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BOOK REVIEW

“RESTORATIVE SCHOOL DISCIPLINE: THE LAW AND PRACTICE”

Editors: R. Reyneke and M. Reyneke.

When I received this book for review, I immediately realised it was a book of monumental proportions dealing with a comparatively new and previously much-neglected field of study and knowledge in South Africa. I also realised that doing justice to a review of a book of these proportions and such importance was going to be a massive challenge and was going to require a great deal of intensive critical reading and was going to consume a mammoth amount of time.

My expectations of what was going to be required of me proved to be correct. I also found that doing this review was a very worthwhile exercise. Although the book is not perfect in all respects, I believe it has the potential to become the standard reference book for academics, educators and other practitioners and stakeholders as well as form the basis of a number of very important formal and non-formal training programmes, which seems to me to indicate the way the authors, readers and users need to use this book to maximise its effect.

Paragraphs 1–4 below contain some of my own views about the subject of this book and paragraph 5 and further will attempt to assess the book.

REVIEWER’S THOUGHTS ON SCHOOL DISCIPLINE

- 1 This book represents a welcome and very necessary addition to the literature on aspects of education and the law. Education Law is an under-researched field of academic knowledge and it is also neglected in the training of prospective teachers as well as in the professional development of educators operating at various levels in education. Very few South African institutions of higher education and learning employ academics with an interest in, and knowledge of, this developing field of enquiry.
- 2 The book is a fine example of how people from various academic disciplines can work together to develop new fields of knowledge into fully-fledged disciplines, in this



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case education law. Although the book deals with aspects of the law and education, it is set in an education environment where educationists are the protagonists assisted by a variety of interested people including members of other professions. Hopefully, this book will make a significant contribution to equip educators and other role-players in school discipline with knowledge of legal rules that will assist them in their disciplinary practice and help them avoid legal pitfalls.

- 3 The book addresses the matter of discipline in schools. This has been a hotly debated issue ever since corporal punishment was totally abolished in schools after 1994 ostensibly to counter the Apartheid culture of oppression and violence. After 1994, the concept of alternatives to corporal punishment (ATCP) became very fashionable and the idea of replacing punitive or retributive punishment with restorative school discipline started enjoying wide support.

However, both ATCP and the then efforts to introduce and inculcate the notion of restorative school discipline did not seem to have much impact on disciplinary problems in schools which, if anything, became increasingly problematic. Both these concepts erroneously created the impression that corporal punishment was the only form of punishment practised in public schools before 1994 and ignored the real punishment policies and law in force then. Many educators felt that they were left powerless to exercise any discipline because corporal punishment had been removed from the options available to them. In addition, the idea that learners and other stakeholders such as parents had more rights under the 1996 Constitution than teachers made its appearance and was believed by a large proportion of the people of South Africa. ATCP gave rise to the idea that, if an alternative to punitive and retributive discipline was found, disciplinary problems in schools would disappear.

- 4 Many papers have been read and many articles have been published on restorative school discipline but all of them seemed to have a very narrow focus. By and large they ignored the implementation challenges of restorative school discipline. Examples of factors that were ignored are the omission of religious and cultural angles and other objections to restorative discipline and the abolition of corporal punishment.

AN ANALYSIS AND ASSESSMENT OF THE BOOK

- 5 The Preface to the book contains a very important reference to the fact that it was only in 2009 that the authors realised that some of the school discipline practices used until then were counterproductive and that the root causes of misconduct were not addressed when learners were simply expelled or suspended. It also stresses the necessity of adopting a totally new mindset about discipline, which is “first and foremost a process of teaching socially acceptable behaviour” and not about identifying the offense and the perpetrator and meting out punishment and believing that every facet of the misconduct including the mindsets of the victims and perpetrators or offenders will be resolved that way.

The Preface also raises the critical point that restorative school discipline should be introduced gradually at every school's own pace. South Africa's education landscape is littered with policies that failed miserably because of poor implementation strategies and preparation of implementers-to-be and many initiatives have just disappeared into the sand. The authors realise that restorative school discipline should be implemented as it is in the best interests of “children, our communities and educators” and that it should contribute to the “importance of building relationships” and to “repair damaged relationships”. These aims of restorative school discipline all require the utmost care to be taken to prevent this form of discipline from failing. I

believe that the book viewed in its entirety might make a significant contribution to prevent this policy from failing.

The importance of restorative school discipline is further stressed in the Preface by the reference to the fact that "our society is increasingly becoming disconnected", which implies an increase in disciplinary problems at schools if appropriate methods to teach acceptable social behaviour are not taught.

- 6 This book presents restorative school discipline as a multifaceted phenomenon whose elements must all be borne in mind when considering its possible role in the alleviation and solution of disciplinary problems in schools. The various authors are all adamant that all legitimate relevant stakeholders must be involved in all the phases and manifestations of the process from policy making to restorative interventions. Misconduct should no longer be viewed as a phenomenon consisting of an offence or breaking of a rule, a victim, a perpetrator and an educator and, in exceptional cases of serious misconduct, a quasi-judicial disciplinary hearing and serious punishment such as suspension or expulsion.

The challenges associated with the implementation of restorative school discipline are explicitly acknowledged and the approach is not held up as a magic wand. Although the authors prefer restorative discipline to punitive discipline, they also point out that punitive discipline may in certain cases be allowed and indicated, which shows a realistic approach to school discipline problems.

- 7 The multifarious nature of the phenomenon is reflected in the choice of authors whose contributions all offer valuable and unique insights on aspects of this particular type of school discipline. The authors are all knowledgeable about the dimensions of restorative school discipline that they discuss and have experience in the practical implementation of restorative school discipline. Most importantly, a selection from the various applications and manifestations of restorative school discipline is discussed by a group of people who are passionate about education and about the role of positive discipline in the school and they include jurists, various academics, social work professionals, members of school governing body federations, comparative educationists, social work professionals, specialists in social justice education, practising educators in promotional posts, education philosophers, research specialists in policy development and officials at provincial education headquarters.

The variety of authors must have presented a challenge to the editors to construct a cohesive book. As I will point out in the next paragraph, I believe that they have succeeded in this regard. I will make some suggestions for improvement in the next paragraphs.

- 8 The structure of the chapters of this book is informative. The first chapter contains a case study by an educator who has successfully implemented restorative school discipline in several schools. Normally, one would have expected an illustrative case study of the success of a theory at the end of a book in which a new theory has been set out and analysed. What has been done in this book is likely to allay fears of people who might expect to be overwhelmed and confused by a new approach to discipline and who might, therefore, choose not to read the work. This chapter will motivate a reader to at least continue reading the rest of the book.

Chapters 2 and 3 contain a theoretical introduction to the idea of restorative school discipline and bear testimony to the authors' profound insight into the theory and practice of such discipline in education. Chapter 3, in particular, provides a thorough overview of restorative school discipline among other things by defining and clarifying restorative practices and other concepts, providing clear distinctions between concepts, announcing and discussing the basic features of the restorative approach to discipline and, very importantly, naming and discussing 8 misconceptions in regard to the restorative justice approach. The authors' deep convictions about the value of restorative discipline approaches is illustrated by paragraph 7

of Chapter 3 where they do not shy away from the challenges in respect of this approach but, instead, discuss them in detail so that anybody interested in exploring the possible introduction and use of this approach will not be surprised by practical challenges that might arise from the introduction of the approach.

Chapter 4 presents the restorative discipline model. It should be extremely helpful as a reference for people who begin to explore the practice or are in the process of implementing it. It also creates a framework for the construction of the rest of the chapters.

Chapter 5 examines the relationship between social justice and discipline in South African education. It contains a definition of social justice, which is to be welcomed since the concept of social justice is not always well-defined in discussions of its applicability to various situations.

Chapter 6 analyses the various assumptions, values and norms underpinning restorative school discipline. It is an important chapter since restorative justice is a disciplinary approach that attempts to facilitate the promotion of social values and norms through education.

Chapter 7 deals with trauma-sensitive schools and presents an understanding of troubled learners through a neuroscience lens. The content of this chapter is likely to be completely new to some readers and they might find it challenging to understand and link the concepts to their disciplinary practices. Although it presents a neuroscience view on trauma sensitive schools, the link between such a view and restorative justice school discipline practices is clearly set out and will be to the advantage of educators who are serious about their role in school discipline practices. In fact, it could be assumed that dedicated professional educators should be abreast of knowledge about the neuroscience lens to discipline.

Chapter 8 introduces the concepts the circle of resilience and the circle of courage. Like social justice, the concept of resilience is often mentioned in educational writings but is seldom illuminated in the way it is done in this chapter. The circle of courage discusses a very practical way of dealing with disciplinary problems.

In Chapter 9 the role of the school governing body in disciplinary matters is discussed. It presents a convincing case for allocating a definite role to the school governing body in disciplinary matters although school governance may not seem like an issue that is inherently linked to a clearly professional educational issue namely school discipline. The treatment of the role of the school governing body in determining the values, assumptions and norms governing school discipline as well as its role in the formal intervention level of the restorative justice model is to be welcomed and provides well-argued and clear expositions of various aspects of these two roles of school governing bodies. All school governing bodies would do well to examine their codes of conduct for learners and their involvement in disciplinary hearings regarding serious misconduct considering that is presented in this chapter.

Some people might view Chapter 10 as unnecessary. It deals with the role of educators in school discipline and some people might assume that this role has been thoroughly explored in teachers' pre-service and in-service training. However, research findings have revealed that that is not the case and this chapter could therefore be a most important source of knowledge for educators about an aspect of their work that could contribute to determining their level of job satisfaction and even whether they want to continue in the teaching profession.

Chapter 11 discusses the role of school social workers in school discipline. This is a well-written chapter producing conclusive evidence of experience in disciplinary matters in schools and the possible role of social workers in them.

The chapter does not support the general notion of the book that all role-players and all stakeholders in the disciplinary process should be involved in restorative school discipline practices. One could list some professionals who could, like social workers, contribute to the

success of school disciplinary practices. Although there is no evidence to this effect in this chapter, professionals other than educationists could, through displaying their professional and relevant knowledge regarding disciplinary practices, impact and even usurp the role of educators in the process. This is a possibility that should be avoided at all costs, as discipline is fundamentally an educational phenomenon. This does not imply that other professionals cannot positively contribute to a successful conversion to the implementation of a restorative discipline approach.

Chapter 12 examines the role of parents in school discipline. The incidents of misconduct and the disciplinary processes followed in each of them, as described in this book, clearly indicate why parents and all the other role players mentioned should be involved in school discipline. It also underlines the necessity of constant clear and purposeful communication between educators and parents and suggests to learners that education at home and in school are not two separate unconnected issues.

Chapter 13 raises an issue that is seldom connected to the matter of school disciplinary practices, namely the role of the Department of Basic Education and provincial education departments in school discipline. It is important that this chapter emphasises the role of education departments in building relationships at the prevention level and that it also examines the legal role of HODs of provincial departments in deciding regarding possible suspensions and expulsions of learners.

Chapter 14, like Chapter 12, recognises the role of stakeholders that are often overlooked, namely learners. The discussion in this chapter recognises the fact that learners at the various levels have many levels of contributions that they can make to the process. If the abilities of learners are recognised and used, the process could be made much more effective.

In Chapter 15 the book raises an issue that has been a bone of contention and has led to a number of courts, namely the relationship between school governing bodies and departments of education and disputes that may arise between these two bodies, also regarding school disciplinary practices. The book also highlights the absence of a dispute-resolution mechanism and the failure of the notion of cooperative governance to place the relationship between governing bodies and education departments on a sound footing. It also increases the number of disputes brought before the courts as there is as yet no alternative dispute resolution mechanism. If parts of the Basic Education Laws Amendment Bill (BELA) become law, the situation might improve.

Bullying and cyber bullying are dealt with in Chapter 16 and they are the only types of misconduct that are specifically treated in this book. The discussion in the chapter provides more than enough reason for choosing this issue for "special treatment" in the book. The book does not suggest that other forms of misconduct are not serious or can be overlooked or dealt with more easily, but it does suggest that future societal developments are most probably going to exacerbate problems regarding bullying and cyber bullying and that the law has not really crystallised definite guidelines for educators and other people involved in disciplinary practice in this regard. The fact that cyber bullying can even cause learners and educators to commit suicide, is heart-rending evidence of the seriousness of this offence.

Chapter 17 deals with school discipline and crime and makes useful distinctions between crime and delict their possible consequences. Most importantly, it gives educators clear guidelines on how to deal with incidents of crime.

Annexure A provides particularly useful information for people tasked with designing or reviewing school discipline policies. It stresses again that all stakeholders should be involved

in disciplinary processes and that all stakeholders should be prepared (trained for) for the roles they must play.

- 9 The content of the book is professionally researched, using data from national and international literature and from research projects. This fact supports the notion that this book could and perhaps should become the standard reference work regarding restorative justice practices in education. Some of the sources may seem somewhat old but this fact emphasises the need for more new researchers to enter this field of research.

The authors of the book point out that the concept of restorative justice is difficult to define clearly. They have, however, certainly done their utmost to counter this problem by presenting guidelines for implementation (as opposed to models, which would in my opinion be inappropriate at this stage), examples of misconduct and disciplinary interventions by educators and, importantly, figures that portray the relationship between the various parts of restorative discipline as well as the various levels and steps that make up this approach. The way every chapter links back to the models and figures should contribute to the accessibility of the content of this book for all readers.

- 10 The authors all seem to be competent, experienced and respected writers from various disciplines sharing an obvious and almost tangible passion for education and the psychophysical well-being of all learners and our entire society. It is noticeable that a fair number of them have a history of being involved in exploring the relationship and intersection of education and law in the subject education law through participating in and leading professional associations, doing and supervising research and teaching relevant subjects.
- 11 The title of the book makes it clear that it will deal with the legal and educational angles of disciplinary practices. This proved to be the case throughout the book and the educational angle has been given enough prominence so as not to disappear among the legal provisions. There is a balance between the legal and educational angles and the emphasis seems, quite correctly, to be on the educational implications of the restorative justice approach to discipline.
- 12 I have already referred to the fact that the book provides definitions and distinctions that are going to be useful for the readers of the book in this regard. The emphasis on values and ethics is to be welcomed. Hopefully, this will lead to values, norms and ethics being restored to their rightful place in the education process.
- 13 The book provides a thorough legal and policy framework for considering the possible value of restorative discipline in education. If one could level criticism against the book, it would be that the legal and policy framework is repeated unnecessarily in most chapters, as are definitions of concepts such as discipline, restorative justice and values. I believe one chapter dedicated to the definition of the legal and policy framework and relevant concepts could be a useful idea if it makes it possible for chapter authors not to have to write a specific legal and policy framework for each chapter. This makes the book unnecessarily long. It does not rule out the inclusion of legal and policy provisions that are specific to a particular chapter added to the general outline of the legal and policy framework in a separate chapter.
- 14 The readability of the content might be a problem for some of the likely readers. Some paragraphs are exceptionally long and contain as many as three or four key ideas that should be dealt with in separate paragraphs. In a book like this, there is always the danger that the use of subject related academic language could cause problems for readers who are not familiar with the specific disciplines. In this book, I believe the problem has largely been avoided.
- 15 I need to point out that the book contains some language and factual errors that could have been avoided. It is, for instance, not true that the Abolition of Corporal Punishment Act abolished corporal punishment in schools as it only applied to punishment imposed by the courts. There

are also some differences between the dates of promulgation of certain laws and the dates of commencement that have not been handled correctly.

As far as language errors are concerned, there are many examples of mother tongue interference in the use of the English language; for example, no plurals of acronyms and abbreviations should contain apostrophes. There are also several examples of concord errors, wrong tenses used, words not spelt correctly and the present participle not used consistently and correctly in bulleted lists. It needs to be stressed that the quality of the language differs from chapter to chapter.

CONCLUSION

My overall impression is that this book should become the standard reference work on restorative school discipline. It highlights in no uncertain terms the need for training of all stakeholders at all levels of education to ensure the successful and impactful introduction and cultivating of a restorative discipline approach in schools. It also holds the promise of a significant improvement in school discipline, school climate and performance of the whole education system to the benefit of the entire country.

I would be disappointed not to see this book forming the basis of several important blended learning programmes. I would be even more disappointed if such programmes are not supported fully by everyone associated with school discipline practices.

I commend the authors and the editors on this outstanding work and trust that it will have the effect that they had in mind when they planned it.