

# Restorative Justice in the Classroom: Necessary Roles of Cooperative Context, Constructive Conflict, and Civic Values

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## Keywords

justice, restorative justice, cooperation, conflict resolution, civic values, negotiation, controversy.

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## Abstract

To ensure that restorative justice is effective, a cooperative context must be developed, future conflicts must be managed constructively, and relevant parties need to adopt civic values. The theory underlying the creation of a cooperative context is social interdependence theory. Goal interdependence may be positive (i.e., cooperative) or negative (i.e., competitive). Creating a cooperative context will both help prevent destructively managed conflicts and help create positive relationships. The long-term maintenance of a cooperative context depends on resolving conflicts constructively. Individuals need to learn how to resolve conflicts of interests through integrative negotiation and peer mediation. Individuals also need to learn how to resolve intellectual disagreements through the constructive controversy procedure. Intellectual disagreements are inherent in all decision making. Finally, engaging in cooperative efforts and resolving conflicts constructively inculcates civic values. It is the combination of cooperative experiences, constructive conflict resolution, and civic values that most effectively ensures that all relevant parties can redress past wrongs and reconcile with each other.

Injustice, the violation of another's rights, seems to occur continuously at all levels of human interaction. The existence of injustice, especially if it results from a destructively managed conflict, prompts the initiation of efforts to restore justice. Restorative justice requires that the existing negative relationship be changed into a positive one. The offender and the victim have to be brought into the same moral community where the wrongs suffered by the victim are righted. When restorative justice is initiated, the offender(s) and the victim(s) are typically in a competitive relationship in which each

party wishes to “win” by dominating the other. They are competing for such things as power and resources with variables such as their past history and the victim’s desire for revenge being complicating factors. The offender may wish for the status quo to continue, protecting his or her benefits that derive from dominating, exploiting, and abusing the victim. The offender typically attempts to block or defeat all efforts by the victim to gain an advantage or exact revenge. The victim may wish for revenge and the ability to dominate the offender in turn. Both parties tend not to communicate with each other (or to communicate inaccurately). They tend to have negative attitudes toward each other and to perceive each other in stereotypic and negative ways. They tend to distrust each other. All of these are characteristic of an oppositional, competitive relationship.

The central issue of restorative justice is how to move the individuals involved in an oppositional relationship in which they strive to dominate, exploit, and abuse each other to a promotive relationship in which they see themselves as members of the same moral community with responsibilities for each other’s well-being. The essential conditions for ensuring restorative justice efforts are effective and sustained over time include creating a cooperative context (e.g., membership in the same moral community), establishing two constructive conflict procedures (integrative negotiations and constructive controversy) to manage their conflicts of interests and decision making in the future, and inculcating civic values (which underlie their ongoing relationships and cooperative efforts). The first purpose of this article is to present the evidence that such steps are needed and possible.

A secondary purpose of this article is to present a theoretical framework for understanding the nature of restorative justice utilizing relationship, not individual variables. In much if not most of the theorizing on restorative justice the focus has been on internal individual factors such as shame, guilt, anger, defiance, and forgiveness (Braithwaite, 1989, 2003; Johnstone, 2002; Johnstone & Van Ness, 2007). By attempting to understand the factors that govern the behavior of a single individual the researchers have assumed that the causes of an individual’s behavior are inside the individual, i.e., the causes of behavior are personality traits, feelings, attitudes, values, skills, aptitudes, brain chemistry, and genes. What is relatively absent in the restorative justice literature is a theoretical framework focused on relationship variables. Relationship variables reside between or among parties (Johnson & Johnson, 2005a). Examples are cooperation and conflict, which involve interaction between at least two parties and focus on how the actions of one party affect the actions of others. The goal of focusing on relationship variables is to identify the causal conditions (originating primarily from the situation and the social context) that create the oscillating pattern of the interactions.

The third purpose is to present a plan for teaching the process of restorative justice in schools to every age student through the use of cooperative learning, integrative negotiation and peer mediation programs, the academic use of constructive controversy, and inculcation of civic values. Schools represent an ideal setting in which to socialize the next generations into the procedures and practices of restorative justice.

To accomplish these three purposes, it is necessary to review (a) the nature of restorative justice and how it fits into an overall view of justice, (b) social interdependence

theory, the theory underlying restorative justice, cooperation, and constructive conflict, (c) the need for a cooperative context in order for restorative justice to occur, (d) the use of integrative negotiations and peer mediation in restoring justice and resolve future conflicts of interests, (e) the use of constructive controversy to make decisions about the implementation of restorative actions and future joint efforts, and (f) the development of civic values that underlie the moral community that encompasses both the offender and victim.

## Types of Justice

To discuss restorative justice, it may be helpful to contrast it with other types of justice. Justice involves ensuring that benefits are distributed justly (i.e., distributive justice), the same procedures are applied fairly to all members (i.e., procedural justice), everyone is perceived to be part of the same moral community (i.e., moral inclusion), and any wrongs suffered are righted (restorative justice; Deutsch, 2006; Johnson & Johnson, 2009a; Johnson & Johnson, 1989, 2005a).

### Distributive Justice

Deutsch (1985) defined distributive justice as the method used to grant benefits (and sometimes costs and harms) to group or organizational members. There are three major ways in which benefits may be distributed. The equity (or merit) view is a person's rewards should be in proportion to his or her contributions to the group's effort. This view is inherent in competitive situations. The equality view is all group members should benefit equally. It is inherent in cooperative situations. The need view is group members' benefits should be awarded in proportion to their need. Cooperators typically ensure that all participants receive the social minimum needed for their well-being. Whatever system is used, it has to be perceived as "just." When rewards are distributed unjustly, the group may be characterized by low morale, high conflict, and low productivity (Johnson & Johnson, 1989, 2005a, 2009a).

### Procedural Justice

Procedural justice involves fairness of the procedures that determine the benefits and outcomes a person receives. Fair procedures involve both that the same procedure being applied equally to everyone and that the procedure be implemented with polite, dignified, and respectful behavior. Typically, fairness of procedures and treatment are a more pervasive concern to most people than fair outcomes (Deutsch, 2006). The more frequent the use of cooperative learning, the more students tend to believe that everyone who tried has an equal chance to succeed in class, that students get the grades they deserved, and that the grading system is fair (Johnson & Johnson, 1989, 2005a, 2009a). Even when their task performances are markedly discrepant, members of cooperative groups tend to view themselves and their groupmates as being equally deserving of benefits and rewards.

## Scope of Justice

Justice tends to be given only to individuals who are perceived to be included in one's moral community, i.e., who falls within one's scope of justice (Deutsch, 1985; Opatow, 1990; Staub, 1985). Individuals and groups who one considers to be outside the boundary of one's moral community may be treated in ways that would be considered immoral if people within the moral community were so treated. The scope of justice is the extent to which a person's concepts of justice apply to specific others (Deutsch, 1985, 2006). Moral considerations guide behavior with those individuals and groups who one considers to be inside one's scope of justice. Moral inclusion, therefore, is applying considerations of fairness and justice to others, seeing them as entitled to a share of the community's resources, and seeing them as entitled to help, even at a cost to oneself (Opatow, 1990, 1993). Moral exclusion occurs when a person excludes groups or individuals from his or her scope of justice, a share of the community's resources, and the right to be helped. Moral exclusion permits and justifies derogating and mistreating outsiders and is perpetuated primarily through denying that it has harmful effects. The denial includes minimizing the duration of the effects, denying others' entitlement to better outcomes, and seeing one's mistreatment as negligible (Opatow & Weiss, 2000). Those outside the scope of justice can be viewed as nonentities (e.g., less than human) who can be exploited or enemies who deserve brutal treatment and even death.

Offenders and bystanders tend to morally exclude victims and consider them to be outside the scope of justice. In competitive situations, the boundaries between ingroups (in which moral inclusion exists) and outgroups (which are morally excluded) are quite strong and well marked (Johnson & Johnson, 2005a). Cooperative situations, on the other hand, promote a much wider range of moral inclusion and scope of justice. Especially when the members of diverse backgrounds and cultures participate in the same cooperative effort, moral inclusion is broadened (Johnson & Johnson, 1989, 2005a). Moral inclusion includes the values of fairness, equality, and humanitarianism. Cooperators tend to see all of humanity as being entitled to fair treatment, justice, and help and may even extend moral inclusion and the scope of justice to other species and life forms (Opatow, 1993). Albert Schweitzer, for example, included all living creatures in his moral community, and some Buddhists include all of nature.

## Restorative Justice

While distributive justice focuses on the perceived fairness of the distribution of benefits and rewards, and procedural justice focuses on the perceived fairness of the procedures used to determine outcomes, restorative justice focuses on righting the wrongs suffered in a destructively managed conflict. It becomes a concern after a conflict has taken place in which one party was harmed by another or another type of justice was violated. Restorative justice involves bringing together all parties affected by harm or wrongdoing (e.g., offenders and their families, victims and their families, other members of the community, and professionals), discussing what happened and how they were affected, and

agreeing on what should be performed to right any wrongs suffered (Morrison & Ahmed, 2006; Umbright, 1995). It is a form of justice that emphasizes repairing the harm performed in interpersonal, intragroup, and intergroup relationships. Restorative justice deals with at least two issues. The first is the resolving of past conflicts to restore justice among parties and within the community as a whole. The second is to create the conditions for maintaining long-term, ongoing cooperation among parties in the future (given that future contact will occur). In most cases, the shadow of the future is almost always present in restoring justice, as it re-establishes the membership of the offender and victim in a moral community in which they may continue to interact in an on-going, long-term relationship. There are a number of characteristics necessary for restorative justice to be created: (a) there must be identifiable victims and offenders, (b) the participation of victims and offenders must be voluntary, (c) victims and offenders must have the capacity to engage fully and safely in dialog and integrative negotiations, and (d) a facilitator or mediator must be present to provide the help and support that the victims and offenders need.

### **Process and Outcomes**

Restorative justice involves a process in which individuals meet, engage in a problem-solving dialog, and negotiate with each other. The victim is given the opportunity to express their needs and feelings resulting from being harmed and help determine the best way for the offender to repair the harm he or she has created. The offender is expected to take responsibility for his or her actions and realize that the actions had real consequences for the victim and the community. The community is given the opportunity to participate in the process as the responsibility for reconciliation is partially theirs. The process is based on a set of values that emphasize the importance of healing, repairing, restoring, and preventing harm to other, as well as reintegrating the relationships among the relevant parties. The outcomes of restorative justice include an integrative agreement reflecting (a) reparation (i.e., restitution agreed on by offender, victim, and community) and (b) the establishment or reestablishment of constructive relationships among offender, victim, and the community as a whole (given that they will interact in the future). In many ways, however, the process of restoring justice may be more important than the outcomes.

### **Aspects of Restorative Justice**

Three of the important aspects of restorative justice are reconciliation, remorse, and forgiveness. *Reconciliation* is an emotional reattachment and affiliation between former opponents after conflict-induced separation (De Waal, 2000; Roseth et al., 2010). It reaffirms and restores the positive, cooperative relationship among the parties in a conflict. In some cases it ends the negative sanctions placed on the offender, which often is social exclusion from the mainstream and increased association with deviant subcultures (i.e., prison). In all cases it involves an emotional reattachment among the parties involved in the conflict. In some cases an agreement establishing reconciliation ends the

negative sanctions placed on the offender, which often is social exclusion from the community and increased association with deviant subcultures (i.e., prison). Reconciliation usually includes an apology, institutes a sense that justice has prevailed, recognizes the negativity of the acts perpetuated, restores respect for the social identity of those formerly demeaned, validates and recognizes the suffering undergone by the victim and relevant community members, establishes trust between victim and offender, and removes the reasons for either party to use violence to “right” the wrongs of the past.

*Remorse* is an emotional expression of personal regret felt by a person after he or she has committed an act that they deem to be shameful, hurtful, or violent. Remorse is a negative, conscious, and emotional reaction to personal past acts and behaviors that is often expressed by the term “*sorry*.” Remorse reflects such feelings as sadness, shame, embarrassment, depression, annoyance, or guilt. Remorse may focus on acts of commission or omission, i.e., it occurs after the person has committed actions that the person later wishes that he or she had not performed or has not committed actions that the person later wishes that he or she had performed. The offender stops blaming the victim or others, accepts responsibility, and feels genuine sorry for his or her actions. The offender realizes that his or her actions are not acceptable and had real consequences for the victim and the community. The offender feels regret and sorry. He or she commits to not repeating the actions in the future.

*Forgiveness* occurs when the victim pardons the offender and let go of any grudge, desire for revenge, or resentment toward the offender for the wrongdoing (Enright, Gassin, & Knutson, 2004). When a person forgives, he or she decides to let go of resentment and thoughts of revenge. Forgiveness may lessen the grip of the harm experience on the person and help him or her focus on other, positive parts of his or her life. Forgiveness may also lead to feelings of understanding, empathy, and compassion for the offender. Forgiveness does not minimize or justify the wrong doing and it does not mean denying the other person’s responsibility for the hurtful actions. The offender may be forgiven without excusing his or her actions. Forgiveness often brings a kind of inner peace that helps the victim go on with his or her life. Forgiveness conveys the victim’s hope and expectation that the offender can be trusted in the future to not repeat the offense and take responsibility for the well-being of the victim.

## Examples of Restorative Justice

There are at least five arenas in which the process of restorative justice has been applied. In some schools, a “just” community has been established in which restoration must take place when one student harms another. Students are taught the norms, values, and procedures needed for restorative justice to work. The emphasis is on long-term prevention. In terms of crime, offender and victims meet to repair some of the damage performed by the crime (Braithwaite, 1989; Umbreit, 2001). The intent is to have the offender and victim engage in a dialog that results in restitution, remorse, and forgiveness (as well as other emotions, such as shame). Third, there are national reconciliations, such as Australia’s efforts to reconcile with its aborigines. Fourth, there are negotiated ends to civil wars in which the two sides must reconcile in order for the

country to function (Druckman & Albin, 2011). Finally, there are Truth And Reconciliation Commissions, such as the one in South Africa, in which aggrieved parties voice their anger, describe injustices experienced, and sometimes face those who have oppressed them (Vora & Vora, 2004).

### **Necessary Conditions**

There are at least four conditions that influence the effectiveness of the implementation of restorative justice procedures. The first is creating a cooperative context within which the disputants can reconcile and repair their relationship. This includes establishing the membership of all parties in the same moral community. The second is the use of integrative (e.g., problem solving) negotiations to ensure that disputants seek outcomes that are mutually beneficial. The third is to ensure that difficult decisions in implementing agreements made utilizing the constructive controversy procedure. The fourth is to affirm civic values and ensure that they underlie the process and outcomes of restorative justice. To discuss these conditions, it is first helpful to review social interdependence theory.

## **Social Interdependence Theory**

Underlying the nature of cooperation, cooperative learning, and constructive conflict resolution is social interdependence theory. Social interdependence theory has its origins in Gestalt Psychology and Lewin's Field Theory. Gestalt psychologists posited that humans are primarily concerned with developing organized and meaningful views of their world by perceiving events as integrated wholes rather than a summation of parts or properties. One of the founders of the Gestalt School of Psychology, Kurt Koffka (1935), proposed that similar to psychological fields, groups were dynamic wholes in which the interdependence among members could vary. Kurt Lewin (1935) subsequently proposed that the essence of a group is the interdependence among members which results in the group being a "dynamic whole" so that a change in the state of any member or subgroup changes the state of any other member or subgroup. Group members are made interdependent through common goals. Finally, Morton Deutsch (1949) developed a theory of cooperation and competition that serves as the heart of social interdependence theory.

Social interdependence exists when the accomplishment of each individual's goals is affected by the actions of others (Deutsch, 1949, 1962; Johnson, 1970, 2003; Johnson & Johnson, 1989, 2005a, 2009a). There are two types of social interdependence: positive (cooperation) and negative (competition). Positive interdependence exists when individuals perceive that they can reach their goals if and only if the other individuals with whom they are cooperatively linked also reach their goals. Participants, therefore, promote each other's efforts to achieve the goals. Negative interdependence exists when individuals perceive that they can obtain their goals if and only if the other individuals with whom they are competitively linked fail to obtain their goals. Participants, therefore, obstruct each other's efforts to achieve the goals. No interdependence results in a situation in which individuals perceive that they can reach their goal regardless of

whether other individuals in the situation attain or do not attain their goals. Each type of interdependence results in certain psychological processes and interaction patterns which, in turn, determine the outcomes of the situation, including the moral socialization and education of the individuals involved.

The basic premise of interdependence theory is that how goal interdependence is structured determines how individuals interact, which in turn determines outcomes. When positive goal interdependence is structured, promotive interaction results (i.e., one’s actions promote the goal achievement of others). When negative goal interdependence is structured, oppositional interaction results (i.e., participants’ actions obstruct the goal achievement of others). Promotive interaction tends to result in a wide variety of outcomes that may be subsumed into the categories of high effort to achieve positive relationships and psychological health. Oppositional interaction tends to result in low effort to achieve by most individuals, negative relationships, and low psychological health. Cooperation and competition provide contexts in which either restorative justice will tend to be effective or ineffective.

### Cooperative Context

In order for the process of restorative justice to be effective, it would ideally occur within a cooperative context. Within a cooperative context (Deutsch, 1973; Johnson, 2003; Johnson & Johnson, 1989, 2005a, 2009b; see Table 1).

- (1) Individuals focus on mutual goals and shared interests.
- (2) Individuals are concerned with both self and others’ well-being.
- (3) Individuals adopt a long-term time orientation where energies are focused both on achieving goals and on building good working relationships with others.
- (4) Effective and continued communication is of vital importance in resolving a conflict. Within a cooperative situation, the communication of relevant information tends to be open and honest, with each person interested in informing the other as well as being informed. Communication tends to be more frequent, complete, and accurate.

Table 1  
*Context of Restorative Justice*

Nature of Cooperative Context	Nature of Competitive Context
Mutual Goals	Differential Goals
Concern for Self and Other’s Well-Being	Concern for Own Well-Being, Others’ Deprivation
Liking and Trust	Hostility and Distrust
Others’ Needs/Interests Seen as Legitimate	Denial of Legitimacy of Others’ Needs/Interests
Long-term Time Perspective	Short-term Time Perspective
Promotive Interaction Pattern	Oppositional Interaction Pattern
Accurate Communication	Inaccurate or No Communication
Accurate Perceptions	Misperceptions
Trusting and Trustworthy	Distrusting and Untrustworthy
Constructive Problem Solving	Destructive “Going For the Win”



- (5) Perceptions of the other person and the other person's actions are far more accurate and constructive. Misperceptions and distortions such as self-fulfilling prophecies and double standards occur less frequently and are far easier to correct and clarify.
- (6) Individuals trust and like each other and, therefore, are willing to respond helpfully to each other's wants, needs, and requests.
- (7) Individuals recognize the legitimacy of each other's interests and search for a solution accommodating the needs of both sides. Conflicts tend to be defined as mutual problems to be solved in ways that benefit everyone involved.

Restorative justice tends not to go well in a competitive context. Within a competitive context (Deutsch, 1973; Johnson & Johnson, 1989, 2005a):

- (1) Individuals focus on differential benefit (i.e., doing better than anyone else in the situation). In competitive situations, how well a person is doing depends on how his or her performance compares with the performances of the others in the situation. There is a constant social comparison in which the value of one's outcomes depends on how they compare with the outcomes of others.
- (2) Individuals focus on their own well-being and the deprivation of the other participants. In striving to "win," individuals focus not only on what is good for them but also what will deny others what they need to win. There is a vested interest in others doing less well than oneself.
- (3) Individuals adopt a short-term time orientation where all energies are focused on winning. Little or no attention is paid to maintaining a good relationship. In most competitions, there is an immediate finishing line on which all attention is focused with little or no concern with the future relationship with the other competitors.
- (4) Communication tends to be avoided and when it does take place it tends to contain misleading information and threats. Threats, lies, and silence do not help individuals resolve conflicts with each other. Competition gives rise to espionage or other techniques to obtain information about the other that the other is unwilling to communicate, and "diversionary tactics" to delude or mislead the opponent about oneself.
- (5) There are frequent and common misperceptions and distortions of the other person's position and motivations that are difficult to correct. Individuals engage in self-fulfilling prophecies by perceiving another person as being immoral and hostile and behaving accordingly, thus evoking hostility and deceit from the other person. Individuals see small misbehaviors of opponents while ignoring one's own large misbehaviors (i.e., the mote-beam mechanism). Double standards exist. Because preconceptions and expectations influence what is perceived, and because there is a bias toward seeing events in a way that justifies one's own beliefs and actions, and because conflict and threat impair perceptual and cognitive processes, the misperceptions are difficult to correct.
- (6) Individuals have a suspicious, hostile attitude toward each other that increases their readiness to exploit each other's wants and needs and refuse each other's requests.
- (7) Individuals tend to deny the legitimacy of others' wants, needs, and feelings and consider only their own interests.

When victims and offenders are brought together to reconcile and restore balance and harmony to their relationship, they ideally would perceive a cooperative context and understand that they will jointly engage in cooperative efforts in the future.

## Moral Community and Social Interdependence

Restorative justice involves uniting offenders and victims in the same moral community. The word “community” is derived from the Latin “communis,” which means “shared.” Community is a group of people who live in the same locality and share common goals and values, and a common culture. The heart of a community is positive interdependence where members work together to achieve common goals and maintain common values and culture. A community is threatened by negative interdependence in which members work against each other to achieve goals only one or a few can attain.

## Research Results

The research on social interdependence has an external validity and a generalizability rarely found in the social sciences. The many diverse dependent variables examined in studies on social interdependence over the past 11 decades may be subsumed within three broad categories (Johnson, 2003; Johnson & Johnson, 1989, 2005a, 2009a): effort to achieve, positive interpersonal relationships, and psychological health (see Table 2). A series of meta-analyses of the available research indicate that cooperation tends to promote higher achievement, more positive relationships, and greater psychological health than do competitive or individualistic efforts (Figure 1).

Table 2  
*Meta-Analysis of Social Interdependence Studies: Mean Effect Sizes*

Dependent Variable	Cooperative Versus Competitive	Cooperative Versus Individualistic	Competitive Versus Individualistic
Achievement	.67	.64	.30
Interpersonal Attraction	.67	.60	.08
Social Support	.62	.70	-.13
Self-Esteem	.58	.44	-.23
Time On Task	.76	1.17	.64
Attitudes Toward Task	.57	.42	.15
Quality Of Reasoning	.93	.97	.13
Perspective Taking	.61	.44	-.13
High-Quality Studies			
Achievement	.88	.61	.07
Interpersonal Attraction	.82	.62	.27
Social Support	.83	.72	-.13
Self-Esteem	.67	.45	-.25

Source: Johnson and Johnson (1989); reprinted with permission.

Outcomes Of Cooperation

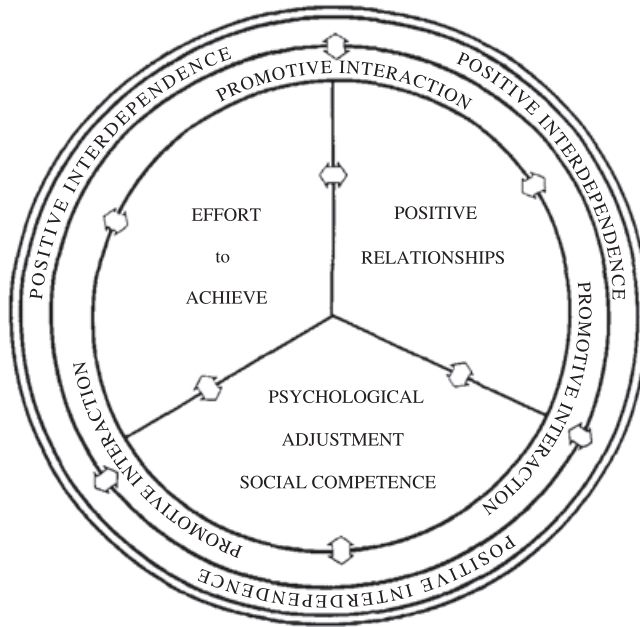


Figure 1. Outcomes of cooperation.

In addition, there is a number of behaviors and attitudes that occur within cooperative endeavors that are especially relevant to restorative justice. They include prosocial behavior, perspective taking, high levels of cognitive and moral reasoning, the development of a moral identity, basic self-acceptance, moral inclusion and a wide scope of justice, and viewing situations as being just and fair.

**Prosocial Behavior**

To reconcile, individuals have to engage in prosocial behavior. Prosocial actions are actions that benefit other people by helping, supporting, encouraging their goal accomplishment or well-being. Cooperative experiences tend to increase the frequency with which participants engage in prosocial behaviors (Johnson & Johnson, 1989, 2005a). Choi, Johnson, and Johnson (2011), in a study involving 217 4th and 5th grade students, found that both cooperative learning experiences and cooperative predispositions predicted the frequency with which the students engaged in prosocial behavior. Competitiveness and individualism, on the other hand, did not predict prosocial behavior. The mutual responsiveness and shared positive affect typically found in cooperative situations, furthermore, seem to be key elements in the development of prosocial

behavior (Kochanska, 2002). There are benefits to being prosocial. Prosocial individuals tend to build positive relationships with peers (Asher & Rose, 1997) and, compared with schoolmates, are intrinsically motivated to build relationships with classmates, believe they are involved in positive relationships, value relationships, and enjoy positive well-being (Hawley, Little, & Pasupathi, 2002). Prosocial behavior has been found to be related to academic success during the elementary and high school years (Wentzel, 1991).

### **Perspective Taking**

Restorative justice is more likely to occur when individuals accurately take each other's perspectives, especially the perspective of victims and outgroup members. More frequent and accurate perspective taking was found in cooperative than in competitive (effect size = .61) or individualistic (effect size = .44) situations (Johnson & Johnson, 1989). In competitive situations, a person's perceptions and comprehension of others' viewpoints and positions tend to be inaccurate and biased. The opposite of perspective taking is egocentrism and while perspective-taking ability tends to be indicative of psychological health, and egocentrism tends to be a sign of psychological pathology (e.g., extreme forms of depression and anxiety result in a self-focus and self-centeredness). The accurate perspective taking in cooperative situations enhances members' ability to respond to others' needs with empathy, compassion, and support.

### **Level of Cognitive and Moral Reasoning**

Restorative justice tends to be more successful when individuals use higher levels of cognitive and moral reasoning. There tends to be more frequent use of higher-level cognitive and moral reasoning strategies in cooperative than in competitive (effect size = .93) or individualistic (effect size = .97) situations (Johnson & Johnson, 1989). There are a number of studies that demonstrate that when participants are placed in a cooperative group with peers who use a higher stage of moral reasoning, and the group is required to make a decision as to how a moral dilemma should be resolved, advances in the individuals' level of moral reasoning result.

### **Moral Identity**

Restorative justice tends to be more effective when individuals have a strong moral identity. A person's identity is a consistent set of attitudes that defines "who I am" (Johnson & Johnson, 2002). One aspect of identity is the view of oneself as a moral person, with character, who acts with integrity. A moral orientation adds an "ought to," obligatory, quality to identity. The social context in which individuals function largely determines their moral identity. Identity in a cooperative context defines the person as part of a community that shares a joint identity. Their promotive interaction tends to reflect egalitarianism (i.e., a belief in the equal worth of all members even though there may be differences in authority and status) and characterized by mutual respect. Identity in a competitive context, on the other hand, defines a person as a separate individual

striving to win either by outperforming others or preventing them from outperforming him or her. Thus, a competitor may have an identity involving the virtues of inequality, being a winner, and disdaining losers.

Engaging in prosocial behavior by helping and assisting other group members influences how a person thinks of him- or herself (i.e., moral identity). Midlarsky and Nemeroff (1995), for example, found that the self-esteem and self-view of people who had rescued Jews during the Holocaust were still being elevated 50 years later by the help they provided. Elementary school students who privately agreed to give up their recess time to work for hospitalized children saw themselves as more altruistic immediately and a month later (Cialdini, Eisenberg, Shell, & McCreath, 1987). Prosocial behavior tends both to enhance and verify individuals' self-definitions and moral identity (Grube & Piliavin, 2000; Swann, 1990).

### **Valuing Self**

Restorative justice may be more effective when individuals have a basic self-acceptance. Participants in cooperative situations tend to see themselves as being of more value and worth than do participants in competitive (effect size = .58) or individualistic (effect size = .44) situations (Johnson & Johnson, 1989, 2005a, 2009a). While contingent self-esteem dominates competitive situations, basic self-acceptance tends to dominate cooperative situations.

### **Moral Inclusion and Scope of Justice**

Restorative justice is influenced by moral inclusion and the scope of justice. Bullies, perpetrators, and bystanders tend to morally exclude victims and consider them outside the scope of justice. In competitive and individualistic situations, the boundaries between ingroups (in which moral inclusion exists) and outgroups (which are morally excluded) are quite strong and well marked. Cooperative situations, on the other hand, promote a much wider range of moral inclusion and scope of justice. Especially when the members of diverse backgrounds and cultures participate in the same cooperative group, moral inclusion is broadened (Johnson & Johnson, 1989, 2005a, 2009a). Moral inclusion includes the values of fairness, equality, and humanitarianism. Cooperators tend to see all of humanity as being entitled to fair treatment, justice, and help, and may even extend moral inclusion and the scope of justice to other species and life forms. Albert Schweitzer, for example, included all living creatures in his moral community, and some Buddhists include all of nature.

### **Justice and Fairness**

An important aspect of restorative justice is ensuring that a perceived unjust situation is modified through restitution and reconciliation to be perceived as just. When rewards are distributed unjustly, the group may be characterized by low morale, high conflict, and low productivity (Johnson & Johnson, 1989, 2005a, 2009a). The more frequent the

use of cooperative learning, the more individuals tend to believe that everyone who tried has an equal chance to succeed in class, that individuals get the grades they deserved, and that the grading system is fair (Johnson & Johnson, 1989, 2005a, 2009a). Even when their task performances are markedly discrepant, members of cooperative groups tend to view themselves and their groupmates as being equally deserving of rewards.

## **Constructive Conflict Resolution**

In many cases where restorative justice procedures are applied, such as ending a civil war within a country, the purposes include ensuring that ongoing cooperation among the parties will be reestablished and sustained over a long period of time. For such a goal to be reached, participants must adopt constructive procedures for resolving conflicts. Two of the essential procedures are integrative negotiations (and related mediation procedures) to resolve conflicts of interests and constructive controversy to ensure difficult decisions are made in a constructive way.

Within a community there are conflicts based on individuals' differing interests within a situation. Conflict of interests exist when the actions of one person attempting to maximize his or her wants and benefits prevents, blocks, or interferes with another person maximizing his or her wants and benefits (Johnson & Johnson, 2005b, 2009a). Such conflicts are ideally resolved through integrative negotiations. When integrative negotiations do not work, then mediation is required.

To create and sustain restorative justice agreements, effective decisions have to be made. Decisions inherently involve conflict as to which course of action will be adopted, which may be best managed through the use of constructive controversy (Johnson & Johnson, 2009b). Constructive controversy exists when one person's ideas, opinions, information, theories, or conclusions are incompatible with those of another and the two seek to reach an agreement (Johnson & Johnson, 2007, 2009b). Controversies are resolved by engaging in what Aristotle called deliberate discourse (i.e., the discussion of the advantages and disadvantages of proposed actions) aimed at synthesizing novel solutions (i.e., creative problem solving).

## **Civic Values and Virtues**

Civic values form the foundation on which restorative justice procedures as well as cooperation and constructive conflict resolution are based (Johnson & Johnson, 1996a, 1996b, 2000). Civic values reflect the behaviors that serve as the foundation for a community or society. These values may include justice, honesty, self-discipline, due process, equality, majority rule with respect for minority rights, and respect for self, others, and property. For a community to exist and be sustained, members must share common goals and values aimed at increasing the quality of life within the community. Civic values reflect the behaviors of personal living that seem to be important for the success of the community. The term civility refers to behavior between persons and groups that conforms to the established social norms. Civility is the foundational principle of society and law. Civic virtue has historically been taught as a matter of chief concern in nations

under republican forms of government, and societies with cities. When the people as a whole make final decisions on public matters (as opposed to a monarch or dictator), it is their virtues that determine the nature and quality of the decisions. Civic virtues are inherent in the values members of a community live by and underlie the establishment of restorative justice.

## **Creating a Just Community Within Schools**

Restorative justice could be institutionalized within a society by ensuring that each school, from kindergarten to 12th grade, be a “just” community in which restorative justice procedures are used to restore cooperation among students after a destructive conflict (such as bullying) has occurred. The primary way to increase the likelihood that restorative justice procedures will be effectively used while decreasing the frequency of harm-intended aggression among students is through the predominant use of cooperative learning throughout the school. In cooperative situations, the scope of justice tends to be broad with everyone included in the moral community. In competitive situations, the scope of justice tends to be small, with most people excluded from the moral community and therefore viewed as nonentities that can be exploited. Once cooperative learning is established as the predominant instructional strategy, individuals should be taught how to resolve conflicts constructively.

### **Teaching Individuals To Be Peacemakers**

A research-based peer mediation program that began in the 1960s is the Teaching Students To Be Peacemakers Program (Johnson, 1970, 1971; Johnson & Johnson, 2005b). It was derived from social interdependence theory (Deutsch, 1949, 1962; Johnson & Johnson, 1989, 2005a). The Program focuses on teaching all students in a school the nature and value of conflict, the five strategies for managing conflict (withdrawing, forcing (i.e., distributive negotiation), smoothing, compromising, and integrative negotiation), how to engage in integrative negotiation, and how to mediate peer conflicts (Johnson & Johnson, 2005b).

### **Nature and Value of Conflict**

Students are taught to recognize that conflicts are inevitable, healthy, and potentially valuable. Rather than suppressing conflicts, conflicts should be faced and even encouraged given that all students, faculty, and staff are skilled in resolving conflicts constructively. It is a fallacy to try to eliminate all conflict from the school through suppression and avoidance.

### **Mastering the Five Strategies for Managing Conflicts**

Students are trained to keep two concerns in mind when resolving conflicts: (a) the importance of the goals they are trying to achieve and (b) the importance of the

relationship with the other person. When those two concerns are present, there are five strategies available for managing a conflict: Withdrawal, forcing, smoothing, compromising, and problem-solving negotiations. In long-term, ongoing relationships maintaining a high-quality relationship is usually more important than achieving one's goals on any one issue.

### **Integrative Negotiations**

All members of the school community need to know how to negotiate constructive resolutions to their conflicts. There are two types of negotiations: distributive or "win-lose" (where one person benefits only if the opponent agrees to make a concession) and integrative or problem solving (where disputants work together to create an agreement that benefits everyone involved). In ongoing relationships, only a problem-solving approach is constructive. The steps in using problem-solving negotiations are (Johnson & Johnson, 2005b):

- (1) Describing what you want. This includes using good communication skills and defining the conflict as a small and specific mutual problem.
- (2) Describing how you feel. Disputants must understand how they feel and communicate it openly and clearly.
- (3) Describing the reasons for your wants and feelings. This includes expressing cooperative intentions, listening carefully, separating interests from positions, and differentiating before trying to integrate the two sets of interests.
- (4) Taking the other's perspective and summarizing your understanding of what the other person wants, how the other person feels, and the reasons underlying both. This includes understanding the perspective of the opposing disputant and being able to see the problem from both perspectives simultaneously.
- (5) Inventing three optional plans to resolve the conflict that maximize joint benefits. This includes inventing creative options to solve the problem.
- (6) Choosing one and formalizing the agreement with a hand shake. A wise agreement is fair to all disputants and is based on principles. It maximizes joint benefits and strengthens disputants' ability to work together cooperatively and resolve conflicts constructively in the future. It specifies how each disputant should act in the future and how the agreement will be reviewed and renegotiated if it does not work.

### **Peer Mediation**

Once the problem-solving negotiation procedure is learned, all members of the school community need to learn how to mediate conflicts of interests (Johnson & Johnson, 2005b). A mediator is a neutral person who helps two or more people resolve their conflict, usually by negotiating an integrative agreement. Mediation consists of four steps:

- (1) Ending hostilities: Break up hostile encounters and cool off students.
- (2) Ensuring disputants are committed to the mediation process: To ensure that disputants are committed to the mediation process and are ready to negotiate in good faith, the mediator introduces the process of mediation and sets the ground rules.



The mediator first introduces him- or herself. The mediator asks students if they want to solve the problem and does not proceed until both answer “yes.” Then, the mediator explains that mediation is voluntary, he or she will be neutral, each person will have the chance to state his or her view of the conflict without interruption, and everyone must follow the rules of agreeing to solve the problem, no name calling, no interrupting, being honest, abiding by any agreement made, and keeping everything said confidential.

- (3) Helping disputants successfully negotiate with each other: The disputants are carefully taken through the negotiation sequence of (a) jointly defining the conflict by both persons stating what they want and how they feel, (b) exchanging reasons, (c) reversing perspectives so that each person is able to present the other’s position and feelings to the other’s satisfaction, (d) inventing at least three options for mutual benefit, and (e) reaching a wise agreement and shaking hands.
- (4) Formalizing the agreement: The agreement is solidified into a contract. Disputants must agree to abide by their final decision and, in many ways, the mediator becomes “the keeper of the contract.”

Once students understand how to negotiate and mediate, the peacemaker program is implemented. Each day the teacher selects two class members to serve as official mediators. Any conflicts students cannot resolve themselves are referred to the mediators. The mediators wear official T-shirts, patrol the playground and lunchroom, and are available to mediate any conflicts that occur in the classroom or school. The role of mediator is rotated so that all students in the class or school serve as mediators an equal amount of time. Initially, students mediate in pairs. This ensures that shy or nonverbal students get the same amount of experience as more extroverted and verbally fluent students. Mediating classmates’ conflicts is perhaps the most effective way of teaching students the need for the skillful use of each step of the negotiation procedure.

If peer mediation fails, the teacher mediates the conflict. If teacher mediation fails, the teacher arbitrates by deciding who is right and who is wrong. If that fails, the principal mediates the conflict. If that fails, the principal arbitrates. Teaching all students to mediate properly results in a schoolwide discipline program where students are empowered to regulate and control their own and their classmates’ actions. Teachers and administrators are then freed to spend more of their energies on instruction.

### **Continuing Lessons to Refine and Upgrade Students’ Skills**

Additional lessons are needed to refine and upgrade students’ skills in using the negotiation and mediation procedures. Gaining real expertise in resolving conflicts constructively takes years of training and practice. Negotiation and mediation training may become part of the fabric of school life by integrating them into academic lessons. Literature, history, and science units typically involve conflict. Almost any lesson in these subject areas can be modified to include role playing situations in which the negotiation and/or mediation procedures are used. In our recent research, for example, we have focused on integrating the peacemaker training into history units and English literature units involving the studying of a novel. Each of the major conflicts in the novel was

used to teach the negotiation and/or mediation procedures and students participated in role playing how to use the procedures to resolve the conflicts in the novel constructively.

### Spiral Curriculum from the First Through the Twelve Grades

The Teaching Students to be Peacemakers Program is a 12-year spiral program that is retaught each year in an increasingly sophisticated and complex way. Highlands Elementary School in Edina, Minnesota, is an example of a school where such a spiral curriculum exists. It takes years to become competent in resolving conflicts. Twelve years of training and practice will result in a person with considerable expertise in resolving conflicts constructively.

### Benefits of Conflict Resolution and Peer Mediation Programs

We have conducted seventeen studies on implementing the Peacemaker Program in schools involving students from kindergarten through the tenth grade and several other researchers have conducted relevant studies (Johnson & Johnson, 2005b; Walker, 2006). The benefits of teaching students the integrative negotiation and the peer mediation procedures include students and faculty developing a shared understanding of how conflicts should be managed, students learning the negotiation and mediation procedures and retaining their knowledge throughout the school year and the following year, students applying the procedures to their and other people's conflicts, transferring the procedures to nonclassroom settings such as the playground and lunchroom, and

Table 3  
*Meta-Analysis of Mean Peacemaker Studies: Mean Effect Sizes*

Dependent Variable	Mean	Standard Deviation	Number of Effects
Academic Achievement	0.88	0.09	5
Academic Retention	0.70	0.31	4
Learned Procedure	2.25	1.98	13
Learned Procedure – Retention	3.34	4.16	9
Applied Procedure	2.16	1.31	4
Application – Retention	0.46	0.16	3
Strategy Constructiveness	1.60	1.70	21
Constructiveness – Retention	1.10	0.53	10
Strategy Two-Concerns	1.10	0.46	5
Two-Concerns – Retention	0.45	0.20	2
Integrative Negotiation	0.98	0.36	5
Positive Attitude	1.07	0.25	5
Negative Attitude	-0.61	0.37	2
Quality of Solutions	0.73	0	1

Source: Johnson and Johnson (2005a); reprinted with permission.

transferring the procedures to nonschool settings such as the home (see Table 3). Students' attitudes toward conflict tended to become more positive. Students tended to resolve their conflicts without the involvement of faculty and administrators and, therefore, classroom management problems tended to decrease by about 60 percent and referrals to administrators dropped about 90 percent. Students generally liked to engage in the problem-solving negotiation and mediation procedures. Finally, when integrated into academic units, the conflict resolution training tended to increase academic achievement and long-term retention of the academic material. Academic units, especially in subject areas such as literature and history, provide a setting to understand conflicts, practice how to resolve them, and use them to gain insight into the material being studied.

### **Constructive Controversy**

Teaching students how to engage in the controversy process begins with randomly assigning students to heterogeneous cooperative learning groups of four members (Johnson & Johnson, 1979, 1989, 2007, 2009b). The groups are given an issue on which to write a report and pass a test. Each cooperative group is divided into two pairs. One pair is given the con-position on the issue and the other pair is given the pro-position. Each pair is given the instructional materials needed to define their position and point them toward supporting information. The cooperative goal of reaching a consensus on the issue (by synthesizing the best reasoning from both sides) and writing a quality group report is highlighted. Students then:

- (1) **Research And Prepare A Position:** Each pair develops the position assigned, learns the relevant information, and plans how to present the best case possible to the other pair. Near the end of the period, pairs are encouraged to compare notes with pairs from other groups who represent the same position.
- (2) **Present And Advocate Their Position:** Each pair makes their presentation to the opposing pair. Each member of the pair has to participate in the presentation. Students are to be as persuasive and convincing as possible. Members of the opposing pair are encouraged to take notes, listen carefully to learn the information being presented, and clarify anything they do not understand.
- (3) **Refute Opposing Position And Rebut Attacks On Their Own:** Students argue forcefully and persuasively for their position, presenting as many facts as they can to support their point of view. Students analyze and critically evaluate the information, rationale, and inductive and deductive reasoning of the opposing pair, asking them for the facts that support their point of view. They refute the arguments of the opposing pair and rebut attacks on their position. They discuss the issue, following a set of rules to help them criticize ideas without criticizing people, differentiate the two positions, and assess the degree of evidence and logic supporting each position. They keep in mind that the issue is complex and they need to know both sides to write a good report.
- (4) **Reverse Perspectives:** The pairs reverse perspectives and present each other's positions. In arguing for the opposing position, students are forceful and

persuasive. They add any new information that the opposing pair did not think to present. They strive to see the issue from both perspectives simultaneously.

- (5) **Synthesize And Integrate The Best Evidence And Reasoning Into A Joint Position:** The four group members drop all advocacy and synthesize and integrate what they know into a joint position to which all sides can agree. They (a) finalize the report (the teacher evaluates reports on the quality of the writing, the logical presentation of evidence, and the oral presentation of the report to the class), (b) present their conclusions to the class (all four members of the group are required to participate orally in the presentation), (c) individually take the test covering both sides of the issue (if every member of the group achieves up to criterion, they all receive bonus points), and (d) process how well they worked together and how they could be even more effective next time.

Over the past thirty years we have conducted over twenty-five research studies on the impact of academic controversy, and numerous other researchers have conducted studies directly on controversy and in related areas (Johnson & Johnson, 1979, 1989, 2007, 2009b; Maier, 1970; Mugny & Doise, 1978). The research indicates that constructive controversy creates higher achievement, longer retention, more frequent use of higher-level reasoning and metacognitive thought, more critical thinking, greater creativity, more accurate perspective taking, and continuing motivation to learn. It also results in more positive interpersonal relationships and greater psychological health. Finally, engaging in a controversy can also be fun, enjoyable, and exciting (Table 4).

## Civic Values

Civic virtue exists when individuals meet both the letter and spirit of their public obligations. For a community to exist and be sustained, members must share common goals and values aimed at increasing the quality of life within the community. The value systems underlying cooperative, competitive, individualistic situations are a hidden curriculum beneath the surface of community life (Johnson & Johnson, 1996a, 1996b,

Table 4  
*Meta-Analysis of Academic Controversy Studies: Mean Effect Sizes*

Dependent Variable	Controversy/ Concurrence Seeking	Controversy/ Debate	Controversy/ Individualistic Efforts
Achievement	0.68	0.40	0.87
Cognitive reasoning	0.62	1.35	0.90
Perspective taking	0.91	0.22	0.86
Motivation	0.75	0.45	0.71
Attitudes toward task	0.58	0.81	0.64
Interpersonal attraction	0.24	0.72	0.81
Social support	0.32	0.92	1.52
Self-esteem	0.39	0.51	0.85

Source: Johnson and Johnson (1996a); reprinted with permission.

2000). The values inherently taught by cooperative efforts are (a) commitment to own and others' success and well-being as well as to the common good, (b) success depends on joint efforts to achieve mutual goals, (c) facilitating, promoting, and encouraging the success of others is a natural way of life (a smart cooperators will always find ways to promote, facilitate, and encourage the efforts of others), (d) the pleasure of succeeding is associated with others' happiness in their success, (e) other people are potential contributors to one's success, (f) own and other people's worth is unconditional (because there are so many diverse ways that a person may contribute to a joint effort, everyone has value all the time), (g) intrinsic motivation based on striving to learn, grow, develop, and succeed is valued (learning is the goal, not winning), (h) people who are different from oneself are to be valued as they can make unique contributions to the joint effort.

Whenever individuals engage in competitive efforts, for example, they learn the values of (a) commitment to getting more than others (there is a built-in concern that one is smarter, faster, stronger, more competent, and more successful than others so that one will win and others will lose), (b) success depends on beating, defeating, and getting more than other people (triumphing over others and being "Number One" are valued), (c) what is important is winning, not mastery or excellence, (d) opposing, obstructing, and sabotaging the success of others is a natural way of life (winning depends on a good offense—doing better than others—and a good defense—not letting anyone do better than you), (e) feeling joy and pride in one's wins and others' losses (the pleasure of winning is associated with others' disappointment with losing), (f) others are a threat to one's success, (g) a person's worth (own and others) is conditional and contingent on his or her "wins," (a person's worth is never fixed, it depends on the latest victory), (h) winning, not learning, is the goal of academic work, and (i) people who are different are to be either feared (if they have an advantage) or held in contempt (if they have a handicap).

Constructive conflict resolution promotes the values of subjecting one's conclusions to intellectual challenge, viewing issues from all perspectives, reaching agreements that are satisfying to all disputants, and maintaining effective and caring long-term relationships. In other words, both cooperative experiences and engaging in constructive conflict resolution inherently teach a set of civic values aimed at ensuring the fruitful continuation of the community.

## Summary

Restorative justice involves bringing together all parties affected by harm or wrongdoing, discussing what happened and how they were affected, and agreeing on what should be performed to right any wrongs suffered. A central issue of restorative justice is how to move the individuals involved in an oppositional relationship to a promotive relationship in which they see themselves as members of the same moral community with responsibilities for each other's well-being. To do so, it is helpful to create a cooperative context that emphasizes both the offender and the victim are members of the same moral community, establish two constructive conflict procedures (integrative

negotiations and constructive controversy) to manage their conflicts of interests and decision making in the future, and inculcate civic values.

Secondly, to understand the nature and dynamics of restorative justice it may be helpful to have a theoretical framework focusing on relationship, not individual variables. While it is helpful to understand internal individual factors such as feelings (e.g., shame, guilt, forgiveness), personality traits, attitudes, values, aptitudes, brain chemistry, and genes, restorative justice efforts involve interaction among individuals. A theoretical framework focused on relationship variables is thus also needed (such as social interdependence theory). The goal of focusing on relationship variables is to identify the causal conditions (originating primarily from the situation and the social context) that create the oscillating pattern of the interactions needed to restore justice and create a positive ongoing relationship among the involved parties.

Thirdly, future generations need to learn how to engage in the process of restorative justice and value doing so. This may be best accomplished by ensuring schools are “just communities” in which restorative justice is promoted through the use of cooperative learning, integrative negotiation and peer mediation programs, the academic use of constructive controversy, and inculcation of civic values. Schools represent an ideal setting in which to socialize the next generations into the procedures and practices of restorative justice.

The theory underlying the creation of a cooperative context, constructive conflict resolution, and civic values is social interdependence theory. Within a cooperative context, harm-intended aggression tends to be prevented and positive relationships tend to be created in which individuals frequently engage in prosocial actions, accurate perspective taking, higher levels of cognitive and moral reasoning, and moral inclusion. They feel better about themselves, develop a stronger moral identity, and care more about justice and fairness for everyone.

To sustain cooperative endeavors over time, it is necessary to resolve conflicts constructively. Individuals need to learn how to resolve conflicts of interests through integrative negotiation and peer mediation. Individuals need to learn how to resolve intellectual disagreements through the constructive controversy procedure. This type of conflict is inherent in all decision making. Being competent in resolving conflicts of interests and controversies gives individuals a developmental advantage that will benefit them throughout their lives. It also ensures that conflicts will be faced and resolved in constructive ways.

Finally, engaging in cooperative efforts and resolving conflicts constructively inculcates civic values in individuals. Cooperation promotes commitment to others' success and well-being, commitment to the common good, and taking joy in other's success and well-being. Constructive conflict resolution promotes the values of subjecting one's conclusions to intellectual challenge, viewing issues from all perspectives, and reaching agreements that maximize joint gain.

It is the combination of cooperative experiences, constructive conflict resolution, and civic values that most effectively ensures that justice will be restored and relationships reconciled.

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