RJ into Schools: does it go? Some theoretical and practical considerations

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Introduction

Restorative justice has made significant inroads into the fields of youth justice and education over the past decade, in both the UK and the rest of the world. For those of us who have been promoting RJ in schools, this is both wonderful and terrifying: wonderful because of the benefits of RJ for educational inclusion; terrifying because of the potential for it to be misapplied; wonderful because it could help bring about a transformation of the education system; terrifying because the opportunity might be lost. Despite remaining a firm advocate of RJ in schools, I will be taking a partially critical stance in this paper in order to examine its potential, as well as the challenges ahead.

In many ways, RJ is timely. In the early twentieth century, the Zeitgeist engendered by the ideas of Marx (class war), Freud (the internal battles of id, ego and superego) and naïve social Darwinism (survival of the fittest) offered an intellectual climate that stressed the competitive and destructive aspects of conflict. Subsequently, theorists such as Rogers, Deutsch, Maslow and Lewin developed a vocabulary for thinking about the more constructive aspects of conflict, cooperation and justice. This can be seen, not as the invention of a new set of ideas, but as a reclaiming of older traditions of problem-solving, conflict resolution and a model of criminal justice that dominated most of human history (Braithewaite, 2002). In a seminal piece, Christie (1977) famously referred to conflict as "property", and the way in which crime has been transformed, from a wrong done to another person into a crime against the state, as "theft". Many are now seeking to reverse this change through greater participation of individuals and groups in the resolution of their own conflicts. Early in the twenty-first century, Seligman launched the concept of positive psychology and challenged the discipline of psychology to take a more balanced view of both human suffering and human flourishing (Seligman et al., 2005). In particular he argues that happiness is made up of (1) pleasure (or positive emotion) (2) engagement and (3) meaning. This third route to happiness comes through people using their strengths in the service of something larger than themselves, such as knowledge, family, community, politics, justice or a higher spiritual power. As I shall argue later in this paper, RJ, and related practices of conflict resolution and deliberative democracy have much to contribute here.

Restorative justice is made up of a diverse set of practices globally. There are many things that can come under its umbrella, including victim-offender mediation, healing circles, whole-school anti-bullying programmes and Chinese *bang jiao* programmes. There are also many things that should not come under its umbrella (Braithewaite, 2002). Some RJ theorists have seen the different approaches and practices of RJ as a continuum, and others have tried to group them into different categories. Baruch Bush and Folger (2005) identify four 'stories' about the related field of mediation: the satisfaction story; the social justice story; the transformation story and the oppression story. Johnstone

and Van Ness (2007) see it as a deeply contested concept. They focus on three different but overlapping conceptions: the encounter conception; the reparative conception and the transformative conception. Although all three embrace encounter, reparation and transformation, the emphasis that is placed on each changes the associated values and practices. This paper will use the framework of these three conceptions to suggest some ways in which RJ can be theorised and applied in schools, highlighting both the strengths and weaknesses of each.

The encounter concept of RJ

The encounter concept of restorative justice is grounded in victim-offender mediation. It argues that the strength of RJ lies in its ability to bring victims, offenders and stakeholders in a criminal case together outside formal, professional-dominated settings such as the courtroom, and to support them to engage in meaningful dialogue. Values, including the central role of communication and recognition of emotion (particularly feelings of hurt and loss) are important in ensuring that encounters remain restorative. A simple but powerful process enables those involved to increase awareness of self and others. Baruch Bush and Folger (2005) suggest that in certain circumstances mediation helps disputants to forge new identities, reconstituting themselves through interaction, and giving meaning to their lives.

Restorative justice and mediation involve an integration of the public and the private, self and other, thought and emotion. This integrative approach to conflict and injustice has been recognised outside the field of restorative justice as a response to conditions of high or post modernity. Giddens (1991) suggests that in high modernity, "social circumstances are not separate from personal life, nor are they just an external environment to them. In struggling with intimate problems, individuals help actively to reconstruct the universe of social activity around them" (1991: 12). Thus processes of encounter and dialogue enable the articulation of private and intimate aspects of experience, and influence over the ways in which identities are discursively constructed within wider social groupings. Restorative justice, through encounter and structured dialogue, takes account of complexity, diversity and local conditions in a way that is not possible through more formalised judicial processes.

The encounter concept of RJ in schools

Initiatives to develop restorative justice in schools are often grounded in notions of 'encounter' in that students are encouraged to develop understanding of the consequences of their actions through dialogue with those who have been affected. This may be in the form of a formal restorative conference involving a student who might otherwise be expelled from school, but it is more likely to take an informal turn, through practices such as peer mediation, and restorative dialogue with teachers (Morrison, 2007). These two levels of interaction have been conceptualised as the middle and top levels of a triangle (Morrison, 2007, Hopkins, 2004) with the widest and most distributed level of restorative approaches in schools taking up the bottom level of the triangle. At this level - unlike the middle and upper levels which involve fewer students as approaches become increasingly formalised - all students in school are involved in proactive initiatives to promote well-being, and the social and affective (emotional) skills needed for restorative approaches to be successful in a whole-school approach.

This bottom level of the triangle has many parallels with initiatives to promote young people's happiness and mental health (Noddings, 2003, Huppert, 2005) well-being (Morris, 2009, Cowie et al 2004) and social and emotional aspects of learning (DfES, 2007, Weare, 2000). What all of these initiatives have in common is the recognition that schooling has become unbalanced, with the commodification and marketisation of education resulting in a restricted curriculum and processes of teaching and learning that prioritise facts over process, exam results over understanding, and academic knowledge over the acquisition of social and emotional skills. They attempt to provide a curriculum and pedagogy that resurrect the primacy of the relationship between the teacher and the pupil, and build trust amongst young people so that learning can be enhanced and classrooms can become places where social and emotional learning takes place. This is both to enhance the quality of life in school, and to better prepare young people for their lives outside school (Cremin, 2007).

Some of these initiatives focus specifically on the effective resolution of conflict through practices such as peer mediation and circles of friends (Selman, 2009, Cremin, 2007). The role of school policy and practice for behaviour management is key here. Sandy and Cochran (2000) for example, developed the Peaceful Kids Early Childhood Social-Emotional Learning (ECSEL) curriculum, at Teachers' College, Columbia University, which uses cooperative discipline techniques, and provides children with opportunities to develop vocabulary related to feelings, cooperation and problem-solving.

> Cooperative discipline is based on mutual affection and trust between teachers, parents and children. Thus the accent is on helping the child understand both her own and the other person's feelings and perspective, as well as the consequences of her action, rather than simply getting the child to obey.
>
> Sandy & Cochran, 2000: 328

By contrast with the approach taken in predominantly behavioural approaches to discipline, cooperative discipline is child-centred, and builds self-discipline. Thus, the encounter concept of restorative justice resonates strongly with many existing initiatives and practices in schools, and provides a vehicle for structuring and conceptualising the work of teachers and others wishing to develop more restorative schools.

Problems with the encounter concept

There are, however, challenges in implementing the encounter concept of restorative justice, and there are those who have argued that it is at best a diversion, and at worst dangerous. To deal first with restorative justice in non-educational settings (although some of the same issues still apply) there are those who argue that there is a lack of consistency, and therefore a lack of fairness in restorative practice which relies on the willingness of victims to participate in a restorative meeting, and in the degree of reparation that is needed in each individual case. There is also a danger of victims feeling pressurised, and of them being construed as mere props in efforts to rehabilitate offenders (Zehr, 2002). Braithewaite (2002) argues trenchantly from the perspective of a criminologist that restorative justice will have little impact on reducing crime as long as it remains the case that the majority of victims of crime are victims of white-collar crime and unreported domestic violence. Zehr (2002) argues that the reduction of crime should not be a primary goal of restorative justice in any case, and that some advocates are losing sight of the original emphasis of RJ on the needs of victims.

From the point of view of schools, there is a growing critique of initiatives such as emotional literacy and SEAL in schools. Ecclestone and Hayes (2009) and Craig (2009) argue that teachers and policy

makers who favour these approaches are over-stating the nature and degree of childhood depression and that schools are creating a generation of navel-gazing young people who use the language of emotion with ease, and have an opinion on everything whilst knowing very little about the great discoveries of science and the humanities. Schools, they argue, should 'change the subject'; returning to an academic curriculum and leaving the majority of young people who do not need to have their emotional resilience increased to develop a love of learning. It is hard to reconcile these ideas with those of others who argue that the need for focussing on the social and emotional aspects of learning in the first place comes precisely from an over-academic curriculum.

Another problem concerns language and categorisation. If the bottom layer of the restorative approaches triangle is concerned with everyone in school developing social and emotional skills and attitudes to prevent and deal constructively with conflict, one has to ask what this has to do with restoration – restoring to what? To an idealised notion of cohesive societies in which everyone took responsibility for their own actions within communities of care and accountability? It is hard to imagine that such communities ever really existed. And even if they did, is it really desirable to go back to pre-modern times? The complex, diverse and multiple communities of high modernity demand different responses to those of the past. The question is how to move forward, taking account of the past but integrating old wisdom with new approaches. That could involve, for example, rescuing the project of humanistic education, which lost its way in the final decades of the twentieth century despite being grounded in the same values as restorative justice. These include unconditional positive regard (neutrality, non-bias, acceptance, love?) empathy, authenticity, empowerment and engagement. In this scenario, restorative justice becomes a subset of a reinvigorated and re-conceptualised humanistic education, rather than an organising principle. It certainly makes sense for this uncoupling to enable restorative justice to centre on notions of harm, conflict and crime, leaving other approaches to create a context for the development of pro-social skills and positive relationships.

The reparative concept of RJ

The reparative conception of restorative justice is grounded in the idea that the harm caused by a crime to people and relationships needs to be repaired. Adherents to this view would argue that when an encounter is not possible (perhaps the victim does not wish to participate) a restorative process can still occur through, for example, the imposition of reparative sanctions ordered by the court. Braithewaite (2002) has drawn together various theories which attempt to explain why the reparation concept of restorative justice appears to work so well, according to various empirical studies from the field of criminology. The first of these, defiance theory, suggests that sanctions produce future deterrence of law breaking if they are perceived to be legitimate by the offender. If they are perceived to be arbitrary, they will reinforce a sense of defiance and isolation from the sanctioning community. RJ therefore works by improving communication, empathy and understanding so that sanctions are perceived as legitimate. Self-categorisation theory suggests that identification with particular social groups shapes what we are and how we act. RJ therefore works if there are bonds between the offender and the social group that has been harmed by the offence. If the offender has a stronger identification with other groups, particularly if those groups do not condemn the offence, then RJ is less likely to succeed.

A theory that has attracted a lot of interest and debate is the theory of reintegrative shaming, which holds that both tolerance of crime, and processes of stigmatization and out-casting, make crime worse. Reintegrative shaming involves disapproval of the act within a continuum of respect for the offender, and rituals of forgiveness. It is similar to parenting that involves confronting wrongdoing with moral reasoning, avoiding both laissez-faire and punitively authoritarian attitudes. If shame is unacknowledged, Braithewaite argues, it will, "become complicated, chronic, and more likely to descend into rage" (Braithewaite, 2002:79). It is therefore important to create time for acknowledging shame in order for its effects to be dissipated – something that rarely happens in a courtroom setting due to impersonal rhetoric about technical culpability.

Practices of reintegrative shaming are associated in RJ literature with indigenous communities in New Zealand, Canada and Australia. Ausburger (2002) has argued that in cultures with low contextual influence (e.g. urban Western individualism) the individual exercises his / her rights within a legalistic framework, whereas in settings where there is high contextual influence (i.e. communitarian culture largely associated with the global East and South) the conflict interaction unfolds according to cultural and social controls:

> People in individualistic, low-context cultures are much more likely to utilize a confrontational, direct-address, one-to-one negotiating style, or at least believe that that is the final way to resolve differences; people in high context cultures are more likely to possess a non-confrontational, indirect, triangular resolution style. The factors here are multiple, complex and intertwined. High context group values of harmony, solidarity, interdependence, honour, and the maintaining of face, hierarchy and status differentials contrast with low-context values of individualism, autonomy, independence, self-reliance, self-esteem, quality, and egalitarianism.
>
> Ausburger, 2002: 32

Individualistic societies, he goes on, repress shame, inhibit its resolution, and arrest development at the earliest stage, with guilt over-developed as a psychic administrator of internal control. When shame is felt, "it is in primitive and infantile rage and self-immolation, as the face burns" (Ausburger, 2002: 82). In more collective cultures, the maturation of both shame and guilt may be fostered, and the internal controls function conjointly and cooperatively.

The reparative concept of RJ in schools
Many teachers in schools that consider themselves to be restorative would argue that they use similar processes to support young people to access feelings of guilt, shame, empathy and generosity and to make amends to their peer group and others who have been hurt by their actions. This is done not through the direct shaming of the child (humiliation if front of peers, shouting, sarcasm) but through skilled educators judging the right degree of challenge and support that is needed for a young person to explore feelings of guilt and shame in an unpressurised and caring environment. This builds on concepts of humanistic psychology and humanistic education, which are grounded in the idea that individuals will self-actualise given the right conditions of unconditional positive regard, empathy and genuineness on the part of a skilled helper.

As I have argued elsewhere (Cremin, 2007) too often in schools young people are confronted with a moral judgement about their wrong-doing, and with a requirement to act in pre-determined ways in order to receive punishment or parrot an apology. Indeed, many schools are proud of their behaviour management policies (mandated in law) containing lists of procedures, rules, sanctions and rewards. This may give the illusion of fairness and consistency, but it has nothing to do with learning, and it is

the opposite of child-centredness. Where wrong-doing has occurred, an adult-centred approach takes place without any requirement for the young person to engage in reflection on moral or ethical dilemmas, or on the effects of their actions on others. This is what restorative approaches in schools seek to reverse.

Problems with the reparative concept of RJ

There are risks in the reparative concept of RJ for both offenders and young people in schools. As Braithewaite (2002) points out, RJ can become a "shaming machine" that worsens the stigmatisation of the offender, especially in the hands of an unreflective facilitator who consciously or unconsciously takes on a morally superior stance. Restorative justice practices rely on a model of community that is culturally distant from most industrialised societies and can oppress offenders with the "tyranny of the majority" (2002: 150). The two social codes –honour and shame – that characterise Ausburger's high-context cultures are, "reciprocal forces that serve to unite groups, police the boundaries, define who is included and excluded, and enforce conformity" (Ausburger, 2002: 103). Whilst it may be desirable to strengthen community cohesion in urban Western societies that have become fragmented, it is less desirable to return to a sense of community in which everyone knows their place and no one transgresses. Few would wish, for example, to lose the gains of feminism and anti-racism. Sen (2006) has argued that not only are communities made up of individuals with differential access to power and justice, but that also the very notion that an individual belongs primarily to one community is flawed. This assumption of singularity, far from bringing about cohesion and peace is, "a frequently used weapon of sectarian activists who want the targeted people to ignore altogether all other linkages that could moderate their loyalty to the specially marked herd (Sen, 2006: 21). He proceeds:

> The incitement to ignore all affiliation and loyalties other than those emanating from one restrictive identity can be deeply delusive and also contribute to social tension and violence.
>
> Sen, 2006: 21

Starting from the opposite perspective, Lister (1997) suggests that the autonomous self does not have to be set in opposition with notions of interdependence and reciprocity, "provided that it is understood that this autonomy and the agency that derives from it, is only made possible by the human relationships that nourish it, and the social infrastructure that supports it." (1997: 114). It is perhaps this more balanced view, grounded in liberal rights-based traditions of freedom and choice, that enables a greater regard for the communities and social structures that sustain individuals within their various contexts. This is perhaps a more apt basis for the development of RJ in schools and elsewhere.

Another problem with the reparation concept of RJ can be linked with Foucault's seminal text *Discipline and Punish* (1979) which charts the change in Western social and criminal justice systems since the Middle Ages from punishment that chastised the body to reform that controlled the soul. There is perhaps a danger that RJ could be used to 'get inside the heads' of young people, encouraging them to use self-surveillance to police their own actions, and to conform to social norms that are shaped by discourses within society that favour those with power and influence. It could be argued, for example, as Debarbieux (2003) has done in the context of the "urban schools market" in France which consists in, "'middle class parents avoiding ordinary schools to keep their social privileges" that young people who commit acts of violence are doing so, "in order to reduce the grip of negative school verdicts on themselves" (2003: 23). Where, in this case, should shame be located?

Should it be located with the socially excluded young people who commit acts of violence? Or should it be with the policy-makers, teachers, other professionals and parents who contribute to, or at least collude with, structural violence in social and educational settings? This will be a major theme in the final section of this paper, which deals with the transformative concept of restorative justice.

These issues have been found in evaluations of RJ programmes in schools. Findings from a large scale study in Scotland with 18 primary, secondary and special schools showed that the focus on formal conferencing, so central to earlier work derived from restorative justice, was robustly questioned by each local authority and each of the 18 schools (McCluskey et al., 2007). The authors raise several issues about an unproblematic transfer of restorative justice into educational settings, and about the role of school culture within a wider social context. Whilst they acknowledge that RJ may seem to offer a more positive, less punitive approach to repairing harm, they raise important concerns about the potential for restorative justice to become a form of social control. As they point out, much of the language of RJ (for example 'perpetrator' and 'victim') derives from the criminal justice field and from related psychological perspectives. This language does not give due attention to the different discourses involved in criminal justice and in education. It is important to address these issues if RJ is to continue to expand in school settings.

The transformative concept of RJ

The transformative concept of restorative justice is much more ambitious. It holds that both the initial and the ultimate goal of the restorative justice movement should be to transform the way in which we understand ourselves and relate to others in our everyday lives (Johnstone & Van Ness, 2007). Proponents argue that in the absence of such transformations, any efforts to change specific practices, such as our response to crime, are unlikely to succeed and can even have unintended effects. Also, even if such changes do occur, they can only make a peripheral contribution to the goal of achieving a just society – achieving that goal requires deeper and more far-reaching transformations.

> To live a life-style of restorative justice, we must abolish the self (as it is conventionally understood in contemporary society) and instead understand ourselves as inextricably connected to and identifiable with other beings and the 'external world'.
>
> Johnstone & Van Ness, 2007: 15

Restorative justice certainly seems to evoke passion and commitment among its adherents that is difficult to explain by cost / benefit calculations. Zehr (2002) links restorative principles with various cultures and religions, including the Hebrew concept of Shalom, the Maori *whakapapa,* and the African *ubuntu,* which was so central to the truth and reconciliation process in South Africa. All contain the notion that we are interconnected with each other, a creator and the environment, and that this sense of connection needs to be restored when it is ruptured. Many advocates of the transformative concept of restorative justice see conflict as neither good nor bad, merely an inevitable part of processes of change. Conflict can be responded to constructively or destructively, but where it is responded to constructively it can bring benefits that are greater than those associated with reparation; transforming people, situations and relationships in ways that are hard to predict or explain (Baruch Bush & Folger, 2005).

Underlying the ideology of transformative restorative justice is that there is, "an *inherent supply* of the capacity for strength and connection in human beings, rather than an inherent deficit, so that outside control is not needed in order for conflict interaction to move in a productive rather than destructive direction" (Johnstone & Van Ness, 2007: 250). Again, this resonates with self-actualisation in humanistic psychology. Human thriving is achieved not by providing frameworks of structure and control, but by removing barriers to communication and connection, enabling human beings to become the best of what they already are.

The transformative concept of restorative justice is associated with an expanded view of conflict and justice, calling for a reinvigoration of civic spaces and discursive democracy. In common with other theorists, including feminists, advocates of this approach see the integration the public and the private as important for an expanded view of citizenship which takes account of issues such as domestic violence and the exclusion of lesbians and gay men from civil, political and social rights, (Arnot, 2007, Lister, 2007). Drawing on Habermas' 'communicative ethic', Lister (2007) argues for a politics of solidarity, grounded in dialogic, deliberative or communicative democracy. Public dialogue thus becomes a framework for the articulation of difference, revealing and challenging the ways in which divisions of power and opportunity have been obscured within traditional discourses of citizenship. As Braithewaite (2002) also argues, "disputing over daily injustices is where we learn to become democratic citizens. And the learning is more profound when those daily injustices reveal deeply structured patterns of injustice" (2002: 131). Transformative justice, therefore, is linked with notions of spirituality, wider societal transformation and justice that unite the public and the private aspects of experience. This transformation needs to be grounded in the education of young people.

The transformative concept of RJ in schools
In order for the transformative concept of RJ in schools to be realised, schools themselves would have to be transformed. There is certainly no lack of calls for de-centralised and alternative schooling (Harber, 2004, Lynch & Lodge, 2002). With rare but notable exceptions, many alternative schools currently reside within the private or home-schooling sector, with state schools subject to criticisms of over-regulation and functionalism.

Although not restricted to school settings, Braithwaite (2002) identifies restorative justice circles for young people as a way of responding to the modern structural dilemmas of human and social capital, which limit the life chances of some young people. The restorative justice circle brings a community of care together for the first time in one room, even if that community is diffuse and fragmented. In a quintessentially late modern case, one of the participants may well be a friend from cyberspace whom the young person meets for the first time. Education can learn from criminology in the sense that Neighbourhood Watch schemes have been found to be unsuccessful because they do not target individuals in the way that restorative conferencing does. Restorative justice circles or youth development circles can change lives if they break out of a formal bureaucratic mould to become a ritual of caring. Schools can and should be places where these community-based initiatives become embedded into the education and care of young people.

Concerns about the transformative concept of RJ cluster around issues of social justice and social control (Braithewaite, 2002). The question is whether, in the absence of wider social justice, RJ could at best be ineffective, and at worst harmful. A feminist critique is a robust one, "restorative justice might return family violence to being a private matter rather than a social problem whose dimensions are profoundly public" (2002: 152). There have been cases, for example, where elders of Indigenous communities have been empowered by RJ programmes, and have then used that power as males to protect male friends who have been abusing women. Ultimately, "there can be no doubt that capture by dominant groups is an ineradicable reality of restorative justice" (2002: 161). There is also a danger that restorative justice can extend unaccountable police power, and even compromise the separation of powers among legislative, executive, and judicial branches of government, as well as trampling the rights of victims through the inferior articulation of procedural safe-guards compared with the courts (Braithewaite, 2002).

The education system is neither just nor restorative (Thrupp & Tomlinson, 2005, Apple, 1995, Gale & Densmore 2000). As Thrupp and Tomlinson point out:

> In education the retention of overtly selective policies, the encouragement of covert selection via a diversity of specialist schools and semi-privatised academies, the absence of any attempts to challenge the dominance of private schools (to which the rich and influential have continued to send their children), and policies of privatisation affecting schools, local education authorities and educational services appear designed to minimise rather than maximise social justice.
>
> Thrupp & Tomlinson, 2005: 551

These wider structural issues cannot be ignored. The *Cambridge Primary Review,* an extensive review of primary education funded by the Esmee Fairbairn Foundation between 2006 and 2009 involving over 1000 written submissions, thousands of emails, over 200 national and regional soundings meetings, found that social divisions are exacerbated through schooling (Alexander, 2009). Alexander notes:

> The contrasts in children's lives were thought to be massive and widening. Those born into familial stability and economic comfort fare well, many exceptionally so. For others, deprivation is profound and multi-faceted: economic, emotional, linguistic and cultural. Our community witnesses believed that the accident of birth profoundly and often cruelly divides the nation's children.
>
> Alexander, 2009: 14

He concludes that schools can and do make a difference in alleviating social and educational inequality, but that they need to model the kinds of trust, encouragement, respect and optimism that good parents to transmit to their children. This needs to begin with the empowerment of teachers, and freedom for schools as communities to develop their own values and practices through the kinds discursive democracy described above. As I have argued elsewhere (Cremin & Thomas, 2005) social and educational inclusion are premised on the transformation of dominant discourse of schooling. Comparison – the self-comparison of each student himself or herself with others, and the tacit or explicit institutional endorsement of such comparison by teachers and other professionals – is a major factor in differentiation and segregation in schools, and in the alienation and exclusion experienced by students there. Restorative schools need to develop alternative discourses grounded in unconditional positive regard and equal valuing of all students, regardless of what they are able to contribute.

Restorative interventions in schools need to take heed that they are not being undermined by the dominant cultures of schooling. Bickmore (2001) warns that peer mediation, for example, could become yet another way of disseminating culturally loaded and problematised 'good behaviour models', if socially privileged mediators are co-opted into policing the 'undesirable' behaviour of children from underprivileged or marginalised communities:

> Any citizenship education program co-exists with the hidden curriculum. That is, implicit modelling and practise in regular school activity may enhance or contradict the intended outcomes of a planned program such as peer mediation. Diverse students in these programmes draw upon different personal histories and strengths, and they experience different models and structures of opportunity for people like themselves in their 'real life' communities.
>
> Bickmore, 2001: 149

As highlighted above, transformative restorative justice is the most ambitious of the concepts of restorative justice and has much to offer. It responds to generalised feelings of dissatisfaction with criminal justice and schooling that many experience, and holds an enticing and intuitive promise of a better way. It is also a concept that carries dangers as transformation occurs patchily and differentially. Above all, it is important to take care that the most vulnerable don't get caught in the folds that are yet to be ironed out.

Conclusion

So, which concept of restorative justice is to be favoured? Johnstone and Van Ness (2007) argue that rather than pushing one of them forward as the primary concept, a fruitful way forward for RJ proponents would be to keep debating the meaning of the concept in a manner consistent with the principles of RJ. Braithewaite (2002) urges more research. A review of literature shows that there are both promises and perils inherent in restorative justice:

> It is, however, an immature literature, short on theoretical sophistication, short on rigorous or nuanced empirical research, far too dominated by self-serving comparisons of "our" kind of restorative justice program with "your kind" without collecting data… That disappoints when the panorama of restorative justice programs around the globe is now so dazzling, when we have so much to learn from one another's conceptual mistakes and triumphs.
>
> Braithewaite, 2002: 167

This is a challenge that must be responded to. For those of us who have dedicated professional lives to the development and evaluation of conflict resolution strategies in schools, including restorative justice and peer mediation, it is essential to take account of some of the contradictions and problems that are emerging in the fields of criminal justice and education. It is in this fertile ground that this seminar series is planted.

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