Rethinking the 'Restorative': Ethical Relationships in Restorative Practice

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Parts of this thesis have already been published and are referenced as follows:

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difficult start to our life together. I am eternally grateful for you, our children, and this next chapter of our lives.

Abstract

In the fifteen years since restorative practices – an alternative to traditional punitive disciplinary measures – began to have a strong presence in educational thinking in the United Kingdom, research has shown that it holds significant potential as a means for teaching the skills of conflict resolution and nurturing relational school cultures. Nevertheless, there remains widespread concern that restorative practice risks being abandoned or co-opted and used in ways that encourage a lack of agency, increased marginalisation, and disempowerment. The originality of my research into restorative practice lies in locating the source of its anxieties away from current cultural, and instructional work, and explaining it as a deep philosophical mistrust with what we do with language. By placing educational philosophy directly with current theory and practice, this project aspires to re-think notions of what is restorative, seeing the term not as exclusively redemptive but as an engagement that seeks to problematise, even disrupt entirely, what is seen as its purpose.

Part I explores the perception of how worsening behaviour in schools is linked to notions of zero tolerance and the performance agenda, and the rise of restorative practices as a response. Part II – comprising three central chapters – considers the key linguistic restorative concepts: restorative language, restorative story-telling and restorative relationships drawing on the work of Stanley Cavell and his reading of Wittgenstein and the American transcendentalist philosophers Ralph Waldo Emerson, and Henry David Thoreau. By opening each chapter in Part II with a scenario from a restorative conference, I show how language that is too strongly guided is ethically harmful to restorative practice's claims for a relational pedagogy. At the end of this thesis I will make three claims: what it means to be in relation to another, our ongoing ethical relationships with another, and what it means to be in community.

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Abbreviations

AD	Assertive Discipline
ASP	Affective Script Psychology
BYOS	Barnet Youth Offending Services
DfE	Department for Education
DES	Department for Education and Science
DfES	Department for Education and Skills
FGC	Family Group Conferencing
IIRP	International Institute for Restorative Practices
OfSTED	Office for Standards in Education, Children's Services and Skills
PD	Positive Discipline
RA	Restorative Approaches
RAiS	Restorative Approaches in Schools
RJ	Restorative Justice
RP	Restorative Practice
SEAL	Social and Emotional Aspects of Learning
SEL	Social and Emotional Learning
SEND	Special Educational Needs and Disabilities

US	United States of America
UK	United Kingdom

Preface

Part-way through Dorothy Vaandering's (2014) study, revealing how the introduction of restorative practices in a school has varying implications for teacher pedagogy, Terri, one of the participating teachers, questions whether she really understands what restorative practice is:

> I do believe that my role is to listen to what these children are concerned about,
> whether they're mine in my classroom or they're in the hall and to ensure they've
> each had a voice and that we somehow settle the difficulties, the hurt feelings,
> that they walk away feeling restored, that they had a chance to be heard […]
> Maybe I muck up my basic philosophy with restorative practice … is restorative
> practice a value of a person? It's not in its truest definition I suppose. Is it? … I'd
> like to think I'm restoring in that little boy who couldn't stand me to put my hand
> on his shoulder [at the beginning of the year] but at the end [of the year], I put my
> arm around him, I've restored some esteem … some feeling of value … I'm getting
> things mixed up in my head about what's just restoring and what's restorative
> practice. I don't know (Vaandering, 2014, p. 75).

Reading Terri's story, at the beginning of my own research into restorative practice and restorative justice, I was struck by both the confidence with which Terri describes her role as a listener and the uncertainty with which was she asked to define an approach she considers part of her 'basic philosophy'. As I read more, I realised that Terri was not alone. Many teachers, believing that restorative practice is 'who I am anyway', struggle with the implementation of such practices, while those confident that they are restorative, refuse to engage with the term. I will base the exploration of this challenge on a kind of conundrum inherent within school-based restorative practices. This finds the core of a restorative practice philosophy divided between its positioning as an alternative theory of behaviour management, and a socio-ethical process that prepares children for citizenship through teaching the skills of conflict resolution. A preface is not the place to begin a proper exploration of this problem. Here, I want to show how Terri's story was the spark behind the development of this thesis, one that fuelled latent memories of my own emerging teaching practice. Given that so much of this thesis places one's story at the heart of restorative practice, the clarity that I am pursuing with regards to restorative practices, and its ethical foundations, cannot but be personal. I will start with mine.

I came to restorative practice via my own difficult beginnings as a primary school teacher in an inner urban school in Leeds. It was not an auspicious beginning. My class, assembled from

several different cohorts, were unruly, aggressive, and indifferent to lessons. I felt that establishing genuine dialogue and rapport with my pupils would help ease a lot of tension, but I was unsure about how to find the time. Circle times,[1] if we managed to hold them, were planned in detail by the subject leader, and did not allow for the kind of talk I had in mind. This was less a list of teacher-led questions and more of a conversation. Having those conversations with my pupils during their playtime didn't seem appropriate, nor did having them in the classroom, where I tried hard to present myself as an authority figure. My eventual idea was to use my allocated planning, preparation and assessment time, to ask pupils to talk with me individually at first and then in groups. I started to question the children about aspects of my teaching practice, of their work, and of their relationships with each other. As the weeks passed, and our connection deepened, it came to be that I was listening to whatever they wanted to me to hear. To encourage our talk, I decided to use the deputy head's office. Other spaces were used for the kind of intervention used to support pupils struggling in an aspect of their learning. The deputy head's office gave our situation gravitas, as well as re-imagining the location as allowing for respectful conversation that was characterised by fairness, rather than, power.

It won't come as a surprise to learn that my confidence in my role, and purpose for teaching grew directly from my decision to take the time to talk. Whether around selecting curriculum content, learning activities or making assessment choices, the decision to establish an ongoing dialogue brought a sense of community and cohesiveness to this group of children. While I undoubtedly still struggled with aspects of my teaching poor behaviour eased significantly as I continued to develop my craft.

I remember a comment made around this time by another teacher during a school assembly: 'Look at them', she smiled as she watched my class patiently seated on the floor, 'a few months ago, they would have been rolling in the aisles, or walking out. You've done amazingly'. What had I done? As my actions started to become noticed, I was asked to explain what I was doing. The funny thing was that, aside from giving the whole process some structure, I couldn't really say. I only knew that, like Terri, in giving these children a chance to be heard, perhaps I was restoring some esteem … some feeling of value in these pupils.

At the heart of good pedagogical practice is the weight given to developing techniques that impact pupil behaviour. In the years that followed, I looked to several theoretical models to inform these techniques, chiefly those related to social and emotional relationship building.

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1 Circle time is a popular activity in schools that refers to any time that a group of people are sitting together in order to socialise, build relationships, listen, read or share information (Moseley, 1996).

These included coaching and mentoring schemes, embedding social and emotional learning strategies, and employing the various 'talk for learning' approaches I encountered as part of my master's degree research. However, with a change in the wind, both when it came to national educational policy, as well as a change in leadership in the school, I saw many of the presumed benefits of Social and Emotional Learning (SEL) were being pushed back in favour of punitive or zero tolerance approaches. In my own school this manifested as a re-implementation of assertive discipline policies, a one-size-fits-all approach to the detriment of more individualised responses. At the start of my final year the domain of behaviour management and the domain of teaching and learning stood on opposite poles. Informed that our jobs were to teach, not to manage behaviour, a team of dedicated behaviour officers was appointed to handle misbehaviour that occurred during lessons – in our case former teaching assistants – and a behaviour unit established outside the school building. Walkie-talkie devices were placed in each classroom and teachers were told to call for help from 'patrol officers' should disruption occur. Pupils would then be removed to the outside unit where they could spend the rest of the morning in isolation.

Following this, it was intriguing to hear about restorative practice, a behavioural and cultural approach to discipline in schools that is founded on the values of dialogical reparation and relationship. The positive evaluation of data in the UK, together with growing literature on its cultural and pedagogical value, had led to Leeds City Council offering free restorative practice training for schools. The project, known as 'Child Friendly Leeds' (Leeds City Council, 2020) gestured towards an opportunity to study restorative approaches to teaching and learning, behaviour and culture, that advocated similar ideals to the ones that I had sought to embody as a teacher.

However, I did not just want to study the change process, perhaps highlighting those aspects key to successful implementation and sustainability. My own experience of how a change in the position of leadership could swiftly affect a paradigm shift showed that the pressure for more instructional improvement would leave restorative practice being shelved or co-opted by traditional educational hierarchies focussed only on enforcing power. Not disregarding the empirical evidence, I was drawn to research that acknowledged there was an urgent need to ensure that if a restorative practice framework were to be regarded as fundamental to the needs of teachers, staff, and pupils, then further research into the philosophical foundations of restorative practice must be done.

The existing literature on restorative practice in schools is plentiful. However, in many ways it misses the point. This thesis, therefore, is an exploration of the values of restorative practice as they pertain to that most 'basic' of philosophical questions, that is, what does being

'restorative' claim to say about our human relationships, and our humanity? Could I have called my own attitude 'restorative' having never heard of the term? The suggestion that the rich, Cavellian philosophy with which I 'rethink the restorative' can be considered 'basic' is comical. Yet, in claiming that to be 'restorative' is to be 'human', we have an essential foundation for the practice. What this brings into focus is not a general theory, or philosophy, but what can be understood as an ethical orientation to relationships – a desire to do, or be, or feel for the just action towards another and at this time.

PART I

Behaviour in Schools

Chapter 1

The Evolution of Current Thinking Regarding Behaviour in Schools

1.1   Introduction

This part of the thesis is devoted to the exploration of the way in which current conceptualisations of managing behaviour in schools have evolved. In this chapter I begin by considering the kind of educational climate in which these ideas have found a foothold. Since restorative practice is an alternative approach to behaviour management, I will focus this short introduction on the significant policy decisions and educational theories that have led to the creation of a specific behaviour culture in English schools. In doing so, I will lay the foundations for presenting some of the triumphs and critiques associated with restorative practice, which I will discuss in later chapters.

1.2   What is Good Behaviour?

What do we imagine when we think of *behaviour* in schools? It is commonly accepted that while some schools endure very challenging cultures, 'the great majority of children and young people enjoy learning, work hard and behave well' (Ofsted, 2005, p. 5). Behaviour, meaning 'the whole range of ways pupils can act in school, including disruptive or aggressive behaviours, prosocial behaviours, and learning behaviours' (Rhodes and Long, 2019, p. 3) is previewed as the common factor driving school improvement between schools of varying demographics, locations, and economic circumstances. Teachers are urged to think not of management but of 'behaviour for learning' in order to take the prevailing view that schools provide opportunities for acquiring an education and not simply learning how to behave (Ellis and Tod, 2015). The message that school leaders should invest significantly in their behaviour cultures is concomitant with the aims of education which include not only the academic education of the student and the nurturing of their best interests but the training of a workforce and socialisation into working cultures (p. 13).

The elevation of specific skills by which good behaviour can be taught acknowledges that teachers must '[establish] a series of procedures by which efficiency and effectiveness might be achieved' (Adams, 2011, p. 475). Despite this, 'low-level disruptive behaviour in primary and secondary schools in England' (Ofsted, 2014) continues to attract suspicion. Described as

'talking unnecessarily or chatting; calling out without permission; being slow to start work or follow instructions; showing a lack of respect for each other and staff; not bringing the right equipment; using mobile devices inappropriately' (p. 4), it is low-level disruption, and not the more headline-grabbing acts of violent behaviour that contributes to a 'significant amount of valuable learning time lost'. Yet poor pupil behaviour is one of the most talked about, argued over, and lamented issue in the English teaching community (Hulme, 2017; BBC News, 2014), and with good cause. The most recent statistics on pupil exclusion published by the Department for Education (DfE, 2018) show a significant spike in the number of pupils given permanent or fixed-term exclusions for assaulting adults, while permanent exclusions for pupils attacking other children is reported to be an even bigger concern.

It is therefore unsurprising that despite measures for inclusion, and increased risk of children developing serious psycho-social problems, black and white measures of behavioural expectations and associated consequences, called zero tolerance, have taken root. To understand how and why this persists I want to briefly summarise the distinctive features of English education, their impact on thinking around behaviour management, and behaviour for learning. In this chapter, I discuss key legislative policies and their resulting discussions surrounding teacher efficacy, and accountability. I also outline popular behavioural theories consisting in discipline and control, their limitations, and the draw towards social and emotional measures to resolve difficult behaviours. The chapter concludes that while establishing good relationships is vital for any behavioural intervention, there is a need for such interventions to be thought of as ethical in nature.

1.2.1   From Inclusion to Performance

The history of behaviour problems among pupils is a long and complex story. Let me begin, therefore, with the idea that issues with behaviour management are often laid at the teacher's door (Davey, 2016). From poor resource preparation, slack classroom routines, a lack of communication, that includes 'bad lesson planning and delivery, which includes failure to match learning tasks to abilities, makes disruptive behaviour by bored or frustrated pupils more likely' (Varma, 1993). In other words, 'it is the lot of the inefficient teacher' (DES, 1989, p. 109). These kinds of ill-managed classrooms are stated to be significant for not only perpetrating poor pupil behaviours but also for disrupting the learning of the entire classroom (Haydn, 2014, Corrie, 2002, DES, 1989). Once referred to as teaching 'discipline' (DES, 1989), the DfE defines behaviour management as 'actions taken by the teacher to establish order, engage students or elicit their cooperation' (DfE, 2012, p. 81). The term conveys the notion

that there is a 'range of practical strategies […] for dealing with such matters as noise levels in class, calling out, teasing and dobbing' (Rogers, 2007, p. 12) to be deployed at the relevant moment.

That teachers may become unknowing accomplices in perpetuating classroom inequalities is why the construct of teacher expectancy has been used to encourage pupils to justify the extended disciplinary exercises seen as conducive to learning (DES, 1989). While a history of behaviour and schooling could begin anywhere in time (the myths of Ancient Greece told of the deities Uranus' and Gaia's approaches to managing the disruptive actions of their twelve Titan children which consisted in chaining them to the bottom of a deep abyss), I will begin by locating current perceptions of behaviour management with the national scandals of the 1970s, such as the William Tyndale affair. A controversy in English education, William Tyndale primary school came under intense media focus when it emerged that 'necessary deference to the autonomy of teachers' (Davis, 2002, p. 275) had led to adventurous, progressive methods of teaching. Including the abandonment of formal lessons and complete pupil choice over what they learned, and how they behaved, the unfolding of the affair highlighted the division between radical and traditional teaching and marked a turning point in modern educational history (ibid.). Here, history clearly begins to associate the 'progressive state school movement', defined as 'democratic, caring and inclusive' (Cooper, 1999, p. 24) with the image of the incompetent teacher. Teachers who openly shared a dissatisfaction for authoritarian styles of teaching and learning were accused of 'presiding over declining standards of literacy and numeracy, and who preached revolution, socialism, egalitarianism, feminism and sexual deviation' (Ball, 2006, p. 29).

For some, the only way to counteract the trouble-ridden development of such communities, or at least modify their progressivism into more traditional approaches, was to increase state involvement in educational affairs. Where the role of government had previously been restricted to a few overarching measures,[2] a persistent attitude of increased centralisation had an enormous effect on destabilising the teaching profession. Despite Prime Minister James Callaghan's insistence that he would 'keep off the educational grass' (Callaghan, 1976), the following decades saw the introduction of a national core curriculum, standardised testing,

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2 This included ensuring that free secondary education was available to all and making sure that Local Education Authorities (LEAs) were adequate and well-directed. Callaghan challenged what he saw as the 'secret garden' of education. He stated there was an increasing disillusionment within the education system, and that education was the business of government while his critics were furious at what they perceived as a fettering of education (Chitty, 2014).

reform of the examination system, a national inspectorate, clear links between industry and government, and globally competitive standards and skills that contradicted his previous assertion. Beginning with what Stephen Ball called 'a legitimisation of the discourse of derision' (Ball, 1990), and described as 'the direct criticism of comprehensive and progressive education in Britain' (Ball, 2006, p. 28), the prioritisation of the quality of relationships, as characterised at A.S Neill's (1998) Summerhill School, stood accused as the paramount threat to economic welfare and prosperity.

While the William Tyndale affair and publications like the Black Papers[3] (Cox and Dyson, 1972) focussed public attention on teacher accountability, and declining standards of achievement, the seminal work *Fifteen Thousand Hours* (Rutter *et al*., 1982) and the DFE's (2012) 'Behaviour in Schools' were key in '[associating] aspects of pupil performance with overall standards of discipline' (Ball and Goodson, 1985, p.3). In the ensuing decades the overall 'marketisation' of education, combined with the notion of schools as accountable to the state, has configured to produce an idea of 'the performing school' (Falabella, 2014, p. 3). The presentation of this reform, collectively termed 'policy technologies; the market, managerialism and performativity' (Ball, 2003, p. 215), were designed to open 'educational services up to the market, diversifying school providers, generating competition between the private and public sectors, and offering 'free choice' (and exit) to parents' (Falabella, 2014, p. 3). Added to this was the idea that schools were now responsible for obtaining data on attendance, examinations, and exclusions. These contributed to school league tables that judged their efficacy in the same light as other consumer goods and services.

These displays of 'educational *technicism'* (Carr, 2000, p. 9), the technologies, and culture, by which such judgements can be employed, together with the monitoring systems that produces the information 'as means of incentive, control, attrition and change' (Ball, 2003, p. 216), have been strongly critiqued under the banner of performativity, or accountability (Tomlinson, 2005; Giroux, 1999). Coined by Jean-François Lyotard (1979), performativity meant an end to the ideal of knowledge as a goal for freedom or autonomy, and the legitimisation in the means and skills by which the state might efficiently operate within the world market (Marshall, 1999a). In educational philosophy, performativity is critiqued as the vehicle for economic development, reducing education to an exercise in delivering certain standards of schooling, or

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3 The Black Papers on Education were a series of articles on education published as a contrast to the government's White Papers. Containing a range of contributions from different writers, including Kingsley Amis and Iris Murdoch, they criticised the overly liberal and progressive movements.

run the risk of state intervention,[4] while accountability redefines parents as consumers, and schools as small businesses (Biesta, 2004). These pressures have served to create attitudes which 'suit the system (inspectors and such like) as oppose to those that encourage professional and responsible action' (p. 240).

The prevailing cultural view of education is that schools provide opportunities for advancement, both socially and on a global stage. Moreover, it is understood that a teacher's efficacy will be the key in determining pupil performance and pupil success. I now want to take a closer look at those specific discourses surrounding behaviour management that have come to characterise this facet of performance-based education.

1.3   Recent Policy Initiatives

In many ways the Committee of Enquiry into Discipline in school, known as the Elton Report, (DES, 1989), still epitomises the determination to stress the importance of teacher responsibility when it comes to behaviour. Based upon 'teachers' perceptions and concerns about discipline' (p. 220), it was given the following terms of reference:

> In view of public concern about violence and indiscipline in schools and the problems faced by the teaching profession today, to consider what action can be taken by central government, local authorities, voluntary bodies owning schools, governing bodies of schools, head teachers, teachers and parents to secure the orderly atmosphere necessary in schools for effective teaching and learning to take place (DES, 1989, p. 54).

The Elton Report outlined a two-pronged approach to providing a solution. Firstly, to improve school effectiveness, it advocated the development of whole school behaviour policy around 'a clear code of conduct backed by a balanced combination of rewards and punishments within a positive community atmosphere' (p. 99). This meant a reinforcement of a school code of conduct, strong senior leadership and a sense of community responsibility. Secondly, in the

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4 The emergence of this culture has had a dramatic impact on the teaching profession. There are huge concerns over teacher recruitment, retention and morale (Bates *et al*., 2011). As the advent of performance related pay dawns (understood as the linking of pupil progress to teachers' salaries), academic research and anecdotal evidence suggest overwhelmingly that the side effects of performativity, and accountability, has threatened the substantive identity of the teacher as an authority figure (Troman, 2008; Ball, 2003). Also known as the 'discourse of derision' (Ball, 1990), performativity and accountability have reduced the perception of teacher agency, their resilience, their connection with their students, and their ability to maintain motivation and commitment to the job.

improvement of teacher efficacy, stressing the application of good classroom management, communication and pupil knowledge, the report stated that 'bad lesson planning and delivery, which includes failure to match learning tasks to abilities, therefore makes disruptive behaviour by bored or frustrated pupils more likely. It is the lot of the inefficient teacher' (p. 109).

1.3.1   The Teacher Standards

Despite the increasingly contested nature of educational debate, the overall tone of the Elton Report remained moderate. As well as calling for teachers to exercise firm boundaries 'unequivocally and at once', it encouraged consistency in the use of appropriate punishments (pp. 65–66). In doing so, it was careful to support the agency of the teacher. For example, in promoting the use of clear sanctions where rules were transgressed, such as when pupils are late, lateness should not be a cause of immediate punishment where pupils have just cause. Punishment, the report concurred, 'would not be seen as fair by the pupils involved or by their friends […] teachers will have to make judgements about whether punishment is appropriate in such cases' (p. 101). Despite its identification of a more established professional response to the educational needs of pupils, the Elton Report took care to point out the amount of influence present in the teacher-pupil relationship, stating that only teachers themselves could be well-informed enough to recognise that the choices and decisions made in the classroom, that might adequately modify children's behaviour. While there was always a desire to recognise the importance of quality relationships (more on this later) the powerful movement to improve standards in education recommended the need for further policy-based guidance on the decision-making processes concerning behaviour management. Since 2011, these key principles have been epitomised by a code of professional conduct known as the Teacher Standards (DfE, 2011a) and which include the official sanctioning of Teacher Standard 7 to 'manage behaviour effectively to ensure a good and safe learning environment' (p. 12). The DfE's (2016) recently updated advice for schools on pupil behaviour continues to set out clear and specific advice on policy areas including highlighting support for teachers' use of reasonable force which gives educators the power to control pupils or to restrain them when they feel it is necessary, the power to impose detentions on pupils without parental consent, and to exclude pupils, either as a fixed-term suspension or permanently in cases of serious misbehaviour.

1.3.2 Managing Behaviour Effectively

This 'structured, systematic, common-sense approach' enables a 'highly organised teacher-in-charge-environment' to take place (Bennett, 2010). This is combined with a 'discipline action plan' (p. 23), a three-part, structured routine that consists in clearly visible and articulated classroom rules, verbal reinforcements, positive feedback, and corrective action that is 'consistent, fair and proportional' (p. 15). Coming to prominence in the mid-70s, through the work of American educators Lee and Marlene Canter (1992), 'assertive discipline' (AD) has long been considered 'the gold standard' in the field of behaviour management (Muijis and Reynolds, 2018; Elven, 2017; Wallace, 2017; Scott *et al.*, 2017). A teacher might use AD proactively, for example, to teach her class expected behaviour before starting lab work, or reactively, by requiring primary pupils to miss five minutes of playtime for misbehaviour (Malmgren *et al.*, 2005). Emphasis in assertive strategies rests on authority and consistency. Using pre-agreed rules, a stressed teacher can quickly regain mastery of a class whose collective behaviour is problematic (Watt *et al.*, 1999) and work to reduce low level, off-task behaviours in pupils (Hayes *et al.,* 2007). Case studies have sought to show how a model of assertive discipline strategies, described as a logical, stepped program, have been very successful in curtailing classroom indiscipline by creating an atmosphere where pupils are calm and ready to learn (Logan, 2003; Francois *et al.*, 1999). Recent examples of this kind of behaviour management include banning pupils from speaking between lessons and the implementation of the 'silent corridor' (Perraudin, 2018) rule where pupils are expected to move around the building in silence. Sanctions for breaking the silent corridor rule result in twenty-minute detention while any repeated failure to follow school policy result in appropriate escalations.

How 'good and safe' AD is remains a contestable issue. For instance, the notion of rewards proposes that children who undertake an activity as a means to an ulterior end, show less intrinsic interest then those who engage in an activity without expectation (Black and Allen, 2018; Hoffman *et al.*, 2009; Kohn, 1993. Greene and Lepper, 1974). Pupils do act when threatened by coercion or promised rewards, and indeed they can modify unattractive behaviours based on their view of the motivational scales. Teachers might utilise certificates as rewards for good behaviour, Vivo miles,[5] or simply resort to the store cupboard treat jar.

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5 Vivo Miles is a 'fully-customisable recognition and rewards platform for schools […] It enables schools to define criteria for praise and then teachers award their students electronic points called Vivos. Vivos can be spent on a number of gifts from a catalogue, donated to charity or used to qualify students for benefits' (VivoClass, 2019).

However, the danger lies in the pupils' adoption of such behaviours due solely to the strength of the external motivation, and not from any personal judgement that the end goal is reasonable or valuable in itself (Straughan, 1982). In this assessment, children do not follow rules because they are rules, instead 'learning to follow rules goes hand in hand with developing trust and confidence in [a teacher]' (p. 68). While it may be easier to use rewards and punishments as ways of motivation it is the skills of critical thinking and judgment that is morally justifiable (Robenstine, 1997).

1.3.3 Positive Discipline

Accordingly, AD's 'prescriptive' (Down, 2002, p. 30), popularity in the UK is less favoured than positive discipline (PD) defined as 'the application of positive behavioural intervention and systems to achieve socially important behaviour change' (Sugai and Horner, 2002, p. 133). PD is linked to the work of Alfred Adler and Rudolph Dreikurs (Dreikurs *et al.*, 2004), whose reference to understanding and transforming maladaptive behaviour in school children was of social origin. Similar to AD in its use of 'logical consequences' (Malmgren *et al*., 2005, p. 37), person-centred approaches guide teachers towards 'assisting students in meeting their innate need to gain recognition' (p. 37), and '[establishing] a classroom where all students feel recognized and accepted' (ibid.). For example, excluded pupils can return to the classroom only after they agree to re-join the group without disruption. If a pupil is unwilling to listen to instructions, perhaps by refusing to complete work, the teacher should ignore the unwanted behaviour and 'try instead to work the student into some sort of leadership role, like helping the teacher take roll, proofreading an answer key, or writing the day's homework assignment on the overhead' (p. 37). The increased investment in personal relation, due to the specific teaching of interpersonal skills results in less time dealing with problem behaviour (Clunies-Ross *et al*., 2008; Jared *et al*., 2006; Luiselli, *et al*., 2005; Scott and Barrett, 2004). Popular rituals, such as displaying of pupils' work, holding achievement assemblies, distributing reward certificates, and 'Hot Chocolate Friday'(where selected pupils are rewarded by having social time and a hot beverage with a school leader) not only follow the tradition of positive re-enforcement but are also examples of how to collectively transform the social and emotional

learning,[6] of not only one pupil, but also the whole school population.

The idea that people are more amenable to change through the identification of personal relation takes me back to discussion of progressivism earlier in this chapter. However, PD's 'more person-centred alternative[s] to aversive intervention' (Jared *et al*., 2006) is less to do with creating an individualistic, therapeutic milieu for intervention (Bettelheim, 1955), and more of a 'shifting from a reactive response to a preventative focus' (Rogers, 2018, p. 6). The simple and seductive idea presented by top-down policy and conceptualised in both AD and PD, and which is concomitant with the market forces model, is the notion of homogeneity. As Cooper (1999) notes 'one of [market analogy's] major flaws is the way it creates "winners" and "losers" (p. 31). Although the Elton Report was helpful for bringing the idea of consistency into the classroom, the long-term implication 'was to create an artificial division between what might be termed mildly disruptive behaviour or "indiscipline" and the more severe EBDs' (p. 35). Using AD or PD to develop behavioural performance indicators takes no account of those who for one reason or another are less able to make informed choices or to act on choices they might prefer to make. The *losers* in these circumstances are those potentially disruptive and difficult children, children with special needs, and teachers and other mediating adults who do vital work amidst increasingly deteriorating circumstances (Busby, 2018a).

1.4 Good Relationships Matter

Recognition for establishing good teacher-pupil relationships through regular, effective communication is not a new idea but draws on the insight of philosophical and psychological luminaries such as Rousseau, Montessori, Freud, and Glasser, to name but a small number. William Glasser (1988), in particular, continues to exert a strong influence through his Glasser

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6 Social and emotional competence is understood as the ability to understand ourselves and other people, and to be aware of, understand, and use information about the emotional states of ourselves and others with competence. It also includes the ability to understand, express and manage our own emotions, and respond to the emotions of others, in ways that are helpful to ourselves and others (Weare, 2004). Although learning styles, and to a lesser extent, multiple intelligence have been roundly criticised (Kirschner and van Merriënboer, 2013), notions of emotional literacy have had a clear influence on education in recent years. Gardner's theory of multiple intelligences, linking learners to activity types, and drawing out 'the central role the emotional side of the brain plays in the process' (Weare, 2004, p. 5) is relevant. So too, is Goleman's (1996) statement that emotional problems lead to reduced potential for learning. The qualities, or competencies desirable for emotional literacy, encompass self-understanding, understanding, expressing and managing emotions; and understanding and making relationships. In conjunction with this idea is a focus on building self-esteem and is connected to the idea that poor self-esteem is typically associated with low aspiration, and a shortage of social and economic opportunities (Weare, 2013).

Schools' theory. A person-centred (or social) approach to education, his interpretation of choice theory subverts the notion of conditioned responses in order to shape behaviour. Using democratic councils and decision making, pupils are guided towards an understanding of how to internally shape their own behaviour (Wubbolding, 2007). Glasser's use of dialogue demonstrates that the relationship between talking, thinking, and learning has been recognised as not only fundamental to child-initiated learning, but in supporting children's social interactions (Rhodes and Long, 2019; Lefevre, 2018; Webster-Stratton, 2012). In such scenarios pupils typically talk about themselves, what they are proud of, and what they would like to change, while the practice of group work promotes the ability to communicate effectively. In schools, it has been firmly established that participation in dialogue is crucial to development and learning (Jones and Hodson, 2018; Lefstein, and Snell, 2014; Mercer, 2000). Associated with this view is the increasing prominence of classroom talk (Manning-Morton, 2014; Mercer and Littleton, 2007; Chilvers, 2006). Regular dialogue with in-school mentors, for example, can reveal that "Pupil B's" display of disruptive classroom behaviour is the result of low social confidence (Rhodes and Long, 2019). Through a little encouragement "Pupil B" becomes more aware of her own behaviours as well as being positively influenced by the friends and mentor she has grown close to' (p. 9). She can adjust her behaviour and thus curtail the need for disciplinary action. There is also a growing argument that pedagogy grounded in dialogical inquiry has a positive effect on decreasing incidents of bullying in schools (Glina, 2015). The identification of a programme of structured philosophical dialogue such as Philosophy for Children (P4C) would lead to interventions with the goal of educating pupils in 'critical examination and reinvention of more empathetic, caring and just ways to treat one another' (p. 10).

Of course, the establishment of dialogue is important, but this does not quite answer the destructive formalism of authoritative teaching methods. In order to turn away from the notion of the performing school, and ideas of good conduct associated with that notion, 'a change of philosophy is advised; one which makes mental health part of everyday conversation with children and young people' (Danby and Hamilton, 2016, p. 100). This requires the creation of a truly safe environment where pupils can build conducive relationships and form a positive view of themselves. The teaching of resilience, together with social and emotional learning, has been called 'a new bio-social technology' (Wyness and Lang, 2016, p. 1044), enabling vulnerable children and those from poor backgrounds to compete with more affluent peers. The need for social services and adolescent mental health services is seen as vital for pupils coming from families who are 'not merely poor, but rather people at

the margins of society, un-socialised and often violent' (Collins *et al*., 2015, p. 26). Pupil exclusions are stated to 'often occur in families that are already struggling with poverty, marginalisation through race, and/or class and supporting children who are struggling with school' (Hodge and Wolstenholme, 2016, p. 1307). From a social justice perspective, initiatives that support children's social and emotional development might compensate for parental inadequacies and socio-economic status (Wood, 2018).

1.4.1   The Rise in Psycho-Social Problems

The implication of this social focus, to promote mental and emotional health for everyone, and not the select few outliers, broadens the individual focus on behaviour. Worrying statistics show Special Educational Needs and Disabilities (SEND) pupils are often the most harmed within the school community. Research from the Anti-Bullying Alliance (2016) found that 1 in 3 children with SEND were victims of frequent bullying and 'more than twice as likely as their non-disabled peers to be called mean names, to be teased, to be hit, pushed or kicked, or to be excluded by others' (p. 2). It is unsurprising, therefore, that children with SEND account for 'around half of all permanent exclusions (46.7 per cent) and fixed period exclusions' (44.9 per cent). Research suggests that statistics such as these are indicative of pupils with unmet social, emotional and mental health needs (University of Exeter, 2018; Visser, 2015, Spratt *et al*., 2006).

Clearly, something more is called for. The view supported by the evidence of national reports and case-studies (House of Commons Education Committee, 2018; Earl *et al*., 2017; Georges *et al*., 2012; Green *et al*., 2005) is for a deepening understanding that 'the very essence of being a teacher [is] wrapped up with wider notions of social justice, care and an understanding that educational success is not simply down to that which occurs in the classroom' (Adams, 2011, p. 479). While a commitment to academic excellence that has been accused of leading to an 'emptying [of] the social centre' (Wexler *et al.,* 1992, p. 65),[7] its challengers insist that the school setting must become one that is 'essentially holistic, or as some now label it "eco-holistic", to reflect the interrelated nature of the parts and the whole' (Weare, 2013, p. 21). As

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7 It is worth noting that the expansion of the school as a social framework around which children's social and emotional competencies were used to improve the quality of behaviour for learning in schools had previously included the flagship programme, 'Every Child Matters' (DfES, 2003) (linking economic success to emotional well-being, 'The National Healthy Schools Programme' (healthy eating and emotion), and 'Social and Emotional Aspects of Learning' (DfES, 2005) (a programme directed towards the explicit teaching of emotional behaviours to further learning). In addition, peer to peer support initiatives became popular, with long term peer mentoring pilot schemes launched in 180 UK schools (Knowles and Parsons, 2009).

a result, increased stressors on pupils and reduced freedom of teachers ask us to be mindful of changing not only school practices around behaviour but 'triggering "secondary" effects […] transforming school life, ethics and teaching profession subjectivities in complex and deeply-rooted ways' (Falabella, 2014, p. 1).[8] It is this shift towards an ethics of relation, and which has been described as a 'welcome counterpoint to the amoral, technocratic focus promoted by policy makers and education reformers' (Levinson, 2015, p. 12), that I am most concerned with. What are the ways in which disquiet over ethics has been expressed, and how do teachers exercise a properly ethical role?

1.4.2   Ethical Schools

I will begin with the notion that ethical knowledge, in schools, relies on teacher awareness, understanding, and acceptance of the demands of moral agency (Campbell, 2003). The development of what I will refer to as ethical relation is also heightened by teacher attention to moral dilemmas and their experience of the complexities surrounding routine challenges. While teachers are constantly called to task as moral agents, made accountable by adherence to professional standards, there is also an awareness that teachers' ethical practice must be embedded 'in a clear set of principles or virtues in which he or she believes or he or she acts' (Sockett, 1993, p. 108). In summary, teaching of ethical relationships cannot be defined by formalised codes of practice such as the Teacher Standards. Instead, it is, at its most basic construal, an orientation towards an overall moral practice that is embodied by elements of human virtue, such as fairness, honesty, and justice, and 'expressed through the nuances of attitudes, intentions, words and actions' (Campbell, 2003, p. 9). Plentiful academic literature (Pike, 2014; Knowles and Lander, 2012; Starratt, 1994) has sought to clarify what it means for teachers to act in a moral and ethical manner with several ideas forming around a deeper acknowledgement equity and fairness (Buckmaster, 2016), listening to student voice (Tal and Shapira, 2019) and 'the comprehensive understanding of how the development of healthy relationships plays an important ethical role in the school' (Bergmark and Alerby, 2008).

1.4.3   Character Education

One interesting route to what might be perceived as an ethical school is the recent popularity of Character Education (The Jubilee Centre for Character and Virtues, 2018; Hand, 2017), a

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8 Certain recent events, such as the 'Trojan Horse' affair (Clarke, 2014) have also strengthened the 'perception that mainstream schools in England lack a moral narrative that can provide the school, its staff, and its children, with a moral telos at which all activity should be aimed at realising' (Shortt *et al.*, 2017, p.156).

schools-based programme that explicitly teaches traits assumed to underpin success in school work. Derived from the Greek word for *charaktêr* which 'originally referred to a mark impressed upon a coin' (Pala, 2011, p. 24), a person's character 'refers to the disposition and habits that determine the way that a person normally responds to desires, fears, challenges, opportunities, failures and successes' (ibid.). Originally found in Aristotelian virtue ethics, Character Education is 'the deliberate effort to cultivate virtue' (Lickona, 1999, p. 23) that will help students to 'to become good persons and citizens, able to lead good, as well as "successful" lives' (Arthur *et al.*, 2017, p. 177). These are: 'perseverance, resilience and grit, confidence and optimism, motivation, drive and ambition neighbourliness and community spirit, tolerance and respect honesty, integrity and dignity conscientiousness, curiosity and focus' (DfE, 2015). Virtuous decision-making, such as that which can be relied on during a dilemma, depends on the inner cultivation of good-sense or practical wisdom (*phronesis*) in the person. If human flourishing is the aim of a good life, then the practice of moral, intellectual, and civic virtues is essential to its achievement (Annas, 2011). Proponents argue that through practical habituation with their chosen virtue, pupils are provided with the self-regulation that allows them to develop intrinsic motivation to virtuous action.

An effective way to teach character is though curriculum implementation (Bourke *et al*., 2019; Pike, 2015). For instance, a lesson teaching year 7 pupils the virtue of integrity will ask pupils to read an extract from *The Lion, The Witch and The Wardrobe* by C.S Lewis (Leslie *et al.,* 2018). After reading, pupils identify phrases in the text that show the character of Lucy is 'truthful'. This is contrasted with another character who shows dishonesty or a lack of integrity. Pupils engage in virtue-matching activities and group discussion to find virtue synonyms and antonyms. Developing a 'virtues vocabulary' allows pupils to take part in related activities that show the virtues they wish to grow in. Pupils record and track achievement of target virtues which are shared at home to encourage parental support and development. Case studies suggest that embedding curricula of this nature nurtures a 'positive school climate where students identified as having a greater sense of school belonging' (Bourke *et al*., 2019, p. 14); its comprehensive approach cultivating an ethos 'where children feel safe because they are in an atmosphere that values respect, responsibility and compassion, not because a guard or metal detector is posted at the door (Pala, 2011, p. 26).

There is an argument that the type of value placed on virtues-thinking that is behind Character Education has been seen in forms of moral, spiritual, and cultural education before. For example, as 'Values Education' (Halstead and Taylor, 1996), or as 'Spiritual and Moral Education' (NCC, 1993). However, discussion of ethics in education which encourage the

cultivation of virtues presents certain difficulties. Shelby (2003) notes that despite the value on doing and not only on reasoning, cultivation of virtue, or character traits, are often accompanied by forms of praise or blame. By imposing a top-down set of arbitrary values, and pre-conditioned behavioural responses, rather than an education that truly engages them in deep, critical reflection, Character Education is said to invite a comparison with deontological measures that do no more than traditional measures of discipline in habituating pupils to prescribed behaviour (Kohn, 2017). Sanderse (2016) summarises this discomfort by stating that while character education 'may be hot in educational theory, academic advances have not always reached teachers, heads of school, policy-makers and politicians' (p. 446). The academic work in question refers to the connection between action research and Aristotelian virtue ethics. Specifically, that which is understood as Aristotelian in this sense is the kind of dialogical enquiry that contributes to the growth of practical wisdom in teachers, and in turn on pupils. In this respect, research that focuses on the 'effectiveness' of Character Education programmes is not as ethically important as that which attends to 'extending and refining teachers' own practical wisdom and virtue' (ibid.). As such, there is caution against the value of ethics programs that assume pupils as independent, mature, moral agents who treat the establishing of ethical relation as a process of logical abstraction.

1.4.4   The Rise of School-Based Restorative Practice

It is into this difficult terrain that restorative practice has laid its roots. Since the mid-1990s there has been a shift in schools from the traditional punitive way of dealing with challenging behaviour to something quite different. Restorative practice – or restorative approaches/restorative measures – as it is also known, is the doing of restorative justice, an alternative approach that is designed to make wrongdoers aware of harm and deliver reparation to victims. The use of restorative practice receives not only a mention in current recommendations for schools in England and Wales (Bennett, 2017; DfE, 2011b) as the most valuable strategy schools could employ in dealing with bullying, it is also endorsed by the Scottish government (Black *et al.*, 2017). Combining a commitment to the development of self-discipline through shared responsibility, restorative practice replicates what schools look for in terms of a behaviour policy with the therapeutic, and relational culture that 'challenges deeply held beliefs around notions of discipline and authority' (Blood and Thorsborne, 2005). It is this potential for increased social cohesion that has taken root amongst practitioners. George (2014) describes schools delivering restorative justice as proactively building a community that encourages students to feel a *'belonging and significance'* (p. 212) by returning issues of conflict and difficulty to participants (McCluskey *et al.*, 2008a). In the next chapter, I will

examine these claims, firstly by establishing its emergence within criminal, social, and education systems, and secondly, in exploring its implementation in schools.

Chapter 2

Notions of Restorative Justice and Restorative Practice

2.1 Mapping the Field: Restorative Justice

In Chapter 1, I laid out the assumption that establishing assertive or positive behaviour for learning rests, for the most part, upon the following lines: What rule was broken? Who is to blame? What punishment or consequence is deserved? In paying attention to the question of how to understand restorative justice, and the various developments that have been warmly embraced by schools, restorative practice is not confined to the maintaining of discipline, but welcomed as a pedagogical approach, one that makes links with theories of social and emotional learning and the building of social capital. Indeed, such is the support for restorative practice by its proponents that 'practitioners and policy makers should not be asking the question "Does this work?" but "How do we make this work here?"' (Hopkins, 2004, p. 15). The body of research pertaining to restorative justice is vast, to the extent that it is beyond the scope of this chapter to summarise its entirety. Therefore, in thinking of schools, I want to highlight the key aspects of restorative justice that schools are currently looking for in establishing their own behaviour models. The first part of this chapter comprises a synopsis of the defining principles and theories of restorative justice by outlining its emergence within the criminal, social, and youth justice systems, and within transitional contexts. The second part of this chapter is concerned with its application in schools.

2.1.1 Defining Restorative Justice

In the contemporary criminal, or retributive justice, crime is seen as a violation of the law and the state and the terms *victim* and *offender* are used to identify the parties during legal proceedings (Hudson, 2003). Justice, therefore, is required by the state to determine blame (guilt) and impose payment, made through punishment.[9] Retributive justice assumes that if a state of injustice arises between two persons, the one who has committed the wrong must undergo pain or suffering that is in proportion to the original wrong. The reparative notion of restorative justice rejects this. Restorative justice is said to begin from a concern with the victims and their needs, seeking to repair the harm as much as possible both concretely and

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9 Gavrielides and Winterdyk (2011) note that the word punishment is derivative from the Greek *pune* (*ðïéíÞ*), meaning an exchange of money for harm done. In addition, they also state that the term guilt may derive from the Anglo-Saxon word *geldam*, which means payment (p. 111).

symbolically (Johnstone, 2011). While it is important to acknowledge that the Western legal or criminal justice system has its strengths, namely the protection it affords by a jury and the presumption of innocence, the question of how we should respond to wrongdoing – what needs to happen and what justice requires – have been intensified by global tragedies such as the September 11th terrorist attacks in the U.S. (Umbreit *et al*., 2003).

The turn towards restorative justice, therefore, is one that acknowledges wrongdoing not through a punitive lens, but a relational one. This is an understanding that sees wrongdoing not only as a violation against the state but as harm done to a person and to the relationship with that person (Zehr, 2002). For the victim, attempting to build a dialogue-centred relationship with their offender is said to bring attention to the emotional harm they have undergone (Stobbs, 2013). Validation and meaningful recognition that victims of crime receive through restorative justice measures is stated to go some way towards ameliorating that harm, while Hudson (2003) claims that restorative justice alters the very definition of the relationship between victim and offender 'so that it is no longer one of harming and being harmed' (p. 81). It is understood victims of crime suffer from low self-esteem, mental health problems, post-traumatic stress disorders, as well as the loss of familial and social networks. The sense of personal agency that can be handed back to victims, from the opportunity to express the way that they feel about what has happened to them, is thought to be an essential component to repairing the harm of crime (Button *et al*., 2015; Calhoun, 2013;).

During the 1970s, key pieces by 'penal abolitionists', Barnett (1977), Christie (1977) and Eglash (1977) spoke of a crisis in the justice system that would inevitably lead to its demise. This can be seen in growing concern over the marginalisation of victims' rights, rising concern over the costs of prisons and offenders brutalised by uncompassionate procedures in addition to rates of recidivism (Immarigeon and Daly, 1997; Walker, 1991). The ensuing rise in restorative justice writing has contributed to the growth in experimentation and evaluation of various restorative justice practices in countries such as Australia, the US, UK, Canada, and New Zealand. As the concept has been developed, however, abolitionist pressure has faded, with most contemporary theorists seeing restorative justice as a complementary part of the justice system.

Consequently, restorative justice is defined by the United Nations as:

A problem solving approach to crime that focusses on restoration or repairing the harm done by the crime and criminal to the extent possible, and involves the victims(s), offender(s) in an active relationship with statutory agencies in developing a resolution (United Nations, 2003, p. 43).

It can be simplified as a 'a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future' (Marshall, 1996, p. 37). Restorative justice is not to be thought of as 'un-doing' a crime (Bevan *et al*., 2005). Instead, restorative justice is said to repair the damage done to these relationships as the 'full moral, spiritual, relational and emotional consequences of offending' (Marshall, 2007, p. 4). The term *restorative justice* is so-called as it is 'centrally concerned with restoration, restoration of the victim, restoration of the offender to a law-abiding life, restoration of damage caused to the community' (Marshall, 1999b). For these reasons, restorative justice remains 'a deeply contested concept' (Johnstone and Van Ness, 2007, p. 9). As theories and programmes of restorative justice have flourished, there has been widespread critical attention around not only definitions and principles but exactly what restorative justice might be taken to mean. Such debates give rise to questions asking if restorative justice is a serious alternative to retributive justice or only a working element within the criminal justice system. Restorative has become an influential movement within the youth justice system, as a diversion away from penal criminal justice. To what level of seriousness can restorative justice be safely applied? Is it suitable for crimes of serious harm or merely petty vandalism and how has the concept of restorative justice found itself a compatible home among other organisations?

Critics also take issue with the terminology itself. For example, in pulling apart notions of *restorative* and *justice*, 'the term *restorative* frequently leads to questions about what exactly is being restored' (Vaandering, 2011, p. 307). For some, the lack of a definitive theoretical rationale makes 'it unlikely that restorative justice will progress as a viable paradigm to address problems of crime and criminality' (Lokanan, 2009, p. 289). It is also important to note the ways in which restorative justice defines itself in opposition to retributive justice. Restorative justice has become an international business that has, in turn, spawned widespread and multi-faceted policy and practice experimentation, massive research interest and a monumental literature (Cunneen and Goldson, 2015, pp. 139–140). However, since 'the business of crime control is complex, multi-dimensional, global and profitable' (Tauri, 2014, p. 48), simplifying the relationship, between both concepts, makes the 'sales pitch simple' (Daly, 2002, p. 59). Meaning, to *sell* restorative justice to an international market, 'definite

boundaries need to be marked between the *good* (restorative justice) and the *bad* (retributive justice)' (ibid.). All this might be taken to mean that the gap between the literature of restorative justice and its actual practice in the field is so great as to give a distorted characterisation of the evidence. The principle of encounter, that is most useful when giving a one-sentence definition of restorative justice, is also the most disputed. What if the respective parties are unable to meet? Or where encounter is not possible or advisable? Can restorative justice occur if the victim is deceased or if the offender is never found (Braithwaite, 2000)? Moreover, what are the values that make encounter *restorative*, as opposed to merely punitive?

In presenting a negative picture of some sorts of encounters, Johnstone and Van Ness (2007) declare 'the encounter process alone is not enough to ensure the desired results' (p. 11). Indeed, strongly adhering to only an encounter perception of restorative justice would mean that 'any punishment meted out by a victim on an offender, such as lynching and stoning, may potentially satisfy the definition of restorative justice' (Roche, 2001, p. 344). Despite its procedural nature, one of the most striking characteristics of restorative justice is a certain conceptual uncertainty at the heart of restorative practice with theorists themselves exclaiming that what happens remains for the most part 'ambiguous and unclear' (Barrett, 2013, p. 335). Several differing values, or outcomes, have come to the fore: 'reciprocity, dialogue, collectivity, community, problem solving, reparation and future-oriented healing' (Cunneen and Goldson, 2015, p. 138). What then is restorative justice, how do we define it, and map out its relevance for today's society?

2.1.2   Origins of Restorative Justice

As the favoured form of justice in ancient societies, Gavrielides and Winterdyk (2011) state 'it is impossible to safely claim that the current and future theoretical potential and practical implications of RJ is well understood, if the historical events surrounding it are not captured' (p. 109). To this end, it is worth exploring proponents' claims that restorative justice is not a new form of justice but grounded in pre-modern, religious, and indigenous justice practices. Scholars (Van Ness and Strong 2010; Daly, 2002) have suggested that the term restorative justice, as it is understood in its modern-day justice context, was initially coined from the work of Albert Eglash (1977). Nevertheless, Gade's (2018) historical findings report the term as appearing as far back as the 1800s in Christian magazines and pamphlets although there was no clear explanation about what was meant by the phrase. Going back even further, proponents argue that Western restorative justice is a return to a form of justice associated

with the period between the 8th and 11th centuries. A supposed 'golden age' (Zehr, 1990), admissions of guilt, apology, and reparation were used as the basis of restitution, and considered the main paradigm to restoring peace and order after conflict (Bianchi, 1990). Following the Norman Invasion of England in 1066 the transformation of a largely feudal society to one governed by State saw the conversion of dispute to one occurring between individuals to one against the State (Daly, 2002; Michalowski, 1985).[10]

Daly (2002) argues that this 'reverence for and romanticization of an indigenous past' (p. 62), including ancient Arab, Greek, Roman, and Eastern civilisations, risks the assumption that there is a similarity of purpose in what is considered 'restorative'.[11] Nevertheless, despite work challenging the emergence of 'restorative justice assumptions and dogmas' (Gade, 2018, p. 32), it is worth locating its direct translation from the modern era's most enduring models of restorative justice practices found in indigenous cultures such as the Māori, particularly as certain practices attributed to these peoples are used in relation to non-criminal forms of behaviour, including behaviour in schools. For Māori, healing through establishing a connection to others is expressed through whakapapa, which means 'a set of relationships with the living and the departed, and the individual and their environment (Te Huia, 2015, p. 19). Alongside the idea of interconnection lies interdependence, a realisation that survival is contingent upon the nurturing of relationships with the wider living world and with their whanau or wider community grouping.

For those who share *whakapapa* relations, a sense of mutual belonging provides individuals with guidance about their role and status within the community. Should transgression occur, *Māori* revert to *tikanga o ngā hara* (the law of wrongdoing) which is centred on notions of collective rather than personal, responsibility (Hudson, 2003). In *tikanga o ngā hara* the victim is the focal point; the goal is to heal and renew the victim's physical, emotional, mental, and

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10 Our present understanding of reparation as connected to money allows for a recognition of the symbolic significance of wrongs that have been committed and that reparation matters in a way that is both theoretical and practical (Ost, 2016). Even today, in a context where establishing a relationship between a child and their offender would be considered highly inappropriate, financial reparation shows the 'victim has suffered a quantifiable harm that can be at least partly redressed by a monetary payment' (p. 619). Reparation is itself a principle of law that has been in use for centuries, referring to the obligation of a 'wrongdoing party to redress the damage caused to the injured party' and 'as far as possible, wipe out all the consequences of the illegal act' (The Redress Trust, 2003, p. 7). Embedded in both domestic and international law, monetary reparation has been the basis of US Victim-Offender Reconciliation Programmes while in the England, restorative justice for victims of child pornography includes financial redress.

11 For example, if we have a conference in which all parties decide to boil the offender in oil and criticise the victim, we would not want to say the conference was restorative (Braithwaite, 2000).

spiritual well-being. *Tikanga o ngā hara* also involves deliberate acts by the offender to regain dignity and trust and is considered necessary for the offender and victim to both save face, and to restore harmony within the various personal and communal relationships: victim-offender; victim-offender-community; offender community; offender-family. What these religious and cultural practices have in common is the view that wrongdoing is a violation of relationships. Therefore, restoring the bonds of community by allowing all parties a stake in a resolution is characteristic of a restorative approach.

The expanding use of restorative justice also includes the pan-African concept of *Ubuntu*,[12] a *Nguni Bantu* phrase often translated as 'humanity to others', or, 'I am what I am because of who we all are' (Dreyer, 2015; Tutu, 1999). It was often heard in conjunction with Desmond Tutu and transitional justice in South Africa, where the Truth and Reconciliation Commission set up in the aftermath of apartheid was described as an attempt to promote an African restorative justice (Gade, 2013). However, drawing examples from Rwanda, northern Uganda, Mozambique and Zimbabwe, Mangena (2015) argues for restorative justice's deep roots in Africa existing before the coming of Europeans and hence is entirely cognizant with pan-African ideals. In addition, ideas of healing and holism are found in the world's most populous religions, namely Christianity, Judaism and Islam. This brings in the restorative idea that 'because crime hurts, justice should heal, and a justice that leaves wounds open will not seem like justice at all' (Nickson and Braithwaite, 2014, p. 451). In the historical roots of these Abrahamic religions, reconciliation and mercy are part of the essence of holistic justice (Brunk, 2001). Both Judaism and Christianity have a Hebrew word for holistic peace with justice that is known as *shalom*, while the Arabic *salam* or *salaam* is a general greeting used by Muslims that literally means 'peace' (van Gorder, 2014). These moral and religious associations with forgiveness add another dimension to the process of reconciliation. Although perspectives vary across religions, followers are expected to imitate the forgiving nature of God (Lokanan, 2009). In this way of thinking, the Biblical 'priority of restoring relationships and social wholeness in the face of brokenness and alienation' (Grimrud and Zehr, 2002, p. 267) has been translated by Mennonite Christians into existing criminal justice practices such as victim-offender reconciliation projects.

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12 To denote someone as having *Ubuntu* is to say that they are open, generous and compassionate. indeed, that they have a self-assurance that comes with knowing they belong to a whole greater than themselves. Moreover, the wholeness that is derived from *Ubuntu* is diminished when others are diminished, tortured or oppressed (Tutu, 1999).

It would be remiss when talking of the origins of restorative justice not to mention the influence of Nils Christie's (1977) influential argument, *Conflicts of Property*, against the handling of crime by state actors. In this, Christie describes his experience of attending a court case in Tanzania between a man and a woman who had been engaged and were now in dispute. He noted that while establishing restitution was important, the most illuminating facet was the framework for conflict resolution established between the couple and the on-looking community. The central couple were listened to, 'but they [the wider community] did not *take over*' (p. 2). In contrast, Christie states that the representation of all parties in the traditional western justice system hurts both victim and offender. Not only has the victim suffered from material, physical or mental hurt, but 'above all he has lost participation in his own case […] It is the Crown that describes the losses, not the victim' (p. 7). Restabilising the balance of power extends not only to the victim, but also to the offender, and their ability to take responsibility for the act of offence. Christie states that by losing the opportunity to explain himself to a person whose evaluation of him might have mattered, offenders lose one of the most important possibilities for being forgiven (p. 9). For Christie, in both the case of victim and offender, loss of voice can be translated to loss of power, and therefore the loss of 'pedagogical possibilities' (p. 8) arising from conflict.

Handing control of conflict, the opportunity for dialogue and personalised encounter back to its principal participants is what 'closely involved parties find is just, and in accordance with general values in society' (p. 9). That is, not just the reparation of financial terms but 'what are often the much more profound psychological and spiritual terms' (Brunk, 2001, p. 48). The adversarial nature of retributive justice concerns itself with preparing people to damage each other's claims and strategies (Stobbs, 2013). In its place, restorative justice aims to promote the values of democracy, participation and deliberation rather than governmental self-interest (Roche, 2001). This wider range of values provides an incentive to involve the community, to close the distance between the courts and the public, and to transform notions of the self and society, damaged by crime and social exclusion' (Muir, 2014).

2.1.3   Personal Testimony: Circles, Conferences and Community

Taking the lack of a 'definitive theoretical rationale' (Lokanan, 2009, p. 289) into account it becomes an impossible task to locate the notion of restorative justice within a single theory or point of origin. Rather, let me turn to its identifying practices. Whether scripted or unscripted, restorative justice is constructed from the ability of participants to speak personally, each from their own perspective. This has been referred to as creating a 'narrative' or 'telling their

stories' (Van Ness and Strong, 2013, p. 84). In other words, it is necessary to pay attention to the stories of those harmed in order to repair the harm. In seeing each other as a person with a story to tell, 'both victim and offender are confronted with each other as a person rather than a faceless antagonistic force' (ibid.). Personal narrative also has the power to bring emotion to the forefront, itself seen as a useful tool in creating empathy. Indeed, the ability to comprehend and voice strong emotion is seen as key to listening to each other. It is the combined use of 'meeting, narrative and emotion [that] leads to understanding' (p. 88). The enactment of dialogue between victim and offender involves an encounter that begins 'to *act out* the more morally adequate relationships at which they aim' (Urban Walker, 2006, p. 212).

The notion of establishing dialogue between individuals in conflict is not only an issue for restorative justice but is also a practice that has been well established in couples and family therapy (Kornaszewska-Polak, 2016), community conflicts (Høg Hansen, 2006), and psychoanalytic therapy (Shapiro, 2002). The process is said to be a way for the person or people at the centre of the therapy to feel heard and respected, and to lessen the sense of isolation and distance that conflict produces. For example, restorative practice has started to play a key role in instances of workplace harassment and instances of bullying behaviour (Hutchinson, 2009). Workplace bullying, defined as repeated inappropriate behaviour conducted by one or more persons against another at their place of employment, is reported to constitute a huge problem. The detrimental effects of social isolation, stigmatisation, and helplessness lead many to seek leave for stress-related illnesses, loss of productivity while at work, and to take voluntary unemployment. While the employee remains and the bullying goes unchallenged, the resulting negative culture can result in more workforce absences or 'presenteeism' where employees are present, but not fully on task. (Cole, 2004). In this. restorative practice's emphasis on conflict resolution makes it a good fit for companies seeking to build success by increasing the capability to effectively manage and motivate their workers.

The basic structure of dialogue allows the victim and offender to pursue three lines of enquiry. Briefly, this translates as what has happened, who has been harmed, and what needs to be done in order to repair the harm. The most commonly used models of dialogue in modern restorative justice are methods of conferencing (also mediation) and circles (Johnstone, 2011; Morris and Maxwell, 2001). Conferencing is where any group of individuals who are connected by conflict can come together to discuss the issues that have arisen (McDonald and Moore, 2001). Conferences are facilitated or coordinated by a third party to ensure discussion stays on track. A conference can involve the families and supporters of both the both victim and offender or it can comprise several people implicated or suffering from on-going conflict. In

New Zealand, family group conferences (FGCs) are unscripted and used when a plan of action is needed to support a young person or family through a variety of offences such as theft, arson, drug offences or assault (Bazemore and Umbreit, 2001).[13] An example from the literature is that of 'Angie' who is asked to 'stand up' in front of a community of people who have been hurt by her participation in violent crime. She is asked to tell her side of the story, apologise and then communicate to the community what she has learned. The community members can voice their grievances and fears before discussing 'how to proceed with Angie's treatment and healing within the community' (Crawford, 2011, p. 20). The process of family decision making is said to 'create a sense of ownership and motivate those involved to carry out and implement the plans made' (Hopkins, 2004, p. 37). In the field of social work, participation by family members has the advantage of increased compassion and reconciliation (Pennell, 2006), while the opportunity to provide a support system in an otherwise dysfunctional family 'is a prime format for decision making concerning the vested interests of the child' (Van Wormer, 2003, p. 448).

The use of circles as dialogue-driven, community-based decision making was popularised in the US after a pilot project initiated in Minnesota and has been used for adult and juvenile offences both in urban and rural settings (Raye and Warner Roberts, 2007). Circle sentencing is said to be a 'holistic re-integrative strategy' (Bazemore and Umbreit, 2001, p. 6) that not only considers the needs of the offender but also the victim and the wider community. Circles are facilitated by a lead practitioner called the Keeper who is a trained community member. However, the symbolic nature of the circle is also practical. All who attend, offenders, victims, families, and friends as well as representatives from the justice system and the wider community are given a chance to speak, often by holding a symbolic item to indicate turn-taking. The success of sentencing circles is said to rely heavily on the partnership between the community and the criminal justice courts. Those that bring cases from the court system to the sentencing circle need training, skill building and time to develop strong relationships that, between them, can not only conduct the circle but offer community support following the decisions made.

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13 In South Australia, the facilitator is required to follow a script in which the offender speaks first, then the victim and then the other participants.

2.1.4   Transitional Justice

The shift in attitude towards the other brought about by such dialogical encounters is that
which allows for personal transformation:

> Facilitators of restorative processes regularly observe a personal and social
> transformation occur during the course of the process. There is often the strong
> sense that something significant is occurring which has very little to do with the
> facilitator and operates at a subconscious level among the participants (McCold,
> 2000, p. 363).

The reference to transformation, described in this passage, and within the advocacy literature,
is multiple and varied. Within the justice system this includes the anticipation that restorative
practice can 'transform the crime into something different' (Liebmann, 2007, p. 25). With
regards to recidivism, proponents insist that restorative practice offers offenders a
transformative experience that goes beyond incarceration, or reoffending rates (Johnstone,
2011). This is not seen as limited to the individual, and interpersonal, but harbours a broader
concern with 'social transformation, peacebuilding, and the promotion of common good'
(Toews, 2013, p. 10). It is common in ethno-national conflicts that researchers working in the
field of transitional justice (meaning the transition from war to democracy) should advocate
active story creation and the opportunity to share accounts widely as a key tenet of
transitional justice (Worth, 2019). On this scale, the formal process of reparation, where
judicial and non-judicial measures are taken to restore legacies of a variety of human rights
abuses, is known as transitional justice. Instituted at a point when governments hope to
transition after periods of war, anarchy, genocide or political unrest, transitional justice
measures include criminal prosecutions, truth commissions, reparations programs, and
institutional reform.

One aspect of transitional justice is narrative justice, defined as 'the way in which stories
provide genuine knowledge, regardless of whether they are true of false, and examines the
influence of stories on a particular type of inhumanity' (p. 106). For historical purposes, stories
serve as important reminders of lived experience, giving invaluable insight into the myriad of
ways in which people were harmed or wronged (Worth, 2019; Porter, 2016). In this regard, the
Truth and Reconciliation Commissions was charged with investigating human rights abuses
perpetrated by white apartheids towards their black counterparts 'in a manner that would
ensure reconciliation and transformation to a better society' (Vorster, 2004, p. 480). After fifty
years of white domination in South Africa, beginning in 1960 and ending with the democratic

election of Nelson Mandela, such reconciliation seemed unimaginable. In the opening to its Truth and Reconciliation final report, Archbishop Tutu stated that it is precisely this history that South Africans needed to come to terms with:

> We could not pretend it did not happen. Everyone agrees that South Africa must deal with that history and its legacy. It is how we do this that is the question (South Africa, 1999, p. 1).

In rejecting the urge that the past should be forgotten or that the only form of justice worth pursuing was retributive justice, Tutu gave three reasons. Firstly, he insisted that perpetrating amnesia, by denying experience, would result in the further victimisation of victims.[14] Secondly, Tutu maintained that repudiating the past would not eliminate it. However painful the knowledge, he assured, wounds cannot be allowed to fester; they must be cared for properly. Finally, Tutu affirmed that familiarity with the past strengthens the resolve that this should never happen again, arguing 'we need to know about the past to establish a culture of respect for human rights. It is only by accounting for the past that we can become accountable for the future' (South Africa, 1999, p. 7).

In thinking of narrative justice, Worth (2017) insists 'the emphasis should not just be on the ways in which different people suffer injustice, but rather the validation that they feel when their stories are *heard*' (np). When stories are communicated to a larger audience, victims can gain a feeling of validation that their experiences have been recognised. This is understood as having narrative agency (Porter, 2016), telling one's story (or the right not to tell it at all) in a safe environment that might not necessarily match up with a master narrative. Agency in one's own story allows sufferers not only to connect with other's experience but to make sense of what otherwise might remain insensible. When large scale injustice has taken place, forcibly stripping away any sense of agency, the ability to speak without fear of repercussion is essential for the repairing relation with oneself. Meaningful story construction that results in personal understanding, awareness and connection is akin to narrative therapy (see Chapter

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14 Tutu gives as an example the plot of the Ariel Dorfman play *Death and the Maiden*. In the play, Pauline Salas ties up and threatens to kill a man who she believes has raped and tortured her. It is only when he admits to carrying out both acts, after listening to her story that she finally unties and lets him go. His admission of guilt, by way of a full and signed confession, has confirmed the horrific experience for Salas as real and not an illusion thereby affirming her sense of self. Dorfman basis his protagonist and the political context of his play on investigations into the rule of Pinochet by Chile's National commission on Truth and Reconciliation (Urban Walker, 2006). In the real inquiry, the commission was only charged to investigate cases of disappearance and torture that led to homicide. Surviving victims of torture, such as the fictional Salas, had no opportunity to testify.

5). However, as a central component in narrative justice establishing many such stories has the effect of creating mass healing for entire groups and ethnicities. Here the potentially reparative and transformative elements of narrative testimony is realised as 'an ethical and moral imperative that seeks to appeal to community' (Gobodo-Madikizela, 2012, p. 286). This goes beyond the imperative of public testimony (about human rights crimes) and into a 'reflective engagement with the story of what happened' (p. 287). The experience of sharing stories about the past both allows us to glimpse moments of empathic engagement between victims and perpetrators and to understand how stories allow connection to the past, and at the same time, the connection to each other. That is, the narrative of 'who I am' (or 'who we are') and the narrative of 'how we have gotten here together' is threaded through by another story, one about 'what this means' (Urban Walker, 1998, p. 113). Listeners are not simply present to provide containment. Bearing witness draws listeners to participate in the listening by bringing their own narratives from the past and 'telling' these stories, as it were, through a silent and dialogic process of identification with the stories of others through which a history of moral concepts can be acquired, refined and replaced. It is this latter sense in which restorative justice is used to repair relationships not only between individuals whose relationships have been damaged but also entire groups of peoples who have suffered violent conflict and oppression (McGregor, 2018).

2.1.5   Changing Lenses

In the justice courts dialogic models are said to 'work' (Restorative Justice Council, 2016) to reduce recidivism. A seven-year research study found that reoffending, after restorative justice intervention, had dropped by 14% and that 85% of victims were 'satisfied with the process' (ibid.). Despite the authors' caveat on the validity of the research due to, in part, the lack of a singular definition of what constitutes good practice, evaluators of the UK Home Office's 'Crime Reduction Programme' point to a considerable growth and influence of restorative justice to combat recidivism, particularly among youth offenders (Palmer, 2009; Robinson and Shapland, 2008). Favourable evaluations such as these are not simply confined to the UK. In New Zealand, reoffending analysis of restorative justice cases from 2011/2012 predicted 1,100 fewer offences to be committed and 650 fewer prosecutions required over the next three years. Is this a changing of lenses for justice in the UK?

While politicians and policy makers are inclined to a more pragmatic view of how restorative justice works, evidence on re-offending rates is also described as 'limited, incomplete and ambiguous' (Cunneen and Goldson, 2015, p. 151). Critics claim that focussing on re-offending

alone fails to capture the extent of victim satisfaction and offender responsibility (Little *et al.*, 2018; Joudo Larson, 2014). This ranges from ambivalence in the research, where there were no significant differences in reoffending rates between those participating in restorative justice schemes and those who did not, inconsistency in the application of victim statements (Jeong *et al.*, 2012) to a complete rebuttal of restorative justice's ability to affect levels of incarceration and overrepresentation in juvenile systems (Little *et al.*, 2018). Supporters of restorative justice also claim that focussing on re-offending alone fails to capture the extent of victim satisfaction and offender responsibility (Joudo Larson, 2014; Aertson *et al.*, 2011). Rather the vision that guides us on how to change social responses to crime and wrongdoing should be based on a way of behaving and a way of living (Johnstone, 2011). With this in mind, let me now shift my focus to school-based restorative practice and schools' changing responses to incidents of pupil wrongdoing.

2.2   Mapping the Field: School-Based Restorative Practice

Since its inception in the late 1990s restorative practice in schools has had world-wide impact on decreasing incidents of challenging behaviour measured by levels of suspensions, exclusions, and raising attainment in academic learning particularly in disadvantaged pupils (Denholm, 2017; Gregory *et al.*, 2016; Grossi and Santos, 2012; Wearmouth and Berryman, 2012; White, 2016). In this, restorative practice is stated to be successful with not only raising standards of behaviour within minority ethnic communities, but also low socio-economic groups in general (Drewery and Kecskemeti, 2010). Historically, the strategy of holding FGCs formed the basis of early notions of restorative practice in New Zealand's schools (Drewery, 2004). In 1999, its Ministry of Education in New Zealand contacted the University of Waikato to develop a process of conferencing in schools to reduce the rise in suspensions of Māori children (Drewery, 2010). In the participating 29 schools, the number of suspensions[15] declined and led to the establishment of the Suspension Reduction Initiative and the more recent Student Engagement Initiative.[16] In Australia, the Department for Education found inspiration in the police-led conferencing developed in New South Wales. Ministers started to trial the use of restorative conferencing in schools to find a solution to serious bullying. The trials were

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15 In New Zealand a suspension is the formal removal of a pupil from the school until a decision is made by the board of trustees.

16 Drewery (2010) also acknowledges that a possible reason for the decline might be the Hawthorne effect. This refers to a change that is brought about simply by virtue of being in the spotlight.

found to have been highly transformative for students particularly in addressing bullying (Ryan and Ruddy, 2015; Cameron and Thorsborne, 2001).

2.2.1 The Influence of Restorative Practice in UK schools

Restorative practices in UK schools, including restorative conferencing, was introduced in both secondary and primary schools from the late 90s. The earliest evidence-based data on the transformative success of these early initiatives was the National Evaluation of the Restorative Justice in Schools Programme (Bitel, 2005). Still the largest evaluation of restorative practice in UK schools, the national evaluation explored the impact of restorative practices, such as circles, peer mediation and restorative conferences, on levels of victimisation, bullying and robbery in 26 schools. The report concluded that despite initial misgivings most staff believed that they had benefited from implementation of restorative approaches. Described as both a time-saver and catalyst to culture change, restorative practice, when done well, 'allows children (and parents if involved) to be listened to and have a voice' (p. 56). Despite no evidence to suggest that restorative practice had an impact on reducing exclusions, the short and long term effects on pupils' experience of victimisation, robbery and bullying showed 'evidence that restorative approaches helped perpetrators gain a better understanding of the full effects of their actions, and take responsibility for them [and also] helped increase the confidence of victims (p. 68). The evaluation concluded 'restorative justice is not a panacea for the problems in schools but, if implemented correctly, it may be a useful resource that improves the school environment and enhances the learning and development of young people' (p. 65).

A small number of local evaluations supported this early pilot. In Scotland, McCluskey *et al.*, (2008a; 2008b) noted that there was strong evidence of cultural change, such as the use of restorative language, a calmer school atmosphere, and more pupils showing positivity about their school experiences of wrongdoing. In Bristol (Skinns *et al.*, 2009) researchers found that restorative practice impacted the learning climate by allowing staff to 'resolve behavioural issues for good by getting to the bottom of it' (p. 61). Pupils felt better for being treated in 'a more reasonable and adult way [that] moved beyond simplistic bully/victim categories' (ibid.) Restorative practice improved communication by encouraging calm talk as opposed to shouting. Pupils stated that they had better relationships with their peers and that 'conferences gave pupils a voice and helped to redress the power imbalance in staff pupil relationships' (ibid). Recently Bonell *et al's*., (2018) first randomised control trial of restorative approaches, to reduce bullying and aggression and promote mental health, found that pupils

in restorative practice programmes 'had a higher quality of life and psychological wellbeing and lower psychological difficulties' (p. 7) than pupils who were not participating.

Literature consistently indicates that the effectiveness of any type of restorative initiative in schools is dependent upon adopting a whole-school approach (Hansberry, 2016; Thorsborne and Blood, 2013; Skinns *et al*., 2009, Hopkins, 2004). This is achieved by strong commitment from the senior leadership team and comprehensive long-term school development plans offering detailed monitoring strategies and success criteria. Case studies, such as those described above, suggest that a whole school approach is highly successful in achieving the purpose of transforming school cultures. However, to return to my argument in Chapter 1, it is essential that if a restorative culture is to truly espouse a gentler, more ethical way of being, then it should also recognise that whole school and enforced behaviour change runs the risk of ignoring individual student needs and the very idea of ethical relation entirely.

2.2.2   Establishing a Relational Pedagogy

One of the first items to address when exploring notions of ethical relation is to acknowledge that while terms such as victim, offender, and justice are common to criminal disciplinary codes, these terms are problematic where there has been no legal offense (Vaandering, 2014), and possibly damaging in the long term (Hopkins, 2004). Instead, advocates of restorative justice in schools have adopted labels such as the harmer or harmed (or wrongdoer), for victim and offender, and fairness instead of justice (Cooper-Johal, 2016). There is also a preference for using the expression restorative practice (RP) (sometimes restorative approaches, or restorative measures) to assert how, in an educational setting, these methods are based on the principles of restorative justice, rather than its overall aim. As Drewery (2010) states:

> Justice is about determining whether a crime has been committed and who is responsible. Education is about trying to produce young people who will become good citizens. Educationalists are not trained to judge whether young people have committed crimes (Drewery, 2010, p. 210).

Accountability, meaning the responsibility that individuals have to each other and their school community (Amstutz and Mullet, 2005), allows individuals to behave well, not out of fear of punishment but through a sense of shared communal value with their peers. Working restoratively therefore, is not about administering blame or punishment but establishing a relational pedagogy (Vaandering, 2015; Morrison and Vaandering, 2012). As such restorative practice is described as a 'constructivist learning based approach to conflict' (Hansberry, 2016,

p. 26). Figure 1 explains how a relational pedagogy differentiates restorative practices from other behavioural approaches:
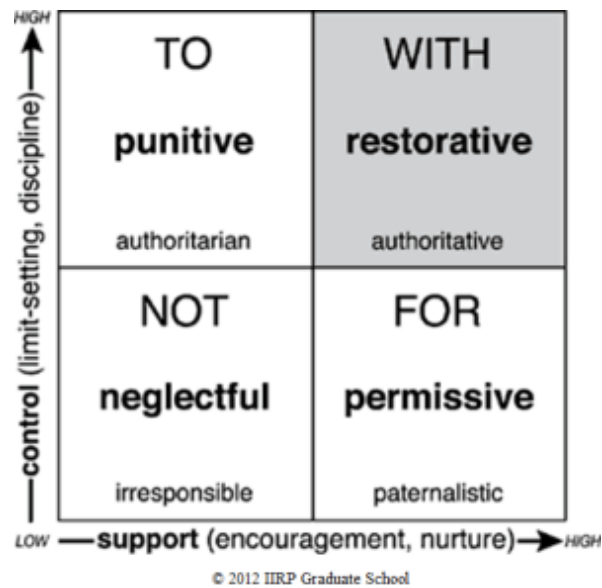
Figure 1 The social discipline window (McCold and Wachtel, 2001b, p. 113)

The four windows represent different combinations of high and low, controlling and supporting behaviour strategies. Let me describe how utilising the window helps to explain a restorative approach. A high control/low support approach, such as a punitive approach, characterises the use of strategies done *to* pupils; the person with authority deals a detention or suspension to whomever they believe caused the wrongdoing. While a neglectful teacher would do nothing at all (not likely), a permissive teacher shows care for the pupils. Unfortunately, high support/low control view is likely to view pupils as 'helpless objects of need' (Hansberry, 2016, p. 37). Failure to provide control, in the form of appropriate boundaries for behaviour quickly sets leads to worsening behaviour as pupils push against limits.

In contrast, restorative practice is not only high in control but also high in support. Restorative practice portrays itself as working *with* pupils by engaging them in the process of becoming accountable with the wider community. Its proponents state that working *with* highlights its '*fundamental unifying hypothesis* [...] that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behaviour when those in positions of authority do things *with* them, rather than *to* them or *for* them' (Wachtel, 2013). Practices within this quadrant are described as 'democratic' (McCold and Wachtel, 2001a, p.

125), or since genuine democracy is superseded by traditional hierarchies, as a 'benevolent leadership' (Hansberry, 2016, p. 41).

How is a sense of democracy manifest within school-based restorative practice? Key to this is a sense of agency in pupils. Pupils are listened to, and have their feelings validated. They suggest solutions or ways of working (Macready, 2009). Teachers encourage the building of relationships, through dialogue with those involved, taking the time to understand the point of view of another. Above all, wrongdoing is seen as an opportunity for personal transformation and healthy growth where agency alters the overreaching ethos of the school from an authoritarian model of passive citizenship, where expected behaviour is reinforced by rewards and sanctions, towards one that expects its youngest people to work together to create solutions to problems (Dubin, 2016). In this zone, teachers expect conflict to be a normal part of the educative process in which wrongdoing is addressed directly. For example, teachers work towards change with their pupils; they refrain from dictating rules over conduct. Teachers assist their pupils to think through conflicts; they do not arbitrarily decide which sanction is appropriate to the rule broken. Finally, teachers guide pupils in recognising and understanding the harm done to others, they do not assume that delivering a sanction will act as a deterrent to future reoffending. Developing these social and emotional competencies by building social capital facilitates the restoration of relationships, and social order that is vital for improving classroom behaviour and academic outcomes (Morrison, 2015; Wachtel, 2017; Morrison *et al*., 2005). In doing so, restorative practice creates 'a climate or environment for teaching and learning that can be created, maintained and repaired when needed' (Thorsborne and Blood, 2013, p. 31).

2.2.3   Caring Ethics

Drewery (2004) pinpoints restorative justice practices as corresponding directly with Nel Nodding's (2013) and Carol Gilligan's (2003) caring ethics that sees commitment to others as the highest priority. How schools fulfil this is well-researched with some key themes being the deliberate crafting of spaces in which relationality can emerge. These include fashioning spaces for mediation (Tsuruhara, 2018); altering existing curricula and developing pedagogical methodology favourable to emphasising critical discussion between pupils (Guilherme, 2017; Nolan and Stitzlein, 2016). This entails moving away from abstract dialogue about principles of *how to care* towards models that are grounded in 'caring ethics' (Noddings, 2013). As a contrast to a programme of taught ethics, for example Character Education, caring ethics is a professional ethics derived from the experience of women and mothering and widely

recognised in education, pedagogy, psychology, healthcare and social work (Monteverde, 2016; Quigley and Hall, 2016; Hermsen and Embregts 2015; Wrench and Garrett, 2015). Far from focussing on curriculum aims, Noddings states that an ethics of care emphasises a caring, nurturing atmosphere appropriate to that between teacher and pupil. At its core is the understanding that relation is ontologically basic, and the caring relation as ethically (morally) fundamental (Noddings, 2013). To elaborate: our human flourishing is conditional on the flourishing of certain relationships with others and it is through relation that a human individual emerges (p. 771). Within a school culture, caring ethics points out humans as essentially dependent on each other, and parents (and teachers), as having a moral, and ethical, responsibility to care for their children (students).

Caring ethics provides a unique perspective on the teacher-pupil relation. As one teacher explained: 'I knew she would just get yelled at the whole time. She is so smart, and she needs the love. I will care for her' (Quigley and Hall, 2016, p. 182). Rejecting an impulse to care, thereby turning one's back on what one knows to be ethical is 'an evil that cannot be redeemed' (Noddings, 2013, p. 115). Therefore, the ability to experience care from others, and naturally caring in turn, builds an ethical 'ideal' (p. xvi) image of the person one wants to be. Moreover, this is a sense of caring that concentrates on the 'expressed' needs of the student, as opposed to the 'assumed' need. Teachers who assume a need are noted as 'virtue carers': they do not establish caring relations based on what they think the student needs. They 'must listen, not just tell' (p. 773). Noddings proposes that 'an important task for teachers is to connect the moral worlds of school and public life' (Noddings, 2012, p. 779). For instance, in a short discussion on the insidious nature of cheating in tests, Noddings expects that teachers should rely less on increased surveillance 'and more time talking with their students about the moral foundation of the knowledge world' (p. 779). Far from falling victim to the demands of the market, or standardisation, 'history and common sense tells us that a democratic society expects much more' (Noddings, 2005, p. 11). Rather than approaching the development of moral people as something to be achieved 'on top of all the other demands' (Noddings, 2013, p. 777), Noddings states that 'establishing such a climate is not "on top" of other things, it is underneath all we do as teachers. Teaching caring ethics would balance (particularly for girls), disciplinary structures that demand emotional compliance. Despite critical objection that caring ethics provides 'nothing of substance to teach' (p. 341), its insight as an orientation towards an alternative, human response to relation offers a higher social response (Shelby, 2003). It is particularly pertinent to restorative practices where the turn to philosophies such as Nodding's caring ethics has been described as a culture change (Morrison *et al.,* 2005). This

involves shifting notions of restorative practice from a discourse of behaviour to a 'discourse of pedagogy' (Vaandering, 2014, p. 508), an idea that sees restorative practice only not as a collection of approaches, or tools with which to do behaviour management, but also as a methodology with which to transform the culture of a school.

It is important to acknowledge that a discourse of pedagogy includes pupils with SEND for whom it is argued that restorative practice is responsible for the creation of a safe and just school community whose applications can be considered a viable approach for children who are cognitively impaired, who do not know what is happening, for those who find it difficult to empathise, to communicate, or to sit still during dialogue (Lea *et al.*, 2015). Indeed, barring children with SEND on the grounds they may not be able to feel remorse, or express regret, is short-sighted and 'having the person who has done the harm just say that what he or she did was wrong might be useful to the person harmed (Burnett and Thorsborne, 2015, p. 12). With careful support and reasonable adjustments, restorative practices can be used where the person has an impairment or disability. Burnett and Thorsborne (2015) identify possible areas of difficulty for a range of diagnoses, and possible adaptations. For example, when working with pupils with Attention Deficit Hyperactivity Disorders facilitators are asked to keep their language short and simple, to make use of visual supports, such as a comic strip, and to provide clear opportunities for movement to occur. For children with Autistic Spectrum Disorders, the authors suggest story-boarding pupil-teacher talk, additional thinking time to process events, opportunities to rehearse, reminders, and explicitness in language. Consideration of the pupil's communication ability is obviously crucial, but so is the explicit teaching of cognitive empathy ranging from the teaching of facial expression through to the learning of socially responses to a range of real-life situations. As with the question of any type of new learning behaviour, Burnett and Thorsborne reiterate that the ability to acquire restorative behaviour is a developmental process that needs modelling, practice, and rehearsal. Restorative practice that is done often enough will help to develop both empathy and the ability to see the world from the eyes of another.

2.2.4   Theories of Emotion

The importance of educating pupils to verbalise their emotions is a vital component of developing caring relations (Kelly and Thorsborne, 2014). For educationalists, an understanding of Affect Script Psychology (ASP) has come to provide a significant theoretical basis for understanding the methods and successes of restorative practice. Conceived by the psychologist Silvan Tomkins (1962), ASP is 'a biologically based theory of emotion, cognition

and personality' (Kelly and Thorsborne, 2014, p. 27) that categorises a combination of emotions such as *surprise-startle*, *enjoyment-joy*, or *shame-humiliation.* Known as affect programs, they are wired into our central nervous system and triggered as a result of environmental stimuli. For example, the *fear-terror* affect program, in pupils, might be triggered by being questioned by a teacher. Constant *fear-terror* stimulation will then form the motivation for individual behaviour patterns, specifically avoidance or evasion. This forms the basis of pupils' emotional connection with the teacher, and perhaps with others in their class (when I feel afraid, I don't like to talk). With regard to restorative conferencing, or circles, researchers in school practice believe that theories of emotion, such as ASP, explain why pupils who are able to express their feelings about an incident can undergo significant changes in emotion and behaviour through such interventions (Morrison, 2006). Conference scripts are specifically designed to prompt feelings of shame and guilt by maximising the emotional vulnerability of participants (Harris *et al.*, 2004). Exploration of harm through lines of questioning is the 'core lesson for wrongdoers who have not yet shown remorse or understanding for their actions' (Thorsborne and Vinegrad, 2008, pp. 25–26) and is even more likely to have an impact on the wrongdoers than day to day teacher-pupil talk.

It is worth highlighting here how the presence of *shame-humiliation* as a possible emotional 'affect' has come to play a key role in restorative practices. This includes John Braithwaite's theory of reintegrative shaming (Ttofi and Farrington, 2008; Braithewaite, 1989) and hypotheses of reconciliation and forgiveness, both of which are identified as crucial in constructing the emotional scaffolding needed to boost self-regulation (Ahmed and Braithwaite, 2006). Following this, Donald Nathanson's (1994) development of 'the compass of shame' (p. 312), has allowed school-based practitioners to perceive how disruptive and damaging the experience of shame is on an individual. A shameful incident leads to a pupil experiencing either feelings of withdrawal, attacking self, attacking other, and avoidance. For example, one pupil who had drawn a sexually explicit picture of himself and shown it to his teacher was emotionally changed by hearing the hurt and embarrassed reaction of the adult (Dubin, 2016). Feeling shame, the pupil who had committed the wrong started to cry as 'the conversation enabled him [the offender] to empathize with her [the teacher] and to feel the remorse and guilt that would prompt him to learn from his mistake' (p. 18). School practitioners that are aware of the effects of shame are able to recognise their physical and emotional manifestations, such as disrupted relationships or disrespectful language, or to identify a bully by recognising their *attack other* mode of conduct as displaying 'an approach

based upon a solid understanding of how others care and how that motivates their behaviour' (Kelly and Thorsborne, 2014, p. 46).

2.2.5   Guiding Principles in Restorative Conversations

Knight's and Wadhwa's (2014) study on use of restorative circles to build resilience, discusses 'critical restorative justice' (p. 11) as offering open-ended opportunities to empower voice in marginalised young people. In their research, the authors insist that resilience is not a descriptor but the recognition of experience that an individual has. Already a popular process in schools, a circle-time structure can be used to air a problem or issue with a group of pupils while providing everyone within a community the opportunity to speak (Moseley, 1996). As I stated earlier, the circle approach has a long history with community wrongdoing. In schools, the popularity of circles lies in the power to give voice, to build trust and mutual understanding, and to perpetuate a sense of shared values with even the most diffident students (Costello *et al*., 2010). As facilitators of the circle, teachers looking to deal with ongoing problems use circles to foster a sense of responsibility, to build social cohesion, and to humanise themselves as members of the extended community. For more serious wrongdoing, applications include 'mediation' and 'restorative conferencing' (Thorsborne *et al*., 2019; Claassen and Claassen, 2015; Hopkins, 2015). Similar to the justice system, the person who has committed wrongdoing hears directly from those people they have affected. Unlike circles, conferences are not routine in their implementation requiring a trained facilitator and a series of scripted questions to guide participants in their thinking about the wrongdoing (Wachtel *et al*., 2010).

However, the most informal response to wrongdoing is the implementation of dialogic practices known as restorative enquiries (Hopkins, 2004). This may be an informal process between teacher and pupil, a restorative chat, characterised by the use of 'affective language' defined as 'personal expressions of feeling in response to specific positive or negative behaviors of others' (IIRP, 2010) and which is 'underpinned by values that place the relationship at the heart of problem-solving' (Thorsborne and Blood, 2013, p. 41). Built upon establishing a connection with pupils, affective language is typified by developing a type of address that 'separates the evaluation of a person's behaviour from the evaluation of the self' (George, 2014, p. 229). Also known as 'I statements', they are used in the beginning of non-threatening, non-blaming conversations that 'are respectful but emotive ways of letting others know how their behaviour affects you' (Wachtel, 2017, pp. 153–154). Teaching pupils to use

affective language often follows a formula such as: I feel [state the emotion] when [this happened] because [state the reason]. Below is an example:

> While you guys might not like my English class, I work very hard to make this interesting. I don't think it's fair for you to say that assignments are 'stupid' without even giving them a chance and it hurts my feelings. I'd like you to make a commitment to not do that anymore (Wachtel, 2017, p. 152).

Restorative practitioners state that the versatility of affective statements (and affective questions) mean they can be taught to be used both positively (I'm really pleased with how quietly we are all working today) and negatively (I'm disappointed that some of us are calling out). Moreover, many practitioners find it an effective way to teach children how to express difficult emotion in a respectful way. The cumulative cultural impact of improving dialogue, with the use of affective language, is stated to create a 'restorative milieu' (Hopkins, 2004, p. 170) an environment that consistently deals with misbehaviour by fostering awareness, empathy and responsibility. As in the justice system, it follows a clear order which with the help of facilitators work with participants to find an outcome that will resolve the conflict.

Nevertheless, a focus on building relationships through the development of interpersonal skills, means that establishing dialogue has the potential to move beyond the 'righting of a wrong', to building social capital in the form of increasing social understanding, and empathy amongst participants. Instead of 'lecturing, scolding, threatening or handing out detentions, suspensions and expulsions' (McCold and Wachtel, 2001a, p. 126), having a *restorative conversation* asks that participants engage with four key principles: these are connectedness, caring, value, and belief (Thorsborne and Blood, 2013). The table below shows an example of how restorative conversation can be 'built' to reflect these principles:

Table 1 Four guiding principles in restorative conversations (adapted from Thorsborne and Blood, 2013, p. 41)

Statement	Key Principle
Hi Joe, nice to see you. How are you going today? Could we have a chat about your uniform?	Connectedness (to the individual)
I don't want you to be cold, but is there another way you could keep warm? How about wearing something underneath your school jumper that doesn't show?	Caring (about their issues)
Wearing the uniform is about belonging and you belong here, so it is important that you wear it in a way that shows that.	Value (their presence in community)
I know you are clever enough to keep the small things small. Have a great day.	Belief (that they can be better)

Many schools have established codes of conduct and behaviour management practices that teach the values around behaviour by default. In restorative schools, however, the use of restorative conversation with pupils can 'incorporate reintegrative and transformative interventions in the classroom' (Thorsborne and Vinegrad, 2008, p. 52). Let me now turn to how the potential to achieve these outcomes can be perceived as problematic.

2.2.6 Problems of Implementation

Implementation of restorative practices has been considered a challenge with a 'one size fits all' model representing the kind of pre-packaged approach to behaviour management that teachers are quick to dismiss (Şahin-Sak, *et al.,* 2018). As such, there are concerns within the restorative researcher community that, despite the best intentions of schools, restorative practice poses possible negative effects for pupils, particularly victimised pupils. If the needs of the victimised pupil are not prioritised, then there is the risk of secondary victimisation, meaning victims of harm will understandably have concerns over being in the same room as their aggressor, and of continuing to remain in the same school environment after a

restorative intervention (Hopkins, 2004). These wronged pupils, injured by conflict, are doubly victimised as 'pawns in a process' (p. 105), put at further risk for the 'higher good' (p. 105) of diverting offending pupils. Additionally, researchers warn that there is an unfair expectation that pupils will be linguistically and cognitively adept at engaging in the kinds of discursive encounters expected from such interventions. A 'moral exercise' (Hayes, 2006) in admitting guilt and responsibility, young people with 'inadequate verbal toolkits' (Snow, 2013, p. 20) are at a disadvantage since they cannot verbally repair the damage caused by their actions, nor understand what they are being told.

Hence for restorative practice to be indeed restorative, it must prioritise both the needs of the victim and the needs of the offender above that of the school (Snow and Sanger, 2011). This considerable commitment to extra focussed time for pupils represents 'a considerable commitment in time, resources, and energy from a significant proportion of the staff' (Kaveney and Drewery, 2011, p. 11). Not only does the implementation of restorative interventions require additional time taken from the teaching day, estimated time scales for embedding a restorative culture range from 3-5 years to 5-10 years. As is the case with such interpretations of restorative terms, there is lingering fear that restorative practices are a deliberate attempt to erode teacher agency (Harford, 2018). There is complaint of feeling disempowered by an approach that signals to pupils that teachers are considered equally culpable in an incident. While fear that restorative practice is fuelling bad behaviour in schools leads to the opinion that while a restorative policy may be fine in theory, an equitable approach to discipline means 'some schools are interpreting restorative justice as merely having a conversation with a pupil about the incident, without any sanctions being applied' (Turner, 2019). For many teachers used to looking for and dispensing justice more traditionally, a practice that allows a pupil to benefit from such a hearing just seems wrong.

The reality is that for many schools a rigid, punitive behaviour system is the quickest route to a highly controlled atmosphere. The perceived 'wrongness' of restorative practice is due to a legacy of punishment, increased systems of surveillance, and zero-tolerance approaches to indiscipline that have contributed to schools becoming inexorably more risk averse (McCluskey, 2018). For overworked and underpaid teachers, a restorative approach complicates issues of behaviour management (Alvis, 2015). Examining this further, White (2016) singles out the lack of extended training around what restorative practice actually is:

> […] teachers cannot recall being asked how they would feel adopting it in their
> classrooms and what they may need in order to do so confidently. On the

contrary, teachers were provided with an RP manual, a few trainings and from
then were expected to begin driving these practices on top of their already hectic
jobs (White, 2016, p. 17).

This has led many teachers to limit their acceptance of restorative practice to high tariff
offences to the pluck-and-choose model (Sawatsky, 2009)[17] with schools viewing restorative
practice as 'just one more tool in the tool box; another strategy for schools to use when
necessary' (Kane *et al*., 2008, p. 97). Practice, in this instance, can be isolated to small pockets,
such as a behaviour unit, or of a low key, preventative approach where restorative practices
become integrated with existing behaviour management models that include traditional
punitive measures. In these cases, the decision to use a restorative approach is dependent on
the style of the teacher, their teaching philosophy and 'what works'. A continuing commitment
to the use of punitive sanctions and a concern about RA being 'too soft' means that even in
schools that welcome the use of restorative practice teachers persist in 'a strong and rooted
commitment to punishment as a proper response to wrongdoing' (McCluskey *et al.,* 2011, p.
113).

It is easy to comprehend how a culture of high stakes accountability leads to obvious forms of
power and intimidation which can easily overrun the reparative potential of restorative
practices. However, Lustick's (2017a) equating of restorative ideas on accountability with the
concept of the panopticon suggests more subtle forms of power play. Through a Foucauldian
lens, the famous prison model is used to suggest that the restorative conference is not
relinquishment of power, but a distribution of that power among all participants, the result of
which is the exertion of continuous subtle forms of surveillance. Lustick points out that in
restorative terminology, pupils are only allowed to return to the classroom once they have
entered restorative practice with those they have harmed. Therefore, it is only through
participation in the panopticon of the restorative school that re-entry can take place. For
marginalised pupils typically dominated by punitive policies, lack of agency coupled with
additional surveillance technologies means 'more opportunities to be controlled and
discriminated against, this time in the guise of democracy and social justice' (p. 306).

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17 In his study of the application of healing justice in three traditional communities, Sawatsky (2009)
describes two modes of transformation: the pluck-and-choose model and the wholesale conversion (pp.
247–248). In pluck-and-choose, I simply pick whatever is desired from a practice to suit my needs.
Notably, this avoids calls for structural change or changes of heart. In contrast, wholesale conversion
invites me to totally reject my former practice, adopting the new model in its entirety.

Transforming the mindset associated with traditional discipline is critical to attaining a restorative culture. One of challenges significant to its achievement is in re-thinking terminology surrounding the practice insofar as it carries linguistic power over the positioning of participants. I have stated before how the use of the term 'justice' has been questioned over its appropriateness, yet in the professional and academic literature, professional terms taken from the judicial system endure. Use of terms such as *statements*, *witnesses*, and *testimony*, drawn from the legal world, help to *technologise* restorative conferences in ways which make them appear consistent, rational and, crucially for schools, a legitimate approach to behaviour management.[18] The continued use of use of labels such as 'conference' or 'conferencing'- formal meetings for consultation – are peculiarly *business-like* in their intention, carrying the gravitas of that mature arena, and adding to an impression of proficiency and security. Other expressions like 'practitioner' give the impression of someone involved in a highly skilled job (the Cambridge Dictionary suggest a *medical* practitioner),[19] while a 'facilitator' points towards someone involved in a business organisation. In very many schools the phrase 'restorative practice' is reduced to the more memorable acronym, 'RP'. In contrast to the effect of using more judicial language, the use of RP removes its more corporate image, making the practice seem user-friendly, and straightforward. In a study exploring the perceptions and experiences of UK secondary school pupils towards restorative interventions, 'pupils are aware of the terminology "RPs" and know what to expect when it comes to the process' (Cooper-Johal, 2016. p. 75).[20] However, as I have explored, notions of 'restorative justice and restorative practice' encompass a very broad range of practices. Together with problems of terminology relating to 'restorativeness' (Bolitho, 2012, p. 62), critics state that teachers have very little real understanding of what counts as restorative practice.

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18 The term 'technoligization of discourse' has been used to talk about the way in which discursive practices are intentionally shifted to engineer social change (Fairclough, 1995).

19 Definition taken from the Cambridge Dictionary website [Online]. Available at: https://dictionary.cambridge.org/dictionary/english/practitioner (accessed 31/07/18).

20 Acronyms are often used as a way of making businesses, or brands, easier to remember, such as IBM (international Business machines) or BT (British Telecom). Acronyms can also be used to distance a brand from its tainted image, for example, *Le Crédit Lyonnais* was rebranded LCL following financial scandal. In most cases, the abbreviating of a company's name is done by the general population long before the rebrand takes place. Particularly, where the brand appears frequently in daily life, and most importantly in homes like KFC. This can serve to make the brand seem friendly and approachable, even part of the family (Morse, 2010). A notion that BT took advantage of with its iconic 'friends and family' campaign that first aired on UK screens in 1988.

2.2.7   Implications for Ethical Relationships

How does restorative practice counteract these claims? Despite the rise of psychological theory to explain how restorative practice works, and how effective it is, proponents agree that there is further work to be done in understanding its value for schools (Vaandering, 2011). A common answer is to increase the number of rigorous evaluations surrounding the effectiveness of restorative practice (González *et al.*, 2019; Moir and Macleod, 2018; Shaw and Wieranga, 2002). It is a tactic that makes sense since teachers appear to be asking what restorative practice looks, feels, and sounds like, in a school. This is hardly surprising: proponents state that attempting to describe the restorative experience 'is as elusive as explaining the organic, sacred process of growth that occurs within a seed when given optimum soil, water, light and warmth' (Vaandering, 2014, p. 509). While I am fully supportive that teachers should be responsible for what they do, looking for accountability and standards in such a necessarily uncertain practice tends to develop and enforce what Gavrielides (2008) describes as conceptual fault-lines. These fault-lines describe existing tensions between abolitionist or pragmatic visions of restorative justice, in other words, theoretical and practical, that result in restorative justice being described as ambiguous and inconsistent.

Shifting the idea to schools, Vaandering (2011, p. 312) discusses how a conception of fault-lines is responsible for identified inconsistency and confusion associated with restorative practice in an educative context. There are those that see restorative practice as a completely new approach to educative practice, a new paradigm that replaces all previous adversarial approaches. Equally, there is the practical approach that sees restorative practice existing in parallel with punitive codes of practice. There is disagreement about whether restorative practice is seen as a process or as an outcome. Some see restorative practice as only concerning individuals involved, others as a community approach that supports and encourages participants. Yet shifting to a restorative and relational framework that is capable of a behavioural culture change at all levels of the school community requires more than careful attention to the evaluation of individual practices. At a fundamental level, it has to be able to reconceive ideas of relationality, transformation and justice. This requires a deeper exploration than simply establishing the architecture of school-based restorative practice. Rather, it requires a move away from examining the degree to which restorative practice is *effective*, towards whether it is in fact *ethical*.

I am not alone in perceiving that there is an inherent ethical knowledge to be gained through restorative practices. From the very beginning, proponents of restorative practice have been called on to develop 'a broader conceptualisation of restorative approaches, which […] can

make a substantial contribution to thinking about conflict in schools and help to promote social justice in education' (McCluskey *et al.*, 2008b, p. 199). This is further represented in the values of restorative dialogical practices which consist in a set of core ethical principles mentioned above: connectedness, caring, value, and belief. In this respect, restorative practice reflects my earlier discussion on an ethics of teaching; that it is through language – words, actions, and attitudes – that restorative practice reflects a teacher's knowledge of both what is ethically important as a part of their professional practice, what they want their pupils to achieve related to principles of right or wrong, and how they can facilitate this learning. As I noted earlier, Character Education suffers from the idea that while children may know the right answer, they may not have any intention, desire, or capacity to develop that virtue themselves. As such there is a danger that restorative practice too 'goes through the motions' in that pupils may have command of the language but no real developing ethical capacity. In this sense, the guiding principles of restorative conversations, for example, risks being less an embedded ethical alignment, and more a type of charter mark or standards agenda to which one can apply a tick box approach. As such, questions that once revolved around what works now hint at something richer. Revolving around language (why should facilitators be wary of how language used during a restorative conference affects the process of the conference), relation (how can we make it possible for people from such opposing starting points to consider how we can be made better) and social transformation (what are those broader goals associated with producing a more civil society) they suggest that for restorative practice to connect, and make sense to teachers, the primary purpose of further enquiry must be centred not only on what kind of on-going education becomes evident in the embedding of restorative practices, but importantly, what is ethical about doing so.

My general purpose, here, in highlighting the significance of the ethical, when considering what must be important to researchers of restorative practice, is to draw attention to how context, power, and authority, affect expectations of human relationality. In the following chapters, I shall show that the dialogical, transformational, and relational aspects of being human is the bedrock of certain kinds of philosophical thinking. While researchers within the social sciences must necessarily start with philosophical questions, it is the way in which educational philosophy pursues this questions that is at once very different, and not as clear-cut - as a close look at the following quote (taken from the opening chapter of a book discussing how to implement restorative practice in schools) implies:

> Working restoratively is about ways of being and doing […] if we live together in a learning community, our behaviours and relationships must reflect a deep knowledge and understanding of what it takes to be in cooperative relationships and to work within the boundaries that provide safety for all (Thorsborne and Blood, 2013, p. 31).

There is more than a hint here of the themes present in continental philosophy. Unlike the analytic tradition, continental philosophy favours human experience over logic through language in order to answer important human questions, primarily the problem of existence. This is an understanding that it is quite hard to be a human being and that we are aware of this. This is not to look at the problem of existence theoretically 'who am I' or 'what do you mean to me', to be solved like a maths problem, but to have a first-person involvement in the matter.

That there is something profoundly philosophical about restorative practices that keeps being missed, and whether such thinking is useful to those who are interested in ideas of ethical relation and behaviour management practices, in a way that addresses the failures of implementation, guides my discussion through the remaining chapters. While the empirical literature is extensive, the underlying questions arising from such research cannot be addressed empirically. Indeed, research of this kind, of conceptual clarification, of justification, and of value, are said to be the bedrock of philosophical study in that philosophers are interested in 'basic ideas or concepts (including knowledge, understanding, truth and goodness), and how they relate to each other' (Standish, 2010, p. 7). The purpose of conducting this kind of scholarship, with these types of questions in mind, is not to construct another stratagem, or find what is effective. It is to bring to the forefront: *what matters most, and why.* This endeavour is referred to as bringing 'clarity to thought' (ibid.). This is less an answer to *what is going on now*, rather a turn towards building 'a sense of how they *ought to be*' (ibid.).

My turn to educational philosophy, [21] therefore, is not to find what works, but what is most desirable. Without this recognition, research into restorative practice becomes detached from any ethical perspective, leaving no set of value or ideals with which to critically engage with agencies who may 'seek to *use* "education" for their own material or political ends' (Biesta,

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21 Fulford and Hodgson (2016) make a distinction between research in philosophy of education, and educational philosophy. The former being research about education, and its processes, the latter conveying the ways in which educational philosophy 'is educative in itself' (p. 4).

2007, p. 21). It is this that will ultimately strengthen restorative practices, fortifying its aims within a 'democratic quality of society' (ibid.). It follows that if I am to address these concerns in a helpful way I need to attend to philosophy, and philosophical writing that does not perceive of restorative practices as exclusively redemptive but as an engagement that seeks to problematise, even disrupt entirely, what is seen as the purpose of such aims. In the next chapter, I argue that it is only through non-empirical methods of reading, writing and thinking that I can genuinely afford a rethinking of the dominant performative rhetoric and that will answer the call for a richer, more edifying iteration of an ethics of restorative relation.

Chapter 3

In Place of Methodology

3.1 What is a Philosophical 'Method'?

In the previous chapter I aimed to summarise the origins of restorative practice in schools, its distinguishing principles, and practices. In describing its rise as an alternative to traditional forms of behaviour management, or as a pedagogy, I established that in addition to its warm welcome, theorists and practitioners consider the implementation of restorative practice to be a challenging process. Recent attempts to address the tensions within restorative practice have focussed on broadening its theoretical base, reframing its purpose as contesting authoritative, hierarchical, school cultures. I believe that restorative practice, as it relies on a relationship-based, dialogic framework, is rich with educational and ethical, possibility. In this chapter I want to introduce how significant philosophical works can bring to the foreground a clearer, ethical, understanding of restorative practice – as it concerns the key restorative concepts of dialogue, self-transformation, and interpersonal relation – that will help to clarify its critique as a 'soft option' for teachers. The way in which I will begin to examine what is ethical about restorative practice invites a richer conception of language, encompassing an ethics of responsibility, and the sense of oneself as a moral agent that is present in ordinary language philosophy. Before I turn to this, I ask: how does presenting this kind of philosophical framework, to be detailed in the latter half of this chapter, allow for an ethical methodological alternative in the current culture of high-stakes accountability?

3.1.1 Problems of 'A Standard Pattern'

Thus far in this thesis, I have followed what might be considered a fairly 'standard pattern' (Standish, 2010, p.10) to the production of research by discussing the origins of restorative practice and providing a review of pertinent literature relating to its place in schools. As I have stated, I will not be going on to discuss possible research methods, nor to collect data that might expand the evidence-base of restorative practice research. While not all evidence-based research is hypothesis testing (some interpretive forms of research, such as narrative research, adopt a more inductive, non-hypothesis-testing approach), the particular modus operandi, perceived in much of the literature that I have acknowledged in the previous chapters, is an approach rooted in the epistemological tradition of empiricism (Cohen, 2018). Based on sensory experience and understood as the direct experimentation and observation of

phenomena, an empirical method would state that there must exist a particular methodological expertise that is required to analyse that data, to produce codes and transcripts with which to analyse content, and therein to draw up a particular theory for this type of discourse.

Good practice, informed by a comprehensive evidence-base, lies behind the notion of professional responsibility that constitutes the current code of conduct for teachers in England (Smeyers and Smith, 2014). Notions of measurement, evidence gathering, and accountability are also replicated in the field of educational research where a focus on 'rigorous experiments evaluating replicable programs and practice [is considered] essential to build confidence in educational research among policy makers and educators (Slavin, 2002, p. 15).[22] None of this is to deny the use of scientific, empirical literature or the use of data in educational research. This is truly needed to provide guidance over ways of working out strategies that are valuable for school communities. Moreover, schools do indeed require data to demonstrate a measure of effectiveness that satisfies the need for accountability. However, it is argued that there exists too great a focus on 'what works' (Biesta 2007) at the expense of what is moral and ethical (Pring, 2005; Carr, 2000). For instance, Jenny Ozga (2017) states that while quantifiable indicators will assume greater importance and significance, due to their straightforwardness, they are inadequate for describing real-world complexity, and give a distorted picture of children's learning. Others go further in damning the supposed straightforwardness that a performance culture brings to educational research, equating its reduction to a normative process that 'obscures differences, requiring everything to be commensurable with everything else' (Smeyers, 2013, p. 2). The point to be made here, in my attention to the classroom, is how educational practice and educational research have both become somehow performative, and in doing so, have severely limited the opportunities for practitioners to make their own judgements over what might be considered worthwhile. Failure to consider what is ethical is especially pertinent for research into restorative practice where data-driven research, to find what works, inevitably limits this to what is most effective. This idea lies behind understanding the source of confusion behind restorative practice's failures of implementation and

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22 For instance, I earlier stated that in assessing the value of embedding restorative practice, Barnet Youth Offending Services (2008) concluded that, despite the emergence of positive outcomes, more reliable measures of assessing the relevant information should be introduced in order to understand the extent to which the educational body's aims and objectives have been achieved. The report's language of criteria, and checklists of effectiveness, service and satisfaction, together with its recommendation for a more standardised measures for quantitative analysis, are indicators of how investment in education is concomitant with an investment in performance and growth.

engagement, and which is explained as 'the continuing dilemma of changing school practice' (Shaw, 2007, p. 134).

3.1.2   Problems of Ethical Knowledge

I do not wish to suggest that ethical knowledge should be left to chance, nor that it should be the sole preserve of those undergoing professional, reflective practice (Finefter-Rosenbluh, 2016). Therefore, before I outline the philosophy that will allow those engaged in restorative practice to make these kinds of judgements, I want to address the notion that there is nothing problematic about thinking of 'a philosophical method', or of the introduction of this chapter as being 'in place of methodology'. I have used both phrases to signal an already existing tension around what educational philosophy is, what philosophers of education do, and whether they can answer queries about 'method' like their counterparts in social science (Fulford and Hodgson, 2016; Ruitenberg, 2009; Standish, 2009). My discussion of empirical research is not to create a 'false dualism' (Pring, 2000, p. 247) between modes of research but to recap the main points from my first two chapters. That is to say, the performative discourses used to frame both restorative practices, and its influencing methodologies, can be taken in a very particular way, and that a philosophical method entails a broader conception of both education and educational research that is not limited to 'what teachers should *know*, to what they should be able to *do*, and potentially even how they should *be*' (Biesta, 2015, p. 3 italics authors own). In this regard, the idea of a philosophical 'method' represents a more holistically professional outlook rather than the idea captured by evidence-based approaches that restorative practice consists of 'a set of skills to be picked up "on the shop floor"' (p. 4).

A second major problem is that in framing my philosophical argument within what is ethical, I am in danger of overlaying restorative practice with an existing moral or ideal theory in a way that replicates precisely the instrumentalism that I am seeking to critique. This is because, firstly, these types of theories have been developed to affect very different levels of, and contexts for, such decision-making, and secondly, that 'top-down applications of monological ethical theories are incompatible with many human beings' moral psychology' (Levinson, 2015, p. 18). This is why I wish to suggest that while turning to philosophy may be a necessary condition of finding what is ethical in restorative practice, it still requires '*judgement* about what an educationally desirable course of action requires' (Biesta, 2015, p. 5). Levinson's description of phronetic equilibrium as reasoning that flows from contextual knowledge and pluralistic reflections on the problem, rather than references to ideal systems, is a succinct way

of describing the way in which being ethical requires situational thinking (what course of action is required for *these* students at *this* time) rather than universal, reasoning.

What kind of judgement do we need in a philosophical method? A succinct way to describe this is to consider how the philosopher, Martin Buber, can be drawn on to describe the way researchers, and teachers, can make a situated judgement about what is educationally desirable:

> I consider a tree.
>
> I can look upon it as a picture: stiff column in a shock of light, or splash of green shot with the delicate blue and silver of the background.
>
> I can perceive it as movement: flowing veins on clinging, pressing pith, suck of roots, breathing of the leaves, ceaseless commerce with earth and air – and the obscure growth itself.
>
> I can classify it as a species and study it as a type in its structure and mode of life.
>
> I can subdue its actual presence and form so sternly that I recognise it only as an expression of law – of the laws in accordance with which a constant opposition of forces is continually adjusted, or of those in accordance with which the component substances mingle and separate.
>
> I can dissipate it and perpetuate it in number, in pure numerical relation.
>
> It can, however, also come about, if I have both will and grace, that in considering the tree I become bound up in relation to it. The tree is no longer It. I have been seized by the power of exclusiveness (Buber, 2013, p. 6).

Here, Buber attempts to describe both 'experience' and 'encounter' with the tree. Through 'experience' the tree (our data), is put to some purpose, it is analysed, classified, and theorised about. Through these processes of research, and education, we capture 'the language of learning' (Biesta, 2004), popular today as a process that helps children to learn particular things in particular ways. Nevertheless, in the quotation's final lines, we are introduced to the notion that it is through encounter or 'relation' with her subject, that the old, familiar mode of purpose is disrupted. In this way, Buber articulates the vital, yet sometimes overlooked notion that the purpose of an activity does not operate solely on the acquisition of technical systems, an 'impoverished way of talking about and understanding education' (Pring, 2005, p. 205), but is actually constituted by that purpose. As I mentioned in relation to Character Education, Aristotle (1999) called this latter act *phronesis*, or, practical wisdom, defined as 'a mode of ethical reasoning in which notions of deliberation, reflection and judgement play a part' (Carr,

2000, p. 138) in order to reach the 'good' that is constitutive of a morally worthwhile form of human life' (ibid.). What emerges from the literature on ethics in teaching is how current, dominant educational discourses have greatly reduced the element of *phronesis* from the method and practice of teaching. If we think again about education's emphasis on qualification or performance, we narrow its purpose before we have even begun our engagement. In doing so, education is a teleological practice, a practice that is confirmed by its end.

My third problem is that in writing of a sense of purpose in educational research I appear to have drifted back to tensions in education. This is not entirely accidental since questions of what is needed in education have profound implications for what is needed in educational research. Let me explain this further. Regarding the '*forms* of educational action', (Biesta, 2015, p. 7), education differs from other fields in that that is always an internal relationship between means and ends. While I may judge, at the outset, the information that is required to pursue my question, the question of what we seek to achieve returns again and again. This judgement is not only what is required of ethical teaching but equally disrupts both the conduct of the research and the phase of writing it up (Fulford and Hodgson, 2016). Although both are part of the philosopher's method – I could not have written the preceding chapters without these modes – Fulford and Hodgson describe the philosopher's use of literature, and its greater depth of reading it demands, as enabling the potential to form the nature of the question (p. 146). In its place, part of the method forming the nature of philosophical research is the notion of *writing-as-research*, and *reading-as-research*; both of which have as their starting point 'an educational concern that is pursued and analysed through the very act of reading and writing philosophically about it' (p. 152). In other words, there is no division between the conduct of philosophical research and its writing up; indeed, we [philosophers] read to inform, and we write to work it out (p. 151). Unlike the researcher who identifies a philosophical tradition (such as constructivism, or positivism) and then proceeds with her method, the philosopher must 'view philosophy's place as integral to the research as she proceeds' (p. 37). The future of her research is thus, not settled, but open to flux as she moves through the points of her scholarship. In other words, philosophers of education often don't know what they think until after they have written it (Standish, 2010). Both reading and writing become the means by which the philosophic thinking is done.

Little wonder the question of method in philosophy is 'a vexed one' (Standish, 2009, p. 315), stoking anxieties over its actual and perceived relevance (Biesta, 2010). The challenge then, is to attempt to describe, as Claudia Ruitenberg (2009) avers, 'the various ways and modes in which philosophers of education think, read, write, speak and listen, that make their work

systematic, purposeful and responsive' (p. 316). What is clear, in this, is that my philosophical method must be shaped not only by the questions, or themes, guiding the research but ongoing engagement with the literature, call it a dialogue, as it proceeds to evolve. The idea of dialogue is an important one, drawing attention to a further dimension of educational philosophy that is less tangible, and not limited to the production of text. This is the suggestion that 'the academic article is not only a contribution to knowledge but to a public conversation' (Fulford and Hodgson, 2016, p. 162). Encompassed within this idea is the ancient understanding of philosophy 'as a matter for dialogue or conversation' (Smith, 2009, p. 438). It is through the manner of continuing conversation that the protagonists of the dialogues of Plato (or the Socratic dialogues, as they are also known) try to find out more about moral issues. This is not with the eventual aim of solving the problem; Smith (2009) cautions us against the expectation of a 'record of philosophical achievement' (p. 438). Rather, dialogue itself is to be regarded as an enterprise that is 'generally educative [and] educative for the particular quasi-embodied people involved' (ibid.). For Socrates 'as he appears in Plato's dialogues, the process of discussion is essential for preparing human beings to lead a moral life' (Rembert, 1995, p. 97). In considering Smith's (2009) written, classroom-based dialogues, or, what is shown by the self-reflecting dialogue that philosophers engage in when asked to think about how they *do* philosophy,[23] further emphasis is given to the impression that 'there is no readily discernible 'method' [for educational philosophy]: it goes where it goes' (p. 438).

But what is it that philosophers do? If I am not conducting experiments, interviewing participants or handing out questionnaires, then where does my 'data' come from? To answer this, I need to think carefully about what counts as reading, and what counts as writing. Critical of the usual standard approaches that treat reading as solely effective, efficient, and selective (I am thinking here about the 'reading for speed' course that I took early in my research) and, writing as merely concluding, reporting, or writing-up, my philosophical 'data' consists in literature and relevant artistic works such as art, film and music. This thesis, therefore, makes use of these different types of textual pieces. As for what sorts of texts might be taken as suitable for determining the size and shape of my response to the questions posed by restorative practice, then I must follow the maxim that 'a measure of the quality of a new text is the quality of the texts it arouses' (Cavell, 1979b, p. 5). Therefore, let me return to my

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23 Fulford and Hodgson asked contributors to their book to analyse their practices of reading, and writing philosophy, to conceive of a 'method'.

identified key themes, and the kinds of philosophical works that have the potential to re-think what is understood as restorative practice.

3.2 My Philosophical Method

3.2.1 Dialogue

As discussed in the previous chapter, the compelling presence of critical thinking about voice in restorative practice, as it pertains to issues of power and coercion, indicates a strong understanding of the need to take account of the problem raised by language. As a concern with voice and language is central to failures associated with implementation, it is central to this thesis. Briefly, pupil voice, defined as 'every way in which pupils are allowed or encouraged to voice their views or preferences' (Cheminais, 2008, p. 6), is rooted in the development of Article 12 and 13 of the United Nations Convention on the Rights of the Child (United Nations, 1989), who provided the initial justification that taking notice of pupil voice was fundamental to anyone working with young people and children. The act of listening to the views of pupils, with the aim of their becoming co-participants with adults in transforming the school, and its community, has led to the identification of three categories of pupil voice activities. These are those systems that allow pupils to articulate their views (school council), those activities that encourage pupils to show leadership (leading a learning walk), and those that offer peer support (circle time, buddying and mentoring).

Nevertheless, pupil voice has suffered from accusations of 'manipulation, decoration and tokenism' (Whitty and Wisby, 2007, p. 306). Driven by a quasi-consumerist environment, the coalescence of pupil voice, with satisfaction, has driven criticism of pupil voice as less a conversation around student experience and more a tick box approach to measurement (Hall, 2017). Outside of behaviour initiatives, schools too have often found that pupil voice can be often misappropriated or misaligned. Researchers sometimes find little evidence that these acts of pupil participation or evaluation lead to any significant changes in the teaching practices of educators, particularly when they work against traditional teacher-pupil relations or where they do not fit within the dictates of school improvement (Keddie, 2015). The emphasis on giving voice to pupils, which then becomes tokenistic, is a common accusation levelled at schools (Standish, 2004; Hatton, 2014; Blair and Valdez, 2014). And while opportunities for hearing pupil voice have increased in volume, so has concern that what pupils have to say about teaching and learning may be feared as personally challenging or as threatening to the institution (Fielding, 2006).

The centrality of dialogue in restorative practice, as well as the concerns that characterise matters of voice, encompassing both its use of specific vocabulary, formal and informal structures, means that an attention to language and the ethical importance of doing so permeates this thesis. I begin in Chapter 4 by exploring the phenomena of scripted restorative practices. I do so by offering a critique of practitioners' use of scripts, a resource that is used to facilitate the restorative conferences ensuring its smooth running and commitment to restorative thinking. The pertinence of this has led me to bring the work of the American philosopher Stanley Cavell and his inheritance of the work of John Langshaw Austen (1975), turning to Cavell's critique of Austin's theory of the performative utterance to draw attention to what happens when language is so heavily systemised that it becomes a performance.

Ordinary language philosophy provides me with a way to understand how an understanding of how we use language highlights restorative practice's 'non-ordinary' or 'ideal' use of language. Cavell's engagement with ordinary language philosophy sees traditional philosophical problems as rooted in misunderstandings philosophers develop by distorting or forgetting what words actually mean in everyday use. In this, language is professed to go on holiday (Wittgenstein, 2009). A set of circumstances that leads to 'a state of inexpressibility, of words not matching our needs' (Cavell, 2005a, p. 220). Feeling that this was problematic, 'what we ordinarily say and mean may have a direct and deep control over what we can philosophically say and mean' (Cavell, 2002), Cavell's first philosophical works were an attempt to make central again language's 'apparent vagueness, imprecision [and] superstition' (Cavell, 2005a, p. 8). This involves returning words from their metaphysical to their ordinary use and a proper appreciation of the things we do with language. Ordinary language philosophy's careful attention to human expression shows us how language can be seen 'as an ancient city' (Wittgenstein, 2009, §18); multiform and sprawling, the functioning of words is not static, but varied and dynamic. The ordinary is not merely a subset of *what* we say and do, it *is* what we say and do. Cavell's attention is towards reclaiming the use of everyday language that resists carefully set out definitions but reflects our basic human self. Drawing on Cavell's (2005a) writing on performative and passionate utterance, I argue that it is only through making room for negative emotion, or silence, that we can see an opening up of the possibilities present in restorative practice

In associating Cavell with the term 'education', it must be said that Cavell does not directly address the problems of the education system or schooling, nor generates 'anything like an "educational theory" (Saito and Standish, 2012, p. 2). Nevertheless, Cavell's consideration of ordinary language philosophy, consisting in '*what it is to teach and learn*' (p. 3), is primarily

concerned with interest in one's experience expressed as a willingness to find words for it. In this regard, Cavell's 'educative' work is to bring a broader sense of what is restorative to school-based restorative practice that moves it away from a prescribed list of standards and towards a deeper sense of what is ethical about doing so. The centrality of language is not only evidenced by the prominence of ordinary language philosophy, but the method with which it is interrogated. While the scenes of restorative dialogue used to frame each chapter are fictions,[24] each scenario describes a stage of the restorative conference that not only introduces the chapter, it sustains its argument by providing a problematising for how structured dialogue, between two parties makes it possible for those from opposing starting points to consider the means by which conflict can be resolved. Cavell's thoughts on scepticism and Shakespeare's *King Lear* (Halio, 2005), as well as the importance of improvisation, manifest an ethical concern with the ordinary that highlights how finding the right words for oneself is more than simply a matter of taking those of another.

3.2.2   Self-transformation

Literature in school-based restorative practice often remarks on transformation as it pertains to whole school cultures. Nevertheless, it cannot be overstated that restorative practice is for most teachers a way of bringing about real changes to disruptive pupil behaviour. For this reason, in Chapter 5, I explore the significance of telling one's story, one of the hallmarks of restorative practice's ability to allow pupils to reflect on their behaviour, to empathise and to take responsibility for their actions. Our own story is said to be part of our holistic life narrative, one that changes with time and experience. My argument explores the requirements that are needed for story to effectively address the past, and that when told and listened to, become acts self-transformation. From an ethical perspective there appears to be little amiss with this reasoning. However, as the previous chapter explains, a rounded, ethical, examination of what is meant by freedom in voice means more than conforming to accepted practices, but of disrupting thinking that surrounds them.

To lay this foundation, I want to present a somewhat different, disruptive idea of what it means to tell one's story. This is one that leans away from therapeutic conceptions of what story achieves – towards reframing story as a destabilising, somewhat alien encounter with one's self. The 'method' by which this is realised disrupts accepted thinking around what

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24 While imaginary, the script for the scenario is based on a number of sources consisting in real published exemplar scripts for schools (Thorsborne and Vinegrad, 2008), filmed examples of restorative practice (Childs Hill School and Restorative Approaches, 2011), and my own experience.

philosophical writing looks like, drawing on Cavell's notion of 'philosophy as autobiography' (Saito, 2009). This different account to writing about oneself opposes 'the performativity of disclosing one's self […] where 'language is trapped in the narrow and fixed framework of the narrator' (p. 254), trying instead to connect an idea of the self with something that is genuinely therapeutic. Continuing with the 'story' of the restorative conference, I want to show how this task requires a finding one's language in which one undergoes a rebirth, or reconceptualisation of the self.

As a potential illumination, Chapter 5 discusses Cavell's (2010) autobiography, showing how the recovery of his voice in philosophy is tantamount to the recovery of his story. I explore how Cavell's story, his lived experience, becomes a path to a philosophical identity. Drawing on Henry David Thoreau's *Walden Pond* (2004) and the essays of Ralph Waldo Emerson (2003), both help me to understand the connection between notions of lived experience, and self-transformation through what Cavell often refers to as 'Emersonian moral perfectionism' (Cavell, 1990). This is not a version of the often repeated trope of the modern age, known as finding yourself, or a moral theory that encompasses 'some pre-existing gold standard of correctness' (Rudrum, 2013, p. 65), but a way of being that argues against contemporary moral philosophy's presentation of a rigorous programmatic ethics, preferring instead to show the ways and means in which we are drawn to moral acts. It embodies a continual striving that we must take responsibility for 'even if we know we are never to arrive there' (ibid.).

I also consider what it means to not only tell one's story but to see and hear it played out. As a further 'methodological tool', I turn to Cavell's defining of 'a genre of film, taking the claim to mean, most generally, that they recount interacting versions of a story, a story or myth, that seems to present itself as a woman's search for a story, or of the right to tell her story' (Cavell, 1996, p. 3). Critical appreciation of film has been put forward as a compelling argument for a method of study which will aid the process of moral growth (Collier, 1964).[25] Like critical reading, critical film-viewing is a way of analysing components of a text, and the choices made

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25 For example, by showing students documentaries on the use of atomic weapons against Japan at the end of World War II, or the role of the United States in Vietnam, educators hope to engage students in deliberative activities that will encourage them to adopt certain moral, or political stances (Stoddard, 2009). The teaching of these controversial events is anticipated to further learners' ability to elicit social awareness, and change. Film has also been used as an illustrative tool with which to represent moral theory. Using the example of the 'two boats' scene from Christopher Nolan's Batman film *The Dark Knight* (2008), Alexis Gibbs (2017) explains how short clips like these can be used with students to illustrate Kantian or Benthamite dilemmas.

during its creation, that allow learners to become 'habitually inquisitive, well informed, trustful of reason, open-minded, flexible, fair-minded in evaluation, honest in facing personal biases, [and] prudent in making judgments' (Facione, 2011). This approach, while useful for its teaching of moral theory, is not the approach I have taken here. The notion of *film as philosophy* not only sees film as a source of philosophical knowledge, but also as a way of doing philosophy (Smuts, 2009). *The World Viewed* (Cavell, 1979a), Cavell's first major work on film, distinguishes the movie from other art forms as important for its ability to exist in a state in which 'its highest and its most ordinary instances attract the same audience' (p. 5). In other words, film has a democratising appeal unlike no other medium; anyone can watch a popular Hollywood film, and as a result participate in conversation about what they have just experienced. Cavell calls this feat a 'rise to the occasion of recognition' (p. 5), stating that conversation arising from the inspirational impact of film, rather than in its more traditional context of moral theorising, is truly educational. As Sinnerbrink (2014) states:

> The way movies express thought, at once evanescent and enduring, presents a singular challenge to philosophy, which has been traditionally bound to (static) abstraction and (context-insensitive) generalisation. Indeed, the encounter between film and philosophy opens up a space of mutual interaction or dialogue between images and concepts that might enable us to explore different ways of thinking or indeed different ways of doing philosophy (Sinnerbrink, 2014, p. 51).

In highlighting this, it might also be said that the democratising appeal of film stops what Cavell refers to as philosophy's 'arrogation of voice', that is its want to speak for others. Saito (2004) states that only a reader's interrogation of the text, amounting to an attunement between the three – author, reader, and text – can achieve the required neutrality to counteract this fated tendency. The use of film can be considered both a method and the epitomisation of this ethical concern. The films that I draw on, both in Chapters 5 and 6, show us that perfectionism is born from crisis. Tying this to a sense of disruption, and alienation – of becoming an outsider to oneself – the sense of the ethical that is evoked here offers a broader conception of transformation that surpasses the confines of the restorative conference.

3.2.3   Ethical Relationships

Given the amount of positive literature heralding the adaptation of a relational school culture, proponents have not let go of the questioning around to what extent these practices are harmful, even unethical (Drewery, 2016). This is not simply a reference to the often-recognised problematics in school-based restorative practice; the asymmetrical relationships in power, or

the absorption of the intentions of restorative practices into a punishment-oriented culture. It is instead a specific appeal to explain the moral duties behind how a restorative conversation has the potential to bring pupils, who were previously not in any kind of relation unless perhaps opposing positions, into respectful relationship. In this, a concern with relationships and ethical relationships is integral. As I will point out in Chapters 4 and 5, ethical relation is implicit in language. How we can express ourselves is important not only in how we ordinarily use words, but the degree to which we experience the world in the same way as another. Cavell calls this act of doubt, fraudulence, or the problem of scepticism (Cavell, 1979b). Unlike other philosophical traditions, Cavell aims not to solve the problem of scepticism, of whether I can know your mind, but to discover it; to make what is ordinary, uncanny.

Continuing the argument made in Chapter 4, that the quality of what we ordinarily say and mean is indicative of our humanity, Chapter 6 moves to exploring the problem of other minds through further presentations of acknowledgement and exposure. By mapping this set of thoughts onto restorative practice's determination to reduce participant to 'known' quantities, I explore how this repression puts our self-possession at stake. The philosophy of Martin Buber (2014; 2013) and Gabriel Marcel (2010; 2002; 2001), whose writing on responsibility, relation and ethical dialogue provides a further means of understanding the distance between restorative approaches and more common, punitive ones, provides a kind of map, or touchstone, for the inherent uncertainties of encounter. Indeed, Buber's recognition of 'the significance of the dialogical principle in the sphere of education' (Buber, 2014, p. vii) acknowledges that the purpose of dialogue is to educate, and the purpose of education is to bring people into conversation.

Finally, visions of conversation, of ethical relation, and of coming together (again) and community lead me to Cavell's second book on film, *Pursuits of* Happiness (1981). Consisting in seven genre-defining films they are taken to define what Cavell terms the 'comedies of remarriage'. Built on the inheritance of Shakespearean comedy, these films focus on the relationship of a somewhat older couple following a rupture, or crisis, in their relationship. Cavell's self-identified conventions of the genre – a shared history, easy conversation, renewed desire in joint interests, relocation to a rural idyll – is married to a reading of how this couple are gradually made to reveal themselves to each other and themselves. In doing so, this aspect of coming together through conversation (the etymology of which is to break asunder) allows me to foreground what is the core of one's personal ethical journey: a dialogical process that shines a light on language itself as 'something inherent in meaning, and, hence, in the meaningfulness and sense that can be given, to a human life or to the world (Standish and

Saito, 2017, p. 3). In Cavellian understanding, the way in which restorative practice offers participants the chance take part in these kinds of conversations is paramount for the intelligibility of the self to others and may be read as 'the communal or even political dimension of the perfectionist outlook' (Mahon, 2015, p. 632). I will argue that it is the restorative conference's provocation to perfectionism, rather than a return to a previous settled state, that establishes what is needed for genuine ethical relation.

3.3 Statement of Originality

In the fifteen years since restorative practices began to have a strong presence in educational thinking in the United Kingdom, most of the contribution made by research has focussed on gathering and evaluating evidence that supports best practice guides for implementing restorative justice practices in schools. Where research has been more theoretical in its approach, acknowledging problems raised by critiques, advice offered is grounded in reframing strategic thinking amid models of innovation. While the literature is comprehensive, seemingly providing a full description of what it is to be restorative, including a multitude of definitions, there is a deep-seated tension, some missing gap, that presents itself as a concern with ethical practice and ethical relation.

The originality of my research into restorative practice lies in locating the source of its anxieties away from current cultural and instructional work, explaining it as a deep, philosophical mistrust with what we do with language. I argue that this mistrust is partly due to the ways in which schools have become very pressurised places in recent years but that a richer appreciation of the work of ordinary language philosophy, while challenging, will provide a deeper basis for exploring the implications of a restorative practice framework beyond domains of behaviour management and school culture. Through a rigorous exploration of the concepts and ideas thrown up by a selection of philosophical works of interest, I will demonstrate how paying attention to how and when language is instrumentalised, as illustrated by the work of philosophers who have written about language and relationships, can offer a new perspective on restorative practice that addresses the concerns of the empirical literature.

I maintain that how we use language cannot be understood as the accumulation of a specific lexicology. It instead constitutes work on the self that is transformative for both the subject and her society. By re-connecting the individual with her community, and by imbuing her dialogue with the tone of philosophy and, in the words of Cavell, the right for her to take that

tone, we can resist the notion of a functional aspect of restorative language. If, as understood, ordinary language philosophy is committed to the (on-going) recovery of voice from suppression or denial, then this signals a much greater ethical significance for restorative practice than has been previously acknowledged.

PART II

Re-thinking the Restorative

Chapter 4

Dialogue or Discipline: Exploring Scripted Restorative Practices

4.1 Scenario

<div align="center">CHARACTERS</div>

MS SHAH, learning mentor at Highfield Primary School.
NAZREEN, a year 6 pupil.
NICKY, another year 6 pupil.

<div align="center">SCENE ONE</div>

<div align="center">"Preparation"</div>

A classroom inside the school. In the middle there is a small circle of chairs with more pushed up against the wall. At one end there is a squashy sofa with brightly coloured cushions and a box of toys and books. A sign on the wall states: 'Welcome to the speaking and listening room'. Other educational posters are on display. Despite this, the general effect is quiet and calming. A bank of windows shows a corridor with doors leading to other rooms. Ms Shah, Nazreen and Nicky are sitting on the chairs. It is lunchtime. Ms Shah takes a folder out of a cupboard. Opening the folder, she puts it on the table in front of her and reads from the top.

<div align="center">MS SHAH</div>

<div align="center">(cheerfully)</div>

Welcome everyone. As you know, my name is Ms Shah, and I am going to be your facilitator today for the restorative conference. Thank you for making an effort to attend. I know that you are missing out on your lunchtime/breaktime/assembly/other activity. This is a difficult and sensitive, and your participation here will help us deal with it. I met with each of you alone and you agreed that you

were willing to look for a way to solve the problem. Is that right?

NAZREEN

Yes.

NICKY

Yeah…

MS SHAH

Okay. This is the way that conflict is handled in a restorative conference and how I can help you as the facilitator.
(Points to a display on the wall)
Option 1 – someone tells the other person what to do; option 2 – you let your teacher decide what to do; option 3 – you decide yourselves what should be done. You have decided on option 4 – that means I will lead the process and help you both to solve the problem in a way that makes you both happy. The conference will focus on why you girls (got into trouble) on (Wednesday) (during your Maths lesson) and involving (Nicky), and you, (Nazreen). We are not here to decide if anyone is right or wrong but what you should do. We want to explore how people have been affected and see whether we can begin to repair the harm that has been done. If at any stage of this conference you no longer wish to participate, you are free to leave, but if you choose to do so, the matter will be dealt with differently by the school. Do you have any questions? No? First, it is important that we lay down some ground rules that will allow the process to work.
This is called our Respect Agreement.
(Reads from the poster)
Allow the facilitator to lead the meeting; Tell me if you don't think this feels fair; No name calling; No interrupting; Be honest; Be willing to summarise. Do you have any questions?

NAZREEN

What's summarise?

NICKY
It's where you say what the other person has said.

MS SHAH
Thank you, Nazreen. Now, can we agree to this?

NAZREEN
(mutters quietly)
I don't know.

MS SHAH
What was that?

NAZREEN
Nothing. It doesn't matter.

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4.2   The Scripted Model of Restorative Conferencing

To recap, a school-based restorative conference is defined as 'a facilitated meeting, with parties in conflict, which seeks to encourage the perpetrator(s) to accept responsibility and find ways to repair the harm caused' (Bitel, 2005, p. 70). Proponents state that conferences provide a better, more long-lasting commitment of the time necessary to respond to violations against people and to reintegrate the wrongdoer back into her community (Claassen and Claassen, 2015). As opposed to punitive approaches, where pupils are made to behave well out of fear of punishment, conferencing is praised for its ability to create a space for pupils that, regardless of the final agreement, is vital to the notion of achieving reparation to relation (Aertsen and Peters, 1998). Above all, its primary evaluations show that developing the conferencing model changes thinking from ideas of managing behaviour to managing relationships (Thorsborne and Vinegrad, 2008). In doing so, restorative conferences 'capture the basic philosophy of restorative practice' (p. 10).

In schools, conferencing highlights those aspects of the school system that have contributed to the wrongdoing. Burssens and Vettenberg's (2006) research found that, of the eleven conferences they observed in Flemish schools, there were unanimous claims that 'all the

restorative group conferences eased or even eliminated tensions within a class or school and normalised the school situation' (p. 12). For example, there may be a long running history of conflict between pupils from the same community that has an adverse effect on creating a safe school culture. To counteract this, conferencing addresses these dynamics through opening up long standing negative feeling. As a result, pupils' psychological and emotional mental states are repaired, and feelings of security and self-assurance are restored (Westrup, 2015; Shaw & Wierenga, 2002).

According to the *International Institute for Restorative Practices* (IIRP, 2010), conferencing that follows the scripted model is highly recommended.[26] During the conference, Mrs Shah will observe four key sequential stages: introduction, story, acknowledgment, and agreement. A detailed script gives structured sentences with blanked out lines for inserting the participants' names, for example. It also includes questions specific to the wrongdoer, and questions that are specific to victims. Questions such as *'what were you thinking at the time?'* and *'how do you feel about what happened?'* scheduled at the right moment allows the participant to reflect on the array of emotions experienced from the conflict, prompting her to reveal information about self-concepts and relationships with others that encourage remorse, and/or healing (Claassen and Claassen, 2015). By encouraging, and indeed relying on scaffolded dialogue, pupils can deal firsthand with solving their own issues, reducing the alienation and disengagement that a punitive response may incur (Umbreit *et al*., 2007). Proponents argue that the active participation required of conferencing strategically teaches alternative behaviours and side-steps the performance of penalties that might otherwise do little to improve pupils' social skills (Drewery, 2004).

Model scripts have long been a part of student disciplinary panels in other educational contexts (Karp, 2009). These sorts of scripted practices are recommended where colleges or universities wish to institute arbitration prior to reaching a more formal conclusion. There is much that is reasonable in developing a systematic and technical language with which to transfer the principles of restorative practice and with which to make it sound appealing to a variety of audiences. The use of language in these types of model scripts is very important for establishing a tone of authority, raising awareness and expectation (Cooper-Johal, 2016). In the opening scenario, these characteristics are implied using phrases such as: 'the person

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26 The Australian model of conferencing makes use of a script. The New Zealand model runs a somewhat different course and makes no use of a script. In the UK, much of the current guidance for schools encourages the use of scripted processes (see for example, Restorative Justice Council (2015), and Restorative Justice 4 Schools (2015).

responsible for', 'harmed party', 'a focus on the incident', and 'any further questions before we proceed'. Scripts of this sort do not only give detailed guidance on structure and organisation but also set conditions on the overall tone, style, language, and restorative terminology. This is done partly in order 'to create a secure framework' (Burssens and Vettenburg, 2006), but also to ensure that there are 'no surprises' (Thorsborne and Vinegrad, 2008, p. 17) that will adversely affect emotional dynamics. Umbreit *et al.*, (2007) use the metaphor of an onion to provide a useful way for thinking about how boundaried dialogue has its place within restorative conferencing. They state that just as 'the skin of an onion protects its interior [and] makes possible the growth within' (p. 30), so too scripts ensure the safety of the environment and respectful interaction.

Scripts, therefore, allow professionals to behave in a manner that maintains responsibility while allowing the young person a voice in what happens. Its emphasis on equitable dialogue and a democratic approach is stated to generate greater social support in facilitating the highly nuanced level of oral language competence that is required from young people (Riley and Hayes 2017; Hayes and Snow, 2013). In my opening scenario, pupils are used to the idea of a 'conference script' that confers the facilitator's well-meaning intentions, and the use and simplification of its principles but, as yet, there is little evidence of democracy, pupil voice, or active participation. What is going on?

I want to begin by examining the use of specific language that is designed to direct participants towards producing certain aspirations and attitudes. Westrup (2015) argues that scripted conferencing's focus on direction and linearity imparts a feeling of pupils' stories as smooth and well-practiced, as if '[knowing] what the outcome will be in advance' (p. 133). Restorative practice is grounded in the ability to engage in dialogue and for many obvious reasons some children will find this difficult. Children may have delays in receptive language (understanding of language) or expressive language (use of language). They may have a speech disorder, they may stammer or stutter, or they may be learning English as an additional language. Careful dialogical scaffolding, of the kind where a child learns from her parent how to communicate with others takes many years and extends well into adulthood (Macready, 2009). The nature of conferencing in schools, together with the lack of resources with which to find it, rules out such amounts of time thus making scripts a skill-building short-cut to establishing interrelation. I wish in particular to draw attention to the following:

1) That order of speech is one of the critical factors in determining positive outcomes;

2) That deviation from the script is to let the process go 'awry' and therefore to risk a loss of control of proceedings;

3) That the script and the preparation entailed in presenting helps facilitators in managing strong emotions from participants such as extreme anger. This will interfere with the reconnection and healing that needs to happen (Thorsborne and Vinegrad, 2008, pp. 26–34).

I will return to develop each of these points in due course. However, let me state that my aim here, in making a connection between aspects of restorative practice in its more heavily scripted forms, is to draw attention to what happens when language is so heavily systemised. Technologising language in this way risks losing the personal relationship that is characteristic of two people in real dialogue (Buber, 2013). One that requires a responsibility from its actors to engage with its precepts on an emotional level. In this circumstance, those taking part in the restorative conference would receive a sanitised version of engagement that lacks the basis with which we can really know one another, this being our emotions or feelings. Thus, the ability to know what really happened between victim and offender is dependent on that deeper, emotional level of knowing, and not merely through the doing of restorative justice. Consequently, restorative conferences are accused of taking place in a second language environment where expressions of wrongdoing and remorse, though sincere, are, at best, misinterpreted (Westrup, 2015), and worst, ethically harmful (Snow and Sanger, 2011).

Since schools often evaluate the successful impact of restorative conferencing with a reduction in wrongdoing, there is a great pressure to ensure that conferences must resolve the conflict. This pressure has been referred to as a 'restorative stick' (McCluskey *et al.*, 2008b, p. 203), a practical counterargument to the notion that implementing restorative conferences, either to prevent exclusions or to reintegrate pupils, is a time-consuming process that is affected by several variables, and which when compared to punitive approaches can look 'soft'. By default, scripted conferences have an in-built outcome by asking the following three questions: What happened? Who has been affected by your actions? What do we need to do to move forward? Critics are very clear on the notion that rather than providing a new values-based paradigm, the management of pupils functions as a hindrance to restorative philosophies (Karp, 2009) through its invisible preservation of state power (Zermova, 2006; Bolitho, 2011). Additionally, while its impact on changing behaviour may be limited (Standing *et al.*, 2012), what extra

ethical harm could the effect of reducing relation-building to the level of a skill-building exercise, through establishing a framework for speaking and listening, have on pupils such as Nicky and Nazreen?

I want to take this further, suggesting that the consequences of corporatising educational language, the de-personalisation to lived experience that doing so brings about, alongside facilitators' use of scripts, threatens to undermine some of the very tenets of restorative practice's 'philosophy'. To do so, I turn to J.L Austin's theory of performative utterance taken from *How to Do Things with Words* (1975), a compilation of his 1955 William James Lecture delivered at Harvard University, and published posthumously in 1962. Austin's work took on the challenge of examining a theme central to ordinary language philosophy: how what we say and mean may have a direct and deep control over what we philosophically say and mean. My aim, in making a connection between Austin, and later in this chapter, Cavell's critique of Austin's theory (Cavell, 2005a), is to draw attention to what happens when language is so heavily systemised that it becomes a performance. A subsequent section of this chapter orients the reader to Cavell and passionate utterance as it applies to ideas of risk, and freedom in speech. I close by discussing how scripted practices can be a misguided reproduction of relational inequalities present in traditional punitive forms of behaviour management.

4.3   Austin's Theory of Performative Utterances

I begin with a necessary account of Austin's reflection on a positivist philosophical claim, that language exists to describe, or 'constate', something. These utterances that Austin calls constatives convey a statement about the world that can be said to say something about that world and are always verifiable. A constative utterance may be: 'Nicky and Nazreen have fallen out' if there are clear criteria for 'falling out', and Nicky and Nazreen can meet them. Failed constatives, on the other hand, are those that are false, unclear, or where the referent does not exist.

Austin insists that this view of language, as predominantly a tool of constative assertion, is a mistake. In making this proposition, he draws our attention to a problem when thinking about a set of utterances that are not constatives, nor nonsense statements. Firstly, they do not describe or report something, and neither are they considered true or false. Secondly, the uttering of the sentence 'is a part of, the doing or performance of an action, which again would not *normally* be described as saying something' (Austin, 1975, p. 5). Below are some of Austin's examples:

(E. a) 'I do (sc. take this woman to be my lawful wedded wife)' - as uttered in the course of the marriage ceremony.

(E. b) 'I name this ship the Queen Elizabeth' - as uttered when smashing the bottle against the stem.

(E. c) 'I give and bequeath my watch to my brother' as occurring in a will.

(E. d) 'I bet you sixpence it will rain tomorrow.' (Austin 1975, p. 5).

Austin's attention to what would not 'normally be described' in this category of statements is key. In a variety of cognate ways and constructions, they illustrate that in Austin's view, constatives do more than merely say something, they 'do something' (p. 12). For instance, in the above example 'I do take this woman to be my lawful wedded wife', I am not merely *reporting* on a marriage, I am *doing* something. In such examples, participants are *actually* marrying, or naming, giving, or betting. These actions, or performances, occur by saying certain words, not by performing another outward action 'of which these words are merely the outward and audible sign' (p. 13).

Characterised by the use of 'humdrum verbs in the first person singular present indicative active', this category of constatives is named by Austin as 'performateries or performatives' (p. 12), a term derived from 'perform' – 'the usual verb with the noun "action"' (p. 6). Other examples include appointing someone to a position, inviting, offering, promising, warning, threatening, apologising, thanking, protesting or congratulating. Nevertheless, for performatives to work, it is not simply a case of uttering the words: 'I marry', or 'I bet'. As Austin points out, someone might do that and it might not be agreed that in fact there had been a marriage, or a bet. Austin asserts that that as well as the uttering of the performative, in order for the action to be successfully carried off, 'a good many other things have as a general rule to be right and to go right' (p. 14). In observing the appropriate circumstances that might ensure the successful functioning of a performative in speech, Austin devises a set of circumstances that are *happy* or *felicitous* and to which the performative must adhere if they are 'to be right and to go right' (p. 14). This set of circumstances are commonly known as his 'felicity conditions'. Austin's felicity conditions are contained in Figure 2:

(A1) There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and further.

(A2) The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.

(B1) The procedure must be executed by all participants both correctly and

(B2) completely.

(T1) Where, as often, the procedure is designed for use by persons having certain thoughts or feelings, or for the inauguration of certain consequential conduct on the part of any participant, then a person participating in and so invoking the procedure must in fact have those thoughts or feelings, and the participants must intend so to conduct themselves, and further

(T2) must actually so conduct themselves subsequently (Austin, 1975, pp. 14–15).

Figure 2 Austin's felicity conditions

4.3.1   The Felicitous Conference

Before I proceed with my argument it is important to note that felicity conditions are not a prescription for setting out a specific requirement for a performative to take place; it is more that Austin observes ordinary language and tries to give an account of, or to describe, what is going on. I will expand on this point later. However, for the moment let me draw a connection between Austin's felicity conditions and the scripted model of restorative conferencing. I argue that performance of the script, and the specific order of sentences within that script, is part of its felicity – the doing the restorative conference. To illustrate this, Figure 3 contains examples of the types of restorative questions asked of wrongdoers. Figure 4 contains questions for victims:

What happened?

What were you thinking about at the time?

What have you thought about since the incident?

Who do you think has been affected by your actions?

How have they been affected? (Wachtel, 2013, p. 7).

Figure 3 Questions for wrongdoers

> What was your reaction at the time of the incident?
>
> How do you feel about what happened?
>
> What has been the hardest thing for you?
>
> How did your family and friends react when they heard about the incident (Wachtel, p. 2013, p. 7)?

Figure 4 Questions for victims

As Austin's felicity conditions depend on their order, so it is with the language and questions in the restorative conference. If facilitators follow the script correctly, and without deviation, victims should be in possession of the 'correct' answers. Just as it would be inconceivable to Austin to consider his felicity conditions complete without speakers '[conducting] themselves subsequently' (p. 15), so the conference participants must do so similarly. This is very important in one of the crucial moments of the restorative conference, the acknowledgment and apology phase, as shown in Figure 5:

> Now that you've heard from everybody about how they've been affected by what you've done, is there anything you want to say to … (the victim), or anyone else here?
>
> Do you accept their apology? What else needs to be done (Thorsborne and Vinegrad, 2009, p. 29)?

Figure 5 How to prompt an apology

Including an apology within the script indicates to observers that offenders have begun to acknowledge harm and show remorse. If the script has been adhered to, authors say 'most victims will be satisfied with acknowledgement and apology and less concerned with material reparation' (Thorsborne and Vinegrad 2008, p. 26).

Scripts, with their inherent ideas of role-playing, bring to mind the notion of performance, and the successful functioning of performatives in speech, the implication of which is particularly pertinent if we consider the notion of the script as key to performance. In illustration of this, I refer to Amanda Fulford's (2009) critique on the extensive use of scaffolding devices, such as writing frames, in relation to another educational issue: that of academic writing. Fulford makes the argument that the writing frame is responsible for diminished critical thinking. Below is an extract from the article that outlines her theme:

> And here is the very root of the problem for the writing frame: that it determines the content of a student's writing, not enabling the expression of her sense of what is important, her ideas, but rather of another's. What needs to be noticed here is that it is not prescribed formal structure that it itself the problem. Precise formal structure, such as the poetic forms of the sonnet or the haiku, can be the very medium for an intensification and release of thought. What is most problematic about the writing frame, by contrast, is not so much that it establishes structure, but that it channels content in particular ways that limit the possibilities that […] education should open up (Fulford, 2009, p. 226).

Fulford's intent is to show how sustained use of writing frames controls the writer. By forcing her thoughts, and observations, through a narrow linguistic, and cognitive, path, the writing frame allows for a kind of performance in writing. Ostensibly this enactment ensures a felicitous outcome for the writer. By adhering to the frame's direction, the writer is guaranteed to reproduce the appropriate academic convention necessary to achieve the grades/marks that represent a successful outcome. However, Fulford is in no doubt that this act of creating a voice can itself lead to a kind of *voiceless-ness*. By controlling, directing, and limiting her thoughts, the writing frame leads to a de-based form of voice that manifests as a denial of the self, and the possibilities of self-creation, through the suppression of the individual's desire to speak for themselves.

I will say more about this further on, for as I have not provided the groundwork just yet. For now, let me state that while it is interesting to link Austin's felicity conditions to the direction that facilitators 'stick to the script', this notion is ultimately redundant. Rather than prescriptions for setting out a specific condition for performatives to take place, felicity conditions must be regarded as observations. This is because Austin's distinction between constatives and performatives, on which the felicity conditions depend, is later collapsed from Austin's own acknowledgment that it is not always easy to distinguish performative utterances from constatives. Austin states there are 'many senses in which to say something is to do something, or in saying something we do something and even by saying something we do something' (Austin, 1975, p. 94). This 'messiness', referred to as Austin's 'crisis', comes about when acts purported to have been performed by performatives can be socially contested, as I will explain.

So far, I have referred to statements that can be classed as 'explicit' (Austin, 1975, p. 32) performatives. The speaker indicates the speech act by inserting the appropriate performative

verb before the clause – 'I warn you' *et cetera*. Unambiguous in their expression, explicit performatives contract with 'implicit' (ibid.) (or primitive) performatives, utterances that demonstrate that what the speaker has in mind has not been specifically indicated by their language. To prove this, Austin singles out the use of the imperative 'go' (ibid.), which can be uttered as an order – 'I order you to go' or perhaps merely as advice: 'Don't go there'. Another example given is – 'there is a bull in the field' (ibid.), which similarly might be taken for a warning or as a description of the scenery. In these circumstances, perhaps the performative conditions could be evoked, but only if there is something else in the scenario that states whether the utterance is indeed performative. In other words, do I take it to be an order, or not? Do I take it as a warning, or not? It appears that in the case of Austin's performatives, rather than being reduced to a simple cases of binary speech acts, Austin's hypotheses conclude that performatives can only be successful if recipients are given the opportunity to infer the intention behind the literal meaning. Plainly, the performative act must be determined by the receiving, as well as, the uttering side.

Austin's collapse between constative and performative categories is important for understanding the conditions of possibility that exist within the scripted model of restorative conferences, and how they can be negated. His example of the phrase 'I apologise' shows us the phrase depends upon much more than adherence to its felicity conditions; it depends upon a truth claim, one that is well chosen as being accepted by the utterer, and by another. One pupil's recitation of 'I apologise', as a rite of performance, and not when they are sincere in their thoughts, will of course undermine the apology's original intention. In these circumstances, Austin says there is an insincerity or *unhappiness* infecting the utterance; to perform the act of apologising when we are not sincere is parallel to saying: 'I apologise, and I do not'. Defeated by internal contradiction, he describes this as: 'a self-stultifying procedure […] one assertion leading to another assertion, one performance to another performance' (Austin, 1975, pp. 51-52).

Austin's problems with performatives see him replace the performative/constative divide with a more general theory of speech acts. This identified the criteria for identifying utterances as the locutionary act (what is said), the illocutionary act (what is done in saying something) and the perlocutionary act (what is done by saying something). Where Austin concentrates on expanding on the illocutionary act (how words do things) it is Stanley Cavell's development of the perlocutionary forces of utterances, and his reference to these speech acts as 'passionate utterance' (Cavell, 2005a, p. 179), that has the greater influence on ordinary language philosophy.

4.3.2   Wheels of Performance

Restorative practice calls for a participatory and democratic approach that empowers pupils through the sharing of experience. Nevertheless, there is clear evidence that when language is used in a highly programmatic way, then the feel of the conference reduces the process to merely 'performances of restorative justice, in which both youth and staff are engaged in demonstrating competency as members of a restorative community without actually engaging deeply in the process' (Lustick, 2017a, p. 304). It is of little original value to remark on the fact that to apologise truthfully requires an appropriate sincerity of feeling. However, these ideas of performatives and performance show us that the well-chosen utterance leads to a precedence for performance over feeling. Austin's observation on unhappy performatives directs us to see that utterances, spoken through scripts, where the utterance is not well chosen, and inappropriate, proposes little more than a ride on a self-stultifying wheel of performance. Pupils engaging in restorative conferencing are at risk of unhappy performatives. In many cases pupils may have to follow a script. They may do so freely or they may do so for fear of being made subject to traditional, punitive measures. That they do so at all, in the scripted model, obliges the pupil to engage with a performance that conflicts with opportunities present in the aims of restorative conferencing. Put another way, the question I am raising here is whether the scripted model can offer the kind of effective, and honest, dialogue that ultimately leads to more appropriate behaviours, or, if in their very performance, scripts serve to emulate the punitive sanctions that the restorative conference aspires to replace.

A good example of this is contained in the scenario that frames the opening of this chapter. There is no doubt that Ms Shah is an experienced facilitator and knowledgeable about how restorative practices works in her school. Yet, her introduction of the restorative conference is heavy with expectation. The hope is that the girls will go through the conference, that they will adhere to the rules, and that most likely, there will be a resolution of the problem. We see this in her well-rehearsed citing of the 'respect agreement', but most of all in the way in which the girls appeared resigned to what will happen. In a practice that is based on dialogue, Nicky and Nazreen barely utter a word. Of course, we might say that the opening construes the necessary setting up of restorative ideals, in the same way that a teacher will 'teach' the method first before letting her class practice by themselves. There are two arguments against this. Firstly, restorative practice sees itself as a relational pedagogy, therefore establishing the essence, we might say the philosophy of the conference, without visible relationship-building is troubling. Secondly, that this biasedness towards the adult as decision-maker hints at an

inherent lack of agency and power imbalance present in restorative practice. I return here to the point I made in Chapter 2, that 'fault lines', exposed by Gavrielides (2008) and latterly Vaandering (2014), are detrimental to the realisation of restorative practice and its results. Drawing on Austin's performatives in this way demonstrates the conference itself as an infelicitous performative, a tool for shaping and moulding pupils in line with a culture of punishment; its transparency a sop to superficial claims for pupil-centred learning, and pupil voice.

4.4   Cavell and Passionate Utterance

As I have stated earlier in this thesis, Cavell's reconceptualisation of ordinary language philosophy has little to do with philosophy as a method of analysis, or with linguistics. Indeed, Cavell's approach is to state, quite simply, that in addition to undertaking empirical and logical analysis of language's structure, it is vital to also ask 'what is it that we (humans) do with language? How is what we do part of what we say, and can we mean what we say? These motivating questions are stated as being concerned with 'less how we know what we say and mean' (Cavell, 2002, p. xviii), and more of 'what it betokes about our relation to the world, and others, and myself' (ibid.). In other words, to bring words back to their everyday use, and to bring knowledge of the world back to ourselves. With regard to Austin, the idea of *what is meant* in what we say allows us to 'see and say, know and acknowledge what matters – that is to say, in the Cavellian idiom, to note what is *important*' (de Vries, 2011, p. 463).

Austin's material on the performative utterance (together with Wittgenstein's *Philosophical Investigations*) provide the catalyst for Cavell's drive to pursue these fundamental ideas. In *The Claim of Reason* (Cavell, 1979b), Cavell states the implications for Austin's procedures on moral philosophy, to wit: that reading Austin affords a 'sense that the human voice is being returned to moral assessments of itself' (p. xvi). This is seen in Austin's discussion of 'the more awe-inspiring performatives' (Austin, 1975, p. 9). These examples, such as 'I promise', or 'I do' (take this woman), are exemplary in that the action that results is not 'merely the matter of uttering the words' but that the person 'should have a certain intention, *viz* to keep his word' (p. 11). Austin's image of the solid moralist surveying 'the invisible depths of ethical space' (p. 10), paves the way for a richer understanding of an ethical self, morally implicated in the words we use. It is therefore unsurprising that Cavell takes issue with Austin's subsequent treatment of the perlocutionary speech act – what is done by saying something, and the issue of responsibility that it raises. Towards the end of *How to Do Things With Words*, Austin claims:

Any, or almost any, perlocutionary act is liable to be brought off, in insufficiently special circumstances, by the issuing, with or without calculation, of any utterance whatsoever and in particular by a straightforward constative utterance (Austin, 1975, p. 110).

The statement leaves Cavell puzzled. As I have shown, the felicity conditions prescribed by Austin are no guarantors of whether a performative can be said to be happy. This is because the happiness, or unhappiness, of performatives are not the sole responsibility of the individual speaker, but also the recipient. A case in point: it is true that I may try to apologise, but whether the apology is accepted is not of my doing, but the concern of the receiver. By the same token, this applies to the perlocutionary act. Can we really know, by saying something, what it is we have done with our words? As Cavell remarks, 'an individual's intentions or wishes can no more produce the general meaning for a word than they can produce horses for beggars, or home runs from pop flies, or successful poems out of unsuccessful poems' (Cavell, 2002, pp. 38–39). Coming to terms with perlocutionary utterances, to know what kinds of perlocutionary acts I can bring about, 'is part of knowing what I am doing and saying or am capable of knowing and saying' (p. 174). Taking in terms of our learned, moral responsibility towards each other, this kind of education is 'part of knowing what an ethical judgement is' (ibid.).

Cavell's discussion of the passionate utterance, therefore, represents his extension of Austin's insufficient exploration of the ethical considerations that frame the perlocutionary. Even more importantly, it responds to Austin's lack of care and attention to the emotional aspects of our language. Given its premise as a vehicle with which to eliminate conflict, restorative conferencing is certainly an emotive issue. In utilising the vocabulary of emotion, particularly of *passion*, it is important to acknowledge that the term 'passionate' in passionate utterance might be misconstrued. To talk passionately has the potential of being solely recognised by fiery speech and high emotion. This is not so: while Cavell holds that expression of emotion excites emotion, Cavell's choice of *Carmen*, for instance, uttered 'as far as humanly possible expressionless' (p. 184), allows us to infer that passionate utterance is representative of the 'ordinary exchange'. The definition of ordinary exchange requires caution. A judge's uttering of the words 'you were wrong' (p. 177) in a court of law is not in the context of passionate utterance given that it operates within a framework of penalty. Indeed, what might be considered ordinary for Cavell are those judgements directed from one person to another that involves the recognition of an individual that is distorted by the performative. Unlike Austin's felicity conditions, Cavell does not attempt to outline 'conditions' for defining, or identifying,

passionate utterance. This is firstly because, as Cavell notes, perlocutions do not work like performatives in that we cannot precisely identify what has been done. We see this difficulty in the following examples, provided by Cavell:

> I'm bored.
>
> You know he took what you said as a promise.
>
> Monster, felon, deceiver! (Donna Elvira said to Don Giovanni).
>
> Carmen, I love you. (End of Don Jose's Flower Song).
>
> They say that I (or: Perhaps I; or: I would not wish to) anger, mortify, charm, affront encourage, disappoint, embarrass, confuse, alarm, offend, deter, hinder, seduce, intimidate, humiliate, harass, incite you (Cavell, 2005a, pp. 177-178).

Let us consider the last example, which consists in a list of verbs quite like that present in Austin's description of performatives. In that previous formula, those verbs are seen to operate within their felicity conditions, meaning, they do what the speaker intends. Cavell explains that these cases cannot perform in that way. To illustrate, saying 'I frighten you' in order 'to frighten you' would not make sense. For the statement to be *happy*, meaning for you to be frightened in this manner, 'I would be exercising some hypnotic or other ray-like power of you, you would have lost your freedom in responding to my speech' (p. 172). A more convincing statement would be: 'I frightened you, didn't I?' Whether one is frightened, angered or alarmed requires not only my expressing myself to you, but some other information that is lacking. Clearly to have a perlocutionary effect, to begin to seduce or persuade 'indicate that some urgency of passion is expressed before and after the words' (p. 173) and for which there can be no 'structuring apparatus' (Munday, 2011, p. 289). Austin's growing difficulty in defining performatives delighted Cavell for its exposure of 'the messiness of the relationship in which different kinds of utterances fail to sit comfortably within "constative" and "performative" categories' (Munday, 2009, p. 61).

4.4.1   The Conference as Invitation to Improvisation

To see this 'exchange' as an extension of Austin's theory of the performative, Cavell provides analogous conditions for the successful functioning of perlocutionary objectives.[27]

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27 In the original text, Cavell presents his analogous conditions for the successful functioning of perlocutionary objectives directly alongside Austin's felicity conditions (Cavell, 2005a, pp. 180–182).

Analogous Perloc 1: (Perlocutionary Condition 1)

There is no expected conventional procedure and effect. The speaker is on his or her own to create the desired effect

Analogous Perloc 2a:

In the absence of accepted conventional procedure, there are no antecedently specified persons. Appropriateness is to be decided in each case; it is at issue in each. I am not invoking a procedure but inviting an exchange. Hence:)

I must declare myself (explicitly or implicitly) to have standing with you (be appropriate) in the given case.

Analogous Perloc 2b:

I therewith single you out (as appropriate in the given case).

Analogous Perloc 5a:

(The setting or staging of my perlocutionary invocation, or provocation, or confrontation, backed by no conventional procedure, is grounded in my being moved to speak, hence to speak in, or out, of passion, whose capacities for lucidity and opacity leaves the genuineness of motive always vulnerable to criticism. With that in mind :)

In speaking from my passion I must actually be suffering the passion evincing, expressing, not to say displaying it – though this may go undeciphered, perhaps wilfully by the other), in order rightfully to

Analogous Perloc 5b:

Demand from you a response in kind, one that you are moved to offer, and moreover

Analogous Perloc 6:

Now (Cavell, 2005a, pp. 180-182).

The above conditions depict the idea of 'passionate utterance' as an invitation to exchange between participants. This examination of human response is misleading since there is something more serious at stake. We know from the felicity conditions that Austin left room for refusal to participate in the action, understanding the power of refusal as essential to

autonomy.[28] Nevertheless, where Austin sees refusal as signaling the end of the act, and therefore the end of the matter, Cavell perceives refusal rather differently. With this in mind, he adds a final irregularity to his catalogue:

> Analogous Perloc 7:
>
> You may contest my invitation to exchange, or at any or all of the points marked by the list of conditions for the successful perlocutionary act, for example, deny that I have standing with you, or question my consciousness of the passion, or dismiss the demand for the kind of response I seek, or ask to postpone it, or worse. I may or may not have further means of response. (We may understand such exchanges as instances of some region of moral education.) (Cavell, 2005a, p. 182).

Rather than indicating the end of performance, as Austin does, Cavell perceives the act of refusal as becoming part of or heralding the beginning of another. In this mode of exchange, Cavell tells us, 'there is no final word, no uptake or turndown until a line is drawn, a withdrawal is effected, perhaps in turn to be revoked' (Cavell, 2005a, p. 183). To elaborate, in the case of performative utterance, refusal or failure to carry out the conventional procedures are reparable. If the purser cannot marry you, for instance, then the captain will. Cavell turns our attention to a moment in the opera *Carmen* and the line 'No, you do not love me', sung by Carmen to Don José's 'Carmen, I love you'.[29] With performatives, there is always a decision over whether something is happy. In the perlocutionary act, the interpretation is part of the exchange. Carmen has been singled out, but it is an offer that she is at liberty to deny; she refuses to acknowledge it. This simple protestation, Cavell claims, is a pure truthful, constative that is characteristic of passionate utterance. The failure to *single out* puts 'the character of our relationship, as part of my sense of identity, or of my existence, more radically at stake' (p. 184). The re-establishment of emotion in speech is an attitude that Austin remained 'skittish' (p. 156) about, but without which ethical statements cannot be fully identified. It is in absence of this expressive side that Austin's theory is in danger of running counter to its spirit. Perhaps we can say that, in finally distinguishing this mode of exchange from Austin, the following:

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28 In the felicity conditions (A1), Austin states that 'there must exist an accepted conventional procedure having a certain conventional effect'.

29 Cavell draws on opera for his examples claiming that this is where passionate utterance has its cultural apotheosis.

A performative utterance is an offer of participation in the order of law. And

perhaps we can say: A passionate utterance is an invitation to improvisation in the

disorders of desire (Cavell, 2005a, p. 185).

Passion, therefore, is redolent not of over-expression, or over-emphasising, as Cavell states,

but of the demand for a response. This is very telling for the restorative conference, signalling

that passionate utterance 'requires (so far) exchange, not mediation or arbitration' [or even

facilitation] (p. 177).

Returning to the scenario, and to the idea of the conferencing as heralding a peculiar kind of

silence, let me look at what kind of 'invitation to exchange' is made. Ms Shah asks, 'is that

right?' 'Yes/yeah' reply the pupils. Is agreement part of the script? How are these pupils really

experiencing the situation? Ms Shah's attempts to engage with the students feel like efforts to

persuade them to follow through with the conference. Her next attempt, 'can we agree to

this', is met by a nod. I have suggested the instrumentalism that surrounds pupil voice actively

marginalises it instead. Ayers (cited in Wisdom et al., 1946) adds that such expressions need

not even be uttered. Cavell does not deny this, but adds that the inability to say something, to

involve assertions, may come from being silenced, 'from not wanting to say something, or not

sensing the right to say something' (Cavell, 2005a, p. 179). Hence, the assertion 'I'm bored'

places a demand on the listener, an acknowledgement of the obvious perhaps, but

nevertheless one 'that I might be unwilling or unable to make' (ibid.), being by their nature as

representative of some sort of a conflict or risk, to the speaker, in the uttering. Cavell chooses

the expression 'I'm bored' since it argues for 'the primacy of expression over emotion' (p. 178).

In the scenario, Nicky says she 'doesn't know'. This informal expression is used when we don't

have the answer to something, for example, 'I don't know [what you want]', but also when we

are not sure, or as a precursor to disagreement, 'Oh I don't know, it doesn't seem like that to

me', or annoyed – 'I don't know!'. Nicky doesn't sound visibly distressed. Yet, her utterance

has the effect of momentarily stopping Ms Shah in her tracks. Her uncertainty, an expression

of disordered desire, demands a response.

Each utterance, Cavell states, brings forth two paths: 'the responsibilities of implication; and

the rights of desire' (p. 185). In bringing attention to the path of desire, Cavell takes a step

towards emphasising the importance of the sort of language that 'takes Austin's picture

beyond performance as ritual' (Cavell, 2005a, p. 185) to one that leans towards the role of

passion as disordered desire. We cannot say for certain what Nicky needs to hear but clearly

Ms Shah's response 'what's wrong?' fails to make contact. It is a critical moment, for in the

next line Nicky retracts her opening. Perhaps thinking of the warning that the school would revert to punitive discipline, she replies: 'Nothing. It doesn't matter'. What might have been the consequence of fully exploring Nicky's doubt? Perhaps it might lead into the kind of conference envisaged by the school, but perhaps it won't. Perhaps it might lead to nothing at all. For Cavell, it is precisely this uncertainty that is unmistakably part of an ethical education. Again, I am not talking about a *curricularised*, moral education, of the sort I mention in my first chapter, but a richer, deeper understanding of ethics. Cavell states that while speech is not everything, nevertheless, in what follows I want to show how a limited verbal response, driven from a lack of freedom, brings to attention the notion that speech that is forced, or reigned in, is a hostile, and degrading form of power.

4.4.2   Risky Conferences and King Lear

I intimated above that the performing of scripts in restorative conferencing could be critiqued using the same arguments used to address criticism of scaffolding techniques, and the ways in which such techniques may suppress pupil voice (Fulford, 2009). Despite the advocacy for a broad approach to restorative practices that encourages all to be included in the community, an essential criterion in the decision to hold a restorative conference is that there be identified wrongdoers and victims. In this, training manuals encourage schools not to consider conferencing with pupils who deny misconduct, or involvement, in an incident. It is the case that only after the pupil admits responsibility – conferences should not be held in order to determine guilt – that a school can judge whether a conference has the potential to benefit its participants. The facilitator will also ask if pupils wish to proceed.[30] This question is asked to emphasise the *voluntary* nature of the conference, and to affirm the commitment of pupils to reaching a collaborative decision. Acceptance of these roles confirms that pupils acquiesce to their portrayal as offender, or victim to identify the harm caused by misconduct.

Nevertheless, it is the nature of schools, and of relationships between pupils, that a definition of the wrongdoer is far from simple. Described as a person who does something bad or illegal,[31] schools must also consider that the pupil identified as the wrongdoer might also perceive of themselves as a victim. Given this premise, it is also impossible to claim that one

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30 Thorsborne and Vinegrad suggest the following phrase: 'you can leave the conference at any time you like, but if you do, you need to know that what you did will be handled differently by the school. Do you understand this?' (Thorsborne and Vinegrad, 2008, p. 34).

31 Definition taken from the Cambridge Dictionary website [Online]. Available at: https://dictionary.cambridge.org/dictionary/english/wrongdoer (accessed 31/07/18).

can 'know' all of the events that led up to the wrongful act under scrutiny. Nevertheless, the positioning of one or more pupils as the wrongdoers is accepted in order for the conference script to progress. In many scenarios this will be the pupil who has initiated verbal or physical aggression, or as in the case of the opening scenario, the pupil who has committed a wrongful deed.

What does it mean to force voice when it would rather remain silent, and what does this herald for our subjectivity? To unpack this, I turn to Cavell's (2002) close reading of the opening act from *The Tragedy of King Lear* (Halio, 2005). Lear wishes a public show of love, to his court, from his three daughters. In return for their flattery he will give them a portion of his kingdom:

> Lear: Tell me, my daughters,
>
> (Since now we will divest us both of rule,
>
> Interest of territory, cares of state)
>
> Which of you shall we say doth love us most
>
> That we our largest bounty may extend (Halio, 2005, p. 102).

The show is undoubtedly a performance for the benefit of Lear's court and his flatterers, and, due to its nature, the king appears confident of their replies. Lear's eldest daughters, Regan and Goneril, have no difficulty with accepting the nature of the routine, or of Lear's bribe (they are willing to humour and flatter in exaggerated terms). The third daughter, and youngest of the three, is Cordelia. Unlike her sisters, Cordelia refuses to participate in Lear's charade. This is not through any perceived defiance, or contrariness, that might be easily understood by an audience. Cordelia simply refuses to perform in this way. She does not consent to agreement, or as Cavell would put it: she dissents in criteria[32] (Cavell, 1979b):

> Cordelia: Nothing, my lord.
>
> Lear: Nothing?
>
> Cordelia: Nothing.
>
> Lear: How? Nothing will come of nothing. Speak again
>
> Cordelia: Unhappy that I am, I cannot heave

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32 In talking about a particular thing there is an extent to which one has to conform to the language community. There are to be agreement in criteria about what that thing is, such as a 'conference', or 'teaching'. While these criteria are often implicit, our assent or dissent, meaning what we agree or disagree to, must be given freely (ethically) given, and received. I will return to this topic in Chapter 6.

My heart into my mouth. I love your majesty

According to my bond, no more nor less (Halio, 2005, p. 104).

What is happening here when Cordelia claims she has no talent for putting her heart's feelings into words? What does her dissent consist in? In this instance, her refusal to acquiesce to her father's demand for performance is borne from sincerity, and also from refusing to acknowledge the impossible. Lear does not want truth from his daughters, a notion that Goneril and Regan are happy to provide. However, as Cavell reads it, Cordelia really does love her father, and 'to pretend to love where you really do love, is not obviously possible' (Cavell, 2002, p. 290). All Cordelia can do in this situation, all she can do, is hope that the quality of love contained in her 'nothing' will be enough. For Lear this is not sufficient; he desperately wants the charade to continue. Cordelia, however, cannot 'heave her heart into her mouth' (p. 104) – she cannot give him the performance he craves. Lear, enraged at her refusal to speak from the same script as her sisters, brutally casts her out.

Lear: Here I disclaim all my paternal care

Propinquity, and property of blood

And as a stranger to my heart and me

Hold thee from this for ever (Halio, 2005, p. 105).

Our examination of the perlocutionary aspects of speech has told us that there is no conventional form for identifying whatever passionate utterance is, except that it involves a recognition of another and the aspect of emotion that it categorises. The publicly grandiose speech making by Cordelia's sisters is not for Lear's ears but for that of the court. Their work done, there is little in the way of parlay with their father. In contrast, Cordelia's 'nothing' is too ordinary, too little. We only begin to comprehend it through what it does, namely to first single out and secondly, demand from [Lear] a response in kind. Through Cavell we understand that the sisters' speech is characterised by the performative; Cordelia's 'nothing' is passionate utterance. Given the notion that passionate utterance is in recognition of another and 'recognising a person depends upon allowing oneself to be recognised by him' (Cavell, 2002, p. 279), the consequences of Lear's un-recognition is disastrous. The loss of his sanity and the tragic voyage of self-discovery that he embarks upon come from not recognising the moral

significance of Cordelia's words.[33]

Despite Cavell's insistence that there is a necessary contrivance in producing a reading of this play to fit certain motivations, there are important implications of the Shakespearian analogy for scripted restorative conferences. In scripts, we have seen that the public act of apology is hugely important. The resulting emotional fracture from not doing so has been problematised by advocates of restorative practice as either the fault of the participants – the victim's disregard for purely symbolic repair – that 'the participants are not able to read other's emotions accurately' (Thorsborne and Vinegrad, 2008, p. 44), or of the script: 'that some key issues have been missed or that the conference process has been somehow skewed' (p. 44). Nevertheless, in the idea of Cordelia's 'nothing', we appreciate what scripts lack the foresight to see, and which Cavell might ask us to recognise as 'a systematic recognition of speech as confrontation, as demanding, as owed [to you], each instance of which risks, if not costs, blood' (Cavell, 2005a, p.187).

Cordelia's risk-taking has terrible consequences, but it is also legitimate and truthful. Words of control, of focus, purpose and direction, mislead us into seeing performance as passionate utterance. Where Austin shows us that a language of performatives flattens emotional response, giving us one performance after another, Cavell's reintroduction of passionate utterance, as risk in speech, leaves us more open, more fully, human active participants: it is the transformation of script into dialogue. Drawing on Cavell's perspective illuminates Ian Munday's (2010) discussion of how contentious issues are handled within the classroom. Moral education, Munday states, requires the constant exchange of expressive engagement. Suppression of such conversation, which can be characterised by the formulaic approach to this kind of teaching, does not consider how language is the mode in which we figure, and re-configure our moral outlook. If, indeed, pupils are not permitted 'to find out where they stand – to give or withhold assent', then there is a moral education that is reduced to 'a cold, bloodless form of theorising' (p. 291).

As I outlined, the psychological theory of emotion that proponents use to explain how restorative practice works points to a recognition of the passionate in speech. There is much

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33 This has rich resonances with Cavell's ideas of ventriloquism, plagiarism and vampirism in relation to the concept of voice (Cavell, 1996). In this chapter, I have started by pursuing Cavell's attention to passionate utterance; however, these are also features of a genre of film Cavell names the 'melodrama of the unknown woman' in which the woman has her words either forced on her, or stolen entirely. I will develop the analogy in Chapter 5 but suffice to say that the connection between the pupils in the scenario, and Cavell's writing on voiceless-ness reinforces a real sense of repression and denial.

relevant literature on the understanding and use of pupils' emotional responses to establish a connection with other. Furthermore, it is expected that sharing feelings of loss, anger, fear, loneliness or frustration through the conference process 'will allow for the gradual transformation of those negative feelings into relief, hope, understanding, empathy, optimism and even enjoyment', hallmarks of the 'transformative nature of the restorative approach' (Thorsborne and Vinegrad, 2008, p. 33). The aim of the restorative conference is to help those pupils recover from these undesirable emotions (Burssens and Vettenburg, 2006). In this case, facilitators are advised to 'coach' certain participants whom they regard as 'emotionally stable' to help manage group dynamics. However, in the scenario, the only reference to pupils' emotional state is Ms Shah's hope that the pupils are made 'happy' by the outcome. There is certainly no mention of difficult emotion such as the loss, anger, fear, loneliness or frustration that is noted by the literature. Visibly difficult emotions have the effect of disrupting classrooms, and the teaching that is attempting to take place. There is no doubt that scripted preparation will help facilitators gain confidence when managing strong emotion from participants. Allowing matters to get out of control, on the other hand, presents not only a safety issue to consider, it is said to 'interfere with the reconnection and healing that needs to happen' (p. 34). Added to the pressure of an achievement culture in education, negative emotion is an unwelcome intruder, at odds with league table success, targets and high-performance stakes, which all exude a basis of positivity at their core.

In saying this, I am not suggesting that Ms Shah's introduction was unprofessional. However, upholding professional standards is not the same as attuning oneself to the personal relational and ethical aspects of teaching. The introduction of the conference and recitation of the respect agreement may seem like a simple ritual before the real meat of exploring the wrongdoing, but as Van Manen (2016) suggests, it can be filled with 'psychological and pedagogical significance' (p. 17). Moments like these usually occur when adults are required to act pedagogically but it is also a matter of acting pedagogically and with responsibility, even if that action consists in holding back. Perhaps Ms Shah might have held back when Nicky said she didn't know what summarise meant. Given the importance placed on this verbalisation as almost the only place where dialogical exchange between the pupils takes place, would it have been more pedagogically responsible for Ms Shah to follow the point? Certainly, highlighting the scenario's only response to a difficult emotion – Nicky's uncertainty, as unresponsiveness, presents an ethical issue, a 'going through the motions' of what is means to be restorative. We are therefore prompted to notice that the 'restorative script' led by Ms Shah, is derivative of the kinds of punitive approaches to behaviour critiqued by proponents of restorative practice.

4.5 Cavell and Scepticism

To elaborate on this issue, I need to return to Cavell's reading of *King Lear*. Cavell titled his interpretation of the play 'The Avoidance of Love' (Cavell, 2002, pp. 267–353). As we have seen, 'avoidance' refers to Lear's aversion to Cordelia's love (avoidance that is mirrored by Gloucester and his illegitimate son Edgar). His turn away from her gaze is due to the same reasons that he abdicates his throne; he cannot bear to be seen. Imagery drawn from vision, together with the dominance of language that emphasises looks, or stares, throughout Lear, represents the wider significance that sight, or being seen, is tied to recognition. Recognition, encompassing self-recognition, is an insight that comes to Lear late in the play, and with tragic circumstances. Lear's obsession with avoidance is precisely an effort to avoid self-recognition. What lies behind this act? Let us look to the opening scene again, specifically Lear's reasons for staging a love-contest that is itself a charade that marks a way to portion out his Kingdom that would establish his favourite child in the pivotal position. In accordance with the laws of kingship that rest on displays of power, and convention, Lear has assumed a way of singling out Cordelia that assumes she would play along. To be clear, Lear knows his child loves him, and that he loves her. Yet his asking is based on not on the expectation of exchange – his bribe accounts for that, but on performance; he wants to look like a loved man. Therefore, what follows is a tragic display of misrecognition. Lear is terrified of the (truthful) love Cordelia is offering. Lear's act of mis-recognition, and the actions that follow, are shown by Cavell to exemplify the avoidance of acknowledgement by opening an analysis of the devastating effect of shame: 'for shame is the specific discomfort produced by the sense of being looked at, the avoidance of the sight of others is the reflex it produces' (p. 278).

In drawing out the illuminating nature of shame, as being linked to avoidance of others, Cavell's philosophical acuity links the discussion to the extended philosophical treatment of modern scepticism, and world-alienation. Its reference here is pertinent since Cavell's brand of scepticism has been written about with reference to assessment (Standish, 2013), strong accountability measures (Granger, 2003), pupil disengagement (Johannson, 2010), and even the demands of doctoral supervision (Waghid and Davids, 2013); in order to take issue with the reductive, behaviourist approach to education that currently prevails. Scepticism in its classical sense refers to the Cartesian attitude to submit objects to doubt: How do I know that this is a table? How do I know that you are telling the truth? How do I know that I am not dreaming? How do I know that I exist? Descartes' (1984) meditations on the nature of doubt,

culminating in his famous philosophical argument *cogito ergo sum*,[34] sought to prove that there is, in fact, something real out there through the production of shared criteria: 'I am, I exist, is necessarily true each time it is expressed by me, or conceived in my mind.' The consequences of Descartes' legacy, his separation of mind and body, is described as leading to the inevitable detachment between subjectivity and objectivity, between facts and values, between what we know 'in the mind' and what we see is 'out there'. The later work of Wittgenstein can be read as providing a solution to the problems of scepticism. Where Descartes asks *how can I know that this is a table*? Wittgenstein counters that the very act of asking presumes a *background* (of ordinary life) that allows us to interpret the question:

> How could human behaviour be described? Surely only by sketching the actions of a variety of humans, as they are all mixed up together. What determines our judgment, our concepts and reactions, is not what one man is doing now, an individual action, but the whole hurly-burly of human actions, the background against which we see any action (Wittgenstein, 2009, §567).

The above passage reveals that to understand anything at all about speech acts, we have to believe an equally large number of other things. Austin embodies this in his example of the goldfinch (Wisdom *et al*., 1946). If two people wondered, 'how do I know this is a goldfinch?', then the reply might be 'by its red head'. If one were to object that this is not enough, that there are plenty of birds with red heads, then they would need further claims of knowledge. In this, Austin refers to a rule book (a book on birdwatching) by which one can agree that the bird they are watching is indeed a goldfinch. For example, if it has a black stripe, or a yellow throat. In other words, Austin is not establishing a set of criteria to determine what a goldfinch is, but what it means.

4.5.1   Scepticism and Criteria

The notion of criterion or 'specifications a given person or group sets up on the basis of which […] to judge (assess, settle, whether something has a particular status or value' (Cavell, 1979b, p. 9) is presumed by readers of Wittgenstein to rebuff scepticism by establishing the existence of certainty. Cavell on the other hand argues criteria cannot solve scepticism, indeed a correct understanding of scepticism shows itself as incontrovertible. There is no rulebook that governs one or the other way in which I may apply my judgement. For Cavell, it is precisely the creation and practice of meaning in language, which calls to attention what it is we do with our

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34 I think, therefore I am.

language, that engages him in one of Wittgenstein's most famous examples, 'that the criteria of pain (outward criteria of course) are how we know with certainty that another is in pain' (Cavell, 1979b, p. 7). The sceptic's requirement for data demands concrete evidence of pain, for example, if your face is contorted or if you tell me that you are in pain. But as this chapter discusses, emotion can be feigned and lies told. In that case, whereas I can surely know that I am in pain, how can I know that you are in pain? Our very separateness means that it is impossible for me to know your pain in the way that you do. For Cavell, the exposure of our limitation is the condition of our humanity. Since I must always act based on insufficient evidence, of insufficient knowledge, Cavell is able to develop what he calls 'acknowledgement'. The first-person expression of pain is not an expression of knowledge but a condition upon which someone else may have knowledge. It is your knowledge of your pain that makes a claim on me:

> It is not enough that I know (am certain) that you suffer – I must do or reveal something (whatever can be done). In a word I must acknowledge it, otherwise I do not know what "(your or his) being in pain" means. Is. (This is "acknowledging it to you." There is also something to be called "acknowledging it for you"; for example, I know you want it known, and that you are determined not to make it known, so I tell (Cavell, 2002, p. 263).

Knowing that you are suffering does not mean establishing evidence for certainty, nor is Cavell arguing for our always having sympathy or understanding, or whatever it is my claim requires. Instead, my acknowledgement is my response to that claim, it is through knowing what the other comes to in our ordinary dealings. That acknowledgement is vital to our behaviour is confirmed not only by its successes 'but evidenced equally by its failure' (Cavell, 2002, p. 264). The failure to acknowledge presents something more behaviourally confusing, portending instead 'the absence of something' (p. 265), say, a callousness or indifference or blank. The expression of this behaviour is ironically, its suppression, or twisting, which leads to one's '[losing] possession of the region of the mind which that behaviour is expressing' (p. 265). This is the link between scepticism and tragedy highlighting, as it does, that my relationship with you is always haunted by the possibility of broken trust, betrayal or isolation, or simply the incapacity to attend to you properly (McGinn, 1998). Letting myself be judged thus requires an awareness that is based on uncertainty of the other, of knowing what your pain is only by my knowing what my pain is. Avoidance, in Cavell's reading of Lear, leads from his argument that tragedy is borne out of the failure of its protagonists to allow themselves to be acknowledged. Lear's shame prevents him from being seeing or being seen with the result that he cannot

allow Cordelia to be *other than him*. The result is that she becomes an object, theatricalised, and thus dehumanised (Dahl, 2010). As Cavell concludes:

> How is acknowledgement expressed; that is how do we put ourselves in another's presence. In terms which have so far come out, we can say: By revealing ourselves, by allowing ourselves to be seen. When we do not, when we keep ourselves in the dark, the consequence is that we convert the other into a character and make the world a stage for him (Cavell, 2002, p. 333).

Cavell's idea of acknowledgment is inherent in his case for passionate utterance in that it seeks to articulate the serious concern of making oneself, and perspective, visible to the world. To do so accordingly, involves the knowledge that at any point my demand might be rebuked. As Cavell states in his seventh condition for perlocutionary exchanges, my invitation can be contested. Therefore, what is certain for moral development to take place is that such exchanges cannot be planned, or scripted: we cannot solve the condition of scepticism.

Cavell explains that knowing, in this instance, is 'numerical', in that it relates to the idea of certainty. This takes in 'the major condition of the sceptic's argument, *viz*., that the problem of knowledge about other minds is the problem of certainty (Cavell, 2002, p. 258). In the restorative conference, the problem of scepticism is solved. The script serves to guide its participants through a kind of negotiation but there is nothing (supposedly) to reveal, nothing to leave hidden. The facilitator's preparation is exactly to make sure that nothing, not even what is divulged in the participants' stories, is left to chance. The important point for Cavell is that Wittgenstein has not written a rule book; *Philosophical Investigations* does not consist in a series of instructions for the reader to follow. Rather, in its description of language's difficulties, it requires from us a willingness to learn 'how to use words in certain contexts […] and without a safety net, without any guarantee, without universals' (Laugier and Ginsberg, 2011, p. 42). Neither can ordinary language claim for itself a better position, for to do so would give in to the sceptic's argument. Rather I must rely not on data, on a set of criteria, and on what I know of myself (meaning my life, my voice, my relationships). As Cavell states:

> That you grant full title to others as sources of that data – not out of politeness, but because the nature of the claim you make for yourself is repudiated without acknowledgement: it is a claim that no one knows better than you whether and when a thing is said, and if this is not to be taken as a claim to expertise…then it must be understood to mean that you know better than other what you claim to know (Cavell, 2002, p. 240).

Cavell's writing on ordinary language scepticism lays the groundwork for much of his writing on the nature of the human condition. As the scenario shows, there is often nothing much at all to show for our educative practices, much less those that are named restorative. The simple point to be made here is that the impetus for the restorative conference arises from what we don't know, and cannot claim to know, and that is what these pupils thought and felt at the time of the harmful incident. It is the conference that gives Nicky and Nazreen the opportunity of making themselves visible to the world, their dialogic exchange with each other is that which distinguishes what is good or right from what is wrong and harmful. The scenario is pedagogically significant since it sets up dialogical limits of the conference, and of their relations with each other. Thinking about restorative conferencing as a series of scripts to be acted out and the kind of language that is used to write these, puts forward that pupils who partake in scripted conferences are being guided towards a readily observable behavioural outcome, and hence that this conception of scripted restorative practice is unnecessarily programmed or mechanistic. Tightly bound planning, by default, reverts to the creation of certainty, a curtailing of necessary freedoms that is in opposition to the effects of the difficult and undecided. Such planning fashions not opportunities for voice, but a stage for performances to take place. Moreover, the presence of such linguistic constraints elides the possibility of restorative conferences to provide an ethical education. Still, how to present these ideas in the restorative conference where the notion of settling risky behaviour and providing solutions to problems is the governing concern.

4.6   Making Room for Freedom: Re-thinking Language in Restorative Practice

Schools that practice restorative methods have found conferencing to be an effective method by which to manage serious and damaging pupil conflict. By focussing on ameliorating the behaviour of the wrongdoing pupil, as well as paying close attention to their victim(s), conferences promise an avenue to 'getting school life on the right track again' (Burssens and

Vettenburg, 2006, p. 8). By repairing not only material damage caused by conflict but also the psychological, relational and emotional states of pupils, restorative conferences promise to stabilise a disruptive classroom environment that is damaging to teaching and learning. To this end, the scripted model of conferencing is seen as important for removing serious risks associated with frank speaking. Knowing the boundaries within which schools work, denying the script as training, or indeed of any conditions of speech that encourage the development of supportive structures in order to risk and draw blood is thoughtless. However, there remains a critical question on the degree to which such scripts are educative. In drawing on Austin's felicity conditions, and Cavell's writing on passionate utterance, I make the claim that scripts represent real danger of denial and repression. In the drive to find solutions, voices are silenced.

This is not as easy as saying that the use of scripts inevitably leads to performance and that performances cannot be ethical, a conclusion that Cavell himself avoids by addressing the problem of 'performance, or performability of [King Lear]' (Cavell, 2002, p. 294). In his writing, Cavell shows how the notion of performance remains a central concern in the idea of emotive passion in speech. Of course, while performance is the one aspect that breathes life into these characters, 'performance cannot contain the totality of a human life' (p. 295). This is presented in the way in which Cavell chooses to think through the motivation of characters such as Lear, or Cordelia, being understandably dependent on the way those characters are performed. It is here that Cavell plays with the possibilities for identity, and particularly of how we work those identities out. Skilbeck's (2014) fruitful exploration of the dramatic classroom reflects on the ways in which drama or dramatic dialogue as an educational activity opens the possibility of perspective. This is not through a sole focus on the *content* of speech but towards a recognition of its *expressive* character. This is the sum of passionate utterance; it is not to mistake the words of characters for my own, but to allow those words to make a claim upon me.

While Cavell does not, cannot, escape the associated configurations of the perlocutionary realm, there is instead an 'invitation to improvisation in the disorders of desire' (Cavell, 2005a, p. 185). That is to say that the price to pay for moral development runs the risk of further disagreement. Cavell's passionate utterance provides vital, enriching room for human life to flourish, most notably in its concern for dissent. Refusal to participate, avoidance, silence – all are of fundamental significance to our individuality but are too often regarded as unwelcome interlopers when it comes to the subject of behaviour management. In providing an alternative, ready-made language, restorative practice runs the risk of being thought of as a

ready-made solution to indiscipline. One that removes responsibility from its actors to engage with its precepts on an emotional level. Despite advocates' well-meaning intentions, the simplification of conferencing, through scripts that are used to market the practicality of restorative practice, is highly misleading. The application of market values and legal jargon to educational terminology is part of this conundrum. The reduction of encounter to that of 'intervention' or 'business transaction', is one that can be replicated, packaged, bought and sold, as an easy solution for schools struggling with indiscipline in its complicated and innumerable forms.

Attention to expression shows that words used in this way become just another part of the 'tool-kit', to be wielded correctly, blunted and dulled by constant use, as opposed to that which is sharpened by our moral responsibility. I refer here to the 19th century American essayist and philosopher, Henry David Thoreau's account of his borrowing an axe from a neighbour in order to chop wood and build his hut. His returning of the axe, sharper than when he first borrowed it, is shown in Cavell's reading to be an allegory for the way in which we use language (Cavell, 1992). The casual bandying of words, or constant, unthinking repetition of a script, is to dull the axe's blade. However, to really consider language, to revitalise its meaning or to do or take something new from reading, is to sharpen it. Our responsibility to keep on sharpening the axe is the responsibility we have to our language and to our community. That restorative practice is closely allied to *performativity*, as opposed to simply performance, makes it more difficult to acknowledge and articulate how things go wrong in people's lives, including in the lives of school children. We must make room for the negative: for silence, for refusing to speak, for talking out of the script. Without this ethical aspect, we are left with 'une langue de bois […] a tongue wooden in its inability to utter or alter its expression as occasion demands, but doomed to repeat itself' (Cavell, 2010, p. 88). In showing what might be achieved by understanding the performative aspect of language, Cavell's performance, his voice in philosophy, steers us towards the educational implications of participating in scripted restorative conferences. This is the notion that tight adherence to a concept such as a script removes our autonomy with language. Further, limiting our freedoms with language, and our responsibility to the words we use, closes down our capacity or need for recognition from others producing cold and bloodless theorising, of those that speak not in truth but, to paraphrase Shakespeare *in that glib and oily art*. Together with his writing on passionate utterance, Cavell's writing calls on schools to place its participants within a maelstrom that is the antithesis of scripting's emotional antiseptic.

In order to conclude my thoughts on what passionate utterance is, or why it is so important, there is a little more to be said on the matter of Cavell's drawing on the term 'improvisation' in reference to the disorders of desire. Although we can still see that scripts do have a role to play, we should consider how restorative practitioners might make room for improvisation and how they then might reinforce the idea of unpredictability in relation to another. One such way of representing how dialogic interaction benefits from a quality of improvisation is to consider it metaphorically as jazz music. I want to briefly draw on literature that places value on the place of improvisation in educational settings. For instance, in recent years literature examining the interaction of jazz musicians with each other (Lewis, 2013; Hickey, 2009), and the emergence of jazz as a model for critiquing teaching mathematical strategies (Neyland, 2004), has proved useful when searching for a metaphor that provides us not with 'logical reasoning, but insight and imagination' (Neyland, 2004, p. 8). In rejecting previously established jazz methodologies and historical systems to instead focus on the art of listening, Lewis' model of deep listening enables restorative practitioners to see how they might position themselves not as authority figure but as improviser. As such, her central role turns away from being one who facilitates pupils towards prepared outcomes, towards one who must 'listen and reflectively respond' (Lewis, 2013, p. 257). Lewis' exploration of the activity of improvisation as an engagement with the music appears to reflect 'a dialogical relationship between improviser and musical entity' (ibid.). Through establishing dialogue, Lewis concludes how the improviser can be 'surprised' by an idea she has heard and musically follow the impression in a new direction. Lewis claims the dialogical interplay between improviser, music and herself as facilitator allows improvisation to be 'more than a private, self-referential language' (Lewis, 2013, p. 257). Indeed, to take part in the dialogue as a member opens musical awareness up as 'a puzzle […] revealing itself with pieces that we were both hearing for the first time, the whole of which neither of us knew' (ibid.). Lewis' blurring of boundaries between listener and performer, of listening to the player and 'speaking' back to them is, she states, descriptive of a dialogic relationship that is in recognition of the 'Other'(ibid.).

According to the study of improvisation as a cognitive process, improvisation first requires an internalisation of the patterns and models. It is only after establishing a solid level of musicianship that players can experiment with form and structure, making it the music they want to hear and play. Might I have outlined a compelling argument for practitioners to begin such conferences script in hand and at a certain point, perhaps after the introductions and explanations, put these down so that 'passion' can be injected? Or perhaps I am saying that practitioners must first internalise these scripts like an advanced jazz learner, learning to play

the conference by ear, extracting certain phrases from memory like common riffs in an improvisation pattern? Despite the belief of its benefits to pupils, improvisation itself presents a risk. Is it possible to safely teach, or guide, someone through a complex task that requires no preparation? Is it ethical?

There are some considerable barriers implicit in this thinking. Jazz as a metaphor for mathematics teaching speaks of a more cautionary approach. Like Lewis, and Fulford, Neyland (2004) critiques current educational approaches as following a 'linear planning model [where] the outcomes of the production process are set in advance, and the system […] is monitored and controlled to ensure that these outcomes are achieved' (p. 10). In this the traditional, linear model is contra to the way that most experienced teachers work in the classroom, which can be more accurately dubbed to follow a 'complexity model' (p. 11).[35] By adapting his teaching framework to the complexity model, teachers and students are portrayed not as walking through pre-determined linear outcomes, but together becoming a learning organisation that '[lays] down a path while walking' (ibid.). A complexity model is indicative of how restorative practitioners may still use scripts to teach themselves, and their pupils, while still facilitating free improvisation.

However, a complexity model, no matter the number of contributing parts, still insists on a conception of education in narrow technical terms. To suggest an alternative, re-thinking of improvisation, I turn back to Cavell and his connection to jazz. In his autobiographical writing Cavell recounts his early experiences with playing lead alto saxophone in a swing band (Cavell, 2010). His greatest source of musical inspiration, Tim Gould (1998) writes how the method of Cavell's philosophy is derived from writing described as musical in its composition. Not only is its style an expression of his philosophical project, but the expression of his voice highlights that processes of thinking and learning are not linear, very often we are made to return to the beginning to re-run a particularly elusive concept. Not everything follows from everything; unpredictability has an unpredictable value.

A discourse of knowing what is said and what to say is discussed by Cavell. In showing what might be achieved by understanding just what to say and how to say it, I draw on his use of the term 'perfect pitch' (Cavell, 1994a). We associate the term with a musician's extraordinary ability to hear and reproduce notes perfectly correctly. Cavell makes much of the fact he was

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35 Taken from systems theory, a complexity model is described as a multi-component system in which the ways several components interact are so complicated that is remains impossible to predict the evolution process.

not born with a musician's perfect pitch. However, he finds equivalence in the sound of philosophy, hearing a musical performance that is by way of Austin, 'in its own way, with the possession of an ear, was surely part of its attraction and authority' (Cavell, 2010, pp. 321-322). Cavell's writing, his voice in philosophy, is pitched to communicate his thinking as perfectly as possible. In dialogue, that sense of perfect communication necessitates finding a version of perfect pitch. Not easy since 'the feature of perfect pitch is apt to be the hardest to recognise, and the most variously or privately ratified' (Cavell, 1994a, p. 47). Cavell hears it in his mother's pitch-perfect response to a young couple shopping for a wedding ring at the family pawn shop; a white lie over the authenticity of her own emerald, delivered lightly to spare the duo some frustration. He hears it in his father's statement at the dinner table, the Jewish belief that there is one moment in every twenty-four hours in which God grants a wish, a wish he was composing at that very moment. Finally, Cavell summarises his impressions as 'the title of experiences ranging from ones amounting to conversions down to small but lucid attestations that the world holds a blessing in store, that one is in Emerson's and Nietzsche's image, taking steps, walking on, on one's own' (ibid). These illustrations may be considered as trivial for such a grand idea, but in doing so, Cavell makes a point about philosophy or teaching as mattering only in its orientation towards the other and what in that moment will please her to hear. Good practice will always be alert for tone, gesture and tempo in dialogue. Accordingly, the restorative practitioner will find space to alter the predetermined path, the perfectly scripted path, where she listens for perfect pitch.

That restorative practice facilitates dialogue for those affected by wrongdoing and those responsible for wrongdoing is an important principle. That this facilitation requires supplementing by scripts is practical in its outlook. Nevertheless, tight adherence to the script will contribute to supressing 'healthy, caring communication which fosters nurturing relationships' (Vaandering, 2014, p. 78). In the ongoing pursuit for creating a more relational culture the music of jazz improvisation shows us how unrehearsed activity, thinking on our feet, allows us to attune to another and in doing so to reveal a relationship based on reflective response. It is the possibility of doing something new or different while remaining true to habitual patterns. Understanding the place of improvisation and the incorporation of risk taking suggests a commitment to speaking for oneself or 'daring to say' (Cavell, 1994b, p. 114). For the restorative practitioner, who gladly adopts such strategies as an antithesis to traditional, authoritative forms of behaviour management, such risk-taking confirms a commitment in her confidence to teach, to repair harm, to know and to perfectly pitch that knowing with her pupils. In doing so, she exemplifies the key elements of restorative

philosophies: intellectual quality, connectedness, support, and value. We see that the transformative nature of restorative practice, that the mediating aspects of institutional culture hope to espouse through didactic scripting, is a 'poor distortion, an impersonation of a genuine educative experience' (Doddington, 2015, p. 11). Perfect pitch, with its emphasis on dialogue, always reveals an orientation to the other that cannot be derived from plotting a precise and predictable path. Despite the mandate that conferences should not harm participants, certainly there should be no huge surprises that jeopardise safety, 'dialogue should not be so orchestrated that there is no room for the unexpected, for it is precisely the unexpected that frequently leads to significant exchanges among participants' (Umbreit *et al.*, 2007, pp. 32–33).

My argument is that it is this aspect of unpredictability, challenge and risk, tempered by our ability to pitch perfectly, that reveals what must be central to the restorative conference. Cavell's ideas around passionate utterance show how our responsibility to words, to the language that we use, is the gateway to a richer inheritance of ideas through which we can build notions of self, and voice. This is unmistakably more than the pupil's wish to align herself with the values of restorative conferencing, in other words to volunteer herself as accepting her role in the script. It is rather to offer her assertion as exemplary in some way, testing this against the responses of others, and testing her own responses against what those others themselves say. Cavell considers this issue of voicelessness, ventriloquism, and the forcing of voice in greater depth in his readings of Hollywood film (Cavell, 1996; 1981), and his autobiographical writing. In the next chapter, I will continue examining themes of one's emerging voice: how it is shaped through the telling of one's story, and the role of the facilitator in shaping that story.

Chapter 5

Striving for Stories: Disruption and Self-Transformation

5.1 Scenario

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                  SCENE TWO


               "Tell me the story"


                   MS SHAH
Okay Nicky, I'd like you to tell me the story of what happened.


                    NICKY
Well, I accidentally knocked my bottle of water over the table.
 I think I forgot to put the lid back on. Suddenly, she starts
 flipping out, calling me a cow and ripping up my work like a
                  mental person.


                   MS SHAH
    We agreed to no name calling. Are you going to keep the
                   agreement?


                    NICKY
   Okay. Like I said she ripped up my work for no reason.


                   MS SHAH
  Nazreen, can you summarise what you heard Nicky say. Please
           start your summary with "you said".


                   NAZREEN
You said you accidentally knocked your bottle of water over my
  work and you said that I called you a cow and ripped up your
                     work.


                   MS SHAH
    Nicky, how has the conflict affected your emotions?
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NICKY

I feel angry cos everyone was looking, and my work got ruined.

MS SHAH

Nazreen, please say what you just heard Nicky say.

NAZREEN

You said you feel angry and you said that everyone was looking, and your work was ruined.

MS SHAH

Nazreen, I'd like you to tell me your story.

NAZREEN

Nicky always stops me from working. She's always talking or getting up and getting me into trouble. When she knocked her water over my work, she just laughed.

MS SHAH

Nicky, can you summarise what Nazreen just said. Please start the summary with "you said".

NICKY

You said that I always stop you from working. You said that I'm always getting you into trouble and you said that I knocked the water over and laughed.

MS SHAH

Nazreen, how do you feel about what happened?

NAZREEN

I was really angry and frustrated. I didn't mean to rip her work up, it just happened.

MS SHAH

Is there anything else you want to say?

NAZREEN

I feel upset. I shouldn't have done it, but she shouldn't have laughed at me.

MS SHAH

Is there any more information that we need to know? (Nazreen and Nicky shake their heads "no"). Do you think that the other person has recognised what you have both experienced related to this conflict?

(Nazreen and Nicky say "yes").

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5.2 The Human Capacity for Story

Anthropologists tell us that the narrative urge is encoded in our DNA, that fundamentally we humans are story-telling apes (Sanders Pollock, 1948). A primal, symbiotic exchange between teller and listener, telling stories imparts the essential learning tools of life, knowledge, feelings, culture, and morality. Philosophers acknowledge the human aptitude for storytelling as a fundamental structure of human meaning making, 'a metacode, a human universal' (White, 1990, p. 1). Stories are used as moral guides, in the case of the Bible parables, or fictional aids to help us live through other more fantastical lives. In life, we understand our actions through fitting into stories (Kerby, 1991). These stories are then tied together, becoming a construction of narratives that inform continuity in an individual's life (McIntyre, 1991). This is much more than merely saying that we communicate through stories, for as Randall and Kenyon (2004) state: 'to be a person is to have a story. More than that, it is to be a story' (p. 1). Jerome Bruner's (1986) approach to narrative theory has been proposed as a way of understanding cognition, including memory and identity. A deeply rooted structure that underpins thinking, narrative, comprising both the story content and the story telling, can be a creative act used to fuel holistic, humanistic pedagogies that are capable of not merely passing on information, or innovation, but inviting learners to become different (Keehn, 2015; Willis 2011).

While oral tradition and storytelling cultures have been used for thousands of years and have been integral to indigenous, personal, and community identity (Kalogeras, 2013; Poff, 2006),

the idea of story has recently found its way into many disciplines that open up forms of telling about experience that not only looks at the content, but asks why was it told in that way, and to what effect (Kohler-Reissman, 2008). The strong endorsement given to narrative is especially important in the social sciences where a persuasive intention to 'think of the continuity and wholeness of an individual's life experience' (Clandinin and Connelly, 2000, p. 17) make up the discipline of life story analysis. Against this density, and richness, of related experience, the conventions of narrative analysis provides a helpful means with which to address 'the messiness of human experience in order to infer the meaning of actions, motivations, cause and effect, connections' (Schiff, 2012 np). An artificial composite, the vagaries of story, for example, repetition, fragmentation, or forgetting, are subtly manipulated in favour of the desire to create a transportive story that holds value for the listener. This is because, unlike their empirical counterparts, such researchers are interested in humans and their relationships, both with themselves and their environment.

There is another aspect to story and relation, besides the human ability to transcend great violence, which is entrenched in our capacity to learn. This is grounded in the work of Carl Jung (1991) whose identification of a series of primary archetypes in world mythologies argues that fairy stories are symbolic expressions of the child's inner experience. Techniques such as listening to stories, oral re-tells, role-paying, and school-based writing lend a deep appeal with which to understand the events and actions of one's life that 'help the child to understand the world [in which] they live, and to establish a relationship between what they know and experience' (Yazici and Bolay, 2017, p. 815). Indeed, observations of children as young as two, with the help of experienced tellers, suggest that they are able to tell stories of their past, of entertainment and affirmation (Miller, 1997). By drawing on the interface between our own personal stories, and folktales or traditional stories, children can identify with the kinds of carefully planned and sequential familiar patterns that aim to teach good and evil (mythmaking structures) and that decisions have consequences (Humadi Genisio and Soundy, 1994).

The common language of myth, as reflective of human experience, has been used to bring together both the educational and the therapeutic encounter. Literature, in the form of story, myth, or metaphors, is used to represent conflict, its distance enabling those suffering from trauma to safely explore potential solutions to problems. Using myths and tales to represent some aspect of problem-solving and development, Gersie and King (1992), developed practical advice for teachers, therapists and counsellors working with adults in post-trauma intervention. Their work has since expanded to encompass the remit of teachers, therapists

and counsellors working in schools with a focus on the role of the facilitator. In small group workshops, pupils are encouraged to make connections based on their experiences, to engage in personal reflection, and to take the opportunity to share and assert their experiences with others.

5.3   Story in the Restorative Conference

Drawing on the rich literature permeating the human capacity for story, proponents of restorative practice can state that it is one's *story* that allows pupils the capacity to express moral agency, and to make meaningful choices. When narration falls on deaf ears, or is made incoherent through ability or attitude, victimisation continues. Therefore, by integrating aspects of story into a coherent meaningful narrative, not only does the speaker make sense, but the disparate parts are integrated into a whole that is, narratively speaking, personally satisfying to the listener. In subtle nuances of direction, facilitators can shift the focus onto, or into, these 'normative' (Urban Walker, 1998, p. 128) aspects, meaning we can teach what is right or wrong by asking 'children to agree with us on our views of the story' (Savage-McMahon, 2010 np). Unlike the idea of behaviour management, which is largely about compliance, restorative practices influence behaviour change through fostering an 'ethical and a relational action' (Drewery and Kecskemeti, 2010, p. 111).

The link between story, healing and transformation, in restorative practice takes on a more nuanced sense when considering the etymology of 'restorative'. Originally from the French *restoratif*, its modern meaning contains the impression of vitality, new strength, and revivification. This interpretation points to healing that centres on the recovery or re-creation of the self and the possibilities that this offers. Given that restorative practice is distinguished primarily for its restoration to relation (meaning to rebuild, repair, or return to an original state) this further concept conveys something of the way the practice can produce a resurgence in personal agency, entitlements and rights that can put those who are otherwise

marginalised in positions of power once more.[36] This is seen in Cavanagh *et al's*., (2014) study of the implementation of restorative conferencing in a large American high school whose Latino/Hispanic students were at risk of the school to prison pipeline. The use of restorative practice's creation of story, or testimony was found to 'legitimate their voices' (p. 566) by representing the reality of their experiences. The engagement of the school's teachers and community with these stories resulted in a 'Culture of Care' (p. 575) that ensured several actions taken to address the issues raised, foremost of which were those that actively changed the culture of the school by decreasing discipline referrals and increasing restorative practices. For Cavanagh's students, the production of alternate stories was based on acknowledgement and is related to the understanding that language and stories are the shapers of our reality. In inviting the other into useful dialogue, different perspectives based on other experiences are brought forward rather than being silenced. This involves being taught the skill of focussed reflection through 'appreciative inquiry' (Drewery and Kecskemeti, 2010, p. 105). In this the facilitator adopts a position of 'respectful curiosity as opposed to making assumptions' (ibid.), and by using a 'patient and persistent exploration of the meanings that others make of the same event that requires attention to the effects of different ways of speaking' (ibid.).

Cavanagh's work recognises that, despite the emphasis on telling the story, the production of story in a culture of accountability is often difficult in restorative conferences where tacit assumption presumes that the role of the facilitator is to control process and procedure. Let me consider this by returning to the continuing scenario between Nazreen, Nicky and Ms Shah. It is interesting to note that although there is a great deal of honesty, and emotion, in how both pupils attempt to re-tell events surrounding their conflict, their dialogue lacks the freedom that my previous chapter regarded as characterising the potential for ethical relation. Instead, what emerges as the story, 'what to ask whom, and when', are 'matters of judgment' for the teacher (Hopkins, 2004, p. 99). Not only must she connect various fragments of a story into a suitable chronology, she must also ascertain the veracity and reliability of what is being told. For example, Ms Shah draws out her pupils' stories using detailed 'social markers' from

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36 This is also influenced by research in the field of indigenous educational research, the connection between the effect of such silencing, and the enforcement of troubling national narratives, has been keenly written as leading to the dismantling of indigenous knowledge, and of an aboriginal defined sense of self, beliefs, rights or truths (Stock *et al*., 2012). Storytelling, therefore, provides an appropriate and culturally sensitive technique' (Lessard *et al*., 2018) that 'focuses on the privileging of indigenous voices and stories/yarns as a means of changing health outcomes for indigenous people and their communities' (Geia *et al*., 2013, p. 13). Their processes of deconstruction, including for instance, the questioning of dominant stories, weakens the grip of negative, unhealthy dominance, and leads to a sense of authorship and re-authorship of one's life and relationships.

her script: for example, 'Nicky, I'd like you to tell me the story, Nazreen, how has the conflict affected your emotions? Can you tell me more about that?'. While useful for prompting her pupils, questions or statements of this manner allow the facilitator to reflect what she has heard in a way that retains the essence of the statement, but without the angry or accusatory manner in which it might have been presented. Proponents call this type of verbal structuring re-framing, likening its purpose to that of a picture frame. When the story is full of blame, insults or accusation, the framing of the picture is big and thick, meaning that the central picture is unlikely to be seen (Hopkins, 2004). Pursuing a course of re-framing allows the facilitator to push back at the old frame allowing for the creation of meaning that will 'transform an otherwise destructive event into a teaching and learning situation' (Claassen and Claassen, 2015, p. 3).

The skill by which the facilitator directs the emerging stories is considered a positive act of re-storying and derives from a socio-constructivist approach to teaching and learning (Drewery and Kecskemeti, 2010). Popular in schools in that it encourages learners to use language to bring into being new knowledge through building on previous experience (Steffe and Gale, 1995) social-constructivism does not only bring ideas or impressions into focus, it has important implications for how relationship, and identity are framed. To explain, let me take Martin *et al*.'s critique of 'the generic structure of conferencing' (Martin *et al*., 2009, p. 221) which critiques restorative conferencing's focus on the construction of an account that renders story as 'flat' and 'ideational'.

> Looked at in terms turn-taking, what is significant here is that the Convenor initiates virtually all exchanges and introduces virtually all explicit evaluation, to which the young person responds compliantly a word or phrase at a time. The result is an interpretation of the recount determined by the Convener – it's the Convener, not the young person, who controls what the recount means (Martin *et al.*, 2009, pp. 235–236).

In my scenario, this is represented by the significant difference in how the pupils speak, and how Ms Shah speaks. The absence of any kind of feeling of *appreciative inquiry* and accompanying prosody of speech questions the act of story as meaningfully healing or transformative.

Martin *et al.*, suggest that the practice of 'deconstructive reflection' (ibid.) should be used in order to look carefully at how story is conceptualised in the restorative conference and elsewhere, not only for the purposes of behaviour management, but also for the purpose of

good teaching and learning. However, this is not the kind of deconstruction of authorship, or disruption of hegemony, that I am thinking about producing here. In contrast, I want to think more purposefully about the 'socio-ethical' (Waldegrave, 2012, p. 3) layers that telling one's story might encourage. How might the instruments of storytelling, namely their dedication to *chronology*, borrowing from *therapy*, and use of *account*, and *facilitation*, reflect thoroughly on restorative practice's own socio-ethical responsibilities? Hence in this chapter, where story is expected to follow a pre-existing structure, I draw on Cavell's autobiography *Little Did I Know: Excerpts from Memory* (2010) that together with a reading of Emersonian moral perfectionism (Cavell, 1990) rejects a teleological understanding of a final ideal state. Where story is considered to be a therapeutic endeavour, I turn to Cavell's idea of the arrogation of voice as a questioning of philosophy's right to speak for humanity and which entails a form of work on the self (Cavell, 1994a). Where story is more straightforwardly an account of what has happened, I present Cavell's reading of account, and accounting, in *Walden Pond,* presenting the notion that more is at stake in recovery of voice than simply caring for the self. Finally, in disrupting the facilitator, I want to show that a concern with voice and with citizenship is illustrative of entering an educatively, ethical relationship with others in which one's teacher, or facilitator, represents a continual self-questioning regarding the oldest of matters: *how shall I live?*

5.4   Disruption of Chronology

5.4.1   Autobiographical Writing

Given what we know of the theorisation of narrative forms, what is expected of autobiographical writing? Originating from the Greek words for 'self', 'life', and 'write' (Smith and Watson, 2001), autobiography is a style of writing that has been around nearly as long as history has been recorded. A historical overview of the study of autobiography can be traced from St Augustine's *Confessions* (1961), although the term autobiography as a genre was not coined until 1809 when Robert Southey attempted to describe the work of a Portuguese poet (Anderson, 2001). Stated to be a notoriously difficult genre to define, due to the thinking that there are no limitations on how a life can be revealed, be it through the recording of a memorable period of life, essay, diary, or travelogue (Bates, 1937), its commonalities can be grouped together in distinctive characteristics. Schwalm (2014) characterises autobiographical writing as signifying a retrospective, autodiegetic narration that undertakes to tell the author's own life (or a substantial part of it), and to reconstruct her personal development within a

given historical, social and cultural framework. This classic idea of autobiography leads Anderson (2001) to cite Phillipe Lejeune's definition of autobiography as a 'retrospective prose narrative produced by a real person concerning his own existence and focusing on his individual life, in particular, on the development of his personality' (2001, p. 2). The classic first-person subsequent narration told from the point of view from the present, and epitomised by Rousseau and Goethe is its most classic shape. While often claiming to be factual, or real, autobiography remains in nature an imaginative construct whose self-fashioning is described as:

> An oscillation between the struggle for truthfulness and creativity, between oblivion, concealment, hypocrisy, self-deception and self-conscious fictionalizing, autobiography renders a story of personality formation, or *Bildungsgeschichte*' (Schwalm, 2014 np)*.

Autobiography's focus on the self lends a secularisation and temporalisation of experience that invites, as per the *Confessions*, the construction of its subject *ad exemplum*. This spiritual mode of autobiographical writing divides the life into 'clear-cut phases centred round the moment of conversion' (Schwalm, 2014 np) offers up a new self. Hence, autobiography enables the narrator to look at the past from a different perspective and to use this knowledge as a means towards self-growth and practical change in which the longing to tell one's story and the process of telling conceptualises 'both a sense of reunion and a sense of release' (hooks, 1989, p. 158).

5.4.2   Cavell's Story

From the perspective of trying to understand story in restorative practice, autobiography as a site for psychological introspection, a sense of historicity, and a problematic relationship with authenticity is worth exploring in relation to Stanley Cavell's autobiographical work *Little Did I Know: Excerpts from Memory* (2010).[37] In doing so, I do not want to strive for an extensive literary analysis of presentations of Cavell as self and subject, but instead want to show how close reading of certain passages show points of disruption with restorative practice's idea of self-realisation through the establishment of linearity as safety. Disrupting this is a central part of self-representation in *Little Did I Know* and is fascinating in the work's representation of complex handling of chronology which I have illustrated in Figures 6 and 7:

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37 Hereafter *Little Did I Know*.

> *Contents*
>
> *Part 1 (July 2 through July 17, 2003)*   *1*
>
> Catheterizing the heart. – What is a life in brief, and perhaps not so brief? […] Sacramento and pawn shops […]
>
> *Part 2 (July 20 through July 28, 2003)*   *54*
>
> Is it the wrong religion or the wrong age that has marked me for inclusion? […] Back and forth between Atlanta and Sacramento […]
>
> *Part 3 (July 29 through August 15, 2003)*   *96*
>
> I bury a bottle in Sacramento.- The hum of the world.- What is an impression? […] Back to Sacramento, Back to Atlanta […]

Figure 6 (Cavell, 2010, p. ix–x)

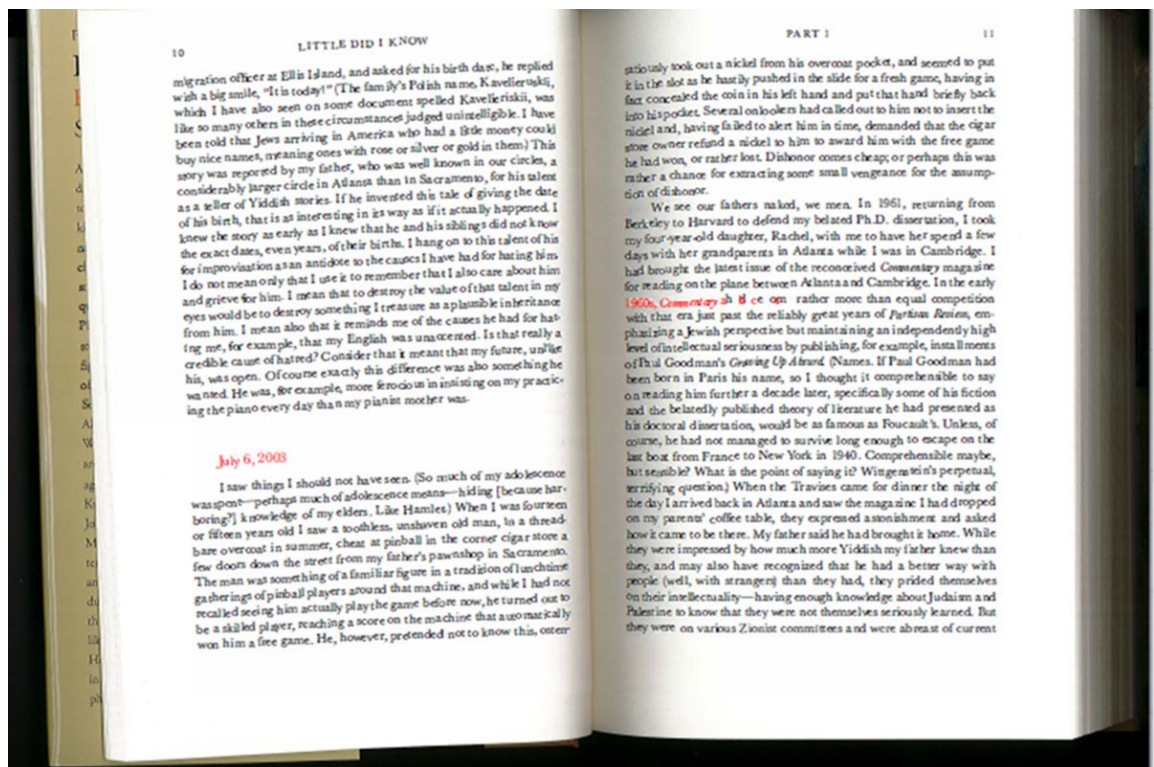**Figure 7 (Visual extract: Cavell, 2010, pp. 10–11)**

Figure 6 attempts to show the way Cavell's entries are dated in chronological order, the stamping of which allows Cavell a form of temporal anchor with which to describe the current events of the day (for instance we begin 'July 2, 2003' with an announcement of impending heart surgery). Cavell states that the obvious point in dating the times of writing are to keep

apart 'two necessary temporal registers in a narrative' (p. 60), that is, 'the time of the depicted sequence of events and the time of depicting them' (ibid.). Beginning with a specific memory, Cavell's bargain with himself is to write whatever comes to mind, pursuing various memories that arise or continue to arise 'however indecisive or inchoate' (p. 60) as far as the initial impulse carries. Figure 7 shows another dated entry, 'July 6th, 2003', under which Cavell's narrative is given such expression. Beginning his recollection aged 'fourteen or fifteen years old', he skips ahead in the next paragraph to the period of his PhD defence in 1962, later finishing with an anecdote of his father around the time of his tenth year.

In this, Cavell's double time stamp can be said to reflect the duality of the autobiographical person who is divided into the *narrating I* and the *narrated I* (Smith and Watson, 2001). This means that in the act of writing about what they know best, the unity of the *I* disintegrates into 'both the observing subject and the object of investigation, remembrance, and contemplation' (p. 1). There is one very clear and disconcerting aspect to this separation. Gone are the (perhaps) standard expectations of clear, straightforward prose that lead the reader from one occasion in time to the next sequential event. These often-repeated returns to the same occurrences are frequently and densely interspersed with other recollections from other ages with his developments in philosophy, both as it stands, and as it is currently being written. The oscillation between ground that has been covered and that which is yet to come along, together with, the extended passages of recollection and contemplation, the abrupt changes of register, and the haphazard, blended narration of events both contemporary and (semi)-remembered, provides a backdrop of continuing uncertainty and complexity that disrupts the reader from becoming comfortable in her reading.

In 'classic' autobiography, the aim of narrative is to reach the 'pseudo-static' present point. This is firmly linked to the notion of the individual, who evolves by means of propulsion towards the narrative present, the pinnacle of their self-recognition. While narrative tells a story that is not necessarily dependent on the order of events, convention dictates that autobiography is mostly linear, or chronological. Such a narrative, Cavell writes, 'strikes me as leading fairly directly to death without clearly enough implying the singularity of this life, in distinction from the singularity of all others, all headed in that direction' (p. 4). Instead, Cavell is interested in 'what Freud calls the detours on the human path to death – accidents avoided or embraced, strangers taken to heart or neglected, talents imposed or transfigured, malice insufficiently rebuked, love inadequately acknowledged – [that] mark out for me recognizable efforts to achieve my own death' (p. 4). These detours are how Cavell explores, like a well-worn map, that which constitutes his own story, as separate from all other stories that

surround him, signalling that it is not only the superior 'interpreting' position of the narrative present that remains paramount but each previous moment of experience.

5.4.3   Story and Self-Care

Even though the 'duration' (the time span covered) in fact remains the same, the disruption of temporal ground disrupts the moment of self-recognition conventionally unfurled as the end of storytelling. A straightforward account of a straightforward life will have its benefits, not least the assumption of death at the end. It is true that modernist writers have famously experimented with fragmentation in autobiographical writing, by subverting chronology and splitting the subject (Virginia Woolf), by writing an autobiography not of past events but of the future (Guy de Maupassant), by highlighting the role of language (James Joyce), or transforming fact into fiction (Marcel Proust). Cavell's attempt at disruption manifests as a *getting in the way* of his own story as if blocking the course of a river from completing its journey to the sea, perhaps to explain something further or direct the reader's attention to another work. What motivates this deliberate obfuscation? What is ethical in doing so? The answer to why we might favour Cavell's approach lies in questioning how our story matters to us, and those around us. In this, I reminded of the Socratic ethic of self-care, in particular the famous dictum that the unexamined life is not worth living. Living an ethical life requires the ability to leave behind what is certain, and clear, to examine how shall I live?

As a form of ethics, the notion that the aims of education involve a kind of therapy is not at all new. Those that cannot spend time in self -reflection are accused of failing to live a fully human life. Socrates repeatedly spoke of *epimeleia heautou*, or care of the self, to live a virtuous life:

> Are you not ashamed of your eagerness to possess as much wealth […] as possible while you do not care for […] wisdom or truth, or the best possible state of your soul ?"1 the importance of which is caring for the soul' believing that it is the state of the inner life (or soul), that determines the quality of our life[38] (Plato tr. Grube, 2002).

Socratic ethics construed that proper care of the self is necessary to be able to care for others. In the late 20th century, educational interest in caring for the self led to the idea of self-esteem and the encouragement of positive self-image. Both assumptions have been fundamental in

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suggesting that teaching practice must be primed to create a strong therapeutic culture in education. By this venture, Cavell's disruption of chronology is consistent with his growth, in other words, his caring for the soul:

> In my case the experiment of calling upon a steady companionship of philosophy in telling my life involved a decision, or it was coming accidentally upon the simple thought, to begin entries of memories by dating myself on each day of writing (not however on consciously doubling back for the purposes of editing or elaborating an entry), allowing me to follow a double time scheme, so that I can accept an invitation in any present from or to any past, as memory serves and demands to be served, that seems to have freed me to press onward with my necessity to find an account of myself without denying that I may be at a loss as to who it is that any time, varying no doubt with varying times, to whom or for whom I am writing. What is thus further left explicitly open is precisely what counts as the time of philosophy (Cavell, 2010, pp. 8–9).

Many autobiographical narratives will claim as their impetus the freedom to grow, and change, yet there are few who 'try to make the telling of their lives consonant with their philosophical commitments' (Dumm, 2013 np). From the perspective of trying to understand Cavell's psyche, bringing one's past and one's memories together involves making some sort of pact with himself. In autobiography, pact is usually referred to as the communicative act in which the identifying author (found on the book cover), the textual narrator and the subject-protagonist are bound in silent consciousness (Anderson, 2001). However, I do not think this is quite the pact that Cavell advances. There is a sense of deliberate alienation from oneself. Cavell sees himself *at a loss* that detracts from our own impending pact with this account, in that to author one's life presupposes the assumption that one should speak confidently, and authoritatively, about such matters. While I have started with the notion that finding one's self is concomitant with accounts that are shaped by an ingrained 'unity and linearity' (Smeyers *et al.,* 2007, p. 61), I want to further this inherited disruption by exploring implications of the trust that we place in the articulation of one's story, that is to say, one's voice. The obvious indebtedness of this train of thought, to Freud, lends peremptory authority to the assertion that memory is linked to therapy, that therapy will initiate a recovery of the self, and therefore that entry into such will help to find an account of myself. That therapy provides the basis for which people's lives may be re-stories, or transformed, invites further examination.

5.5   Disruption of Therapy

In attempting to write her own autobiography, the American author and social activist bell hooks (1989) discovers that 'there was very clearly something blocking my ability to tell my story' (p. 156). Afraid that this inability meant psychologically she was not ready to let go of her childhood experience; hooks realises she needs to find 'some catalyst for that block to move' (ibid.). For hooks, the spark comes in the form of an affair with a young man. hooks recalls that in his company she is able to recollect forgotten, even repressed memories. Likening her connection with him to a hypnotic state, she describes how the connections she forms enable her to lower her emotional barriers and enter fully into those past experiences.

Her description of remembering in 'a surreal dreamlike style' (ibid.) are reminiscent of techniques of narrative therapy derived from Freudian psychoanalytic theory. From his experiments with hypnosis, Sigmund Freud developed a new kind of therapeutic treatment that allowed his patients the freedom to talk about whatever came to mind (Hall, 1954). Freud drew on varied narratives, including patients' dreams, memories, thoughts and emotions, analysing the material to provide a psychological cure. Naming the process 'free association', Freud developed his theories in *Studies of Hysteria* (Breuer and Freud, 2004), famously concluding that symptoms of hysteria were symbolic representations of hidden, early, traumatic memory. During the twentieth century, the key tenets of Freudian psychoanalytic theories became extremely influential, challenging the ancient, paradigmatic pursuit of factual truthfulness in favour of a more meaningful narrative mode of cognition (Parry and Doan, 1994). These two modes of thinking are 'complementary yet irreducible' (Bruner, 1986, p. 11). While the paradigmatic mode will seek to clarify or conceptualise what is true, the narrative mode provides meaning and connection in a way that reassures the listener 'that things happen as they do because they take place in a moral universe' (p. 3). Moreover, the meaningful temporal continuum that narrative gives to life intelligibility, suggested by thinkers such as McIntyre (1981), and Ricouer (1984), has allowed modern day narrative therapy to allow people to see the course of their lives as a series of personal choices.

A theory of externalisation (White and Epston, 1990) serves to separate a person from oppressive effects of the problem. Taking the notion that reality is a social construct, influenced and communicated through language, a person's stories and storytelling are used in order to bring forth specific experiences that promise to have healing potential. These so-called 'rich' or 'thick' descriptions are stated to be the actuality of a person's lived experience, a focus on which can help her escape the effects of other power-based influences. Within the

narrative approach, much attention is paid to the multiplicity and complexity of experience. By the time we reach later life, the sheer volume of self-created stories that have accompanied the person means that she can only create a partial representation of experience. In addition, these 'partial maps' (p. 45) are at best selective, at worst, inaccurate. Representing story accurately, therefore, becomes less important than the making of a new story. By linking together selected life events, 'like drawing connecting lines in a matrix of dots' (p. 72), the story one chooses to tell makes no claim to be a mirror of life, but an independent artefact, an entirely new constructed entity. Therapy, in these terms, is not limited to a process of *storying* but of *re-storying,* a process by which 'the co-creation of new liberating narratives' (p. x) takes place.

5.5.1   The Therapy of Cavell

My notes on the background of narrative therapy are important for setting the rest of this chapter into context. Like hooks herself, the notion that telling one's story is psychologically healing is a notion that Cavell inspires when during *Little Did I Know* he recalls memories of himself in therapy. Leaving Julliard, and his ambitions for a life of music, has Cavell wondering 'whether I might go to pieces' (Cavell, 2010, p. 226). Cavell's reading of Freud, and his tinkering with the idea of gaining entry to medical school to practise psychoanalytic therapy, lends strength to the idea of story as healing. This becomes more salient regarding his opening passage:

> The catheterization of my heart will no longer be postponed. My cardiologist announces that he has lost confidence in his understanding of my condition so far based on reports of what I surmise as symptoms of angina and of the noninvasive monitoring allowed by X-rays and by the angiograms produced in stress tests. We must actually look at what is going on inside the heart (Cavell, 2010, p. 1).

While Cavell's writing is characterised by his dense, lyrical prose and eloquence, it is uncertainty that is the true driving force for this complex, philosophical work. To state that *Little Did I Know* begins with doubt belies the seriousness of the situation. This is not merely due to the smaller, or larger, anxieties that undergoing a critical procedure confers. It is a very real possibility that on looking inside his heart, the sum of Cavell's life choices will result in nothing more than a catalogue of ineptitudes, failures, and disasters. In Cavell's idea of story, we are made to understand that a necessary condition for looking inside the heart requires an utter loss of confidence in what may come.

In facing down this supposition, Cavell states his autobiographical intention as a way to 'begin learning whether I can write my way into and through anxiety by telling the story of my life' (p. 2). Throughout his autobiography he discusses the problems of uncertainty. These anxieties are multiple: from a dissertation that no one understood, the public acceptance of his philosophy, the task of revisiting the painful memories of a lonely childhood, in which he was left to fend for himself for much of the time, to the descriptions of his father's rage and hatred that led the young Cavell to suffer 'the moment I described as dating my knowledge that my father wanted me dead, or rather wanted me not to exist' (p. 18). These stories cast a long, cold shadow over the whole of *Little Did I Know*, yet each visitation concludes with a kind of resolving, or 'a gesture of redemption' (p. 118). It is not the safety of a linear approach that allows Cavell to reorient himself but the sustained act of finding his story wherever and whenever that may be, as this memorable extract demonstrates:

> To recognize the end of the day and get to bed, I developed the ritual of eating a box of Oreo cookies together with a can of applesauce. But really the ritual is equally describable as an effort to stop myself from eating the entire box of cookies, a sequence of five (was it?) pairs, each pair stacked in a pleated pliable plastic cup, and from finishing the accompanying applesauce, having conceived the idea that this was not a sensible diet. I slowed the eating by inventing new ways of going through the cookies. One way was to nibble around the circumference of a cookie before finishing off the remaining rough-edged center; another was to twist apart the two wafers of each Oreo, eat of the sugary middle spread from whichever of the wafers it largely adhered to, intending to eat only that one of the double cookies. But each night I lost the battle to stop eating before the package and the can were emptied. I recognize that to this day I unfailingly at the end of a meal leave some portion of food, if sometimes quite small, on my dish – as if to reassure myself that I am free (Cavell, 2010, p. 107).

If asked, how would any of us describe how we eat a cookie – would we present to our listener the level of interest, of expressiveness, and of attention to detail that Cavell provides? How many of us would go further, stipulating that Oreo-eating takes up important space within the story of our lives. To return to therapeutic practice, the professional ways in which the practitioner explores a client's life experiences, with the intention of helping, are often surprising and unexpected. Furthermore, psychotherapy is described as dialogue with depth (Friedman, 1988). This illustrates the key aspect of therapeutic relational working in the sense that no matter how the life problem or issue initially presents itself, it also connects to our

deepest assumptions about life, raising questions about how we should live and what is meaningful to us. These are the kinds of questions, or thinking, which do not have ready conclusions, but which inspire us to contemplate together. Restorative practice draws on the psychoanalytic sphere to underpin its actions. The intention of the facilitator is to use the pupils' story to carefully explore the wrongdoing that previously took place. However, the sense that the conference is a challenging therapeutic engagement is missing from the scenario at the start of this chapter. Where therapy is seen as incorporating qualities such as attentiveness, sensitivity, freedom, and honesty, the dialogue in the scenario suggests inhibition, coolness, mechanism, guardedness. Both Cavell and hooks demonstrate that this thinking can be at first unclear, irrelevant or confusing, until it gradually reveals itself. Attention to one's story, therefore, as one's experience, requires a willingness to recognise one's lost-ness as moments of sickness or disappointment or self-destructiveness and to recognise that the moments of self-recovery, and of peace, lie in the familiarity of such scenes. The revelation this brings, and the associated relief, is that which enables lasting change to take place.

5.5.2   Philosophy as Autobiography

The notion that to pay attention to how we eat an Oreo is to live philosophically is one that risks absurdity. Indeed, what makes any of our ideas related to story, philosophy? In providing an answer, there is something else I want to bring out here, in connection to story and therapy, and that is the recovery of voice. This is not some version of a formulaic iteration of voice or of co-constructive narratives but a willingness to attend to the child's voice once lost. To unpack this idea further, I need to turn to another narrative work by Cavell titled *A Pitch of Philosophy: Autobiographical Exercises* (1994a).[39] Here, Cavell attempts to describe the way in which traditional, analytic forms of the philosophy of language has attempted to deny the expression of personal voice. Through a series of autobiographical vignettes, Cavell invites the reader to consider how personal and intimate storying of philosophers' lives are 'valuable sources of philosophical illumination' (Colapietro, 2012, p. 123). Cavell writes clearly of how deeply probing autobiographical themes of identity such as persona and voice, names, and homes are inseparable from philosophical discourse. Indeed, Cavell states that 'philosophy and autobiography are to be told in terms of each other' and further that 'I might summarise my life in philosophy as directed to discovering the child's voice' (Cavell, 1994a, p. 38). The allusion

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39 Hereafter referred to as *A Pitch of Philosophy*.

that Cavell draws, when referring to the child's voice, lies at the end of this passage where he recalls Wittgenstein's often repeated 'parable of the turned spade' in the *Philosophical Investigations*:

> How am I able to obey a rule?' – if this is not a question about causes, then it is about the justification for my following the rule in the way I do. If I have exhausted the justification, I have reached bedrock and my spade is turned. Then I am inclined to say: "This is simply what I do" (Wittgenstein, 2009, §217).

The conventional reading of this passage indicates that Wittgenstein's argument is an appeal to what must be accepted, with regards the forms of life, that we cannot talk about following a rule but rather state 'this is simply what I do' as an end to discussion. Cavell instead pursues another line of interpretation that veers away from a 'sense of antagonism or resignation' (Cavell, 2010, p. 14). Instead, Cavell gives the passage an autobiographical presentation, viewing the passage as a fragment of dialogue between the self-image of a "teacher" whose spade is an implement of writing and "the pupil" who calls forth the reasoning of why this thing should be done, and not that. This '[scene] of instruction' (Cavell, 1990, p. 64) revolves around acknowledging the silent voice that calls forth the utterance. It is a 'discovery by way of recovery, of the child *before whom* we as adults, hence as in some respects, authorities stand' (Colapietro, 2012, p. 124). Furthermore, Cavell's self-identification does not simply rest with the silenced child or with the voice of authority. If the child is quite literally *before* the adult, then there must be a recognition of 'the present, silenced grown-up who keeps himself or herself waiting, with hovering attention' (p. 51). Therefore, what is at stake first and foremost is exposing the suppression or denial of voice at work in the background in order to show the ways in which it can be returned. Returning to the point over his dated entries, this manner of marking the separation of his thoughts is a way of refusing the stories that have already formed significance through conventional, unified, coherent narratives. Those stories are, Cavell feels, not *his*, but that which have been told or heard so often *for* him. Moreover, his voice, his story, doesn't follow the confident voice of the pragmatist but the uncertain, quavering voice of the hesitant, the doubtful, and the unbelieving. Philosophically speaking, the call into question by the child – why must this be? – is not to find an answer, to reach bedrock as it were, but to expose the frailty and disturbance in the human condition that leads us to doubt our answers.

Colapietro (2012) suggests that Cavell sees himself as the silenced child, depicted in poignantly autobiographical terms. As I have briefly mentioned, Cavell's relationship with his father was

not an easy one, but neither was his relationship with his mother. He recalls himself frequently caught between 'his father's continuing rages […] and her periodic silences' (Cavell, 2010, p. 21). Spending most of his time from the age of seven alone, Cavell experiences a sense of extreme isolation produced by his parent's 'locked speechlessness' (p. 22). Due to his inability to speak openly, Cavell wonders if their unintelligibility with each other, and with him, is 'as if I had not learned speech' (ibid.). The passage of initiation into language that opens the Philosophical Investigations is therefore one we can never entirely leave. In *Little Did I Know*, Cavell repeatedly returns to these formative scenes. Cavell's bargain to begin always with his earliest memories are by way of discovering and recovering voice. In returning to a voice that is indeed 'indecisive and inchoate' (p. 60), Cavell is the child from the investigations, 'invisible to the elders […] attempting to divine speech for itself. Moreover, it is his figure of a child 'invisible to the elders among whom it moves […] and as in a position of isolation and unintelligibility so complete as to reveal childhood as such a state akin to madness' (p. 22). Later in the passage, Cavell sets the terms for his recovery; the therapeutic task of philosophy must be 'a matter of reinserting or replacing the human voice in philosophical thinking' (p. 63) through a 'desire to talk at once about the tone of philosophy and about my right to take that tone' (pp. 3–4).

The sustained act of finding oneself is illustrated as an awakening after trauma, as after Cavell's being hit by a car when he was six years old. The result of the accident was to be permanent damage to his hearing, the repercussions of which Cavell was to feel for the rest of his life. Cavell likens his awakening with Proust's own awakening of the narrator in his fictional autobiography *A la Recherche du Temps Perdu*. Cavell empathises with Proust's condition of being lost, and not knowing where to find oneself. The juxtaposition of the two are such as to lead Cavell to ponder: 'certain questions of ear that run through my life' (p. 30), becoming 'questions of the detections of voice' (ibid.). Does Cavell find an answer to those questions? Does he, through story, find an account of himself? To answer this, we need to look towards the very final page of his memoir. Cavell is visiting his father in hospital at the very end of his life. 'Do you understand me?' His father asks. 'Am I making sense to you?' 'You mean can I hear you'. 'Yes'. Cavell replies. Cavell's father is uneasy, he calls the fuss made over him 'ugly'. As the elderly man falls asleep, his position 'appeared awkward to me'. Like so much of Cavell's work, this out of place ending appears in its abruptness, ungainly, and uncoordinated. Yet as Cavell takes his leave from the reader, it is the we who are left awkward. Cavell's account, as a 'continuation of philosophy's ancient ideas of leading the soul up and out of the cave' (p. 514), have led him to a place of peace with himself.

Ordinary language philosophy recovers both voice and tone by disregarding metaphysical claims of language, instead showing but what language does. In Chapter 4, I confirmed this *viz.* Austin's performative function of language where a marriage vow is not simply the description of the act but the act itself. Cavell takes this further, showing how the human voice is beset by doubt and at best the explanatory force of language, or passionate utterance, can only *say see this event in this way and for these reasons*. In *Little Did I Know*, Cavell sets the context for recovery of voice in autobiographical terms where experience so often comprises 'the uneventful, the nothing, the unnoted' (2010, p. 61), but in their very ordinariness, are 'exemplary of all, a parable of each; that is humanity's commonness, which is internal to its endless denials of commonness' (ibid.). The notion that one's story has the capacity to be philosophically representative for all humanity is so outrageous as to be arrogant and yet Cavell plays on this presumption by naming this as philosophy's 'arrogation of voice', and by making the claim that philosophy *demand* this (extra)ordinary dimension of experience. How does acknowledging this responsibility help us to better understand the place of story in restorative practice?

Cavell's exemplification, or illumination around the recovery of voice, illustrates a very different way of understanding the relationship between the self to self and the self with regards to the other. However, in our scenario, the implication is that if Nazreen's feelings can become commensurate with Nicky's, if their stories fit the rule following practices required by discipline, then the conference will have fulfilled its ethical obligation. Their relationship towards each other may show signs of change, but what of their relationships to themselves? As emotionally intelligent as these pupils might seem, there is no language with which to question the *arrogance* of conferencing; its instrumentalised sense of resolution through process. This is denied by a conception of relationship that tells them both what to say, and how to be as if, to paraphrase Cavell, to become an exemplary of the restorative condition. In disrupting authority, through abrupt shifts in chronology and therapy that prioritises one's relationship with the self, Cavell shows that it is not the telling that is (philosophically speaking) therapeutic. Rather *Little Did I Know* reveals an understanding of story as requiring a continual form of self-questioning that ensures that what one says accords with how one lives (Hodgson, 2010b).

5.6   Disruption of Account

I began this chapter by suggesting that 'account' stood for a report or description of an event. In fact, account in the restorative conference can also be considered to be a 'call to account',

defined as the requirement to forcibly explain a mistake, wrongdoing, or inaction, and hence to be punished.[40] In this second meaning, 'account' in the wrongdoer's story is made to stand for reasoning that is 'an excuse, defence, justification or explanation' for wrongdoing (Hayes, 2006, p. 375). As such, it is apology and not account that is the apex of the conference, and the driver for personal change. Hayes (2006) states that for a restorative practice to be truly transformative, pupils must have the moral maturity to understand this difference. Indeed, it is often regarded as a failure of implementation that the kinds of account talk that are successful in moving the conference along are mistaken for genuine apology. I want to develop the assertion that account must stand for something more than the means to simply collect voice. Let me draw on his understanding of this term as one which takes account for the self, and which is also a call to account (in others), through Cavell's writing in *Senses of Walden* (1992), a reflection on the 1854 masterpiece *Walden Pond* written by Thoreau and which *Senses* summarises as containing wild mood swings, periodic confusion, wretchedness, nervousness, and immense repetition. On the surface, *Walden*'s dense and poetic rumination on the vagaries of daily life in Concord, Massachusetts consists in numerous small observations on his dwelling, his village, and his neighbours that appear without relation to one another. What is interesting is that from the outset, Thoreau refers to his work as the keeping of 'my accounts which I can swear to have kept faithfully, I have, indeed, never got audited, still less accepted, still less paid and settled' (p. 125). What sort of private enterprise is he referring to? What is the relevance of his account?

Cavell rightly surmises that there is word play going on here. It is not a private enterprise (in the strictly business sense); rather it is the enterprise (business) of his own (private) life – his experiment in living. Thoreau's search for a natural environment in which to inhabit, his thoughts on Nature and his negative commentary on the ills of civilisation is to say 'something about your condition, especially your outward condition or circumstances in this world, in this town, what it is, whether it is as necessary that it be as bad as it is, whether it can be improved as well as not' (Thoreau, 2004, p. 114). It is part of the artistry of Thoreau's work that all of *Walden* relates to this statement and that failure to grasp this nature of accounting not only misses its literary significance, but overwhelms the reader with the 'boredom of emptiness' (Cavell, 1992, p. 20) as behoves the mass of men [leading] lives of quiet desperation (Thoreau, 2004, p. 117). This experiment in living is no less than his accounting for himself; what counted

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40 Cambridge Dictionary [Online]. Available at: https://dictionary.cambridge.org/dictionary/english/be-brought-called-to-account (Accessed 17/03/20).

for him, and what account he wanted to give to the neighbours in his life. It is this other idea of accounting, as one that holds his life up for the reader, and for himself, to audit, that takes precedence. Not only this, Walden is a call for every 'writer, first or last [to find] a simple and sincere account of his own life, and not merely what he has heard of other men's lives' (p. 111). The seriousness of Thoreau's attempt, for Cavell, cannot be misinterpreted:

> This is what those lists of numbers, calibrated to the half cent, mean in Walden. They of course are parodies of America's methods of evaluation; and they are emblems of what the writer wants from writing, as he keeps insisting in calling his book an account (Cavell, 1992, p. 30).

Walden's *accounting,* Cavell states, is a parody of American idealism which holds the aims of economy (also the title of the introductory chapter), and the life that gives 'wealth and standing' (Thoreau, 2004, p. 125), as its highest ideal. In illustration, Thoreau describes his disappointment with the lives and traditions of his neighbour and their endless labour that their grand plans for living make a claim to, stating that it appears 'to me to be doing penance in a thousand remarkable ways' (p. 114). To describe the work of the New England farmer as being without purpose goes against the notion of the honest, working man, who, if he works hard enough, will succeed. This deeply mythologised American success story is epitomised by Thoreau's characterisation of John Field (pp. 266–272), an everyman who is nothing more than a serf of the soil for whom the physical self smothers the human potential for immortality. For all his busyness, Fields's toil is ineffectual; it ceases to have any real purpose in the world. Society is likened to a 'wave' (Emerson, 2003, p. 291). It never advances, never changes, instead it 'recedes as fast as on one side as it gains on the other' (p. 289). When this happens, either in philosophical enquiry, or in educational practice, 'our thinking spins on ice and can make no progress; it needs to be returned to the rough ground, against which it can gain purchase' (Standish, 2013, p. 56). This is hugely important for the kind of critique that associates the restorative 'story' with Hayes' assessment of account as effective and accountable, and the end goals of such an approach. It implies that there is a *way* of doing this that looks like real work, but in its sameness of approach implies that there a procedure to follow that makes it felicitous.

5.6.1   Story as Awakening

There is another dimension to account that I wish to draw out here. By drawing attention to the presence of the cockerel in Thoreau's chapter 'Sounds', the *chanticleer* who crows at the break of each day to welcome the new dawn, Thoreau presses us to think of account not in a

succession of endings, but as 'this ongoing series of turning-points in the middle and midst of life' (Standish, 2018, p. 431). The telling of one's story is just such a turning point: the way in which I behave is unsustainable, it is therefore necessary to turn to face a new direction. If we are to reconceptualise what is understood as restorative, it is essential that ideas of story, as one that gives account, allows one to turn, and to keep turning. Thoreau calls this our learning to 're-awaken and keep ourselves awake, not by mechanical aids but by an infinite expectation of the dawn' (Thoreau, 2004, p. 181).

Understanding that this is what Cavell wants from story is key to unlocking the significance of his (educationally) disruptive writing. For Cavell, stories 'are not about something else, something past or future to be called his living' (Cavell, 2010, p. 52), they are 'exemplifications or modes of philosophical life' (ibid.). Through Cavell's emphasis on awakening, story is conceptualised as both a-teleological: an endless journeying that 'we repetitively never arrive at, but rather [...] is a process of moving to, and from, nexts' (Cavell, 1990, p.12). It is looking carefully towards the idea of transformation, without a final transformation, but also recognising the act of returning, and of remembering. It is the demand for experience to understand how 'the person who was then Stanley Cavell, who became the next Stanley Cavell, and how that next one was, doubling back in time to another time, someone who was either prepared or unprepared to become the next Cavell' (Dumm, 2013 np). This is our attained and unattainable self: an endless process of self-transformation, driven by an ethical and moral drive towards an infinite number of future, better selves.

The notion that writing can 'help' this transformation in some way figures quite prominently in his autobiographical writing, and in the kinds of writers to whom he is drawn. In this, assistance is offered through the kinds of examples that show not only what one did, but how one lived. Recalling Oreos, this trend to showing how one should live is shaped as a turning away from the grand narrative to commit to the small and digressive. About this, Dumm (2013) comments that Cavell senses he is not an adequate judge of what is commonly thought to be obvious, or important, in what he writes and that this stance is consonant with being a philosopher of the ordinary, one who is grounded not in 'intellectual certainty but in human convention' (Mahon, 2015, p. 230). To figure this out, we need to return to the problem that Cavell has surmised quite clearly at the start of this journey. That is, to look closely at 'what is going on', through a series of notorious public events is a useless endeavour. In fact, to continue the passage I referenced earlier: 'the sound of such a narrative would I believe amount to too little help, to me or others' (p. 4).

5.6.2   The Gleam of Light

That we are drawn to the small and the ordinary is signalled more clearly when, at the end of *Little Did I Know*, Cavell writes: 'I had hitherto always passed by the title phrase "to have and have not" with a momentary qualm that I allowed to fade' (p. 542). His phrasing is significant in its allusion to Thoreau's contemporary, Ralph Waldo Emerson, who stated:

> A man should learn to detect and watch that gleam of light which flashes across his mind from within, more than the lustre of the firmament of bards and sages. Yet he dismisses without notice his thought because it is his (Emerson, 2003, p. 267).

Emerson calls the gleam intuition; Cavell perceives it as 'stopping to think' (Cavell, 1990, p. 20). This is Cavell's way of presenting to us his understanding of 'Emersonian moral perfectionism', calling it 'a dimension or tradition of the moral life that spans the course of Western thought and concerns what used to be called the state of one's soul' (p. 2). Or, put simply, an enduring conversation 'about how we might live' (p. 6). Cavell states that morality in perfectionist thinking is not calculated from a revised tax code or from Kant's categorical imperative where if an act is bad or wrong, then it is bad or wrong no matter who you are (Cavell, 2005b). Rather, it is to take the words 'to thine own self be true'[41] with the acknowledgement that 'you had better have some standing with me with which to confront my life, from which my life matters to you, and matters to me' (p. 50). The force of this kind of moral imperative is, for Emerson, tied up with ideas of refusing conformity and conformist thinking. In repeatedly urging the reader to follow their inner voice, and not some outer pressure, Emerson's famous work urges us to be attentive towards the kind of moment that will spur on some kind of conversion within the self. These continuing conversions place us in a series of 'nexts' so that our journeying towards our better selves has no finality. Instead there is only potential or possibility, 'unimposable' and 'unrewardable', […] 'one that we would all instantly see the worth of if we could but turn, revolutionise ourselves' (Cavell, 1990, p. 10). The notion of telling one's story without this richer perfectionist thinking lacks not only the impulse to be transformative now, but also our ongoing commitment to continue giving an account of the state of our souls. The essay 'Circles' (Emerson, 2003, p. 312) begins with such an appeal:

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41 Shakespeare uses this phrase in *Hamlet* Act 1 Scene III, where Polonius speaks these words as a token of advice to his son, Laertes.

Our life is an apprenticeship to the truth. That around every circle another can be drawn; that there is no end in nature, but every end is a beginning; that there is always another dawn risen on mid-noon. And under every deep a lower deep opens (Emerson, 2003, p. 312).

In Emersonian Moral Perfectionism, the moment of perfecting, of 'talking steps, say walking, a kind of success(ion) in which the direction is not *up but on* (Cavell, 1990, p. 10 italics my own) registers a certain 'ambiguity' (p. 135) where the drawing of circles between the attained and unattainable self becomes 'knotted' (p. 10). It is this moment of 'discontinuity' (p. 135) that raises the question over what might bring someone from one circle to another. Cavell proposes that Emerson's gleam of light, or 'whim' (Emerson, 2003, p. 270), is prophetic in providing the beginning that is required at such critical junctures (Saito, 2005). However, in accepting the sense of groundlessness that perfectionism requires, forward movement should not only become 'an expression of rosy optimism toward the future, [it must be] accompanied by a certain rigour and stern willingness to commit oneself to the unknown out of a trodden path' (p. 113). It is only by incurring a new loss that steps in perfecting can be attained (Cavell, 1992).

5.6.3 Story: Perfectionism and Finding as Founding

As such, it is not the element of *arriving* that forms the emphasis for onward growth, but *leaving* that is represented by Thoreau's experiment in living (Saito, 2005). *Walden Pond* is not a permanent home, a place for settlement, but a place where Thoreau learns how to sojourn that is to say, 'spend his day' (Cavell, 1992, p. 52). This aspect of perfectionism is characterised by Cavell as departure, unsettlement and 'abandonment' (p. 138). This distinction is important as Emersonian Moral Perfectionism does not rest on the notion that there is some philosophical ground that we are attempting to find once and for all. Our 'foundation, reaches no further than each issue of finding' (Cavell, 1989, p. 114) but is a recurrent finding that is not only an individual, therapeutic matter but is also the perfectionist task of 'founding a nation' (p. 93).

Connecting moral perfectionism with Cavell's recognition of America's inheritance of a contentious history, the founding of a nation addresses one of Thoreau's most important subjects: the establishment of an American Eden through participation in community. This is evident in *Walden* where Cavell's commentary on community finds its awakening in 'the purity of the Chanticleer's call' (Cavell, 1992, p. 39). Cavell refers to the *chanticleer* as Thoreau's attempt to rouse America from its slumbers, to look more closely at its own competing

demands, and to find for itself a language, a community, a nation. The criteria for living a good life, one that asks how we should live, is not merely a silent ministration towards oneself, but the manifestation of 'a need for a philosophical dialogue with others' (Saito, 2005, p.137). When we succeed in this we succeed in taking 'a small step—a half step—toward perfection' (Cavell, 1994b, p. 50). The presentation of community that is in a state of flux is always without a final state of perfection but, as Naoko Saito draws out, with a strong focus on process that creates the potential for new possibilities (Saito, 2005).

To turn again to the restorative conference, the teaching of *Walden* shows how to make the best use of its practices. Where the gleam of light can be a source of deviation in the pursuit of relational connection, where story can be emphasised as another way of growing without a fixed end, where pupils can learn to re-establish their relationship with the familiar, and where an education for citizenship places the utmost importance on the political concept of voice. Without this ethical presentation, restorative practice loses the ethical concept of transformation, becoming reminiscent of Emerson's unchanging waves rather than a rippling pond.

5.7 Disrupting the Facilitator

As Thoreau underlines, storytelling gives an account of what happens, or has happened, in terms of its potential to transform, becoming more than an abstract chain of cause and effect that obscure the relationship between people. The underpinning moral perfectionism of Cavell's work points to an ethical relation with the self to the self that is never finally attained, it is always in a state of transition, always looking for the transformative potential. A part of this work is one's 'responsibility or answerability to the other' (Hodgson, 2010, p. 120) that asks how to account for human freedom without eliminating contingency or opting for predictability. Cavell and Thoreau's point of view is characterised by taking seriously the fact that when we act we can never know the result of our actions on others. If we knew, we would not be free.

Hence, both *Little Did I Know* and *Walden* recognise that there is no immediate knowledge of oneself, rather, our self-appropriation is through our stories. The creation of a restorative conference framework that better facilitates pupils with the appropriate attitudes, behaviours and values, is a tall order. In order to support this, how can those who facilitate conferences best ensure that they are apt role models, that they encourage meaningful participation in the restorative process and, more significantly, that they ensure that the opportunity for telling

one's story reaches beyond the instruction of knowledge and skills? The question becomes more pressing since the facilitator is presented as standing at the crossroads of power, knowledge, and frank speaking. Therefore, appropriately guiding pupils through the conference is a crucial part of socio-ethical education to which pupils are exposed. Thus far, my concern has been to draw attention to the relation between the participants of the restorative conference, idealised by Nicky and Nazreen. In the next section, I will offer some thoughts on how establishing dialogue between pupils and facilitators is necessary for a developing ethical capacity.

5.8 Socratic *Parrhesia*

The restorative conference is not an autobiographical act, in the manner of *Little Did I Know*, or *Walden*, but a shaped, dialogical response. To redress this, I will be turning to Cavell's close reading of the George Cukor film, *Gaslight* (1944), a psychological thriller set in late Victorian-era London that contains scenes of such facilitation. Before I do, it would be prudent to my discussion to further expand vocabulary that will be adequate to the ethical challenges wrought by the technologies of restorative practice. Therefore, I want to introduce the ancient tradition of Socratic *parrhesia* (Foucault, 2001). Developed by Michel Foucault, *parrhesia* has a range of meanings which function in relation to the critique of democratic institutions and freedom of speech. Foucault explains:

> *Parrhesia* […] is linked to courage in the face of danger: it demands the courage to speak the truth in spite of some danger […] *Parrhesia* is a form of criticism, either towards another or towards oneself, but always in a situation where the speaker or confessor is in a position of inferiority with respect to the interlocutor. The *parrhesiastes* is always less powerful than the one with whom he speaks (Foucault, 2001, p. 16).

In order for speech to qualify as *parrhesia*, Foucault points to certain conditions that must be met. These are: an imbalance of power between speaker and their audience; an obligation to speak the truth even where there is a risk to her reputation or her life and a deep reluctance for the truth to be heard because it may contain a critique of the current hegemony that forces the listener to take account for their actions. It takes great courage to speak out, and yet in always choosing to speak out what the *parrhesiastes* says and how she acts represents the ultimate acknowledgement of the ethical relation of the self to the self (Hodgson, 2011). That is, the ethical decision to speak all the same. For this reason, *parrhesia* can also be understood

as 'the kind of speech I have with myself when I plainly tell myself things I do not really want to hear, when I am faced with an agonizing decision, and I find the courage to face my fears' (Papadimos and Murray, 2008). Thus, *parrhesia* 'risks myself in order to be myself, authentically' (ibid.) In the following discussion, I will show how Foucault's analysis of fearless speech is relevant to the notion of learning to live well with others. Since Socratic *parrhesia* always takes place face to face with another, facilitators should not only teach pupils to practice *parrhesia*, they should also embody the kind of educative and democratic relationship with which one might find one's voice. The result of such listening 'is a shifted orientation to how one thinks and expresses the relationship between one's thought and action and a recognition of the ethical relationship between the two' (Hodgson, 2010b, p. 151). My earlier thoughts on autobiography and philosophy suggest that this is a willingness to listen that must be commensurate with a willingness to be transformed. Let me explore what this might look like.

5.8.1 *Gaslight*

Gaslight draws its title from the many images that show the frequent flickering and dimming of gaslight.[42] This key visual motif's significance to the plot, concerning a young fragile woman (Paula Alquist) who is tormented by her villainous husband (Gregory Anton) has resulted in the naming of a psychological phenomenon known as 'gaslighting', or the deliberate means to drive another insane through psychological manipulation.[43] The recurring repression of Paula's voice forms the bedrock of her visible suffering in *Gaslight.* This is achieved by Gregory, a pianist who accompanies her singing lessons. Having persuaded Paula to marry him, Gregory insists they settle in Paula's childhood home in London. However, Gregory is a jewel thief who has married Paula to live in the house in which he murdered her aunt some years earlier. Frightened that Paula may have some memories of her aunt that may reveal his identity, Gregory's chosen mode of torture is to deprive Paula of words. In doing so, he begins a process of de-stabilising her personal powers of memory, and story, by means of stealing, or hiding, small personal belongings, playing on her fears of inheriting mental illness, and denying her proximity to others with whom she has a past association:

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42 Oxford dictionaries [Online]. Available at: https://en.oxforddictionaries.com/definition/gaslight (Accessed 19/1218).

43 While I am certainly not accusing teachers of driving their pupils to madness there are strong lines of discussion surrounding how voice is heard, and for what purpose.

Gregory: You know, you are inclined to lose things.

Paula: I am? I didn't realise that.

Gregory: Just little things (*Gaslight*, 1944).

When Paula finds a letter addressed to her aunt and apparently written by the murderer, Gregory interrupts her by snatching the item away. Later she recalls the incident as being significant, but to no avail:

Paula: But that's what you think, isn't it? That's what you've been hinting and suggesting for months now, ever since...the day I lost your brooch. That's when it all began. No, no, no, it began before that. The first day here when I found that letter.

Gregory: What letter?

Paula: That one I found among the music from that man...Gregory: Yes, you're right. That's when it began...I can see you still, standing there and saying, 'Look. Look at this letter.' And staring at nothing.

Paula: What?

Gregory: You had NOTHING in your hand.

Paula: What? (*Gaslight*, 1944).

Seemingly unable to argue against Gregory, or to find anyone that can make her opinions count, Paula's faith in her own mind, and in her health, reaches a crisis point when it appears that she is the only one that can hear the footsteps coming from the boarded up attic, or see the gas lamps fluctuating nightly in accordance with the obscure sounds she hears from above her bedroom (in fact Gregory is ransacking the third floor attic, determinedly trying to find the location of Paula's aunt's precious jewels which he believes are stashed in the house). Repeated disregard of Paula's story, Gregory's 'process of controlled amentia is one that is to render the woman of *Gaslight* stupid, say self-stupefying, she does not know what the fairly obvious sounds of tramping are on the floor above, and she does not know why, hence soon not even whether, the gas lamp is obviously lowering in her room' (Cavell, 1996, p. 51). The etymological connection of gas with the German *geist*, meaning spirit or mind, is signalled within the film as 'not the loss of speech, a form of aphasia, but a loss of reason, of mind, as such - say the capacity to count, to make a difference' (Cavell, 1996, p. 58). Paula's subsequent confinement and isolation, denied conversation even with her neighbours, precedes a state of madness so extreme as to render 'a state of utter incommunicability, as if before the possession of speech' (p. 16). The sight of Paula, listless, bent over in soporific state, while

waiting for the doctors to take her to an asylum, is that of a woman 'de-created', tortured out of a mind altogether (p. 49).

Cavell does not use the words death or dying, denial of voice leaves a person still very much alive yet without their *geist* – Thoreau's 'immortal soul'. Paula's hunched figure, as if about to fall over, is an arresting image and tells us much about how denial of voice is metaphorically linked to de-creation. Firstly, Cavell draws our attention to the narrative function given to the rising and falling of light in that gaslight appears to work in such a way that that when one lamp lowers or rises according to whether another lamp is being operated is 'a phenomenon drummed in by dialogue' (p. 69). Paula is never shown to light her own lamp, instead 'the woman's supply of drawn off by the man's unacknowledged need for it' (ibid.). Secondly, that this figurative draining is known as psychic vampirism: the sapping of one's life for the cause of another.

5.8.2 Voice, Story and Self-Reliance

Developing the theme of vampirism in correlation with Emerson's essay, 'Fate', Cavell equates the 'mutual, victimization, sapping of one another' (p. 70) with adultery. Drawing on the Old English *æwbryce*, a breach of law(ful marriage), or stemming from the Latin *adulterare* 'to corrupt'.[44] the de-creation of the woman has corrupted the lawful bounds of marriage. It has become a measure of conformity 'characterised by Emerson as voicelessness – or say hyperbolic inexpressiveness' (p. 66). Cavell's thoughts once more turn around ideas of moral perfectionism seeing the work of the individual to resist the pressure to conform. Acquiescing to public opinion is a waste of one's life; moreover, consistency with past actions leads to stagnation. A tirade against the social pressures of the age, 'Self-Reliance' (Emerson, 2003) identifies the importance of not conforming to the expectations of the 'crowd'. Instead, following one's own path in order to find what is true, or good. is what it means to be fully human:

> The route to this alternative integrity is still creation, or what I might call metamorphosis – some radical, astonishing, one may say melodramatic change of the woman, say of her identity. But this change must take place outside the process of a mode of conversation with a man (of course, since such a conversation would constitute marriage (Cavell, 1996, p. 6).

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44 Etymological dictionary [Online]. Available at: https://www.etymonline.com/word/adultery (Accessed 21/02/19).

That Cavell references Emerson's self-reliance with the way in which Paula is re-created leads me to the connection between voice, as an act of perfectionism, and story in the restorative conference. A detective named Cameron investigating the now cold case of Alice's aunt, and suspicious of Gregory's doings at night, gains both entry to the house and Paula's confidence:

> Cameron: What's up there?
>
> Paula: A whole floor of trunks and furniture. Is that what you meant? (*Gaslight*,
>
> 1944).

Cavell states that 'a dog would have had no trouble' (Cavell, 1996, p. 58) in making the connection between the absence of her husband, the lowering of the lamps, and the noises in the attic. However, Paula is scarcely in possession of her senses and thus requires a very specific kind of relation. Cavell describes Paula's and Cameron's conversation as a kind of 'therapeutic process' (p. 57) in which her 'knowledge dawns and the night of self-stupefaction begins to end' (p. 51). Cameron's insistence that she *knows* recalls the basis of Freudian narrative analysis according to which the client already possess the necessary information with which to help themselves. The influence of Freudian thought in *Gaslight* is palpable and resonates strongly in Paula's cry that she is living in a dream:

> I couldn't have dreamed it. Did I dream? Are you telling me that I've dreamed all
>
> that happened? Then it's true. My mind is going. It was a dream. Then take me
>
> away, I can't fight it anymore. It was a dream (*Gaslight*, 1944).

Does this identification put Cameron in the position of psychoanalyst? Cavell would take issue with this. As a line of comparison, he takes up Freud's reporting of 'Dora', a well-known case in his origination of psychoanalytic theory in which 'Dora' refuses his interpretation of her disorder. Criticising the 'brutal insistence' (p. 53) with which Freud demands that 'Dora' understand that her sexual problems are at the root of her 'hysteria', Cavell equates the issue of Freud's guaranteed soundness of the psychanalyst's self-confirming mechanism as 'the theft of woman's knowledge' (p. 53). Of course, not all psychoanalysts are so Freudian in their approach. Proper deployment of technique, such as that noted by McIntyre (1981), would teach the difference between genuine self-denial and denial that is an ordinary part of speech. In Paula's example, this is less about a proper deployment of psychological technique then it is Cameron's ear for ordinary language:

> Cameron: Yes! But who? Mrs. Anton, you know, don't you? You know who's up
>
> there.

Paula: No.

Cameron: Are you sure you don't? (*Gaslight*, 1944).

Much like Dora, Paula resists Cameron's assertion for knowledge with denial. However, Cameron's desire for Paula's story is, unlike Freud's approach, not a way of learning *about* the patient for an arbitrary end goal, but of learning *from*. This is not a process of knowing, but of attending, a term that draws out the origin of the word therapist from the Greek *therapeutes*, or 'attendant' (Smeyers *et al.*, 2007). The effect of this attention on Paula is gives the audience something like the first glimpse of her story:

Paula: No. How could he be? (*Gaslight*, 1944).

The story of blindness to her husband's activity reveals itself in the realm of a few very ordinary words. One might say that she has finally worked out the presence of her husband. It is more likely that she has with Cameron's care, the freedom to voice what she has known all along – what has been in plain view. There is nothing that is difficult or sophisticated about Paula's language, yet the conversation between Paula and Cameron is mediated by the ordinary agency of language thus revealing the extraordinary nature of the human condition for transformation. Paula's passionate recovery of voice, her *cogito* (her refutation of self-doubt) is her reintroduction to a language of her own. To perform for a public, to be visible as a star (light) is a source of energy that births her once again into existence. Her metamorphosis, or creation, that takes place outside of the boundaries of her marriage is the assertion of *cogito* that 'puts a close to sceptical doubt' (Cavell, 1996, p. 48). If Gregory's task was to drive her mad, and the recovery of voice was a way out of that madness, then why does Paula still proclaim her insanity? Why shouldn't she?

Paula finally delivers proof of her existence; her memory and mind are intact, telling Cameron 'I want to speak to my husband. I want to speak to him alone', or as Cavell put it, 'now I exist because I speak for myself' (Cavell, 1996, p. 47). Of course, this is Paula the non-conformist and self-reliant. She casts off her metaphorical bounds as she confronts her husband confined, literally, in ropes. To him she delivers *Gaslight's* most powerful lines, what Cavell's calls her aria of revenge:

Are you suggesting that this is a knife? I don't see any knife. You must have dreamed you put it there. Are you mad, my husband? Or is it I who am mad? Yes! I am mad. If I were not mad I could have helped you. But because I am mad, I hate you. And because I am mad, I have betrayed you. And because I am mad, I am

rejoicing in my heart without a shred of pity, with glory in my heart (*Gaslight*, 1944).

Paula's aria is an excellent example of fearless speech in that the self-relation of the *parrhesiastes* is not dependent on some sort of verifiable evidence but is an ethical and spiritual relationship to the self (Papadimos and Murray, 2008). To think this through I must recall Cavell's ideas on Cartesian scepticism. From Descartes, our modern epistemological framework takes its evidence when all possible doubt is removed: *omne illus verum est, quod clare et distincte percipitur*.[45] Cavell suggests that the sceptic's desire to refute misses the necessary strangeness or unknown-ness with which we, as humans, must operate. Returning to Foucault, rather than presuming that one can act and speak objectively from a place of truth free from the dilemmas of power, 'the *parrhesiastes* speaks from within the situation and does not pretend to occupy a space that is epistemologically neutral and free from constraint' (Foucault, 2001, p. 16). This does not result in the denial of knowledge, but of acknowledgment, or the gift of transformation.

The key point to be made about Paula's aria, therefore, is that recovery of voice is consistent with recovery of one's story. To be human is to be forever changing and developing – to stay with the film's own motifs, the light of madness is always in a constant state of rise and fall. At *Gaslight's* very end, the audience is made aware that the process of Paula's journeying is not one that will take place tonight, nor perhaps tomorrow or the week after. Paula's journey as it reflects each of ours will take a lifetime: 'This will be a long night' she tells Cameron, waiting for the dawn to break, her transformative arc never to be fully settled. 'It's starting to clear', is Cameron's equally non-committal reply.

Staying true to our self requires remaining faithful to our metamorphic character. It also risks being thought mad, as Emerson states: 'for nonconformity the world whips you with its displeasure' (Emerson, 2003, p. 272. It is precisely this fear that the non-conformist stirs in the masses and which Paula identifies in herself. Where recovery of voice and the ability to tell one's story is seen by some restorative researchers as crucial to the restoration of relation and community, for Cavell, the recognition of a voice once lost becomes a protest against societal conformity. In finding our words and our language we repel the 'lifeless conformity' that threatens our self-reliance, a danger presented by settling into a role that community prescribes we must fall.

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45 All that is very clearly and distinctly apprehended (conceived) is true.

Unlike Cavell's (1981) writing on the comedies of remarriage (see Chapter 6), the women of the melodramas are not privy to conversation as a form of affirmation, but of de-creation. Thus 'the figure of the friend', or we might say the figure of the facilitator, becomes crucial in the matter of revelation. In order to challenge the hegemonies of power, to expose corruption and to speak out, it is not only enough for the speaker to have mental evidence of the fact but also the freedoms for speaking that are afforded by a kind of moral and ethical apprenticeship. Foucault makes it clear that it is this ethical relation which constitutes 'true knowledge' for the *parrhesiastes*. Not only does a good facilitator demonstrate and embody the critical attitudes, behaviours and values of the *parrhesiates*, she allows the student to practice *parrhesia* by cultivating a 'space of appearance' (Arendt, 1958, p. 198). A possibility where those who can relate to each other are as equals in some common project. Despite the function of *parrhesia* as being dangerous to the speaker, the facilitator has decided that telling the truth will help the person, or situation. This is more than professional obligation, hinting instead at a moral, or ethical duty with which one is bound to make a response. Reminiscent of Cavellian passionate utterance, the listener feels such speech as ethically necessary and unavoidable (Hodgson, 2010b).

While Cameron is not the *parrhesiaste* in this situation (being never in a position of risk or personal danger), his teaching Paula how to relate to herself presents Paula with the opportunity for *parrhesia* – the chance to arrive at what everyone knows but on her own terms and with her own words. There is no script, or direction; instead Cameron's dialogue is characterised by a sense of responsiveness. This includes the right to do and say things her way – alone. In giving Paula the chance to think in this way, Cameron allows Paula to gain the confidence in her voice, and her story. Ultimately, it is this kind of facilitation that can prepare the student for able, and critically democratic citizenship.

5.9 From Self-Care to Community: Re-thinking Story in Restorative Practice

That we all have our own self-identity through processes of narrative construction and, furthermore, that the self is subject to constant revision (as the person living it finds out where they are going), is well understood by therapeutic practice. In this chapter I have tried to write of a disruptive relation to storytelling that if encouraged would challenge both the teller and the listener to think for themselves. This cannot be a process of simply assimilating the substance of what is said, as if the main events could be noted and incorporated into an

existing framework of judgements, but a challenge to the story-teller to reappraise her relation to the words in use, in other words to discovering a better 'economy' of living. In foregrounding Thoreau's attention to accounting in economic terms and reclaiming the language of commerce, ideas of success are subverted. The focus on the recovery of ordinary language (as attendant with the recovery of self) is away from the grandiose and in respect of the ordinary, the small, and the mundane.

Paula's successful recovery of the voice and her renewed faith in her ordinary words is a part of the therapy of philosophy. Moreover, it is not that such a position is to achieve a resolution, rather that for a time we are relieved of our compulsion to doubt, and to move on from there. Paula's reference to 'a long night' at the end of *Gaslight* testifies to the way that, from Cavell's position, returning to the ordinary does not mean nostalgically re-entering the world as we left it previously but confronting how we might live in a way that does not hide from our anxieties. We see the manner of this confrontation in Cavell's stylistically difficult autobiographical writing. His deliberate obfuscation of an easy to follow narrative is consummate with his commitment to Emersonian moral perfectionism.

Ending this chapter there are two points that must be addressed. The first is that Cavell's appeal in autobiography takes us away from the emphasis on restorative practice's familiar concern for relational equality towards more individualistic ones. The second is that story can only be thought of in terms of the *philosopher's* right. Both are not amiss. In *A Pitch of Philosophy*, Cavell derides the 'arrogant assumption [of philosophy's] right to speak for others (Cavell, 1994a, p. vii–viii). Instead he finds immense significance in the use of 'we', used by philosophers as a way of speaking universally for others, in the phrase 'when we say, we mean'. Cavell subverts the latent repression of voice by philosophy, instead showing how it is the ordinary 'we', meaning the 'we' that comprises both 'you' and 'I', that sustains the ability to own one's voice as well as the notion of community to speak on its behalf. This is not arrogation of voice thorough singularity of voice nor is it to be confused with conformist thinking. Rather, Cavell shows how an attention to matters of voice is less a process of speaking at, more 'of speaking for and being spoken for' (Rudrum, 2013, p. 146). Returning to restorative practice, Cavell's idea of *accounting for* takes precedence over restorative practice's use of *accountability*, prioritising its potential for interpersonal and community engagement over authoritative aims. Recalling Cameron and Paula, the friend's power to reach out and communicate to the lost one is essential for opening the possibility for a *parrhesiastic* relation. This is how we might, in Cavell's words, allow those who participate in restorative conferences to 'come out of that' (Cavell, 1990, p. 47).

Returning to the importance of Cavell's autobiographical writing, it is not an enormous leap then to consider how *Little Did I Know* is itself a conversation between the reader, and the text since reading must involve at least two actors, the one who is lost and the one who helps the other to start or find their way. This captures Cavell's moral outlook (let us not say theory) as one that pictures the self in an ongoing continuous quest of perfectibility. Defended against both deontology and teleology, Cavell seeks neither actions defendable as universally good nor actions maximising the good for all persons (Mahon, 2015). Instead, what is in question once more, is the intelligibility of the self to others. Revealing oneself to another with courage and responsiveness, a self can become exemplary. In *Little Did I Know* the revelation is two-fold, enabling not only Cavell to look at his life but to proffer a finding, 'a standing gesture towards the reader or over hearer to enter into the discussion, to determine his or her own position with respect to what is said' (Cavell, 1990, p. 8). Not only should we become lost, we are transformed from this condition by its 'appeal to the reader to recognise himself and herself in that experience' (Arcilla, 2012, p. 157).

The intersection between story and philosophy is nothing less than a 'literary redemption of language' (Cavell, 1981, p. 93). In Cavell's terms, this is the reclamation of words, his discussion of what counts as criteria back from the meaning ascribed to them by society and towards the meaning that we give to them. Such is the communal, or even political, dimension of the perfectionist outlook - the responsibility of citizenship and of the individual's capacity to contribute to the betterment of society through ethical relation with another. Taking on board the impulse to conversation is to hold to the view that when 'the veil of ignorance is lifted, we still do not know what "position" we occupy in society, who we have turned out to be' (Cavell, 2005b, p. 174).

It is in virtue of this that ideas of relationship in Cavell's philosophy have special importance since in his ideas of ordinary language philosophy, scepticism, self-reliance, and democracy, Cavell is concerned with how people, in the midst of disruption, find their way back towards one another, and to society. In the final chapter I will return to Cavell's reworking of his longstanding themes of acknowledgement that I have touched on here and previously. Comparing his approach with that of continental philosophers Martin Buber and Gabriel Marcel, I finally approach how restorative practices' foregrounding of recognition and reparation between humans is to be recovered.

Chapter 6

Criteria and Community: Ethical Relation in the Restorative Conference

6.1 Scenario

SCENE THREE

"Making an agreement"

MS SHAH

You have both listened to each other's story. Now we are going to move to considering how the conflict can be resolved in a way that is respectful, reasonable and restorative. How do you think we can make things right between you?

NICKY

We need to say sorry.

MS SHAH

Okay, I'm going to write down, "say sorry". Nicky can you give me one of your ideas.

NAZREEN

Say sorry too?

MS SHAH

Saying sorry is already there. Do you have any more ideas?

NICKY

Ask the teacher to move to a different table?

MS SHAH

That's really good. I'll write down "move away" and "swap seats". Is that okay Nazreen? Do you have another idea?

                              NAZREEN
I don't want to move to a different table. I like sitting where
                                I am.

                               NICKY
                Doesn't matter, it's just for now.

                              MS SHAH
   Let's go over which ones will restore your relationship. The
first suggestion is to say sorry. Let's try saying sorry to each
                     other and why we are sorry.

                               NICKY
           Sorry for laughing and for messing about.

                              MS SHAH
  That's good. It's very important not to distract others and to
     allow them to carry on with their work. Your turn Nazreen.

                              NAZREEN
    Sorry for calling you a cow and sorry that I ripped up your
                                work.

                              MS SHAH
  No, that wasn't very kind, was it? Can you remember what we do
            when we feel ourselves becoming very angry?

                               NICKY
   Mr Davison says to take a deep breath and count down from 10.

                              MS SHAH
 Well remembered Nicky! Do you think you can remember to do that
                              Nazreen?

                              NAZREEN
                         (Under her breath)

This is so pointless.

MS SHAH

I'm going to add this to our list. We just have a few more
things to do now to wrap up this part of the restorative
conference. First, I'm going to finish writing the agreement on
this form … now I'm going to read it back so you can be sure it
says what we agreed to. For restoring relation, 'sorry' is
ticked and you've done that. Nazreen is going to tell people
what is bothering her before she explodes, and Nicky will manage
her behaviour at the table better. Does it say what you agree
to.
(Both say yes)
Let's check this against the criteria for agreement, does this
meet our expectations for what is restorative? Yes? Good. I'll
write it out for you both and then we need to set a date for a
follow up meeting to see if the agreement is working. Would
12.30 next Friday be okay? Now are you ready to sign this
agreement?
(Both girls sign the agreement)
Thank you for coming to the restorative conference and being
cooperative and constructive. I will look forward to seeing you
at the follow up meeting.
(All shake hands and leave)

****

6.2   Theorising Relationships in Restorative Practice

In Part 2 thus far, I have introduced several topics in relation to matters of dialogue and
transformation in restorative practice. These are: passionate utterance, scepticism,
autobiography as philosophy, self-reliance, and Emersonian moral perfectionism. As I move
towards this final chapter, I find that the impact of my deliberate engagement in these
preceding areas is akin to that of writing in an echo chamber. While I have sought to separate
my ideas thematically, the inescapable conclusion of both preceding chapters lies in
recognising the fundamental dynamics of human relationship. It is by now a commonly
occurring expression that restorative practice is, at bottom, about reparation to relationships.

The recognition of strong, respectful relationships that keep communities together and the reparation of these relationships when things go wrong leads restorative practice theorists to actively engage with foundational concepts of right relationship.

My final scenario in the story of the restorative conference continues my exploration by seeking to portray in what way the restoration of relationship is dependent on the extent to which we are in agreement. Given my earlier critique, that dialogue tends to be hijacked by instrumentalism, and of conformity itself, the use of agreement to stand in place of relation is unsettling. Further, it is exactly this claim that restorative practitioners are calling attention to when declaring that the restorative conference exhibits 'little room for consideration by the student of the meaningfulness of what is being required or for the agency of the student – or indeed, for the relationships within which their behaviour is manifested' (Drewery, 2016, p. 198). Does this mean that conversation in the restorative conference is redundant? That it has no means for building relationship? Clearly, we see a back and forth of exchange between the girls which to an observer assessing the success of the conference is an encouraging development in terms of building relation. However, as Fulford points out 'to take a view of language as merely providing a means of exchange of information would be to ignore what is possible in our conversation and what the implications are of this for those involved' (Fulford, 2012, p. 85). It is precisely these possibilities for relational conversation that focusses this concluding chapter.

While restorative interventions offer pathways to the restoration of relationships, they are increasingly seen as inadequate for promoting the kind of positive, collaborative relationships that will build deeper, relational communities. Hence, more attention is paid to the wider quality of relationships between learners outside of conferences as well as between teacher and learner. In this, classroom teachers are also expected to make central their responsibility for owning and healing relationships with troublesome students. Developing a relational culture based on relational equality promotes the sustenance of democratising, peacebuilding structures that are disruptive, continuous critiques of traditionally dominant, and individually competitive, power structures (McCluskey *et al*., 2008a, Vaandering, 2014). Bridging the gap between citizenship education and relational theory, a restorative approach is actively positioned to create a condition of 'relational space where individuals and communities flourish' (Morrison, 2015, p. 448).

In the wider sphere of restorative approaches, the prioritising of relationship as a primary moral commitment in the pursuit of a restorative approach has allowed conceptual theories of

restorative justice to merge with critical theories of relation in the hope of understanding how restorative practice can move beyond a mere operational strategy towards building just relationships necessary for transitional peace, justice and development. Jennifer Llewelyn's (2012) attention to feminist relational theory in developing a theory of restorative practice is often cited as revising the way relationships need to be prioritised. Working on an idea of justice presented by the Indian economist and philosopher, Amartya Sen (2009), Llewelyn advocates a relational theory of justice that views restorative practice as grounded in an understanding of the self constituted in and through relationships with others. Sen's argument is interesting for its consideration of the individual's right to agree or disagree, and the resulting effect on wider public freedoms. His attention to the contextualised experience of the individual, and her community, debunks a notion of a 'perfect' justice achieved by institutional arrangement. Instead, Sen argues that justice should not be understood as perfection in any ideal absolutist sense but in the sense that one might achieve something better. While individuals retain their agency, their right to choose, they cannot make decisions by themselves. Accordingly, justice (read: restoration) understood relationally is the call for relational equality or equality of treatment or outcome, and further, a commitment to the nature of relationship between parties.

Filtering this through the notion of relational theory, Llewelyn uses the lens of relationship to argue that looking for a picture-perfect version of justice ignores the reality that relationship is dynamic and fluid. Adjusting to the centrality of relationship means adjusting the language of discourse from justice that is 'done' to 'doing justice' (Llewelyn, 2012, p. 296). In bringing Sen and Llewelyn to bear on what we consider to constitute ethical relation, I am drawing attention to characteristics of our human condition that are dependent on not only the establishment of harmony or accordance in feeling, but also its lack. Such a view of deviance alters our sense of what kind of responsibility is at stake in the restorative conference. Through the lens of relationship, how does Cavell's notion of disagreement in criteria as part of a community help us to think of an *ongoing* sense of justice rather than one that is just done?

One possibility is to begin my discussion by returning to a subject that I touched on earlier in this thesis, that is, Cavell's writing on the conceptual problem of knowing other minds. From there, I will introduce the role of dialogue in building ethical relation turning to the dialogical philosophy of Martin Buber (2013; 2014) centred on the distinction between the I -Thou relationship and the I - It relationship. Buber's philosophy holds great weight for educationalists; however, I suggest that in the ongoing battle against conformity, it is Cavell's writing on conversation, not dialogue, that can give restorative practice its true ethical

identity. Cavell's reading of a filmic genre he calls 'the comedy of remarriage' (Cavell, 1981, p. 1) is significant for its orientation towards what can be perceived as an education that arises from disagreement. Cavell's writing of education in terms of recovery of voice and the associated transcendental drive of moral perfectionism is to pick out how people find their way back to each other, to acknowledgement, in the middle of pain, exile, or separation. Restorative practice's wider argument is driven by the aspiration to our best selves, of a new city, how our world might be, and the words that might shape it. Unlike theories of affect, this does not mean avoiding disagreeable emotion as a necessary process for integration but of using this to confront us in our discreditable (political) state in order to go on to our next best self. In conclusion, I argue that Cavell's framing of an ongoing education, as a double restoration – that of ourselves to ourselves, as well as each other, is crucial to notions of ethical relation.

6.3 An Ethics of Knowing Another

In Chapter 4, I exposed the ethical danger when an attitude of domination is imposed by a need to contain the other within the limits of knowledge. I began to explore how the wish to obtain certainty where there might only be uncertainty is in line with the sceptic's demand for language to exist within a fixed and solid structure. It is these structures, called criteria, that must be in place for us to make judgements. Through Wittgenstein, Cavell shows that claims for the integrity of knowledge exist on the horns of a dilemma. This is the relation between knowing or claiming in a philosophical sense and knowing or claiming as part of lived experience. His treatment of Wittgenstein's thought experiments, specifically those related to pain, show how a framework of rules relieves the speaker from taking responsibility for their own words hence emptying them from their creative ability to 'mutually attune' themselves to any persons present. Cavell shows how criteria can instead exist to reveal the basis for our turn to the other.

Most of what has been written about relationship in the restorative conference tends to focus on ideas of agreement. The perspective is that a participant's arrival at agreement following disruption is synonymous with building relation. In this respect let us look again at what 'rules' are at work in the restorative conference script and that would lead to the necessary cognition. It is important to note that Ms Shah starts this final phase with the presumption of 'good sense' at work asking: 'how can we make things right again?'. From there Ms Shah is looking out for several gauges that can ascertain that her pupils understand the wrong that has been committed. This means assessing pupils' ability to talk about behaviour that would justify

her responding in certain ways. There is the outward expression of an apology, 'I'm sorry', followed by statements from the pupils that indicate a positive change of behaviour. The coupling of these two phenomena leads directly to 'an agreement' where 'congratulations' are given for 'solving your conflict'. According to ordinary language philosophy this set of normative procedures follows a conception of criteria as being rule-driven, and agreement as exclusively in terms of corresponding rules. Of course, no universal rule can relieve us of the anxiety found when making a judgement. That there is a crisis of uncertainty prevalent in the restorative conference leads many teachers to doubt the validity and rightness of such a move. Teachers are well aware that establishing criteria cannot lead to certainty of the existence of an inner state, only its semblance. An example I suggest here is: 'she is expressing pain… but does she feel it?' that becomes for participants: 'she says sorry…but does she mean it?' That a fundamental lack of knowledge permeates all our relationships is an inevitable conclusion to the realisation of our epistemological separation. Indeed, proponents argue that restorative practice is not about ascertaining certainty, but 'acknowledging feelings' (Hansberry, 2016, p. 151).

It is precisely this ethical position that I wish to explore further in this chapter. In doing so, I am reminded that proponents of caring ethics, whose work I considered earlier in this thesis, recommend that emotions (and not some pre-established rule) should be the basis for an ethical education. To recap, Nel Noddings states that the reality of caring consists in the reality of discourse between the one-caring, and the one-cared for (Noddings, 2013). When a person behaves out of care, she decides her actions on the basis of feeling the emotions of the other. Only by feeling their reality can she move past norms and principles that ensure that her behaviour is genuinely ethical. To illustrate, Noddings gives the example of the man who faced with a choice between saving his drowning wife or saving a stranger, 'has one thought too many' (Noddings and Slote, 2003, p. 344). Noddings does not deny the need for moral thinking since the one-caring works in a problem-solving mode that avoids slipping into the impersonal reasoning of the rule-follower. Nevertheless, the recommendation that principles are superfluous is a controversial recommendation for education since, as the framework for restorative practice indicates, much ethical decision-making is dependent on the content of the internalised rules, norms, and values of the school. Where is the line between feeling and rules, emotion and reason, and how does this shape pupils' capacity for ethical relation?

6.3.1 Cavell and the Limits of Criteria

Cavell's disappointment with criteria and philosophy's quest for certainty is relevant here for his consideration of 'the problem of other minds' (de Vries, 2006; McGinn, 1988). In Part IV of *The Claim of Reason* Cavell rests his exploration of the phenomena on a claim that in 'knowing others I am exposed on two fronts: to the other; and to my concept of the other' (Cavell, 1979b, p. 432).

What we can know of the existence of others is, due to Cartesian sceptical argument, imperfectly known. For the sceptic, our exposure rests on a limitation of knowledge. At best, I can only know that there are humans like myself, who think as I do, based on what I can see, for example, 'a humanish something of a certain height and age and gender and colour' (Cavell, 1979b, p. 443). However, what is shown does not presuppose that the other is not an 'automaton, or an android, or a golem or some other species of alien' (p. 422) without the capacity to think independently. What I am shown is not enough to vanquish the doubt that I may be the only human here. In the face of such terror the sceptical conclusion introduces the concept of 'empathic projection' (p. 440), the inference being that my claim to know the other is based on knowledge of myself, that is to say, I know that I can think and feel in this way therefore others must think and feel as I do.

This kind of projected thinking is resonant with predominant theories behind restorative practice. Both affect script psychologies and reintegrative shaming are based on an ability to connect with the other through an understanding of one's own emotive history. We see this connection working through the pupils' response-language: 'I' – 'I could say sorry…', 'I could stop messing about', 'I'm going to be more aware'. At this stage, the responses do not build on each other's thoughts or ideas. Instead, Nicky and Nazreen's suggestions can be put forward as a 'best case for knowing another' (p. 432). Cavell might say they demonstrate 'a prototype way of thinking and not the result of thought' (p. 541). Empathetic projection is not a stance that Cavell finds reassuring since it leaves no room to express my knowledge, 'to recognise what I know' (p. 428). Instead, he pushes his investigation by drawing on another Wittgensteinian parable:

> Of course, if water boils in a pot, steam comes out of the pot and also pictured steam comes out of the pictured pot. But what if one insisted on saying that there must also be something boiling in the pictured pot? (Wittgenstein, 2009, §297).

Cavell (1979b) cites three contemporaries who discuss privacy with regard to the question '*what if one insisted on saying that there must also be something boiling in the pictured pot?*'

The first, George Pitcher defends the privacy of another's sensation as an essentially unknowable phenomena – it makes no sense to say there is something boiling in the pot for a picture of a boiling pot cannot itself be boiling. Another, John Cook, suggests that we would be better off thinking of 'sensations are private' (Cavell, 1979b, p. 331) in the sense that since the other's sensation is unknowable to me, it is irrelevant to *my* knowledge that another is in pain. The latter is one that Cavell finds morally offensive, and yet, challenging this by denying privacy – of course there must be something boiling in the pot, there is steam coming out for all to see – is also fundamentally 'queer'. Finally, Alan Donegan chooses a middle ground, proposing that while other's sensations cannot be pictured directly (*bild*) – we cannot see inside the pot – they can be represented imaginatively (*vorstellung*).

6.3.2   Failure to Acknowledge

Rather than siding with the above arguments, Cavell takes a different perspective. In doing so he asks not if the question can be answered, but if the question itself makes sense. Our three commentators agree this inevitably says something about the 'potential strangeness or emptiness involved in both affirming and denying that there must be something hidden in the pot (or body)' (Hammer, 2002, p. 62). That Cavell is concurrently drawing on Wittgenstein's pain analogy also says much about the 'appeal to, or denial of, some quasi-entity that accompanies people's behaviour' (ibid.):

> "Yes, but there is something there all the same accompanying my cry of pain. And it is on account of that that I utter it. And this something is what is important – and frightful." – Only whom are we informing of this? And on what occasion? (Wittgenstein, 2009, §296).

In showing how parable §296 applies to §297, Cavell asks us to imagine if someone were to stand up after hours spent at her desk and that, after a good stretch, a muscle cramp caused her to cry out in pain. She should exhibit all the pain-behaviour, contorting, groaning, *et cetera,* 'is such a cry incomprehensible?' Cavell asks (Cavell, 1979b, p. 337). If we have no reason to doubt her pain, the utterance 'but there is something there' becomes meaningfully 'senseless'. However, language might not prevent such an assertion from being made. In other words, the words do make sense to us, but we are meaning them in the wrong place (Wittgenstein, 2009, §500*)*. Wittgenstein's point is that it is absurd to ask for a justification for reacting to another person's pain. That justification comes to an end at some point and when we reach that point there is nothing more to say than we have reached our bedrock: there is nothing more to what we are. Cavell shows us that the assertion 'but there is something there' is unnatural to our

innate understanding that pain in naturally expressive and misses the nature of Wittgenstein's parable. We are separate and fear of separation is what is used to frame our retreat into a realm of private sensation.

Pain is expressive as it becomes manifest in winces and groans. Therefore, pain and pain-behaviour must necessarily be united. The attempt to put into play unnecessary assertions, such as described above, are 'when we feel we must enforce the *connection* between something inner and an outer something' (Cavell, 1979b, p. 338), as if mind and body were two different things. To make the connection implies there is a gap between the two and leads Wittgenstein to ask, 'how can I go so far as to try to use language to get between pain and its expression' (Witttgenstein, 2009, §245). Cavell's answer is nothing can be closer than the inner or outer, 'there is no room between' (Cavell, 1979b, p. 341). We react to another's pain as if reacting to our own pain. Philosophy is thus disappointed when this 'natural connection' (p. 338) fails 'because quite often when pain boils in a human being pain-behaviour does not come forth' (ibid.). Hence, not only is pain-behaviour no guarantee for the presence of another's mind, it is no guarantee of pain or indeed of what it is that the other feels. The philosophical task posed by Wittgenstein's parable, and hence of the pain analogy, is not to debate what cannot be seen or unseen but to show that uttering words that cannot be fully meant amounts to a failure to agree in judgement or to responsibly project criteria with which the other can make herself comprehensible.

Thus, Cavell demonstrates simultaneously both the limits of criteria and the onus on ourselves for the taking responsibility over the only knowledge that we have. It is in development of this turn against the Cartesian tradition that Cavell refers to an expression of pain as being a call or demand, or claim for a response: 'they are my (more or less) modified responses to it, or to his having it, or to his anticipations of it; they are responses to another's expressions of (or inability to express) his or her pain' (p. 342). If expression is our natural condition, then it remains both risky and full of anxiety. Yet without risk I remain unknown. As I stated earlier in this thesis, the call for expression can be answered or denied (indeed there may be many reasons to hesitate putting oneself in the position of having to consider saying, for shutting out, or for turning away from another), but such is the structure of Cavellian acknowledgement, 'a category of terms in which responses are evaluated' (Hammer, 2002, p. 64), that even if the other is denied my response it is always from a position of responsibility. Hammer (2002) points out that this is very different to empathic projection 'from merely seeing to registering that such-and so-is the case' (p. 64). Rather is it an active engagement with the other 'to the extent of identifying with her' (ibid.) that results in the exposure of

oneself 'to the specific history of my relation to the other' (ibid.). In other words, I do not need to be certain of her as human, I simply need to have an 'attitude' towards her as if this were the case, as if she had a soul.

Despite beginning with certainty of knowledge 'of course, if water boils in a pot', Wittgenstein's parable retains a sense of something of which we cannot grasp hold. This is not knowledge, but not 'nothing' either. Rather, the point of the 'something' is to reveal acknowledgement. The point of acknowledgment is, in the case of pain, not some arbitrary measure of pain but 'the necessary difference between being you and being me, the fact that we are two' (p. 356). Acknowledgement calls for recognition of the other's specific relation to oneself and, in the case of moral failure, to come to a revelation of oneself as having denied or distorted that relation. Where a failure of knowledge results in a loss of facts, a failure to acknowledge results in something far worse than ignorance: this is 'my avoidance of him, call it my denial of him' (p. 389). Characterised as 'the presence of something, a confusion, an indifference, a callousness, an exhaustion' (p. 264) blocking the vision of another's body or soul is to 'suffer a kind of blindness [avoided] by projecting this darkness onto others' (p. 368). Neither is blindness limited to third person relations. In the last chapter, I began to explore the nature of one's incomprehensibility towards oneself. The human cost of attempting to deny this connection is, as I have already shown, a given basis for therapeutic psychoanalysis. Freud showed how cognitive trust in memory can be shattered as a result of trauma with the result that one becomes unknowable, essentially unintelligible towards oneself. As shown in *King Lear*, only by acknowledging one's pain is one able to begin to know oneself thus beginning the road to recovery and possibility.

6.4   I and Thou

We have seen that the human cost of denying oneself destabilises body and soul, but what more can be said about the option of rejecting the other? In other words, if one cannot be treated as human, then 'what thing might someone be treated as' (Cavell, 1979b, p. 372)? The philosopher Martin Buber believed that in the realm of lived experience persons are often reduced to things or objects as a detriment to their humanity. Notably, Martin Buber's major philosophical-theological work *I and Thou* (2013) approached objectification by attempting to establish a typology that would describe the two kinds of relations that people enter. These basic word pairs are in accordance with his twofold attitude: the I-It, or irrelation, where we hold ourselves apart from the object of our relation, and the I-Thou (sometime called the I-You) which entails a closer, more meaningful encounter:

> Unlike the realm of experience, the I-You relation is unmediated: Nothing
> conceptually intervenes between I and You, no prior knowledge and no
> imagination; and memory itself is changed as it plunges from particularity to
> wholeness. No purpose intervenes between I and You, no greed and no
> anticipation; and longing itself is changed as it plunges from the dream into
> appearance. Every means is an obstacle. Only where all means have disintegrated
> encounters occur (Buber, 2013, pp. 62–63).

There is no holding back in the I-Thou relation: each turns to the other in order to encounter or reflect, perhaps even to confront through connection and dialogue. In Buber's view, the subject-object dichotomy is at the basis of much objectification resulting in distancing of common relations (Gordon, 2011). The continued dichotomisation resulting in science's urge to classify, organise and 'knit them into a scheme of observation without any feeling of universality' (Buber, 2013 p. 21) leaves us with the disquieting notion that 'those who experience, do not participate in the world' (p. 56).

Although the I-It and the I-Thou can be viewed as opposites, these being 'the intersubjective, ethical, dialogical relation of the I-Thou and the instrumental, goal-oriented, monological relation of the I-It' (Lipari, 2006, p. 125), persons will, and should, be in constant movement between both relations. Buber does not propose that we exist solely in either state. Indeed, it has been noted that it is this oscillation that is most significant for personal transformation (Morgan and Guilherme, 2014). Nevertheless, *I-Thou* was a concept initially published in 1923 during a period of extreme nationalism in Germany that prompted the rise of Nazism and the sweeping anti-Semitic persecution.[46] The German-born Buber saw the objectification of the Jews as the victory of the I-It relation and a suppression of the I-Thou relation. Horrifically, this included the Jewish Holocaust, a tragedy that allowed the sanctioning of serious crimes to be committed against persons who were not taken to be recognised as human, and from there, of an entire ethnic population. Only by ceasing to say *Thou* to fellow humans do we cease to see them as human, they become objects without rights and duties.

Although Buber stressed that both the I-Thou and the I-It are necessary modes of being, he believed that 'we exist too little in the former and too much in the latter' (Gordon, 2011, p. 211). For him, human beings emerge not as isolated individuals or as part of a collective, but rather in a dialogue or relation with other beings. Buber's bias towards 'knowledge of other'

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46 As well as all others deemed to be 'other' such as 'communists, homosexuals, the disabled or eugenically racially unfit "useless eaters" (Morgan and Guilherme, 2014, p. 981).

away from 'self-knowledge' has attracted those looking to provide restorative practice with a philosophical foundation. Understanding how pupils move may move from having an I-It relationship to having an I-Thou relationship, teachers are able to explain, for example, how a pupil responding to a classroom dare – viewing the teaching assistant as an object of fun – is able to move to a position of empathy and connection (Macready, 2009). According to Buber, only by establishing dialogue can one facilitate an encounter with others that allows one to say *Thou,* changing a relationship that is characterised by stereotyping and objectification to a relationship that is respectful and evolving. From a Buberian perspective, only those capable of genuine dialogue can see the world from the perspective of another.

I will return to this notion later in the chapter. Before this, there remains something further to be said regarding 'self-knowledge' and 'inter-dependence' and the ideas of a shared common humanity implicit in the restorative conference (McDonald and Moore, 2001). Where common humanity is valued, pupils learn to relate to each other from a position that acknowledges the other's human qualities and responses. This is a position that will, at the same time, enable individuals to experience their own unique social responsibilities through a notion of a common humanity that is explored in both its presence and its absence. To illustrate, Cavell provides examples from US history by using the example of the slaveowner that 'does not see or treat their slaves as human beings, but rather as livestock' (Cavell, 1979b, p. 372). However, Cavell has some further warning other than the 'objectification as de-humanisation' argument. In asking 'what else could a person be other than a person' (p. 372), he contends that the slave owner does not in fact see his slaves as animals. When he tips the taxi driver, he does not, unlike his horse, pat the side of his head. Similarly, he does not try to influence his horses as if they were human. Rather, Cavell maintains this business of being 'not-human' is not rooted in a denial of the slaves' humanity (as opposed to stones or trees) but of the slave-owner acknowledging that they are 'primarily different from him' (p. 376) and, as such, to be denied the realm of justice to which the slaveowner believes he belongs. By not being merely other, but different, the slave-owner denies his ability to connect to the slave's humanity. He may acknowledge them, may know everything about them, but is blind to their acknowledgement of him.

Hence, Cavell shows that not every act of acknowledgment is inherently moral. Instead, one's morality is incumbent on mutuality of relation. Only through seeing himself (the slave-owner) through their (the slaves) eyes, would they know that they may see themselves through his. This double-fronted exposure is the basis for ethical relation. Without this willingness to let ourselves be seen, to relate, to matter, we would have no way of confirming our existence:

To let yourself matter is to acknowledge not merely how it is with you, and hence to acknowledge that you want the other to care, at least to care to know. It is equally to acknowledge that your expressions in fact express you, that they are yours, that you are in them. This means allowing yourself to be comprehended, something you can always deny. Not to deny it is, I would like to say, to acknowledge your body, and the body of your expressions, to be yours, you on earth, all there will ever be of you' (Cavell, 1979b, p. 383).

Cavell, in making his remarks about acknowledgement and avoidance, suggests that rather than support 'monologues of knowing' (Macready, 2009, p.218), our relationship with other humans is not based on a practice in which there is any specific justification, but on self-knowledge – a practice that comes naturally to us, and that builds on my attunement to your soul. Therefore, my mode of relating to your mind is not to know your mind but to arrive at acknowledgement.

6.5 An Ethics of Dialogue

There are some very real implications here for the restorative conference. Let us return to the scenario and ask if the intention to which the conference is committed is one of knowing or acknowledging. If, as is suggested, the intention is one of knowing, then this confirms signs of an ethical collapse. Let me take a moment to reiterate what I mean by the term 'ethical'. As I stated earlier, I am not speaking of ethics as a branch of philosophy including the meaning and standards of what is 'good' or 'bad' in general, of well-being, right conduct or moral character. This is huge discipline that by necessity separates purely philosophical thought from practical advice. These lines of thought, in Western ethical philosophy are said to originate with Socrates and the Sophists, our modern knowledge of which is derived from Plato's dialogues. Nor am I speaking of professional ethics and their own sets of rules or codes. Ms Shah's articulation of her expectations for the conference and her responsibility to ensure pupils arrive safely at a resolution operate within the mutual expectations for her environment. My conceptualisation of ethical relation is instead related to what can be termed 'a way of life', that is, behaviour or attitudes that in any shape or form constitute that 'distinctive way of being human' (Hogan, 2003, p. 209). Cavell's occupation with what we say and what we mean, to each other, belongs to this dimension. In his idea of moral perfectionism, the main focus is not on good or right action in particular situations but on the whole of one's life and the state of one's soul, on the questions of how one should live and what kind of person one aspires to be. Through his descriptions of intersubjectivity and human relation, particularly regarding his

reading of Shakespearian tragedy, Cavell clearly shows how acknowledgement of a character can directly teach us something about acknowledging the other, a feat that is said to be rarely found within the confines of philosophical ethics (Blok, 2019). How much more valuable would it be if the conference were to take as its ethical basis acknowledging over knowing. What might that look like? Given the focus must be centred on dialogic exchange (and its possible absence) I want to visit the ways in which dialogical theories of relation can characterise ethical relation.

6.5.1   Genuine Dialogue and Technical Dialogue

Having identified Cavell's significance for an ethics of restorative relational practice, it will now be fruitful to re-consider two perennial issues for teachers. These are restoring relationship through dialogue and the relationship between an individual's growth and her community. I alluded earlier to a range of 'dialogic' philosophies whose influence has led theorists to examine the work of prominent psychologists and philosophers in order to provide the practice with its philosophical basis. I have already pointed out that Buber's positioning of people in I-Thou relationships reflects a move to ethical relation. I now want to consider how a more specific account of the educational thought of Buber, including notions of dialogue, relatedness and community, provides restorative practice with the conception of the pupil as both an ethically singular, and social being.

Buber's concept of embracing the other through the I-Thou relation is central to understanding his concept of dialogue. A point of departure is the consideration that 'Buber's dialogue is more than an activity in which people take part. It is what makes us people' (Stern, 2018, p. 49). In other words, 'dialogue can only be grasped as an ontological phenomenon – a meeting of one whole being with another whole being' (Gordon, 2011, p. 208). Called in-sight by Buber for its ability to allow us to see the ethical principle (Friedman, 1993), it is articulated in Buber's philosophical concept of dialogue. Its three forms, genuine dialogue, technical dialogue, and monologue disguised as dialogue, are presented below:

> There is genuine dialogue – no matter whether spoken or silent – where each of
> the participants really has in mind the other or others in their present and
> particular being and turns to them with the intention of establishing a living
> mutual relation between himself and them. There is technical dialogue, which is
> prompted solely by the need of objective understanding. And there is monologue
> disguised as dialogue, in which two or more men meeting in space, speak each
> other himself in strangely tortuous and circuitous ways and yet imagine they have

escaped the torment of being thrown back on their own resources (Buber, 2014, p. 19).

As in I-It relations, Buber leaves room for dialogue that exists solely to ensure the delivery of vital information. Termed 'technical dialogue', this is the sort that ensures one can buy a train ticket from a cashier or return a book via the librarian on the counter. In these cases, the purpose of dialogue espouses a purposeful role that would in its absence leave a ticket unpurchased or a library book accumulating late penalties. In schools, technical dialogue ensures the delivery of educational material, of learning objectives or Ms Shah's communicating the conference's 'respect agreement'.

Although technical dialogue should be considered in a positive light, Buber ignores but does not deny the value of technical dialogue, technical dialogue itself cannot alone establish the world of ethical relation. For this, participants must be in possession of its 'basic movement' (Buber, 2014, p. 22), that is, genuine dialogue that is judged to be a 'turning towards the other' (ibid.). Buber, quite rightly, states that our usual turn towards the other, as in to look at someone and address them while speaking, is a common occurrence. Nevertheless, what differentiates genuine dialogue is the turn that takes place 'as a requisite measure of the soul' (ibid.). For this to happen, dialogue not only means turning to the other but also turning to oneself and that means 'saying at times what one really thinks about the matter in question' (Freidman, 1993, p. 141).

Buber gives examples of genuine dialogue hidden 'in the tone of a railway guard's voice, in the glance of an old newspaper vendor, in the smile of a chimney sweeper' (Buber, 2014, p. 19), suggesting that genuine dialogue is much more than verbosity but represents the spark of expression with which we acknowledge another to be like ourselves, not objectified. Moreover, Buber speaks of genuine dialogue occurring beyond the realm of humanity, with machines, trees, animals, and with the *Thou* itself.[47] His dialogical claims facilitate a re-connection in all spheres of relationality and, ultimately, to the Divine. Regarding his childhood interaction with a horse, he states that 'what I experienced in touch with the animal was the Other, the immense otherness of the Other' (Buber, 2014, p. 23). The Other, or *Thou*, exists at the threshold of language hence our connection with animals, and plant life, can still initiate a personal response in oneself which if the appropriate space is created, 'unreservedly accepts and confirms him in his being this man and in his being made in this particular way' (Buber,

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47 Buber, as a Jewish philosopher, is inferring *Elohim* – God.

1998, p. 59). Genuine dialogue expects neither to influence nor extract anything specific. It takes place when each person gives themselves as a whole being, withholding nothing. A further condition is its spontaneity, developing because of the unpredictable response of the other. Therefore, its essential element is seeing the other or experiencing the other side.

6.5.2   Availability and Unavailability

I might well refer here again to passionate utterance (Cavell's extension of Austin's theory of speech acts that accommodated the effects of emotion on human communication) to demonstrate further examples of what counts as genuine dialogue. However, I want to continue the focus on ethical irrelation and its detriment to the soul by drawing comparisons with the philosopher-playwright Gabriel Marcel. Marcel maintained his thoughts arose from experience, reaching for everyday examples of ordinary life to illustrate the philosophical ideas he was investigating. In an argument against what he calls 'the particular danger of "isms"',[48] systems of thought which profess to 'encapsulate' the universe, Marcel warns philosophers against the dangers of imposing a certain kind of 'official' or 'pseudo-philosophy' upon their thinking practices (Marcel, 2002, p. 64). Surmising that this type of study aims to eliminate the central problem by turning to empiricism, Marcel saw the rise of psychology or sociology[49], to present a final explanation as pandering to an inferiority complex.

In contrast, Marcel perceived concrete philosophy, philosophising *hic et nunc*, as making possible the 'creative tension between the I and those depths of our being […] directed on our most intensely lived experience' (Marcel, 2002, p. 65). Like Buber, Marcel believed that genuine dialogue exists beyond the world of physical relation. Relation without communication is known as 'communion' likened to a giving of the self, not by what one says but rather like a gift, or object. Unlike Buber's I-It, communion limits objectification by virtue that the self is free to take or leave the presence that it evokes. Presence, as a result of communion, produces a bond between those who are in participation with another, who are receptive to another, and who are committed to sharing in each other's experience. Both aspects of communion and presence are embedded in Marcel's notions of *disponibilité*, or availability (Marcel, 2010) wherein one may seek out others whose experiences are ready to

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48 Marcel refers to 'Cartesianism', 'kantism' and 'bergonism' as embodying a certain kind of academicism (Marcel, 2002, p. 60).

49 By example Marcel refers to Jean Piaget (Marcel, 2002, p.64), the French psychologist whose explanations of cognitive child development were based on his theories of genetic epistemology. His observations of children's levels of cognition attempted to theorise age-related processes by which the infant, and then the child, develops into an abstract reasoning individual.

complement our own. This ability to transform any circumstance into opportunity, to shape one's personality, is known as a vocation: a word that Marcel interprets in its truest sense, that of 'the response to a call' (Marcel, 2010, p. 17). Whether one recognises the call as such is dependent on the person but awareness comes from both outside and within. Moreover, it is a free response that is unsubjugated to the needs of the other. A life of availability is an outward orientation towards something other than itself.

The opposite of the being who is ready or available is one who is self-occupied. The resulting *indisponibilité*, or unavailability, manifests itself through alienation. Emotions such as pride, drawing strength solely from oneself, reduces the connection to other people as 'examples' or 'cases'. Marcel pictures the unavailable self as standing inside a circle formed by his own cogito. Instead of Thou, the other is encountered as He or She or It. By reducing Thou to He that person is kept at arm's length:

> The other, in so far as he is other, only exists for me in so far as I am open to him,
> in so far as he is a Thou. But I am only open to him in so far as I cease to form a
> circle with myself, inside which I somehow place the other, or rather his idea; for
> inside this circle, the other becomes the idea of the other, and the idea of the
> other is no longer the other qua other, but the other qua related to me (Marcel,
> 2002, p. 71–72).

However, when the other is reduced further still, to *her*, then they cease to be entertained as a person and become an object that carries out a set of functions. This happens when one is preoccupied with the self, to the extent that the clutter inside obscures the self from rendering oneself present or available. Marcel describes this as the self becoming opaque:

> I am taking up, between being occupied with one's health, one's future, one's
> mistress, or one's temporal success. Surely the conclusion follows that to be
> occupied with oneself is not to be occupied with a determinate object, but rather
> to be occupied in a certain way which remains to be defined. We might approach
> our definition by way of the idea of a spiritual opaqueness or blockage (Marcel,
> 1965, p. 80).

The description of *indisponibilité* is one useful to ideas of ethical dialogue. Unavailability is the result of preoccupation with oneself as an object such as to create a spiritual blockage. However, that is not to say that reciprocity can be demanded from a relationship. It is instead 'bound up in the gift of one's presence' (Marcel, 2010, p. 66). For Buber, ethical dialogue is something that happens 'between' individuals (Buber, 2014) and marks its difference between

that which is genuine and that which can be termed monologic. Also classed as non-dialogue or failed dialogue, there is no inter-human relation, no genuine dialogue, only a barrage of abstract ideas whose reliance on the elevation of the self blocks the possibility of encounter. This cannot be neatly summarised as a 'turning away from', more an obsession with 'reflexion' (p. 22) such as when one becomes notably more absorbed in one's own thoughts and feelings to the detriment of breaking connection with the other. Whatever brief satisfaction the unavailable or monologic individual has it is short-lived as when we treat others as objects, as opposed to fellow humans, we not only deny their humanity, we also diminish ours.

Emphasis on a dialogical stance highlights the importance of conflict, and not resolution, in bringing people together (Stern, 2007). To think otherwise would lead us directly to monologic thinking, the absence of conflict or the assumption that my point of view must be agreed on. What is healthily dialogic is conversation that 'steers us away from the demonization of our adversaries, of those who differ with us' (Cain, 1993, p. 130) towards the mutual and reciprocal *acknowledgement of difference*. A way of visualising this has been to draw on Buber's theory of human relations as a workable approach to resolving conflict, chiefly in bringing hope to the Israeli-Palestinian struggle (Mendes-Flohr, 2014; Morgan and Guilherme, 2010). This does not necessarily mean the end of division, indeed there is a real possibility that conflict will persist. The notion that I can come to see your side while remaining rooted in my own is a central point with which people may re-envisage relationships characterised by a more genuine ethical dimension. It is also important to make clear that Buber is not advocating mere tolerance of the other as the goal of reconciliation. While tolerance is an acceptable first step, Buber states that 'it is not enough. I dare not turn aside his gravest objection. I must accept it, as and where it is raised, and must answer' (Buber, 2014, p. 34). Without both acceptance and, crucially, its answer, tolerance is in danger of committing relation to the sphere of I-It relation, necessary but insufficient, or of monologic dialogue where we have the appearance of debate but where those taking part are more interested in listening to themselves than each other. Shady and Larson (2010) comment that 'such a mindset does not help get at the root of violence and disagreement, and it does not encourage us to see how and if our own perspectives toward others might be problematic' (p. 87).

As I noted before there is a connection between overly technicised forms of restorative conferencing and an authoritarian commodified style of education. To prevent tightly drawn restorative frameworks from taking hold, I have argued that dialogue that leads to freedom in thinking, and ethical relation is extremely helpful. On a basic level this must mean that there is room within the format of the restorative conference that is favourable to critical or aversive

discussion as well as an acknowledgment the restorative process is a part of our essential learning to conduct dialogue 'between' individuals, rather than a focus on merely the resolution of conflict. Not only will this encourage interpersonal relations, since pupils will have a better chance of encountering each other as Thou, as opposed to It, but it would also represent a necessary step towards the sort of whole school cultural change that restorative theorists argue is necessary to support long term implementation. The idea of technical dialogue and technologies of language is significant not only for Buberian philosophy but ordinary language philosophy more broadly since it can be argued that in other forms of philosophy there is a technologising of language that moves us away from the ordinary, that is to say, the personal and the mundane that is characteristic of dialogue that is 'restorative'. Technicising language means participants receiving a sanitised version of engagement that lacks the basis with which we can really know one another, this being our emotions or feelings. Thus, the ability to know what really happened between victim and offender is dependent on that deeper, emotional level of knowing, and not merely through the *doing* of restorative justice. That is to say, the performance of being restorative conflicts with the claim of restorative practice that it empowers victims while allowing offenders the opportunity for treatment and enhancement of personal competencies (Zehr, 2002, p. 17).

There is an apparent tension here. On the one hand, I am arguing for the facilitation of dialogically open spaces where pupils are free to not resolve conflict (at least to reveal the ethical dimension of genuine dialogue). On the other hand, teachers are supposed to teach, and if the restorative conference can be considered a teaching space (and I do), then, in Buber's words, the teacher has to 'introduce discipline and order [...] establish a law [by which] he can only strive and hope for the result that discipline and order will become more and more inward and autonomous' (Buber, 2014, p. 113). We can well imagine a situation in which a pupil makes an offensive comment about another's skin or hair colour. In this case, there is an ethical responsibility placed on the facilitator to 'establish a law' to the contrary. In true dialogical fashion the facilitator may present the issue by delineating the boundaries of appropriate and inappropriate speech for discussion in the classroom. Known as inclusive thinking,[50] the facilitator opens the chance to bring forward differing perspectives, seeking to

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50 Buber's ideas of 'inclusion' are described as follows: 'The extension of one's own concreteness, the fulfilment of the actual situation of life, the complete presence of the reality in which one participates. Its elements are first, a relation of no matter what kind, between two persons, second an event experienced by them in common, in which at least one of them actually participates, and third, the fact that this one person, without forfeiting anything of the felt reality of his activity, at the same time lives through the common event from the standpoint of the other (Buber, 2014, p. 97).

understand what issues have prompted the harmful comment as well as why others might perceive the comment as harmful. In this respect the teacher is less in pursuit of monological dictations of established truths, more affording an opportunity for pupils to, if not transcend the law, then participate in its creation.

6.6   An Ethics of Relation

In thinking about the concept of law, and that of restoring relations, I am drawn to the notion of the restorative conference as not only a private space, but a public one. Certainly, the restorative conference is a place of conflict where argument and high emotion enables human beings to privately disclose themselves as distinct and unique persons. However, it is also emphatically a public space in which *my* alternative view over the consequences of *your* actions may be openly aired. Public spaces play a vital role in the social life of communities, acting as self-organising public services that constitutes a shared resource in which experiences and value are created (Mean and Tims, 2005). In schools, the notion of schools that are public spaces, in the public domain and available as a public resource, has the capacity to potentially 'open up a democratic politics of education' (Martin, 2016, p. x). Schools are not democracies, but they are communities whose explicit purpose, if they are to entail more than regulation and performance, must necessarily extend the notion of relationships beyond the school gate and towards the population beyond. In thinking of how the restoring of relationships within the restorative conference relates to the wider community, I am reminded of Thoreau's depiction of the hut and the village. While descriptions of *Walden* often leave the reader imagining some remote and rural idyll, Thoreau's dwelling is within the village limits, in the very midst of a public space. Throughout, Thoreau makes it clear that his private thoughts are often in dispute with the actions of his community. Importantly, however, his *disagreement* is still part of what it means to be in community.

In concluding my inquiry into what ethical dialogue looks like, I am drawn back to notions of agreement. In business usage, an agreement is a decision or arrangement that has been made and accepted by two or more people, or groups. To be in agreement denotes mutual understanding, and mutual conformity, both valid aims of the restorative conference *in situ*. Not only is the agreement verbal, it is a written contract that can be read back. Cavell stresses that agreement in language (criteria) is a matter of agreeing in judgment and that 'this agreement is agreement *in*, not agreement *to*' (Mulhall, 2003, p. 90). Just as important to Cavell is what happens if we find that we disagree in a specific judgement. If the guidance for agreement or attunement has been removed than it follows that disagreement (or limit in

understanding one another) has no higher guidance, or authority, than ourselves. It therefore follows that this limitation in how we see one another forms part of a multitude of 'the very general fact of human nature […] that it should be part of the grammar of "understanding"' (Cavell, 1979b, p. 110).

How then is a notion of disagreement a part of establishing and contributing to health of ethical relationships? What is at risk in its absence? In seeking an explanation, I want to return to the relevance of 'film as philosophy', Cavell's project to marry film analysis and philosophical thought. Shifting the term 'dialogue' to Cavell's recurrent use of 'conversation', his work in a further genre of Hollywood films from the 1930s and 40s provides a propitious framework for showing how conversation - while not directed towards any sort of obvious or momentous conclusion - allows its speakers to 'tentatively and tangentially address matters of common concern without also obligating them to come to any ultimate agreement' (Long, 2018, p. 78). In this final section, I argue that 'conversation without consensus' (ibid.) is vital for reconsidering restorative practice's understanding of pupils' ethical development.

6.6.1   The Hollywood Comedies of Remarriage

In Chapter Five, Cavell's writing on 'The Hollywood Melodrama of the Unknown Woman' saw conversation between the man and woman as a repressive, stultifying mechanism responsible for the eventual de-creation of the woman. Moral perfectionism, the progression of one self to the next, finds expression as the demand for an education. The wife's leaving of the marital union is confirmation that this request is beyond her husband's ability to provide. Such an education as would be constitutive of a life together, a recreation of marriage, would occur 'only on condition that a miracle of change take place' (Cavell, 1981, p. 23). A Cavellian understanding of how conversation is concomitant with a philosophical understanding of that miracle is the subject of his first book on film, *Pursuits of Happiness: The Hollywood Comedy of Remarriage* in which he explores how an older, married couple can be married, or married again. Taking direction from the problematic of Ibsen's *A Doll House*, he argues how the genre establishes the coming back together of a couple following a breakdown of their relationship. Unlike the melodramas, however, key to the achievement of the couple's 'restoration' - meaning their 'pursuit of happiness' - is the distinctive nature of the primary couple's conversation. As Cavell writes:

> The conversation of what I call the genre of remarriage is, judging from the films I
> take to define it, of a sort that leads to acknowledgment; to the reconciliation of a
> genuine forgiveness; a reconciliation so profound as to require the

metamorphosis of death and revival, the achievement of a new perspective on
existence, a perspective that presents itself as a place, one removed from the city
of confusion and divorce (Cavell, 1981, p. 19).

Before I proceed, it ought to be stated that drawing a comparison between these sexually
charged, adult-oriented spaces and school-based practices could be considered gratuitously
provocative. Provocation need not be a cause for drawback, since this can indicate the
aptitude to open up new horizons of thinking. As Cavell states, 'philosophy, as I understand it,
is indeed outrageous, inherently so. It seeks to disquiet the foundations of our lives and to
offer us in recompense nothing better than itself' (1981, p. 9). Nevertheless, the educatively
sensitive context in which this thesis is contextualised requires some further awareness.
Therefore, I wish to state plainly that my thinking, in pursuing the value of these cinematic
examples to a restorative philosophy, is to draw important lines of attention to communicative
practices that affirm the importance a setting that allows its characters to 'take the time, and
take the pains, to converse intelligently and playfully about themselves and about one
another' (p. 5). The philosophical nature of this reveals how it is that 'the pair's saying of words
to one another is shown to mean more; their conversations are meant to bring about
believable change' (p. 27). With a lightness of touch and quick-witted ease, Cavell's couple's
converse 'intelligently and playfully about themselves' (p. 5) in the kind of rich, sophisticated
settings that invite the time and space essential for talk of this nature. Quoting Emerson's
essay 'History', Cavell's understanding is that these settings are essential for the enviable
'freedom, power and grace' with which the rich may 'waste their time' working towards moral
perfectionism. In the comedies of remarriage, the ability to speak intelligibility, such that one
becomes intelligible both to the self and other, adds up to a past to which both admit fault
together so as to move forward as one.

6.6.2   Small Talk

How does an air of equality and conviviality square itself with the very inequal and often
distressing encounters pupils face in a restorative conference? There appears to be a problem
with my analogy. Rather than making a claim that the cinematic couple are directly
representative of pupils in a restorative conference, I want to make a case that conversation in
the remarriage comedies is representative of a certain quality of inconclusiveness and that this
lack of any pattern, or unpredictability, is vital to the restoration of relation. In Chapter 4, I
explored how there is no overarching theory or formula for the identification of Cavellian
passionate utterance save for the appropriate invitation that demands reciprocity. I want to

add to that lack of systemisation by considering Cooper Long's (2018) description of 'small talk' as a social function 'intended to bring about some social cohesion and comfort between people, particularly between people who do not know each other well' (p. 79). Long states that while small talk works to create interpersonal bonds of relation between people, such conversation is by its nature, inconclusive. He states, for example:

> When speaking about the weather, for instance, there is no expectation that any agreement will be widely important to others, or that it will be final and cannot be further amended or elaborated. Someone may not even feel strongly that, say, it looks like it is going to rain, and merely assent to such a prediction so as to be minimally companionable. Yet this non-accomplishment nevertheless accomplishes the construction of minor social solidarity. Something important has happened, even though, on the surface, nothing important seems to have been decided (Long, 2018, p. 79).

In distinguishing the aim of small talk (in this case to talk about the weather) from its end or goal, Long makes a case for something that we fundamentally know to be true, that the end (mutual agreement/disagreement) is much less notable than what takes place in the meantime (establishing relation). Long develops his account by recognising the idea that making conversation while wasting time is a life enriching way of being in the world, and that one of the central ways that Cavell identifies this variety of conversation is through 'purposefulness without purpose' (1981, p. 89). His use of the phrase is drawn from Kant's third critique, the German philosopher's account of the aesthetic experience that one enjoys when looking on objects of great beauty. Also known as the 'Critique of Judgement' (Kant, 2001), Kant's analysis states that our appreciation of what is beautiful is dependent on 'free play'. Cavell draws on a Kantian construction of beauty to think about conversation in the same way. That a mutual and satisfying appreciation for conversation's nature is enough to provide the justification for it taking place without necessarily being governed by a deeper purpose (Ward, 2006). According to Long, our modern idea of small talk would seem to share a similar structure to the kind of conversation present in the remarriage comedies. This is that in their seeming absence to accomplish anything, the couple are free to accomplish something, namely the restoration of their relationship.

Yet there are very different things at stake in Cavellian passionate utterance and in Long's characterisation of small talk. Long's examples may be underpinned by a lack of systemisation, but they are not the same thing since one can hardly say that comments on what the weather

is doing today contain the same kind of emotional jeopardy that conversation in a restorative conference might. Although Long acknowledges that small talk can lead to irritation, or silence, and not conversation, by failing to acknowledge what is at stake in passionate utterance, Long misses the ethical responsibility involved when we expose ourselves through risky conversation.

With this in mind, let me not waste any more time in exploring some pivotal scenes of conversation from *The Philadelphia Story* (1940) included in the pantheon of re-marriage comedies. Briefly, Tracy Lord (Katherine Hepburn) has 'divorced the right man', C. K. Dexter Haven (Cary Grant), over his drinking problems. She is about to marry George Kittredge (John Howard), self-made and self-satisfied and quite clearly the wrong man. A gossip magazine is determined to gain coverage of the wedding of the notoriously camera-shy Lords, a ruse that is used to gain entry for a pair of reporters (including possible love-interest Mike Connor). Using blackmail, Dexter persuades Tracy to let them all stay or the magazine will run a story of her father's affair with a chorus girl.

6.6.3   The Philadelphia Story

In his reading of the Hollywood comedies of remarriage, Cavell points to what he sees as two main themes of this genre: the woman's 'demand for an education' by the man (1996, p. 13) and the man's reciprocal struggle for knowledge of the woman. Conversation is central here to the way in which these themes play out and to what Cavell calls 'the quarrel, the conversation of love' (1981, p. 32). In singling out *The Philadelphia Story* for attention, Cavell states that the film is not entirely representative of its genre. Firstly, our heroine Tracy Lord has not one, but two heroes (Mike and Dexter) that are 'honourable and likable enough' (p. 135) from which to find her match, only one of whom is the perfect fit for her. Secondly, it is the only film to feature a couple in which the pair's happiness is found once again 'in the larger world in which they divorced […] not in removing themselves to a world apart from the public world' (p. 146).

What is it about this film that makes thinking about conversation not only a possibility for talking about restorative practice, but as educative in itself? I would like to begin this discussion with a scene that contains only one spoken word. The very first in the film, Cukor's opening snapshot of *The Philadelphia Story's* warring pair is essential to the characterisation of the absence of conversation, and hence to its restoration. Here, Dexter is shown emerging from what appears to be the marital home watched by Tracy. Clearly the pair have been recently fighting as is evident by not only the emotion on their faces but the fact that Dexter appears to be in the middle of packing his suitcases. Tracy, shown in her nightgown, follows

him to throw more belongings on the ground including his set of golf clubs. Without a word, she breaks a (prized?) club over her knee before turning around to go back indoors. Apparently enraged by her final action, Dexter strides towards her and, after miming a punch, puts his hand over Tracy's face and pushes her to the floor. Before the scene cuts away, the camera lingers on a resentful Tracy lying sprawled in her hallway and rubbing her neck. 'Well!' she is heard to finally utter as the scene fades out. Although their reasons for the fight are not known until later, what is clear is that the couple has lost the wherewithal for reasonable conversation instead resorting to violence and destruction to make their point.

If, as Long states, small talk is primarily concerned with making people feel comfortable, then the image of a woman being knocked to the ground is liable to make a modern audience feel extremely uncomfortable. Movie trivia from the time of the film's recording indicates that Hepburn was more than content with her character's portrayal, even going so far as to demand that Grant take several more attempts at capturing the knocked-out image. Labelled 'box office poison' (Salzberg, 2014, p. 36) by the Hollywood press machine, Hepburn struggled with her 'unsettling persona' (p. 38) consisting in both spirited personality and pampered darling. The success of *The Philadelphia Story* on stage and on screen gave Hepburn her personal turning point, painting her on-screen self-absorption amidst her various romantic entanglements as light-hearted egocentricity. Starting a film in which she is shown to be physically violated would be the prefect ploy to show audiences that even a strong, independent woman could be made to 'behave herself naturally' (*The Philadelphia Story*, 1940). Dexter's comment made much later in the film on the topic of what a man expects of his wife is, Cavell notes, a piece of instruction, moral and aesthetic, that speaks of the right way to live while simultaneously telling the actor how to deliver a line. It is a dualism that goes to the heart of the re-marriage comedy which can be described as 'a declaration that its appetite for presenting a certain kind of woman, a certain way on screen' (Cavell, 1981, p. 140) – and is in any case concerned with the creation of a new woman, a new human.

To see this, I need to further explore ideas of relation and perception within the film. Following its opening, the film properly begins in its depiction of the pair some two years later where Tracy and Dexter's presence centre stage give them the perfect opportunity to verbally assault each other with witty insults and rejoinders about each other's faults, inadequacies and weaknesses. In the following scene Tracy and Mike are readying themselves in the poolside dressing area when Dexter intrudes. Not wishing to be left alone with her ex-husband, Tracy asks Mike to stay:

Dexter: Never saw you looking better, Red. You're getting that fine, tawny look.

Tracy: Oh, we're going to talk about me, are we? Goodie!

Dexter: It's astonishing what money can do for people, don't you agree, Mr. Connor? Not too much, you know – just more than enough. Now take Tracy for example. There's never a blow that hasn't been softened for her. Never a blow that won't be softened. As a matter of fact, she's even changed her shape – she was a dumpy little thing at one time.

Tracy: Only as it happens, I'm not interested in myself for the moment.

Dexter: Not interested in yourself! You're fascinated, Red. You're far and away your favourite person in the world.

Tracy: Dexter – in case you don't know it –

Dexter: Of course, Mr. Connor, she's a girl who's generous to a fault.

Tracy: To a fault, Mr Connor.

Dexter: Except to other people's faults. For instance, she never had any understanding of my deep and gorgeous thirst.

Tracy: That was your problem.

Dexter: Granted. But you took that problem on when you took me, Red. You were no helpmeet there, you were a scold.

Tracy: It was disgusting. It made you so unattractive

Dexter: A weakness, sure, and strength is her religion, Mr. Connor. She finds human imperfection unforgiveable. And when I gradually discovered that my relationship to her was supposed to be not that of a loving husband and a good companion, but, oh, never mind.

Tracy: Say it.

Dexter: But that of a kind of high priest to a virgin goddess, then my drinks grew deeper and more frequent, that's all (Mike leaves).

Tracy: I never considered you as that, nor myself.

Dexter: You did without knowing it. Oh, and the night that you got drunk on champagne and climbed out on the roof and stood there, NAKED, with your arms out to the moon, wailing like a banshee. (Laughs)

Tracy: I told you I never had the slightest recollection of doing any such thing.

Dexter: I know. You drew a blank. You wanted to. Mr. Connor, what would you (turns and notices Mike has gone). Oh.

Tracy: A nice story for spies, incidentally.

Dexter: Too bad we can't supply photographs of you on the roof (*The Philadelphia Story*, 1940).

In this scene, both characters seem to be levelling some serious accusations against the other for what went wrong during their marriage. Tracy insists that it is his weakness for drink that was the problem while Dexter argues that it was Tracy's intolerance and self-obsession that proved fatal. The course of the film's narrative would, superficially at least, prove Dexter to be correct. Tracy is accused throughout the film of portraying herself as a 'goddess'. In positive terms she is described as 'beautiful', 'marvellous', 'distant', 'cool', and 'fine', her 'fascination with her own image matches the admiration of those around her (Salzberg, 2014, p. 37). In less celebratory terms, her goddess nature is, as Dexter intimates, responsible for her 'priggishness', self-superiority, and 'too high standards' stated to be the source of the rupture in her relationships. Showing little patience for other's faults, her intolerance towards her father's infidelities and Dexter's alcoholism are problematised to the extent that she is accused of further prolonging their inadequacies.

6.6.4   Non-Conformity and Ethical Relation

How does Tracy's narcissism and her self-interest in high society ideals allow me to contemplate ethical relation in restorative practices? In one way, holding a mirror up to her feminine ideals suggests an unerring belief in perfection. Facilitators ask pupils to tell their stories which are then summarised by other participants for clarity. Pupils may be asked to make charts of suggestions that will 'restore' the relationship. There is a fail-safe agreement in place to present some authoritative stamp that the problem/conflict has been solved. These deliberate constructs are designed to not only to perpetuate the illusion of infallibility but to offer a romanticised presentation of the individuals involved. If only we were afforded the opportunity for dialogue to be established, then we could *be better.* But this notion undermines the complexities of people, and of relationships, to say nothing about what we truly desire, even if that is irrelation itself. As the opening scenes of this film show, Tracy's rejection of Dexter's presence indicates that in seeing the other each has met their match. Taking this reading further, Tracy's behaviour conceptualises traditional ideas of stardom recalling Emerson's quotation that prefaces his essay on self-reliance:

Man is his own star; and the souls that can

Render an honest and a perfect man

Commands all light, all influence, all fate (Emerson, 2003, p. 266).

In Chapter 5, I discussed Emerson's essay as pertaining to the need to avoid knowledge gained from conformity in favour of individual experience. The wisdom that springs from the evolution of one's transcendence is conveyed by what is 'the highest truth in this subject […] the far-off remembering of the intuition' (p. 280). Concerning an awakening in society, particularly what it conceived of as success, Emerson's call for intuitive knowledge is a uniquely individual response. Tracy Lord is certainly capable of commanding all light but the mythic image of this starry goddess figure contradicts her own assertion that she does not 'want to be worshipped [but] loved'. In order to be loved, Tracy must be awakened. It is not until she is able to see herself – 'my eyes are open' she remarks in the closing frames – that the film 'reveals the flesh and blood reality underlying Tracy's otherworldly appeal, insisting that she abandon her project of self-divination – that she *must* be human' (ibid).

In the enactment of Tracy's humanisation, Salzberg (2014) asks an interesting question: 'Can the woman (as-star) be human and if so what are the stake in her humanity' (p. 37). From *Gaslight*, there is an understanding that the re-birth of the woman – meaning the return of the star - takes place outside of the boundaries of marriage. In terms of self-reliance, and moral perfectionism, it is this role of the prophetic light that reflects the private internal route of transformation that is the necessary condition for public, outward change (Saito, 2005). In the restorative conference, this idea references the greater ethical framework of self-care and self-relation. Paula's light shines inward betokening the assumption of her metamorphosis. In *The Philadelphia Story* there is something quite different happening with the female 'star'. There is no doubt that Hepburn's flourishing was due in part to her ongoing personal and professional relationship with Spencer Tracy, with their final collaboration offering 'the ultimate rendering of this shared energy' (Salzberg, 2014, p. 43). In terms of the film, the intense energy shared by the leading characters is conveyed in their 'attuned physicality' (p. 46). Mirroring each other's movements both on a physical and a diegetic level, Dexter and Tracy engage in a wary, yet beautifully choreographed narrative dance that ultimately dissolves the tensions between the two. In terms of the film's optics, this is not one just one star beginning her ascendance but as their process of self-reflection the night before Tracy's wedding underscores, 'two stars [sitting] side by side in profile' (ibid.). Tracy's turn to Dexter, described as her 'giving-over to the other' (ibid.), is concomitant with her directing her light towards him.

6.6.5   Restoration as Remarriage

However, this idea of ethical relation is not everything a reading of this film has to offer. Let us probe deeper the extent of Dexter's courageous thirst. Thirst for what exactly? Dexter's

statement that Tracy was no 'helpmeet' takes Cavell to John Milton's tract on 'The Doctrine and Discipline of Divorce' (Milton, 1990). Originally published in 1643, the doctrine posed a challenge to the religious, legal, and cultural principles governing marriage with Milton urging parliament to consider granting couples divorce for incompatibility with the right of remarriage for both parties. The axis of his argument reasoned that unhappiness in marriage is tantamount to the greatest tyranny on the commonwealth. Therefore, if the commonwealth were entitled to divorce a member state from that unhappiness, those who owe allegiance to the state must be entitled to the same consideration, as if, 'the covenant of marriage is a miniature of the covenant of the commonwealth' (Cavell, 1981, p. 151). Our participation in supporting the commonwealth must involve the release of sufferers from 'a mute and spiritless mate' in favour of 'a meet and happy conversation as the chiefest and noblest end of marriage' (Milton, 1990, p. 148).

The entreaty is based on Milton's understanding of the Biblical intent to make Eve a helpmeet and the suggestion that to become a helpmeet is to show a willingness to converse, the contrary of a scold. The emphasis is raised again when, after refusing the offer of a drink from Dexter, Tracy collapses into a nearby chair and remarks, 'Oh Dext, I'm such an unholy mess of a girl', to which Dexter replies: 'Why that's no good that's not even conversation' (*The Philadelphia Story*, 1940). While Cavell is quick to maintain that, in Milton's doctrine, there is represented an entire mode of association, he does also mean 'a capacity, say a thirst, for talk […] as forming the pair's essential way of being together, a pair from whom, to repeat, being together is more important that whatever it is they do together' (p. 146).

Despite (or perhaps due to) their animosity, moments of conversation between Tracy and Dexter can be characterised as a form of passionate utterance, revealing something larger about what is important to them. In the conversation in which Dexter calls her a scold, he takes issue with her memory of one night in their marriage in which 'she got drunk on champagne […] stood naked on the roof and wailed like a banshee'. Her failure to recollect is linked to a failure to be fully present, to perhaps have the kinds of conversations that lead not to the idolisation, but of disapproval. It is why Dexter furiously exclaims that Tracy can 'never be a first-class person or a first-class woman until [she can] have some regard for human frailty' in herself and in others. Her eventual opening up to these ideas are marked by her accurate recall of her own disapproving behaviour the night before her wedding and her feelings of shame and guilt, the importance of which isolates the fact that despite the upcoming festival the decision over what to do next 'marks the exercise of choice and of change […] as painful as of becoming created, becoming the one you are, and as becoming one

in marriage' (Cavell, 1981, p. 141). Cavell draws on the re-marriage comedies' inheritance of the conventions of Old Comedy (namely, Shakespeare's *A Midsummer Night's Dream*) to remind us that this philosophically therapeutic path takes place in the form of an awakening or remembering from something half-forgotten and alluded to in the film's many referencing to the opening of eyes. In the narrative of the film, Tracy's eyes are opened to the unsuitability of both George the coal owner, and Mike the reporter, and to the presence of Dexter as the ultimate choice. This is not due to the class or background of either men but because Dexter is the only one capable of giving her the education she demands, hence is the only one compatible with the characteristics of the genre.

The film's strong emphasis on Tracy's identity – is she a goddess or a woman made of flesh and blood? - can be seen as 'tracing the death and revival of the woman's capacity to feel' (Cavell, 1981, p. 140). The restoration of her relationship with her father and her imminent remarriage to Dexter is couched in such ideas. Tracy tells her father that she feels, 'Like a human – like a human being'. Likewise, she is not a goddess 'but a queen'. In a pivotal scene, pulling Tracy from her swimming pool, Mike carries her, prone, across his shoulder into the house. Cavell notes the carrying posture as one symbolic of death, indeed her response to the indignity is to mutter darkly, 'Not wounded sire, but dead' (ibid.), alluding to her death as a goddess and re-birth as a human. The aspect of education in which a crisis forces an examination of one's life that calls for a transformation or reinvention is the province of what Cavell emphasises as moral perfectionism. The crisis in question, in the case of Dexter and Tracy, is whether they wish to continue their relationship, in effect to be re-married. Therefore, all that is being decided is to decide if this life is one they want to lead together, who they might want to be, and what they might consent to. A decision that requires nothing more than their 'mutual forgiveness' (p. 39). The morality that is being called into question does not make for 'front page news, not for example, issues like abortion, euthanasia, scapegoating, torture, treason […]' (Cavell, 2005b, p. 38). In approaching this as a crisis, one is not required to pit oneself against an already established standing moral consensus but to think on whether there is a moral issue to be raised. Our acknowledged interest, therefore, in the lives of these privileged people is 'their pure enactment of the fact that in each moral decision our lives, our senses of ourselves, and of what, and whom, we are prepared to consent to, are at stake' (p. 39).

6.7   Speaking for Myself, Speaking for Others: Re-thinking Ethical Relationships in Restorative Practice

The sealing and weaving together of the couple's romance into marriage – a state that Cavell indicates can be taken to stand in for the idea of friendship – is not one that is made explicit in the pair's conversation. There is no direct sense that they must be headed towards an agreement or conclusion. What might we draw from this in terms of the restorative conference? Firstly, we must reconceive ideas of agreement that constitute ethical harm. This necessarily entails reconceiving the conference as a process in which the terms of relation can be institutionally defined. This does not mean abandoning the practice, or even marginalising it in favour of more 'relational' strategies, but attention 'to the need for openness and responsiveness to claims to injustice expressed in other terms than our own' (Owen, 1999, p. 591).

Paying attention to the way in which *The Philadelphia Story* is the only film in the remarriage genre to find the pair's happiness within the larger world focuses the purpose of restorative practice more purposefully on our imperfect community. Cavell states that the advocacy of moral perfectionism as a political commitment can be understood, as Mill sees it, in terms of the marriage act, their union symbolising the joining of wider society under a democratic covenant. The pursuit of happiness, meaning the pursuit of the legitimacy of marriage, is continuous with conversations of participation in democracy. As I mentioned earlier, the political situation in America was a critical subject for Cavell regarding what it means to be a citizen of a country founded on the commitment to freedom and justice while at the same time espousing racial slavery, indigenous genocide and unjust wars (Cavell, 1989). Within this human travesty, Cavell's endeavour is to find a way to make democracy an attractive prospect. Drawing on Emerson, and Thoreau, Cavell writes of the exercise of the political voice as one that shows what it means to think seriously for oneself. An act that at its best takes the form of conversation in which participants model for one another the possibilities of a flourishing democratic life. Cavell's preoccupation with the development of a *political* voice, as a prerequisite for community, lays the groundwork for thinking about what is politically educative about conversation, and in turn about political relation in restorative practices.

In this chapter, I have argued for a conception of ethical relation that educates to speak for myself and speak for others but what more of community? To examine this more closely, I must highlight Cavell's discussion of the social contract, the most explicit discussion of which is found in *The Claim of Reason* (1979b). Here Cavell's reflections on the idea of a social contract

stand the ground that agreement (Cavell's term is consent) is not merely a matter of obedience but of membership. What I consent to, in consenting to the contract, is not mere obedience but membership *in polis* which implies two things. First, that I recognise the principle of consent itself, which means that I recognise others to have consented with me, and hence that I consent to political equality. Second, that I recognise that society and its government, so constituted, as mine, means that I am answerable not merely to it, but for it. So far as I recognise myself to be exercising my responsibility for it, my obedience to it is obedience to my own laws; 'citizenship in that case is the same as my autonomy; the polis is the field within which I work out my personal identity and it is the creation of (political) freedom' (p. 23). Knowing and understanding who it is that I am in community with, and therefore to whom I assent, or dissent, construes the primary political identity of my membership in polis. It means speaking for myself, speaking on the behalf of others, and allowing others to speak for me as I myself consent to be spoken for. Not as a parent might, but as someone in mutuality with me. Moreover, in speaking I must run the risk of rebuff. This includes as part of political consent the withdrawal of consent from community. Dissent is not the undoing of consent but a dispute about its content, over whether a present arrangement is faithful to it. The alternative to speaking for yourself politically is not: 'speaking for yourself privately [...] the alternative is having nothing (political) to say' (p. 27).

In this view, dissenting or withdrawing consent is not concomitant with exile. One is still entitled to express one's view, indeed, as the presence of Dexter attests, to feel that one is entitled to speak to, and for others. Further, the hope of reaching agreement need not be attributed to universal good sense since claims to such agreements have a limited applicability, and are ultimately finite. Our 'agreement' may differ, we may hold different opinions but doing so does not rule out a return to relationship. By re-connecting the individual with her community and by imbuing her dialogue with the tone of philosophy and in the words of Cavell, the right for her to take that tone, we resist the notion of a functional aspect of restorative language. How we use language cannot be understood as the accumulation of a specific lexicology. It instead constitutes work on the self that is transformative for both the subject, and her society.

It is this experience of political voicelessness that Cavell finds expressed in Tracy's struggle to bring into being the sense of *injustice* at being left out of the wider conversation of *justice*. 'Oh, to be useful in that world' she cries, as if to underscore her fear and perplexity over her moral standing. That this pair are in conversation at all is not simply about establishing relation but a response 'to the woman's sense of her lack of education, her demand to know

something that will change her dissatisfaction with the way things are' (Cavell, 2005b, p. 43). As Cavell makes clear, 'perfectionism concentrates on this moment' (p. 42), recognising that this further sense of ignorance does not arise from not knowing what one's duties are, rather it is a confusion over one's desire, attractions, and aversions. It is the kind of education that cannot be found in a pedagogic strategy, in success criteria or respect agreements but on deciding if we are to act on our self-confessed longing to be useful in the world or to be perfect - a goddess. Tracy's perfectionist moment lies in her stopping to think, and hence to learn, that Dexter is ready for her and she is ready for him. They may yet choose to differ but their conversation, or marriage, reflects a social contract that permits perspective, depicting each as recognisable to each other, and to themselves. How we make this increasingly visible and my claims for an ethics of restorative practice is the subject of my concluding chapter.

PART III

Claims for Practice, Claims for Community

Chapter 7

Implications for School-Based Restorative Practice

7.1 What Now for Restorative Practice?

My purpose in this thesis was to provide a philosophical and ethical basis for restorative practice and to consider how the substance of my argument affords a re-thinking of its substantial practices such that I might make it possible to answer the question, articulated by Terri in my preface to this thesis, and so many restorative practitioners: '*what's just restoring and what's restorative practice?*'. Given that so much of this thesis is concerned with lived experience, it seems only fitting that I begin my concluding remarks with a reflection on my own experience of articulating a philosophical and ethical basis for restorative practice. As I noted in my opening preface, prior to embarking on this project I had been steeped in the world of schools that had already made serious commitments to integrating social and emotional learning skills, both in an instructional and behavioural sense. Although I had not heard much about restorative practice, the administration of embedding social and emotional learning practices meant that I was familiar with pedagogical devices that sought to transform a school's broader culture as well as change its practices around discipline and behaviour management. As I turned towards the kinds of educational philosophy that I hoped would have much to say about how restorative practice 'works', I correctly anticipated the mystification, and frustration, I would feel at taking on this new intellectual challenge. What I did not expect were similar feelings of bewilderment when attempting to navigate the more mundane territory of what constitutes restorative practice and restorative justice, even less what this looks like in educational settings.

7.1.1 New Directions

Suffice to say that the lack of a clear path through the historical literature, and complicated intersection of criminal, psychological and social health theorising, has done much to place a contradictory value on adopting restorative practices, as suggested by the influential publication of 'The Cart Before the Horse' (Song and Swearer, 2016). The authors' conclusion, that this inconsistency is related to a dearth of consultation literature in order to guide research and practice leads to a 'large void' (p. 313) in the understanding of what is consistent with a restorative justice philosophy, is resonant with my own conclusion, at the end of Part I, that there is a philosophical gap between research and practice. Happily (considering the

enormous speed of change regarding school-based initiatives), the subject of school-based restorative practice remains of high importance within the restorative researcher community, its continuing popularity paralleling the 'the rise of the prison industrial complex' (Thorsborne *et al.*, 2019, p. 9). More than ever the creation of a 'radically democratic approach […] to promote relational health' (p. 11) and 'elevate student voice' (p. 12) resonates with schools' uncertainty over the current educational climate. While the technologies of restorative practice (circles, conferencing) remain ubiquitous, it is fair to say that there has been a shift in thinking that sees restorative practice as in close kinship with other psycho-social approaches. These include Theory of Mind (Astington, 1998) and its successor the Growth Mindset (Hildrew, 2018) to increase empathy, transactional analysis (Hopkins, 2015), and the integration of restorative practice with models of positive discipline (Lustick, 2017b).

It is a buy-in that we see evolving from the whole-school 'nuts and bolts' acceptance of restorative practice, as a full replacement programme, to schools engaging with some restorative elements on their own. This is not quite the same as the 'pluck and choose' method of employing whatever restorative practice method appears to get behaviour back on track, rather that the mode of being 'restorative' – talking to children, instead of punishing them – has entered the educational *zeitgeist*. There is a great emphasis placed on teachers' ability to develop effective communication between adults and children in order to have a positive impact on classroom behaviour (Sammons *et al.*, 2016). Understanding pupils by developing a more responsive language is considered more active than relying on default responses. Good practice, therefore, consists in adapting universal behaviour systems to individual needs through a focus on right language. In primary schools, this usually falls to the class teacher (in secondary schools there is more reliance on shaping the existing pastoral system) who can intentionally, and regularly, focus small amounts of time to working on relationships with individual pupils. While restorative practice offers an opportunity for schools to explore new ways of dealing with conflict, with open communication, accounting for whole-school implementation remains its own risk.

There are difficulties with schools taking up the kinds of ideas I have presented in this thesis. Schools are under pressure from the popular press, symbolised by the teacher recruitment crisis, precisely because they perceive behaviour to be very poor (Rhodes and Long, 2019). Unlike other forms of behaviour management, restorative practice is a dialogical process that can be open ended. Perhaps this is why although pupils state there are benefits to their engaging with restorative practice, evaluation studies do not yield significant changes in treatment schools. Instead, schools are asking *do we need to throw everything out in order to*

bring something new in (Harland, 2020). This means that schools with no intention of replacing their behaviour policies are borrowing notions from restorative practice, such as conferencing, without the need for further 'restorative' training, and trying them out in classrooms. In today's educational climate, pupils in non-restorative schools experience just as much opportunity for dialogue with their teachers as those in restorative practice schools. Schools support the implementation of explicit teaching strategies that focus on building the communication repertoire of learners such that they can express their wants and needs as well as self-regulate their behaviour. Through procedural knowledge of the restorative model, for example the restorative conference, previously tried dialogic strategies such as coaching can be newly implemented representing an important component of enhancing the skills of a school-based team (School Talk, 2020). At the level of teachers and school leadership, this minimal level of training results in very little or no further cost to themselves and emphasises that restorative practice can be woven into the fabric of school life with little disruption (Hollweck *et al*., 2019). This need to take departure is suggestive of the burdens that schools are under but also reflect a conception of ethical teacher judgement. Unlike a professional standard where universal ethical principles are applied to the dominant professional knowledge base, ethical judgement occurs each time a teacher strives to balance the fair treatment of pupils, justify her teaching methods, materials or her behaviour management techniques. It is, as Campbell argues, 'the practical moral wisdom—the ethical knowledge— that is infused into every aspect of such technical abilities and the humanity teachers bring to their practice that distinguish them as professionals' (Campbell, 2014, p. 105).

What has my exploration of the aims and values of education given restorative practice in terms of a 'practical and moral wisdom'? Insofar as teachers' value judgements should be taken enthusiastically, it is vital that these departures in thinking are not mere means to professional ends but inform the ends themselves. Coming back to the idea of growth and perfectionism, my thesis constitutes an apt standpoint from which to critically consider the direction of change within restorative practice. Nevertheless, the question remains if these changes are akin to the drawing of new, ever-widening circles, or 'a wave that moves onward, but the water of which it is composed does not' (Emerson, 2003, p. 291).

As I discovered, the issue at stake here is not that schools do not associate restorative practice with an ethical culture change, rather that ambiguities occur when what they consider significant about the practice are its methods, say technologies, of how it is implemented rather than the quality of relationships it has the potential to explore and develop. This shift in language, arising from its transposition from the justice system to the educative sphere,

creates the difference between 'just restoring' and 'restorative practice'. Through its affordances of conferencing, story-telling, and building relationship, in this thesis I have offered a strong philosophical perspective of how a philosophical conception of our ethical relation with the other can encourage schools to re-think restorative practice in a way that resists market pressures and the instrumentalism that could be levelled at the practice.

I am not alone in this endeavour. In moving the practice philosophically forward this thesis joins other current voices which reflect on the ways in which '*right-relation* is a central value and an ideal outcome of restorative practices' (Bryzzheva, 2018, p. 248). The concept of right-relation building in restorative practice theory is one that re-imagines true restorative work as one that is built firstly with one's self, then with others in a world that is not imposed but discovered in community. My original contribution to the current literature frames restorative practice within a richer, Cavellian sense of self and relation. It should be considered as limiting the possibility for further marginalisation of pupils while embracing a more disruptive yet politically edifying restorative encounter.

In previous chapters, I have summarised the kind of philosophy that evokes the sense of re-creation and revivification that is invoked by the etymological origins of the term restorative. In this last chapter, I want to conclude my attempt at *re-thinking* by offer my claims for ethical relation that aligns with these metamorphic modes of thinking. My claims are not intended as a panacea to help alleviate the problem of behaviour in schools. I cannot state that simply applying my recommendations for practice as a proactive list of strategies will show that restorative practice now works in a better way. Rather, in my claims what I am trying to do is raise much more profound questions about the ethics behind restorative practice and the ideas that underpin them.

7.2   Revisiting Difficulties: Themes from Educational Philosophy

Before I continue to my claims for school-based restorative practice it would be prudent to revisit how I have made the case for strengthening the presence of educational philosophy in restorative practice and its potential for an ethical relational pedagogy. To do so, I want to revisit some of the main ideas I have presented thus far. I began in Part I by providing a brief cultural sketch of the UK educational landscape in recent decades. This included a shift away from progressive models of education to one heavily influenced by marketisation, performativity, and the subsequent policy backing of assertive or zero-tolerant models of behaviour management. By connecting increasing disquiet with how schools manage their

internal conflicts to the desire for a more ethical and moral approach, I described how schools looked for improvement in such areas as SEL, school climate and connectedness, academic outcomes, conflict resolution, and ethical thinking. These introductory lines of thinking provided sound reasons for the upsurge in interest in restorative practice, making it a gravitational focus point for those working in and around schools who felt discouraged by the current educational climate.

A descriptive account of whole-school implementation addressed the shift from the use of various restorative approaches, as they exist in the criminal justice environment, to a continuum model. In schools, research evaluating the training and support of restorative approaches concluded that ongoing embedding of restorative practices offered important learning opportunities that shape positive social relationships for the benefit of behaviour and academic attainment. I also found significant variation in opinion that accepted the success of a whole-school restorative approach often phrasing it as a failure of implementation or engagement. Certain 'fault-lines' identified in restorative justice practices, and now at present in schools, were thought to limit the presumed benefits of a restorative approach. Amid the customary barriers to implementing policy changes in a pressurised environment such as lack of time, preparation, or active support, lay the disturbing belief that restorative practice, an approach specifically designed to give voice to young people, was instead responsible for a denial of voice. Considering these claims, proponents argued that schools used to customary approaches to behaviour management find it difficult to dismantle sources of power in teacher-pupil relationships. The implied pressure to perform leads to forced participation and the under-prioritisation of genuine forms of pupil expression. What starts as a desire to establish a new critically democratic practice is, therefore, closer to the one-way power dynamic of conventional discipline.

Urged on by proponents of restorative practice, I began to think how a richer conceptualisation of its affordances might help to deliver the kind of ethical thinking around conflict that is required by schools. When thinking of a methodological direction for my research, I found that proponents of restorative practice were siloed into championing two differing strategies. The first group state that, to date, the lack of empirical data, and rigorous evaluation studies regarding effectiveness of restorative practices makes any sort of firm conclusion on the impact of restorative practice problematic (Acosta *et al*., 2019; Green *et al*., 2019; Norris, 2019; Bonell *et al*., 2018). The non-empirical 'methodology', I described here, could be perceived as embracing this second route. Coming back to my earlier point about teaching becoming somehow performative, I outlined how turning towards 'educational

philosophy' would allow me to better ascertain what is ethical, meaning, what is most desirable not what works.

In giving prominence to ordinary language philosophy, and to the writing of Stanley Cavell through the central section of this thesis, I proffered, in Part II, that a deepening of understanding of what it is that we do with language is commensurate with understanding how we are 'restorative'. Attention to key themes of dialogue, story, and relation would contend that this major gap in the current conceptualisation of what comprises a 'restorative' literature is responsible for problematic issues of implementation fidelity, and that conceptual and philosophical literature on language needs to be addressed in order to build an appropriate theory of action for whole-school restorative policy and corresponding practice. I began my focus on language by exploring the notion of scripted restorative conferencing. Restorative conferencing has been classed as one of the hallmarks of not only school-based restorative practice but also restorative justice generally for its emphasis on equitable dialogue, transformation, and resolution through reparation to relation. As a key difficulty, I highlighted the use of scripts recommended by influential bodies and consisting in pre-agreed sequential stages, question prompts, and even specific words and phrases that are used to draw out pupils' experience of the conflict.

To discuss this, I introduced Cavell's critique of J.L. Austin's performatives, and subsequent extension of these speech acts as passionate utterance, as ways of thinking through this seemingly benign practice. As I have stated earlier in this thesis, Cavell's reconceptualisation of ordinary language philosophy has little to do with philosophy as a method of analysis or with linguistics. Indeed, Cavell's approach is to state, quite simply, that in addition to undertaking empirical and logical analyses of language's structure, it is vital to also ask what is it that we (humans) do with language? How is what we do part of what we say and can we mean what we say? These motivating questions are stated as being concerned with 'less how we know what we say and mean' (Cavell, 2002, p. xviii) and more of 'what it betokes about our relation to the world and others, and myself' (ibid.). In other words, Cavell's work lies in bringing words back to their everyday use and hence to bringing knowledge of the world back to ourselves through lived experience. Through Cavell's framework of passionate utterance, viewed as a kind of improvised, moral responsibility, the idea that scripted restorative conference departs from traditional top down practices was problematised. Here I argued that the pupil no longer feels compelled to behave out of fear of punishment (let us not forget that some schools keep a punitive culture operating in their background), instead through the process of scripting they are compelled to speak from a sense of performance.

Performance itself is not to be undermined; teachers can also be actors who know how to play to their audience. Nevertheless, an Austinian sense of performance, as one that restricts the possibilities of language into readily identifiable outcomes misses the ethical aspect of dialogue. Scripted conferences' demand for certainty, to be sure that relation has indeed be established, was exposed through Cavell's disappointment with criteria. The important point here is that the removal of freedom in speaking in speech closes opportunities for experiencing our ethical responsibility to the other. If I am not free to speak, I am not free to experience that responsibility, nor can I make any assumptions about the responsibility I bear from my actions. My state of diminished responsibility forces me to accept a form of silence, an implicit voicelessness rather than voicing of experience.

If it is through experience that we are held responsible for our past action, then the ethical responsibility placed on telling of one's story is paramount. Encouraged by Cavell's own story, present in his autobiographical writings, I attempted a *volte-face* from notions of *reparation* to instead focus on what close attention to *disruption* might bring to the surface. Four key conceptualisations of disruption were presented: chronological disruption, therapeutic disruption, disruption of account, and disruption of the facilitator. I explored how accepted thinking around these conceptualisations could be disrupted through philosophy as autobiography. Understood against this background, the act of telling one's story is not about merely giving and receiving of account, according to a guideline, but of arriving at insight into what has before been unclear. In doing so, I reasoned that Cavell does not appear to be concerned with explaining and discussing incidents of his life as if to find reasons or solutions. There resides an acknowledgment that even in lifting up one's experience to be shown we have already completed the work of *naming* what is important, instead the opportunity for story raises the possibility for self-transformation. This requires the willingness to free oneself from forms of systematic forms of speaking, imposed since we first learned to speak, in order to see and think differently now.

For Cavell, this requires both identification with the child before, and the present silenced grownup. This disruptive act of story (as far as educative standards go) goes beyond superficial forms of insight, leaving behind questions of 'why' this happened in favour of exposing us to what is demanded by the present: an understanding of story, or the giving of account, that is a means to a (philosophically speaking) therapeutic metamorphosis or transformation of the self. Beginning with the assertion that the ability to give an account is it is at the heart of the very nature of our being, Thoreau's holding himself to account premised on a guiding theme of perfection is inseparable from his living at *Walden Pond*. An ongoing journey, the perfection of

the self is akin to the drawing of concentric circles. Our movement between them is characterised by loss and departure. The claim to *know* that relation has been restored, that conflict has been settled, goes against the perfectionist tradition towards self-transformation.

If telling one's story is a means to raising consciousness of self-transformation, then reproduction of stories without the concomitant transformation is a debased form of what it means to tell one's story. In *Gaslight,* Paula's role of the mad woman presupposes her self-transformation through reassertion of voice. The process of drawing out her story is tied into her self-education but not without the encouragement of a facilitator. This dialogic encounter better articulates the necessity for hearing those uniquely restorative moments where we stand together in ethical relation and to make welcome these new forms of speaking. It is to be among the first hear the question: "how can I continue?" and to take up the invitation to exchange. It is this responsiveness – or 'response-ability' (Van Manen, 2016, p. 19) – inherent in the principles underpinning restorative practice that argues for the place of educational philosophy in developing teacher understanding of the practice. The significance for this is found in considering what we understand to be ethical relation. How I develop a relationship with another comes not from attempting to pin what is knowable but negotiating in a personal rather than a state-sanctioned way. In the first instance this means finding some space to open the conversation in such a way that pupils can talk freely, in the ways in which they want to talk, without being constrained by the need to find solutions to the problem. The significance for this is found in considering what we understand to be ethical relation. How I develop a relationship with another who at this moment is, in Cavell's words, not natural to me, comes not from attempting to pin what is knowable but is an acknowledgment through ways that will unsettle the fixed and scripted formats of restorative practices. This is not only richly illustrated by Cavell's work on film but also in the work of Marcel, and Buber, whose expectation for encounter with the other condemns objectification by the subject to the other. It is hard not to think of this when considering the ways in which the restorative conference 'uses up' conflict in order to define itself.

This has practical implications for the way in which conferences tend to operate in their desire to reach agreement and the curious ways in which they manage to suppress those human reactions such as anger, stress, embarrassment, fear, and discomfort that lead to disagreement. I'm not thinking here that further interjections of name-calling or explosive temper tantrums would give the requisite sense of dissonance. What I want to suggest is a re-thinking of the way restoration of relation is linked to outward signs of success and to re-consider them as pedagogical spaces for learning how to come to terms with disagreement, of

how it is one continues to live with adversarial relation in the midst of community. It is this version of success that I believe moves what should be considered restorative from justice that is done, to doing justice together.

7.3 Claims for Practice

Where do my ideas of ethical relation in restorative practice leave me? Was it right or wrong of Cordelia to remain silent in front of her father? Should Paula have confronted Gregory over the letters? Why can't Tracy marry George Kitteredge? To paraphrase Cavell discussion of Nora's actions in *A Doll's House* (another account of a woman 'creating displeasure all the way around' (Cavell, 2005b, p. 250), is this good or bad of them? If by reading this thesis, proponents of restorative practice are looking for a grand theory of 'Cavellian ethical relation' with which to supplement, or replace theories of relational pedagogy, they are mistaken. As has been pointed out before, top-down ethical theorising proves that there is no universally accepted, good, ethical or moral thinking that governs human behaviour. While Cavell is not an ethical theorist, his raising of philosophical concerns pertaining to what it means to speak for oneself, and for others, sheds fresh light on how schools can create the conditions for personal and social change.

As I have stated before, this kind of professional ethics generally concerns itself with standards of good practice and codes of conduct in professional settings. In contrast, attention to Cavell's work, alongside that of Buber and Marcel, challenges the over-simplified and mechanised routines embedded within the practice as constructing an artificial mode of speaking. Instead, each of the chapters in this thesis derives its importance from the knowledge that to be in ethical relation consists in an *in-the-moment-working-out*, of recognising the good action from the harmful action. The perfectionist strain in Cavell's thinking, together with his 'political interpretation' (Rudrum, 2013, p. 137) of literary and filmic works, are *claims* for the exemplification, or elucidation of ethical relation. The claims that the three substantive chapters in this thesis have forged are listed below.

7.3.1 Claim No. 1

From Chapter Four:

> *To be restorative presents the potential for a radical turning around such that we are transformed in the process. This represents a demand to be educated, and to educate others.*

The creation of a secure framework for language is said to be most advantageous in producing an apology and agreement. It is tempting to think of scripted practices as articulating an ethical commitment to restorative conferencing. After all, scripts pre-empt the possibility of surprise, guiding teachers on how to act though tricky interactive and interpersonal situations. Yet the nature of ethical dialogue, rooted in thoughtfulness and responsiveness, is not an engagement with performance but the improvisational feeling for what to do, or not do, what to say or not say, in any given moment. From a religious point of view, a conversation or conversion represents a spiritual turning point. It is an argument that Cavell draws on when speaking of the conversion of Paul the Apostle (Cavell, 2010), framing his own turn away from logic towards the development of a uniquely philosophical voice. As a task of the restorative conference, a concept of passionate utterance allows the words of another to move me to understanding, to change my opinion, to make a claim upon me. Cavell's reading of *King Lear* orients the reader towards the consequences of supressing such dialogue, stating that if expressive engagement is necessary for learning how to configure our moral outlook then closing down this capacity to be seen, to be acknowledged, risks both my own moral education, and my ethical responsibility to the other.

7.3.2   Claim No. 2

From Chapter Five:

> *That restorative practice forms a reasonable basis for the recognition of perfectionist ethical relationships.*

Telling one's story is not geared towards an endpoint but is a learning or coming to understand what may catalyse the change from one outlook to the next, as we live it, from moment to moment. When Cavell stresses moral perfectionism as a dimension of moral life, it is in Paula's story that we see that is the absolute responsibility *of the self* to make this intelligible *to the self*. The calculation of the moral good or right is not derived from any categorical imperative, it is to demonstrate some standing by which my life matters to me and matters to you. In virtue of this, the act of guiding one's story, hence helping one's voice to emerge known as facilitation of the restorative conference, does not function in order to make differences transparent or balance reason and emotion nor to provide situational sense-making. Rather, if restorative practice is genuinely to be seen as initiating that next stage of moral development, that transformative potential, facilitators require the ethical response-ability to sense what is required, and to hold back when necessary.

7.3.3   Claim No. 3.

From Chapter Six:

> *A restorative relational pedagogy underwrites the development of community by encouraging the acquisition of a political voice.*

There must always be doubt that I will ever come to relation, to begin to see your argument as well as accept it for my own. The appeal of Cavell's sceptical argument, namely that what we know of others can only be imperfectly known, is important for those practitioners committed to negotiating outwardly recognisable forms of agreement. Following his investigations into whether we can really know if a person is in pain, Cavell demonstrates that the moral obligation to respond regardless is primarily ethical. Although I cannot feel your pain, to ignore your looks, words and gestures would be to inflict an ethical trauma such that I might risk hurt, betrayal, and loneliness. The comedies of re-marriage show how a richer understanding of conversation brings people who might not previously be in any kind of relation, unless perhaps opposing positions, into ethical relation. The associated democratic values lift school-based restorative practice from this local level into a *praxis* that has the capacity to create the kind of political voice in which ethical relation has a chance to emerge and exist, if only temporarily.

7.4   Claims for Community

In thinking through how to make these claims visible for schools, I want to capture something of the idea of what it means to be a member of a political community. Returning to my exploration of the significance of consent, Cavell contends that consent to membership *in polis* – in other words, to my community – constitutes my acceptance of the rights and responsibilities for how that community will be run. This is by necessity a *relational* voice in that one cannot possess a political voice without allowing others to speak for me (Mulhall, 2003). David Rudrum summarises this aspect of Cavell's political thought as a 'claiming' (Rudrum, 2013, p. 145). That is to say that one's claims, be they beliefs or publicly made statements depend crucially on our ability to dissent in criteria. For claiming to be valid and recognisable in a democratic *polis* it remains that there must be some aspect of speaking that puts us in discomfort. Perfectionist thinking requires that one's ethics depend on feelings of loss and separation, of some action that does not meet our needs. We do not, all of us, give verbal consent to the laws that govern us. Too often our voices are not recognised as valid at all. For those of us who claim to speak, 'it means risking having to rebuff – on some occasion, perhaps once for all – those who claimed to be speaking for you' (Cavell, 1979b, p. 146). As

Cavell states, dissenting *in polis* is crucial, even healthy, to ideas of democracy. It 'is not the undoing of consent but a dispute about its content, a dispute within it over whether a present arrangement is faithful to it' (p. 146). In other words, I can challenge that you have the right to speak for me without withdrawing from my community.

What happens when one dissents from the polis? Where lines of (dis-)agreement in criteria start to question ideas of responsibility that, I, as a member of my community can hold your actions to account. For much of this thesis, I have written about restorative practice as a strategy used by schools to foster better interpersonal relationships, and more effective resolution to conflict. To do so, its forums seek to repair relationships that have been damaged by bringing about a sense of remorse and restorative action by the wrongdoer while the victim is asked to say how she has been affected and what needs to be done to put things right. A restorative approach is predicated on taking responsibility, and for developing the skills of its community to solve problems and repair harm. How we manage incidents of conflict in school is important. How we develop a restorative culture in schools making sure pupils have the ethical education they need to express themselves, in dissent, is critical:

From *The Guardian* Sunday 10th February 2019:

> Headteachers across the country will this week be faced with a tricky dilemma: should they allow their pupils to go on strike? Thousands of schoolchildren are expected to absent themselves from school on Friday to take part in a series of coordinated protests drawing attention to climate change. At a time when politicians fret that young people are failing to engage with the political process, a headteacher's decision to take a hard line against the strikers could be counter-productive. But equally granting permission for a day off could set a dangerous precedent and lead to safeguarding issues, it is feared. Parents could be fined for taking a child out of school.

One would-be striker, Anna Taylor, 17, from north London, said her school had given her "mixed messages". "I chucked up a notice – school strike in a few weeks – on the noticeboard in the common room and they wiped it off, said "you can't actively publicise it in schools" and "we'll give you an unauthorised absence and detention if you strike", but then they said "you can spread it by word of mouth and we do support your cause." A Department for Education spokeswoman said the decision was a matter for individual schools. "However, we are clear that pupils can only take term-time leave in exceptional circumstances, and where this leave has been authorised by the headteacher" (Doward, 2019).

From *The Independent* Wednesday 18th July 2018:

Students' union representatives have painted over a famous Rudyard Kipling poem at the University of Manchester in a protest against "racist" and "imperialistic" literature. Kipling's poem "If" was replaced by the students' union executive team with "Still I Rise", by black poet and civil rights activist Maya Angelou, to better reflect the union's values. The union representatives decided to immediately remove Kipling's words – which had been painted on a wall by a hired resident artist – from the students' union building at the University of Manchester. Sara Khan, liberation and access officer at the union, said students were not consulted on the decision to display Kipling's poem – which concerns paternal advice to the speaker's son. They decided to take action when they saw the artwork, not because they disagree with the sentiment of "If" – which has a quote inscribed above the entrance of Wimbledon's Centre Court – but out of opposition to Kipling's other colonialist texts. In a Facebook post, Ms Khan wrote: "We, as an exec team, believe that Kipling stands for the opposite of liberation, empowerment, and human rights – the things that we, as an SU [students' union], stand for" (Busby, 2018b).

From *ITV* Friday 6th September 2019:

A group of pupils who attend a school in East Sussex have been protesting, alongside parents, over the school's plans to introduce a new "trousers only" uniform policy for all students. The Priory School on Mountfield Road in Lewes is a mixed school which teaches boys and girls between the ages of eleven and sixteen. The ban would mean that girls can no longer wear their school skirts. Some Year 11 students say it is not fair to have to buy a brand new uniform when

they have just nine months of school left. They say they could continue using the uniforms they are wearing now. Pupil, Nina Cullen, says that she does not think the policy would be gender neutral because buying the new uniform would cost girls more money than it would cost boys - who already have the uniform trousers. She also expressed concerns about pupils discarding all their skirts at a time when the impact of so-called "fast fashion" and its effect on the environment is in the news and high on the public and political agenda.

Girls who ignored the new policy and wore skirts today were banned from entering the school. Police officers were called during the protest to help prevent pupils who were involved in the demonstration gaining access to school premises (ITV, 2019).

From *The Wiltshire Times* 16th December 2019:

Hundreds of children refused to go to lessons earlier today and gathered on the playing fields at plans to sell off acres of playing fields. Phil Bevan said he was "proud of the students" for standing up for what they believe in but wishes it hadn't gone on for so long.

Year 11 pupil Gracie Greenwood, 15, said: "The fields are used by everyone really often, for football, athletics and other things. The plans would see back gardens bordering our netball court which would make a lot of people feel vulnerable. We all feel very uncomfortable about the situation. I hope the school will listen to our protest. We were there for so long."

Year 10 Charlie added: "About three quarters of the school were out on the field. We all care about the school so much. We use the fields a lot, we play football and socialise there. They were trying to tempt us in with films and Kahoot (quizzes)."

The school is hosting a public meeting tonight at 6.30pm to get more feedback about the plans (Garg, 2019).

Each of these news vignettes demonstrates that, for these young people, there is no exit from the 'conversation of justice' (Cavell, 2005b, p. 172). This phrase recognises the central importance of the present state of our interactions – be they cooperative or antagonistic – and the drive to reform ourselves in the direction of our burgeoning sense of self-realisation. That there is a clear protagonist, and what appear to be conditions of law, make the idea that to a member of such a community, hence, to have a political voice is to risk becoming an outcast in

society. It is this theme that is worth insisting on since the moral and ethical response the students are seeking is not some further construction of law but 'an offer of conversation' (Cavell, 2005b, p. 253). While behaviour management remains a critical matter that can cloud the working day for too many teachers, there is a wider point that restorative practices has the potential to allow pupils to participate in decisions that affect their lives, and the sense of how to challenge them.

As things stand, expressed in the scenarios I have drawn, pupils have little chance to contribute to decisions about what they are going to do, and how they are going to do it. This is the case in the rest of their learning and the wider school environment – even teachers have little say in what they teach. Yet things must change. If in speaking of a perfectionist notion of a restorative relational pedagogy one must experience a moral crisis in order to work towards our next self with those in our language community, then this has vital implications for not only how we demonstrate aversive thinking but how we bring each other back to community.

Since beginning this research, I do not think I could have imagined the need for education to provide spaces where different perspectives and experiences can be tested out. On 23 June 2016, the United Kingdom voted 52 to 48 percent to leave the European Union (BBC, 2020). The result revealed longstanding deep divisions not only in the political parties that govern us but also the sadness, anger, schism, and grief that revealed a country has little common understanding of who we are, and what binds us together. There are those who suggest that our general lack of education is at fault (Hobolt, 2016). It has been put forward that voters' incomprehension over the workings of the European Union, and Britain's democratic rights and responsibilities, were left easily swayed by the simplistic rhetoric of the Leave campaigners. As a result, schools are facing renewed scrutiny over their teaching of Citizenship Education (Hopkins and Coster, 2018). There is little wrong with the notion that young people need to be taught a curriculum that will help them to navigate the ongoing ramifications of Britain's leaving the EU or a space where questions of identity, diversity and multiculturalism can be debated. Such intentions pave the way for pupils' socialisation into what democratic decision-making entails.

Through Austin's theory of how we understand people to communicate, we know that it is not enough that a teacher's utterances be understood; they are also committed to doing things with those words. Put another way, what she says, or teaches, about these 'pedagogical perlocutions' (Warren, 2013, p. 266) should also bring about a perlocutionary charge that generates the required cognitive or behavioural changes that Citizenship education of this kind

hopes to confer. However, as Paul Standish has recently affirmed, 'this is not the heart of the problem' (Standish, 2020 np). Austin's theory of performativity is also a theory of sovereign performativity (Butler, 1997). This refers to the notion that utterances only become performative when they are spoken by someone who holds the right, or right protocols, to make such a speech. In political terms, this traditional conception of performance legitimises the status quo and protects the social, cultural and political traditions that maintain it. What is needed, therefore, is the means by which these norms can be subverted, where speech is put to more subversive ends and where the notion of authority is not blindly accepted but made to continuously reassessed.

Cavell's reticulation of ordinary language philosophy frames this as 'not a blind or idiosyncratic trust but depends upon testing out one's reactions and responses against those of others' (p. 7). Disputes over words, such as what we mean when we say, cannot be settled by turning to law, or criteria but by working out, or through, that difference. This involves my testing my words against yours through an aspect of my experience and by learning what those words provoke in response such that I may have a renewed understanding of this aspect (of the world). As shown by the selection of news items above, such exercises in judgement involve rejecting the received or acceptable point of view, of rejecting criteria as it flourishes in an educational climate that naturally supresses our individual response in favour of conformity. The implications of Cavell's consideration of voice together with his conception of the political run right throughout each article where use of one's voice is deployed, not to reproduce another, but to make one's own judgement known.

Further, the hope of reaching agreement need not be attributed to universal good sense, since claims to such agreements have a limited applicability, and are ultimately finite. Our 'agreement' may differ, we may hold different opinions, but doing so does not rule out a return to relationship. While they may or may not be representative of my thoughts, they are claims to a community in which the claim, the degree, quality and content of the judgement may be equably explored. The alternative is not speaking for myself representatively or speaking for myself privately, it is to be rendered politically voiceless. It is in knowing this that the potential for ethical relation, as conceptualised by the idea of restorative practice that binds us together in community, gives an ongoing perspective on our life and on the way that we live.

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7.5 Scenario

SCENE THREE (alternative ending)

"Restored"

MS SHAH

You have both listened to each other's story. What do you want
to see happen as a result of our meeting today? How can we
repair the harm?

NAZREEN

Dunno.

NICKY

Dunno.

(*a pause*)

NAZREEN

Say we're sorry?

(silence)

NICKY

Before, I had to say I was sorry and then we had to do an
agreement saying we've sorted everything out.

MS SHAH

When was your last conference?

NICKY

Think it was Tuesday?

NAZREEN

Can I say something? Am I allowed to get on with my work without
Nicky bothering me all the time?

MS SHAH

And what would help with that?

                        NAZREEN
                         Dunno.

                        MS SHAH
              What does your teacher normally do?

                         NICKY
    Gives us points for good behaviour. Or moves us around if we're
                       talking too much.

                        NAZREEN
    I don't want to move seats though. I like sitting where I am.

                        MS SHAH
                  Do you want to move Nicky?

                         NICKY
      Not really. Nazreen helps me when I'm stuck with my Maths.

                        NAZREEN
                  Only cos I'm supposed to!

                         NICKY
            Yeah, well, it's called peer support?

                        NAZREEN
    I don't want to be a peer support anymore. I just want to be
    able to work on my own. The thing is, right, we always get told
                 what to do and I'm fed up of it.

                        MS SHAH
              What are you fed up with Nazreen?

                        NAZREEN
               What do you want me to say?

                         MS SHAH
    Say what you feel. Try talking to Nicky though, not to me.

                         NAZREEN
    I need to get a good mark in my SATS, so I have to concentrate.
    My mum and dad are always on at me to do my homework, but I've
    got to be a good friend and do this conference and I'm just fed
                            up.
                        (silence)

                         NICKY
    We're not really friends with each other though. Look, I'm not
      being funny or anything, but we don't play together do we?

                         NAZREEN
                           No.

                         MS SHAH
       Is being friends something that will help you both?

                         NAZREEN
     You can't be friends because someone says you've got to be
    friends. Being friends is different. You just want us to get on
                  and not say anything else about it.

                         NICKY
        I'm bored. Can we just say sorry and go now?

                         NAZREEN
                      (raises voice)
                   But you're not sorry!

                         NICKY
                       (indignant)
       I am! How do you know what I'm thinking?

NAZREEN

But you do it all the time!

NICKY

Yeah, and I'm sorry, all right? We can't all be perfect like you. Anyway, what about you ripping up my work that I'm going to have to do again. Are you sorry about that?

NAZREEN

(embarrassed)

I am sorry. You made me mad.

NICKY

(satisfied)

Well, how do I know that?

(silence)

NAZREEN

What do we do now?

(looks to MS SHAH)

MS SHAH

(Thinks for a few seconds)

I think you both know what to do now.

NICKY

(looks puzzled)

What…do we just go back to the classroom?

NAZREEN

What do we do if it happens again?

NICKY

Don't we have to tell you. What will Mrs Wright say about what we're going to do now?

MS SHAH

What have you agreed?

NICKY

Erm, that we're not friends. That we can't tell if someone's
sorry.

NAZREEN

Or that it won't happen again…but then what's the point of being
here?!

NICKY

Maybe she just wants us to talk?

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