

Chapter 29

Examining Restorative Justice in PK12 With a Lens Through Kohlberg's Theory

Cindy Sytsma

National University, USA

Dina Pacis

National University, USA

ABSTRACT

Restorative justice serves to facilitate juvenile offenders in taking responsibility for their actions via dialogue with victim, victim's family, and community. In the PK12 setting, this model uses classroom circles to set academic goals, explore curriculum, develop core values, fairness communities, and peer juries to talk with students about causes and identify positive issues to repair the harm done. Kohlberg's theory informs the use and implementation of restorative justice with its six stages of moral development. This chapter will examine Kohlberg's theory coupled with restorative justice at the PK12 level. The application of these philosophies may lead to early development of positive decision making, value of self, good communication skills, and ethical problem solving. By establishing these psychological/sociological foundations in early childhood, children may be able to secure friendly relationships and orient more easily towards fixed rules.

INTRODUCTION

Restorative Justice is an innovative approach to juveniles involved in delinquent activity. The premise behind this approach also serves to facilitate a meeting with all parties impacted by the offense. A mediator facilitates a conversation where the offender accepts full responsibility for his or her actions by having a direct or indirect dialogue with the victim, the victim's family, and/or the community. In the PK-12 setting, this model encourages the use of classroom circles to work together to have students set academic goals, explore curriculum, and develop core values for the classroom community. In addition, the model

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invites the use of small group circles, fairness communities and peer juries when disciplinary issues occur to talk with students involved about the causes and identify positive issues to repair the harm done (Leone, Quinn, & Osher, 2002). Kohlberg's Theory informs the use and implementation of Restorative Justice with its six stages of moral development: obedience/punishment, self-interest, conformity and interpersonal accord, authority and social order, social contract, and universal principles (Fellegi, 2007). This chapter will examine the tenets of Kohlberg's Theory coupled with the Restorative Justice approach at the PK-12 level. The application of these two philosophies can lead to early development of positive decision making, the value of one's self, good communication skills, and ethical problem solving. By establishing these critical psychological and sociological foundations in the early stages of childhood, children may be able to secure friendly relationships and orient with greater ease towards fixed rules.

BACKGROUND

More than any other time in past and contemporary history, our youth are playing impactful roles in our nation and across the world. In the words of Isaac Asimov (1984), "humanity has the stars in its future, and that future is too important to be lost under the burden of juvenile folly and ignorant superstition" (<http://www.concordareahumanists.org/blog/201401/isaac-asimov>). We need to ensure the youth of today are not lost in juvenile folly to preserve a bright future for the world. According to the US Department of Justice (2017), over 70 million Americans are 18 or younger. They are commonly referred to as juveniles. This group has grown over time and is expected to continue to increase through 2060. An interesting result of the US Department of Justice's disaggregated analysis of the demographic data on juveniles shows that different segments will grow at different rates (<https://www.ojjdp.gov/ojstatbb/population/overview.html>).

The segment of juveniles that most applies to this work is the group commonly known as those at-risk youth. In order to better understand this population, a view into how the term is defined is needed. At its most basic, at-risk youth are those whose futures appear to have less than ideal outcomes. The National Center for School Engagement (2018) identifies several reasons youth may be defined at-risk. They include the following:

- Homeless or transient
- Involved in drugs or alcohol
- Abused sexually, physically, or emotionally
- Mentally ill
- Neglected at home or live in stressful family environments
- Lacking social or emotional supports
- Involved with delinquent peers (<http://schoolengagement.org/school-engagement-services/at-risk-youth/>)

Often, at-risk youth are not identified until they display disruptive behavior. This type of behavior may include bullying, acts of vandalism, underage drinking, and truancy. These types of behaviors are often forerunners to juvenile delinquency, and anti-social behavior which can lead to dropping out of school (National Center for School Engagement, 2018).

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