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Restorative Justice: A Model of School Violence Prevention

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Abstract: Restorative Justice (RJ) represents a holistic and humane alternative to punitive measures traditionally used in schools. The goal of RJ is to bring affected parties together following a conflict in order to identify a shared solution for reparation of damages. RJ has demonstrated effectiveness in reducing recidivism and improving community relations. The objective of the present study was to identify elements of RJ in middle school programs and curricula in Mexico. A documentary study was developed and implemented using a checklist as the primary data-collecting instrument. Results indicate the presence of some RJ principles in the curriculum of middle schools in Mexico. The findings suggest that while the principles of RJ are taught, essential components of RJ and school democratization are lacking, such as active student participation in conflict resolution and rule elaboration and school organization.

Keywords: Restorative Justice, Curriculum, School Violence, Peace

1. Introduction

The International Survey on Teaching and Learning (TALIS) [1] ranks Mexico in the highest category of *bullying* [2]. The International Student Evaluation Program (PISA) reports that 20% of 15-year-old Mexican students had suffered some type of abuse in school, greater than the international average at 18.7% [3]. The Poll of Social Cohesion for the Prevention of Violence and Delinquency (2014) [4] compiled by the National Institute of Statistics, Geography and Computing found that 1.36 million middle-school and high-school adolescents had suffered harassment or mistreatment from their peers. Another study reported that 33.8% of high school students had been involved in some type of school harassment [5], while the First National Report on Gender Violence in Basic Education in Mexico [6] found 43.2% of school staff had identified at least one incidence of bullying at their institution. School directives suggest bullying is addressed through dialogue (8.8%), discussions with parents (37.1%), or signed letters of commitment (62.9%).

The consumption of alcohol, drugs, and tobacco and the prevalence of gang activity on school property were also identified as significant problems. The National Institute for Education Evaluation (INEE) asked teacher perceptions on student drug use and other issues faced by the student population. Teachers estimated that approximately 19.9% of high-school and 2.2% of middle-school students had consumed alcohol on school property. They likewise estimated that 8.3% of middle-school students and 12% of high-school students had used tobacco and around 10% of all students had consumed some type of illicit drug at least once on school property [7]. In the evaluation teachers also reported that schools had been infiltrated by gangs which impact negatively the school environment. Compounding the problem, studies from INEE found that institutions lacked clear guidelines for promoting coexistence among students. Staff was not effectively involved in the process, and tended to rely instead on methods such as meetings with students, reprimands in accordance with stated rules, expulsion from school, and in extreme cases, involvement with law enforcement. The latter denotes a significant disparity in the

management of these problems in schools [6]. Disciplinary measures applied by staff members are typically enacted by prefects, however, in some institutions social workers, psychologists, guidance counselors, and school directors are also involved [7].

Two documents outline the processes and guidelines for student disciplinary action at the federal level: Agreement 97 and Agreement 98. Agreement 98 (1982) is the reference document for middle school disciplinary standardization in Mexico and it represents public policy in the management of students problems in schools [8]. It establishes a series of sanctions that include private admonishment and advice, updating an individual's case file, calls to parents or tutors, separation from a class for up to three days, or suspension of all school activities. Based on this agreement the States of the Mexican Republic had elaborated their own rules that establish student rights and obligations (as some schools had instituted their own rules). It is a kind of guidelines for schools authorities in any case of disciplinary problems. Agreement 97 [9] states that disciplinary measures should possess a formative and integral character for technical high-school students and should avoid punishment that will negatively impact their personality. The agreement allows expulsion from school for a maximum of 8 days and indicates greater sanction can be applied in exceptional cases through a decision from higher authorities. The agreements explicitly state that they have been constructed to establish the necessary conditions for academic development [7]. However, some have argued that the agreements are designed to control student conduct and that they possess a punitive and disciplinary character as opposed to an integral and formative one.

The results of the International Survey on Teaching and Learning (TALIS) demonstrate that the school environment not only affects students, but also instructors; and that the creation of a positive school environment is an issue of public policy. Likewise, it posits that safe learning environments have been undermined, which present a challenge to professors and educational authorities [1]. Martinic [10] reported learning was centrally dependent upon human interaction; and that academic performance was influenced by the organizational and social environment. In congruence with this perspective, an OECD (2015) study found students victimized by bullying demonstrated lower academic achievement [3]. Similarly, victims of school harassment demonstrated low self-esteem, increased rates of school absenteeism, greater incidence of aggression, as well as increased rates of violence, drug abuse, and mental and physical health problems [11].

The Mexican government has presented various respons es to the problem of school violence. One approach focused on the modification of the Constitution and respective laws. Article Three of the Political Constitution of the United States of Mexico [12] establishes criteria for education that contributes to *"a better human coexistence"* (DOF 09-02-2012, 26-02-2013). Similarly, an advising criterion of Article 8 of the General Education Law is to fight against violence; while Section III states that education should contribute to a *"better human coexistence (convivencia humana,, DOF 11-09-201)"* [13]. Education should also strive to promote justice (Article 7, DOF 17-06-2008, 28-01-2011, 01-06-2016), and *"observance of the law, to propitiate the culture of peace and non-violence in any of its expressions, as well as understanding and respect for human rights"* [13]. Article 2 promotes participation of all parties involved in the educational process (Idem, DOF 11-09-2013).

Another approach focused on capital investment aimed at improving school safety. For example, the federal government implemented the Secure School Project between 2007 and 2015 [14]. The greatest proportion of the initial 1.8 billion peso investment was spent on infrastructure (security cameras, bars and fences, fire extinguishers, etc.) and, to a lesser extent, financing conferences. However, none of the institutions have reported decreases in school violence. It is also important to note that the program has been criticized by non-governmental organizations for violating the fundamental rights of students and involving police in student searches on school property [14].

A third approach to school violence involves the development and implementation organizational and support programs. The National Development Plan 2013-2018 [15] establishes recommendations for the promotion of safe school environments. It focuses on fostering coexistence and the importance of addressing school harassment. The National Program for School Coexistence, initiated in 2014, was derived from this plan [16]. The goal was to prevent violent conduct in schools and promote a culture of peace by establishing: a) local goals for school coexistence, b) institutional networks to support schools, c) the school coexistence project (PACE), d) art education in schools, e) development of technical capacities for authorities, supervisors, directors, and teachers, and f) school coexistence management. It was initially piloted in third-grade classrooms in 18,500 schools during the 2014-2015 academic year. The following year (2015-2016) that number rose to 35,000 schools [17]. The program was then expanded to include grades 1-6 for the 2016-2017 school cycle [18].

The programs were initially implemented in Mexico City and the surrounding suburbs; but have since been adopted in some states. Since federal entities that wished to participate were required to make a formal request, therefore, it was difficult to spread to nationwide [18]. As part of the National Development Plan the State of Mexico implemented the Program of Values for a Peaceful School Coexistence for *all* levels of education [19]. Mexico also introduced the National Program for Social Prevention of Violence and Delinquency, a mediation program for use in school disciplinary proceedings. The approach features an independently mediated (third-party) discussion between victim and offender to search for ways to repair inflicted damages [20]. Despite considerable efforts to address the issue of school violence by improving the school environment; bullying, school harassment and mistreatment victimization rates within the student body have not improved. Likewise, there

is no evidence that school suspensions and punishment are effective preventers of disruptive conduct in school.

An alternative response at the global level has been restorative justice (RJ), which was previously adopted as restorative practices [21]. RJ aims to address the problem of school violence holistically by improving the school environment and considering the needs of victim (s), offender (s), teacher (s), and school authorities.

2. Restorative Justice

The central feature of restorative justice is a meeting between victim, offender, and the community following the commission of an offense. Involved parties enter into a dialogue in effort to identify how they were harmed by the infraction and to mediate a collective agreement aimed at repairing damages, rehabilitating the offender, and restoring social synergy [22]. Reparation of damages, satisfaction of victim needs, and voluntary participation are central facets of the approach. As such, this type of process requires that the offender is involved voluntarily, is participative, is willing to assume responsibility for the committed act, and is likewise willing to repair damages. The process also allows the offender to integrate into the community and satisfy their emotional, educative, and social needs [23].

As such, the community should be involved in the process to ensure their needs are met and provide support to both victim and offender [24]. Community participation is essential for the process to reach its fullest potential; as the approach posits that an offense does not solely damage the victim, but also damages peaceful environments and social harmony in the community. Through participation and development of their own resolution all involved parties reconstruct and repair this social cohesion [25]. RJ proposes a more peaceful, humane environment can be achieved when people that make up the community feel that they can participate in the resolutions of issues that affect them. This [26] perspective focuses on the relationships, empowerment, and collaboration of the whole population [27].

Restorative practices (RP) developed from RJ, which allow people to construct more responsible, cohesive, peaceful, and happy communities. These practices can be applied to schools, neighborhoods, organizations, workplaces, etc. and allow participatory decision-making, as well as build and restore relationships [21]. Numerous applications of RP or RJ exist within the school environment, such as conferences, peace circles, and restorative meetings. The 2014 National Program for the Social Prevention of Violence and Delinquency [28] defines RJ as a community process in which judicial authorities may intervene but are not required. The most common practice is mediation. School mediation is an instrument that can promote a culture of peace and non-violent resolution to school conflicts; however, it is a meeting between the victim and the offender and does not consider the social environment (community) in resolution of the conflict.

RP is an alternative to punitive disciplinary measures that have traditionally been used in schools. The scientific investigation demonstrates the inefficacies in prevention of problematic student conduct. RP improves the school environment, which optimizes student learning. RP currently integrated values and principles of RJ in all interpersonal dynamics in the school environment [29].

The implementation of restorative programs in schools has reduced suspensions among students between 40% and 90% [21] while improving the school environment and student academic performance [30]. Students perceived high school teachers that experimented with more positive approaches/relationships with students as more respectful [31]. Considering these antecedents, the objective of the study was to compare elements of RJ with treatment programs and middle school student curriculum to identify the relevance of justice or restorative practices in official efforts to improve the school environment.

3. Method

3.1. Sample Design

The present study evaluates official documents established by the Mexican government aimed at improving safety, security, and the school environment. The study analyzed three primary sources: 1) Study Program 2011: Teachers Guide. Civic and Ethics Training (of middle school) [32]; 2) Guidelines for the Formation and Care of Adolescents 2011: Middle School Teachers Guide Tutorial [33]; and 3) National Program for Peaceful School Coexistence [34].

3.2. Instrument

A checklist was constructed to identify if a national program of restorative justice existed in the reviewed documents. If no program was found, the literature was examined to determine if some of the principles of RJ were expressed. The following specific concepts, divided into three themes, were noted if present in the documents: a) student participation; b) teaching attitudes and instructor education related to the theme of restorative justice; and 3) training with families. Student participation was defined as involvement in drafting regulations, organizing school activities, and conflict resolution. The Civic and Ethics Study Program identified teacher education as the presence of restorative practices, reparation of damages, cooperative resolution, mutual respect, responsibility, communication, assertion, participatory decisions, conflict resolution in education, attention to diversity, rejection of abuse, justice, and solidarity. Finally, we examined the documents for training actions for families.

3.3. Data Analysis

The documents were interpreted in relation to social and cultural context. Data was analyzed using hermeneutics. Specifically, the hermeneutic circle technique was employed, which consists of examining the whole document first and then focusing on pertinent sections of text. As such,

document text was analyzed as an aggregate, followed by a more in-depth examination of the pertinent content related to restorative justice. The social and historical context in which the documents were issued was likewise considered.

4. Results

The study identified two specific emphases related to student discipline: 1) punitive responses (the application of sanctions that derive from the 97 and 98 Agreements); and 2) the promotion of a healthy and peaceful school environment (derived from the National Development Plan 2013-2018). The results suggested a shift in public school policies toward a more humane treatment of the issue of school violence. Similarly, the results identified dimensions of restorative justice introduced in middle school *curriculum*. However, no

mention was found of restorative practices, student participation in the drafting of regulations, encouragement for students to take responsibility for their actions, or the ability to express themselves in conflict resolution. These changes were contextualized in observations from [3], which demonstrated that Mexico presented higher rates of victimization in schools than the international average. Likewise, the International TALIS (2013) poll [35] placed Mexico at the highest level of school bullying. The study considered the fact that Mexico had changed its public policy to attend to this problem by instituting changes in the school curriculum and specific treatment programs related to school violence which are introducing conflict resolution, responsibility, mutual respect, assertive communication solidarity, generosity, and justice topics. The next table breaks down curriculum topics.

Table 1. *Middle school ethics and civics curriculum topics related to elements of restorative justice.*

No.	Section	Contents **Study Program 2011. Teacher's Guide, Civic Formation and Ethics.** **(for Elementary schools: second and third grade)**	Participation Level **Guidelines for the training and care of adolescent 2011. Teacher's Tutorial Guide**
1	Mediation	---	*Orientations for the coexistence in the classroom and school,* d) Mediation for non-violent conflict resolution
2	Cooperative Resolution	Block III. Second grade THE CHALLENGE OF LEARNING TO LIVE TOGETHER - The path to nonviolent conflict resolution: Dialogue, negotiation and conciliation. Block II. Second grade INDIVIDUAL AND GROUP IDENTIFICATION AND MEMBERSHIP - The meaning of friendship and companionship relationships in adolescence. Identifying the conditions that benefit or affect friendly relationships.	---
3	Mutual Respect	Block III. Third grade DIVERSITY AND HUMAN RIGHTS Respect for human rights; a societal development perspective. from the prospective of societal development. Respect for social diversity; ecosystem integrity; social justice and economics, peace, democracy and nonviolence. RESPONSIBILITIES OF COLLECTIVE LIFE -Responsibility and autonomy, confirmation of an ethical perspective. Responsibility for one's self and others.	
4	Responsibility	Block II. Third grade ENVIRONMENTS OF REFLECTION AND PERSONAL FUTURE DECISIONS CHARACTERISCTICS OF DEMOCRATIC CITIZENSHIP IN A COLLECTIVE FUTURE.	
5.	Assertive Communication	Block II. Second grade Adolescents facing problems in their environment Resources for assertive response to peer pressure in proximity settings Block I. Third grade LEARNING TO MAKE INFORMED DECISIONS - Self-esteem and assertiveness in dating and romantic relationships.	*Orientations for the coexistence in the classroom and school,* c) Constructing an environment of legality and discipline based on compromise. (pág. 115-118)
6	Respect Among Students	Block II. Second Grade INDIVDUAL AND GROUP IDENTIFICATION AND MEMBERSHIP -Significance of the relationship between friendship and companionship in adolescence. Clarification of the conditions that benefit or affect friendship relationships: self-esteem, respect in affective relationships, gender equality, violence, reciprocity and abuse in friendship. Block III. Third grade DIVERSITY AND HUMAN RIGHTS -Interrelationships in a globalized world. Respect for human rights; a societal development perspective. Respect for social diversity; ecosystem integrity; social justice and economics, peace, democracy and nonviolence.	
7	Conflict Resolution	Block III. Second grade THE CHALLENGE OF LEARNING TO LIVE TOGETHER - The path to solving nonviolently conflict resolution: Dialogue, negotiation and conciliation. Block V Second grade	---

No.	Section	**Contents** **Study Program 2011. Teacher's Guide, Civic Formation and Ethics.** **(for Elementary schools: second and third grade)**	**Participation Level** **Guidelines for the training and care of adolescent 2011. Teacher's Tutorial Guide**
8	Cultural Diversity	THE SCHOOL AS A DEMOCRATIC SOCIETY AND A SPACE FOR NONVIOLENT CONFLICT RESOLUTION Block III. Third grade PERSONAL IDENTITY, THE CONSTRUCTION PROCESS - Adolescent interest in understanding conflict situations between diverse social groups in their close environment. - Resources for conflict resolution: dialogue, organization, and the establishment of agreements. Democratic participation and respect for human rights as principles of conflict resolution. Block IV. Second grade Block III. Third grade SENSE OF BELONGING TO THE NATION - Cultural differences that enrich the nation: plurality and diversity. Recognition and valuation of plurality in the country. Empathy, dialogue and negotiation in the search for intercultural relationships. - Sense of identity and membership in humanity through cultural realities and diverse nationalities. Respect and valuation of other forms of cultural, sexual, ethnic, religious, and national identity to guarantee the exercise of human rights and respectful coexistence in diversity.	
9	Discouraging Abuse	Block V. Third grade ADOLECENTS AND THEIR SOCIO-AFFECTIVE WELLBEING - The universal right to socio-affective wellbeing. Challenges to adolescent wellbeing in their affective relationships with others: violence, abuse, bullying, school harassment, sexual exploitation and abuse, and discrimination. - Resources for the construction of socio-affective wellbeing: self-esteem, care for one's self, valuation of abilities, potentialities and personal aspirations, adoption of healthy lifestyles, equal opportunity, understanding, diffusion and respect and the exercise of human rights.	---
10	Solidarity, generosity, justice, caring for others and the environment.	Block V Second grade COMMITTMENT TO THE NATURAL AND SOCIAL ENVIRONMENT - The natural and social environment in the satisfaction of human necessities. Science, technology and rational exploitation of the resources offered. Resources as a common good. Human development and equity. - Characteristics and conditions for gender equity in the ~~next~~ proximity Immediate environment.	---
11	Conflict Resolution	Block V Second grade THE SCHOOL AS A DEMOCRATIC COMMUNITY AND SPACE FOR NONVIOLENT CONFLICT RESOLUTION Block V Third grade ADOLECENTS: THEIR CHALLENGES AND OPPORTUNITIES IN THEIR LOCATION, COUNTRY, AND WORLD - Participation in the formulation of alternatives and the solution to problems that affect adolescents and society. Participation of adolescents in political, social and cultural situations in relation to respect for the law and human rights.	---

The 2014 National Program for Peaceful School Environments [34] also represents an advance in the treatment of the problem. The program's principal aim is to provide techniques and group control strategies for school staff. Techniques focus managing disagreements, complaints, power struggles, and conflicts among students. It is limited to knowledge, understanding, application and diffusion of existing rules; and does not allow student participation in the process of rule creation. Formative actions for families focus on emotional management training, the establishment of rules, and family conflict resolution techniques; but does not promote student participation in the resolution of disciplinary problems.

5. Conclusions

The successful implementation of RJ to the school environment requires a paradigm shift in relationships between teachers, students, family members, and the community. Furthermore, it requires a change in beliefs related to school discipline and the hierarchical structures of authority. This focus can transform the process to be proactive, fostering a peaceful school environment based on mutual respect, rather than a reactive process based on discipline. Article 2 of the General Law of Education [13] calls for the participation of all involved in the education process, which constitutes the justification of restorative justice in the school context.

The reviewed documents did not include references to restorative practices, reparations of damages, or the participation of students in the drafting of regulations. Inversely, the findings appear to demonstrate an authoritarian approach by the Mexican education system. One that does not consider the holistic impact of juvenile offense or solicit input from involved parties. Restorative justice is a

democratic process that requires the involvement of all involved in a conflict to reach a collective agreement on damage reparation and recuperation. As such, all parties (including students) must be considered as equal parties necessary for the process to reach its fullest potential. Responsibility is a theme prevalent in civics and ethics curriculum, however, students could not exercise it in decisions that impact their daily school lives. Mediation is mentioned in the guidelines for the 2011 Care and Training of Adolescents: Guide for Tutors [33]. While this represents a breakthrough, there is still a long way to go to achieve a paradigm shift toward restorative justice. The degree to which RJ is embraced will depend on the degree which all involved parties actively participate in all portions of the process of organization and conflict resolution in schools.

The examined documents include themes of self-esteem, diversity, and empathy, but the programs lack specific rejection and treatment of abused and harassed individuals. The issues are treated as an academic subject within the curriculum, but one that does not involve students in representative activities with active participation in the organization, legislation, and administration of school life. Middle school students receive training in conflict resolution regarding themes such as dialogue, negotiation, and conciliation. However, family is not actively involved in the processes of conflict resolution within schools. UNESCO [36] proposes training to promote democracy and peace through the encouragement of student abilities, which will ideally lead to democratic inclusion and participation. Unfortunately, none of the programs or documents analyzed lead to a shift in the paradigm towards student participation [37]. This paper pointed the lack of democratic participation of students and families in schools and RJ could be a school model to shift the paradigm in the promotion of peace in schools.

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