Between Wholeness and Restoration

Theorizing Restorative Justice and Restorative Practice

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Introduction:

Howard Zehr (2006) was half way through his presentation on Restorative Justice when he admitted his puzzlement regarding its effectiveness. As a leading North American researcher and practitioner in the field of implementing restorative justice as an alternative to the more retributive judicial system, he acknowledged that though an effective model had been created, he continued to be surprised to hear those who had experienced it say, "Restorative justice has changed my life!" Why is it that Restorative justice changes lives? he asked. In other words, he was reiterating what Marshall (1999) stated seven years earlier in an overview of theories related to restorative justice, "as it currently stands, Restorative Justice still lacks a definitive theoretical statement … whether it is capable of becoming more than just a model of practice and becoming a complete theory of justice remains to be seen" (p. 30).

Ted Wachtel (2003) who saw the potential for taking the principles of restorative justice into educational institutions has grappled with this need for theory and along with Paul McCold (2003) has put forth a conceptual theory of restorative justice that has grown overtime to include 3 conceptual structures: a social discipline window, stakeholder roles, and a restorative practice typology (p. 1). Yet after a thorough description of each, they conclude that their framework provides comprehensive answers for the how, what and who of restorative justice (p. 3) leaving me to realize that like Zehr and Marshall, finding the answer to "why" continues to be a challenge.

Because I believe, like Wachtel and others, that restorative justice holds potential for transforming educational environments, the purpose of my paper is to explore this gap in understanding and perhaps come a step closer to finding an answer to 'why'. In so doing, there is a greater hope that restorative justice will become a way of life rather than a model or a series of strategies that stay inside the classroom or courtroom. I will begin by describing restorative justice principles and how they are being implemented in schools through the broader emerging field of restorative practices. Then by examining the roots of Zehr and Wachtel's ideas I hope to identify among other things the worldview/view of the person that has influenced the models they have developed. From here I ask a series of critical questions that will lead into an exploration of my own ideas, illuminated by the work of Freire (1970) and hooks (2003), as I attempt to answer the question "**why** is restorative practice effective in educational institutions?" Though I do not expect to uncover what has puzzled many for several decades, I do consider that my grappling is an early step to further research I hope to carry out regarding the successful implementation of restorative justice principles in elementary and high schools.

In many ways I consider this paper to be a conversation in the spirit familiar to restorative justice. The conversations that are the vehicles for bringing about restoration in conflict situations are held in what Kay Pranis and others have called Peacemaking Circles. Pranis (2005) who has articulated the essential role community plays in restorative justice has identified a variety of types of circles depending on the circumstances. One of them, the Talking Circle, with a little imagination, provides a structure for this paper:

> In a Talking Circle, participants explore a particular issue or topic
> from many different perspectives. Talking Circles do not attempt to

> reach consensus on the topic. Rather they allow all voices to be respectfully heard and offer participants diverse perspectives to stimulate their reflections." (p. 14)

Through this paper I envision the bringing together in a circle a variety of people who can inform the development of a comprehensive theory of restorative justice. Each gives voice to a particular perspective. In such a way, the conversation regarding a theoretical framework will be stimulated to better understand why it is that restorative practices change peoples' lives.

The Principles of Restorative Justice and Restorative Practice

Restorative Justice began anew in the 1970's as an attempt to address limitations and needs in the current criminal justice system in the Western world. I use the word *anew* to indicate that the principles of restorative justice in and of themselves are not new and have been the cornerstone of many non-Western, indigenous cultures and various religions from their beginnings. However, "during colonization, the Western legal model often condemned and repressed traditional forms of justice" (Zehr, 2002, p. 43,) and became the dominant manner in which justice was carried out and often understood. The Western legal model that restorative justice calls into question can best be described as a retributive model that focuses on the responsibility of the state to punish offenders of justice in such a way that the public perceives that the guilty get what they deserve for the crime committed and believe justice has been done. Proponents of restorative justice point out that this process of justice does not contribute to healing or peace but rather deepens societal wounds and conflicts (p. 3). In its stead restorative justice presents an alternative that focuses on repairing the harm done to people and relationships.

Zehr (2002) identifies three foundational principles of restorative justice (p. 22-24):

- *Crime is a violation of people and of interpersonal relationships*: Where the current legal system focuses on the law that is broken, restorative justice looks first at *who* has been hurt. The primary concern is for the victims and their needs recognizing that the communities involved as well as the offenders themselves have concerns that need to be addressed. In this way the root cause of the occurrence is addressed and an experience of healing is possible for all concerned.

- *Violations create obligations to put things right*: The current legal system highlights the guilt of the offender and feels justice is upheld if it can be shown that appropriate punishment has been meted out. Restorative justice identifies that offenders who have caused harm have obligations and are accountable and responsible to make things right for the victim. However, restorative justice also identifies that the community is a stakeholder in the events that have occurred and as such have obligations to both the offenders and the victims.

- *Restoration requires engagement*: Currently the traditional legal system in its zeal to dole out deserving punishments, takes ownership of the offence after charges have been laid (offence against the state) withdrawing opportunities for the victim, offender and the community to have a significant voice in resolution. Restorative justice recognizes that if repair and healing are to occur the voices of the victim, offender and community members' must be heard so all three can be engaged actively in finding places of healing. The state's role changes to being one of facilitating the process of restoration.

In summary, Zehr defines restorative justice in a criminal justice setting as

> "a process to involve, to the extent possible, those who have a stake in
> a specific offence and to collectively identify and address harms,
> needs, and obligations, in order to heal and put things as right as
> possible" (Amstutz and Mullet, 2005, p. 15).

Ted Wachtel, an American educator who used restorative justice principles successfully in a school for delinquent youth, has been a leader in seeing its potential for educational institutions of all kinds. Initially after using formal restorative justice conferences that included the victims, offenders and their supporting community members for serious incidents of wrongdoing, he began to realize "a restorative school climate requires more than just formal restorative processes like conferencing. We will need to employ informal restorative practices as well—integrated systematically as part of everyday school life" (Wachtel (1999, p. 2). This expansion which included a continuum of practices to promote a supportive, yet limit-setting environment was dubbed *restorative practices*. The foundational principles, like those of restorative justice, aim to repair the harm done to people and relationships. However, Wachtel, in pulling the emphasis away from an environment of criminal justice has identified the underlying hypothesis of restorative practice to be "that human beings are happier, more cooperative and productive, and more likely to make positive changes in behaviour when those in positions of authority do things *with* them, rather than *to* them or *for* them" (p. 1, What is …). The continuum of practices where teachers engage *with* students who have harmed and are harmed includes several fundamental elements:

- *Foster awareness*: affective statements or questions by the teacher addressed to the offending students draw attention to how their behaviour has impacted others around them. Empathy is then possible.

- *Avoid scolding or lecturing*: these result in defensive reactions on the part of the misbehaving students and close down opportunities for repair of harm done.

- *Involve students actively*: dialoguing between the harmed and those who have harmed provides opportunities for accountability. No longer is punishment given *to* the students who have no option but to be passive, but all involved work *with* each other to repair problems.

- *Accept ambiguity*: all situations of wrong-doing are not clear. Restorative practices allow for all involved to recognize the complexity of the situations relieving the need to find and place blame. Restorative action can still be taken.

- *Separate the deed from the doer*: restorative practice recognizes students' worth and disapproves only of their wrongdoing.

- *Every wrongdoing or conflict is an opportunity for learning*: negative incidents are turned into constructive events that have the potential to build empathy and community.

Amstutz and Mullet (2005) in *Restorative Discipline for Schools* summarize this restorative school environment by building onto Zehr's definition of restorative justice stated earlier:

> "Restorative [discipline] promotes values and principles that use inclusive, collaborative approaches for being in community. These approaches validate the experiences and needs of everyone within the community, particularly those who have been marginalized, oppressed or harmed. These approaches allow us to act and respond in ways that are healing rather than alienating or coercive." (Amstutz and Mullet, 2005, p. 15)

They then provide seven markers of restorative practice (p. 29-32) that incorporate Wachtel's principles. Does the practice:

- Focus primarily on relationships and secondarily on rules?
- Give voice to the person(s) harmed?
- Give voice to the person(s) who caused the harm?
- Engage in collaborative problem-solving?
- Enhance responsibility?
- Empower change and growth?
- Plan for restoration?

In this overview of the principles of restorative justice and restorative practice it is important to note that the common element between the two is not necessarily a shared understanding of justice as much as it is a shared understanding of restoration. Restorative justice examines how justice can bring about restoration whereas restorative practice examines how educational practices can bring about restoration. The distinction may be subtle but it directs attention away from the act of wrongdoing and the need to find fault and focuses instead on the resulting harm and the potential for healing. In this way, blame takes a back seat to hope. Having said this, an understanding of justice is still relevant for both when I consider it in light of Wolterstorff's (2005) understanding of primary justice. In his suggestion that "… justice is present when no one is wronged" and thereby "justice places in the forefront of our attention the worth of the other" (p. 13) the standards for wholeness in restorative justice or restorative practice can be found. It answers the question, how can I know when restoration is necessary? --When the worth of the other has been diminished. This identification of brokenness must occur before it is possible to understand restoration.

As I grapple with **why** restorative practices are effective in educational institutions, I shift my focus from 'what is justice?' to 'what is restoration?' by accepting that justice maintains that all people are of equal worth and then training my focus on what it means

to be restored to that state of being. This is key not only for my own understanding but also as I examine the theoretical efforts of people like Zehr and Wachtel who are involved in the practice of restorative principles.

Theorizing Restorative Justice

Restorative justice is a relatively new field of research where only a few have attempted to draw up theories that could explain why it has the impact it does. Zehr, despite his puzzlement, does begin the process of what LeCompte & Preissle (cited in McCotter, 2001, p. 3) call *theorizing*. "Theories are human constructions: they are derived from information which people collect by seeing, hearing, touching, sensing, smelling, and feeling" (p. 120). Zehr's writing, photography, and speaking indicate that truly he has used all of these senses in his participation in restorative justice experiences however, he is reluctant to develop any "interrelated sets of assumptions, concepts and propositions that constitute a view of the world" (p. 120) until more of the stories that relate how restorative justice can go wrong are exposed. "We have to talk about both kinds of stories; we need to be clear," he states before he feels he has an answer to why it is that restorative justice changes lives positively (Zehr, 2006). I respect his need to do more comprehensive research, however, because theory is not intended to be definitive many of his ideas are theoretical stepping stones that will allow him or others to further develop these theories of restorative justice. Sarason's definition of theory (cited in McCotter, 2001, p. 3) also confirms Zehr's work as theorizing. "Theory is a necessary myth that we construct to understand something we know we understand incompletely" (p. 3).

With this in mind, I will examine Zehr's incomplete understanding and attempt to identify his "interrelated sets of assumptions, concepts and propositions that constitute a view of the world" (p. 120) keeping in mind his recognition that "many issues remain undeveloped and unanswered" (Zehr, 2005, p. 221).

Zehr (2005) repeatedly contrasts restorative justice with retributive justice. Though he indicates that within restorative justice there may on occasion be a need for retribution (p. 221), he tends to talk about the two as distinctly different ways of thinking or paradigms. In his search for theory he questions if this is really the case. What then is this way of thinking? By looking more closely at the three foundational principles of restorative justice that Zehr has laid out, this paradigm becomes clearer.   In the first restorative justice principle, *crime is a violation of people and of interpersonal relationships*, Zehr reveals his belief that people and their relationships have worth and this worth can be damaged or destroyed. He also believes that people have the potential of living in circumstances with others where they are safe from harm. In his acknowledgment of the worth of relationships, community is assumed; however, he is well aware that "*community* is an elusive, oft-abused term. What does it mean and how could it be given reality in a restorative approach?" (emphasis in original, p. 221). In the second restorative justice principle, *violations create obligations to put things right*, Zehr uncovers his belief that it is not only possible to right the wrongs committed, it is our responsibility as humans to protect the worth of others and their relationships. Also inherent in this statement is a recognition that putting things right requires looking at the cause of the situation and identifying that those who have violated others, may themselves have needs that the larger community must address. In the third restorative justice principle,

restoration requires engagement, Zehr identifies that without dialogue of some sort

between the parties involved, there cannot be restoration. Hearing each other's stories

allows for understanding to grow between those involved. Inherent in this is a perception

of community being people who care for and support each other.

For Zehr (2005), this restorative paradigm, is further rooted in a Judeo-Christian

tradition that identifies *shalom* as the basic core belief out of which all other Christian

beliefs (salvation, atonement, forgiveness and justice) grow. Shalom which is often

understood as 'peace' is more accurately translated to be "a condition of 'all rightness,'

of things being what they should be" (p. 130) which corresponds to Wolterstorff's (2005)

definition of primary justice "… justice is present when no one is wronged" (p. 13).

Zehr acknowledges that this is contrary to the thought that many have regarding

Christianity being the root out of which the paradigm of retribution has grown (an eye for

an eye) and carefully lays out how this is a misinterpretation of scripture. Although this

Judeo-Christian tradition is where Zehr locates himself, his work and the work of many

others (Llewelyn & Howse, 1998; Morrison, 2002; Blue & Blue 2001) recognize that this

sense of shalom/primary justice is not unique to Christianity and can be found in

indigenous cultures and other religions.

One final observation that uncovers something of Zehr's understanding of power can

be found in his assessment that retributive justice emerged in Western civilizations as a

result of the emerging state's need to monopolize and exercise its power to give it

legitimacy (Zehr, 2005, p. 125). By identifying this possible reason for the rise of a

retributive justice system, Zehr indicates that for restorative justice to be effective, power

is most beneficial or productive when it is shared as a tool in the hands of all those

directly affected. Though he tends not to elaborate on this concept, British researcher

Charles Barton (2003), in response to viewing restorative justice in opposition to

retributive justice, chooses instead to theorize further on the possibility that restorative

justice is grounded in a theory of empowerment. In my opinion, Zehr would not oppose

Barton's ideas but see them as an extension of his own.

In summary then, within this paradigm what theory of restorative justice emerges?   I

would infer that Zehr believes restorative justice changes lives because people inherently

know their sense of wholeness and worth is dependent on their relationships with others.

When they have been violated, they desire shalom, which can only occur through dialog

which creates the space required for the worth of all involved to be revealed to each

other. After examining Zehr's work closely, I might also conclude that though he is

credited with developing the traditional understanding of restorative justice by

contrasting it to retributive justice, his heart seems more attuned to a notion of restorative

justice being grounded in a theory of relationship/community.

Theorizing Restorative Practices

Restorative practices, having grown out of the field of restorative justice, is a very

young in terms of being a field of research. Ted Wachtel, one of the earliest researchers

involved in developing the concept of restorative practices, first began writing about it in

1997 after he observed some early stages of its use in Australia where he reports the first

restorative family group conference took place in a school in 1994 (Wachtel, 1997, p.

124).   In desiring to *prevent* serious wrongdoing in schools as opposed to the treating

the results of misbehaviour he saw the need for the development of restorative school

climates that he felt were only possible if restorative practices were integrated

systematically as a part of everyday school life (Wachtel, 1999, p. 2).   What has resulted

is a theory that explains *what* these practices are, *who* is involved, and *how* situations of

conflict are transformed into ones of *cooperation* when restorative practices are

employed. Throughout Wachtel (2003), locates himself in the work of other theorists

who provide partial answers to *why* restorative practices may be effective in a school

setting but falls short himself in articulating definitively why people respond positively to

restorative practice. By examining Wachtel's social discipline window, I will

demonstrate that he believes students respond positively to restorative practice because

he fundamentally believes people are relational, emotive beings whose inherent sense of

worth is restored, maintained or thrives when affirmed by the trust and support of adults

who are able to provide an environment of high control/high support. Without this a

person's sense of well-being is violated; with it they are restored.
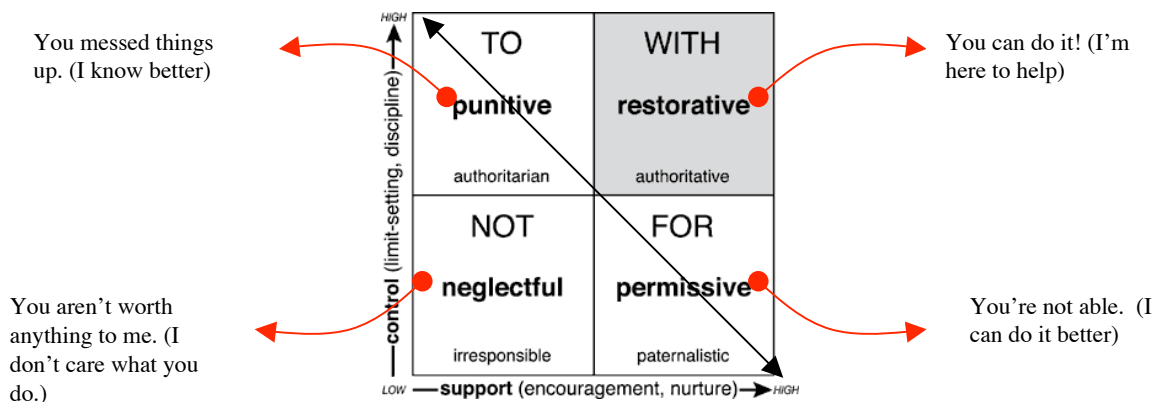

Fig. 1: Social Discipline Window (Wachtel, 1999, p. 2)

In designing the social discipline model, Wachtel expands on the limited

punitive/permissive model of punishment used to control wrongdoing that is evident in

many schools, homes, and communities today. Instead of seeing only two response

options to misbehaviour, to punish or not to punish, he suggests a broader perspective

that will encompass people's inherent need for relationship in supporting their sense of

worth as a restorative option. The permissive, neglectful, and punitive windows all are

inadequate as they send messages that undermine a person's sense of worth and well-

being and exclude them from relationships (see arrow messages on Fig.1). The restorative

window sends a message of hope for healing and provides for opportunities in which

students can express their emotions, deal with their feelings, and find support for their

growth in understanding relationships.   Here teachers involve students directly in the

process of discipline and when necessary include those harmed, family, peers and

community. How can this be done? By providing an environment of high control of

wrongdoing (not of people) and high support of the worth of people (Wachtel, 1999, p. 2)

that says in essence, "I do not like what you are doing, but I like who you are so let me

walk *with* you as you solve this problem." This understanding is worked out in the

elements of restorative practices listed on pages 5 and 6 as well on the diagram below

that names five restorative practices.

Figure 2: Restorative Practices Continuum (Wachtel, 1999, p. 3)

    These sum up briefly how a restorative environment can be established so that the

most critical function of restorative practices, restoring and building relationships, are

addressed (Wachtel, 2004, p. 3). The term *with* is essential and illustrates Wachtel's

understanding that humans have a need to be in relationship.

Central to opportunities given in restorative practices to build and restore is the theory that "human relationships are best and healthiest when there is a free expression of affect—or emotion … It is through the mutual exchange of expressed affect that we build community, creating the emotional bonds that tie us all together (Tomkins and Nathanson cited in Wachtel 2004, p. 4). In this way restorative practices build healthy, strong relationships amongst students (and staff) equipping them with social skills necessary for conflict resolution prior to experiencing the more difficult situations that will arise.

In summary then, I repeat my previous inference that Wachtel's Social Discipline Window uncovers his theoretical framework that restorative practice changes lives because people are relational, emotive beings whose inherent sense of worth is restored, maintained or nurtured when affirmed by the trust and support of adults who are able to provide an environment of high control/high support.

A Series of Critical Questions and Observations

A series of critical questions and observations arise in my mind as I conclude my overview of the principles and theoretical underpinnings of restorative justice and restorative practice. Earlier I indicated a need to shift my thinking from 'what is justice?' to 'what is restoration?' and the importance of this in considering Zehr and Wachtel's work as well. I am struck by the fact, however, that as much as both aim to address the needs of the victim and repair the harm done neither articulates their vision very well in terms of what it means for those harmed to be restored. The stories each relates of those who have experienced restoration illustrate that it is not a return to "a former or original

state" (Webster on line) or financial compensation for harm done, but rather a renewal of a relationship of trust where both parties uphold each other as worthy.   I am left, however, with the questions do restorative justice and restorative practice really understand what it means for people to be restored? Would it be helpful to take a closer look at what constitutes restoration?

Perhaps, one way of doing this is to consider the elements of a good relationship. Here Wachtel's Social Discipline Window may be helpful.   Though Wachtel (1999) uses the social discipline window only to describe how teachers and administrators respond to the wrongdoing of students, I believe it can and should be extended to illustrate the dynamics of peer relationships as well. In wishing to establish a restorative school climate, students can discover that healthy relationships only develop when they interact *with* others by being supportive and encouraging while at the same time being responsive to behaviour that places their peer in harm's way. Just as an adult can say, 'I don't like what you are doing, put I like who you are' so too children and youth can discern this difference. The actual restorative incidents do emphasize the engagement of students with each other but always in the presence of an adult. Not only modelling but also teaching students the dynamics of relationships may be an important step in their ability to articulate their emotions when the opportunity arises. The fact that Wachtel does not identify the correlation between the two, raises other questions. Is restorative practice truly interested in restoration of relationships or is it more interested in providing a means for controlling student behaviour? Though I have inferred the former for good reasons, without articulating clearly the underlying framework of the inherent worth of humanity, the reforms Wachtel suggests run the risk of being derailed.   Perhaps some of this is

already visible in the fact that the emphasis in his ideas is regularly on the one who has caused the harm, not the needs of the one harmed as the underlying principles of restorative practice state, as well as the fact that he never gives a clear description of what restoration really entails.

Further along this line of thinking, I begin to question whether restorative justice/restorative practice might not be a more subtle way in which to reproduce the current forms of oppression students experience in schools. Like Ellsworth who questions the practices of critical pedagogy--empowerment, student voice, dialogue—and discovers that they have the potential for becoming "repressive myths that perpetuate relations of domination" (Ellsworth, 1989, p. 298), I feel restorative justice and restorative practice have similar potential if practitioners are not alert to their own understanding of the worth of the other. In a society where the liberal view of the person is predominantly espoused, it is very possible that different ways in which people's rights and responsibilities are understood may undermine the relational, community building that restorative justice and restorative practice depend on. I am beginning to better appreciate Zehr's (2005) cautionary note that much conceptual work remains to be done as many issues remain undeveloped and unanswered (p. 221).

In spite of these observations and questions, I continue to believe restorative practice has the potential for transforming educational environments if restoration of relationships is truly the goal. In the remainder of this paper I will present my own theory to explain why I believe restorative practice is effective in a school setting.

Where am I located?

My theory is not complicated. However, after mulling it over for many years, I must admit it has been somewhat hard to accept in the context of how our current liberal minded society views the individual. As a result I have put it aside on many occasions as I explored different options and pondered the work of others. I questioned its validity in light of other paradigms of thought, but as I wrote this paper, the theory emerged again and again not only in my mind but also in the manner in which it was alluded to in the writings of many others. I surrender the following not because I believe it is complete, but because in presenting it in this context I hope to further my own understanding of restorative practice and perhaps shed light on the work that has already been done by others. I surrender it also because like hooks (1994) I have found that *theorizing* is a place of sanctuary where I can imagine possible futures, a place where life could be lived differently … a healing place (p. 61). Laurel Richardson (2000) in *Writing: a method of inquiry*, says it is in writing that we discover what we know (p. 924), and it is my hope that as I write, my theoretical understanding of restorative practice will become clearer. Consider the following the beginning of a work in progress.

My theory can be encapsulated in one sentence: restorative justice and restorative practice are effective simply because I believe people know that at their core they are broken. Standing here I realize I am standing in a divide between what has been and what can be, a place that Palmer (1983) describes as a space in which obedience to truth can be practiced (p. 69), a gap wherein I experience the tension between reality and possibility (Palmer, 2004, p. 175).

Wholeness ⟵——————— Brokenness ———————⟶ Restoration

When brokenness is acknowledged, restorative practice allows people the space in which they can remove their masks and see each other truthfully. In that there is relief and hope and the reason for people saying "restorative justice changed my life" (Zehr, 2006) for they have experienced the paradox of wholeness in brokenness.

Because I embrace the reality of brokenness and the hope of restoration I believe I am best situated in the realm of critical theory and pedagogy where we find those who are oriented to critiquing and changing society as a whole and ultimately desiring what McLaren (1998) says is "the sensibility of the Hebrew symbol of *tikkun*, which means to 'heal, repair and transform the world'"(p. 164). In particular I find Paulo Freire's focus on dialogue and praxis as well as bell hooks' view of education as the practice of freedom most helpful in further illuminating my theory of brokenness. I find this orientation fits well into my larger view of the world which, like Zehr, holds closely to the Judeo-Christian worldview that embraces an understanding of shalom throughout the events of creation, fall, redemption and fulfillment.

One of the reasons I initially resisted this theory of brokenness was the fear that it would be perceived as pessimistic and negative. However, as I experienced again and again the hope that came from this paradox of wholeness in brokenness I realized I was caught up in the culture of fear that restorative practice seeks to alleviate. Cavanagh (2003) identifies this as the fear of making mistakes and the fear of punishment which the very structure and practice of schooling nurtures (p. 8). Palmer (1997) points out that ironically schools produce a majority of people who feel stupid and call themselves losers despite the fact that they have had many years of education. "It is a system that dissects life and distances us from the world because it is rooted in fear." Why did I fear this

perception of pessimism? Because, if rejected, I would feel less than whole, less than

worthy. It would be easier to remain silent or better yet, hide by echoing the voices of

others I admired. hooks (2003) shakes me from my hesitancy when she says, "This fear

of being found personally wanting in some way is often one of the greatest barriers to

promoting critical consciousness" (p. 107) and I reread reflections I have written in an

earlier course regarding this culture of fear.

> *Our culture is bent on preserving a wholeness that doesn't exist.*
> *We blindly welcome advertising that claims we can have a perfect*
> *body, our cars can enhance our image, we can take a pill to loose*
> *unwanted fat or be rid of headaches. We are told the future is in our*
> *hands, we can have freedom at age 55, beer can make us the life of the*
> *party ... all such messages deceptively try to convince us that there is*
> *a better world that others live in and we should aspire to be part of it.*
> *Ironically, if we could individually stop and accept our inability to be*
> *whole and then collectively admit that we have messed up the world*
> *we live in, we may discover wholeness.*
>
> *What impact might such an admission of brokenness have on*
> *education? As a teacher in a classroom of eight-year-old children*
> *admitting my shortcomings and acknowledging theirs as normal, could*
> *result in the walls of defensiveness tumbling down. The tendency to*
> *frantically convey an image of wholeness as a teacher or student is no*
> *longer necessary. The power of competitiveness would be disarmed*
> *for all would be valued equally. The tightly clenched fists holding on*
> *to scraps of identity would slowly be released. A space will have been*
> *created in which the sacred could be revealed and the voice of*
> *acceptance and love heard. Within this space, all inhabitants could*
> *experience "being with" each other and the subject at hand.*

I share these thoughts to provide a description of the setting in which restorative

practice in particular finds itself and to give a personal account of how such a setting

continues to impact my current efforts. I continue now by considering more closely the

divide of brokenness in which I believe we all stand and how restorative practice helps to

deal with the tension between what is and what could be.

Wholeness ⟵——————— Brokenness ——————⟶ Restoration

Restorative practice meets all people, those harmed, those who have harmed, and their communities at a time when they feel most vulnerable. What it provides at that moment is education as the practice of freedom (hooks, 2003, 103) wherein the twin dimensions of a true word, action and reflection, are spoken and transformation (Freire, 1970, p. 87) is possible. At this time and in this place, participants catch a glimpse of the wholeness and worth they recognize as what was once their birthright and long for the healing that they can only now imagine. Desperate for peace, they come to share their pain. hooks (2003) describes this moment and the critical role of the teacher in a chapter entitled *Moving beyond shame.*

> "Students in crisis recover themselves only when there are progressive educators who give them space to feel their shame, express those feelings, and do the work of healing. … Kaufman and Raphael remind us that 'all human beings stand equal in the sudden exposure wrought by shame.' They state: 'Shame shadows each of us, and everyone encounters the alienating effect in some form, at some time. Entering that experience long enough to endure it, deliberately, and consciously in order to transform it, is a challenge which knows no bound. Yet only by facing that challenge can we ever hope to re-create who we are.' … Shame dehumanizes. … As teachers we can make the classroom a place where we help students come out of shame. We can allow them to experience their vulnerability among a community of learners who will dare to hold them up should they falter or fail when triggered by past scenarios of shame—a community that will constantly give recognition and respect" (p. 102-103).

Though this restorative time is pregnant with potential healing, it is also ripe for disaster as the very nature of each involved is laid bare. Here Freire (1970) provides insight and a challenge to dig into the gift of true dialogue where the *word = work = praxis,* where reflection and action in radical interaction, is needed (p. 87). Without reflection, restorative practice will turn into activism, without action it will turn into verbalism (p. 87), and once more an opportunity for education as a practice of freedom

will become a 'death-dealing' instrument (Palmer, 1997, p. 2) where the tension experienced in the gap of brokenness will become too great and all hope and potential for restoration will be lost. Because restorative practices depend on dialogue, Freire's suggestions must be taken into account. Consider the following as you imagine being present in a restorative circle conference where those harmed, those who caused the harm and their communities are gathered.

Freire (1970) begins by defining dialogue as the "encounter between men [sic], mediated by the world, in order to name the world" (p. 88) where naming is an essential human activity that results in transformation. In a restorative practice circle, stories are told for all to hear that name the experiences of pain in hope of change. Second, Freire suggests that dialogue can only exist in the presence of a profound love for the world and for people. Though in restorative practice there may be much that indicates the opposite, voluntarily coming together speaks to the fact that people have a deep appreciation and love for the wholeness that their brokenness has marred. Third, Freire points out that dialogue is only possible with humility. Circle participants cannot dialogue if they "always project ignorance onto others and never perceive [their] own" (p. 90). Again though the circles may begin with participants refusing to be humble, perhaps one of the most profound experiences in restorative conference is the emerging awareness on the part of both those harmed and those who have harmed that the other is also broken and needy. Again and again, the stories Zehr (2005) and Wachtel (1997) relate point to this discovery and perhaps it is this that ultimately confirmed for me the need to explore further my theory of brokenness.   In the moment where this becomes clear, the participants discover that they are standing on equal ground, and the masks that they have

spent a life time constructing to hide their various inadequacies fall away. There is incredible freedom when a community of broken people give up trying to hide from each other. Fourth, Freire explains that to speak a true word requires 'an intense faith in humankind, faith in their power to make and remake, to create and recreate, faith in their vocation to be more fully human" (p. 90). In restorative practice this is symbolized by the willingness of individuals to participate. If they did not believe people could change there would be no reason to come face to face. Coming from a Judeo-Christian tradition, which Freire also comes from, I would distinguish this intense faith in humankind as being distinctly different from faith in God. Paradoxically, the hope that comes from faith in each other as humans is a faith that understands each others ability to trust, yet accepts that each continues to be fallible. Restorative practice allows for trust to develop out of this understanding of our common limitations as humans, our brokenness. Finally, Freire explains that dialogue requires that participants "engage in critical thinking—thinking that does not separate itself from action, but constantly immerses itself in temporality without fear of the risks involved" (p. 92). Those who participate in restorative practice stand in the gap of brokenness because they are willing to acknowledge that their experience either as one harmed or one who has harmed cannot be separated from how they will live in the future. Unwilling to carry their pain alone, they act and risk reaching out for restoration. What happens when this true dialogue occurs in a restorative experience? Just as Freire explains that education cannot be carried on by "A" *for* "B" or by "A" *about* "B", but rather by "A" *with* "B", so true restorative dialogue releases people from their culture of fear and efforts at domination, to be *with* each other. In this way the broken parts come together in community and find that jointly they have a

greater recollection of what it was to be whole. As they simultaneously reach out for

restoration, original individual wholeness and worth that has been broken is replaced by a

wholeness that begins to grow because broken pieces choose to walk *with* each other for

a time. This according to Palmer (1983) and hooks (2003) is education that practices

love, education as a practice of freedom—"The goal of a knowledge arising from life is

the reunification and reconstruction of broken selves and worlds. … In such knowing we

know and are known as members of one community …" (p. 132).

Conclusion

   Theory, according to Thomas (1997), is used to mean many different things in

education and as a result causes confusion, discourages diversity of thought, and is

overall of little use in moving educational understanding forward (p. 75, 84). Though I

have encountered the oblique nature of theory in examining the theoretical foundations of

restorative justice and restorative practice in this paper, in the end I would be hesitant to

support his statements. Working to uncover the theories Zehr and Wachtel use and then

trying to articulate my own understanding of why it is restorative practice and restorative

justice are effective, requires that I question and critique the foundational elements found

in each. Several benefits arise out of this. Had I not done this, I would be subject to

taking things for granted that might be instrumental in the success or failure of restorative

practice and restorative justice; I would not be able to see how our theories overlap and

support each other; and moving the theoretical understanding forward would be a much

slower process. I would say that theory does not discourage a diversity of thought but

rather serves as a place for examining diversity of thought and then becomes a

springboard for deeper understanding.   I do agree with Thomas however, that academic

theorizing runs the risk of being useless if researchers succumb to being in thrall only

with the thought of theory and not its use. To prevent this I think it is important to join

hooks (1994) and Lather (1986) who call for embedding theory in everyday life. "Any

theory that cannot be shared in everyday conversation cannot be used to educate the

public" (hooks, 1994, p. 64). As I consider the work of those who have begun to theorize

restorative practice and restorative justice and sense for myself through my own ideas

how deeply woven the theories are in everyday experiences, having explored theory as I

have in this paper will equip me for using it in everyday conversations with people who

are searching for how we might all live with a clearer image of our identity and with a

greater sense of integrity.

As I near the end of my grappling for a theory of restorative practice I return to the

question "what is restoration?" and conclude that my theorizing has brought me closer to

an answer simply because I acknowledge and accept the place of brokenness. Though

still not as clear as it might be, without first acknowledging its reality, restoration cannot

be clearly defined. By stating "restorative justice and restorative practice are effective

simply because I believe people know that at their core they are broken" restoration

becomes the sense of relief that grows as the broken beings that we are reach out to

affirm each other's worth regardless of what we find. This is the experience of *with,* the

experience of restorative practice and restorative justice, life changing events that

announce:

> *We are one, after all, you and I;*
> *Together we suffer,*
> *Together exist,*
> *And forever will recreate each other.*
> Pierre Teilhard De Chardin

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