

## RESPONSE

# Teaching for the future: restorative legal professionals require a restorative education

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I am a non-lawyer who has never read for a degree in law, but has always studied and lectured in a School of Law, initially at the University of Leeds (UK), where I studied for my undergraduate degree, master's degree and PhD in criminology, and now at Maynooth University in Ireland. This gives me some sense of legal education, because I always studied alongside law students, and I mostly lecture to mixed groups of law and criminology students. I also taught criminology and criminal justice to lawyers at an advanced level for many years.

Where I now teach in Ireland, our legal education is perhaps unconventional. First, most of our law undergraduate students do not exclusively read law. Many instead study a three-year Bachelor of Civil Law: a qualifying law degree with a major or minor in criminology, business, accounting, a language, or another social science or humanity ('Law and Arts'). Second, people who study 'straight' law (the LLB) undertake a four-year course, combining the professionally required subjects with comparative, socio-legal and technologically oriented modules.

I can therefore hypothesise that our law graduates leave with a (relatively) well-rounded education. Certainly, people who study law with criminology have many opportunities to learn about restorative justice. I teach these students restorative justice on their compulsory, second-year policing module. Around 30 to 40 per cent of these people later select my final-year undergraduate module in victimology, in which they consider victims' needs and restorative justice from the victim's perspective. Although few of them go on to practice criminal law, they certainly leave the programme having been made aware of the futility of retributive approaches to crime, and the damage the current system causes victims and people who commit offences alike. I always hope that some of my students will practice criminal defence, a woefully undernourished sector in Ireland. Others might apply their joint criminological-legal education through a career in the prosecution or courts services, the Department of Justice, or another public body. Many go on to work in other areas of the public, community or private sectors in roles that vary in the extent to which the subject matter relates to their original degrees. As others argue, however, and as I like to believe my colleagues and I all take into account, we are obliged to build criminological and legal literacy among people who, irrespective

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of their careers, remain important members of civil society and the electorate throughout their lives (Hamilton, 2013; Tidmarsh, 2023).

In my response to Grazia Mannozi's piece on restorative justice in legal education at the university level (this issue), I will elaborate on just two of her excellent arguments on which I have dwelled in recent years. First, I ask if we can expect the next generation to transform the system if we do not emphasise the solutions in our curricula. Ensuring students are well-versed in alternative models of justice – in addition to the problems with the predominant model – will equip them to play a professional, or at least civic, role in the transformation. Second, I consider the pedagogy of, and implied by, restorative justice and the implications for university education as a practice. In criminology, we spend a lot of time analysing, criticising and seeking to change the occupational cultures and behavioural patterns of frontline public sector professionals: from police officers, prison officers and judges, to restorative justice facilitators. It is time for us, as frontline practitioners ourselves, to reckon with our own occupational culture.

### **Teaching for the future – transformative curricula**

One difference between criminology and (certain approaches to the study of) law is that the former is (typically) empirical, critical and social scientific, and the latter is doctrinal. That is, as well as describing the existing system and its 'rules', criminological education requires a detailed exploration of the problems and implications. In contrast, legal education, as Mannozi describes it, is often relatively more descriptive by comparison: learning statutes, codes and, in common law jurisdictions, cases, will take priority as the examinations which one must pass to qualify as a legal professional require their rote learning. Of course, many law programmes (or law lecturers' approaches) are more socio-legal and critical than this generalisation implies.

Despite our tendency to emphasise and analyse the problematic nature of the status quo, criminological education too often fails to foreground alternatives: how to build what will make the existing system obsolete. Restorative justice and penal abolition are among the concepts in which most criminologists are reasonably well-versed, but which are seldom entire modules in undergraduate criminology programmes, much less forming a compulsory part of our curricula, like policing, prisons, punishment and criminological theory. The centrality of prisons and police in teaching reflects their centrality in existing systems. But herein lies my criticism. We remain too system (or perhaps, past and present) focused in curricula. Even topics that are progressive, if not radical, but that are marginalised in existing criminal justice systems – such as probation and community justice (Tidmarsh, 2023) and victimology – are seldom compulsory.

If we are not even in a situation where all students of criminology (and, by implication, law) learn directly about victims – who are literally one of the two main parties (to draw on the legal system's binary for a moment) to crime – then how far are we from compulsory modules, or even master's degrees, in restorative justice, penal abolition, transformative justice and other 'new' ideas? In other

words, how are we contributing to the change we want to see in the world, if we fail to give the next generation the tools and knowledge to bring about that change?

We must not, as Mannozi implores, imitate the education we were given. Even within restorative justice education itself, this occurs. For example, as we comprehend the mythology in foundational restorative justice ‘stories’, such as the (colonial and problematic) relationships constructed between indigenous and modern restorative practices, we must not propagate these myths in our teaching and textbooks. It is our responsibility as legal and criminological scholars to recognise that teaching is playing the ‘long game’ in system change. Our curricula must thus reflect the systems we want to see in a generation. Or, as hip-hop artist Lowkey says at the start of *Dreamers* – a song on the ‘LW687 Restorative Justice’ Spotify playlist, co-created with my master’s students – most people see things that are there and ask ‘Why?’ Dreamers see things that aren’t there and ask ‘Why not?’ Restorative justice students can be dreamers, but we must give them the tools and the information with which to turn those dreams into a reality.

### Teaching for the future – restorative pedagogy

Beyond questions of course content, I want to address questions of pedagogy. Mannozi observes the need for ‘a balanced investment in both hard and soft skills’ and an integration of ‘the “humanistic” component of restorative justice’ into legal education. This is to some extent a matter of course content: education must be accompanied by interpersonal skills training and followed by ongoing mechanisms of workplace reflective practice that encourage professionals to reflect on their values and practices so that the two remain congruent. As professionals across the justice procedure gain greater responsibilities towards victims and the recognition of trauma grows, it is important that students educated in the law are also trained to treat people humanely and therapeutically (Marder & Wexler, 2021).

At the same time, what ‘restorative pedagogies’ afford us is the recognition that higher education learning has both didactic and experiential qualities. In other words, we must not just *tell* students how to treat others, but *show* them. There is a certain irony in the fact that we, as restorative justice scholars, seek to disrupt and demolish one hierarchical system from our base in another. The structure of lectures and lecture theatres, the foregrounding of academic titles, and the (at least, perceived) consequences of grades combine with many other factors to shape our power dynamics with students and to affect how students experience us and our institutions (and, by extension, how they experience the state during their formative years).

Those of us who research the criminal justice professions will be well-versed in notions of occupational culture. The structures in which practitioners act combine with the ‘knowledge’ that is passed through generations as ‘stories’ and ‘scripts’ to structure professional discretion, manifesting in patterns of behaviour. These patterns represent our cultural ‘norms’ or ‘working rules’, to which the formal rules are not entirely irrelevant, but which are unwritten, and which emerge from the

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discretion we enjoy as we allocate benefits and sanctions on behalf of the state (e.g. Chan, 1997; Lipsky, 2010; McConville, Sanders & Leng, 1991).

To the extent that we have control over our practices – we each accommodate or resist those features of occupational culture which do not align with our values – our own ‘subculture’ of restorative justice academics can adopt restorative values and processes as the underpinning guidelines for our day-to-day work. In other words, we can teach restorative justice not simply by taking an interdisciplinary approach to its content but by *teaching restoratively*. Notions of ‘restorative lecturing’ require elaboration. When I first mentioned this as a concept of possible utility to another lecturer, their response was as hearty a laugh as I ever receive when I expect to be funny. But there is something insightful about the absurdity of that concept, much as there is in the apparent contractions in notions of ‘restorative policing’ (Clamp & Paterson, 2017). How might we take an occupational culture which is fundamentally about power and control and transform it into one in which we – systematically and intentionally – devolve our power to the citizens for whose welfare we are responsible and over whom we have authority, at every opportunity? How might we treat students in ways that model how we want them to treat others when they gain positions of authority later in life? Consider, for a moment, your most inspiring teachers or lecturers. Are you thinking about the statutes, theories or studies that they implored you to memorise for your assessments? Or, are you remembering how their words and actions made you feel about yourself and your place in the world around you? If occupational cultures give professionals as much room to reject toxic attributes by treating people in accordance with their values as by using pre-learned skills, then how might we use *our language and behaviour* to demonstrate and transmit restorative values in ways that echo through the generations?

One aspect of this, as Mannozi mentions, is through the structure of the classroom: in circles, we apply the logic and values of restorative justice to reduce the appearance, experience and influence of hierarchies. This requires us as lecturers to be trained in circle facilitation (see, for example, Marder, Pointer & Ojibway, 2022), which would give us stronger skills to operate restoratively in a group setting. More than this, however, lecturers require skills to treat people restoratively in one-to-one settings. This is where, to my mind, the future of our discipline lies in *restorative practices*: a practical field that combines values and skills to help professionals treat others around them in a restorative way. Mannozi argues that ‘it is not possible to educate about restorative justice without allowing oneself to be shaped by restorative justice’ (this issue). Restorative practice is what it can look like if this were accompanied by the skills to maximise the chances that one is experienced as restorative: proactively or reactively, systematically and intentionally, building, maintaining and repairing relationships; ‘a restorative language’, as Mannozi continues,

not only in the classroom but also in the design, organisation, and management of the course. Welcoming students, ensuring that no one is left behind, being flexible regarding their educational demands, understanding their needs, and

co-designing solutions are some of the genuinely restorative aspects that make what is taught consistent with how it is taught. (This issue)

So far, restorative practitioners seem to have had greater success in proposing the incorporation of social and emotional learning in primary and secondary education, than in tertiary education. In Maynooth University, this manifests in teacher training – our two-year master's in education programme incorporates two courses (i.e. 48 hours of instruction) in restorative practices. The potential of this to equip the next generation of Ireland's schoolteachers to practice restoratively is substantial. Yet, educators in tertiary systems seldom receive formal pedagogical training of any kind, much less specific training in restorative practices.

Beyond my restorative justice teaching at undergraduate level mentioned already, I teach restorative justice on the Master's in Comparative Criminology and Criminal Justice, and my colleagues deliver a master's level, standalone module in restorative practices. This is more practice-oriented than my more academic equivalent, although both are delivered using restorative circles and values in various ways (such as enabling students to co-design assessments). However, a broader impact might emerge from the fact that we organised two days' restorative practices training for law and criminology colleagues: full-time academics, doctoral students who teach, and administrators. Alongside this, I have drafted a restorative practices policy for our School, which I recently presented to colleagues. Whether this will affect our School's culture is unclear: already, our colleagues operate in an (unusually) relational, participatory way with students and each other. Still, if we can spread the restorative principles and skillset to academics who do not research and teach restorative justice, and build restorative cultures across whole academic law units, then we might be able to make even more progress towards a future in which legal professionals are themselves more restorative.

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