

BUILDING SAFE AND HEALTHY SCHOOL COMMUNITIES: RESTORATIVE JUSTICE AND RESPONSIVE REGULATION

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We leave the realm of justice to our courts, where investment and growth are soaring. Yet justice is a part of our everyday lives, and hence it also belongs in our homes and our schools, where investment and growth are in decline. Schools, as our primary developmental institutions, need to invest in justice. The implementation of restorative justice and responsive regulation in schools offer an opportunity for schools to invest in justice, not a

simple 'one-off' opportunity, but one that embraces the ongoing and emerging complexities of school life. While my starting point will be the problem of bullying within schools, the vision is much broader.



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In other words, while restorative justice can be used to address the problem of bullying, restorative justice is much more than another response to add to the grab bag of programmes that seek to address bullying at school. Having said this, at a foundational level, building understanding about the relationship between bullying and restorative justice is an important cornerstone to understanding and building safe and healthy schools; for, both in theory and in practice, the study of bullying makes an interesting and compelling fit with the study of restorative justice.

School Bullying, Restorative Justice and Empowerment

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, forthcoming). Bullying is also one of the most insidious forms of violence in schools and the broader society, having potential long-term effects on both offenders and victims (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 workplace (Pepler and Craig, 1997). Through effective intervention, we may be able to intervene early and curb this pattern of behaviour. For children who are victims of bullying in school, we know the traumatising effects can lead to depression and suicide (Rigby, 2002). For these children, the challenge is to tap the resources of resilience and empowerment.

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. This coincides with Braithwaite's (2002) analysis of the decline of democracy, where: 'The lived experience of modern democracy is alienation. The feeling is that elites run things, that we do not have a say in any meaningful sense' (p. 1). By way of illustration, the Index of Leading Cultural Indicators (Bennett, 1999) reports that over the last three decades we have experienced 'substantial social regression,' reporting that there has been a 560 percent increase in violent crime, with the fastest growing segment of the criminal population being our children. The teenage suicide rate is another worrying indicator, with the rate being more than three times what it was in 1960. Violence towards the self or others is a strong

indicator of alienation. Sadly, it is evident in our schools. Indeed, violence in schools was another international concern that emerged in the 1990s, and in response the first international conference on violence in schools was held at UNESCO, in Paris, in 2001. Yet, an unfortunate irony remains; for with this rising tide of violence in our schools and society, we have become less tolerant and more punitive and excluding. The zero-tolerance policies introduced to address petty crime on the streets of New York now pervade our schools. And while not all schools hold explicit zero-tolerance policies, the language and the mind-set of zero tolerance is clearly with us.

The need for restorative justice, which values healing over hurting, inclusion over exclusion, has never been stronger, and against this rising tide, there has been the rise and fall of many restorative justice programmes in schools. At the same time, there are beacons of hope arising internationally, as different schools and administrations embrace the values and principles of restorative justice. Indeed, around the world, the use of restorative justice in schools is growing stronger by the day. These practices, in their wide variety, are about empowerment through building relationships. They seek to empower victims, offenders and communities to take responsibility for themselves, and in doing so, for others. Through empowerment, the multiplicity of voices within school communities rises, and healthy deliberative democracies emerge. We learn to embrace our differences and listen to the stories of others—both stories of harm and stories of hope. In the hectic pace of life these days, we need to learn to stop and listen again. Of particular importance is listening to the voices of those who have harmed and those who have been harmed. Kay Pranis (2001:7) helps us understand 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 is intrinsic to one's self-worth; they are basic needs of all human beings (Beaumeister and Leary, 1995). The reciprocal relationship between these two needs, respect

from others and connection with others, empowers individuals to act in the interest of the group, as well as in their own interest. 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). Yet, as many researchers note, we have little evidence of what it takes for individuals to feel connected to the school community. Restorative justice has much to offer to research and development in this area.

Bullying and School Connectedness

As I stated earlier, an understanding of bullying behaviour is foundational, because bullying is about the abuse of power and restorative justice is about empowerment. Most bullying intervention programmes fail to address the fundamental issue of power imbalances, and because of this, they fail to address the heart of the problem and, as such, are often ineffective. For example, a review of 12 leading bullying programmes from around the world found that while the programmes had some positive effects on victims of bullying, albeit marginal, they failed to have significant effects on children who bully (see Rigby, 2004). In the US state of Colorado, in the wake of the Columbine shootings, all schools were required to put a bullying intervention programme in place. The Colorado Trust, which funds many of these programmes, is largely dissatisfied with existing programmes and has recently launched a significant campaign to fund research into further programmes. The evidence at hand indicates that most programmes fail to address the power relations inherent to the social and emotional dynamic of schools. Broadly, many programmes are too individualistic, focusing more on the isolated individuals involved and less on the relationships between the individuals. Typically, interventions provide one intervention for the offender, such as anger management, and another intervention for the victim, such as assertiveness training. Some school districts suspend and transfer bullies, offering no opportunity to take responsibility and repair the harm done, while other school districts transfer the victims, who then carry the emotional harm with them, possibly for a lifetime.

Many programmes emphasize reason over emotion. In other words, they ply us with information about recognising and responding to bullying while failing to address the emotional core of school bullying. Advocates of restorative justice recognize the importance of emotion. Larry Sherman strongly argued this point in his keynote address to the American Society of Criminology. Indeed, emotional engagement is at the heart of restorative processes, and we know that affective engagement is important to building safe schools.

Bullying in Schools: Pride, Respect and Shame

A student's feeling of belonging in school can be measured in terms of emotional engagement through an understanding of affect. Researchers have studied affective engagement in different ways, with one prominent line of research focusing on school connectedness, or belonging, through measuring student's feelings of pride and respect within the school (Libbey, 2004). Pride and respect are strongly correlated with compliant and cooperative behaviour (Tyler and Blader, 2000). When this is matched with the finding that bullies are not perceived as cooperative members of the school community (see Rigby, 2002), this suggests that feelings of pride and respect need to be a focus of concern. Indeed, there are many programmes that focus on building pride and respect within the school. Generally, these programmes can be thought of as programmes that focus on the positives of school life for the individuals, be they offenders, victims or both. And while these programmes play up the positives, they also play down the negatives. And this is where they go wrong, for while focusing on the positives is important, addressing the negatives cannot be forgotten. Indeed, the theory and practice of restorative justice tells us that we must embrace the negatives, the conflicts, of school life to lift the positives. In other words, focusing on the impact of harmful behaviour can lead to positive development and understanding. When something negative happens to us, it doesn't go away through ignoring it. The negative affect stays with us. Ask most people to describe their most powerful memory of school and more often than not you will get a story of harm over a story of joy. Many years later that negative affect remains intact, and in subtle, and not so subtle, ways, becomes an important regulator of our behaviour.

The affect of shame has always been central to our understanding of restorative justice, notably through the work of John Braithwaite (1989, 2002) and Donald Nathanson (1997). Nathanson's (1997) analysis of shame helps us to understand the consequences of alienation when we are not able to discharge shame over wrongdoing, be it as victim or offender. Shame is a powerful predictor of harmful behaviour because it signals the breakdown of social relationships. While we typically think about shame in terms of offender behaviour, as exemplified by the term 'shame on you', victims' responses to harmful behaviour are also underpinned by shame. Nathanson's (1997) compass of shame outlines four shame responses:

Attack Self — Indeed, we know of too many stories where victims of bullying have taken their own life.

Attack Other — Columbine is the notable example here, where the victims of ongoing bullying struck back at the individuals who taunted them and the institution that failed to protect them.

Withdrawal — Depression is a key indicator here, and there is clear evidence of the relationship between being a victim of bullying and subsequent depression.

Avoidance — Many victims of bullying, even as adults, mask their shame and rage through abusive behaviour, often involving sex, drugs and alcohol.

Building on Braithwaite’s work on reintegrative shaming, Ahmed’s (2002) work on shame management and bullying is important, as she shows how bullying and victimisation are related to shame-management styles. While simplifying the analysis, the axes of the social discipline window are useful in mapping the four shame-management strategies. Recall that the social discipline window helps us differentiate restorative justice from punitive, permissive and negligent responses to harmful behaviour; highlighting that, compared to the others, restorative responses are high on both accountability (or control) and support (Wachtel and McCold, 2001). Onto the two axes of accountability and support, we can map the four categories of bullying status (see Figure 1): non-bully/non-victim; victim; bully; bully/victim.

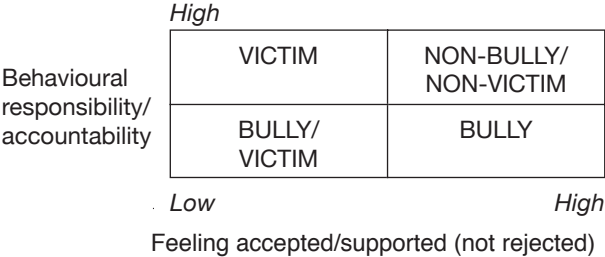


Figure 1. Accountability, support and bullying status

In terms of accountability, non-bully/non-victims are willing to take responsibility for their behaviour and want to make the situation better; in terms of support, they feel others will not reject them following their transgression. Victims, like non-bullies/non-victims, take responsibility and want to make amends, but feel others would reject them following

wrongdoing, signalling a lack of supportive relationships. For bullies, the inverse pattern is evident: they do not take on responsibility for their behaviour nor do they want to make amends, and feel that no one would reject them following the wrongful deed. Bully/victims capture the worst of this typology: they don't take on responsibility nor make amends, but also feel that 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, as argued above, this has been a typical approach to the problem of bullying and wrongdoing: wrongdoers get punished, or imposed with sanctioned consequences, sometimes backed up with anger-management classes, and victims get therapy or 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 we offer the right support mechanisms, and we know that when victims are not held accountable for their behaviour, they can fall into distressing cycles of helplessness. Bringing bullies and victims together, face-to-face, with their respective communities of care, increases support and accountability for all involved. Restorative justice fosters a normative culture of support and accountability through a focus on reaffirming, repairing and rebuilding relationships.

	<i>High</i>	
Behavioural responsibility/ accountability	VICTIM <i>(persistent)</i>	NON-BULLY/ NON-VICTIM <i>(discharged)</i>
	BULLY/ VICTIM <i>(denied/bypassed)</i>	BULLY <i>(bypassed)</i>
	<i>Low</i>	<i>High</i>
	Feeling accepted/supported (not rejected)	

Figure 2. Bullying status and shame management

This analysis of shame management is corroborated by the clinical literature on shame (see Ahmed, 2001). This literature suggests that (see Figure 2): Victims are caught up in ongoing cycles of persistent

shame; bullies bypass shame; bully-victims are caught up in cycles of denied bypass shame; while non-bullies/non-victims are able to discharge their shame over wrongdoing. Thus, the evidence indicates that understanding the affect of shame, and its management, is important to understanding bullying and victimisation in schools. Simply put, it is important to address bullying at school at an emotional level through discharging shame and mending relationships.

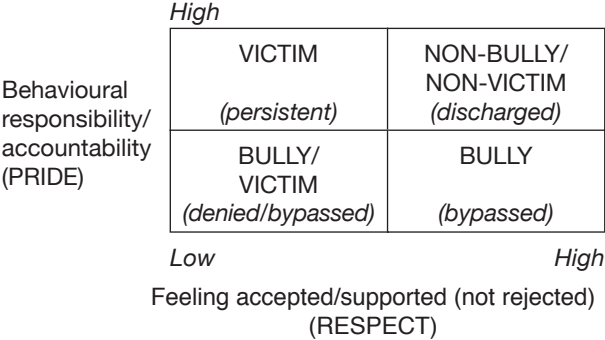


Figure 3. Bullying status as a function of pride and respect

More recently, Morrison (in press) has integrated Tyler and Blader’s (2000) work on pride and respect, as measures of social identification or belonging, with Ahmed’s work on shame management, in the context of school bullying (see Figure 3). This work parallels Scheff’s (1994) analysis that pride builds social bonds while shame threatens to sever them. Again, by way of simplicity, when pride and respect are used to define the axes outlined above, the findings show that: non-bullies/non-victims rated highest on both feelings of pride and respect within the school community and identified strongest with the school community; victims rated lower on the level of respect within the community; while bullies rated lower on levels of pride (albeit not significantly), but not respect; 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 the affect of shame and a sense of belonging, or identification, within the school community. One way of interpreting these findings is to conclude that unless the shame over wrongdoing is discharged, the internalized shame will act as an affective barrier to a full sense of belonging and significance at school. As Braithwaite and colleagues conclude:

... 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 school 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 optimal. 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, while the building of pride and respect within the school is important, if they are not buttressed with mechanisms to discharge shame, they offer false hope for school communities. There is building evidence that programmes and practices based on principles of restorative justice can accomplish this task.

For example, we have preliminary evidence that proactive programmes, such as the Responsible Citizenship Programmes, can shift student's shame-management style for both bullies and victims (Morrison, 2002). We also have evidence that classroom interventions, such as the use of restorative problem cycles, can shift shame-management styles and curb bullying behaviour (Morrison and Martinez, 2001). And we know from research into restorative conferencing, used to address serious incidents of harm, that shame is an important emotional vehicle to shifting behaviour (see Ahmed, Harris, Braithwaite and Braithwaite, 2001).

Restorative Justice and Responsive Regulation

These three types of restorative practices come together to make up a whole-school model of restorative justice, offering three different levels of intervention: universal, targeted and intensive (see Figure 4). Briefly, these levels of response form a continuum of responses based on common principles. By way of analogy to a health care model, the universal level of intervention targets all members of the school community through an 'immunisation' strategy, such that all members of

the school community develop social and emotional skills to resolve conflict in caring and respectful ways. The targeted level of intervention addresses conflict that has become protracted, such that it is affecting others within the school community; as such, a third party is often required to help facilitate the process of reconciliation. The intensive level of intervention typically 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.

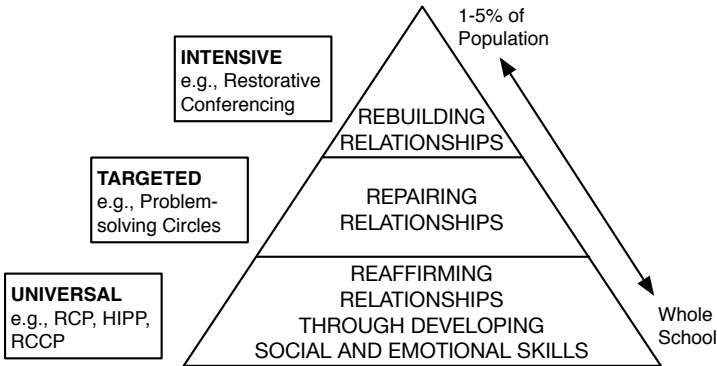


Figure 4. Whole-school model of restorative justice

While these three levels complement each other and are useful in broadening the work of restorative justice in school, they are insufficient in sustaining a fully realized model of restorative justice and responsive regulation. To begin with, restorative justice is not a panacea; we still have a lot to learn about the effectiveness of restorative justice in schools. Further, if the development of restorative justice in schools focuses too much on the practice, and not enough on the institutional dynamic sustaining current practice, we have lost the true potential of the process; that is, micro-institutional reform that brings about sustained institutional change.

Fully realized, restorative justice and responsive regulation is not about adding another programme or set of practices to the tool kit of school life; it is about institutionalising a process that facilitates micro institutional change that is responsive to the ongoing and emergent needs of individuals and communities. For this change to be effective, it must broach both the everyday practice of managing student outcomes as well as the institutional culture that sustains the research and develops those practices. It is on this second point that the realisation of restorative justice in schools has largely failed.

The full model of restorative justice and responsive regulation in schools that I am proposing goes back to one of Braithwaite's original ideas of restorative justice: that is, separating the behaviour from the person. But instead of applying this to individuals, we are applying this to institutions, in this case, schools. Like other models of responsive regulation, I propose a four-sided regulatory pyramid to conceptualize the full model of responsive regulation and restorative justice.

It is useful to begin with the side of the pyramid that focuses on the practices underpinning restorative justice in schools, as this is our starting point. But, as I have stated, it is important to recognize that these practices alone are insufficient to the implementation and development of restorative justice in schools. As a start, this side of the pyramid only defines one aspect of support that is needed to bring about sustained behavioural change within schools. To sustain school-wide behavioural change, it is important to support ongoing systems of growth and development, both at the individual level and at the institutional level. How might this be realized? Perhaps through an interlocking system of responsive regulation that enhances:

- relational practices, empowering individual change and development
- behavioural evidence, empowering responsive decision making
- relational bridging, empowering cultural change and development
- behavioural policies, empowering the use of relational practices

Thus, two faces of the regulatory pyramid focus on behaviour (the behavioural pair), while the other two focus on the person and the culture, in the context of relationships within and beyond the school community (the relational pair). This regulatory framework outlines a process through which schools can be responsive to behaviour and restorative to individual and institutional relationships. Hence, behavioural policies are not forgotten but embedded in a broader framework that recognizes the importance of relationships, both at the individual and the institutional level. For each pair (two behavioural and two rela-

tional), the two faces stand opposite each other, supporting opposite sides of the pyramid (as opposed to standing adjacent to each other). Thus, as one moves around the pyramid, the behavioural and relational faces alternate.

The behavioural pair focuses on behaviour in two different ways: behavioural policy and behavioural data or evidence. Behavioural policy clearly establishes, through policy, what behaviour is expected and how schools respond to behavioural concerns. Behavioural data provides the evidence base for the development of policy and the practice. In other words, the data provides a 'reality check' on how schools are doing in terms of the behaviour policy and restorative practice.

The relational pair focuses on relationships in two different ways: relational practices at the individual level and relational practices at the institutional level. Having the individual- and institutional-level faces of the pyramid standing opposite to one another reflects the reciprocal nature of individual- and institutional-level process, in terms of how the dynamics of one level influences the dynamics of the other, and vice versa. At the individual level, the pyramid establishes a range of practices, typically utilising the strength of the community, that support individual change. At the institutional level, the pyramid establishes a range of systemic practices that support institutional and cultural change and the sustainability of change. In comparative terms, the behavioural pair involves more reflection and planning, while the relational pair involves more of active engagement with the school community. Hence, given that the pairs stand opposite each other, the framework is constantly moving within a broad action-learning framework.

Simply put, responsive regulation and restorative justice is about responding to behaviour and restoring relationships. The idea is to broaden the vision from a range of responsive practices that restore relationships to a responsive framework that regulates the implementation, development and sustainability of restorative practices in schools. More to the point, building safe and healthy school communities goes hand and hand with how safe and healthy schools are regulated. This regulatory framework capitalizes on Braithwaite's notion of separating the behaviour from the person, for too many policies and practices that seek to regulate safe school communities focus too much on the behaviour, emphasising the rules of behaviour, while failing to address the relational needs of the school community and the web of relationships that sustain the school community's health and safety. By way of analogy, when we focus too much on behaviour, we fail to see the forest for the trees. We must understand behaviour in the context of the relationships that regulate that behaviour. The framework outlined focuses not only on the behaviour but also on the relationships that

sustain them. Further, policy development needs to be embedded into the cultural life of the school; policies are less effective when they are simply handed down from a higher authority. Policies, as well as practices, need to be responsive to the needs of individuals, as well as the needs of communities. To do this we must bridge the school with the wider community.

In summary, the framework outlines a recursive process of ongoing monitoring and development that must constantly be in place in schools, responding to concerns as they arise. For new problems will always arise, new actors and new behaviours will always be bubbling up from within the foundations of the school system. We will always have deviance from the status quo within schools—some of this deviance will breed new life into the school community; some of this deviance will eat away at the foundation of school life. The school community needs to respond to both, for deviance has the capacity to shut us down or provide opportunities for growth. Schools, as microcosms of society, are dynamic, not static. Our society, over the past half century, has changed much more quickly than our schools. Our schools have been left behind, economically, culturally and socially; as a result, human and social capital is suffering. Restorative justice and responsive regulation have the potential to address this concern, and with this comes an opportunity to broaden our vision for restorative justice.

Restorative justice grew from a dissatisfaction within the courts, in particular juvenile and criminal justice. Yet courts have a very different mandate than schools. Schools are developmental institutions. Because of this, within schools we can broaden our vision for restorative justice to a mechanism that works towards achieving social justice. Braithwaite's (2001) Youth Development Circles are a step in this direction. This vision is about achieving just outcomes for students on all levels, in terms of safety, health, as well as academic outcomes.

Within the context of courts, Nils Christie (1977) described the system as stealing conflict and, with this, the voices from those affected. There are many conflicts stolen and voices not heard within schools as well, but the system steals more than conflicts: It steals the hopes, dreams and potential of our children. And with that, we do ourselves as individuals, and a society, a great disservice. Our children are our mirror, our reflection. We know how well we are doing as a democracy when we take the time to reflect and respond to how well our children are doing. When our children are hurting they are sending us a strong and powerful message, one that we should take note of. Restorative justice and responsive regulation lay the foundation to help us work towards a just world for our children and ourselves. Let us build the scaffolding of hope for the next generation together. The children deserve it and

we deserve it too. Together, let's raise the bar in promoting justice in our schools. Justice, not just for some students, but for all students. In doing so, we will be working towards not only just schools, but a more just society.

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