

My Three Decades of Using Restorative Practices with Delinquent and At-Risk Youth: Theory, Practice and Research Outcomes

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Introduction

In 1977 my colleagues and I were using restorative practices in our work with delinquent and at-risk youth in Pennsylvania at the Community Service Foundation (www.csfbuxmont.org), but we did not use the term “restorative” at the time. After we encountered the concept of “restorative justice” in the mid-1990s, we began to develop a definitional and theoretical framework that explained our own practices. We expanded “restorative” beyond an exclusively justice framework and embarked on a series of related research evaluations.

Punitive and Permissive

Our definitional efforts started with restorative justice, an alternative to the current punitive way of dealing with crime, conflict and wrongdoing. Punishment is the prevailing practice, not just in criminal justice systems but throughout modern societies, in schools, families and workplaces. Those who fail to punish naughty children and offending youths and adults are often labeled as “permissive.”



Figure 1. Punitive-Permissive Continuum

This punitive-permissive continuum (Figure 1) reflects the current popular view, but offers a very confined perspective and limited choice — to punish or not to punish. The only other variable is the severity of the punishment, such as the amount of the fine or the length of the sentence. However, we can construct a more useful view of social discipline by looking at the interplay of two more comprehensive variables, control and support (Wachtel, 1999).

Social Discipline Window

We define “control” as discipline or limit-setting and “support” as encouragement or nurturing. With these two variables we can combine a high or low level of control with a high or low level of support to identify four general approaches to social discipline:

neglectful, permissive, punitive (or retributive) and restorative (McCold & Wachtel, from Glaser, 1969).

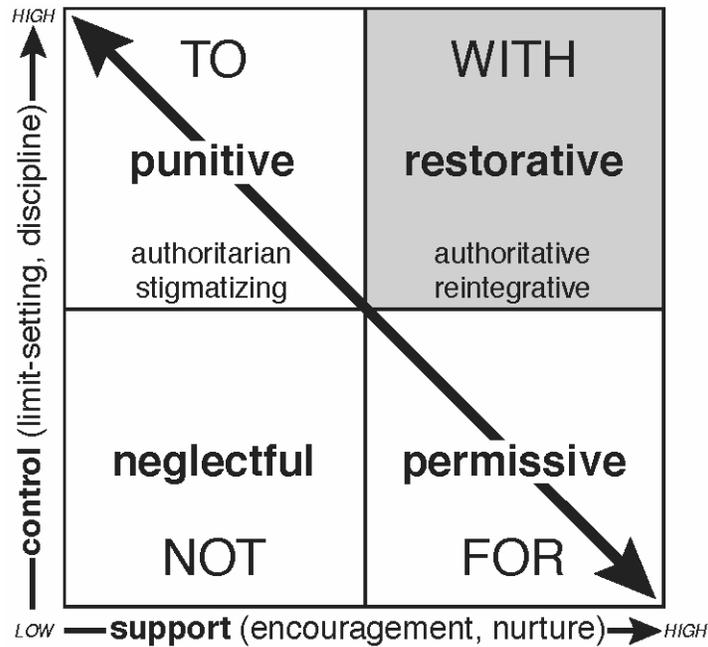


Figure 2. Social Discipline Window

We can subsume the traditional punitive-permissive continuum within this more inclusive framework that we call the “social discipline window.” (McCold & Wachtel, from Glaser, 1969) The permissive approach (lower right of Figure 2) is comprised of low control and high support, a scarcity of limit-setting and an abundance of nurturing. Diagonally opposite permissive (upper left of Figure 2) is the punitive (or retributive) approach, high on control and low on support. Sadly, courts and school in the United States and other countries have increasingly embraced the punitive approach, imprisoning more citizens and suspending and expelling more students than ever before. There is a third approach, when there is an absence of both limit-setting and nurturing, which is simply neglectful (lower left of Figure 2).

The fourth possibility is “restorative” (upper right of Figure 2), the approach to social discipline that brings us all together at this restorative juvenile justice conference in Peru. Employing both high control and high support, the restorative approach confronts and disapproves of wrongdoing while supporting and valuing the intrinsic worth of the wrongdoer. In using the term “control” we are advocating high control of wrongdoing, not control of human beings in general. Our ultimate goal is freedom from the kind of control that wrongdoers impose on others (Wachtel, 1999).

The social discipline window can also be used to represent parenting styles. Diana Baumrind used the term “authoritarian” to describe the punitive parent as distinct from the “authoritative” parent (Baumrind, 1989). Although Baumrind did not use the word “restorative,” her use of the word authoritative was equivalent, representing the exercise

of authority in a supportive manner. She found that parents who were authoritative were more effective as parents and got better results than the authoritarian parents who were punitive, or the democratic or permissive parents who were supportive but weak on setting behavioral limits.

Further, we can apply criminologist John Braithwaite's terms to the window. "Stigmatizing" responses to wrongdoing are punitive, while "reintegrative" responses are restorative. Braithwaite did not take the usual approach to criminology, asking why people commit crime. Rather he asked why most people "do the right thing most of the time." He argued that when offenders feel shamed in the eyes of their family and friends, those people they love and care about, they want to restore those relationships and be reintegrated. He explained that societies that reintegrate offenders, rather than label and stigmatize them, have the lowest rates of crime. When offenders are not reintegrated, they join the negative subculture of other stigmatized offenders who feel isolated and alienated from the mainstream of society (Braithwaite, 1989). Restorative justice addresses Braithwaite's call for reintegration because, according to Howard Zehr, restorative justice processes focus on restoring relationships and repairing the harm that was done (Zehr, 1990).

In our own definitional endeavors, the staff at the Community Service Foundation added a few keywords to our social discipline window — *not, for, to and with* — to help clarify restorative approaches for those who work in our schools, group homes and other programs. If we were neglectful toward the troubled youth in our agency's programs, we would *not* do anything in response to their inappropriate behavior. If permissive, we would do everything *for* them and ask little in return. If punitive, we would respond by doing things *to* them (Wachtel, 1999).

When responding in a restorative manner, we do things *with* young people and involve them directly in the process. A critical element of the restorative approach is that, whenever possible, we also include victims, family, friends and community — those who been affected by the offender's behavior. Although the restorative approach to social discipline expands our options beyond the traditional punitive-permissive continuum, the typical implementation of restorative justice to date usually is narrowly restricted to formal processes such as victim-offender mediation, sentencing circles or formal restorative conferences. Others may describe community service projects, reparative boards, youth aid panels and youth courts as restorative justice, but in our definitional framework they do not meet the critical criteria of doing things *with* people and they fail to provide an encounter between victims, offenders and their communities of care so that they can actually talk to each other. Instead panels, boards and youth courts substitute young people or community members as pseudo-judges, replicating the *to* modality of criminal justice courts and contradicting the restorative ethos.

Early Restorative Justice Research

John Braithwaite, in his keynote address at the first North American Conference on Conferencing, asserted that "restorative justice will never become a mainstream

alternative to retributive justice unless long-term R[esearch] and D[evelopment] programs show that it does have the capacity to reduce crime” (Braithwaite, 1998). At the time, in light of Braithwaite’s admonition, I feared that restorative justice would be doomed to a peripheral role at the fringes of criminal justice and school disciplinary systems. Although a number of studies had found that victims, offenders and their respective supporters had almost univerrally positive reactions to victim-offender mediation and restorative conferencing (McCold, 1999; McCold & Wachtel, 1998; Sherman, Strang, Barnes, Braithwaite, Inkpen & The, 1998; Sherman et al., 1999; Umbreit, 1996; Umbreit & Coates, 1993; Umbreit, Coates, Kalanj, Lipkin & Petros, 1995; Umbreit & Roberts, 1996), research had yet to demonstrate that a single restorative justice event would reduce offending or otherwise prevent crime. Restorative justice advocates could only say with assurance that participants in restorative justice processes found them satisfying and just — often with more than 90 percent responding favorably.

Restorative Justice in Everyday Life

So in 1999 I began to think in terms of “restorative justice in everyday life.” Although an advocate of restorative conferences, I felt it was unrealistic to expect that a single restorative intervention could change the behavior and mindset of the delinquent and high-risk youths who we worked with in the counseling, educational and residential programs of our own Community Service Foundation and its sister agency, Buxmont Academy (www.csfbuxmont.org). These young people’s persistently impulsive behavior and drug and alcohol abuse did not seem likely to be curbed by just one restorative conference (Wachtel, 1999).

A comment by Terry O’Connell, the Australian police officer who developed the scripted or Real Justice model of conferencing (O’Connell, Wachtel & Wachtel, 1999; Wachtel, 1997) was among the factors that encouraged me to adopt a different way of looking at restorative justice. He remarked, when he first visited one of our schools in 1995, “You are running a conference all day long.” Although we had not previously used the term “restorative justice” to describe our program activities, we realized that our program environment was characterized by the everyday use of a wide range of informal and formal restorative practices. We realized that the term “restorative justice” could include, not just formal processes like victim-offender mediation or restorative conferencing, but also any response to wrongdoing that falls within the parameters defined by our social discipline window as both supportive and limit-setting and which engaged offenders, and where possible, those who were affected by the wrongdoing.

Restorative Practices Continuum

Once we examined the possibilities, we saw that they are virtually unlimited. So I began to think in terms of a continuum of restorative practices (Figure 3). Moving from the left end of the continuum to the right, restorative interventions become increasingly formal, involve more people, more planning, more time, are more structured, and due to all of the those factors, may have more impact on the offender. Yet the repetitive use of a range of

simpler, less formal restorative interventions may be sufficient to effect change in behavior.

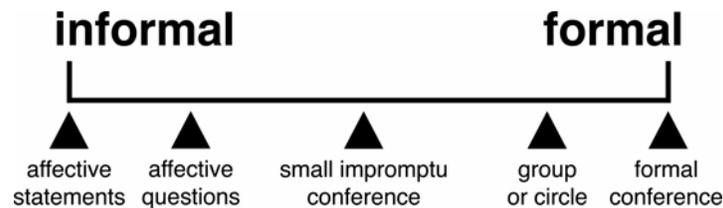


Figure 3. Restorative Practices Continuum

On the far left of the continuum is a simple affective response in which the wronged person lets the offender know how he or she feels about the incident. For example, in our Community Service Foundation programs, a staff person might say to a young person, “You really hurt my feelings when you act like that. And it surprises me, because I don’t think you want to hurt anyone on purpose.” And that may be a sufficient intervention to influence a young person’s behavior at that time. If a similar behavior happens again, we might repeat the response or try a different restorative intervention, perhaps asking, “How do you think Mark felt when you did that?” and then waiting patiently for an answer. These affective statements or questions are the most basic restorative interventions.

In the middle of the continuum is the small impromptu conference. I remember such an impromptu conference involving a 14-year-old boy who was on probation and who lived with his grandmother. He had gone to a cousin’s house on Christmas eve without letting his grandmother know and did not come back until the next morning, just barely in time for them to catch a bus to her sister’s house for Christmas dinner. We encouraged the grandmother to talk about how that incident had affected her and how worried she was about her grandson. The boy was surprised by how deeply his behavior had affected his grandmother. He readily apologized and assured her that he would not do anything like that again.

Near the far right of the continuum is the group or a circle process, which is less structured than the formal conference. It is often spontaneous and usually does not require the elaborate preparation expected of a formal conference. For instance, when an incident occurs in which the culprits are not known or there are many people responsible for the problem, a circle can be held to allow people to talk about how the adverse behavior affects them and to ask individuals to identify their part in the problem. These kinds of circle discussions are usually very impactful and result in a raised consciousness among participants about how their behavior impacts others and encourages meaningful changes in behavior.

These restorative interventions, from informal to formal, often employ one or more of what we call the “restorative questions.” We can create informal restorative interventions simply by asking offenders these questions that are derived from the scripted formal conference: “What happened?” “What were you thinking of at the time?” “Who do you think has been affected?” “In what way?” “What can you do to make things right?”

Or you can ask those who have been affected the behavior, either as a direct victim or by someone who cares about the victim: “What did you think when you realized what had happened?” “What impact has this incident had on you and others?” “What has been the hardest thing for you?” “What do you think needs to happen to make things right?”

Whenever possible, we provide those who have been affected with an opportunity to express their feelings. The cumulative result of affective exchange in a school setting, for example, is far more productive than lecturing, scolding, threatening or handing out detentions, suspensions and expulsions.

Research Results for a Restorative Milieu

In 1999 we began a series of evaluations of the CSF Buxmont programs to see whether the regular use of restorative practices — creating a “restorative milieu” — in the daily life of the delinquent and at-risk youth in our schools, group homes and other counseling programs had a significant effect on behavior. Three research studies performed over seven years with 4,000 delinquent and at-risk youth discharged from CSF Buxmont’s restorative schools show offending rates being reduced by more than half:

1st Research Evaluation, 1999–2001 — Offending Reduced 58% (McCold, 2002)

- Total population measured: 919 youth, grades 7–12
- Evaluation protocols by Temple University’s Crime and Justice Research Center
- Additional findings found program effect of enhancing pro-social attitudes and raising individuals’ self-esteem

2nd Research Evaluation, 2001–2003 — Offending Reduced 50% (McCold, 2004)

- Total population measured: 858 youth, grades 7–12
- A scientific replication of the original study’s findings with a new population
- A follow-up of the 1999–2001 population two years after discharge demonstrates lasting program effect

3rd Research Evaluation, 2003–2006 — Offending Reduced 62% (McCold & Chang, 2008)

- Total population measured: 2,151 youth, grades 7–12
- 3-, 6- and 12-month post-discharge offending rates reduced
- Further confirmation of positive program effect

Redefining Restorative Justice as a Subset of Restorative Practices

In 1999 we began working extensively in education, especially public schools, expanding beyond the justice field. We came to realize that we would be more effective when we employed restorative processes both reactively and proactively. We now use the term “restorative justice” to describe only when we respond to wrongdoing and conflict – a subset of restorative practices. We use the term “restorative practices” to describe the larger field, that include not only responses, but also proactive strategies of prevention —

such as the extensive use of circles in school classrooms aimed at developing relationships and creating a sense of community among young people and staff — often called social capital. Social capital is defined as the connections among individuals (Putnam, 2000), and the trust, mutual understanding, shared values and behaviors that bind us together and make cooperative action possible (Cohen & Prusak, 2001). When a wrong or conflict arises, those in authority can draw upon that social capital for support and cooperation in resolving the problem.

Research Results for Restorative Practices in Schools

During the past decade we have implemented restorative practices in a wide range of rural, suburban and urban schools, producing dramatic improvements in school climate and disciplinary statistics. Even in challenging urban schools educators have achieved dramatic reductions in suspensions and expulsion, violence, serious incidents and teacher absenteeism (Lewis, 2009). For example, in Hull, in the U.K., described by the BBC in 2005 as the worst city in the U.K., we have assisted in training and the implementation of restorative practices in a number of schools and other youth-serving institutions. Within six months, Endeavour High School, considered the worst school in the city, reduced its disciplinary exclusions more than 60 percent and cut teacher absenteeism by more than 60 percent as well (Lewis, 2009).

In 1999 I founded the International Institute for Restorative Practices (IIRP), initially a training and consulting organization and now a graduate school, which grew out of the Community Service Foundation and Buxmont Academy. My colleagues and I at the IIRP have been developing a comprehensive framework for practice and theory that expands the restorative paradigm beyond criminal justice (McCold & Wachtel, 2003). Academicians and practitioners tend to do their work within their own distinct disciplines and professions. However the emerging field of restorative practices offers a common thread to tie together theory and research in seemingly disparate fields of study and practice.

A Unifying Restorative Practices Hypothesis

The fundamental unifying hypothesis of restorative practices is disarmingly simple: that human beings are happier, more productive and more likely to make positive changes in their behavior when those in positions of authority do things *with* them, rather than *to* them or *for* them. This hypothesis maintains that the punitive and authoritarian *to* mode and the permissive and paternalistic *for* mode are not as effective as the restorative, participatory, engaging *with* mode. If this restorative hypothesis is valid, then it has significant implications for many disciplines.

In particular, this hypothesis suggests a change in the role of professionals who work with young people and their families — from that of the “expert” who does things *to* or *for* to that of a “facilitator” who engages and does things *with*. This implication has manifested itself in innovative models and methodology. In social work, family group conferencing or family group decision-making processes empower extended families to

meet privately, without professionals in the room, to make a plan to protect children in their own families from further violence and neglect (American Humane Association, 2003). In criminal justice, restorative circles and conferences allow victims, offenders and their respective family members and friends to come together to explore how everyone has been affected by an offense and, when possible, to decide how to repair the harm and meet their own needs (McCold, 2003). In education, circles and groups provide opportunities for students to share their feelings, build relationships and problem-solve, and when there is wrongdoing, to play an active role in addressing the wrong and making things right (Riestenberg, 2002).

Each of these fields use different terms to describe these new practices. In the criminal justice field innovators use the term “restorative justice” (Zehr, 1990); in social work they advocate “empowerment” (Simon, 1992); and in education they talk about “positive discipline” (Nelsen, 1996) or “responsive classrooms” (Charney, 1992). But all of these distinctly named practices fit into the framework of restorative practices and coalesce around a similar perspective about people, their needs and their motivation — to be treated fairly and to have a voice in what is being decided.

Fair Process

In pursuit of an understanding of why restorative practices work so effectively, we have borrowed theory and research from many sources. One of the most useful ways of explaining the fundamental thesis of restorative practices is inherent in a *Harvard Business Review* article about the concept of “fair process” in organizations (Kim & Mauborgne, 1997). The central idea of fair process is that “... individuals are most likely to trust and cooperate freely with systems — whether they themselves win or lose by those systems — when fair process is observed.”

The power of restorative practices can be explained by the three principles of fair process described by Kim and Mauborgne:

- *Engagement* — involving individuals in decisions that affect them by listening to their views and genuinely taking their opinions into account.
- *Explanation* — explaining the reasoning behind a decision to everyone who has been involved or who is affected by it.
- *Expectation clarity* — making sure that everyone clearly understands a decision and what is expected of them in the future.

Because restorative practices always encompass one or more of these principles, they foster far greater cooperation and sense of ownership among young people and their families than when courts, schools or social welfare agencies simply impose solutions or sanctions.

The Role of Affect and Emotion

Rather than impose, restorative practices achieve social discipline through participatory learning and decision making. Proactively, they foster the development of relationships

and community. They do so by creating opportunities for people to safely express emotion and develop emotional bonds (McCold & Wachtel, 2004).

We have found the work of Silvan Tomkins and Donald Nathanson to be most helpful in explaining the role of emotion in restorative practices. Tomkins asserted that human relationships are best and healthiest when there is free expression of affect — or emotion — minimizing the negative, maximizing the positive, but allowing for free expression (Tomkins, 1962, 1963, 1991). Donald Nathanson, director of the Silvan S. Tomkins Institute, adds that it is through the mutual exchange of expressed affect that we build community, creating the emotional bonds that tie us all together (Nathanson, 1998). Restorative practices such as conferences and circles provide a safe environment for people to express and exchange intense emotion.

Tomkins identified nine distinct affects (Figure 4) to explain the expression of emotion in all human beings. Most of the affects are defined by pairs of words that represent the least and the most intense expression of a particular affect. The six negative affects include anger-rage, fear-terror, distress-anguish, disgust, dissmell (a word Tomkins coined to describe “turning up one’s nose” at someone or something in a rejecting way) and shame-humiliation. Surprise-startle is the neutral affect, which functions like a reset button. The two positive affects are interest-excitement and enjoyment-joy.

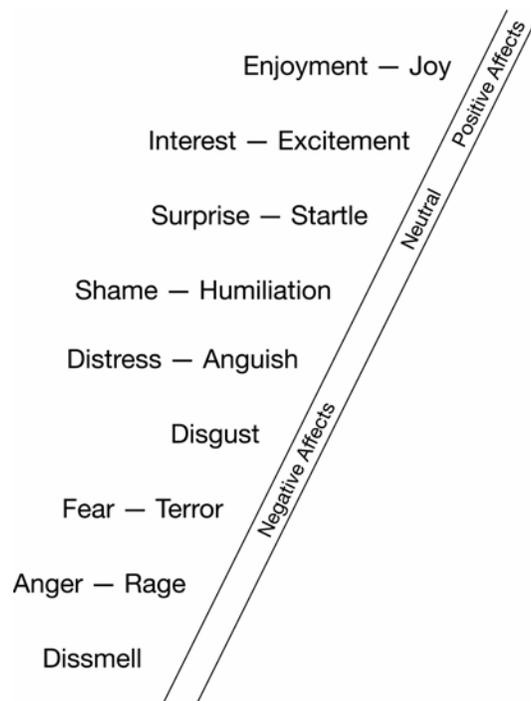


Figure 4. The Nine Affects

The Role of Shame

Shame is worthy of special attention. Nathanson explains that shame is a critical regulator of human social behavior. This matches Braithwaite's assertion about the role of shame in encouraging people to "do the right thing." But Tomkins and Nathanson have an unusual way of defining shame. They say that shame occurs in a person any time that his or her experience of the positive affects is interrupted (Tomkins, 1987). So an individual does not have to do something wrong to feel shame. Rather, the individual just has to experience something that interrupts interest-excitement or enjoyment-joy (Nathanson, 1997). This understanding of shame provides a critical explanation for why victims of crime often feel a strong sense of shame, even though the offender committed the "shameful" act.

Nathanson (1992, p. 132) has developed the compass of shame (Figure 5) to illustrate the various ways that human beings react when they feel shame. The four poles of the compass of shame and behaviors associated with them are:

- *Withdrawal* — isolating oneself, running and hiding
- *Attack self* — self put-down, masochism
- *Avoidance* — denial, abusing drugs, distraction through thrill seeking
- *Attack others* — turning the tables, lashing out verbally or physically, blaming others

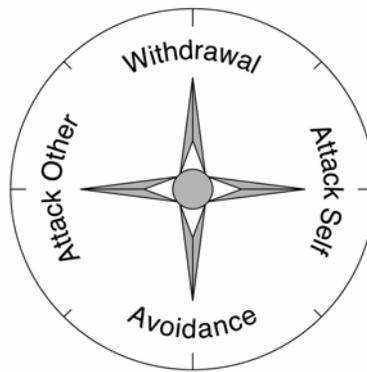


Figure 5. The Compass of Shame

Nathanson says that the "attack other" response to shame is responsible for the proliferation of violence in modern life. Usually people who have adequate self-esteem readily move beyond their feelings of shame. Nonetheless, we all react to shame, in varying degrees, in the ways described by the compass. Restorative practices, by their very nature, provide an opportunity for us to express our shame, along with other emotions, and in doing so reduce their intensity and move beyond the shame.

For example, in a restorative conference you can observe people routinely moving from negative affects through the neutral affect to positive affects. When the offender and victim groups first enter the room, there is anger and fear and disgust, but they soon experience surprise at each other's reactions, which are usually more positive and more cooperative than either party expects — such as a genuine expression of shame and remorse by the offender. As both groups gain a shared understanding of each other's perspective, conference participants begin to experience the positive affects of interest and enjoyment.

Conclusion

In the three decades since my colleagues and I began using restorative practices, its use with young people has proliferated. Along with the growth of these practices, there is a growing body of evidence that demonstrates the effectiveness of restorative practices, and a growing body of theory that facilitates our understanding of why that is so.

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