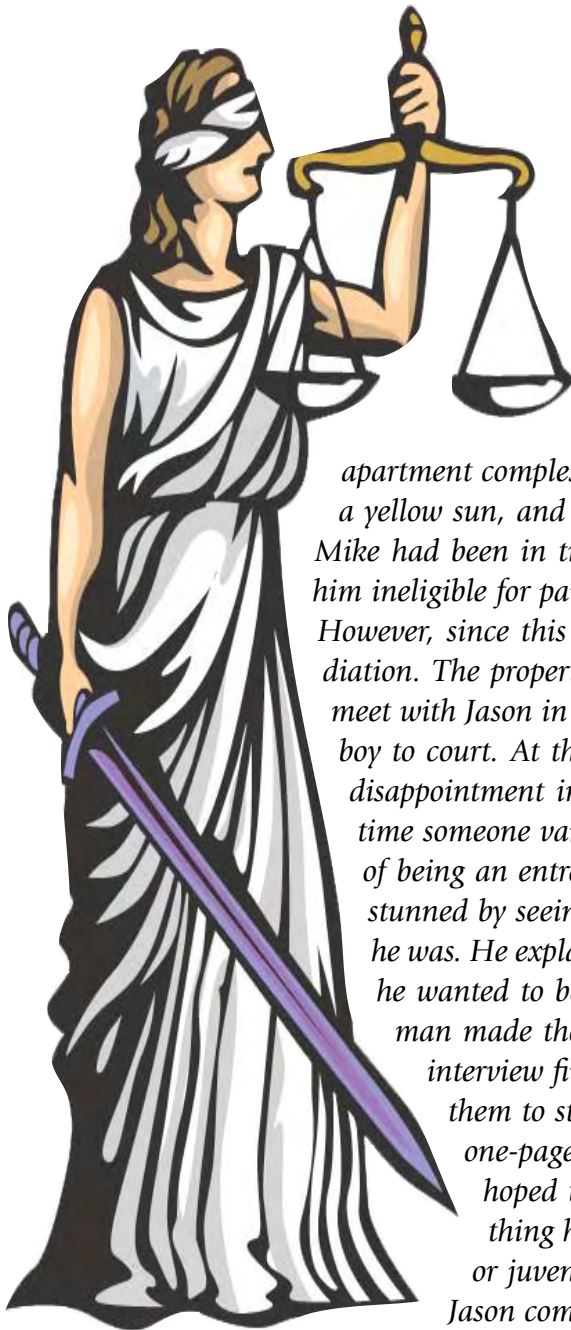


THE ROLE OF RESTORATIVE JUSTICE IN PEACE EDUCATION

BY **CHRISTIANE C. SCHUBERT**



Jason, a 13-year-old African-American boy, and his older friend Mike were arrested for spray-painting the garage doors at his apartment complex. The vandalism was significant; bright red lettering, white clouds, a yellow sun, and numerous black signs decorated an entire row of adjacent garages. Mike had been in trouble with the police before, and the probation department found him ineligible for participation in the juvenile Victim-Offender Reconciliation Program. However, since this was Jason's first offense, he was referred to restorative justice mediation. The property owner, a middle-aged African-American businessman, agreed to meet with Jason in the hope that mediation would be more beneficial than sending the boy to court. At the restorative justice conference, the victim expressed to the boy his disappointment in his actions. He explained that, as a starting businessman, every time someone vandalized his property, he was one step closer to giving up his dream of being an entrepreneur and that this latest incident had him ready to sell. Jason, stunned by seeing the profound harm that he had caused, expressed how very sorry he was. He explained that he simply was not thinking. He had tried to impress Mike; he wanted to be Mike's friend "so bad"! After hearing Jason's story, the businessman made the following suggestion: In order to make things right, Jason was to interview five African-American businessmen, asking what it had been like for them to start a business and try to succeed in society. He was then to write a one-page report on each interview. The businessman Jason had victimized hoped that this would get the young boy thinking about his future, something he might not have been encouraged to do if he had ended up in court or juvenile detention. In the end, he decided not to sell his properties, and Jason completed his restitution agreement with honor.¹

Restorative justice offers a new vision of doing justice that provides rich resources for Christian peace education and conflict resolution using practices based on the Bible. In the United States, restorative justice theory and practice arose out of dissatisfaction with the ineffectiveness of the criminal justice system. Rather than being based on a correctional ideology that promotes retributive punishment, restorative justice focuses on healing broken relationships between victims, offenders, and the community. As Jason's case so eloquently illustrates, it is about "making things right," recognizing the needs and obligations of all who are involved in a conflict.² Central to its creative and contextual understanding of justice is the process of restorative dialog in which all affected parties participate in "finding a mutually acceptable way forward."³ Reconciliation and healing unfold when injustices are addressed, solutions are explored and agreed upon, and future intentions are stated clearly in order to prevent similar harms from reoccurring.⁴ While restorative justice does not ensure forgiveness, the process of restoration and healing offers the promise of a positive resolution.

Mirroring discussions about criminal justice reform at the United Nations,⁵ restorative justice conferences are now held around the world. Where many programs concern victim-offender mediation and reconciliation in the juvenile justice system, theoretical and practical applications of its principles also address conflict in schools,⁶ sustainable development,⁷ social work,⁸ conflict in business organizations,⁹ and medical ethics.¹⁰ In addition, church mediation programs¹¹ often incorporate restorative justice principles into their conflict resolution protocol. These principles also guide international peacemaking efforts such as the work of the South African Truth and Reconciliation Commission, which uncovered the injustices resulting from apartheid and facilitated national reconciliation in South Africa.¹² This article provides a brief overview of restorative

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justice as a paradigm of healing and illustrates its application in Christian peace education at the college level. It can, however, be used in all levels of education.

A Paradigm of Healing

Restorative justice principles are embedded in the cultural traditions and peacemaking practices of many indigenous people, such as the Navajo Nation¹³ and the Maori in New Zealand.¹⁴ In the Western culture of the United States, a conception of justice that "restores" draws on Judeo-Christian principles, specifically the vision of justice as proclaimed by the Old Testament prophets, and in political philosophy that stresses community and citizenship.¹⁵

A "sense of justice" is fundamental to the process of reconciliation and healing. Reinhold Niebuhr argues in *Moral Man and Immoral Society* that "any justice which is only justice soon degenerates into something that is less than justice."¹⁶ But what is the "more" that we ask of justice, which reaches beyond "an eye for an eye" and questions the Aristotelian conception of balance and arithmetic proportion? For Niebuhr, justice cannot be divorced from its connection to brotherly love, and it is only the latter that can lead to "perfect justice." Since "relative justice" is constrained by human imperfection, it is brotherly love that wraps itself around our barren concept of justice and allows it to unfold to its fullest meaning.¹⁷ Many passages in the New Testament point to the healing power of love, and Jesus'

ministry of reconciliation is a perfect example of how love and kindness restore broken relationships.¹⁸

Another way to understand the relational and transformative character of the kind of justice that we seek is by looking at the words of the Old Testament prophets. Following His seemingly harsh critique of existing unjust social structures, God commands the Israelites to perform concrete acts of justice: "wash



and make yourselves clean. Take your evil deeds out of my sight! Stop doing wrong, learn to do right! Seek justice, encourage the oppressed" (Isaiah 1:16, 17, NIV). The Old Testament prophets frequently call for proactive acts of justice that lift up the poor and oppressed while addressing underlying social conditions. Rather than celebrating neutrality and application of specific rules to particular instances, prophetic justice permeates social and spiritual relationships, offering hope and restoration: "Let justice roll on like a river, and righteousness like a never-failing stream!" (Amos 5:24, NIV).

Such a vision of justice presupposes a society that is civil and in every sense a

moral community. Democratic societies are based on notions of justice that go back to the ancient philosophers of the city-state, such as Plato and Aristotle, who described a system of justice to which the rights and duties of citizens are fundamental. The principle of civic responsibility shares with restorative justice a focus on an engaged citizenry who maintain an understanding of a common good while living together in harmony, despite conflict. Bellah¹⁹ points out that from this perspective, justice cannot be reduced to more rules and laws, but results from deliberation, a consideration of the common good, and a genuine concern for human dignity. Education must help students understand the foundations of a just and moral society, and how to apply them in real-life situations. Incorporation of restorative justice principles into academic curricula and school conflict resolution programs will turn our vision of justice into a reality.

Restorative Justice in the Academic Curriculum

The incorporation of restorative justice courses into the academic curricula of religion, ethics, and humanities programs gives students an important alternative understanding of conflict and justice. Its principles are relevant in courses that cover democracy and citizenship, theories of justice, social ethics, theology, and other topics relating to human interaction in a moral community. Specifically, restorative justice is an important aspect of any academic program in criminal justice and as such warrants inclusion in both class work and on research agendas. Courses that cover criminal justice issues, such as corrections, policing, domestic violence, and juvenile justice may include the restorative justice perspective.²⁰

Alternatively, restorative justice can be taught as a separate course—an elective in the undergraduate curriculum or a focus course in graduate studies.²¹ This allows students to explore the history of the emerging restorative justice movement, to compare restorative practices with traditional approaches, and to apply conceptual frameworks to current conflicts. The curriculum should combine a focus on theory with role-playing to

help students gain a deeper understanding of restorative practices and the roles of mediators and conflicting parties. If available, field experience in a local Victim-Offender Reconciliation Program (VORP) provides an excellent learning opportunity for creative approaches to addressing injustices and “making things right.”

Holsinger and Crowter²² describe a rather unusual example of a restorative justice course that reflects the core principles of restorative justice and provides a healing environment for its participants. This class taught restorative justice theory and practice to traditional college students and also to incarcerated youth who traveled to campus to attend a weekly class. The course opened up dialog as the students learned to relate to one another. Both groups learned about the need for taking responsibility for their actions without the threat of punishment. The course fulfilled the goals of restorative justice because it strengthened and helped repair offender-community relationships.

Conflict Resolution and Discipline

Perhaps the most interesting and compelling application in education is the use of restorative justice to deal with disciplinary issues that arise in day-to-day conflicts in elementary and secondary education²³ as well as in higher education.²⁴ Traditionally, in school settings, conflict is approached in ways that are similar to the retributive model of justice. Rather than having an authority figure hear the matter and decide on the consequences, “restorative discipline”²⁵ uses a participatory model in which all stakeholders engage in constructive dialog to determine harms, needs, and obligations. Fresno Pacific University

(FPU), a Mennonite institution, implemented an approach that encourages the university community to come together in times of conflict to seek opportunities for reconciliation, restoration, and growth.²⁶ The preface to its Restorative Discipline Manual states: “One of the aims of the university community life is that all members strive to voluntarily and consciously experience and nurture right relationships with God and with



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others.”²⁷ At FPU, restorative discipline focuses on Christ and provides the accountability and encouragement necessary to resolve differences constructively in the context of a Christian university community.

Conclusion

With its roots in biblical religion and focus on community responsibility, restorative justice provides ways of understanding and practicing justice that are different from traditional approaches, which focus on punishment. Restorative justice and restorative discipline offer enormous promises for integrating peace-making into the educational experience, particularly in Christian institutions. As a course component or as a founda-



tion course, restorative justice promotes critical thinking about how societies deal with national and international conflicts, while at the same time pointing out creative alternatives. Restorative discipline, which is based on restorative justice principles, highlights the participatory approach to justice as it aims at resolving conflicts restoratively on all education levels. As a result, we can detect a new paradigm: one that does justice “justice” by asking each one of us to listen, to reconcile, and to forgive as we participate in a moral community. ☞



Christiane C. Schubert is a Ph.D. Candidate in Social Policy and Social Research in the School of Science and Technology at Loma Linda University. She has been active in the field of restorative justice

and conflict mediation for several years and has served as a mediation trainer at the Southeastern California Conference of Seventh-day Adventists. Her academic interests are in organizational ethics, science and law, and justice theory.

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1. Courtesy of Dr. Dee Matreyek, director, The

Restorative Justice Center, California. Names have been changed to protect the individuals' privacy.

2. H. Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, Penna.: Herald Press, 1990).

3. B. Hopkins, “Restorative Justice in Schools,” *Support for Learning* 17:3 (2002), pp. 144–149.

4. Ron Claassen, *A Peacemaking Model: A Biblical Perspective* (2003), <http://www.fresno.edu/pacs/docs/> (Downloaded November 29, 2006), developed a peacemaking model based on his vision of *shalom*. He identifies these crucial steps as “confession, atonement, and repentance” (p. 18), all of which take place in an environment of love-agape. Forgiveness is “discovered” during this process, depending on the extent to which these steps are completed.

5. The Vienna Declaration. “Meeting the Challenges of the 21st Century,” *The 10th United Nations Congress on Crime Prevention and Criminal Justice* (2000): http://www.unodc.org/pdf/crime/a_res_55/res5559e.pdf (Downloaded December 2, 2006), states in No. 28 that the General Assembly “encourages the development of restorative justice policies, procedures and programs that are respectful of the rights, needs and interests of victims, offenders, and communities and all other parties” (p. 6). The Bangkok Declaration,

“Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,” *The 11th United Nations Congress on Crime Prevention and Criminal Justice* (2005): <http://www.un.org/events/11thcongress/declaration.htm> (downloaded December 2, 2006), makes a similar statement in No. 32. It provides more specific references on how restorative justice should be incorporated in existing criminal justice systems (p. 6).

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10. Christiane C. Schubert, “Healing the Effects of Medical Errors: A Restorative Justice Approach,” Doctoral Dissertation (in progress), Loma Linda University, Loma Linda, California.

11. In 2006, the Southeastern California Conference of Seventh-day Adventists put into place a conflict mediation program for its 150 congregations. The program is based on restorative justice principles as articulated by the Mennonite tradition in peacemaking.

12. See, for example, J. W. De Gruchy, *Reconciliation: Restorative Justice* (Minneapolis: Fortress Press, 2002).

13. R. Yazzie and J. W. Zion, “Navajo Restorative Justice: the Law of Equality and Justice,” In *Restorative Justice, International Perspectives*, B. Galaway

and J. Hudson, eds. (Monsey, N.Y.: Criminal Justice Press, 1996), pp. 157–173.

14. J. Pratt, “Colonization, Power and Silence: A History of Indigenous Justice in New Zealand Society,” In *Restorative Justice, International Perspectives*, pp. 137–155.

15. Schubert, op cit.

16. Reinhold Niebuhr, *Moral Man and Immoral Society* (New York: Charles Scribner's Sons, 1960), p. 258.

17. K. Lebacqz, *Six Theories of Justice* (Minneapolis: Augsburg Publ. House, 1986), pp. 83–99.

18. “Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres” (1 Corinthians 13:4–7, NIV).

19. R. N. Bellah, *The Good Society* (New York: Vintage Books, 1992).

20. For a detailed discussion on the incorporation of restorative justice courses in the curricula of criminal justice undergraduate programs, see S. L. Smith-Cunnien, “Restorative Justice in the Criminal Justice Curriculum,” *Journal of Criminal Justice Education* 12:2 (2001), pp. 385–403.

21. In its new Master's program in criminal justice, Loma Linda University's Department of Social Work and Social Ecology in the School of Science and Technology has incorporated restorative justice as a required course in its core curriculum.

22. K. Holsinger and A. Crowter, “College Course Participation for Incarcerated Youth: Bringing Restorative Justice to Life,” *Journal of Criminal Justice Education* 16:2 (2005), pp. 328–339.

23. Ron Claassen, “An Introduction to ‘Discipline That Restores’ (DTF)” (2002); (downloaded November 29, 2006): <http://peace.fresno.edu/docs/IntroDTR.pdf>; Hopkins, op cit.; Roxanne Claassen, “New Approaches to Classroom Discipline,” *ACResolution* (Summer 2004), pp. 35, 36.

24. Restorative Discipline Manual (Student Life Division, Fresno Pacific University, 2006); for school mediation programs in general, see J. R. Coffman *Work and Conflict in the Academy: Leveraging Time, Money, and Intellectual Energy Through Managing Conflict* (Boston: Anker Publishing Company Inc., 2005).

25. The term has been coined by Ron Claassen, Center for Peacemaking and Conflict Studies at Fresno Pacific University and Roxanne Claassen, Raisin City Elementary School, Fresno, California.

26. Fresno Pacific University developed its Restorative Discipline Program in 2003. It offers two options to resolve conflicts. In an informal process, disputants solve their differences directly under the guidance of an informal mediator from the Center for Peacemaking and Conflict Studies. A formal process begins with a Community Justice Conference in which Student Life staff and the Center for Peacemaking coach the cooperative resolution of a violation of university standards. The program is in its second year and highly successful (comments from Dr. Jack Dison, Center for Peacemaking and Conflict Studies, FPU, 2006; Restorative Discipline Manual, 2006. Student Life Division, Fresno Pacific University).

27. *Ibid.*, p. 5.