. If the power balance is perceived to be relatively equal, bullying is not in play. The bullying battleground is not a level playing field. Bullying is the assertion of power through aggression and domination. It happens in government, corporate boardrooms and in our schools. The form that bullying takes changes with life stage: from playgroup bullying and gang violence, to sexual and workplace harassment, to child abuse and domestic violence, as well as abuse of our elders and disabled (Pepler & Craig, 1997). The exertion of power can be both verbal and physical and it can take many forms: through the overt use of physical size, strength and numbers, to the use of status within a group. The form can be face-to-face or insidiously indirect, through rumours, exclusion, stalking and setting people up through others (Olweus, 1991). The repetitive nature of bullying sets up an ongoing relationship of dominance and submission. Both patterns can have a negative impact on the individuals and the communities concerned. Both can be understood through an analysis of how we manage our social relationships — individually and collectively.

> **Bullying is the assertion of power through aggression and domination. It happens in government, corporate boardrooms and in our schools.**

Bullying in schools is a worldwide phenomenon. The data in Australia mirrors that of other countries, such as Canada (Bentley and Li, 1995; Pepler et al., 1997), Scandinavia (Olweus, 1991), Ireland (O'Moore, 1986) and England (Boulton and Underwood, 1992). Recent figures suggest that 50% of children have experienced being bullied at school at least once (Rigby, 1996). It has been estimated that for Australian students (between the age of 9 and 17) 1 student in 5 is bullied at least once a week (Rigby, 1996). That's 20% of Australian students being bullied each week. This amounts to 634, 320 students being bullied every week across Australia (based on 1997 census data). Verbal bullying was reported by both boys and girls as the most common form of bullying. Physical bullying was the form experienced least. For girls, a figure that stands out above the boys, is the occurrence of being excluded, on purpose.

While bullying comes and goes with age, there is a developmental pattern. At the ages of 11 and 12, students are most likely to report bullying others (Pepler et al., 1997). In other words, the pattern changes once adolescence begins. Overall, reported bullying is higher in primary school than secondary school; however, the early years of secondary school are higher than the final year of primary school (Rigby, 1996).

IF IT'S EVERYWHERE, IS BULLYING JUST A LESSON IN LIFE?

Bullying is widespread and always has been. There are numerous historical accounts, such as in the works of Charles Dickens (*Oliver Twist*, 1837; *Nicholas Nickleby*, 1838) and Thomas Hughes (*Tom Brown's School Days*, 1857), as well as other historical tales (see Ross, 1996). Even today, the exploits of the orphaned boys in *Oliver Twist* are alive and well in the hearts and minds of contemporary society, for the same issues are still alive today, and continue to present themselves. More recently, James Moloney's (1998)

award-winning *Buzzard Breath and Brains* tells the contemporary tale of dominance and submission, in other words bullying. The behaviour may be common through the ages, but this is as much a reflection on having institutions that tolerate (even condone) bullying, as on the nature of children. Bullying is not just "kids being kids." Bullying is the systematic abuse of power. This paper is based on the premise that bullying should never be condoned at any age or stage of life's journey.

The acceptance of bullying as a normal part of life signals that intimidation and violence are acceptable ways to resolve conflict and influence others. We may always

> **Bullying may be common through the ages, but this is as much a reflection on having institutions that tolerate (even condone) bullying, as on the nature of children.**

have to deal with some form of bullying but we should never have to nurture our children in its arms. Children who tread the path of bully and victim can carry the emotional turmoil with them for a lifetime. Not only does it harm their own sense of personal well-being, it also affects those who care for these children.

To understand the problem of bullying and of being bullied, we must consider the developmental paths of children who dominate others and their victims. We must also examine the social systems in which bullying occurs, such as the family, peer groups, schools and other social institutions. We can not dismiss children who bully in schools as part of a behavioural cycle that they'll grow out of; likewise, we can not pass off children who are bullied as needing a lesson in learning to stand up for themselves. The evidence shows that we are not doing anyone a service by taking this stand.

WHAT ARE THE DEVELOPMENTAL PATHS OF BULLIES AND VICTIMS?

There isn't a single path that leads a child to bullying others or to being bullied. Generally, the path they tread reflects a pattern of poor social adjustment. A number of risk factors have been identified which generally fall into the categories of individual differences, family, and school. Wider social institutions also play a role (see Morrison, forthcoming). For example, one recent model found that school bullying was best predicted by family disharmony, perceived control of bullying in schools, school hassles, liking for schools, as well as the individual characteristics of impulsivity, empathy, self-esteem and internal locus of control (see Ahmed et al., forthcoming).

The purpose in this paper is not to review each of these factors but develop a theoretical framework through which to understand the problem and then use this framework to develop effective interventions. This was the approach advocated by the influential social scientist Kurt Lewin (1946), who said, "there is nothing as practical as a good theory."

DEVELOPING A THEORETICAL FRAMEWORK

We will begin this endeavour with the finding that a lack of cooperation has been correlated with high involvement in school bullying (Rigby, Cox & Black, 1997). Two different theoretical perspectives may be helpful in explaining this finding: social identity (and self categorization) theory (Tajfel & Turner, 1979; Turner, Hogg, Oakes, Reicher & Wetherell, 1987) and reintegrative shaming theory (Braithwaite, 1989). The social identity perspective argues that social cooperation is a product of the salience (or activation) of a social identity. A social identity can be thought of as the psychological link between the self and the collective, in this case the school community. Through social identification, the school becomes a positive reference group for the student. When a student identifies with the school community, he or she will see themselves as interdependent with this community and behave

cooperatively, upholding the school's rules and values (Morrison, 1999). Tyler (1998) has made a similar point. He argues that there are two inter-related aspects to self-worth: collective and individual. In the context of the school, the collective aspect is reflected in pride in being a member of a school community. The individual aspect is reflected in having respect within that community. As self-worth within a community increases in terms of pride and respect, social cooperation within that community also increases. In other words each of us strives for a sense of belongingness and significance. As well as meeting our individual needs, being a member of a positive reference group is also importance to us. We are social animals.

For bullies, the evidence indicates that the school community is not seen as a positive reference group. Indeed the school may even become a negative reference group as a child drifts towards a delinquent identity (see Koh, 1998). The building of a positive identity within the school is not a simple and straightforward means to an end. There may be some barriers to the process of identifying with the school community. Work by Eliza Ahmed and her colleagues (2000) suggests that one barrier that needs to be addressed is the affective barrier associated with shame. The shame associated with a harmful act acts as a barrier to us thinking of ourselves as a fully integrated member of a community. Indeed, recent findings have shown that shame-management has been found to be an important mediating variable in the understanding of bullying and victimization (Ahmed et al., forthcoming).

This work, inspired by reintegrative shaming theory (Braithwaite, 1989), suggests that both shaming and the emotion of shame are of considerable importance in regulating social behaviour. When a member of our community has done something that the community does not condone, the act can be dealt with in two ways: one can belittle both the person and the behaviour, or one can respect the person while not condoning the behaviour.

The former is known as stigmatized shaming, a process that gives negative labels to both the person and the act; the latter is known as reintegrative shaming, a process that supports the person while not condoning the act. Within this framework, Ahmed has developed an integrated model of shame management and bullying. Building on many of the variables that have previously been found to influence bullying behaviour, such as family, school and individual difference variables, Ahmed shows how shame-management mediates many of these well acknowledged influences. In other words, failure to manage shame effectively is understood to be of importance in understanding and addressing school bullying.

Shame can be adaptive or maladaptive. Shame is adaptive when it activates an internal sanctioning mechanism that regulates the consistency and appropriateness of our social behaviour. The process can be understood as follows. Shame comes to the fore when we behave inappropriately in respect to an important community of support, for example our family or school. Through taking responsibility for the wrongdoing and making amends, the shame is acknowledged and discharged. Through this process, our feeling of con-

nectedness to our community remains intact. Shame can be maladaptive when our internal sanctioning agent is functioning in such a way that does not allows us to discharge our shame over a wrongdoing. Why the sanctioning system is not operating at an optimal level can be determined through a number of processes. These have been discussed further by Eliza Ahmed elsewhere (Ahmed et al., forthcoming). Suffice to say for now that the shame has not been discharged and thus remains with the individual. This has consequences for our feeling of connectedness with others in our communities. This can be reflected in individuals' feelings of pride in their communities and respect within them, as supported by recent evidence by Morrison (forthcoming). Further, unacknowledged shame has the potential to be expressed as anger. The community that has evoked the shame can contribute further to its negative manifestation if the individual is subjected to further feelings of rejection from the community.

How was shame-management found to be different across the four categories of bullying behaviour (what we call bullying status): bullies, victims, bully/victims and non-bullies/non-victims)? Non-bullies/non-victims acknowledge shame and thus

discharge it; victims acknowledge shame but are caught up in self-critical thinking, through their ongoing feelings of rejection from others. Their shame becomes persistent, despite acknowledgement of the wrongdoing. Bullies are less likely to acknowledge shame and the shame is trans-

> **Acknowledgment of shame can lead to greater integrity of the self and our social world; shame avoidance can lead to social alienation and conflict with the self and our social world.**

formed, often manifested as anger. Bully/victims capture the worst of these two troublesome groups. They feel the shame but, like bullies, fail to acknowledge it. As such, they are also more likely to displace shame. Again their shame can be transformed into anti-social behaviour, such as anger. Further, like victims, they are caught up in self-critical thoughts.

How does shame management relate to some of our earlier risk factors for bullying behaviour? The influence of the family can be taken as one example. One family factor which has been found to be significantly influential is how wrongdoing is dealt with in the family. Is the process punitive or reintegrative? Does the process stigmatize the child into a certain pattern of behaviour or does the process allow the child to make amends and carry on as a respected member of the family? The evidence is consistent with the theory we have outlined: parents of children who bullied others report using stigmatized shaming more often as a child-rearing practice (Ahmed, et al., forthcoming).

In summary, both social identity theory and reintegrative shaming theory emphasize the importance of social relationships. This is consistent with other theorists, who stress the importance of social bonds.

Lewis (1981, 1983) argues that connection with others is a primary motive in human behaviour. The maintenance of bonds is reciprocally related to and involves emotions: emotions are a means of cohesion. Nathanson (1992) has also argued that shame is the central social regulator that governs our social relations with others. Shame, as such, is intimately connected with solidarity (ingroup cooperation) and alienation (outgroup competition). Humans are inherently social animals; lapses in important social bonds affect us as individuals. Threatened or damaged bonds create an environment for shame. Chronic unacknowledged shame arises from and generates failure of social connectedness (Retzinger, 1991). Shame can be conceptualized as a thermostat; if it fails to function informatively about the state of our social relationships, regulation of relationships becomes impossible. Thus, shame is an important signal about the state of our social relationships. Shame management involves the search for coherence of identity. Acknowledgment of shame can lead to greater integrity of the self and our social world; shame avoidance can lead to social alienation and conflict with the self and our social world.

RESTORATIVE JUSTICE AND SCHOOL BULLYING: THE PHILOSOPHY OF THE PRACTICE

A central tenet that has developed in this chapter is the importance of social relationships to individual and social well-being. This is the central tenet of the practice of restorative justice, which at its heart holds that the nature of our social relationships is central to the nature of our individual lives. Reintegrative shaming theory upholds the practice of restorative justice. Based on this theory, Braithwaite (1989) has argued that there are two main features inherent to restorative processes. First, to achieve successful reintegration the process must involve the presence and participation of a community of support for the offender and the victim. This community would be made up of the people who respect and care most about these two (or more) people. Second, the process of

shaming requires a confrontation over the wrongdoing between the victim and offender within this community of support (see Braithwaite, 1989, 1998). The theory argues that the process is restorative in that the intervention (1) makes it clear to the offender that their behaviour is not condoned within the community; (2) is respectful and supportive of the individual while not condoning the behaviour. The first point constitutes the shaming aspect of the intervention while the second point provides the basis by which the shaming process is of a reintegrative (rather than a stigmatizing) nature.

Restorative justice processes offer us an opportunity to get off the seesaw between punitive and moralistic approaches to addressing school bullying. Advocates of punitive approaches call for responsibility and accountability for behavior. Advocates of the libertarian approaches call for further care and support of the person. A restorative process involves both these components, in that: (1) a message is communicated to the offender that the behaviour is not condoned by a community; (2) the offender is offered respect, support and forgiveness by the community. In other

words, efforts are made to separate the act (or behaviour) from the person.

In line with this ethos, we prefer to separate the act from the person and use the terms *students who bully* or *students who are bullied.* Commonly, literature on bullying uses the terms bullies and victims when referring to children involved in bullying. As many children may at some point take on either role, and because the terms bullies and victims label the children rather than the behaviour, these terms have

not been adopted in our work on restorative justice. An important tenet of restorative justice is the ability to conceptually separate the behaviour from the person. This is a philosophical point rather than a semantic preference. It is our hope that through approaching the problem in this way, children will not be polarized into these two positions and become stigmatized as problem kids with associated behavioural problems. At the same time we maintain that bullying, and other forms of violence, has no place in the school environment.

The aim of restorative programs is to reintegrate those affected by wrongdoing back into the community, to identify with the community, and become a cooperative member of that community, upholding its laws and values. A community accountability conference, which brings together victims, offenders and their respective communities of care, is one such intervention program. As Braithwaite states (1998), "Restorative justice conferences may prevent crime by facilitating a drift back to law-supportive identities from law-neutralizing ones" (p. 24). Community ac-

countability conferencing has been used well in schools, particularly in addressing bullying (see Cameron & Thorsborne, forthcoming; Wachtel & McCold, forthcoming). Further, restorative justice conferences work best when supported by a broader institutional culture that mirrors the values of restorative justice (see O'Connell & Ritchie, forthcoming). As well as reactive interventions, such as community accountability conferencing, proactive restorative interventions are also

important. Pro-active programs, often called primary interventions in that they target the entire community, develop the understanding and practice of restorative processes for all students. One such program, piloted in Australia, is the Responsible Citizenship Program (RCP). This program has two explicit aims: (1) to build a community of care based on respect, consideration and participation; (2) develop student's conflict resolution skills based on principles of restorative justice.

Goleman's (1995) research on Emotional IQ provides support for the aspirations of this program. He argues that children need lessons in learning about and coping with a repertoire of emotions, particularly the emotions involved in conflicts, as these are the ones that are often masked. Becoming aware of our emotions, acknowledging them, speaking about and acting on them are healthy skills to develop. Through building this awareness, we can often front-end the escalation of conflict and reduce violence in our schools. Goleman (1995) comments:

> ... over the last decade or so 'wars' have been proclaimed, in turn, on teen pregnancy, dropping out, drugs, and most recently violence. The trouble with such campaigns, though, is that they come too late, after the targeted problem has reached epidemic proportions and taken firm root in the lives of the young. They are crisis interventions, the equivalent of solving a health problem by sending an ambulance to the rescue rather than giving an inoculation that would ward off the disease in the first place. Instead of more 'wars,' what we need to follow is the logic of prevention, offering our children the skills for facing life that will increase their chances of avoiding any and all these fates. (p. 256)

How do we as concerned parents, educators, researchers, policy makers and citizens increase our capacity to enable our children to manage their shame over wrongdoing and conflict more effectively? Is it possible to enable a child to increase

The practice of restorative justice is a vehicle that offers hope to those affected by violent and aggressive acts. Hope for a different tomorrow is what brings participants together to talk through how these acts have affected them.

their capacity to manage shame more effectively? Preliminary results of a pre/post self report evaluation of the Responsible Citizenship Program, using the Life at School Survey (Morrison, 2000), showed that students' use of a number of adaptive shame-management strategies increased while the use of some maladaptive shame-management strategies decreased. While this result is promising, it is only a start. As with a large number of school-based intervention programs, much more extensive and systematic evaluation work needs to be done. As a start, we are beginning to survey a number of restorative justice initiatives in Canada and Australia, using the Life at School Survey (Morrison, 2000).

The practice of restorative justice is a vehicle that offers hope to those affected by violent and aggressive acts. Hope for a different tomorrow is what brings participants together to talk through how these acts have affected them. It is why people came forward to tell their stories of atrocious acts during the Truth and Reconciliation Commission in South Africa. Archbishop Tutu shows that reconciliation after conflict is not easy but is the only way forward — whether at the political or personal level — and he offers inspirational advice on how we might make this principle work in a better, more humane future.

Desmond Tutu (1999) tells us of *ubuntu* — the essence of being human. That we "live in a delicate network of interdependence. ... That a person is a person

through other people. ... It says 'I am human because I belong.' I participate, I share." (p.35). We must cultivate a culture of hope for our children, for ourselves. We must ensure that children, from an early age, are educated in the skills of nurturing productive relationships and working through conflict. This is always difficult but we have ignored the importance of teaching children about conflict, its purpose and benefits, as well as skills in productive conflict resolution, for too long. Children will only benefit from education on the values, attitudes, modes of behavior and ways of life that enable them to resolve any dispute peacefully and in the spirit of respect for human dignity, tolerance and non-discrimination — the essence of democratic citizenship.

UNESCO has recognized this in their declaration and programme of action on a Culture of Peace. They have proclaimed the period 2001–2010 as the International Decade for a Culture of Peace and Non-Violence for the children of the world. Schools have an important agenda to take up here. Let us develop praxis based on the institutionalization of hope. Let's take a leaf from Desmond Tutu's book and cultivate the art of building relationships, and resolving conflicts productively, in our schools. Restorative justice offers us new insights, both in theory and practice, in taking a fresh look at addressing violence in schools.

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Abstract

Building upon Braithwaite's (2002) notions of restorative justice and responsive regulation, this chapter explores the growing concern for regulating safe school communities, so that the needs of all members of the school community are addressed. The chapter touches on the findings of reviews of school violence in the United States, re-integrative shaming theory (Braithwaite 1989; Ahmed, Harris, Braithwaite and Braithwaite 2001) and procedural justice theory (Tyler and Blader 2000), grounding a responsive and restorative approach to regulating safe school communities, as well as best practice models. Central to these theoretical perspectives and the various practical interventions covered in the chapter is a discussion of the importance of shame-management and identity-management for students. Finally, the chapter will develop a regulatory framework within which to place the range of interventions.

Introduction

At the time that the field of restorative justice was establishing itself in the mid 1990s, the vision for schools was already taking form. In 1994, Margaret Thorsborne, a school guidance officer (or school counsellor) in a large high school (1600 students), introduced restorative justice to schools in Queensland, Australia. She had heard about a new "conferencing" approach that New South Wales police were adopting to divert young offenders from court, based on the family group conferencing model that was being developed in New Zealand. This approach drew on traditions within the Maori culture and aimed to address the marginalization of Maori culture and youth, characterized by increasing social unrest and over-representation within detention facilities (McElrea 1994). After hearing about the process, Thorsborne ran the first school based restorative justice conference, to address the issues raised by a serious assault at a school dance. The success of the conferencing approach abated her:

> … search for a non-punitive intervention for serious misconduct …. In particular, an intervention for serious cases of bullying which did not put the victim at further risk and also involved parents of both the offender and the victim. … [C]onferencing seemed to fit the bill of the ultimate intervention which increased empathy and lowered impulsivity on the part of the bully" (Cameron and Thorsborne 2001: 181).

Since this time, the use of restorative justice conferencing in schools has developed in many different countries, to address a range of different behaviours, including property damage, theft, vandalism, drug-related incidents, truancy, damaging the public image of the school, persistent class disruption, bomb threats, as well as assaults and bullying (see Calhoun 2000; Cameron and Thorsborne 2001; Hudson and Pring 2000; Ierley and Ivker 2002; Shaw and Wierenga 2002).

While it is important to study the used of restorative justice in schools across a range of behaviours, the study of bullying makes an interesting and compelling conceptual fit with the study of restorative justice, both in practice and theory. On a practical level, we know from research on the school rampage shootings (Newman 2004), that bullying can feed the wider cycle of violence in schools; thus, the study of bullying is important to understanding and addressing the escalation of conflict and violence, with restorative justice offering a model of effective intervention (see Morrison 2003; Morrison, in press-a). Bullying is also one of the most insidious forms of violence in schools, and wider society, having widespread effects on those involved (Rigby 2002). Children who bully in school are more likely to continue to use this form of dominating behaviour in other contexts, such as close relationships and the work place (Pepler and Craig 1997). Through teaching children alternatives to the use of bullying, we may be able to intervene early and curb this pattern of behaviour. Theoretically, bullying and restorative justice have a serendipitous fit; in that, bullying is defined as the systematic abuse of power and restorative justice aims to restore the power imbalances that affect our relationships with others. Further, there is an interesting synchronicity to the emergence of these two growing fields of study: both have a recent history, emerging strongly in the 1990s.

Kay Pranis (2001:7) explains how listening and storytelling, key elements of restorative processes, are important to empowerment:

> Storytelling is fundamental for healthy social relationships. To feel connected and respected we need to tell our own stories and have others listen. For others to feel respected and connected to us, they need to tell their stories and have us listen. Having others listen to your story is a function of power in our culture. The more power you have, the more people will listen respectfully to your story. Consequently, listening to someone's story is a way of empowering them, of validating their intrinsic worth as a human being.

Feeling respected and connected are intrinsic to one's self-worth; they are basic needs of all human beings (Baumeister and Leary 1995). The reciprocal relation between these two needs, respect from others and connection with others, empowers individuals to act in the interest of the group, as well as their own. In the context of schools, feeling connected to the school community increases pro-social behaviour and decreases anti-social behaviour (McNeely, Nonnemaker and Blum, 2002).

School connectedness and social behaviour

There is building evidence that the need to belong is one of the most basic and fundamental human motivations (Baumeister and Leary 1995). Given this, being marginalised or excluded from a community could be a potentially powerful blow to one's self-esteem. One experimental study found that social exclusion resulted in self-defeating behaviour, and the relationship was causal, not correlational.

> Apparently the desire for social connection operates at a motivational level that precedes the rational pursuit of enlightened self-interest. At very least, our results suggest that a strong feeling of social inclusion is important for enabling the individual to use the human capacity for self-regulation in ways that will preserve and protect the self and promote the self's best long-term interests of health and well-being. (Twenge, Catanese and Baumeister 2003: 423)

Likewise, further studies have shown that social exclusion reduces intelligent thought (Baumeister, Twenge and Nuss 2002); increases aggressive behaviour (Twenge, Baumeister, Tice and Stucke 2001) and reduces prosocial behaviour (Twenge, Ciarocco, Cuervo and Baumeister 2001). These studies make the basic argument that social exclusion has interfered with optimal self-regulation; in other words, individuals' sense of themselves as a productive, responsible and caring citizen is no longer functioning in the best interests of the self and others.

This bears true in the context of school communities. A national longitudinal study of adolescent health in the United States found that students who feel connected to the school community are less likely to: use alcohol and illegal drugs; become pregnant; engage in violent or deviant behaviour; and experience emotional distress (McNeely, Nonnemaker and Blum 2002). The inference for restorative justice is that through building the capacity for schools to foster supportive relationships for students, schools can address the feelings of estrangement and hopelessness that some students feel. The evidence suggests that the cornerstone of individual well-being, resilience, social development, and productive citizenship is through fostering positive relationships within the school community, and the wider community. Theories supporting the practice of restorative justice, have, in different ways, highlighted the reciprocal influence between individuals and groups in building responsible and caring citizenship.

Theories supporting restorative justice

While there is not a single theoretical model that specifies the mechanism through which restorative justice is meant to work, the practice has strong theoretical connections with a number of theories from a range of disciplines (see Braithwaite 2002). The two highlighted here, Braithwaite's reintegrative shaming theory (1989) and Tyler's procedural justice theory (see Tyler and Blader 2000), are important to the analysis of bullying and restorative justice in schools that follows.

Procedural Justice Theory
Tyler's work on procedural justice is important because he shows that individuals care about justice because of concerns over social status, in that justice communicates a message about social status. Building on his theory of procedural justice, he shows that high levels of cooperative relations within institutions are found when individuals feel a high level of pride in being a member of that institution, and a high level of respect within the institution (Tyler and Blader 2000). Thus, status is important to understanding the dynamics and outcomes of social engagement, specifically connection with a social institution and respect within the institution. This is corroborated by the finding of the National Research Council's review of the school rampage shootings of the 1990s (Moore, Petrie, Braga, and McLaughlin 2002). They conclude that concerns over social status are central to understanding, and preventing, deadly school violence:

> One message that come through loud and clear in the [deadly school rampage] cases is that adolescents are intensely concerned about their social standing in their school and among their peers. For some, their concern is so great that threats to their status are treated as threats to their very lives and their status as something to be defended at all costs (Moore et al. 2002: 336).

These costs, tragically, often include the shooters own life, as well as the lives of students, teachers, and parents. The National Research Council recommends that:

> It is important for siblings, parents, teachers, guidance counsellors, youth workers, and employers to be vigilant in noticing when these threats to an adolescent's status occur and to be active in helping them deal with their status anxieties. … Young people need some places where they feel valued and powerful and needed – this is part of the journey from childhood to adulthood. If they cannot find paths that make them feel this way, or they find the paths blocked by major threats, they will either retreat or, in the case of lethal shooting and rampages, strike back against those who seem not to value them, or are threatening them, or are blocking their way. Holding spaces and pathways

open for them may be an important way of preventing violence (Moore et al. 2002: 336).

Restorative justice is about creating spaces where the pathway that defines a young person's life can be reopened through addressing the power and status imbalances that affects young people's lives, particularly in the aftermath of harmful behaviours, such as bullying and other acts of violence. This resonates with Howard Zehr's (2000) analysis of restorative justice as a journey to belonging, which:

> … implies that alienation as well as its opposite – belonging – are central issues for both those who offend and those who are offended against. The journey metaphor also suggests that the goal – belonging – requires a search or a process and that belonging is not simply binary – you do or you don't – but rather might fall on a continuum. Paradoxically, perhaps, the journey to belonging often involves a journey to identity – the two are deeply intertwined, like a double helix (Zehr 2000: 1).

Alienation, and the associated depression, were two of the key findings of the United States' Secret Services analysis of the school rampage shooting (Vossekuil, Fein, Reddy, Borum and Modzeleski 2002; see also Newman 2004). The Secret Service interviewed 10 of the boys responsible for the shootings, looking for trends along a number of standard social predictors, such as family life, school achievement and number of friends; none were conclusive, shattering the myth that these boys were poor achieving loners from dysfunctional families. However, beside the fact they were all boys, one factor, in particular, characterized more boys, than not: three quarters of the shooters 'felt bullied, persecuted or injured by others prior to the attack' (Vossekuil, Fein, Reddy, Borum and Modzeleski 2002:30). More recently, Newman's (2004) analysis also bears this out. She finds that while all the shooters where not bullied; in all but one of the cases she reviewed, there was evidence of social marginality. In other words, the two basic needs of respect and connectedness, within the school community, were not fulfilled; the boys' social status had faltered to breaking point. Their aim was to recover lost status, and gain respect, through the only means they thought possible – the barrel of a gun.

Newman (2004: 229) proposes five necessary but not sufficient conditions for school rampage shootings, the first being:

> … the shooter's perception of himself as extremely marginal in the social worlds that matter to him. Among adolescents, whose identities are closely tied to peer relations and position in the pecking order, bullying and other forms of social exclusion are recipes for marginalization and isolation, which in turn breed extreme levels of desperation and frustration.

The other necessary conditions specified are: psychosocial problems that magnify the perception of marginality; cultural scripts that legitimize the means of resolving the feelings of desperation and frustration; the failure of surveillance systems to identify these students; and the availability of guns. These rampage school shootings are particularly poignant because they characterize deadly assaults on an institution – the school; that is, while the shooters typically chose some specific target for symbolic reasons, the attack was on the institution that failed to dignify their worth as human beings. Thus, while not always the case, marginality, characterized by the lack of respect and belonging, can have devastating institutional and personal consequences for all members of the school community.

Reintegrative Shaming Theory

Reintegrating shaming theory (Braithwaite 1989; Ahmed et al. 2001) argues that shame over wrongdoing is related to an individual's sense of belonging within the relevant institutional group, such a family or school. Shame can become a barrier to the maintenance of healthy social relationships. Shame that is not discharged in healthy ways can lead one to attack self, attack others, avoid or withdraw (Nathanson 1997). Restorative justice conferencing is used to break the cycle of shame and alienation, through a process of reintegrative shaming from respected others:

> … the discussion of consequences of the crime for victims (or consequences for the offender's family) structures shame into the conference; the support of those who enjoy the strongest relationship of love or respect with the offender structures reintegration into the ritual. It is not the shame of police or judges or newspapers that is most able to get through to us; it is shame in the eyes of those we respect and trust. (Braithwaite 2002: 74)

Ahmed (see Ahmed et al. 2001) has developed Braithwaite's (1989) ideas about shame and reintegration in the context of school bullying. In her survey research of elementary school students in Australia, she looked at common predictors of school bullying within three broad categories: family (e.g. family disharmony), school (e.g. school hassles) and individual (e.g. impulsivity and empathy). While many of these factors proved to be a significant predictors of bullying, the shame management factor was an equally strong predictor (and stronger against a number of factors). Shame management also mediated many of the other factors within these three broad categories.

Ahmed (see Ahmed et al. 2001) differentiates between two types of shame management: shame displacement and shame acknowledgement. In reference to school bullying, shame acknowledgment is negatively correlated, and shame displacement in positively correlated. Shame acknowledgement is associated with taking responsibility for behaviour, and making appropriate amends; shame displacement is associated with retaliatory anger, externalizing blame and displaced anger. In a further analysis, social discipline styles (punitive or reintegrative) by parents, and schools, were associated with the

development of bullying and victimization in school; thus, there is converging evidence that there is a relationship between institutional disciplinary style and the development of shame management strategies. Interestingly, across the institution of family and school, the analysis showed that parenting disciplinary style carried more weight in classifying bullies; while, school variables, such as perceived control of bullying, carried more weight in classifying victims (Ahmed and Braithwaite 2004).

Social discipline, shaming and shame management

The social discipline window (Wachtel and McCold 2001) is a useful model in differentiating restorative justice from other forms of social discipline, or regulation (see Figure 1). It also provides a framework for understanding reintegration, shaming and shame management. The punitive approach, high on accountability but low on support, characterizes stigmatizing shaming; the permissive approach, high on support but low on accountability, aims to reintegrate with no shaming; the neglectful approach, low on accountability and support, offers no reintegration and no shaming; while the restorative approach, high on both accountability and support, is the basis of reintegrative shaming.

High	**PUNITIVE**	**RESTORATIVE**
	authoritarian stigmatising	collaborative reintegrative
CONTROL *(limit-setting, accountability)*	**NEGLECTFUL**	**PERMISSIVE**
	indifferent passive	therapeutic protective

<div align="center">SUPPORT</div>
<div align="center">Low   (encouragement, nurture)   High</div>

Figure 1: Social Discipline Window (Wachtel and McCold, 2001)

Interestingly, Ahmed's (see Ahmed et al. 2001) analysis of shame management strategies over wrongdoing can be mapped onto the social discipline window in terms of the four categories of bullying status: non-bully/non-victim; victim; bully; bully/victim. In terms of accountability, non-bully/non-victims were willing to take responsibility for their behaviour and wanted to make the situation better; in terms of support, they feel others would not reject them following their transgression. Victims, like non-bullies/non-victims, took responsibility and wanted to make amends, but felt others would reject them following wrongdoing, signalling a lack on supportive relationships. For bullies, the inverse pattern was found: they did not take responsibility for their behaviour; nor want to make amends; feeling no one would reject following the wrongful deed. Bully/victims captured the worst of this typology: they didn't feel they need to take on responsibility and make amends, but also felt others would reject them following the transgression.

One way to interpret this typology is to argue that victims need more support and bullies need to be more responsible, and accountable, for their behaviour. Indeed, this has been a typical approach to the problem of bullying and wrongdoing: wrongdoers get punished and victims get counselling and assertiveness training. However, this analysis is too simplistic, for we know from the theory and practice of restorative justice that support and accountability must always go hand in hand. Victims and bullies alike require appropriate accountability and support mechanisms. There is evidence that bullies become more accountable when offered the right support mechanisms, and victims, when supported but not held accountable for their behaviour, can fall into distressing cycles of helplessness. Bullies and victims, face to face, with their respective communities of care, increases support and accountability for all involved. The practice of restorative justice builds and supports a normative culture of support and accountability.

	Feel accepted/supported (not rejected)	
High	**VICTIM** *persistent*	**NON-BULLY/ NON-VICTIM** *discharged*
Behavioural responsibility/ accountability	**BULLY/ VICTIM** *denied by-passed*	**BULLY** *by-passed*
Low	**Low**	**High**

Figure 2: Bullying status and shame management

This analysis of shame management is corroborated by the clinical literature on shame (see Figure 2), drawing on the work of Lewis (1971) and others (see Ahmed et al. 2001). This literature suggests that: victims are caught up in ongoing cycles of persistent shame; bullies bypass shame; bully-victims are caught up in cycles of denied bypass shame; non-bullies/non-victims are able to discharge their shame over wrongdoing. Thus, understanding shame management patterns does seem important to understanding bullying and victimization; further, the relationship between shame management and shaming seems an important regulatory agenda to pursue (see also Ahmed et al. 2001).

Shame-management and identity-management
More recently, Morrison (in press-b) integrated Tyler's work on pride and respect, as measures of social identification, with Ahmed's work on shame management, in the context of school bullying. Scheff's (1994) work on shame and pride, following Durkheim's analysis of individuals and groups in society, also supported the analysis, in that he argues that pride builds social bonds while shame threatens to sever them. Based on this integrated analysis a number of hypotheses were tested, with empirical support largely established. In terms of the four bullying status groups, Ahmed's analysis of shame-management was replicated, with the measures of pride, respect and identification complementing this analysis. It was found that: non-bullies/non-victims rated highest on both feelings of pride and respect within his school community and identified strongest with the school community; victims rated lower than bullies on the level of respect within the community; while both rated lower on levels of pride. Bully-victims, capturing the worst of both cycles; rated lowest on both pride and respect and identified least with the school community. This research establishes an empirical association between shame management and identity management, both being indicators of school connectedness. While understanding the specifics of the causal mechanism requires further research, the current evidence supports the suggestion that:

> … once we have reached the point where a major act of bullying has occurred or a serious crime has been processed by the justice system shame management is more important than pride management to building a safer community. …Our conclusion is that the key issue with shame management is helping wrongdoers acknowledge and discharge shame rather than displace shame into anger. … Part of the idea of restorative undominated dialogue is that the defendant will jump from an emotionally destructive state of unresolved shame to a sense of moral clarity that what she had done is either right or wrong (Braithwaite 2001: 17).

This analysis suggests that it is important for communities to create institutional space where harmful behaviour can be addressed through processes that enable shame to be discharged, before anger and other harmful emotions arise, with early intervention being the optimal point of intervention. This conclusion also resonates with Gilligan's (2001: 29) conclusion 'that the basic psychological motive, or cause of violent behaviour is the wish to ward off or eliminate the feeling of shame and humiliation'. In other words, pride management not buttressed with shame management offers false hope for building the health and safety of school communities.

Responsive regulation and restorative justice

As the name implies, responsive regulation seeks to be responsive to the needs of those it regulates, scaling up or scaling down regulatory interventions, depending on the concerns of the agents involved and the extent to which the harmful behaviour has affected other members of the community (see Ayres and Braithwaite 1992). In other words, responsive regulation advocates a continuum of responses, rather than prescribed and singular responses. This approach can be contrasted with regulatory formalism, where the problem and the response are pre-determined, and mandated through codes of conduct, laws and other rules of engagement. Typically a formalized response involves moral judgment about how evil the action and a legal judgment about the appropriate punishment (Gilligan 2001). In the context of schools, behaviour is often regulated through the rules specified in the student code of conduct. Zero tolerance policies, which mandates suspensions for certain rule violations, however large or small, are an example of regulatory formalism within school communities.

While the aim is to maximize consistency, regulatory formalism often targets those most at risk, through an approach that is high on accountability but low on support (see also Skiba and Noam 2001).

Zero tolerance is, intuitively, a reasonable policy – until you look under the veil. Ideologically it is part of a larger political project of "accountability," in which youth of color, typically, but not only, the poor and working class, are held "accountable" for a nation that has placed them "at risk." Systematically denied equal developmental opportunities, they are pathologized, placed under surveillance, and increasingly criminalized (Fine and Smith 2001: 257).

Braithwaite's (2002) ideas of responsive regulation and restorative justice (2002), conceptualized as a regulatory pyramid of responses, offers an alternative to zero tolerance and other formalized approaches. The pyramid model aims to address the issue of when to step up intervention and when to step down intervention. The idea is to establish a strong normative base of informal restorative practices, but when that level of intervention fails, the recommendation is to step up intervention to a more demanding level. This multi-level approach to behaviour management is consistent with recommendations from a number of different sources: the National Research Council's (Moore et al. 2002) report, *Deadly Lessons: Understanding Lethal School Violence*; Gilligan's (2001) model of violence prevention, based on a health care model; and a growing number of approaches reacting to the rise of zero tolerance policies in the United States (see Skiba and Noam 2001). As Skiba and Noam (2001) conclude:

… our best knowledge suggests that there is no single answer to the complex problems of school violence and school discipline. Rather, our efforts must address a variety of levels and include universal interventions that teach all students alternatives to violence, procedures to identify and reintegrate students who may be at risk for violence, and interventions specifically designed for students already exhibiting disruptive or aggressive behaviour. (p. 4).

They suggest that the most effective strategies: (1) provide instruction on resolving conflict and problems, without resorting to violence; (2) aim to be inclusive not exclusive. This is consistent with responsive regulation based on restorative justice.

Thus, the growing consensus is that school safety should be regulated in line with public health regulation; that is, along three different levels of preventative efforts that form a continuum of responses, based on common principles, at *primary*, *secondary* and *tertiary* levels. By way of analogy to the health care model, the *primary* level of intervention targets all members of the school community through an 'immunization' strategy; such that, the community develops a defence mechanisms, such that conflict does not escalate into violence when differences first arise. All members of the school community are trained and supported in the development of social and emotional competencies, particularly in the area of conflict resolution, such that members of the school community are enabled to resolve differences in respectful and caring ways, that maximize reintegration. Three different universal interventions are outlined below.

The *secondary* and *tertiary* levels target specific individual and groups within the school community, but still draw on and involve other members of the school community. It is through drawing on other key members of the school community that the intensity of the intervention at the *secondary* level increases. Typically, at this level of intervention, the conflict has become more protracted or involves (and affects) a larger number of people, with a facilitator being required. Peer mediation and problem solving circles are examples of this level of intervention. The *tertiary* level involves the participation of an even wider cross section of the school community, including parents, guardians, social workers, and others who have been affected or need to be involved, when serious offences occur within the school. A face-to-face restorative justice conference is a typical example of this level of response.

Taken together, these practices move from proactive to reactive, along a continuum of responses. Movement from one end of the continuum to the other involves widening the circle of care around participants. The emphasis is on early intervention through building a strong base at the primary level, which grounds a normative continuum of responsive regulation across the school community. Across all levels, restorative practices aim to develop inclusive and respectful dialogue that focuses on the health and safety of the whole school community. This is consistent with the conclusion of the National Research Council's (Moore et al. 2002: 8) report which states: "Specifically, there is a need to develop a strategy for drawing adults and youth closer together in constructing a normative social climate that is committed to keeping the schools safe from lethal incidents".

This tri-level approach has been described in different ways: the primary, or universal, level targets all members of the school community, with an aim to develop a strong normative climate of respect, a sense of belongingness within the school community, and procedural fairness; the secondary, or targeted, level targets a certain percentage of the school community who are becoming at risk for the development of chronic behaviour problems; the tertiary, or intensive, level targets students who have already developed chronic and intense behaviour problems. Within this conceptual model, the students who receive intensive intervention, typically also receive target intervention, and all students, including those at the targeted and intensive levels, receive the primary intervention.

It also needs to be made clear that while the recommendation is to model violence prevention on a health care model, the model proposed is much more dynamic. Instead of a one shot inoculation at the primary level, the intervention must be reaffirmed in the everyday practice of life at school. At the secondary and tertiary level, while particular students or groups of students are targeted, the inclusive practice of restorative justice necessarily involves students not at risk. Targeted strategies are about re-connecting students at risk with the school community; thus, they necessarily involve students not at risk. The behaviour of some students may keep them at this targeted level for an ongoing period of time, others may drift to this level only a few times, and others not at all. At the tertiary level, these students will have experienced all levels of intervention; however, relationship patterns have faltered to the extent that relationships need to be repaired or rebuilt. In summary, the focus of primary interventions is re-affirming relationships, the focus of secondary interventions is re-connecting relationships, and the focus of tertiary interventions is repairing and rebuilding relationships.

Continuums of response based on restorative justice

The literature on the practice of restorative justice in schools, outlines a number of different continuums of response; no doubt, in practice there are many more. One of the first to be documented was Wachtel and McCold's (2001) continuum of restorative practices that moves from the informal to the formal, with movement along the continuum involving: '… more people, more planning, more time, are more complex in dealing with the offence, more structured, and due to all those factors, may have more impact on the offender (Wachtel and McCold 2001:125). Specifically, the continuum of practices (from informal to formal) suggested are: affective statements; affective questions; small impromptu conferences; large group circles and formal conferences.

Hopkins (2004) sees her whole school approach to restorative justice as a framework that pieces together the jigsaw of life at school and describes a continuum of restorative processes of increasing complexity, in that increasing numbers of people are involve in the process. Specifically, she suggests the following range of responses: restorative enquiry; restorative discussion in challenging situations; mediation; victim/offender mediation; community conferences and problem solving circles; restorative conferences; family group conferences.

Thorsborne and Vinegrad (2004) use a multi-level conferencing approach, dividing conferencing processes into two groups: (1) proactive processes which enhance teaching and learning; (2) reactive processes for responding to wrongdoing. Proactive processes are managed through classroom conferences that address a range of issues important to school life. Reactive processes include: individual conferences; small group conferences; whole class conferences; and large group conferences.

Blood (2004) uses a regulatory pyramid approach, describing universal interventions that address the whole school and involve developing social and emotional capacity through: (1) accountability; (2) responsibility for self and others; (3) working together; (4) personal potency. These are put into practice within the school and classroom through policies, curriculum and social skills programs. Secondary interventions manage difficulties and disruptions in the school and classroom through corridor conferencing, mediation, problem solving circles. Tertiary interventions aim to restore relationships through the use of restorative conferencing.

These examples highlight the range of responses schools use in establishing a continuum of responsive regulation based on restorative justice. No one continuum has been shown to be more effective than the other; indeed, school communities mix and match these models developing a continuum of response that fits their needs and concerns. Needless to say, there is a strong need for research and development to establish and test different models, and levels, of responsive regulation through a whole school approach. As a start, a few individual programs, that have been evaluated, are outlined below. These are highlighted not because they are definitive programs that define intervention at the primary, secondary or tertiary level, but because they have been tested against principles or theories of restorative justice.

Primary or universal interventions

A number of different programs have been used as primary or universal intervention programs. The three highlighted below emphasize resolving conflict: creatively (Resolving Conflict Creatively Program; Lantieri and Patti, 1996); peacefully (Help Increase the Peace Project; Anderson, 1999) and productively (Responsible Citizenship Program; Morrison, 2002, in press-a). Each aims to create a diverse culture of social relationships, which affirms and regulates healthy and responsible behaviour.

Resolving Conflict Creatively Program (RCCP)
This comprehensive K-12 program supports school communities in the development of social and emotional skills necessary to resolve conflict, decrease violence and prejudice and building strong relationships and healthy lives. The program aims to develop the skills of active listening, empathy and perspective taking, cooperation, negotiation and the appreciation of diversity. Workshops are targeted to all members of the school community: students, teachers, administrators, support staff, and parents. For students, the program offers 51 different developmentally appropriate lesson plans, which are introduced over the course of 4 years, with schools moving through the following stages of implementation: beginning; consolidation; saturation; full model.

A large evaluation (5, 000 student, 300 teachers, 15 public elementary schools) of this program was carried out in New York City over a two-year period (Aber, Brown and Henrich 1999). The social and emotional skills developed reduced crime, antisocial behaviour and conduct problems, regardless of gender, grade, or risk-status; although, there were fewer positive effects for boys, younger students, and students in high-risk classrooms and neighbourhoods. Students who received a higher number of lessons (on average 25 over the course of a school year) benefited the most. Interestingly, the students who received only a few workshops, compared to those who received none at all, had poorer overall outcomes, signalling the importance of consistency. The workshops are often complemented by peer mediation training for a select group of students to enable them to mediate conflict amongst their peers. Interestingly, the research showed that when there was more emphasis on developing a normative climate, through the introduction of more workshops, with only a few peer mediators, those classrooms experienced significantly less hostility, compared to classrooms that had more peer mediators and less workshops. This highlights the importance of building a strong base at the primary, or universal, level of intervention. Further, in addition to curbing anti-social, and building pro-social, behaviour patterns, students who received substantial RCCP instruction also preformed better on standardized academic achievement tests.

Help Increase the Peace Project (HIPP)
The Help Increase the Peace Project was developed in the United States in 1990s and grew from a concern for the increasing violence in society, particularly in schools. There was a conviction that a school based non-violent conflict resolution program could be an effective point of target. HIPP is based on two assumptions: 'first, that conflict, while natural to all human interaction, does not have to be destructive, but can instead instigate positive change and growth. The second assumption is that societal injustice lies at the root of a great deal of violent conflict' (Anderson 1999: 11). The aim is to develop a community of care and trust, such that participants feel significant and recognized, with the students' interests becoming the basis for the learning. The process eventually includes role plays to ground the skills they have developed. The program now has roots in many different countries such as Canada, New Zealand and Australia, where it has been used to complement other restorative practices in schools (see Blood, 1999).

In practice, HIPP brings together a cross-section of the school community or classroom and takes participants through a series of workshops that aim to build skills for responding to conflict without violence, analysing the impact of societal injustice on themselves and others, and working on taking action for positive, nonviolent personal and social change. The program is more about process than content; in that, it is the process of involving the students in the program that is the cornerstone of its effectiveness. Further, learning occurs at a process level through active modelling by facilitators, and other group members. As the program develops the facilitators find that the groups become self-regulating; in that, the students take on the responsibility of regulating their peers. As such, regulatory 'rules' aren't handed down from a higher authority (such as a teacher or principal) but become everyday practice for all members of the school community; in other words, the aim is to shift from a paradigm of power and control, to a paradigm of mutual respect and understanding.

A pre-post evaluation of HIPP (Woehrle 2000) was conducted in the United States in the 1998/1999 school year. The results showed that students who completed HIPP workshops were significantly more likely to utilize constructive responses to conflict and to exhibit problem-solving behaviour rather than responding with destructive or conflict-escalating behaviour. Students who participated in a HIPP focus group suggested the program: (1) broke down student cliques; (2) 'humanized' their relationship with their teachers; (3) helped them be more proactive in dealing with violence in the school. One inner city high school student, after participating in a HIPP group, said:

> With all the high school shootings, I think if it is not required but everybody goes to it, at least one day of it, and open up to people and they don't feel alienated and they feel like they have friends, people they can talk to then we wouldn't have the violence around here…. I hate to say it but I'm surprised we haven't had a school shooting already, I mean there are so many people around here that feel like they are left out of everything, and you try your hardest to get them involved but you know they've been outcast so long that they'll just kind of push you away… . But I think HIPP would definitely help if everybody goes to it. They can find out they can be friends and don't have to alienate somebody because they're different.

Teachers who participated in a HIPP focus group suggested that the program: (1) teaches important life skills; (2) changes the student-staff relationship; (3) changes the school climate. One teacher commented:

> HIPP has allowed me to get much deeper with students – more than can be done in a regular class! The training always gives me a sense of hope and awe as I see students catch the glimmer and spark of positive power and as barriers between students begin to thaw. Working with students trainees as colleagues has helped me let go of "in-chargeness" and has provided immense growth for the students in their confidence and self-esteem.

Responsible Citizenship Program (RCP)
This program aims to develop a range of related processes that support the maintenance of healthy relationships: community building, conflict resolution, emotional intelligence, and adaptive shame-management. The program is based on a number of principles of restorative justice. One set of principles grounds the community building process; a second set grounds the conflict resolution process. The first set of principles plays on the program acronym (RCP), respect ®), consideration ©), and participation (P); given that; restorative justice is a *participatory* process that addresses wrongdoing, through offering *respect* to the parties involved, by *consideration* of the story each person tells of how they were affected by the harmful incident. While these core principles remain relevant throughout the program, a second set of principles is used to develop students' strategies on how to *resolve conflicts productively* (a further play on RCP). These principles are introduced to the students as the REACT keys: Repair the harm done; Expect the best; Acknowledge feelings/harm done; Care for others; Take responsibility for behaviour.

This program was piloted in an Australian elementary school (age: 10 – 11 years; n = 30; see Morrison 2001, in press). The pre-post evaluation showed that: (1) students' feeling of safety within the school community increased significantly; and (2) students' use of adaptive shame management strategies (ie shame acknowledgement) increased and maladaptive shame management strategies (ie shame displacement and internalized feelings of rejection) decreased. In other words, post-intervention, the students' use of strategies became less characteristic of victims, who typically feel they would be rejected by others following wrongdoing, and less characteristic of offenders, who typically displace their shame and anger onto others. The level of respect, consideration and participation reported by the students also increased. The school principal noted the real-life relevance of the program, as did the classroom teacher who commented that she began noticing the use of particular jargon associated with the program being used in everyday situations. The students felt the program taught them: to understand how other people felt; what to do if we did hurt someone or someone hurt you; to respect other people, consider them, and let them participate proudly. In summary, the most important conclusion to draw from this pilot study, is that programs such as RCP, and no doubt others, are effective in developing students' adaptive shame management strategies, and decreasing students' use of maladaptive strategies. This is an important research and development agenda to pursue.

Secondary or Targeted Interventions

When harmful behaviour escalates causing deeper harm and/or affecting a larger number of the school community interventions must be stepped up and become more intensive. Given this escalation, this level of intervention typically requires a third person to help shift the level and intensity of dialogue between those affected by the harmful behaviour.

Peer Mediation
Mediation has been defined as a "structured method of conflict resolution in which trained individuals (the mediators) assist people in dispute (the parties) by listening to their concerns and helping them negotiate" (Cohen 2003: 111). After the mediator clarifies the structure of the process and allows the parties to explain their thoughts and feelings, participants are encouraged to talk directly, develop options, and reach a consensual settlement that will accommodate their needs. In the context of peer mediation, the neutral person is a fellow student (or students), who has been trained in mediation. Peer mediation programs are now an extremely popular means of resolving conflict in schools, with literally thousands of programs in existence, in many different countries (see Cohen, 2003).

However, while some programs have been found to be effective, systematic reviews of peer mediation programs show non-significant or weak effects (Gottfredson, 1997). As Braithwaite (2002: 60) concludes:

> It appears a whole-school approach is needed that not just tackles individual incidents but also links incidents to a change program for the culture of the school, in particular to how seriously members of the school community take rules about bullying. Put another way, the school not only must resolve the bullying incident; but also must use it as a resource to affirm the disapproval of bullying in the culture of the school.

This analysis complements the evidence cited above in the evaluation of the Resolving Conflict Creatively Program, which showed, compared to universal interventions, an emphasis on peer mediation was less effective in curbing hostility in the classroom. Thus, at the very least, secondary interventions must be complemented with primary interventions. Other school districts, such as the New South Wales Department of Education and Training in Australia, have complemented peer mediation programs with tertiary interventions, such as restorative justice conferencing, through their Dispute Resolution and Alternatives to Suspension Projects.

Problem Solving Circles

Problem solving circles can be developed and run in many different ways. The program developed here aimed to builds students' capacity for collective problem solving through a process that addressed everyday concerns within the classroom and school. This classroom practice built from initial workshops that develop a normative climate of healthy social and emotional skills, but then took the process one step further through introducing the students to the 3 stages of a restorative justice conference (see below) using role play and discussion. Once the students felt confident with the process, they were encouraged to bring problems and concerns within the classroom to the circle. Circles then became a regular feature of the classroom.

This program was evaluated in an Australian elementary school (Morrison and Martinez, 2001). All students in 3 mixed classes (grades of 4, 5 and 6) took part in the study. The intervention was tested in one classroom (n=12), while the other two classrooms acted as control groups. Problems brought to the circle included annoying behaviour, teasing, feeling left out, aggressive behaviour and stealing. The teacher reported a number of benefits to the classroom, including: Gave us a safe place to share problems face to face; modelled effective conflict resolution; encouraged the open expression of emotion; allowed us to move beyond niggling behaviours; contributed to a 'way of being' based on respect, communication and support. She also reported a number of significant breakthroughs: a boy, who would shut down during conflict at the start of the year, was asking for open communication by the end of the year; another boy evolved naturally from the role of aggressor to supporter; another boy, with extreme learning difficulties, found a voice for his strength in providing positive solutions; another boy's modelling of open expression broke the taboo on shedding tears; a girl, a strong learner, convened two of the circles independently; and a boy integrated from the behaviour support unit, willingly contributed and found another tool for managing his relationships.

This program was also evaluated using an adaptation of the Life at School Survey (see Ahmed et al. 2001). Compared to the control group, a number of significant differences were found: students in the intervention class showed higher levels of emotional intelligence, reported greater use of productive conflict resolution techniques, felt that the teacher was more interested in stopping bullying, felt that the teacher held bullies and victims more accountable for behaviour, reported less use of maladaptive shame management strategies and reported less involvement in bullying (Morrison and Martinez, 2001).

Tertiary Interventions

This level of intervention aims to be the most intense and the most demanding. The circle of care around the victim and offender is stepped up to include parents, other care givers and professionals, offering further support, as well as accountability mechanisms. These larger circle processes exist in a variety of forms, each having unique features. These include healing circles, sentencing circles, family group conferences, community conferences, and diversionary conferences. A face to face victim offender conference is reviewed here, as it is the predominant model used in schools, and has been evaluated.

Restorative Justice Conferencing

Restorative justice conferencing is used to address serious incidents of harm in the school community by gathering the people most affected by the harm or wrongdoing together, to talk about: (1) what happened; (2) how the incident has affected them and (3) how to repair the harm done. Besides the 'offender/s' and the 'victim/s', these individuals also invite a community of support, which typically includes parents, brothers, sisters, and grandparents, but can also include aunts, uncles, peers, school personnel, and personnel from community agencies. A conference facilitator talks with each of these people, determining who needs to attend, and readies the participants for the conferencing process. Once the conference is convened, all participants sit in a circle to listen to the consequences of the incident and what needs to be done to right the wrongs and to get the 'offender's' and 'victim's' lives back on track. Empowering participants often means developing the level of responsibility (and accountability) for behaviour of the 'offender/s' and the level of resilience of the 'victim/s', although this dichotomy is crude. The immediate result of the conference, which is typically an emotionally powerful event, is a written agreement about what the offenders will do to repair the harm, signed by the offender and the conference facilitator.

This process has worked under a range of names: community accountability conferences (Education Queensland), school forums (New South Wales Department of Education and Training); community group conferencing (Colorado School Mediation Center); community conferencing (Calgary Community Conferencing), and restorative conferencing (Home Office, England). Many of these programs, across a range of countries, are currently being evaluated or have been evaluated, with results generally replicating those of the initial evaluation of community accountability conferences in Queensland, which remains significant in term of evaluated outcomes and lessons learnt (Cameron and Thorsborne, 2001).

A total of 89 school-based conferences were convened, in response to: serious assaults (43), serious victimization (25), property damage and theft (12), truanting, class disruption, damage to school reputation, and bullying (18), drugs (2) and a bomb threat (1). Overall, outcomes for all participants were positive; they reported that they: had a say in the process (96%); were satisfied with the way the agreement was reached (87%); were treated with respect (95%); felt understood by others (99%); felt agreement terms were fair (91%). Victims reported that they got what they needed out of the conference (89%); and felt safer (94%). Offenders felt cared about during conference (98%); loved by those closest to them (95%); able to make a fresh start (80%); forgiven (70%); closer to those involved (87%). Further, offenders complied with most or all of the

agreement (84%) and did not re-offend within the trial period (83%). School personnel reported they felt the process reinforced school values (100%) and felt they had changed their thinking about managing behaviour from a punitive to a more restorative approach (92%). As for family members who participated, they expressed positive perceptions of the school and comfort in approaching the school on other matters (94%). These results have, to a large degree, been replicated in a number of other studies in Australia, Canada, England and the United States (see Calhoun, 2000; Hudson and Pring, 2000; Ierley and Ivker, 2002; Shaw and Wierenga, 2002). Further, the Minnesota Department of Children, Family and Learning (2002), who support one of the longest standing projects using restorative justice in schools in the United States has shown how the use of restorative practices, across a range of levels, is an effective alternative to the use of suspensions and expulsions.

While these results are encouraging, the evaluation of these trials highlighted tensions between the existing philosophies and practices in controlling behaviour, typically characterized by punitive measures emphasizing accountability, and restorative interventions, such as conferencing. This was particularly problematic when restorative conferencing was implemented as a 'one-off' intervention for serious incidents, in isolation of other support mechanisms. For example, there were many incidents that were eligible for a conference but were not put forward, with a variety of reasons given (Cameron and Thorsborne, 2001). Typically, the students most at risk are the ones that don't get it but most need it. These early trials highlighted two points: (1) for conferencing to be effective at a secondary and tertiary level, it needs to be complemented through proactive measures; and (2) all practices need to be framed within a wider framework, substantiated through integrated policy. In other words, restorative justice practices, to be effective, must contribute to all aspects of the school discipline system. The proposed regulatory pyramid of responsive regulation, based on restorative justice, offers a way forward; yet, shifting the predominant paradigm of social control offers significant challenges. At the same time, there is reason for hope, as education systems in a number of countries are now beginning to heed the lesson of restorative justice and responsive regulation.

The Department of Education and Skills, in England, has this year announced their Safer School Partnership strategy that recognizes that schools are at the heart of many communities, and advocates restorative justice as a means of building community relations and offers an alternative to school exclusions. They, together with the Home Office and Youth Justice Boards, are offering funding for training and evaluation of restorative justice initiatives. Likewise, the Department of Education, Science and Training, in Australia, has launched, with initial funding, their National Safe School Framework which incorporates many elements of restorative practices. The hope is that this support and funding will be sustained, for it is essential to the development of life skills and opportunities of our next generation of citizens.

Sustaining safe school communities

While a continuum of responsive and restorative practices is essential to regulating safe school communities, alone they are insufficient to sustaining the practice long term (see Morrison, in press). Managing a safe school climate also requires: (1) ongoing support, to enable school communities to learn and develop these skills and practices, and (2) ongoing monitoring, which is responsive to the ebb and flow of social life, and behaviour, within the school community. Thus, a whole school approach requires at least three mechanisms of support to be sustainable long term: practices to support behaviour; systems to support practices; data to support decision making. Building on the continuum of practices outlined above, systems need to be developed that support the practices at all three levels of intervention, and data needs to be collected to support decision making at all three levels as well. And with these three levels of support comes accountability, for with all areas of restorative and responsive regulation support and accountability work together, each driving the other, hand in hand.

Conclusion

Restorative justice and responsive regulation promotes resilience and responsibility in the school community through the responsive regulation of relationships, through shame-management and identity-management. While shame is a complex emotion, the failure to discharge shame can result in fractured social bonds and social marginalization. This can feed a cycle of harmful behaviour, not only to others, but to the self as well, as seen in the school rampage shooting that often ended in suicide. Shame and alienation cycles disempower. Restorative justice and responsive regulation aim to empower, through breaking cycles of shame and alienation. The repair of social relationships, through the discharging of shame, must be validated, developed, and legitimated through a continuum of practices that addresses harmful behaviour. All members of the school community need to develop the skills to respond effectively when differences first arises; but when this initial intervention fails, resources need to be in place to follow up with more intensive interventions. It is in this sense that restorative justice empowers the school community to be more responsive, and more restorative. It is about re-affirming, re-connecting, and re-building the social and emotional fabric of relationships within the school community. This is the social capital that underlays a civil society – a richly textured fabric that we must continually weave, attend to and mend in our school communities.

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Empathy Development in Youth Through Restorative Practices

Kay Pranis

We live in fear of our children. Any society that fears its children will not long thrive. We have allowed enormous distance to develop between ourselves and the children of others. We have not come to know them sufficiently and we have not invested emotionally, materially and spiritually in their well being. We have not taught them by example to understand the interconnectedness of all things and the need to always understand the impact of our actions on others.

Violent juvenile crime - the image of monsters parading as children has been used to justify countless escalations in harsh measures after each new horror - only when it was a six year old who pulled the trigger did we stop our punitive response long enough to look at ourselves and ask, "How could this be?"

We have raised an entire generation without the prerequisites for developing empathy and then are outraged when they seem not to care about the impact of their behavior on others. We did not consciously decide to raise them without empathy, but that is the result of significant changes in our social behavior.

The development of empathy requires:

1. regular feedback about how our actions are affecting others, respectfully communicated

2. relationships in which we are valued and our worth is validated

3. experience of sympathy from others when we are in pain

Too many children are growing up with none of those characteristics in their lives and very few children experience all three on a consistent basis. We have assumed that it is a parental responsibility to provide those elements of upbringing but, in fact, all of those characteristics are the responsibility of community members as well. Without community participation in meeting those needs there is no sense of community, of reciprocal responsibility to others.

View through the youth lens
"How many of you experienced having adults other than your parents tell you what to do or how to behave in your neighborhoods when you were children?" Big grins spread across faces and everyone nods, remembering the times they were held accountable, disciplined or brought into line by someone other than family. "My parents didn't have to do anything - by the time I got home I had been thoroughly chastised." or "By the time I got home my parents already knew all about the incident." For people over 25 years of age the response is consistent - they remember non-family members involved in holding them to community standards and those memories typically prompt smiles.

"How many of you do that in your neighborhoods today?" The smiles fade and a few heads nod, but most of the audience soberly acknowledge that they and their neighbors do not function that way today. There is widespread agreement that adults in the community are not participating in the rearing of other people's children in the ways they have in the past.

This change in adult behavior has two very important implications for our communities. First, this may well be the first time since humans first formed communities that parents alone were expected to socialize their children to community norms without the reinforcement of every adult in the community, twenty four hours a day, wherever the child went. Parents can't do that alone. It is an impossible job. The overwhelming nature of such an assignment contributes to the enormous stress experienced by families.

Secondly, the world experienced by kids has these characteristics: 1) " The expectations of my parents are not community norms, because other adults see me do these things and don't say anything," and 2) "The only people besides immediate family who bother with my life are people who are paid - police, teachers, youth workers, probation officers." Setting limits on behavior generally sends a message of caring as well as accountability. When adults remember those experiences of being disciplined by others, they usually also remember some sense of belonging, of being looked after by those adults. They didn't necessarily like the consequences, but recognize that it also represented some kind of commitment to their well being.

The implicit message to kids today, that the only ones who will bother with their lives are immediate family and people who are paid, is an extremely corrosive message and creates a very different world view. This is a world which does not encourage empathy or a sense of common good larger than individual interest.

Minnesota's former Lt. Governor, Joanne Benson, tells a story that reflects this world view. Lt. Governor Benson and her family were walking through a glass enclosure in Minneapolis leaving a basketball game to return to a parking ramp. They passed a group of young adolescents engaged in horseplay. Because of the large amounts of glass and the need for other people to pass through, Benson stopped and asked the youth to stop their activity. She continued on her way. Her son, however, noted that they had continued fooling around. He turned and said, "Boys, didn't you hear what she said?" The Lt. Governor looked at her watch and added, "Now, we don't want you to get hurt, and by the way, isn't it time for you to go home?" As the Benson family turned to leave, one of the boys tugged the sleeve of the Lt. Governor and asked, "Do you work here?"

At a conference with inner city youth in Washington, D.C., participants clearly stated their perception that certain behaviors were not bad because no one ever said anything to them about the behavior. Young people understand silence to be assent, but also assume that silence is indifference to both their behavior and themselves.

A youth worker shares the story of a young runaway: "A 14-year old girl, who was experiencing some abuse in her home with her parents, had run away and called our program. I picked her up from a friend's home and gave her a ride to the

foster parents' home. These foster parents are volunteers who are willing to give up to two weeks of foster care for a youth experiencing problems at home. The young girl was acting and talking like a typical teenager in crisis – somewhat critical due to her fear. Then I talked to her about being respectful of the foster parents, 'because they are volunteers and don't get paid; you need to treat their home with respect.' The car became quiet and I glanced over at her. Tears were streaming down her face. When I asked her what was wrong she said, 'I thought they were getting paid to take me in. Why would they want to help me? For nothing.'"

From their life experience youth expect that the only people who will speak to them about their behavior in public or help them are people who are paid. Young people feel invisible or undesirable. Adults don't acknowledge their existence, don't criticize or praise them, don't seem to care who they are. It is difficult to develop a sense of responsibility about the impact of your behavior on others if you get no feedback. It is difficult to care about the welfare of others if you do not perceive that anyone cares about yours. Adults need to live those values in order for young people to learn them.

Adult fear undermines empathy development
The cycle of fear and social distance is self reinforcing once it is started. Fear of young people causes adults to avoid young people. That avoidance decreases their contact and allows the fear to grow, since the fear has no reality check through actual human contact. Young people are very sensitive to acceptance or lack of it and will often reject first if they feel rejection coming. It requires adult maturity to be able to reach past the surface of insolence or indifference often donned by adolescents to cloak their insecurities or fear of being vulnerable. Adult fear of teen-agers draws adults into behaviors that reinforce the natural insecurities and sense of isolation of adolescents, undermining their capacity for empathy.

It is fundamentally destructive to the human spirit to be feared because humans need connection, acceptance and love. Instilling fear is sometimes exhilarating but it is mostly soul-destroying.

Reducing fear through restorative practices
Restorative justice provides a framework for us to re-establish a more appropriate relationship between community members and young people and to reduce the fear adults have of young people.

The processes of restorative justice, particularly face to face processes, involve the telling of personal stories in an intimate setting. Stereotypes and broad generalizations about groups of people are difficult to sustain in the face of direct contact with an individual in a respectful setting. Restorative processes assume value in every human being and thus present individuals to one another in a respectful way which draws out human dignity in everyone.
Adult perceptions of indifferent and insolent young people and adolescent perceptions of indifferent and aloof adults dissipate in the course of an honest exchange of feelings and hopes. Restorative processes allow everyone to have voice in telling their story and making decisions.

Victim - offender dialog, family group conferencing,

community panels and peacemaking circles all involve face to face opportunities for sharing personal narratives which humanize all participants. These processes not only resolve the particular incident, they also reframe the relationships of all parties because of a shared commitment to good outcomes and mutual responsibility. These restorative processes break down social distance of participants - victims, offenders, their families, community members and criminal justice system professionals. Personal narratives are a powerful way to recast the "other" as one of "us" and, in so doing, see our fates intertwined.

Storytelling is fundamental for healthy social relationships. To feel connected and respected we need to tell our own stories and have others listen. For others to feel respected and connected to us, they need to tell their stories and have us listen.

Hearing someone else's story reduces social distance and stereotypes about the other. Personal stories capture the complexity of the individual beyond the one dimensional impressions which might be created by knowing of one single aspect of a person's life. If we truly hear the story of another, it is difficult to maintain distance from that person and fear of them.

Encouraging empathy development through restorative practices
Face to face restorative processes are designed to encourage empathy. Victim-offender dialog, group conferencing, community panel and peacemaking circle processes:

1. Provide feedback about the impact of the offender's actions on others.

A primary goal of those processes is to increase offender understanding of the impact of the behavior on all those who were affected - the victim, victim supporters, the offender's own family and friends and other community members.

Restorative processes involve clear, detailed descriptions of the impact of the crime on all who are present. The harm of the behavior is communicated directly, but respectfully, to the juvenile offender. Concern is expressed by participants for the pain experienced by the victim and for the pain of the offender's family because of the offender's behavior. The group models appropriate empathy for those hurt and encourages the same in the offender.

2. Reinforce a sense of value and intrinsic worth of the offender.

Restorative processes combine support and accountability. Empathy is unlikely to develop even when you become aware of the impact of your behavior if you never experience caring. Restorative processes should also communicate caring about the offender and a belief in the intrinsic worth of the offender. Restorative processes include supporters of the offender, encourage positive relationships with other community members, and treat the offender with respect and dignity. These processes value the story of the offender. Having others listen to your story is a function of power in our culture. The more power you have, the more people will listen respectfully to your story. Consequently, listening to someone's story is a way of empowering them, of validating

their worth as a human being.

3. Acknowledge pain in the offender's life without excusing the behavior.

By allowing the offender to tell his own story restorative processes create space for understanding of the offender's struggles as well. Help offered to address these problems communicates concern for the pain in the offender's life.

These face to face processes create spaces in which harm can be clearly identified and acknowledged without diminishing the offender's value or integrity of self. Those spaces allow offenders to feel empathy because their energy is not all tied up protecting the self.

Even when face to face processes are not feasible, young offenders can be involved in restorative community service which encourages empathy development. Restorative community service involves the offender in work which is valued by the community. To be most effective restorative community service engages the offender in working side by side with other community members for the benefit of the community and provides positive feedback to the offender about the value of the work to the community. Community service that, in the words of Dennis Maloney, "eases the suffering of others" promotes an awareness of pain experienced by others and provides a concrete opportunity to do something positive about that pain. Participation in improving the lives of others promotes a positive self image and a sense of personal value if that contribution is validated by others. Restorative community service offers the possibility for an offender to get back into the cycle of empathetic reciprocity that is a fundamental aspect of healthy community. In that cycle of reciprocity the offender can expect support and caring about his/her own needs and difficulties.

Community responsibility in a restorative framework
Restorative justice calls for a collaborative response to harmful behavior between the community and the government.
The community is responsible for:

1. supporting those harmed

2. communicating the impact of the behavior on the community

3. providing opportunities for those who cause harm to repair the harm to the victim and the community

4. establishing and communicating behavioral expectations for every community member in a respectful way

5. addressing underlying causes of harmful behavior.

These community responsibilities are a foundation for empathy development for all community members. Supporting those harmed requires sharing the pain – a key element of empathy. Communicating how the behavior hurts others provides a basis for those who caused harm to understand why they should be sorry for the behavior.

Providing opportunities to repair the harm creates a way for

feelings of regret to become concrete actions which display empathy and therefore strengthen its meaning. Establishing and communicating expectations in a respectful way requires the community to engage in extensive dialog about the perspectives, needs and experiences of all community members – which contributes to an empathetic environment. Addressing the underlying causes of harmful behavior brings community attention to associated pains that may be contributing factors in the lives of the offender and calls for empathy for those harms.

Every community member bears responsibility for carrying out these community functions. Every community member is accountable for the aggregate behavior of our youth. Every community member has opportunities to take small actions that can reverse the cycle of fear of youth and the resulting isolation and disconnection that youth experience. Youth are responding to the world they have experienced – they did not initiate that world. Our children are a mirror – a reflection of us.

Restorative justice interventions with youth provide an opportunity to begin changing the relationship between youth and adults in the community, to teach them that caring and accountability go hand in hand and to demonstrate that personal power can be used in constructive ways. Restorative justice is fundamentally about striving for healthy, loving relationships. Healthy, loving relationships do not excuse harmful behavior, but attempt to use those experiences as learning opportunities for all those involved. Restorative justice provides a pathway for transforming fear into love.

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Restorative Justice and School Discipline: Mutually Exclusive?

A practitioner's view of the impact of Community Conferencing in Queensland schools

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Abstract

In April 1994, the first school-based Community Conference in Queensland was conducted at Maroochydore State High School in an attempt to repair the harm of a serious assault after a school dance. The demand for conference facilitator training which emerged as word spread in the education community, clearly indicated that this process answered some urgent need within schools for an entirely different approach for dealing with such harmful incidents.

This paper will outline briefly the results of two separate studies conducted by Education Queensland involving the introduction of Community Conferencing into schools to deal with incidents of serious harm, as an additional tool in a broad spectrum of strategies which also included suspension and exclusion.

Experiences during the two years in which these studies were conducted have highlighted a range of implementation issues which have exposed tensions between existing philosophies and practices in managing behaviour and restorative interventions such as conferencing. The incorporation of the restorative justice approach via conferencing while in itself a very useful addition, had limited potential because of these tensions.

The theory, philosophy and practice of conferencing has demonstrated to practitioners the value of and necessity for a restorative philosophy in all aspects of school discipline by a) providing opportunities for insight and learning when behaviour is deemed unacceptable, b)providing opportunities for dialogue and reflection when behaviour threatens the social cohesion of the school community and c)identifying issues of harm to relationships and how to "make things right" through strengthening relationships. Education theory clearly articulates the importance of healthy relationships between all members of the school community to discipline and pedagogy. Restorative justice has much to offer in this respect.

This paper will argue that the language and discourse around discipline needs to change and begin to embrace a behavioural framework in which wholesome behaviours are actively promoted and that compliance is an outcome of understanding and sense of community, and is not an end in itself.

Finally, this paper will explore ways in which a restorative philosophy can be implemented, and perhaps more importantly, sustained in our schools, by shifting mindsets of those delivering our educational services both at policy level and in practice, away from punishment to an approach which is clearly focused on building and sustaining positive relationships in our school communities.

Introduction

The introduction of Community Conferencing in to Queensland schools in 1994 was the first significant variation in Australia of the police-based justice conferencing program in NSW, which had been adapted from the New Zealand model of Family Group Conferencing. The early history of conferencing in Australia is well documented (Moore, 1995). This paper will outline the progress of Community Conferencing in Queensland schools since that time, from the early and enthusiastic reception of the process to the widespread implementation which has continued since. Two year-long studies of school-based conferencing have been conducted by the Queensland education department (now known as Education Queensland). Despite extremely positive outcomes, the experiences during these two years have highlighted a number of tensions which have resulted in difficulties in implementing and sustaining this major reform to the way schools deal with incidents of serious misconduct.

The paper will explore briefly the results of both studies, and the successes and frustrations which have been experienced during implementation. The potential that a restorative process such as conferencing and its philosophy represents to the way behaviour is managed in Queensland schools will be examined. The tensions experienced along the way will be explained by an examination of current policy and practice in behaviour management, exposing fundamental differences in philosophy between an essentially punitive paradigm and this restorative, indeed transformative approach.

The paper will make a case that restorative practices in schools are likely to improve school effectiveness in areas of minimising disruption and improving student outcomes, especially if these practices are adopted to deal with all matters, and the lessons learned can be used proactively to build more positive relationships between all members of the school community. Finally, we will outline, based on the conclusions we have drawn from these experiences, some guidelines for implementation which will increase the likelihood that restorative practices and philosophy will be sustained in our schools.

History of Community Conferencing in Queensland schools

While the first community conference had been used to deal with the aftermath of a serious assault after a school dance at Maroochydore State High School in April 1994, the search for a non-punitive intervention for serious misconduct had been underway for some time (Hyndman and Thorsborne1993, 1994). In particular, an intervention for serious cases of bullying which did not put the victim at further risk, and also involved parents of both the offender and victim, was the target of such a search. Research had already established (Olweus 1993, Tattum 1993) that bullies typically had low levels of empathy, tended to be highly impulsive, and often retaliated if they were punished. It is understandable that conferencing seemed to fit the bill of the ultimate intervention which increased empathy and lowered impulsivity on the part of the bully, and improved the outcomes for both victim and offender.

It was also entirely understandable that schools quickly recognised the potential that the process offered for other challenging cases of difficult, disruptive or damaging behaviour. As word spread of early successes of conferences in South East Queensland, demand for training increased. Funding secured through the National Drug Strategy via the Queensland Police Service (the potential for the process to deal with drug incidents had also been recognised) and matched by the Education Department allowed the first study based in the Sunshine Coast and Metropolitan West regions to go ahead, complete with dedicated personnel to oversee development and implementation.

On the completion of this trial in 1996, and with approval from the (then) Senior Management Committee at Central Office, recommendations for expansion of this reform to five other regions were adopted, with continued supervision and evaluations conducted by regional personnel who added this responsibility to a range of their other duties. This was completed in 1997 (Education Queensland, 1998) It is worth noting here, that in the Sunshine Coast region, where the first conferences were conducted and demand for training was highest, that senior regional officers refused to allocate funding and to dedicate project personnel required for the region to participate in this second study. As a result of this decision, all supervision, tracking of conferences and evaluations ceased in the region, although a number of schools continue to conference difficult incidents, and have, with increasing funding authority under school-based management, funded the training of school staff independently. The failure of regional officers to realise the potential of this process to solve long-term, deeply entrenched problems, was, to say the least, both disappointing and frustrating, but in the end, a useful situation from which to develop learnings for the future.

Results of the Queensland studies

During the course of the Queensland studies, a total of 119 schools were involved across a range of regions, districts and settings (Department of Education, 1996, 1998). A total of 379 school and district personnel were trained as conference facilitators, although a significant number of those trained have never conducted a conference, or have become "accredited" according to departmental guidelines. A total of 89 conferences were conducted during the two studies, and schools continue to use conferencing to deal with serious cases of harmful behaviour. The majority of conferences were in response to assaults and serious victimisation, followed by property damage and theft. Conferences were also used to address incidents involving drugs, damaging the reputation of the school, truanting, verbal abuse, persistent disruption in class, and in one case, a bomb threat.

Findings from the first Queensland Education Department trial (Department of Education, 1996) included:

- participants were highly satisfied with the process and its outcomes
- high compliance rate with the terms of the agreement by offenders
- low rates of reoffending
- a majority of offenders felt they were more accepted, cared about and more closely connected to other conference participants following conferencing
- a majority of victims felt safer and more able to manage similar situations than before conferencing
- the majority of conference participants had closer relationships with other conference participants after conferencing
- all school administrators felt that conferencing reinforced school values
- most family members expressed positive perceptions of the school and comfort in approaching the school on other matters
- nearly all schools in the trial reported they had changed their thinking about managing behaviour from a punitive to a more restorative approach

A further pilot by the Queensland Education Department in 1997 (Education Queensland, 1998, forthcoming) has confirmed that conferencing is a highly effective strategy for dealing with incidents of serious harm in schools.

A significant number of incidents (similar to those outlined above) were not conferenced by these same schools, being dealt with by traditional approaches which included suspensions, parent interviews, counselling and detentions.

Reasons given by schools for choosing not to conference, in order, were:

- incidents not considered appropriate
- perception of poor attitude on the part of the offender and/or offender supporters
- too time consuming
- not considered as an option (reasons for this view were not offered)
- positive outcomes were not guaranteed

These reasons certainly contradicted some schools' assertions that their experiencing of conferencing changed the way they thought about and managed wrongdoing. Experiences during the two years and beyond in which these studies were conducted have highlighted a range of implementation issues, some of which have exposed tensions between existing philosophies and practices in managing behaviour and restorative interventions such as conferencing. The incorporation of the restorative justice approach via conferencing while in itself a very useful addition to behaviour management practices, has limited potential unless these tensions are addressed. In an attempt to understand the nature of these tensions, it is important to explore the potential that restorative practices such as conferencing offer school communities.

Restorative Justice in the school setting

The introduction of community conferencing into schools with the associated training of conference facilitators and awareness raising exercises, provides schools with an opportunity for reflection on current philosophies and practices of behaviour management. It allows school personnel, possibly for the first time, an opportunity to discuss notions of compliance and justice - a broader view of justice than that determined by school communities and codified in behaviour management plans ie rules and sanctions for rule infringement. School behaviour management plans have focused largely on what should happen (penalties and tariffs) to offenders when (school) rules are broken, with only limited understanding of the impact on those in the school community of the offending behaviour. Restorative justice in the school setting , views misconduct, not as school-rule-breaking, and therefore a violation of the institution, but as a violation against people and relationships in the school and wider school community. Restorative justice means that the harm done to people and relationships needs to be explored and that harm needs to be repaired. Restorative justice provides an opportunity for schools to practice participatory, deliberative democracy in their attempts to problem solve around those serious incidents of misconduct that they find so challenging. It also provides an opportunity to explore how the life chances of students (either offenders or victims) and their families might be improved, and how the system might be transformed in ways likely to minimise the chance of further harm.

John Furlong (1991) in his sociological analysis of disruption and the disaffected student, calls for 'a reconstruction of a sociological perspective on deviance [which] must be at a psychological and particularly at an emotional level (1991, p. 295). In describing his work, Slee (1995) states that Furlong advances a concept of 'hidden injuries' experienced by students:

> 'As students experience three sets of educational structures - the production of ability; the production of values; and the production of occupational identity - these 'hidden injuries" are inflicted via pedagogy, curriculum, school culture and practices, and the calibration of students on an occupational scale.' (p.114)

By practising a restorative approach to problem-solving, schools are also made accountable for those aspects of structure, policy, organisation, curriculum and pedagogy which have contributed to the harm and injury. Restorative approaches, as such, are generally discouraged by authoritarian, control-oriented style of school management from the principal to the classroom teacher, and rewarded and modelled by district and central office management. On a practical, "consumer" level, restorative justice processes such as community conferencing, generate greater levels of participant satisfaction (procedural, emotional and substantive) including a sense of justice, greater levels of social support for those affected and reduced levels of reoffending, borne out by the evaluations in both studies (Department of education, 1996, Education Queensland, 1998). While some schools have adopted humane philosophies closely aligned with what we now understand to be a restorative justice philosophy, it would be rare that misconduct is generally viewed from a harm-to-relationships perspective, with decisions about what to do about the incident centering around how to repair the harm. It is more likely that responses to (even low-level) wrongdoing are still driven by a belief that punishment works, and compliance is all about maintenance of control.

In his extensive study of reintegrative shaming in Japanese elementary and secondary schools Guy Masters (1998) describes the heavy emphasis that schools, in particular teachers, place on the obligations and accountabilities that members of the school community have towards each other. The following summary is adapted from his analysis of how misconduct is dealt with in Japanese schools and he makes that point that these approaches have some close similarities to the restorative philosophy and practices such as conferencing:

- there is a great deal of contact and dialogue with all those affected (including parents) by an incident in the school with emphasis placed on the impact of the behaviour on others
- when suspensions are invoked as punishment for serious offences, multiple visits by the student's teachers at his/her home seek to reestablish positive relationships between them, to continue the dialogue which encourages reflection about the offending behaviour and the student's obligations to the school community, and to discover the reasons in the life of the student that may be influencing their behaviour

- there is emphasis on apology and making amends as an important part of the expected response from students in the event of offending behaviour
- there is a mindset among teachers to 'never give up' on a student, with troublemakers consistently and repeatedly labelled as 'having the potential to achieve anything' and given many chances to learn from their mistakes

Masters concludes that teachers, with their emphasis on reflection and understanding the consequences of their actions, are doing their best to educate students not control them. They believe that punishment makes one think only of oneself rather than the consequences of one's behaviour for another (this corresponds with Braithwaite's view (1989) that rapid escalation to punishment makes young people more angry than thoughtful); that if the goal of any intervention is to instil a sense of community and relational thinking, then isolating someone (as in suspension and exclusion) is exactly the worst way to achieve it.

These observations of behaviour management in Japanese schools would appear to support Braithwaite's theory of reintegrative shaming (1989) which suggests that where there is an emphasis on reintegrating offenders back into their communities by attempts to disapprove of their behaviour within a continuum of respect and support, there will be lower rates of reoffending, and in the case of Japan, low rates of delinquency (Masters describes delinquency as the 'non-existence of a link').

According to Masters (1998), it would appear that the Japanese education system, with its emphasis on relationships and sense of community as a reflection of Japanese identity, effectively operates as 'one grand, institutionalised and effective crime prevention project'. The same cannot be said of education systems within Queensland or indeed Australia, although rhetoric abounds in political circles which espouses efforts at crime prevention as needing to involve education, along with the usual justice, police and welfare sectors.

Other well-known commentators on school effectiveness have made the link between student outcomes and positive school relationships. Rutter, Maughan, Mortimore, and Ouston (1979), Mortimore, Sammons, Ecob, and Stol (1988) , Pink (1988) and Reynolds and Cuttance (1992), have recognised that relationships between all members of the school community are a critical factor in school effectiveness (as measured by student behaviour and achievement). This appears to support the priority that Japanese schools place on relational thinking which is valued, taught, reflected on and modelled as a way of life.

Thomas Sergiovanni in his book, *Building Community in Schools* (1994), echoes these sentiments in emphasising the importance of shifting the focus from schools as organisations based on contracts and rewards to schools as communities bound by moral commitment, trust and a sense of purpose: 'values, beliefs, norms and other dimensions of community may be more important than the relationships themselves. But it is the web of relationships that stands out and it its through the quality and character of relationships that values, beliefs and norms are felt (p. 18)

In coming to understand why restorative processes such as

conferencing produce such positive outcomes, an exploration of such theories as Reintegrative Shaming (Braithwaite, 1989) and Affect theory (Tomkins,1962, 1963, 1987, 1991 and 1992, Nathanson, 1992 and Kelly, 1996) have revealed a basis for understanding the sociological, psychological and biological bonds which exist between individuals. Furthermore, they have revealed what is required for the development and maintenance of healthy relationships. While it is beyond the scope of this paper to explore how this happens, perhaps the greatest gift restorative justice has given schools is this knowledge. Imagine if teachers and school administrators had a working knowledge of these "relationship" theories. Imagine if they were able to translate this body of knowledge by modelling and teaching, what impact this might have on school governance, on decisions regarding policy and practice across curriculum, pedagogy, school organisation and behaviour management. One might even dream that this knowledge could be put to good use to uncover and minimise the chance of Furlong's 'hidden injuries'.It is of little wonder then, that schools which had some vision of a better future and an instinct for the fresh opportunities the restorative philosophy represented, embraced conferencing with such enthusiasm. So, why the tensions? And why have the department (as represented by central and district office bureaucracy) and schools been so slow to take up this process when it is clear from the available research that positive relationships are fundamental to the health of the school community ?

Exploring the tensions

To make sense of the tensions, it is necessary here to take a moment to explore the recent history of behaviour management in Australia. Roger Slee (1995) in his wide ranging review of theories, policies and practices of managing behaviour in Australian schools suggests that the abolition of corporal punishment did not lead to a reevaluation of the nature and exercise of power and authority in schools. Suspensions and exclusions simply became the substitute for the more extreme tool of punishment, the cane, and so began the search for new forms of control in the wake of the cane's demise.

He explores the subsequent expansion of a 'behaviour industry' - the professionals who became allies in this search for new forms of control and concludes in his chapter titled Australian Discipline Policies: The Politics of Crisis Management, that policy makers: 'who moved beyond traditional technologies of control such as corporal punishment, suspension and exclusion, found allies in the processes of reclassification of students according to pathologies of emotional behavioural disturbance and the mobilization of counselling and special education support as surveillance and containment instrumentalities' (p. 150).

Slee (1995) also concludes 'Policy has predominantly been framed within a control paradigm which limits the potential for addressing the culture, curriculum, organization and pedagogies of schooling which contribute to indiscipline. Education authorities' concern tends to revolve around questions of after-the-fact responses to disruption and is beholden to political dynamics of competing professional cultures within the education organization and to electoral politics which shape governments and, in turn bureaucratic

agendas' (p. 167).

This control paradigm has become embedded in Queensland's state behaviour management policy, despite its emphasis on securing a supportive school environment. The policy definition is as follows:

2.1 The supportive school environment is one where:

· all members feel safe and are valued;

· social and academic learning outcomes are maximised for all through quality curriculum, interpersonal relationships and school organisation;

· these school practices involve a continuum of action from the proactive to the reactive; and

· non-violent and non-discriminatory language and practices are defined, modelled and reinforced

2.2 The philosophy of a supportive school environment is embedded within the school culture. It is reflected in a code of behaviour based on a set of principles that are understood, accepted and practised by all members of the school community. (Queensland Department of Education, 1993)

Our contention is, that, despite the intentions of this policy, there remains in many Queensland schools, district offices and Central Office, a set of principles and practices guided by a policy which still has a control paradigm as its central theme. Our efforts to graft restorative practices on to a system which is basically punitive, have proved, in the least, frustrating. Commendation is due, here, to those schools which, despite these overwhelming pressures to suspend and exclude difficult students, have grasped the nettle and recognised the contributions that restorative practices can make in the pursuit of a supportive school environment.

The apparent slowness of Central Office support of the conference process for statewide adoption may have been a result of the bottleneck created by such central 'approving' bodies as the Board of Management likely to have an impact across the department. Two changes of government occurred in the period spanning the studies, putting conferencing further down the agenda while other political imperatives in education (such as the Anti-Bullying/Anti-Violence Initiative, and the Child Protection Strategy) took precedence.

To prove the point that this control paradigm is still vigorously pursued, in the 12 months from July 1997 to June 1998, the number of School Disciplinary Absences (SDA's)2 in Queensland government schools reached 25,692 for a student population exceeding 300,000, a not inconsiderable statistic (Sunday Mail, October 18th , 1998, p. 4)! While the reduction in school exclusions by a factor of 5% has become a performance indicator for 1999 set by the Behaviour Management Unit in Central Office of Education Queensland, schools and districts are yet to be made accountable by the system for reducing the numbers and length of SDA's. As Slee (1995) suggests, SDA's are being used in many instances as a tools for organisational efficiency, outweighing considerations of student learning

and social improvement.

The increase in SDA's is a matter of some concern, given the identified links between school suspension and exclusion and the drift to juvenile crime, homelessness and long-term dependency on welfare agencies (Burdekin Report , 1989). Policy and practice which focuses largely on rules and responses to rule infraction, fails to take into account those complex factors which impact on the life of a school student, namely: the labour market, familial change, cultural diversity, gender relations, socio-economic status, changing patterns of authority and the impact of new technologies on the way students receive and process information (Slee, 1995, p. 172). Policy and practice which seeks to exclude those very students who are in greatest need of social support and an education could be considered to be counterproductive at the very least! Judge Fred McElrea (1996), of the New Zealand Youth Court, contends that there are parallels between youth justice and the way behaviour is managed in education:

' By taking the culprit out of the neighbourhood or school community (by imprisonment or expulsion/suspension) we think we have removed the problem. In fact it has usually been simply relocated in time and place - and, in the process, it is often exacerbated.

' I am sure there are some schools where these criticisms have little or no application - where the student, the family, the school community and the wider community work together to find a way to solve the problem constructively and not destructively, inclusively and not by making outcasts. But my point is that such happy places are not the product of the (New Zealand) Education Act; they occur in spite of it, haphazardly and only because some individuals resolve to do it differently' (p.4)

Elsewhere, McElrea (1998) advocates the use of conferencing as a conflict resolution mechanism in schools, and to reverse the rising incidence of suspensions and expulsions in dealing with serious misbehaviour.

Implementation for sustainability

Much needs to be taken into account if restorative justice practices such as conferencing are to be implemented successfully and, more importantly, sustained across schools in Queensland. The following guidelines are suggestions which are cognisant of some of the factors which have worked against the process of reform and those we know already have produced a paradigm shift towards the restorative justice philosophy. Guidelines 1-3 represent the possibility for grassroots reform and will probably require some visionary leadership from a principal or energetic other who has influence in the school community. Guidelines 4-6 represent a greater challenge for reform because they require intellectual and organisational leadership and political will at state level. Our hope is that, over time, a critical mass of knowledge and skills firmly grounded in an understanding of what is required to develop healthy relationships and healthy communities will eventuate in a top-down, bottom-up reform process which

will produce the kinds of outcomes that improve the life chances of our young people.

Guidelines:

1. Professional development in restorative justice philosophy and practices for all staff including those with a non-teaching role

The responsibility for managing student behaviour is not the sole turf of classroom teachers or administrators. As well, teacher aides, tuckshop convenors, office administrators, janitor-groundsmen all have contact with students, and attempt, whether or not they are aware of it, to influence behaviour. It is critical that all adult members of the school community, including school councils and parent bodies are introduced to the philosophy and practice of restorative justice with its emphasis on building a sense of community through enhancing and restoring relationships; that they are given a structured opportunity to reflect on current practices, on notions of compliance, of justice, of democratic approaches to problem solving, and what is important to them in relationships. Staff also need opportunities to broaden their discourse around the nature of disruption and conflict in the school, to be able to take into account those factors which impact on a young person's life and life chances. It is essential that this discourse places issues of behaviour management in an educational context rather than behaviourism or welfarism. It is important to share the knowledge and understanding of what works and doesn't work (Braithwaite, Tomkins, Nathanson and Kelly) in the development and maintenance of healthy relationships. Skill acquisition in a planned program of professional development needs to be supported by adequate allocation of school funds, and a supportive learning environment.

This would form a sound a basis for a critical review of policy and practice in the school including classroom management and whole-of-school packages, and offer staff insights into their own behaviour. It has already been established that modelling of appropriate wholesome behaviours, and relationship-centred approaches to problem solving which are not grounded in punishment, are important factors in delivering improved outcomes for students.

2. Development and maintenance of a cohort of highly skilled conference facilitators:

Schools preparing to adopt conferencing, need to make careful decisions about who should be trained. In our experience, staff who have good process skills, who have already demonstrated some experience in problem-solving, and who are party to decisions about how an incident should be dealt with make good candidates. This group includes, in particular, principals, deputy principals, year coordinators, guidance officers, community education counsellors, heads of department. These people, with appropriate high quality training, are more likely to be able to translate the microskills of conference facilitation to deal with other (all) matters. It is helpful if the entire administration team is trained, and joint decision making about what should happen in serious cases encouraged to minimise the chance of knee-jerk, punitive responses.

While a critical mass of facilitators in a cluster or district is still developing, networking becomes an essential process for the sharing of stories, reflection on practice, peer support and supervision. Technical aspects of the conference process, whilst addressed during training workshops, need constant attention, and could form the basis of ongoing dialogue within these networks. These aspects include:

- how the decision is reached to convene a conference
- inviting the "right" combination of people to a conference
- making sure participants understand the purpose of the conference
- comprehensive preparation by the facilitator
- writing the agreement in a way that quantifies and qualifies behaviour change in specific, realistic and measurable ways
- planning for comprehensive agreement monitoring and follow-up
- the ability of conference facilitators to handle the sometimes high levels of emotion which arise in conferences

Stories can also be shared about the creative ways schools are using the conference microskills and philosophy to resolve both smaller and larger scale situations. Someone with energy and commitment might assemble a collection of these restorative practices which can be published and distributed to schools.

3. Use of restorative processes for dealing with incidents of inappropriate behaviour and high level conflict for staff.

Not surprisingly, the practices for dealing with difficult staff situations are no less punitive than those used for students. While it is rare for staff to be "suspended" or "excluded" (except for criminal matters), experience in a wide range of school settings has led to our conclusions that current formal procedures for resolving diminished work-performance issues, and grievance processes, for example, if not wholly punitive, are extremely punishing emotionally, with the system paying the price through absenteeism , sick leave and resignations.

While there are no statistics or formal research yet available, it is clear from our direct experience of facilitating conferences to deal with a range of extremely challenging staff situations (diminished work performance, harassment, staff assaults on students, difficult workplace behaviours, conflicts around roles and responsibilities), that the practice and philosophy of restorative justice is equally applicable to adults in schools. Indeed, why should it not be so, given the need to practice what we preach, and that relationships 'work' in the same way, independent of age! The processes of restorative justice need to be applied at all levels within the school community.

4. Provision of restorative justice philosophy and practice within pre-service teacher education

Beginning teachers and those in training need to experience the same opportunities for discourse around notions of compliance, justice and democracy as it applies in the school. The curriculum of teacher education needs to focus on the range of factors which influence student outcomes, so that they may develop a broader view of behaviour management. They need to be equipped to analyse the agendas underlying the development of state and school policy and how it impacts on schools, particularly students. They need, at the very beginning of their professional lives (and before they acquire bad habits) to develop an understanding of how important relationships are to pedagogy, and to look for mentors among teaching staff in schools who can model appropriate behaviours and guide them supportively. They need to be exposed to restorative practices, and to have the acquisition of these skills built into their courses.

5. State policy development

Slee (1995) suggests that the first priority of discipline policy making at state level should be to focus on the overall goal of providing successful learning programs for all students, and must take into account the articulation between secondary schooling and higher education, training and the labour market. Advantages could be derived from a consideration of issues across teacher-student relationships, school governance and decision making, uniforms, curriculum matters, treatment of youth concerns and teaching and evaluation methods; in short, curriculum, pedagogy and school organisation.

Slee (p.170) also recommends '......the alignment of our conception of discipline with educational principles distinguishable from the control oriented paradigms of behaviourism and welfarism." Policy making at state level needs to be participatory and democratic, with emphasis on the inclusion of those (teachers in particular) who must implement the policy. We also suggest that those recruited for the policy making representation undergo the same sort of professional development as suggested in Guideline 1, so that old paradigms of control and punishment are not embedded in new policy.

Education Queensland needs to set targets for schools that allow them to move beyond the traditional approach of developing codes of behaviour, and reflect on matters of curriculum, pedagogy and school organisation. Performance indicators at school level for example, could be linked to reducing the number and length of school disciplinary absences, and the encouragement of restorative practices in achieving those outcomes.

6. School policy development

With appropriate broadening of views about school discipline which acknowledge the political economy and the cultural dimensions of schooling, the range of factors which impinge on students lives, an educational rather than behaviourist or welfarist perspective, schools will be better able to generate disciplinary processes which reflect a more democratic, restorative approach. Healthy relationships must be considered a high priority in the achievement of the educational goals of the school. This approach will place an analysis of any 'pathology' firmly within the school itself rather than within the student body.

Attention also must be paid to the processes of policy development in the school community. Participative democracy needs to be authentic. Dialogue and debate by all stakeholders (students especially) in the translation of state policy at the school site must include issues of philosophy, implementation and evaluation, and have a focus beyond how to handle episodes of disruption. School policy should also be tied to measurable outcomes eg reducing the number of SDA's. These democratic processes should also provide a mechanism for managing upward to state policy makers.

Conclusion

It is clear that there is a both an identified need and the desire for restorative processes such as conferencing in schools. The philosophy underpinning this and similar processes, offers schools a new perspective on the way in which we address behaviour issues. Restorative justice views indiscipline as harm to relationships and in doing so, problem-solving can be focused on the present (repairing the harm), and the future (transforming the system in some way to prevent further harm). It focuses our attention on relationships between all members of the school community and teaches us the value of relationships in achieving quality outcomes for students. The theories which explain the success of restorative processes can inform professional development efforts aimed at building healthy relationships. These in turn, underpin issues of pedagogy, curriculum and school organisation, all critical components determining school culture. Restorative justice represents an opportunity to address the complex issues which influence student outcomes and insists that schools become accountable for creating an authentic supportive school environment. The challenge of sustaining such a paradigm shift in the way schools 'do business' lies in addressing, in a most fundamental way, beliefs and practices which have a central theme of control, and use punishment and other disguised practices to achieve compliance. This paradigm shift requires intellectual and organisational leadership, commitment and energy, and must be focused at all levels within education, from policy making in Central Office, to district offices which provide support to schools, and in classrooms, administrators' offices and school playgrounds.

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