

Restorative Justice as Another Way of Dealing with Bullying in South African Schools

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Abstract

Bullying has long been a serious problem in schools across the globe, including in South Africa. The traditional methods of dealing with disciplinary problems, such as bullying in schools, have had limited success in terms of stemming the rise of this phenomenon. Out of concern about the growing problem of bullying in schools, some countries have turned to restorative justice as a solution. International research shows promising results of restorative justice approaches in terms of their impact on countering bullying among learners. This paper explores restorative justice as another way of dealing with bullying in South African schools.

Keywords: bullying; restorative justice; conflict; suspension; expulsion; violence

Introduction

Bullying is a major problem in schools around the world (Ammermueller 2012, 908; Laas and Boezaart 2014, 67), including in South Africa (see discussion below). Bullying is described as “repeated acts of unprovoked aggression that are damaging psychologically or physically for the victim, and where the strength of the aggressor/s and the victim is unequal” (Al-Raqquad et al. 2017, 45). It can be done in person or online, through digital platforms and devices. The most frequently perpetrated form of bullying in schools involves physical bullying. As Rigby (2003, 2) cites, perpetrators of bullying assert themselves at the expense of victims in order to establish their social dominance. The first thing they do is hitting others, particularly those who are not as powerful as they are, in order to intimidate them. But as other scholars also point out, some perpetrators use less socially reprehensible forms of dominating others (Hawley as quoted in Rigby 2003, 2). Verbal and indirect methods of bullying become more prominent than physical forms (Hawley as quoted in Rigby 2003, 2). Although there are various forms of bullying in the education environment, this paper focuses on physical bullying.

As it is seen to be a serious problem, the research indicates that bullying affects all learners, including the perpetrators themselves, victims, and those who witness bullying incidents (Al-Raqquad et al. 2017, 45; cf. Fronius et al. 2019, 17). It has been found that repeated exposure to bullying undermines the health and well-being of vulnerable learners (Rigby 2003, 1). A recent incident may be used as an example, where a 9-year-old boy in Australia wanted to commit suicide because he was bullied at school (Hockaday 2020). Similar incidents have also been reported in South Africa, where some learners have committed suicide (Jordaan 2019a; Seleka 2019). It is also established that the perpetrators of bullying tend to suffer from depression and engage in suicidal thoughts, and if this is not addressed at school, the perpetrators are more likely to manifest violent behaviour as adults in the home and workplace (Rigby 2003, 1; cf. Brank, Hoetger, and Hazen 2012, 218). Moreover, both perpetrators and victims of bullying are considered as prone to mental illness (Rigby 2003, 1). Similarly, learners who witness bullying may experience mental health problems. Apart from depression and suicidal thoughts, studies indicate that witnessing bullying could lead to increased anxiety and helplessness (Evans et al. 2019, 2417). According to researchers, witnessing bullying can be considered toxic stress, as one feels powerless to stop the bullying and could worry that one might be the next victim, which may lead to poor health outcomes (Evans et al. 2019, 2417; cf. Brank et al. 2012, 218–219).

Bullying is also associated with poor academic performance. It is reported that bullied learners tend to feel afraid to come to school, because they feel that they are not safe and as such, they are unable to concentrate, which has a negative impact on their academic success (Al-Raqquad et al. 2017, 46; cf. Brank et al. 2012, 218; Kaka et al. 2009, 110). Moreover, they are more likely to develop psychosomatic and psychosocial

problems than children who are not bullied, which may also have an adverse effect on their studies (Kibriya, Phil Xu, and Zhang 2015, 3).

In some situations, bullying can have far more devastating consequences. The discussion that follows, refers to extreme acts of violence by learners and the killing of learners, with examples in South Africa.

Given the deleterious effects of bullying, there is widespread agreement that schools should take measures to counter bullying among learners (Rigby 2003, 1). Bullying, as described above, constitutes misconduct on the part of the learner (cf. Hills 2017, xvii; Wolhuter and Russo 2013, 7) and thus requires some form of intervention. Traditionally, schools use punitive measures to discipline learners. These measures include actions such as suspension, expulsion (Fronius et al. 2019, 1), detention, humiliation, shouting, yelling and sometimes physical punishment (caning) in some countries (Reyneke 2019, 343). Psychological and/or physical pain is thus used to deter both the perpetrator and the rest of the school community from committing similar conduct (Reyneke 2019, 343). The traditional methods of discipline have thus far proved to be ineffective in terms of dealing with the problem of bullying in schools (Varnham 2005, 87–88), leading to calls for a different approach (Grobler 2019). One approach that has been proposed to improve the school climate is restorative justice (Fronius et al. 2019, 1; Laas and Boezaart 2014, 72–73). Today, several countries use restorative justice interventions to deal with bullying in schools.

The aim of this paper is to explore restorative justice as an alternative method of dealing with bullying in South African schools. A comprehensive body of research has been done internationally on restorative justice and bullying. The information on this subject will be evaluated, analysed and interpreted to achieve the objective of this paper. The paper begins by looking at how prevalent bullying is in South African schools and how it is dealt with. This is to demonstrate how serious the issue of bullying is in schools and the need for a different approach. Thereafter, it discusses what restorative justice entails and how it is utilised as a form of discipline in school. This is followed by a discussion of theoretical explanations as to why restorative justice might be effective in reducing bullying. The paper further gives an overview of the impact of restorative justice on bullying. This section will provide a summary of research findings from some of the countries that have experience with restorative justice in schools. The discussion closes with a brief conclusion and suggestions on how restorative justice can be introduced in South African schools.

Prevalence of Bullying in South African Schools

Bullying is a serious challenge in South African schools. The Minister of Basic Education, Angie Motshekga, has described this phenomenon as a huge concern (Jordaan 2019b), a sentiment that is shared by the MEC of Education in Gauteng Province, Panyaza Lesufi (Khumalo 2018). Indeed, South African schools have become the space where learners engage in acts of violence. Bullying and violence are similar

(Laas and Boezaart 2014, 73). As described, violence includes many aspects such as “the abusive exercise of power, emotional and psychological violence or injury” (Laas and Boezaart 2014, 70). Thus, as a form of violence, bullying amounts to a direct threat to school safety and the wellbeing of not only learners, but also of teachers and non-teaching staff (Laas and Boezaart 2014, 71).

Accordingly, it is reported that in 2008, there were over a million learners who had experienced some form of violence at school in South Africa (Laas and Boezaart 2014, 74). In 2012, a study on National School Violence conducted by the Centre for Justice and Crime Prevention found that 22 per cent of high school learners had been threatened with violence or had been victims of assault. The study consisted of a sample of 5 939 learners, 121 principals and 239 teachers (Khumalo 2018). In another study by Pondering Panda in 2013 (cf. Nkonkobe 2017), with a research sample of over 2 000 schools across the country, it was found that more than 50 per cent of participants had been bullied in school, with a further 68 per cent saying that they feared being physically attacked or threatened with a weapon (Nkonkobe 2017). More recently, a survey conducted in 2018 across 48 countries, established that South Africa has the highest rate of incidents of bullying and intimidation among learners in these countries. More than 260 000 teachers were interviewed from 15 000 schools around the world, with South Africa as the only African country to participate in the survey (Mitchley 2019).

There are also reports of extreme forms of violence by learners and killings of learners in schools. In June 2019, it was reported that since the beginning of 2018 there had been at least 25 incidents of school violence. Eleven lives were lost, nine of which were learners (Simelane 2019). More incidents have been reported beyond this period. Since the beginning of 2020, there have been several reports of violent incidents of bullying (Luvhengo 2020), including a loss of life, where the learner had been stabbed to death by his fellow pupil (Maphanga 2020).

While research shows bullying to be a common phenomenon in schools, it is worrying that many cases go unreported (Grobler 2019; Jeranji 2016). For example, it was recently reported that at least 57 per cent of learners had been bullied during their high school days (Nkosi-Malobane 2019). According to research done in the United States of America, learners in higher grades are less likely to report bullying than those in lower grades (Petrosino et al. 2010, 18). Thus, we are likely to be sitting with a bigger problem than what has already been highlighted by the available reports.

As far as dealing with bullying in schools is concerned, the South African Schools Act 1996¹ requires public schools to adopt a code of conduct, which must be aimed at promoting a disciplined and purposeful environment. The code of conduct spells out the rules which set the standard for learner behaviour at school and describes the disciplinary process to be followed by the school concerning transgressions by learners

1 84 of 1996, s 8 (1)–(2).

(Department of Education 2008, 4). While emphasising the need to put measures in place to enforce discipline, the Act provides that the learner who is found guilty of serious misconduct (such as bullying) during the disciplinary hearing may be suspended or expelled from school.² This is done to serve the larger interests of the school as a whole (Bray 2005, 135). In other words, while suspension or expulsion affects the right of the learner to receive an education, these disciplinary measures seek to protect “the interests of the school and other learners who are similarly entitled to receive their education in a safe, uninterrupted school environment” (Bray 2005, 135). Expulsion of a learner is a very drastic action. Thus, the decision (recommendation) to expel the learner from school needs to be approved by the head of the provincial department of education concerned.³

How South African schools deal with the problem of bullying is not different from the approach in most countries. As already mentioned, punitive response to disciplinary problems is the norm in schools. This approach only serves the punitive function. It does not provide interventions to tackle the underlying causes of bullying. Disciplinary policies that fail to address violations in a manner that promotes positive behaviour within the school community cannot be said to fulfil the needs of the school environment (Suvall 2009, 547).

Restorative Justice and its Approach to Bullying in Schools

A Brief Exposition of Restorative Justice

As explained above, restorative justice is suggested as a possible solution to the problem of bullying in schools. The idea of restorative justice in schools emerged as a result of the realisation that the traditional forms of discipline are failing to deal with bullying and its consequences (Varnham 2005, 87–88; cf. Fronius et al. 2019, 1). The question is: What is meant by restorative justice? There is no fixed definition of restorative justice. The literature is replete with many definitions and interpretations of restorative justice. According to the South African Department of Justice and Constitutional Development, restorative justice should be viewed as:

... an approach to justice that aims to involve the parties to a dispute and others affected by the harm (victims, offenders, families concerned and community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution, and taking measures to prevent a recurrence of the incident and promoting reconciliation. (Department of Justice and Constitutional Development 2011, 3–4)

2 84 of 1996, s 9 (1)–(2). While the Act is silent on what constitutes serious misconduct, there are several judgments where the courts have dealt with the issue of learners who have been found guilty of a serious misconduct, which included among others, assault (Smit 2013, 357–358). More recently, it has been reported that some learners have been suspended from school for bullying (Bhengu 2020).

3 84 of 1996, s 9 (1D).

By its very nature, restorative justice is a method aimed at addressing conflict and its underlying causes.⁴ It proceeds from the premise that conflict causes harm to people and their relationships (cf. Allan et al. 2014, 176; Batley 2013, 115; Zehr 1990, 181). Accordingly, restorative justice argues that the conflict resolution process should focus on repairing the harm caused. It thus brings together those who have experienced harm or conflict to discuss its solutions. In order to achieve this, restorative justice makes use of dialogue-orientated processes such as mediation,⁵ restorative conferences⁶ and circles.⁷ From a restorative justice point of view, the parties who are affected by conflict are seen as having the required knowledge of their personal needs (that arise from the effects of conflict) and therefore are able to come up with adequate responses (cf. Barton 2000, 1).

Although the focus of restorative justice is to repair the harm caused by conflict, this does not necessarily mean that those responsible for causing the harm should be excused. While punishment is not its priority, restorative justice emphasises the need to hold those who have caused the harm accountable. Accountability in this sense means sensitising someone about the impact and consequences of his actions and urging him to take steps to make things right (Zehr 2002, 16). It is believed that if people were to realise the consequences of their actions and attempt to right the wrongs they have done, this would lead to change and a reduction of their harmful behaviour (Louw and Van Wyk 2016, 503; cf. Bidois 2016, 604; Johnstone 2002, 13).

Accordingly, a comprehensive body of research indicates that restorative justice reduces the likelihood of future incidents or harms (Bradshaw and Roseborough 2005, 17; Nugent et al. 2001, 5; Sherman et al. 2015, 1; Umbreit and Armour 2011, 132). It is also a consistent finding in the literature that those who participate in restorative justice tend to be satisfied with its process and outcomes (Naudé 2006, 112; Rossetti et al. 2010, 26–27; Schiff 2003, 318–319; Umbreit, Coates, and Vos 2001, 30) and this often results

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- 4 cf. Gavrielides 2014, 234. Although restorative justice interventions have traditionally been used in dealing with crime and its aftermath, they have also been used to resolve conflicts in schools, families, workplaces and communities (Umbreit and Armour 2011, 183).
 - 5 Mediation (known as victim-offender mediation in the context of restorative justice) can be described as a process aimed to bring victims and perpetrators together face-to-face in a safe, structured, facilitated dialogue that typically occurs in a community-based setting. With the guidance of a trained mediator, the victim is afforded an opportunity to express the impact of the incident on him or her. Moreover, the process enables the perpetrator to account for his or her behaviour, and the victim gets to receive answers to questions they may have regarding the incident. After this sharing of information, both the victim and the perpetrator would determine an appropriate plan to repair the harm to the victim (Schiff 2003, 318; Omale 2012, 57).
 - 6 The most prominent restorative justice conference is family group conferencing, which in addition to the parties involved in victim-offender mediation, includes more participants such as family members and supporters of both the victim and the perpetrator. Its goal is similar to that of victim-offender meditation.
 - 7 Although similar in focus, the most notable difference between circles and other restorative justice practices is that, with the former, participants are arranged in a circle and one speaks as they pass a “talking piece” around the circle.

in increased satisfaction with the conflict resolution process (cf. Rossetti et al. 2010, 27; Umbreit et al. 2001, 31).

Although bullying is viewed as misconduct in the school context, it also constitutes conflict in the broader sense of the word. As with bullying, people who are involved in conflicts “commonly experience themselves as having been harmed by another party, and may view their situation as having elements of ‘injustice’” (Lyons, no date). In these situations, restorative justice may provide a way to address issues such as accountability, healing and repair (Lyons, no date).

Much as it constitutes conflict, it should be noted that bullying can sometimes cross the line to crime, where violence or its threat is used. This could amount to crimes such as common assault (*Freedom of Religion South Africa v Minister of Justice and Constitutional Development and Others* para 37⁸) and assault with intent to do grievous bodily harm (*S v Sikakane* para 6⁹). As in other countries, in South Africa, the Child Justice Act¹⁰ makes provision for criminal cases involving children to be diverted from criminal prosecution to a restorative justice process. The above crimes are listed as part of offences that the case involving the child offender may be diverted.¹¹

A Restorative Justice Approach in Schools

Within the school environment, restorative justice, as highlighted, is embraced as an alternative to the traditional forms of discipline, which include punitive measures such as suspensions and expulsions. As the research suggests, suspensions and expulsions are linked to higher rates of repetitive behaviour (Bintliff 2014; Varnham 2005, 94). Some have argued that if the purpose of these measures is to improve the learner’s behaviour, then isolating someone is not the way to achieve it. According to McElrea (1997):

By taking the culprit out of the neighbourhood or school community (by imprisonment, or expulsion/suspension) we think we have removed the problem.

In fact, it has usually been simply relocated in time and place—and, in the process, it is often exacerbated (McElrea 1997, 6; cf. Varnham 2005, 95).

Indeed, as the Sotho proverb says, *kgati ga e age ngwana* (corporal punishment does not shape the behaviour of the child). One of the reasons why traditional forms of

8 [2019] ZACC 34 (where the court defined assault as “the unlawful and intentional application of force to the person of another or inspiring a belief in that person that force is immediately to be applied as threatened”).

9 [2009] B/DH3625/08 (14 April 2019). According to the court, all the definitional elements of assault apply to this crime, but in addition, there must be intent to do grievous bodily harm. It therefore follows that the extreme acts of violence by learners could constitute this crime.

10 75 of 2008, s 53(7).

11 75 of 2008, s 54 (read with schedule 1 and 2 of the Act).

discipline (also called authoritarian controls) are considered as likely to aggravate the behaviour of the learner, is that they are coercive in nature (Karp and Breslin 2001, 253). It is postulated that “coercion produces alienated bonds, which, if reinforced by continual coercive relations, produce chronic involvement in serious delinquent behaviour” (Colvin as quoted in Karp and Breslin 2001, 253–254).

When used in the school setting, restorative justice challenges the notion of seeing anti-social behaviour as challenging the authority of the school to seeing it as harm to the school community (Varnham 2005, 95). With the emphasis on punitive measures as a way to achieve control and behavioural compliance in schools, there has been little understanding of the impact of the offending behaviour on those in the school community (Morrison 2002, 6; Varnham 2005, 97).

Certainly, as indicated above, bullying affects all learners, whether as perpetrators themselves or as victims (and others who may not be directly involved). A restorative justice approach in schools gives victims the opportunity to express how they have been affected. Research done on victims indicates that victims are not satisfied with punitive approaches because they feel excluded from the justice process, with no opportunity to describe how they have been impacted. Moreover, this does not give them a chance of emotional restoration, which has been shown to be of more importance to them (Varnham 2005, 94). Punitive approaches’ failure to provide mechanisms to validate victims’ concerns or to reassure them that steps are being taken to prevent future incidents can interfere with their education (Suvall 2009, 553). This is more so in that victims of bullying—as stated above—tend to feel unsafe at school and this substantially affects their concentration levels.

As Morrison (2006, 376) points out, bullies tend to deny wrongdoing and take no responsibility. Thus, it is reported that victims are more likely to experience emotional restoration when perpetrators accept responsibility for their actions (Hayes 2006, 374–375). Restorative justice aims to address this by encouraging bullies to take responsibility for repairing the harm they have caused to those who have been hurt by their actions and to the school community as a whole (Varnham 2005, 95). This also provides an opportunity for bullies to tell their own stories (Reyneke 2019, 351) and be acknowledged by others. It has been found that when young people are resistant to taking responsibility, it is often the case that they too need recognition that they were also harmed (Levine and Bradford 2018). Indeed, the anti-social behaviour of children can, sometimes, be caused by their past harmful experiences. For example, many parents use corporal punishment to discipline their children and this is seen as sending a message that this is how problems are solved (Grobler 2019). As mentioned elsewhere, daily social exchanges between children and their parents within dysfunctional families are key factors that contribute to aggression and violence (Meyer and Chetty 2017, 124). With a punitive approach to discipline that rarely gives bullies the opportunity to be heard and instead forces them into a passive role (Suvall 2009, 562), restorative justice tries to understand what could have led to the incident of bullying. These learners, if

denied the chance to explain their story, might experience a disciplinary process as unjust because they also see themselves as victims (Suvall 2009, 562). In fact, there is a suggestion that learners who perceive the school order as unjust are more likely to go against it and misbehave (Darling-Hammond et al. 2020, 297).

Since restorative justice emphasises an inclusive process that seeks to involve all those who are affected by the offending behaviour in dealing with it, people such as officials in the school, family members, relatives and friends (the support structure) of both the perpetrator and the victim of bullying are involved in deciding how to make the school environment safer. Family group conferencing would then be an ideal model of dealing with discipline problems. Family members play a major role in the restorative justice process. Not only are they involved in addressing the perpetrator's behaviour, but they also take collective responsibility in ensuring that he will comply with whatever corrective (restorative) measures are decided upon (cf. Kurki 2003, 297).

Everyone involved in the process participates in finding appropriate solutions. After discussing what the consequences should be, the focus moves towards working on preventing the problem from repeating itself. This might include interventions such as ensuring that the perpetrator receives psychological help or that the underlying causes for the bully's behaviour receive professional attention. This will also include some support for the victim (Reyneke 2019, 351). As often cited, restorative justice is both backward and forward looking in that not only does it deal with the aftermath of the offending behaviour, but it also identifies how future incidents may be avoided (Skelton 2007, 234; Skelton and Batley 2008, 47).

Another motivation for a restorative justice approach in the school environment is to "shift the school's attention from managing behaviour to focusing on the building, nurturing and repairing of relationships" (United Nations 2020, 35). In other words, the aim is to focus on resolving conflicts and building relationships rather than controlling the behaviour of learners through punitive measures (see Darling-Hammond et al. 2020, 296). Apart from isolating the learner, harsh punishment is said to weaken the offending learner's bonds with classmates and school officials. And since those bonds are considered as critical in building relationships, harsh punishment is seen as less likely to make the learner engage in positive behaviour (Suvall 2009, 553). As shown below, building strong relationships within the school community can go a long way in creating a safer learning environment.

Implementation of Restorative Justice in Schools

There are several ways of introducing restorative justice in schools. One is that it can be used as an add-on to the existing school disciplinary measures. With the add-on method, learners who would ordinarily be suspended for their misconduct are diverted to a restorative justice process (see Darling-Hammond et al. 2020, 296). If restorative justice interventions fail, harsh exclusionary responses such as suspensions and expulsions may be used (Suvall 2009, 566). Apart from being an add-on programme, restorative justice

can be integrated into the school's formal policies and procedures. In other words, restorative justice can be introduced as a mainstream response that operates at the heart of the school's disciplinary system. This has been the approach in some schools recently (Darling-Hammond et al. 2020, 296). Some reports indicate that restorative justice is more effective when "it is integrated into the school's overall philosophy" (Darling-Hammond et al. 2020, 297; Fronius et al. 2019, 12). Those who align themselves with this view, argue that restorative justice should become part of the school's culture (Darling-Hammond et al. 2020, 297) and not "just another tool in the toolbox for staff to use to deal with" ill-disciplined learners (Meyer and Evans 2012, 5). Its values and principles should always be preached. In this way, restorative justice will be able to function as a preventative method applied for creating a safe school environment.

Whatever the method, there is general consensus that successful implementation of restorative justice interventions in schools will require a change in the way discipline is enforced. Schools need to be transformed from functioning as rule-based institutions (Vaandering 2014, 77) to functioning as institutions that focus on fostering relationships (as highlighted before) between learners and staff that are underpinned by active listening and respect (Darling-Hammond et al. 2020, 297). To achieve this, all the relevant stakeholders within the school community need to play their part. For example, as Darling-Hammond et al. (2020, 297) and others (Fronius et al. 2019, 11) correctly point out, the implementation of restorative justice in schools will need the support of staff and time. This is because teachers will be required to carry out duties that would usually be beyond their scope of employment, such as attending training in restorative justice, and participating in restorative justice processes (Fronius et al. 2019, 11).

Interestingly, research shows that teachers and other stakeholders often see restorative justice as a soft option for dealing with learner behaviour (Fronius et al. 2019, 11; Darling-Hammond et al. 2020, 297), which can also be an obstacle to implementation. For example, this has emerged as one of the challenges when it comes to implementing restorative justice in some school districts across the United States of America. Some teachers felt that troublemaking learners were being allowed to remain in the school at the expense of other children's learning (Nussbaum 2018, 587), implying that they should be subjected to harsh punishment or exclusionary discipline. While this criticism against restorative justice is not to be discounted, evidence suggests that restorative justice is not necessarily a soft punishment (Gade 2021, 144). This perception by teachers and staff does not only expose the need for proper understanding of the philosophy of restorative justice, but also a change of perspective. Research suggests that a shift in attitude towards restorative justice in schools can take a period of one to three years (Darling-Hammond et al. 2020, 297). This is consistent with the time that it generally takes for restorative justice to take root in schools (Darling-Hammond et al. 2020, 297; Fronius et al. 2019, 11). Given the timing and the fact that restorative justice programmes would need to be financially sustained, the issue of resources should also be taken into account when implementing restorative justice (Darling-Hammond et al. 2020, 297; Fronius et al. 2019, 11).

Theoretical Explanations why Restorative Justice might Reduce Bullying in Schools

There are numerous theoretical accounts as to why restorative justice might be more effective in countering bullying among learners than punitive responses. One is the theory of reintegrative shaming. Restorative justice is seen as a philosophy that emphasises reintegrative as opposed to disintegrative shaming (Harris 2006, 333; Kim and Gerber 2010, 3; Schmid 2002, 122). In his distinction of these two kinds of shaming, Braithwaite (1989, 12,15; cf. Kim and Gerber 2010, 3–4; 2012, 1065) articulates that the latter creates a class of outcasts and thus makes reacceptance of the perpetrator into the community difficult, while the former maintains bonds of love and respect, and terminates disapproval with forgiveness. Basically, reintegrative shaming means that wrongdoers are also shamed but once they have repaired the harm they have caused, they are welcomed back as members of that community (cf. Lotter 2018). It is claimed that communities that are more forgiving and respectful, while taking wrongdoing seriously, tend to have lower levels of delinquency than communities that stigmatise and humiliate wrongdoers (cf. Braithwaite 2000, 282–283; Lotter 2018).

As far as the theory of reintegrative shaming is concerned, it is generally believed that people, including bullies, experience a sense of shame when they behave in a manner that is found unacceptable by their community of care such as family or school, etc. (Reyneke 2019, 349). This shame, as claimed, can lead to anger if not effectively dealt with (Reyneke 2019, 349). As is usually the case with punitive responses, the focus is on ensuring that the perpetrator is shamed so that he does not repeat the behaviour. On the other hand, a restorative approach, as stated, gives the perpetrator the opportunity to take responsibility and make amends and this keeps his relationship with the community intact. In this way, shame is seen as acknowledged and discharged (Reyneke 2019, 349). It is argued that since a punitive approach does not usually provide learners with the opportunity to right the wrongs and discard the shame feeling, “if this then leads to anger, the perpetrator will continue with socially unacceptable behaviour and bullying will not be prevented” (Reyneke 2019, 349).

As mentioned, family members participate in addressing the individual’s offending behaviour. The presence and participation of important people in the perpetrator’s life (family members) are also seen as important as far as the effectiveness of shaming is concerned. It is believed that shame expressed towards the perpetrator by his family group is more likely to result in conformity than shame communicated through punitive measures (cf. Braithwaite 1999, 39–40; Morris 2002, 603; Moss 2013, 221). Barton notes that:

When ... the most important people in the [perpetrator’s] life confront the [perpetrators] with their unacceptable behaviour and make it clear that they are shocked, hurt, and ashamed by it, and that it is intolerable, there is tremendous pressure on the [perpetrators] to re-examine their moral outlook and the kind of the person they want to be (Barton 2000, 7–8).

Indeed, based on the notion of reintegrative shaming, which (as explained before) emphasises respect towards the perpetrator and insists that he is treated as someone who violated the values of the community only temporarily, it is believed that when important people in the life of the perpetrator denounce the offending behaviour, while at the same time showing acceptance towards the perpetrator, it is most likely that he will reflect deeply on his behaviour. And when this happens, it is almost certain that the perpetrator will side with his family and eventually see his behaviour as totally unacceptable (Barton 2000, 10). It is argued that one of the reasons why reintegrative shaming is an effective deterrent when it comes from those close to the individual, is that it poses a threat to relationships that are valued (Harris and Maruna 2006, 453). This is more so, given that the research shows that the individual's offending behaviour diminishes the trust between him and his family (McCold 2004, 156–157).

The other important benefit of this form of shaming is that it facilitates the reintegration of the bully into the school community. Instead of the learner disengaged from school, which is the case with exclusionary measures such as suspensions and expulsions, his behaviour is denounced within systems of support (Morrison 2002, 2). Moreover, according to proponents of restorative justice, this could also reduce the likelihood of repetitive behaviour, as it allows the learner to remain part of the school community, unlike disintegrative stigmatising or shaming that perpetuates delinquent behaviour (cf. Levrant et al. 1999, 17). Accordingly, research shows that learners often prefer a fair restorative justice process over the traditional disciplinary process involving many levels of stigmatisation and punishment (United Nations 2020, 35).

Closely connected to the above is the notion of emotional intelligence. With restorative justice being one of the methods of conflict resolution, it has been found that conflict resolution programmes do provide learners with important skills in reducing harmful behaviour in schools (Morrison 2002, 3; United Nations 2020, 35). Children who bully others often “mishandle their emotional reactions to the distress they cause by not experiencing appropriate feelings of shame” (Rigby 2003, 5). They need lessons to cope with their emotions, especially the emotions involved in conflict (Morrison 2002, 3). Therefore, “becoming aware of emotions, acknowledging them, speaking about and acting on them, are healthy skills to develop” (Morrison 2002, 3). This can help to prevent the escalation of conflicts and associated violence (Morrison 2002, 3).

As will also be shown below, research suggests that the successful implementation of restorative justice interventions in schools could enable learners to see conflict as a chance to learn more about others; provide a structure for learners to deal with conflicts; help learners to develop a life skill that enables them to treat one another with more respect and communicate more effectively; and assist in creating a better (safer) school environment (Varnham 2005, 90).

An Overview of the Impact of Restorative Justice on Bullying

This section gives a brief overview of the impact of restorative justice on countering bullying among learners. As pointed out above, restorative justice is used in some jurisdictions to deal with the problem of bullying in schools. Those countries with the most experience with restorative justice in schools include Australia, Brazil, the United States of America (USA) and the United Kingdom (UK). What follows is a summary of some of the research findings on the impact of restorative justice.

The results from the project involving the introduction of restorative justice measures in schools in the UK are promising. The results are based on a national evaluation of restorative justice practices introduced in 32 schools in nine pilot areas across England and Wales. This evaluation involved surveying learners and staff prior to the introduction of the practices and then one year after their introduction. The results from the interview of 650 participants and school staff, post the introduction of the practices, found that 95 per cent of all disputes, disagreements and conflicts had been resolved through restorative justice. The results also indicated significant reductions in the levels of bullying and victimisation, leading to an increased perception that the school was safe (Varnham 2005, 98–99).

Similarly, the findings from several studies indicate encouraging results across schools that have implemented restorative justice in the USA. For example, the research focusing on the West Philadelphia High School reported a 52 per cent drop in violent acts and serious incidents in the first year of restorative justice implementation. This initial drop was followed by another 40 per cent decrease through the first half of year two (Fronius et al. 2019, 25). In another study conducted in Minnesota, the results showed a decrease in self-reported incidents of physical fights and skipping school among those who participated in restorative justice in a six-week follow up (Fronius et al. 2019, 25). Similar results were reported from the study that analysed infraction rates in a public K-8 school in Illinois from the 2006/07 year (under zero tolerance) in comparison to rates in 2008/09 year (under restorative justice, and after a one-year transition period). The overall infraction rates during the restorative justice period were found to be 83 per cent lower, with an 84 per cent reduction in physical aggression. This study further reported a 100 per cent reduction in possession of a weapon or look-alikes (Fronius et al. 2019, 26).

Furthermore, apart from reporting a low rate of repetitive behaviour among learners, a study conducted in Australia, involving 75 Queensland schools, found that the majority of victims felt safer and more able to deal with similar situations than before participating in restorative justice; perpetrators had high levels of understanding and empathy towards victims; the majority of participants developed closer relationships with other participants than before the restorative justice encounter; administrators felt that restorative justice measures reinforced school values; and nearly all schools that participated in the study had changed their thinking towards behaviour management (Varnham 2005, 96–97; cf. McElrea 1997, 8). It is a consistent finding elsewhere that

restorative justice helps to develop relationships. The results based on a survey conducted in some schools in Oakland (California) for example, indicate that 64 per cent of staff believed that a restorative justice process helped learners and teachers to build caring relationships (Darling-Hammond et al. 2020, 303). Healthy relationships among learners, as well as their relationships with teachers, are significantly linked with lower incidents of bullying (Kenny and Minor 2016, 59; Manitoba Education and Training 2017, 29). Research demonstrates that positive relationships within the school and peer group provide learners with the opportunity to develop emotional and behavioural regulation competencies (Manitoba Education and Training 2017, 29).

Consistent with the view of restorative justice as an approach that provides learners with conflict resolution skills, in a study conducted in four schools in Porto Alegre, in Brazil, some learners expressed their experience with restorative justice interventions as follows:

By dialoguing, we are able to understand each other. Then, the [process] helps to solve the conflict.

Sometimes, the person wants to fight, but when we talk, we calm down, the anger decreases.

I think that ... I could be a much worse person if I have not participated in all these restorative [processes]. I'm a person who easily loses control. I'm still like that, but I never [get] involved in fights anymore. (Grossi and Dos Santos 2012, 132–133)

Similar findings were reported from a one-month post survey conducted in the Lansing School District in the USA. Out of 289 participants, 91 per cent of learners indicated that they had learned new skills of resolving conflicts through their participation in the restorative justice process. Moreover, 90 per cent of learners reported that they would use these skills to resolve future conflicts (Darling-Hammond et al. 2020, 303).

The purpose of this section was to highlight the potential of restorative justice in countering bullying in schools. There is, therefore, evidence that restorative justice results in some reduction in bullying. Although the above findings are not sufficiently strong to justify restorative justice by itself, they indicate its potential to address the problem of bullying in schools.

Conclusion

This paper demonstrates that restorative justice can be used in schools as a method of dealing with bullying. In countries where it is used as such, research indicates that it helps to create a safer school environment, as it enables learners to manage conflicts better and foster good relationships within the school community. Moreover, several studies show promising results of restorative justice interventions in terms of reducing incidents of bullying in schools. South Africa, as a country that is also confronted with

the problem of bullying in schools, can learn from what works in other jurisdictions. Restorative justice is, in fact, not a new concept in South Africa as far as children are concerned. It was introduced as part of the new criminal justice system for child offenders. Researchers have seen this approach as being informed by the fact that “many people are prepared to ‘forgive’ children when they commit offences, believing that they can still get back on the right track” (Skelton 2005, 127). If this is indeed the reason, then there is a strong case for restorative justice in schools. Schools are a good place to start early implementation of restorative justice interventions, because they represent a smaller society within the larger community, providing greater opportunity to integrate and nurture individuals within that society (Fronius et al. 2019, 17). In essence, schools are the cornerstone for the social control of delinquent behaviour (Gonzalez 2016, 274–275).

It is thus suggested that South African schools should consider adopting restorative justice as one of the methods of dealing with bullying. This can be achieved by incorporating restorative justice approaches into the school disciplinary policies, following the examples of internationally researched schools. Alternatively, the problem of bullying may be effectively addressed by amending the South African Schools Act 1996 to include restorative justice as part of disciplinary measures available for learners who are found guilty of serious misconduct such as bullying; thereby following the example in the Child Justice Act 2008, which makes provision for cases involving child offenders to be referred to a restorative justice process.

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