Chapter 69

Implementing Restorative Processes to Mediate Conflict and Transform Urban Schools

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ABSTRACT

Drawing on restorative processes research (e.g., Braithwaite, 1999) and research on social justice (e.g., Evans, 2007; Furman & Gruenewald, 2004; Murrell, 2006; Normore & Brooks, 2014) this chapter is organized in the following manner: First, the authors provide a brief history of the administration of justice. Secondly, the authors discuss the global rise of restorative justice in the education context. In order for a program to be completely restorative it must include several educational components as part of restorative processes. Towards this end, the chapter then situates these components in the context of social justice and explore how school systems use them - with specific emphasis on victim-offender conferencing. Next, authors share examples of international initiatives pertaining to restorative practices. Conclusions summarize the significance of restorative practices in school settings in order to prevent violence, reduce rates of expulsions and suspensions, and create a safe and secure teaching and learning environment for all.

INTRODUCTION

In 1994, Herman Bianchi suggested that education scholars were so connected to the retributive model of criminal justice for school students, they were unable to accept the effectiveness of other models in other times and places. Retributive justice focuses on how the criminal justice system controls crime; where offender accountability is defined as taking punishment, and crime is an individual act with individual responsibility. Jon Braithwaite (1999) argued that throughout the history of the world restorative justice

has been the dominant model of criminal justice. As such, a move toward a restorative justice model was a return to our roots, and not the latest attempt to solve our ailing justice system. Other research (Llewellyn & Howse, 1999) argued that restorative justice is not a new idea, but a prominent concept of justice visible throughout most of human history and often used interchangeably as "restorative processes" including restorative discipline, restorative practices, and restorative values.[1]

Drawing on restorative processes research (e.g., Braithwaite, 1999; Fronius, Persson, Guckenburg, Hurley, & Petrosino, 2016). Normore, 2015; Normore & Issa Lahera, in press; International Institute for Restorative Practices, 2015; Restorative Works, 2015; Watchel, 2013) and research on social justice (e.g., Evans, 2007; Furman & Gruenewald, 2004; Murrell, 2006; Normore & Brooks, 2014) this chapter is organized in the following manner: First, we provide a brief history of the administration of justice within a US context. Secondly, we discuss the rise of restorative justice in the education context. In order for a program to be completely restorative it must include several educational components as part of restorative processes. Towards this end, we then situate these components in the context of social justice and explore how school systems use them - with specific emphasis on victim-offender conferencing. Next, we discuss restorative processes and its components. This is followed by examples of international initiatives pertaining to restorative practices. Conclusions summarize the significance of restorative practices in school settings in order to prevent violence, reduce rates of expulsions and suspensions, and create a safe and secure teaching and learning environment for all.

BRIEF HISTORY OF ADMINISTRATION OF JUSTICE IN THE WESTERN WORLD

Based on Normore's (2015) research, prior to our modern system of state centered public justice, the administration of justice was not simply about applying rules. Instead, it was a mediating and negotiating process known as community justice. Community justice grew out of the need for communities to resolve disputes, reconcile harm, and to maintain relationships. The use of retributive justice, or forced resolution, were seen as a last resort. As governments grew they began the process of replacing community justice with courts. Courts established rules of law and applied these rules, established guilt, and set penalties. Victims, offenders, and the community lost control of disputes; instead, punishment did very little to address the harm caused by the wrongdoing (Llewellyn & Howse, 1999).

To a large extent, the retributive approach to justice is the philosophy that has underlined the Western system of criminal justice, relying on third party sanctions and punishment to address societal wrongs (Schweigert, 1999). This approach measures wrong-doing through a system of rules and procedures in which judges weigh the evidence in an adversarial contest. Beyond the admission of victim impact statements into evidence, the court focuses on punishment of the offender and seldom has the capacity or time to consider the needs of victims or the community. Judges, themselves, are often heard to complain of this limitation in their role that the adversarial system imposes. In addition, the retributive approach does not take into consideration the view of offender as a victim or the stigma that comes with labeling a person as *a criminal* (Calhoun & Pelech, 2010). Moreover, the United States juvenile justice system is burdened by the cost of high rates of incarceration and the maintenance of the world's largest jails and prison system (Normore, 2015). There is the stigmatization and marginalization of those in juvenile courts which limits their opportunities once they return to their communities. As a response to these issues, with a growing emphasis on human rights, restorative practitioners and policy makers have begun "to move away from a restributive justice approach in order to focus on 'putting things right' between

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