

# AN EXPLORATION OF RESOURCES FOR MORAL EDUCATION IN CRIME PREVENTION AND OFFENDER REINTEGRATION IN SOUTH AFRICA

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By MBC Batley

Student No:20100257

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Supervisors: Professor M Smurthwaite and Professor R van Vuuren

Formal declaration

I, MBC BATLEY, hereby declare that:

- (a) this research paper is my own unaided work;
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## **ABSTRACT**

Current criminological discourse on crime prevention and the reintegration of offenders is extremely limited in its understanding of the relevance of moral education to this issue. Thinkers appear to focus exclusively on a behaviourist perspective, ignoring other perspectives like that of moral development (as part of education in cognitive development), character or values.

In contrast, concern about the state of public and private morality can be seen in a number of discourses such as that used in education and populist campaigns and the development of no less than three codes of values in South Africa since 2001. Critics of these developments often seem to lack understanding of the two distinct streams within the democratic tradition that are in tension with each other, the civic virtue tradition and the civil society tradition.

The field of moral development and moral education is outlined and the various streams of criminological thinking are explored through this lens. It becomes evident that, while moral development and moral education are recognised in criminological thinking as being relevant to crime prevention and the reintegration of offenders, they have remained undeveloped.

The relevance of four specific approaches to moral education and crime prevention is explored. These approaches are: the Values in Action Framework, moral capital, restorative justice practices and Character Matters.

It is concluded that character/values education is directly relevant to crime prevention and the reintegration of offenders. The virtue of self-control, the practice of mentoring relationships and creating spaces for dialogue when values have been broken are of particular importance.

Recommendations for further research are made on the training of restorative justice practitioners and the indigenizing of values education.

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# 1. INTRODUCTION: THE CONTEXT AND DEFINING THE PROBLEM

At the Institute for Security Studies Conference in 2010, titled “Towards a coherent crime reduction strategy”, there was considerable consensus on the current status of crime prevention in South Africa. Various speakers stressed the need to ensure an integrated approach to crime prevention and safety promotion, the primary role for local government and the importance of collaboration between national, provincial and local government (see, for example, Ehlers & Tait: 2010).

Further distinctions were made between 1) approaches focusing on parent-child rearing methods (e.g. child neglect); 2) structural factors relating to the family during adolescence (e.g. poverty); 3) the geographical segregation paradigm (e.g. the link to certain neighbourhoods); and 4) individual resource deficits. Apart from a distinction between internal and external controls (Soothill & Francis, 2010), it was apparent that there was no reference to any moral perspective in any of this thinking. From the moral perspective, crime is clearly a “wrong” choice. It seems strange that we are so reluctant to address the question of why someone has made this choice and whether or not they can be assisted to make better choices in future.

The first three factors listed above are all concerned with a macro approach, interventions that can be made at the societal and community level. The fourth is a micro approach, concerned with engaging with individuals, either at an early stage when it comes to high-risk individuals, or after they have already committed a crime, in an attempt to prevent re-offending.

A local, current theoretical framework that falls within this fourth perspective is found in both the National Department of Social Development’s Policy Framework for the Accreditation of Diversion Services in SA (ND, no page numbers) and Nicro’s Non-Custodial Sentencing Stakeholders’ Toolkit.

The framework draws on work by Andrews and Bonta (2006) and outlines eight criminogenic or risk factors for crime, as follows:

**Table 1. Summary of Risk Factors indicating individuals' likelihood of committing crime**

The "Central Eight" risk factors	The "Big Four" Risk Factors	History of antisocial behaviour
		Antisocial personality pattern
		Antisocial cognition (thinking patterns)
		Antisocial associates
		Family and/or marital problems
		School and/or work problems
		Leisure and/or recreation choices
		Substance abuse

Both manuals go on to outline detailed risk factors and treatment needs, with the NDS manual listing intervention goals, types of programmes and treatment/approaches and intervention methodology. Attitudes, values and beliefs are listed under "anti-social cognition", while "moral reconnection therapy" is presented as a treatment approach.

Lösel (2010: 1-46) points out that, from the strong rehabilitation optimism in the 1960s and early 1970s to the despondent "Nothing works" conclusion by Martinson in 1974, the current emphasis is on "what works". He stresses that there is no single "magic bullet" or "gold standard" programme. In fact, programme content is only one reason for outcome differences. Many other factors play a role, and they tend to explain more about variance than the programme content. The "What works" question is often too simple. Martinson lists a number of programmes that have proved to have relatively consistent positive effects across a number of studies. These include cognitive-behavioural programmes (CBT) like Moral Reconnection Therapy (MRT), anger management and restorative justice processes.

In the international discourse on crime reduction at the individual level, helping offenders choose new values appears to be fully accepted as valid. In South Africa, there is no record of any formal MRT programmes; it would seem that, while the general framework of CBT has been accepted and it has a number of applications, such as anger management programmes, MRT as such has not been adopted. Informal interaction with major service providers in this field confirms that programmes addressing the issue of values development and education are extremely limited; there is only a limited theoretical



basis for integrating the issue into programmes, while, at best, ad hoc use is made of existing material. This is further reflected in the work by Holtzhausen *et al.* (2012), where there is extensive elaboration of the content of CBT, but no reference whatsoever to MRT; in fact, there appears to be only a single reference to morality in the entire volume, in a reference to the assessment needs of violent and aggressive offenders (Holtzhausen *et al.*: 138).

At the macro level in South Africa, there have been developments that indicate public concern about the state of public and private morality. Following a call by then-President Mandela in 1997 to religious leaders and various initiatives, the Moral Regeneration Movement was launched in 2002 (Rauch 2005:5). In 2001, under the leadership of the Minister of Education at the time, Professor Kader Asmal, a national working group developed a comprehensive Manifesto on Values, Education and Democracy, which identifies ten fundamental values<sup>1</sup> relevant to education and sixteen strategies for promoting them within an educational environment. In 2008, the Moral Regeneration Movement launched a Charter of Positive Values that represents commitments to nine values.<sup>2</sup>

In a complementary initiative in 2010 by LeadSA, supported by the Interfaith Council and the Department of Basic Education, a Bill of Responsibilities was launched which contrasts constitutionally-held rights with the responsibilities required for upholding these rights.<sup>3</sup> This Bill is supported by a Guide for Teachers: *Building a culture of responsibility and humanity in our schools* (Department of Basic Education 2010).

While both the Charter of Positive Values and the Bill of Responsibilities were launched with considerable fanfare, and might appear to be useful points of reference to which most people would not object, they have not been without their critics. At the time of their respective launches, columns in the *Mail and Guardian* (David 2008) and the *Daily Maverick* (Rossouw 2011) expressed the discomfort that many people experience about morality in public discourse. Particularly those educated in the classical liberal tradition feel that morality is a distinctly private matter that government and public institutions

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<sup>1</sup> The ten values are: Democracy, Social Justice, Equality, Non-racism and Non-sexism, Ubuntu (Human Dignity), An Open Society, Accountability (Responsibility), The Rule of Law, Respect, and Reconciliation.

<sup>2</sup> The nine values are: Respect Human Dignity and Equality; Promote Freedom, the Rule of Law and Democracy; Improve Material Well-being and Economic Justice; Enhance Sound Family and Community Values; Uphold Honesty, Integrity and Loyalty; Ensure Harmony in Culture, Belief and Conscience; Show Respect and Concern for all People; Strive for Justice, Fairness and Peaceful Co-Existence; Protect the Environment.

<sup>3</sup> The responsibilities are to ensure the rights to: human dignity; freedom of belief, religion and opinion; education; freedom and security of the person; own property; citizenship; freedom of expression; live in a safe environment; family and parental care; work.

should avoid. Linked to this is the sense that morality and religion are closely linked, and that in a constitutional democracy no single religion can be favoured above another (Rauch 2005: 7, 49). There is also the concern that promoting morality is akin to imposing a belief system on others, something to be especially avoided in the light of SA's history and our constitutional values. These concerns echo a deep, longstanding "impasse in our political culture...a conflict between two traditions of democratic thought" (Rawls in Schweigert 1999a: 167). Schweigert has explained that in the *civil society* tradition the moral sense is located in each individual. The individual conscience is the seat of virtue and moral education is the cultivation of the virtues as private attributes. In the *civic virtue* tradition, morality and virtue are a public enterprise; the moral sense is located in the community and the practice of membership forms each citizen in pursuit of the good of the community. Schweigert (1999a:167) concludes that

In their starkest contrast, these two streams propose government directed to contradictory ends: the publicly defined good against which liberals guard is the purpose towards which communitarians strain.

This impasse is reflected in the reluctance and inability of social scientists in the field of crime reduction and reintegration of offenders to engage usefully on the issue of moral development, moral education and moral formation. Rauch (2005), writing specifically on the subject of crime prevention and morality, refers to the concepts of *anomie* and its shortcomings explained in section 3.1.1.1. She acknowledges the perspective of Braithwaite within the field of restorative justice that "where conscience is not fully developed, approval of others is the primary motivator [for committing crime], not punishment or fear of punishment" (10). Despite this, her monograph is limited to "chart(ing) the development of the moral regeneration campaign, and assess(ing) its relevance to the national crime prevention effort in South Africa". Apart from spelling out some sets of typical crime prevention activities that could be regarded as contributing to moral regeneration (53) there is no further exploration of how moral development or the lack of it are connected to crime, neither is there any connection to the field of moral education.

A further example is seen in Altbeker (2007:34), also quoted by Collins (2009:35) where he states that "moral regeneration cannot be achieved through the lectures of teachers and churches...and requires as a precondition a criminal justice system that comes down like a ton of bricks on people who commit violent crimes". This paper will seek to understand some of the dynamics behind this limited understanding of behaviour and morality and will explore resources that may be useful in overcoming it.

## 2. LITERATURE REVIEW: THEORETICAL PERSPECTIVES ON MORAL DEVELOPMENT AND MORAL EDUCATION

As this research paper seeks to connect the fields of moral education and crime prevention, an overview of perspectives on moral education will be provided in this chapter; a review of historical and current streams of thought on crime prevention will be provided in Chapter Three.

### 2.1. Clarifying the terms moral development and moral education

These terms often seem to be used fairly interchangeably. For example, in answering the question: "How can we enhance the possibility of forgiveness and reconciliation through the strategies of **moral development** in our families (the most powerful center of **moral development**), churches and schools?", Browning and Read (2004: 124–145) provide a history of **moral education** from the earliest times to the present in the United States of America (emphasis added).

They conclude (131) that there has been much confusion about what is appropriate and legal but they maintain that within this context three major movements can be identified:

- **Values clarification:** the emphasis here is on helping learners at school explore and discover their own values, with no authoritative stand on any particular set of values. The critique of this approach has been that it implies moral relativism;
- **Moral development:** this approach is outlined in more detail under section 2.4, "Psychological and Sociological perspectives". Browning and Read (136) quote van der Ven, who describes seven strategies for the moral education of the child as being discipline, socialization, intentional transmission of norms, helping the child develop and grow towards universal justice, emotional formation and education for character. The key is moral communication. It is significant that, in this chapter by Browning and Read, the terminology shifts from "**moral development**" to "**moral education**". Brugman (2003: 195-197), quoting Lind (2002), makes here a further distinction of **moral judgement development**, the "competence to use moral constructs in one's own behaviour in a consistent and differential way. Lind bases himself on Kohlberg's 1964 definition of moral competence: "the capacity to make decisions and judgments which are moral (i.e. based on internal principles) and to act in accordance with such judgements'. What is viewed as moral judgement competence is scarcely developed at a young age and needs further educating" (196-197). Brugman affirms the view that "moral judgement can be learned by moral dilemma discussion and similar discourse methods" (197);

- **Character formation:** This approach is founded on the belief that direct owning of key values by learning communities has more power than an indirect approach and that there are “central qualities of character and citizenship essential for participants in a democratic society to internalize and act upon” (137). The movement has grown rapidly in many countries around the world since the early 1970s, with one survey reporting that “teaching children values and discipline in the schools ranked as the most important issue in education today” (Browning & Read 2004:137). From the many grassroots expressions of this movement, common elements emerge, such as identifying a set of common values, highlighting these, focusing on them in various ways and creating opportunities for dialogue about them; the approach emphasizes the inherent goodness and strengths of people and shows that values can be transmitted to younger generations.

As will be further substantiated in the literature review below, it is clear that the term “moral development” is strongly linked to sociological and psychological perspectives, so it is inherently part of children’s growth and development, and thus part of their normal development. When intentional action is taken, these terms become “moral education” and “moral learning”. As this paper is concerned with the resources in the field of moral development that are available to practitioners working in the field of crime prevention and offender reintegration, it seems that it is most appropriate to use the term “moral education”.

The field of moral development and moral education will be reviewed in the literature, acknowledging anthropological, theological, psychological and sociological perspectives and showing how these relate to the theory of ethics. Based on this foundation, four specific moral education approaches will be outlined.

## **2.2 Anthropological perspectives**

Schweigert (2000: 74 -78) has outlined moralnet theory as articulated by Naroll (1983). Moralnets are based on an evolutionary view of the human person as innately social. Sociality is an innate goal and humans have a built-in need for a social network. Culture, which includes morality, is a learned response to this built-in need. Naroll sees human survival as being biased towards moral learning in a two-level social organization: individuals in families and families in bands. The key to moral learning is the band, which Naroll calls the moralnet. He defines this as “the largest primary group that serves a given person

as a normative reference group". In various societies this could be "a foraging band, a village, a military unit, or a religious congregation" (75).

Applying this perspective to crime, Naroll points out that youth with strong connections to friend-family networks and to schools with a high degree of cultural homogeneity commit fewer crimes, and maintains that crimes are lower when offenders are more likely to be held accountable, and when they are held accountable more promptly.

Schweigert goes on to draw some implications for moral education generally, and to apply these within the practice of specific restorative justice processes.

### **2.3 Theological perspectives**

Bohr (2006: 182 -194) provides a very helpful framework for approaching the formation of conscience. Approaching the subject as a dimension of Christian discipleship, of being about who we are and what our character is, rather than emphasizing teaching and understanding norms, he outlines a framework that consists of developing a Christian world view, the role of the Church's *Magisterium* (the teaching office of the Catholic Church), and spiritual discernment. This perspective emphasizes that morality is held in community and that individual conscience can be developed only within a community. Rwiza concurs with this perspective in his discussion on the formation of Christian conscience in Africa (2001). He emphasizes the formation of lay communities, as opposed to the tendency in the past of focusing on the formation of clergy, and concludes that "the formation of Christian conscience has to be made in view of the integral wellbeing of the whole person as a free and faithful follower of Christ" (132). It seems that the term "moral formation" is used mainly, but not exclusively, in religious discourse and in relation to conscience.

### **2.4 Psychological and sociological perspectives**

Selznick (1992: 148-182) identifies two perspectives that have dominated the study of moral development. The first sees moral development as occurring in the internalization of social norms through mechanisms such as conditioning, identification and introjection. These processes equip an individual with an understanding of conventional morality. The second perspective sees moral development as an outgrowth of discovery and reconstruction. Morality is not the result of authority imposed externally on an individual through conditioning and subordination. Rather, it is the product of autonomous experience, especially experience that leads to improved understanding. The decisive

experience is social interaction. While these two perspectives are often viewed as alternatives, Selznick presents them as complementary processes. The first is likely to provide some sort of “baseline” moral competence, while the second equips an individual with an enhanced ability.

Selznick outlines the theories developed by Freud, Mead, Piaget, Kohlberg and Gilligan. Freud, with his emphasis on the unconscious, falls into the first perspective. The others all fall into the second category, also known as cognitive-developmental. Further dimension is added to this perspective by Wilson (in Browning & Read 2004: 51 – 55) where he argues that “people have a natural moral sense, a sense that is formed out of the interaction of their innate disposition with their earliest familial experience”(51). He sought to discover what he called moral sensibilities that cut across all cultures, which he suggested were sympathy, fairness, self-control and duty. Other important universal themes are Kohlberg’s development towards universal justice, and Gilligan’s emphasis on an ethic of care, and the dialogue between the two perspectives. Similar emphases have been provided by Turiel and Enright (Browning & Read 2004: 135) and have been summarized similarly by Rwiza (2001: 118).

## 2.5 Theories of ethics

Current approaches in the theoretical landscape of ethics can be summarised in a simple way as follows (see Driver 2006; Hursthouse 2012:1):

**Table 2. Classification of theories of ethics**

Teleological ethics	Deontological ethics	Virtue ethics
Right is defined with reference to the good, for example, utilitarianism and consequentialism.	Right is defined independently of the good, for example, the approach by Immanuel Kant with his concepts of a moral law and categorical imperative (Rohlf 2010), and various codes of conduct spelling out	Right is defined by referring to what a virtuous person would do. Emphasis is placed on character development, for example, Aristotelian ethics and the programme of Character Matters referred to below.

	rules of ethical behaviour.	
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While this categorisation does help to reflect three important ways of understanding ethics, it does not do justice to the many approaches contained in each of the three. Further, it does not reflect the streams of universalism (which would tend to regard moral codes as universally true), relativism (which believes that all ethics are relative and that there are no universal principles) or nihilism (which holds that there is no such thing as morality at all).

All the approaches referred to in the introduction (Chapter 1) can be located in this landscape: the Charter of Positive Values and the Bill of Responsibilities as lists of injunctions and imperatives are applications of deontological ethics, while Moral Reconation Therapy and the application of restorative justice focus on changing values and attitudes and so are examples of virtue ethics.

This paper examines the assumption that moral education is relevant to crime prevention and reintegration. It is, in fact, based on at least one deeper assumption, that human beings are **moral** beings and that morality and ethics are an essential part of our shared reality. The three broad streams mentioned above are examples of responses to this shared reality. Nihilists and perhaps relativists would dismiss this assumption. Evanoff (2004) argues that universalism fails because there is no agreement across cultures about what is universal, and that relativism, while emphasising the particularity of individual cultural norms and values, also fails because it does not provide “any real way for people across different cultures to work together in resolving common problems” (2004: 439). He argues for a third approach, that of constructivism, and builds a case for moral codes that are practical solutions to specific problems, in particular socio-historical contexts. They are pragmatic solutions that help people interact well with each other and with the world, rather than transcendental truths to be discovered. While this perspective would not be accepted by those who approach morality from a religious perspective and believe that morality and codes such as the Ten Commandments have been revealed to humanity by God (Flannery 1992: 756, Romans 1: 18-32, Lewis 1990: 29), it does emphasize the general need for morality. The fact that, since 2001, South Africa has developed and accepted three moral codes points to a general recognition of the importance of the need for morality as well as the need for moral codes, and shows that that these are necessary for a prosperous shared future (see specifically the preamble to the Charter of Positive Values, 2009).

Hursthouse (2012:12-13) concludes her article on Virtue Ethics by saying:

Following Plato and Aristotle, modern virtue ethics has always emphasized the importance of moral education, not as the inculcation of rules but as the training of character. In 1982, Carol Gilligan wrote an influential attack (*In a Different Voice*) on the Kantian-inspired theory of educational psychologist Lawrence Kohlberg. Though primarily intended to criticize Kohlberg's approach as exclusively masculinist, Gilligan's book unwittingly raised many points and issues that are reflected in virtue ethics. Gilligan has probably been more effective than the academic debates of moral philosophers, but, one way or another, there is now a growing movement towards virtues education among both academics (Carr 1999) and teachers in the classroom.

Writing in the South African context, Solomons and Fataar (2011) emphasize the need to clarify the terms of values, virtues, character education, values education, moral education, personal and social education and citizenship education. Despite this need for clarification, they

advance the view that a commitment to values education in schools, alert to the requirements for building a shared understanding about which values might be best fostered in classrooms, informed by an appreciation of how values may be properly taught at the different levels of the schooling system, remains the key to generating a questioning and productive citizenry in South Africa. Values education has much to offer to a society that is experiencing an increase in moral arbitrariness, a lack of understanding of what moral action is, and incipient relativist views about our commitment to eradicating gender, class and racial inequalities. Informed by an ethics of mutuality, values education in schools could lay a basis for dialogical encounters that can engage our fractured values orientations (230-231).

Similarly, in articulating a research project in South Africa titled "Moral education: The formation of a human rights culture", Lombard (2009) points out typical shortcomings in approaches to ethics: a reduction of moral formation to the communication of information and a lack of attention to virtue ethics (which seems to be the approach taken in both the *Manifesto on Values, Education and Democracy* and the *Bill of Responsibilities*); an emphasis on law enforcement; and undue attention to theories of moral decision-making within highly specialised fields of ethics. In view of the limitations in the curricula of religious studies and life education, he does not regard them as likely to be able to offer much to the area of character education, but regards character education as essential to building a viable human rights culture.



## **2.6 Specific moral education approaches relevant to the question at hand**

Four specific approaches to moral education are briefly outlined here; as they all address the intentional development of values and attitudes they can all be located within the approach of virtue ethics. The usefulness of each to the field of crime prevention and offender reintegration will be explored in Chapter 4.

### **2.6.1 Instruments within the field of psychology**

Arising from the field of psychology a number of tools have been developed for assessing the level of moral development of individuals. These will be explained very briefly. Within the new field of positive psychology, Peterson and Seligman (2004) have developed the concept of values in action, what can also be regarded as a development in the field of virtue ethics, not only because it is categorized as such by these authors themselves but also because it focuses very explicitly on the development of twenty four strengths under the six virtues of Wisdom and Knowledge, Courage, Humanity, Justice, Temperance, and Transcendence. Wissing *et al.* (2008) have also tested and confirmed the validity of the values-in-action approach in the South African context. Peterson later also developed an online values-in-action survey, a scientifically validated questionnaire that provides a rank order of an adult's 24 character strengths. This instrument has been selected because it is easily accessible and appears to have direct relevance to the area of moral education.

### **2.6.2 Moral ecology and moral capital**

Based on her sociological study of South African township youth, Swartz (2010) has developed the concepts of moral ecology and moral capital. While she is highly critical of philosophical and psychological approaches to morality and moral education, she proposes a model of moral capital based on the components of relational connection, reflective practice, agency and an enabling environment. The value of her approach would seem to lie in understanding that morality does not function in a vacuum but in a very complex interrelation of moral reasoning ability, personal responsibility for action and environmental factors such as poverty. These concepts are obviously rooted in the reality that many young South Africans face, suggesting that Swartz's model is a particularly useful resource.

### **2.6.3 Restorative practices and processes**

Schweigert (1999a: 173–174) has argued that moral learning takes place in restorative justice processes, during which victims, offenders and anyone who has been affected by an offence meet with a facilitator

to develop a response to the crime incident. This point is congruent with Selznick's emphasis on social interaction as being decisive in moral learning. Furthermore, in these processes 'the concern regarding contradictory moral imperatives is resolved by combining elements of both a liberal insistence on individual freedom and equal participation with a communitarian preference for locally-defined moral expectations and reparations' (Schweigert 1999a: 174).

Schweigert makes a case for community-based moral education using restorative justice that reflects three characteristics:

- Bringing together the moral authority in personal communal traditions and the moral authority in impersonal universal norms in a mutually reinforcing combination. This suggests a way out of the dilemma posed by civil libertarians with their conviction that moral education is inevitably about imposing values in an authoritarian way;
- Focusing on the space where individual, family and social institutions intersect, and that this is the locus of moral education;
- Harnessing the resources of whole communities to take actions and make changes that could successfully address the problems emerging as crime.

Schweigert has located moral development within political philosophy linking this with restorative justice. Restorative justice is broadly defined as an approach to justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through inclusive and cooperative processes (van Ness 2005:1), and has been described as one of the most significant developments in criminal justice practice and criminological thinking to emerge over recent decades (Crawford 2007a:1). In view of this, and as this trend is also developing in South Africa (see, for example, the Department of Justice and Constitutional Development's National Policy Framework on Restorative Justice 2013, which also emphasizes the resonance of this approach with indigenous African justice), this suggests that it is a useful area to explore further.

#### **2.6.4 Character Matters**

A more populist approach is reflected in Character Matters (Lickona 2004), which identifies ten "essential virtues": wisdom; justice; fortitude; self-control; love; positive attitude, including hope and humour; hard work; integrity; gratitude; and humility (Lickona 2004: 8-11). This is an obvious and direct application of virtue ethics, which also provides practical tools for parents and educators to use in

nurturing these virtues in the children under their care, and is thus directly relevant when considering moral education. Considering the relevance of this approach to crime prevention in schools is particularly apposite in view of the current concern about the state of school life in South Africa, from the perspective of both the quality of education and the levels of crime and violence in schools. The Centre for Justice and Crime Prevention (Burton & Leoschut 2013) finalised a *National Study on Violence in Schools*, focusing on primary and secondary school environments during 2008. This study was followed by a similar study in 2012 focusing on only secondary schools. The key findings of the study were:

- That 22,2% of children experienced various forms of violence, including sexual assault and online bullying during the period demarcated for the study; this level remained relatively constant in comparison with that in the previous study;
- That 44,1 % of learners had experienced some sort of theft;
- That classrooms were the most common sites for the incidence of sporadic violence;
- That feelings of fear were commonly associated with the schooling experience;
- That access to alcohol and drugs was found to be the primary driver of violence in schools;
- That a number of features associated with the family environment were found to increase levels of violence outside the home; and
- That any subsequent intervention strategies aimed at stemming the tide of violence in schools should extend beyond the school environment itself.

It is clear from these studies that the levels of crime and violence, particularly in schools, are alarmingly high, and that there is general consensus that schools are focal areas where preventative interventions should be made.

### 3. LITERATURE REVIEW: THINKING ABOUT AND RESPONDING TO CRIME

Before exploring the usefulness of the four approaches to moral education outlined in section 2.6, it is necessary to locate the assumption that moral education is valid in crime prevention and offender reintegration within the field of criminology. This section will draw mainly on the framework provided by the *Oxford Handbook of Criminology* (4<sup>th</sup>ed, Maguire, Morgan, Reiner (Eds), 2007), supplemented by other sources that are particularly relevant to the question at hand and will cover the following terrain:

- Sociological theories on crime
  - Crime and control
    - Anomie, the contradictions of social order and social disorganization
    - Control theory
    - Rational choice theory
    - Routine activities theory
  - Crime, control and space
    - Functionalist criminology
    - Signification – labelling and culture and sub-culture
- Criminological psychology
- Dimensions of crime, particularly childhood risk factors and risk-focused intervention
- Reactions to crime and crime prevention.

#### 3.1. Sociological theories of crime

Rock (2007: 3-42) refers to the definition of sociological criminology by Sutherland and Cressy in 1955 as follows: “the body of knowledge regarding crime as a social phenomenon. It includes within its scope the process of making laws, of breaking laws, and reacting towards the breaking of laws”. The distinctions in this definition are important, as they immediately reflect the primacy of the role of the state, and link the field directly to decisions of state. This has been challenged by later scholars, who have asserted that the phenomenon of crime should be understood in a broader context apart from the state (see particularly the arguments by Gottfredson and Hirschi below). From the perspective of this paper, this definition is significant in that it does not mention moral dimensions. Rock proceeds to

outline the broad families of ideas of thinking about crime, stressing that there is no single way of approaching this conceptualisation.

### **3.1.1. Crime and control**

#### **3.1.1.1 Anomie, the contradictions of social order and social disorganization (Rock: 8 – 13)**

Rock explains that at heart this is a very old idea that says crime is a consequence of defective social regulation, of ineffective restraints or moral direction provided by society. It was introduced into the field of sociology by the French theorist Durkheim in his concept of *anomie*.

In the first meaning of the concept, criminologists have found an explanation for deviant behaviour in people's refusal to accept the moral authority of both the economy with the forced division of labour, and the state when it comes to socially acceptable behaviour. Robert Merton provided a specifically American angle to the concept by regarding anomie as a "socially fostered state of discontent and deregulation that generated crime and deviance" (Rock: 9). In a context in which ambition is regarded as a virtue but where socially acceptable routes are not available to everyone, illegitimate and illegal routes are followed to reach the same goals.

Gottfredson and Hirschi (1990: 78 – 82) classify Merton's approach as part of the "strain tradition". They critique it and dismiss its validity because they regard the centrality of the concept of social class as problematic.

The second meaning stemming from Durkheim's original use of anomie is that it is a state of rapid change or disorder. In such a state, social rituals and routines and the sense of a collective conscience begin to break down. Durkheim held the view that, if such conditions endured, signs of "weariness, disillusionment, disturbance, agitation and discontent would be seen, leading in extreme cases to suicide and homicide" (Rock: 11). Rock points out that, while sociologists are generally not well disposed to this concept, pointing to situations in which vestiges of social control survive in the most difficult of circumstances, there are also examples in which social control and cohesion have broken down to such an extent that groups of people are unable to share any trust, prey on each other and are unable to take any joint defensive action.

Gottfredson and Hirschi (1990: 82-83) connect the social disorganization tradition with the streams that emphasize the significance of geographical and functional groups and cultural deviance (see 3.1.2 and 3.1.4.2 below). The statistical trends of large groups are part of the foundation of this stream. They conclude that, within the streams of psychological, economic and sociological positivism, “many social scientists who regard themselves as scientists reject *a priori* the idea that choice can influence human behaviour” (Gottfredson & Hirschi: 83).

This tradition can also be traced in the work of Dixon (2004: xxv – xxvi). Writing in the context of crime and crime control in South Africa’s transition from apartheid to democracy, he offers the following theories as explanations for the steep increase in crime during this time:

- control theories (the breakdown of informal and formal institutions and social control);
- strain theories (the frustration of unmet expectations);
- opportunity theories (new opportunities to commit crime);
- structural theories (factors such as poverty and inequality).

An approach not specifically mentioned by either the *Oxford Handbook* or Dixon is the relative deprivation theory. According to Webber (2007: 95 -118), it was used by Stouffer in 1949 and Runciman in 1966 to refer to the following: “If A, who does not have something but wants it, compares himself to B, who does have it, then A is ‘relatively deprived’ with reference to B. Similarly, if A’s expectations are higher than B’s, or if he was better off than B in the past, he may when similarly placed to B feel relatively deprived by comparison with him”(Webber: 99). Webber locates relative deprivation within the wider anomie and strain tradition and argues that the approach could serve as a bridge between what tends to be an exclusive focus on either the individual or society. He regards criminology of all persuasions as being ill-equipped to explain individual emotion, the culture within which this arises and issues of motivation in general. He also connects it to the “vexed issues raised in the work of Bourdieu (1977) and Giddens (1984) regarding the interconnectedness of structure and agency (Webber: 98)”. In the South African context, with its exceptionally high levels of discrepancies of

wealth, this approach would appear to be highly relevant in understanding crime that is perpetrated by people between different socio-economic areas.

#### **3.1.1.2 Control theory**

Regarded as a close neighbour of anomie theory, and sometimes indistinguishable from it, control theory is a large and linked cluster of theories that are based on the contention that “people seek to commit crime because it is profitable, useful or enjoyable for them to do so, and they will almost certainly break the law if they can” (Rock: 13). Hirschi, recognised as one of the leading theorists in this group, suggested that the key question was not “Why do they do it?” but “Why don’t we do it?” (Rock: 13). He proposed that four key elements induced people to comply with rules: attachment, commitment, involvement and belief. Together with Gottfredson, Hirschi (1990) went on to formulate a general theory of crime, posing the concept of self-control and impulsivity at its centre. Rock (14) has summarized this theory as follows:

Crime... provides a direct and simple gratification of desires that is attractive to those who cannot or will not postpone pleasure. ...It requires little skill or planning. It can be intrinsically enjoyable because it involves the exercise of cunning, agility, deception, or power. It requires a lack of sympathy for the victim.

Control theory is greatly in vogue, with various dimensions, such as the role that the social bonds of family, friends, employment and military service play as filters of influences from the wider social culture being explored by a number of researchers. The converse of the life experiences and journeys that these contexts provide can be seen when exploring the disruptive impact that contact with the criminal justice system would have. In this sequence of events and actions, these researchers emphasize the “capacity of people to interpret and *choose* how they will respond. The part played by human agency and contingency is repeatedly underscored, leading them to observe how impossible it is to predict future criminality from present circumstances” (Rock: 16). This emphasis would appear to be a highly significant distinction from the strain and social disorganization tradition.

It is instructive for the purposes of this paper to consider more closely how Gottfredson and Hirschi (1990) arrived at both their notion of self-control and their emphasis on choice, as the concept of choice is fundamental to ethics and morality, and self-control features on both classical and modern lists of virtues (see, for example, Lickona 2004 and Peterson & Seligman 2004). Gottfredson and Hirschi set out (1990: 3-14) to define crime apart from law (in contrast to the definition of criminology quoted in 3.1), building on the classical tradition (which focused on the nature of the criminal act) and the positivist tradition (which focused on the properties of the person committing the act). As the main contention of control theory stated above indicates, Gottfredson and Hirschi draw heavily on the role that the consequences of behaviour play, and the work of Hobbes, Bentham and Beccaria. In terms of theories of ethics, they can thus be regarded as teleological and more specifically consequentialist. They regard the idea “that criminal acts are an expression of fundamental human tendencies (as having) straightforward and profound implications” (Gottfredson & Hirschi: 5). They outline Bentham’s four general sources of sanction systems:

- Physical: the natural consequences arising from the criminal or deviant act, which lead to distinctions between what is prudent or reckless behaviour;
- Political: Bentham wished to use the principles of utility to justify state sanctions of individual behaviour and typifies the approach of the classical school to use its general theory of behaviour and a theory of crime as a guide to public crime control policy. Decisions of the state determine what acts are regarded as criminal or non-criminal. Key dimensions of sanctions to modify behaviour that are still clearly seen today are the concepts of certainty, severity and celerity;
- Moral: Bentham did not make a clear distinction between social and legal sanctions, but regarded the actions of neighbours and the community as the most important sources of pain or pleasure to the individual. In Gottfredson and Hirschi’s view, modern criminologists in the classical tradition tend to minimize their importance, while those in the social control and social disorganizations traditions rank them above political sanctions. Social sanctions determine which behaviour is regarded as conforming to or deviating from acceptable norms;



- Religious: while Bentham acknowledged the power of religious belief or scruple to exert influence on behaviour, he regarded this as hard to quantify. Sanctions within this area would distinguish between sin and righteousness.

Gottfredson and Hirschi regard criminal/noncriminal acts, sin/immorality and manners (socially acceptable/non-acceptable behaviour) as all being governed in the same way, but the commonality between them is generally overlooked today. In contrast, and in keeping with the compartmentalization of knowledge, the basis for modern criminology is the isolation of behaviour that is defined as crime and that can be controlled by means of political sanctions. One aim of sociology is to isolate deviant behaviour that can be controlled by means of group sanctions. The concept of sinful behaviour does not exist in positivistic thought and so has not been taken up by any of the positivist disciplines, while reckless or important behaviour is addressed by a range of disciplines. They conclude that the view of the classical school prevailing in most criminal justice systems and the political sanctions they impose are largely redundant. In contrast, they claim that research confirms that, in the absence of social control, criminal, deviant, sinful and reckless behaviour will flourish, and that the value of social sanctions is largely overlooked by the criminal justice system. On the basis of this analysis, they proposed that the absence of self-control is the key concept lacking in both the classical and positivistic schools. They regard self-control as combining social (external) control with an individual's response to the temptations of the moment, thus recognising the simultaneous existence of social and individual constraints on behaviour (87 -89). A brief review of a critique of Gottfredson and Hirschi's work suggests that, despite much criticism, the body of empirical tests of the general theory of crime has been fairly consistent in revealing a link between self-control and crime (deLisi & Vaughn: 2007). One commentator notes that

while Gottfredson and Hirschi, both sociologists, popularized this approach to criminal behaviour, psychologists have been studying developing similar theories for many years before self-control theory. Impulsivity, immediate gratification, risk-taking are well-established concepts in psychological accounts of crime and deviance. Surprisingly,

Gottfredson and Hirschi did not review this literature.  
(<http://www.everydaysociologyblog.com/2008/11/gottfredson-and.html>)

From the perspective of this paper, it is significant that, while they locate themselves squarely and solely within the consequentialist stream, Gottfredson and Hirschi arrive at a conclusion that points to the relevance of virtue ethics.

#### **3.1.1.3 Rational Choice theory (Rock: 16 -17)**

Rational choice theory (also known as situational control theory) is a resuscitation of the traditional utilitarian thinking of Bentham and others referred to above, and is regarded as a foundation for control theory. In an influential formulation by Clarke, the rate of crime is held to be a function of the following three broad groupings of factors:

- Target hardening (defending objects or people, access control, deflecting offenders, controlling facilitating factors such as weapons);
- Increased risk of offending (body searches, surveillance);
- Reducing the rewards of crime (reducing or removing targets such as cash, making rules more explicit).

This approach has been severely criticized, as none of the variables deal with traditional sociological questions about who offenders are, how they reason and how they act.

#### **3.1.1.4 Routine activities theory (Rock: 17 – 18)**

Routine activities theory is similar to rational choice theory but is more macro in its thinking. Crime is regarded as a convergence in space and time of motivated offenders, suitable targets, and lack of suitable guardians. Rock suggests that both routine activities and control theorists implicitly base their view of crime on the fallibility of human nature and the part played by temptation, provocation and idleness, and that crime does not require weighty causes. The importance of being taught self-control to manage these factors is again emphasized.

### 3.1.1.5

#### Conclusions from the overview of theories about crime and control

In noting Altbeker's view (2007) that

moral regeneration cannot be achieved through the lectures of teachers and churches...and requires as a precondition a criminal justice system that comes down like a ton of bricks on people who commit violent crimes,

as well as Gottfredson and Hirschi's (1990: 83) view that "many social scientists who regard themselves as scientists reject *a priori* the idea that choice can influence human behaviour" it seems that sociological criminologists tend to define morality only in terms of consequentialism. From a sociological perspective, this is perhaps understandable, especially when this perspective is emphasized to the exclusion of psychological perspectives and perspectives dealing with community and personal morality. However, even within this stream, Webber (2007:95-118) has pointed to the "interconnectedness of structure and agency", and Gottfredson and Hirschi (1990: 13-14) conclude that the view of the classical school that prevails in most criminal justice systems and the political sanctions they impose are largely redundant. In contrast, they maintain that research confirms that, in the absence of social control, criminal, deviant, sinful and reckless behaviour will flourish, and that the value of social sanctions is largely overlooked by the criminal justice system. It is significant that Gottfredson and Hirschi point to the centrality of self-control, a perspective outside their own structural and consequentialist framework. Further references to morality and values are seen in the acknowledgement of the impact of inequality in society, how both positive and criminogenic values and mores can be nurtured within specific communities and transferred to future generations and how group dynamics can create pressures to commit crime.

This overview of sociological theories of crime thus highlights the importance of nurturing a holistic understanding of crime within the full context and complexity of human behaviour, of recognizing both structural and individual factors. However, thinkers in this stream do not appear to take the next step and address moral education directly.

### 3.1.2 Crime, control and space (Rock: 18 – 23)

The factors of space and control referred to by the routine activities and control theorists have been engaged by urban planners and used in urban design. This stream has always been prominent in criminology. It arose out of what was known as the Chicago School of sociologists, who conceptualized five concentric zones shaping a city and mapped the incidence of social problems in these various areas. In an area they called “the zone in transition” (which housed large proportions of the poor, illegitimate, mentally handicapped and illiterate), they found high incidences of “social pathology” such as limited formal social control, informal social control eroded by moral and social diversity, rapid population movement and lack of strong and pervasive local institutions. This urban research laid the foundation for spatial analysis of crime, the study of subcultures, the epidemiology of crime, and crime as an interpretive practice. It included studying the patterns of groups living together and revealed how, despite the breakdown of social control, there was also a strong inner coherence and persistence of culture and behaviour. In this way delinquency and criminal gangs were preserved and transmitted from one generation to another. This stream is relevant to this paper as it addresses the reality that certain group-specific values can be transferred from one generation to the next.

Later researchers in this tradition drew on the work of Foucault and the growth of a surveillance society, as well as on the work of Beck and the sociology of risk. Risk theorists suggest that the controls applied by state and private institutions segregate spaces between various classes in society ever more rigidly.

These concepts have particular resonance for South African society and its legacy of spatial planning on the basis of apartheid and racist ideology. It is possible that direct symptoms of this may be seen in the practices of *ukuphanda* and *izikhotane*. *Ukuphanda* is a Zulu verb used to describe the sex-for-money exchanges that take place outside of commercial sex work as a means of survival (Wojcicki 2002). The word is also used to denote the idea that stealing from a rich person (usually of another race) is only taking back what originally belonged to you and is therefore neither stealing nor morally wrong.<sup>4</sup> This can be seen in the tendency of Black

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<sup>4</sup>I am indebted to Ms Pearl Dastile of UNISA’s Department of Criminology for introducing me to both these concepts during a discussion on 31 October 2012.

children to steal from shops in town or in traditional White areas, but not from shops in the areas in which they live, providing an interesting example of how the dimensions of crime control and space intersect with moral beliefs.<sup>5</sup>*Izikhotane* refers to the tendency among young Black adults to find their identity in flashy dressing and ostentatious displays of wealth. (See, for example, *Izikhotane tear up R100 notes* on <http://www.sowetanlive.co.za/news/2012/11/15/izikhothane-tear-up-r100> ). The relevance of *izikhotane* to an incident of crime has been eloquently argued by essayist Bongani Madondo. She regards this development and the related breakdown of the transmission of virtues like hard work and **self-restraint** to have played a key role in the death and injury of six schoolboys as a result of the reckless driving by a popular singer, Molemo‘Jub-Jub’ Maarohanye. The latter reflects aspects of the *Izikhotane* lifestyle (see The Life and trial of a South African child star, *Mail and Guardian* 21 December 2012, accessed from <http://mg.co.za> ).

### 3.1.3 Functionalist criminology (Rock: 26-28)

The functionalist school of criminology is complementary to the family of sociological theories outlined above in that it presents deviance and control as working discreetly to maintain the social order. Functionalism is a theory about systems and thus it attempts to present crime, apparently undermining the social order, as actually accomplishing the reverse. Arguments have been made (among others) showing the value of prostitution and racketeering. Such arguments maintain that the systems of trial and punishment enhance social solidarity, and consolidate moral boundaries. In this vein, Rock (28) also quotes Ferrell and Sanders’ observation that “the simplistic criminogenic models at the core of ...constructed moral panics...deflect attention from larger and more complex political problems like economic and ethnic inequality”. The relevance of the concept of morality clearly underlies this entire stream of thinking.

### 3.1.4 Signification (Rock: 28 -33)

Rock regards signification as another distinct major stream in criminology. It is founded on the importance of individual perception, consciousness and meaning, the significance these meanings have in our relations with others, particularly “significant others”, and the role that

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<sup>5</sup>Raised by probation officers of the Restorative Justice Centre during discussions August 2010

language plays in this process. It is linked particularly with the concepts of symbolic interactionism and phenomenology.

#### **3.1.4.1 Labelling theory (Rock: 28 -31)**

In considering the issue of deviance, the concepts of signification are used to understand how deviant acts and identities are constructed, interpreted, judged and controlled. A person's "primary deviance" may become especially clear in a confrontation with the criminal justice system, in which the power, force and authority of the state bring this identity into sharp relief and may lead to "secondary deviance", a response to the response of the community that confirms the initial identity, thus bringing about a self-reinforcing cycle.

Braithwaite (in Rock: 31) has focused on the concept of shaming, which occurs within the negative labelling of individuals, calling this "stigmatizing shame", which Zehr (1990: 259) has summarised as meaning that such a person is inherently bad and there is nothing that can be done about it. In contrast, "reintegrative shame" focuses on the unacceptable behaviour while affirming the inherent dignity and potential of the individual. The framework of restorative justice is often used to apply these concepts, creating space for rituals such as a public apology and reparation, and the responses of significant others in making restoration, forgiveness and acceptance.

This stream of thinking has particular relevance for the issue of the reintegration of offenders and the enormous difficulties they generally experience in reintegrating into their community, leaving behind their criminal behaviour and identity and constructing a new narrative that frames a new self (Rock: 31). This new narrative must include the development and choice of new moral values and beliefs, immediately indicating the need for moral learning and development on the part of a person in this position.

#### **3.1.4.2 Culture and subculture (Rock: 31 – 33)**

A second application of the concepts of signification has been to move beyond the individual to the group: meanings and motives are understood as a social accomplishment that occurs as a collaborative, sub-cultural process. Subcultures are understood as "exaggerations,

accentuations, or editings of cultural themes prevalent in the wider society” (31). The term “delinquent subculture” (Rock: 32) has been used to explain how groups of both professional criminals and young men transmit a set of enduring responses to common problems that is at variance with the broader culture. This stream also has special resonance in South Africa in relation to what has come to be regarded as the culture of violence. Bruce (2010: 50) has pointed out that, for much of the previous century and before that, South Africa was characterised by high levels of violence. In his analysis, the core of the problem of violent crime in South Africa is a culture of violence and criminality, associated with a strong emphasis on the use of weapons. This culture has to be specifically addressed if we are to reduce the levels of crime and violence. The discussion under section 3.1.2 on crime, control and space and how values and beliefs can be transmitted from one generation to another within a geographical community is relevant here, the main distinction being that subculture refers more to a functional group, not necessarily a geographical one. Changing the values of a subculture, especially one that espouses violence, is obviously a complex undertaking.

### **3.2 Criminological Psychology**

Criminological psychology is another major stream within the literature of thinking about and responding to crime. It is particularly relevant in working with offenders and in considering what is effective in supporting them in the process of reintegration into society. Hollin (2007: 43–70) outlines the history of the relationship between psychology and sociological criminology through the stages of an early accord (late 1880s to 1920s), a parting of the ways (1930–1940s), sharing little common ground (1950s onwards), not being on speaking terms (1980s) and then suggesting that they are currently experiencing a return to cordiality (1990s onwards).

In outlining the “not on speaking terms” phase, Hollin describes the shift in psychology from a behavioural to a cognitive approach, with specific reference to the concepts of

- Self-control (the inability to defer gratification, a lack of concern about other people, impulsivity);
- Locus of control (the extent to which an individual believes his/her behaviour is under his/her own control);

- Moral reasoning (explaining criminal offending as a delay in moral development in terms of Kohlberg's phases);
- Social problem-solving skills (the complex cognitions we all use to manage the interpersonal challenges that are a normal part of daily life).

Hollin (63) points out that this approach is largely positivist, and relies on the disposition of the individual to explain criminal behaviour. However, within the stream of criminological psychology there have also been references to the classical approach, and a focus on routine activities theory (see section 3.1.1.4 above).

Regarding the 1990s and onwards into the new millennium, Hollin (65) sees tensions initially continuing to exist between criminology and psychology but gradually falling away as criminology itself began to focus more on the individual, including revisiting biological theories. As indicated in the introduction above, the current emphasis is very much on "what works", with the focus on cognitive-behavioural theory (CBT). Hollin points out (66 -68) that, while this draws on both the behavioural tradition of Skinner and the social learning theory of Bandura, CBT is still difficult to define. It has come to be accepted as a general perspective, not a unified theory, positive treatment data having outstripped the articulation of theory.

Regarding approaches to changing the behaviour, attitudes and skills of offenders, Dissel (2012:8) quotes Andrews, Zinger, Hoge, Bonta, Gendreau and Cullen (all leading psychologists within this stream) when pointing out that

'the effectiveness of correctional treatment is dependent upon what is delivered to whom in particular settings.' In other words, the results, or outcome of a treatment depend on who delivers the programme, what programme is delivered, how it is delivered, and the individual offender who participates in the programme. Based on meta-analytical studies of correctional programmes, Andrews *et al.* arrived at three principles that affect outcome. These are known as the risk, the need and the responsivity principles (RNR). These principles became mainstreamed in correctional theory and implementation in the subsequent years, and have come to form the backbone for the development of most correctional programmes since then.

The centrality of risk, need and responsivity principles is endorsed by Holtzhausen (2012:9). They are understood as follows. Programmes:



- Target high risk offenders who are likely to continue to offend, rather than low risk offenders (risk principle);
- Focus on the criminogenic need of the offender, and on those characteristics and circumstances which have contributed to offending (need principle);
- Are responsive, so that offenders benefit from interventions which are meaningful to them and are delivered in ways appropriate to their learning styles (responsivity principle (Dissel 2012: 7)).

In addition to the risk, need and responsivity principles, Dissel (2012:7) quotes Maguire on the characteristics of programmes or interventions that are effective:

- They provide offenders with the opportunity of practising new skills and attitudes and behaviours;<sup>6</sup>
- They are highly structured, making clear demands and following a logical sequence, which is determined by learning objectives;
- The method used should be skills-orientated, active and designed to improve problem solving in social interaction. Cognitive behavioural techniques should form the basis of the treatment;
- The impact of the programme is influenced by the manner and setting of the delivery. This implies that the programme should be delivered in a standardised way, with consistent quality of delivery. This refers to programme integrity.

Dissel (11) summarises the application of cognitive behavioural therapy within correctional populations as focusing on cognitive re-structuring (correcting dysfunctional thought processes) and strengthening coping skills or problem-solving (improving deficits in a person's ability to adapt to stressful situations).

Smit and Padayachee (2012: 4) emphasize that, although risk factors and predictors of offending behaviour are well defined in the literature, "insufficient attention is paid to the social cognition underlying offending behaviour" and that "regardless of the extent of external risk factors present in the life of the offender, it is the underlying beliefs and cognitive constructs that greatly impact on behaviour". The writers pose cognitive schemas and core beliefs as the link between past experiences and future behaviour (7).

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<sup>6</sup>Holtzhausen (2012:40) stresses that all three of these dimensions should be targeted, not only one.

From the perspective of positive psychology and one particular programme application (Good Lives Model), Dissel (17) critiques the risk, need, responsivity model as providing insufficient guidelines and an inadequate framework for practitioners, viewing

offenders as disembodied bearers of risk, with each risk factor acting as a site for treatment, rather than viewing the offender as an integrated whole; it fails to address the issue of human agency and personal identity; it disregards the issue of human need and the influence this has on human behaviour; and similarly, it doesn't address the issue of human motivation, and approaches rehabilitation from avoidance of bad behaviour rather than positive motivation for good behaviour.

Aitken (2012:7) is extremely critical of the RNR model, suggesting that it bifurcates society into "two dominating classes of citizens: criminals on the one hand, always deviant and antithetical to the good of society, and the morally upright good folk on the other", while prison tends to be viewed neutrally and positively with the function of constraining dangerous people and improving their moral outlook. He regards such an approach as "medical, utilitarian, inappropriate, and pernicious".

Hollin (68) concludes his section on the current return to cordiality between psychology and (sociological) criminology by pointing out that both disciplines emphasize similar points on the importance of focusing on individual treatment. They address the needs of victims, as well as the broader economic and social circumstances within which offenders function.

As with sociological criminology, the concept of self-control features without reference to the broader dimensions of virtue ethics. There is a major emphasis in this stream on developing programmes that enable offenders to change their cognitive schemas and core beliefs. The validity of moral development is acknowledged, but there seems to be very limited attention given to how this or more intentional moral education occurs within change programmes.

### **3.2.1 Conclusions about criminological psychology**

The validity of moral development in this field is acknowledged, but it is clear that there is a significant disjuncture between the risk-need-responsivity approach in cognitive behavioural therapy and approaches to moral education, to the extent that the literature about the risk-

need-responsivity approach is almost silent on how moral education is part of the process of facilitating change in offender skills, attitudes and behaviour.

### **3.3 Dimensions of crime**

The *Oxford Handbook of Criminology* (2007) devotes an entire main section to “The Dimensions of Crime”. The section deals with a broad range of issues that includes politics, gender, ethnicity and racism, victimization, mental disorders, place and space, youth crime, crime and the life course, childhood risk factors and risk-focused intervention. These dimensions represent another stream of thinking about and responding to crime. For the purposes of this paper, only childhood risk factors and risk-focused intervention will be addressed, as these relate most directly to the question at hand; the role of moral education does not feature as directly in the other issues.

#### **3.3.1 Childhood risk factors and risk-focused prevention (Farrington: 602 – 640)**

This approach is focused on the concept of prevention, which is slightly different from the emphasis on interventions referred to under section 3.2 dealing with criminological psychology. Such interventions are probably more concerned with preventing reoffending, although there are significant points of overlap. Farrington distinguishes four major prevention strategies:

- Developmental or risk-focused prevention (which will be outlined here, summarising his chapter);
- Community prevention (addressing social conditions and institutions; these will be dealt with below under section 3.4.1);
- Situational prevention (also known as target hardening, making it more difficult to commit and crime; this strategy will also be dealt with below under section 3.4.1);
- Criminal justice prevention (the traditional aims of the criminal justice system relating to deterrence, incapacitation and rehabilitation, referred to only indirectly in this paper).

Risk-focused prevention (also referred to as developmental criminology) is concerned with three main issues:

- The development of offending and anti-social behaviour. This area deals with behaviour that is linked to offenders’ ages.

- Risk factors at different ages. Farrington explains that risk factors are well established and highly replicable, and that there is a lot of interest in the early prediction of later offending and how these factors can be integrated into assessment tools.
- The effects of life events on the course of development, which typically draws on longitudinal research.

Farrington (608 – 621) details the following individual and family risk factors:

- Low intelligence. This remains an important predictor of offending and can be measured early in life.
- Empathy. Farrington distinguishes between cognitive empathy (the ability to understand or appreciate other people's feelings) and emotional empathy (actually experiencing other people's feelings). While there is a widespread belief that low empathy is related to offending, research results confirming this are inconsistent.
- Impulsiveness. Farrington states that this is the most crucial personality factor that predicts offending. It includes a number of factors like hyperactivity, restlessness, clumsiness, not considering the consequences of acting, inability to plan ahead, short time horizons, low self-control, sensation seeking, risk-taking, poor ability to delay gratification.
- Social cognitive skills and cognitive theories. This is concerned with the offender's lack of skills for thinking and problem-solving in interpersonal situations.
- Crime runs in families: offenders and antisocial parents tend to have delinquent and antisocial children.
- large families: large family size has been shown to be a relatively strong and replicable predictor of delinquency;
- Child-rearing methods: factors such as the supervision of children, disciplines and parental reinforcement, warmth or coldness of emotional relationships and parental involvement have all been shown to have predictive value for a child's delinquency. The relevance of both this factor and the above-mentioned factor of impulsiveness is confirmed by Burton *et al.* (2009: 39) in their discussion on the impact of social bonding within families and their conclusion that "researchers have found that self-control in children is a consequence of consistent parental monitoring and supervision".
- Child abuse and neglect: children who are physically abused or neglected tend to become offenders later in life.

- Disrupted families: children who are separated from a biological parent are more likely to offend than children from intact families.
- The Integrated Cognitive Antisocial Potential Theory integrates ideas from many theories and assumes that “the translation from antisocial potential to antisocial behaviour depends on cognitive (thinking and decision-making) processes that take account of opportunities and victims” (621).

Farrington (623- 629) goes on to explain the following risk-focused preventions:

- Skills training. Typical interventions target risk factors of impulsiveness and low empathy through cognitive-behavioural skills training programmes. An example that is particularly relevant to this paper is that of Ross and Ross (1995), which includes social skills training, lateral thinking, critical thinking, *values education* (emphasis added), assertiveness training, social problem solving, social perspective training and role-playing.
- Parent education;
- Parent training;
- Pre-school programmes;
- Multiple-component programmes that combine parent training, teacher training and child skills training.

Evidence of this stream of thinking can be seen in South Africa, initially in the White Paper on Safety and Security (1998), which appears to have been largely ignored (Pelser 2007:2). Since then it has been taken up in documents such as one by Holtmann (2008), the model proposed by Burton *et al.* from The Centre for Justice and Crime Prevention (2009) and government’s Integrated Social Crime Prevention Strategy (2011). Concepts such as building a safe community, nurturing the social fabric and cohesion of communities and resilience factors have come to the fore, with the local geographical community (see section 3.4.1 below) as the means and locus for interventions. Burton *et al.* define resilience as “the process of, capacity for, or outcome of, successful adaptation, despite challenging or threatening circumstances – as ‘health despite adversity’”. Resilience factors, therefore, are those factors that diminish the potential to engage in particular behaviours. More specifically, these factors provide a buffer between the exposure to risk factors and the onset of delinquent and criminal involvement” (2009: 7). These factors

were explored within the broad areas of the individual, family or home, school, community and extra-family relationships. Nine significant factors were identified:

- education;
- gender;
- non-violent family environments;
- non-exposure to criminal role-models;
- substance abstinence;
- interaction with non-delinquent peers;
- victimisation;
- neighbourhood factors; and
- attitudes intolerant of violence and antisocial behaviour. Regarding this particular factor, the authors refer to “(a)ttitudes that generally reflect non-violence and an intolerance of antisocial behaviour were also shown to be significant in predicting resilience. Such norms and values are usually instilled through interaction with and examples set by adults who are respected by young people, as well as community rolebehaviourmodels and peers” (xvi).

Within this South African literature, the emphasis is on the culture and subcultures of violence; reference to values is generally indirect, only sometimes verging on the direct as in Pelser (2007:4), who emphasizes the need “to effect change in a value system in which crime and violence has been normalised”. NO explicit references to moral education could be found in the South African literature in this stream.

Although impulsiveness (presumably more or less congruent with the idea of lack of self-control) is again confirmed as the most crucial personality factor that predicts offending, there appears to be no sign of relating this to virtue ethics and very little that explains how self-control can be nurtured.

### **3.4 Reactions to crime**

This is the fifth and final section in *The Oxford Handbook of Criminology* (2007) and covers perspectives related to the governance of security, crime prevention and community safety,

policing, arrest, trial and sentencing, youth justice, community penalties and imprisonment. The chapter on crime prevention and community safety is of relevance for this paper, as it addresses the role that communities can play in upholding and nurturing values, and makes some indirect references to morality within a particular socio-political context. These ideas relate to the comments by Schweigert (1999a) quoted in the introduction to this paper about the civic virtue tradition and the idea that morality and virtue are a public enterprise. The moral sense is located in the community and the practice of membership forms each citizen in pursuit of the good of the community.

### 3.4.1 Crime prevention and community safety (Crawford (2007b: 866 – 904)

Crawford explains that, since the late 1960s, there has been a shift internationally to a greater emphasis on prevention rather than on cure. While this emphasis is by no means new, it is related to such elements as the increases in crime levels and the results of victimisation surveys that reflect that most crime is not recorded, which raises fundamental questions about the effectiveness of deterrence and rehabilitation. Further elements are an increased awareness of the importance of informal control and fiscal concerns. Crawford cites an influential publication by Wilson (1975) which challenged welfare-based programmes of rehabilitation with a revival of classicist notions of deterrence, combined with an emphasis on informal controls and pragmatic realism. This led to a shift away from the positivist emphasis on the offender as the object of knowledge to an emphasis on the offence with its spatial and situational characteristics as well as the place and role of the victim (870).

Elsewhere, Crawford (1999: 14-19) has suggested the following typology conceptualizing crime prevention (based on work by Brantingham&Faust, 1976):

**Table 3. A Typology of crime prevention**

	<b>PRIMARY</b>	<b>SECONDARY</b>	<b>TERTIARY</b>
<b>SOCIAL</b>	Education and socialisation, public awareness and advertising campaigns, and neighbourhood watch.	Work with those at risk of offending: youths, and the unemployed as well as community regeneration.	Rehabilitation, confronting offending behaviour, aftercare, diversion, and reparation.

	PRIMARY	SECONDARY	TERTIARY
<b>SITUATIONAL</b>	Target hardening, surveillance, opportunity reduction/removal, environmental design, and general deterrence.	Target hardening and design measures for 'at risk' groups, risk prediction and assessment, and deterrence.	Individual deterrence, incapacitation, assessment of 'dangerousness' and 'risk'.

Crawford (2007b: 872 – 879) explains that situational crime prevention, particularly in the context of geographical community, draws on environmental design and the theories of routine activity and rational choice. He also refers to the political dimensions of this movement. On the one hand, these fitted well with the conservative idea of minimal government that appeals to market forces, or of government “not merely freeing autonomy but crucially freeing and shaping it by inculcating a moralized vision of civic virtue” (879). On the other hand, this was also endorsed by a political philosophy based on an instrumental understanding of both behaviour and the role of government.

In explaining the concept of community crime prevention, Crawford refers to the example of a “social development model” which locates the means of addressing risk, protective and desistance factors at this level. A factor that informs much thinking in this regard is that the rise in crime is based in part on the breakdown of social cohesion and social capital within communities. He quotes Putnam (2000) to define social capital as “connections among individuals – social networks and the norms of reciprocity and trustworthiness that rise from them” (884).

From this foundation, Crawford examines the “broken window” thesis of Wilson and Kelling, which suggest that cycles of decline in communities must be addressed early through “order maintenance”, the thinking being that if one tackles low-level disorders this will impact on more serious types of crime. Crawford shows how this thinking has been supported by communitarians who regard this approach as a way of reviving the moral authority of communities, thereby emphasizing social responsibilities rather than individual rights. “Strong



communities... speak to us in moral voices. They allow the policing *by* communities rather than the policing *of* communities” (886, emphasis in original).

Crawford is articulate on the limitations of these conceptions of community, safety and prevention. He cites the following concerns:

- Much of the thinking is premised on defence against outsiders, and so it has little to say about domestic violence or corporate crime.
- The thinking tends to assume homogeneity and shared moral values.
- This overlooks the reality that community values and norms can be criminogenic, and in fact constitute “criminal capital”.
- There are difficulties in more widespread and consistent application; it is easier to apply in homogenous, low-crime areas.
- Crime and safety are often framed within a political discourse, with broader concerns of safety (relating to traffic, health, food, pollution, planning, etc.) all being viewed through the lens of crime, which can skew the understanding of harm reduction.
- The approach does not address inequity or social justice concerns (886 -889).

Despite the moral references implicit in this approach, Crawford does not make any direct reference to the possibility of explicit moral education, something that would seem to be a natural next step in such an approach.

### **3.5 Reflecting on moral education and criminology: Some obvious gaps?**

It becomes evident that community and personal morality are themes that pervade the various streams of criminological thought. However, these streams are not connected to the field of ethics and the dimensions of moral development and moral education, and so appear to have remained under-developed in criminological thinking.

A number of factors emerging from the sociological theories converge (section 3.1.1). These theories include psychological theories about crime (section 3.1.2), childhood risk factors and risk-focused intervention (section 3.3.1) as well as from the crime prevention and community safety streams (section 3.1.4). The moral dimensions of self-control, the locus of control, social problem-solving and the role of the community in nurturing criminogenic or healthy values feature strongly. The validity of moral education for both children and adults is recognised as an important element in preventing

crime, at either the primary or tertiary level and is seen in the responses of cognitive behavioural therapy (particularly the need to engage the cognition schemas of offenders), in risk-focused intervention (particularly the need for social skills training), and in community crime prevention. However, none of these streams seems to address the matter of moral education in any detail.

In addition to the importance of self-control being recognised in all four of the criminological theories about crime, it is also regarded as one of five core emotional intelligence competencies (see, for example, Segal & Smith 2012).

It seems that the interplay between environmental factors, personal developmental factors and morality is not well understood by either sociological or psychological criminologists, who tend to treat these categories of factors as competing strategies for intervention. Possible reasons for this lack of engagement with the area of morality may be the epistemological position of some theorists (witness Gottfredson and Hirschi's (1990: 83) statement that within the streams of psychological, economic and sociological positivism, "many social scientists who regard themselves as scientists reject *a priori* the idea that choice can influence human behaviour"). A simple lack of an understanding of the field of ethics also seems evident.

Overall, while this broad review of the literature about thinking and responding to crime validates the importance of moral education, it also reflects a general lack of explicit attention to the role that this can play in changing the attitudes, beliefs and behaviour of offenders, in both behaviour-change interventions and community prevention.

## 4. EXPLORING SPECIFIC MORAL EDUCATION APPROACHES

The four approaches to moral education referred to in section 2.6 will be elaborated on here in the light of the conclusions reached in Chapter 3.

### 4.1 Instruments within the field of Psychology

#### 4.1.1 General instruments

Within the field of psychology (see section 2.1.4), a number of tools have been developed that assess the level of moral development of individuals. According to the American Colleges and Universities website ([http://www.aacu.org/core\\_commitments/CognitiveStructuralMeasurements.cfm](http://www.aacu.org/core_commitments/CognitiveStructuralMeasurements.cfm)), the vast majority of measurements used to assess personal and social responsibility have arisen from cognitive-structural theories of moral development. In most cases, the development and refinement of these measurements has been well documented, sufficient reliability and validity have been demonstrated, and applicability to multiple and diverse populations has been established. The measurements include the following (for the sake of simplicity an outline of the summary provided by the American Colleges and Universities website is presented verbatim in table form):

**Table 4. Outline of psychological instruments for assessing moral development**

Measurement	Details
Moral Judgment Interview (MJII),	A structured interview measurement that provides an assessment of subjects' development in stages one through five of Kohlberg's moral reasoning scheme.
Defining Issues Test (DIT)	The basic premises of the DIT are to present enough information on a moral dilemma to activate subjects' existing moral schemas.
Socio-moral Reflection Measure-Short Form (SRM-SF)	A paper-and-pencil, production-style measure that assesses the maturity of socio-moral reflection. Subjects' maturity level is measured by scoring their justifications for moral behaviours like promise-keeping, telling the truth, helping parents, saving a friend, and obeying the law.
Ethic of Care Interview (ECI)	A qualitative measure of subjects' positionality on Gilligan's developmental scheme and, as it involves a

Measurement	Details
	semi-structured interview, is a production-style instrument. First, subjects are asked to describe a real-life dilemma and their response to this dilemma. Then they are asked to respond to three hypothetical dilemmas: dealing with unplanned pregnancy, marital fidelity and care for a parent.
<b>Measure of Moral Orientation (MMO)</b>	A paper and-pencil instrument developed to measure strength of care and justice orientation.

There is also a Victim Empathy Response Assessment (VERA) (Young *et al.* 2008) that requires respondents to listen to staged, tape-recorded interviews presented as radio broadcasts. There are five interviews, each presenting a different female “victim” and a different event (assault, car accident, rape, house-fire and child sexual abuse). Cognitive and affective empathy are understood as distinct factors (understanding a victim’s emotions cognitively as opposed to sharing the emotional experience to some extent). The initial validation of the VERA suggests that it is a potentially useful instrument for assessing empathy problems and determining treatment intervention. The distinction between cognitive and affective empathy was noted in the discussion of individual and family risk factors in section 3.3.1.

The significance of the various dimensions of moral development is seen in work by Brugman (2003: 196), following Lind’s (2002) work, who argues that:

moral judgement competence should be measured by the Moral Judgement Test (MJT) and not by the Moral Judgement Interview (MJI, Colby & Kohlberg, 1987) or its derivatives, such as the Defining Issues Test (DIT, Rest, 1979) or the Socio-moral Reflection Measure (SRM-SF, Gibbs, Basinger & Fuller 1992). The MJT is the only measure that is based on the ability to appreciate counter moral arguments. This ability is crucial when it comes to participating in a democratic, pluralistic society.

These instruments are often for use by qualified professionals only, or require professional interpretation, limiting their accessibility, and making them more suitable for individual clinical work rather than broader educational work. Further, they are all based on either Kohlberg’s or Gilligan’s models (see section 2.1.4).

#### **4.1.2 Character Strengths and Virtues**

This section outlines very briefly the Handbook and Classification titled *Character Strengths and Virtues* (Peterson and Seligman, 2004), with reference to a verification study of the classification by Khumalo, Wissing and Temane (2008).

Peterson and Seligman (2004:3) set out to “make possible a science of human strengths that goes beyond armchair philosophy and political rhetoric, (believing) that good character can be cultivated, but to do so we need conceptual and empirical tools to draft and evaluate interventions”. The approach focuses on “what is right about people and specifically the strengths of character that make the good life possible”(4) in recognition of the limitations of the traditional pre-occupation on the part of psychology with what is wrong, as seen in the Diagnostic and Statistical Manual of Mental Disorders (DSM) sponsored by the American Psychiatric Association, and various other classifications (7).

Peterson and Seligman express the hope that this “new science of character addresses explicitly what is invigorating about the good life” (9), wishing to dispel any perception that pursuing and nurturing the virtues is a grim-faced affair. They also locate their work explicitly within the philosophical tradition concerned with morality and explained in terms of virtues and in what is currently known as “virtue ethics” (see section 2.1.5 above). From the perspective of social sciencepsychology,they regard it as more useful to “downplay prescriptions for the good life (moral laws) and instead emphasize the why and how of good character” (10).

The classification was developed by drawing on literature from fields as diverse as psychiatry, youth development, philosophy and psychology, collecting dozens of inventories of virtues and strengths from across cultures and traditions, and then framing criteria to use in defining character strengths, which are regarded as a balance between the concrete (themes) and the abstract (moral virtues) (16).

##### **4.1.2.1 Reasons why the virtues are important**

Virtue ethics has been criticized for not explaining clearly what we should do. Peterson and Seligman (88) quote Rachels (1999):

Why shouldn't a person lie, especially when there is some advantage to be gained from it? Plainly we need an answer that goes beyond the simple observation that doing so would be incompatible with

having a particular character trait; we need an explanation of why it is better to have this trait than its opposite.

This question bears a remarkable resemblance to the one posed by Hirschi (Rock: 13, see section 3.1.2 above) when he suggested that the key question in understanding crime was not “Why do they do it?” but “Why don’t we do it?”

Peterson and Seligman’s suggested answers to this question include reference to a theory of moral conduct, visions of the moral law (the philosophical approach) and the fact that acting in a particular way is a function of the relationship of traits to action and the melding of disparate traits into a singular self, which are the concerns of positive psychology (88).

The approach followed in the classification is in the spirit of personality psychology and specifically the trait theory, particularly the latterly developed view that recognises “individual differences that are stable and general but also shaped by the individual’s setting and thus capable of change” (10). In doing so, Peterson and Seligman recognize the dynamic that exists between the individual and the context in which that individual functions, and the fact that this is of crucial importance even as one focuses on strengths. They introduce the term ‘enabling conditions’ to refer to “education, vocational opportunity, a supportive and consistent family, safe neighbourhoods and schools, political stability, perhaps democracy, and the existence of mentors, role models and supportive peers” (11). They regard the focus on individuals and their traits as justified, as it is individuals who lead the “good life”. In their view, a sort of “radical environmentalism” that suggests that the good life is being imposed on a person is unwieldy. The centrality of choice and will becomes evident, as

quality life does not happen because the Ten Commandments hang on a classroom wall or because children are taught a mantra about just saying no...Character construed as positive traits allows us to acknowledge and explain (these) features of the good life. The good life is lived over time and across situations and an examination of the good life in terms of positive traits is demanded. Strengths of character provide the needed explanation for the stability and generality of a life well lived (12).

#### **4.1.2.2 Distinguishing between virtues, character strengths and situational themes**

Peterson and Seligman explain that philosophical approaches to character propose hierarchies among virtues to deal with the number of virtues that are listed, because they can be in conflict with one another. No one proposed system of hierarchy has found universal acceptance. Their approach in the classification also follows a hierarchical one, regarding virtues as the core characteristics valued by

moral philosophers and religious thinkers that emerged consistently across history and tradition, and which they argue are universal.

Character strengths are the psychological ingredients, the distinguishable routes to displaying one or another of the virtues (12).

Situational themes are the specific habits that lead people to manifest given character strengths in given situations (13 -14). Some work has been done to define these, particularly in the workplace (14).

**Table 5. The classification of the virtues and character strengths (29-30).**

<b>VIRTUE</b>	<b>CHARACTER STRENGTHS</b>
<b>WISDOM AND KNOWLEDGE</b> – cognitive strengths that entail the acquisition and use of knowledge.	<b>Creativity (originality, ingenuity):</b> Thinking of novel and productive ways to conceptualize and do things; includes artistic achievement, but is not limited to it.
	<b>Curiosity (interest, novelty-seeking, openness to experience):</b> Taking an interest in ongoing experience for its own sake; finding subjects and topics fascinating; exploring and discovering.
	<b>Open-mindedness (judgment, critical thinking):</b> Thinking things through and examining them from all angles; not jumping to conclusions, being able to change one's mind in light of evidence; weighing all evidence fairly.
	<b>Love of learning:</b> Mastering new skills, topics, and bodies of knowledge, whether on one's own or formally; obviously related to the strength of curiosity but goes beyond it to describe the tendency to add systematically to what one knows.
	<b>Perspective (wisdom):</b> Being able to provide wise counsel to others; having ways of looking at the world that make sense to oneself and to other people.
<b>COURAGE</b> – emotional strengths that involve the exercise of will to accomplish goals in the face of opposition, external or internal.	<b>Bravery (valour):</b> Not shrinking from threat, challenge, difficulty, or pain; speaking up for what is right, even when there is opposition; acting on convictions, even if unpopular; includes physical bravery but is not limited to it.

VIRTUE	CHARACTER STRENGTHS
	<p><b>Persistence (perseverance, industriousness):</b> Finishing what one starts; persisting in a course of action in spite of obstacles; ‘getting it out the door’; taking pleasure in completing tasks.</p> <p><b>Integrity (authenticity, honesty):</b> Speaking the truth but more broadly presenting oneself in a genuine way and acting in a sincere way; being without pretence; taking responsibility for one’s feeling and actions.</p> <p><b>Vitality (zest, enthusiasm, vigour, energy):</b> Approaching life with excitement and energy; not doing things halfway or half-heartedly; living life as an adventure, feeling alive and activated.</p>
<p><b>HUMANITY</b> – interpersonal strengths that involve tending to and befriending others.</p>	<p><b>Love:</b> Valuing close relations with others, in particular those in which sharing and caring are reciprocated; being close to others.</p> <p><b>Kindness (generosity, nurturance, care, compassion, altruistic love, “niceness”):</b> Doing favours and good deeds for others; helping them; taking care of them.</p> <p><b>Social intelligence (emotional intelligence, personal intelligence):</b> Being aware of the motives and feelings of other people and oneself; knowing how to fit into different social situations; knowing what makes other people ‘tick’.</p>
<p><b>JUSTICE</b> – civic strengths that underlie community life</p>	<p><b>Citizenship (social responsibility, loyalty, teamwork):</b> Working well as a member of a group or team; being loyal to the group; doing one’s share.</p>
	<p><b>Fairness:</b> Treating all people the same according to notions of fairness and justice; not letting personal feelings bias decisions about others; giving everyone a fair chance.</p>
	<p><b>Leadership:</b> Encouraging a group of which one is a member to get things done, at the same time maintaining good relations within the group; organising group activities and seeing that they happen.</p>
<p><b>TEMPERANCE</b> – strengths that protect against excess.</p>	<p><b>Forgiveness and mercy:</b> Forgiving those who have done wrong; accepting the shortcomings of others; giving people a</p>



VIRTUE	CHARACTER STRENGTHS
	second chance; not being vengeful.
	<b>Humility / Modesty:</b> Letting one's accomplishments speak for themselves; not regarding oneself as more special than one is.
	<b>Prudence:</b> Being careful about one's choices; not taking undue risks; not saying or doing things that might later be regretted.
	<b>Self-regulation (self-control):</b> Regulating what one feels and does; being disciplined; controlling one's appetites and emotions.
<b>TRANSCENDENCE</b> – strengths that forge connections with the larger universe and provide meaning.	<b>Appreciation of beauty and excellence (awe, wonder, elevation):</b> Noticing and appreciating beauty, excellence, and/or skilled performance in various domains of life, from nature to art to mathematics to science to everyday experience.
	<b>Gratitude:</b> Being aware of and thankful for the good things that happen; taking time to express thanks.
	<b>Hope (optimism, future-mindedness, future orientation):</b> Expecting the best in the future and working to achieve it; believing that a good future is something that can be brought about.
	<b>Humour (playfulness):</b> Liking to laugh and tease; bringing smiles to other people; seeing the light side; making (not necessarily telling) jokes.
	<b>Spirituality (religiousness, faith, purpose):</b> Having coherent beliefs about the higher purpose of the universe; knowing where one fits into the wider scheme; having beliefs about the meaning of life that shape conduct and provide comfort.

According to the Values in Action website (<https://www.viacharacter.org/surveys.aspx>), a new “VIA Survey-120” has been developed by Peterson as a revised version of the original. The survey is described as a 240-item, scientifically validated, questionnaire that provides a rank order of an adult’s 24 character strengths. The new revised version takes approximately 15 minutes to complete and descriptive results reports are available for both individuals and professionals. The VIA Survey is offered in 18 languages. It

is the only survey of strengths in the world that is free, online, and psychometrically valid. Khumalo, Wissing and Temane (2008) have tested the scale among African undergraduate students at the North-West University and found that it has acceptable reliability in an African context, with reliability coefficients found to be in line with other studies reported in mainly Western samples for 19 of the 24 strengths.

Despite these positive conclusions, Wikipedia reports some studies that challenge the validity of this six-factor structure (Shryack, Steger, Krueger & Kallie 2010; Singh & Choubisa 2010), but concludes that “the VIA-IS provides a useful tool by which positive psychologists can operationalize character, strengths and virtues” ([http://en.wikipedia.org/wiki/Values\\_in\\_Action\\_Inventory\\_of\\_Strengths](http://en.wikipedia.org/wiki/Values_in_Action_Inventory_of_Strengths)). No other scholarly reviews of the inventory could be found online and it appears to be disregarded by the Stanford *Encyclopedia of Philosophy*. In contrast with the tools referred to in section 4.1.1, the inventory has the advantage that it is very easily accessible, does not need professional interpretation, and uses everyday language, making it a promising tool for use in moral education in everyday settings.

#### **4.2 Moral ecology and moral capital**

This section will outline the tools developed by Swartz (2010), which she locates explicitly in the field of sociology. These tools have been developed from an empirical study of 37 young people between the ages of 14 and 20 in the township of Langa in the Western Cape over a 16-month period. The study

provides an account of the moral lives of vulnerable young people from within the context of partial-parenting, partial-schooling, pervasive poverty and inequality in the aftermath of the moral injustices of Apartheid. It shows how these young people exhibit conventional values in some areas (substance use, violence, crime), contested values in others (money and sex), as well as postmodern values, especially regarding authority and self-authorisation. The study identifies young people’s social representations of morality as action (what you do), as embodied (who you are and who others are to you) and as located or inevitable (where you are, i.e., in school, at home, off the streets or simply in ikasi (*the local expression for a township*)). Despite self-identifying much of their behaviour as ‘wrong’, young people located themselves as overwhelmingly ‘good’, while making it clear that they hold themselves solely responsible for their ‘bad’ behaviour. In this sociological reflection, I focus on around 80% of these youth, those who comprise two of the four subcultures of township youth, avoiding the two extremes of those who are sheltered and those who are convicted and hardened criminals (2010:309).

#### 4.2.1 Lived morality—a social or moral ecology

Swartz's approach is rooted in the framework of social ecology, particularly the ecology of human development expounded by Bronfenbrenner (1979, 1986, and 1992) and which he describes as

the scientific study of the progressive, mutual accommodation, *throughout the life course*, between an active, growing human being, and the changing properties of the immediate settings in which the developing person lives, as this process is affected by the relations between these settings, and by the larger contexts in which the settings are embedded. (Swartz 2010: 309 emphasis in original quotation from Bronfenbrenner).

Bronfenbrenner describes five systems at different levels:

- The microsystem, referring to the contexts of work, home and school;
- The mesosystem that recognizes the interrelationships between microsystems;
- The exosystem, referring to relevant institutions and practices;
- The macrosystem, referring to social and cultural contexts;
- The chronosystem, recognising change over time.

Swartz has added what she calls “the endosystem—analogous with the intrapsychic components of human (and moral) development of which we usually speak, to the neglect of socio-cultural contexts”

(310). Schwartz presents this framework graphically as follows:

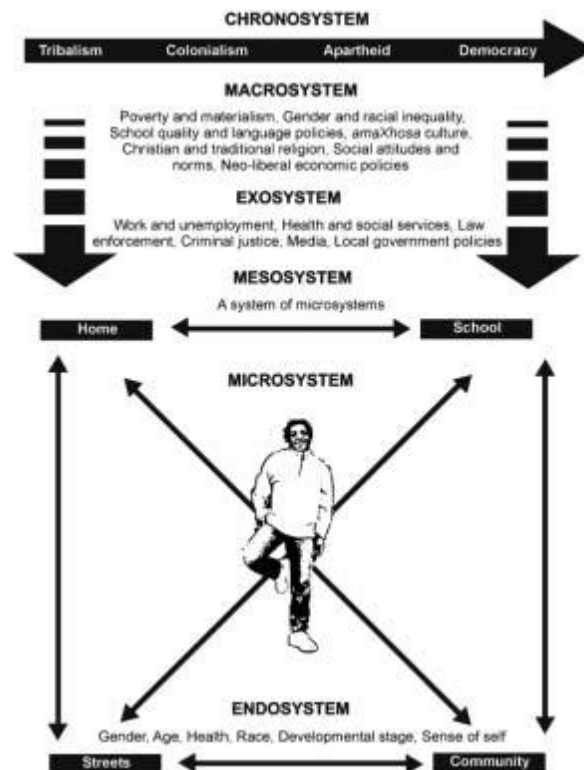


Table 6. Bronfenbrenner's ecological systems theory applied to the moral lives of South Africa's township youth.

Swartz (312) emphasizes that Bronfenbrenner's theory highlights the importance of the multiple, complex and interconnected contexts in which young people construct morality and challenges us to move beyond the confines of individual choice, immediate influence and cognitive development to recognise broader socio-cultural forces. The theory also offers a meaningful way of talking about moral growth as a sum of contexts, moral knowledge, contradictions of right and wrong and the discordant process of moral decision-making. There are competing antinomies ("on the one hand there are positive facets to the phenomenon being described, while on the other there is a related negative or constraining feature. So, for example, education is lauded and sought after, but teachers are often abusive and young people frequently truant") (314). "What is also startlingly clear is that the moral life of young people living in a context of poverty is neither linear and ordered, nor is their moral development directly related to physical maturation, as is often depicted in existing moral development literature focused on youth living in the Global North (Kohlberg *et al.* 1983; Damon 1984:314)".

While Peterson and Seligman (2004:11, see section 3.2.3 above) emphasize individuals and their traits but recognise the role that settings and contexts play, Schwartz emphasizes precisely the role that these contexts play, but recognising the choices that individuals make within them. This ecological lens shows the complex interrelation between an individual's moral reasoning ability, personal responsibility for action and the context of poverty. Her study revealed that "young people living in poverty lack not so much the ability to engage in high order levels of cognitive reflection, but the opportunity and resources to do so" (314-315). This is because of physical and emotional manifestations of poverty, the extremely limited access to mental health (confirmed by Shisana *et al.* 2013:35-36 in the South African National Health and Nutrition Examination Survey) and substance abuse treatment services, and the poor supportive environment generally displayed through poor education, associated structures and poor role-models.

#### **4.2.2 Moral capital**

Swartz (316-323) refers to the work by Bourdieu (1997), which distinguishes between economic, cultural and social capital and in which he concludes that ultimately all capital is economic. Swartz shows in her study how the idea of "being good" increased the chances of young people to complete their education and access a job, thereby producing economic capital. She also shows that "being good" can therefore

be viewed as an instrumental good. From this process she coins the term “moral capital”, which she describes as

those qualities, capacities, intelligences, strategies, and dispositions that young people acquire, possess, and can ‘grow’ in the pursuit of moral maturity, and where moral maturity (with its goal of ‘being a good person’) is related to educational, career, and financial success. Moral capital consists of accruing a record of moral stance, enactment, and reputation. It can be possessed, enlarged, increased, invested in, lost, gained, and transferred. It is recognised by others, creating advantages, and comprises a combination of personal, social, relational, institutional, and structural features that ultimately convey (economic) benefit to those who possess it (317).

Swartz concludes that

Poor youth depend on turning moral capital into economic capital. They therefore embrace, rather than resist, ‘goodness’ or conformity, contrary to existing sociological literature on resistance (Willis, 1981; Giroux, 1983; Hall & Jefferson, 1993; Bourdieu, 1998). In addition, these poor youth recognise the elements that will help them, to become ‘good’ people. They realise the payback that comes if you are seen by others, especially potential employers or life partners, as a good, honest, hardworking, trustworthy person. Conversely they know what prospects await those who are viewed as serial transgressors—‘no future for you’ (317).

#### **4.2.2.1 The “capital” needed to be “good”**

Schwartz’s study led her to suggest four main features of moral capital, each with constituent components, which she has summarized and which can be presented graphically as follows (318):

**Table 7. Summary of the main features of moral capital.**

	FEATURES	COMPONENTS	SYSTEM	EXPLANATION
<b>MORAL CAPITAL</b>	<b>Connection</b>	Coaching relationships	<b>SOCIAL</b>	The young people in the study expressed an overt hunger for adult involvement (family members, older friends and neighbours) in their lives. Caring relationships with family members, friends and romantic partners provided them with the motivation to make sacrificial moral choices. Being known in the community served as a deterrent to doing wrong.
		Caring about others		
		Being known in the community		

	FEATURES	COMPONENTS	SYSTEM	EXPLANATION
	<b>Reflective Practice</b>	Entertaining reform	PERSONAL	Swartz concluded that young people need “the opportunity and encouragement to reflect on moral decisions in a systematic way, prior to acting, and then guidance to act in keeping with these beliefs” (319). Her study showed clear evidence of an awareness of moral rules, even if these would not be regarded as being in accordance with more universal values. Significant moments in their lives (e.g. the death of a parent, becoming pregnant) were often turning points that provided motivation for striving to change behaviour.
		Thinking before acting		
		Distinguishing right from wrong		
	<b>Agency</b>	Positive strategies		The majority of the young people in the study articulated a clear sense of personal responsibility for their behaviour. Some of them had developed positive strategies to avoid being drawn into wrong behaviour, and many took explicit action to protect their reputations.
		Personal responsibility		
		Caring about self		
		Character aspirations		

	FEATURES	COMPONENTS	SYSTEM	EXPLANATION
	<b>Enabling environment</b>	Attainable future	INSTITUTIONAL	While the role of an enabling environment was not well articulated by the young people in Swartz's study, she argues that these components are required in addition to the features of relational connection, reflective practice and personal agency, even though their existence will not automatically assure moral development. The listed components refer to the availability of employment, the significance of good education, recognising the enormous impact of the reality of poverty and survival and understanding that these require mental health intervention rather than to be regarded as character defects.
		Formative education		
		Sequelae of poverty		
		Survival needs		

Swartz (322-323) suggests that the concept of moral capital is useful for a number of reasons:

- It helps distinguish between factors and issues that are often thrown together;
- It creates awareness of the issues of power and social exclusion as a counterpoint to prevailing thinking of blaming evident in "moral panics" and "moral deficits";
- It helps shift the focus from what is wrong with young people to some of their positive aspects (their disposition to moral goodness) and an awareness of the impact of the environment;



- The significance of a disabling environment points to the limitations of an exclusive focus on the personal elements of developing cognitive skills and promoting virtue, which can be expanded to include strategies for addressing the social and institutional dimensions mentioned as well as the other features of moral capital of relational connection, personal agency and reflective practice;
- Moral action should be viewed together with other components of moral knowledge, moral identity and desire for moral education.

The very fact that Swartz's framework is rooted in an empirical South African study, that it shifts focus and opens up the concept of moral development from an emphasis on personal to social and institutional factors and that these are not difficult to engage with suggests that it has considerable potential for future use.

### **4.3 Restorative practices and processes**

This section will draw mainly on the approach developed by Schweigert (1999a, 1999b, 2000, 2002a, and 2002b). In these writings Schweigert has developed in great detail the moral educational dimensions of restorative justice processes for individuals, groups and communities, something usually not recognised.

#### **4.3.1 The approach of restorative justice**

South Africa's National Policy Framework for Restorative Justice (NPFRJ) defines restorative justice as:

An approach to justice that aims to involve the parties to a dispute and others affected by the harm (victims, offenders, families concerned and community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution, and taking measures to prevent a recurrence of the incident and promoting reconciliation; this may be applied at any appropriate stage after the incident. The respective traditions and customs of the parties should be acknowledged. (2013:9)

The framework follows a broad approach, seeking to connect criminal justice, civil law, family law and African traditional justice under the term. It uses the terms "restorative approaches" to include initiatives such as non-custodial sentencing, "restorative practices" to refer to conflict-resolution processes and restorative processes, and "interventions that contain restorative elements" to refer to behavioural and cognitive change interventions.

Schweigert (2002a: 20-37) outlines a number of sources and practices that have contributed to the development and current understanding of restorative justice.

The first of these is the stream of mediation and non-violent conflict resolution, which are particularly evident in restorative practices, as the term is used in the NPFRJ. Both conflict resolution processes and restorative processes follow the same basic stages, even though a number of different approaches may be taken (Schweigert 1999a: 171):

- The facilitator opens the session, explaining the process and rules;
- Both parties describe the incident from their point of view;
- With the help of the facilitator, the parties identify the various issues and interests that underlie their dispute
- Ways of resolving the dispute are explored;
- The terms of an agreement are spelled out;
- The facilitator closes the session, confirming the agreement and the next steps that will be taken.

The second stream is the rediscovery of restitution. Schweigert(2002a: 19-37) quotes various sources that show that restitution is an ancient Greek and Roman practice, referred to as “rectifactory justice” by Aristotle in *Nichomachean Ethics* (Book v). Restitution is regarded as being broader than the honouring of a financial obligation, as well as being more creative than the idea of reparation. Four key notions are embedded in the understanding of “creative restitution”:

- Constructive sanction – the action is non-punitive and the offender has to give something of him/herself;
- The situation should be left better than before the offence – beyond the requirement of a court or the expectation of friends and family;
- The sanction is “self-determined”, but with the help of a skilful guide;
- The sanction can be carried out by a group, involving others in similar situations.

Schweigert emphasizes that the human dignity of offenders is affirmed when they are included and valued as members and contributors to the social whole, when they are treated as assets rather than as threats (2002a: 22).

The third stream incorporates the movements around community justice, development and empowerment, the ideas of improving access to dispute resolution services, transforming society by establishing a basis for justice in the community rather than in the state, and empowering individuals through growth and development rather than merely punishing them. These ideas have resonated with other ideas in criminology that interpersonal and community conflicts are valuable resources, as they provide opportunities for the clarification of norms and moral development; these conflicts should thus not be delegated to professionals to resolve but should involve parties and communities to the fullest possible extent. Further resonance can be seen in the traditional conflict resolution and justice practices of indigenous peoples in Africa, North America, Australia and New Zealand. Key features of indigenous justice are the centrality of local leadership in informal settings, the purpose of justice is regarded as addressing the harm done, and local customs and traditions are regarded as the source of its authority.

The fourth stream is a fresh understanding of Biblical justice. This understanding is rooted in the vision of *shalom*, a dynamic peace of the community, a state of “all-rightness” that God intends, embodying wholeness and right relationships of human flourishing where justice is love and love is justice (30). This vision moves beyond the most often recognised dimension of retribution, to an understanding that Biblical justice includes two further strands of reparation and redemption, so that “the just act always creates something new. Justice is an intervention in the dynamics of injustice which set the welfare of one or some against the welfare of others, redeeming those trapped or harmed by this kind of warfare, giving them a new possibility for wellbeing” (30).

Schweigert regards the fact that restorative practices explicitly bring the context of crime and justice into the adjudication (something that is not done in conventional justice) as one of its strengths (2002a: 32). It does this by restoring harm in a way that “contributes to the restoration of harmony and wholeness in the wider circle of relationships in family, community and society...extend(ing) beyond the immediate situation of two individuals in conflict to address imbalances within families, communities and society as a whole” (32). In doing so, it addresses dimensions of distributive justice, substantive justice and procedural justice. For this reason, restorative justice and practices are an example of what Aristotle refers to as “complete justice, that which embodies the exercise of all the virtues of the just man (whose) practical wisdom is able to recognise the correct proportion and act on it”... “The aim is not merely rightness but goodness, not merely getting the penalty right but progressing toward the common good. It is thus a form of communal moral discipline, characterized by the unity of means and

ends – the universal mark of spiritual and moral disciplines” (33). Restorative practices incorporate the ideals of the classical deliberating community whose actions must embody the “civic virtues of mutual respect, toleration of different views, dialog in the pursuit of truth and a desire for the common good” (34).

#### **4.3.2 The moral educational aims of criminal justice**

Schweigert (1999b: 29) regards an incident of crime as a failure in moral learning on the part of the offender, his/her community and possibly the surrounding society, but maintains that this presents an opportunity for moral learning. This opportunity is lost if punishment is understood only as expelling an evil from the community. However, a number of educational aims can also be identified in conventional criminal justice responses: “correcting the offender, restoring social order and security, repairing harm to the victim, re-affirming moral values and reminding all observers of the public will” (1999b: 29).

Proceeding from the basis that “moral learning is a natural and continuous social process and moral education is a consciously structured process to intervene in and to strengthen this natural learning process” (1999a: 174 and 1999b: 31), Schweigert draws on Hampton (1995) to articulate the assumptions supporting the view that conventional criminal justice and punishment have educative aims (1999b: 31):

- They entail a judgement of moral wrongdoing;
- They entail a belief in human freedom;
- The punishment is intended to benefit the offender directly and is not only about demonstrating the power of the state to enforce the law;
- Crime is not viewed as an illness that needs to be treated or a handicap that requires rehabilitation;
- The criminal justice system seeks to communicate moral truth in the face of wrongdoing, including the denunciation of the offender’s wrongdoing and culpability and a declaration of the innocence of the victim.

Together, these assumptions reflect the view of an individual as a social and moral person, accountable at once to a particular community and to an understanding of right and wrong and therefore educable and capable of choice.

These assumptions operate even more explicitly in restorative justice and restorative practices (1999b: 31-32):

- A restorative practice confronts the offender not only with law-breaking but also with the wrongfulness of his/her actions.
- A restorative practice draws on the moral authority of the state, through mechanisms such as universal values, the Constitution, and public representatives. It also draws on the authority of the family and local community and the values rooted in familial, cultural and religious traditions. A restorative practice is thus regarded as a public space in which communal values can be expressed, but it does not guarantee that they will be incorporated into the outcome. This is because they are subjected to the test of their alignment with universal values. Schweigert sees two movements in a restorative practice in this regard:
  - raising consciousness of the moral values underlying democratic society;
  - reinforcing and testing the substantive moral values in families and communities (1999b: 32).
- The offender is confronted as one who has freedom of will and the ability to make better moral choices in the future.
- The sanctions that are developed and agreed on will typically be more constructive for the offender than those imposed by a conventional justice process.
- The process is oriented towards learning rather than rehabilitation, emphasizing active empowerment and choice over passive treatment.
- The concern is not only with the moral wellbeing of the individual offender, but also with that of victim and the broader community.

Restorative practices thus present the whole community with a learning opportunity, in that everyone affected by the crime incident has an opportunity of learning ways of interacting that will reinforce positive behaviour and attitudes and reduce harmful behaviour. “Ultimately the educative aim of criminal justice is to achieve more resilient and peaceful communities” (1999b: 33).

Schweigert (1999b: 33- 39) notes four basic methods of moral education:

- Behaviourism, using a carefully calibrated system of rewards and punishments, incentives and disincentives;
- Values clarification, which distinguishes moral instruction that takes place in the private institutions of the home and churches from values clarification that occurs in more public

institutions such as schools. Some educators regard this approach as encouraging moral relativism, although Schweigert does not think this is justified;

- Cognitive development, which emphasizes the structure of moral thinking rather than the content of moral rules;
- Character education focusing on growth in the practice of virtue rather than increasing universality in moral thinking.

To recognise the dynamics of these methods, one needs to understand some of the dimensions of criminal justice. Schweigert points out that the criminal justice system is different from other aspects of social order in that it is determined to impose its will on individuals. In the context of recognising both human freedom and the need for social order, punishment and pain can be understood as the declaration of a boundary, a limit of toleration beyond which the failure to learn will not be allowed. However, imposing punishment and pain carries with it a risk: it can provoke either further alienation or a greater desire for inclusion. In this light, moral education at the point of the boundary takes on urgency, calling for the proper exercise of human freedom lest the offender be lost to the group.

As has also been noted above in section 2.3, the criminal justice system tends to rely heavily on behaviourism to accomplish its purposes, despite the risk that this carries, and it has been shown to be highly ineffective. For example, Terblanche (2007: 17) has concluded:

Researchers have for decades attempted to establish the deterrent effect of sentences and, in particular, the added deterrent effect of more severe sentences. On the whole they have been unable to do so. Admittedly, the mere existence of a criminal justice system and the fact that a successful prosecution will probably result in some kind of punishment has a deterrent effect. However, the precise deterrent effect of different sentences has proved to be indeterminable and likewise for the extent of the particular sentence chosen.

In contrast, research on restorative practices

has consistently revealed that they reduce recidivism more than imprisonment (for adults) or to the same extent as imprisonment (for youths). Restorative justice has been found to have reduced crime victims' post-traumatic stress symptoms and related costs, and reduced their desire for violent revenge against their offenders. It also provided both victims and offenders with more satisfaction with justice than the criminal justice system, in addition to providing tangible restitution (Herman & Strang 2007 in Skelton & Batley 2008: 40).

Schweigert explains how all four methods of moral education are evident in restorative practices. While punishment lies at the extremes of behaviourism and would typically be threatened but not imposed, there are a number of other disincentives and incentives that are evident, such as shame and the opportunity of redeeming oneself, guilt and positive engagement, confrontation with harm done and empowerment in problem solving. Values are clarified when the moral convictions of individuals and the moral assumptions underlying public institutions are articulated. "Moral learning occurs when the demand to express these values in public brings clarity to the values, especially when participants must also integrate their personal convictions with societal expectations" (1999b: 35). As was noted in section 2.6.3, one of the central tenets of the cognitive-behavioural approach is that moral development is stimulated by wrestling with moral problems, resulting in a natural but not automatic progress towards higher levels of thinking. This is exactly the kind of moral dialogue that occurs in restorative practices.

As was pointed out in section 4.3.1, Schweigert (1999b: 36-38) regards restorative practices as an exercise in "complete justice", character education and nurturing virtue, in the tradition of Aristotle, who held that the only way to learn virtue is to practise it. Schweigert explains that nurturing a sense of belonging in a moral community is crucial to growth in virtue, as virtue does not belong to an individual but can only exist and be passed on in the life of a community; virtues are also rooted in activity and develop over a whole life time. Schweigert goes on to quote McIntyre's characteristics of activities that nurture virtue: they are complex, have standards of excellence, and are valued for both their internal and external goods (1999b: 37). Restorative practices reflect all these characteristics in that they are dealing with real life complexities, they are guided by clear principles and criteria of excellence, they call forth qualities of character (most notably practical wisdom) from the participants to address the problems (internal goods), and they produce tangible outcomes for the participants (external goods).

In understanding restorative practices in the light of moral education methods and dynamics, in maximising the teachable moment that arises at the boundary that the criminal justice system imposes, it is clear that restorative practices expand the educative potential of the criminal justice system beyond what punishment is able to achieve.

### 4.3.3 Learning the common good

Sections 4.3.1 and 4.3.2 show that restorative practices are an exercise in virtue, “not merely rightness but goodness – not merely getting the penalty right but progressing toward the common good.” (Schweigert 1999b: 33). In fact, Schweigert goes so far as to say that “the ultimate ground for restorative justice is a sense of the common good” (1999b: 34). In contrast, the moral problem at stake here is a “loss of a sense of the common good” (1999a: 163). It is thus important to explore in more depth the nature of the common good and how this can be learned in modern diverse society.

Schweigert (1999a: 164) quotes Bellah’s (1985) study of America that identifies two aspects of modern life that obscure the sense of the common good. The first is a history of social disintegration arising from industrialisation, urbanisation and a loss of social cohesion in families and social networks. The second is the rise of the philosophy of individualism, which is regarded as potentially undermining civic commitment. Bellah’s study regards this reality of social disintegration and the contradictory messages contained in the tension between individualism and civic duty as two key elements that must be addressed in any effort to strengthen a sense of the common good. While America and South Africa are obviously very different, and this analysis cannot be imported into the South African context, it is submitted that the well-documented issues of poverty, unemployment, inequality and low levels of social cohesion arising from industrialisation and urbanisation and the particular histories of both countries provide sufficient similarities to use this analysis as a significant point of reference.

Schweigert (1999a: 164-165) draws on Naroll (1983, already referred to in section 2.1.2), Bronfenbrenner (1996) and Benson (1997) to outline three dimensions of social disintegration: the breakdown of moralnets, particularly the band, the weakening of family life and the absence of developmental assets. These assets include elements such as support, boundaries, structured time use, positive values and social competencies.

Regarding the tensions between individualism and civic duty, Schweigert (1999a: 166-167) explains the distinctions between the civic virtue tradition (developed by Rousseau) and the civil society tradition (developed by Locke), already referred to in section 1. While these two “traditions are interwoven in practice, the central ideas of each can be distinguished as ‘different attitudes towards the social good... different definitions of virtue...different conceptions of the moral order...different conceptions of



solidarity” (Seligman in Schweigert 1999a: 166). Schweigert regards these two streams as impacting on the conscience of an individual in contrasting and contradictory ways. It is submitted that this dynamic is even more marked in South Africa, with the tension that exists between the traditional African communitarian stream and the civil society stream embodied in the 1995 Constitution and the culture of human rights that it seeks to nurture.

Schweigert’s point is that both social disintegration and contradictory moral imperatives must be addressed in transforming a situation of conflict into a setting for moral learning, including learning the common good. Restorative practices address social disorganization by focusing on the incident of crime or conflict, convening a community to respond to the wrongdoing and empowering that community to cooperate in generating a solution. Contradictory moral imperatives are addressed by combining elements of both a liberal insistence on individual freedom and equal participation with a communitarian preference for locally defined moral expectations and reparation (1999a: 173).

This understanding of restorative practices and the foundation that “moral learning is a natural and continuous social process and moral education is a consciously structured process to intervene in and to strengthen this natural learning process” (1999a: 174 and 1999b: 31), suggests important social and philosophical foundations for community-based moral education. Schweigert proposes three principles to guide this practice.

Firstly, **bringing together** the moral authority in **personal communal traditions** and the moral authority in **interpersonal universal norms** recognizes that these sources of authority are complementary. Using an existing or specially constituted community as the mode of intervention recognizes the point made in moralnet theory that the band, rather than the family unit alone, is the site where interventions are most effective. The family unit is regarded as too small to carry and transmit the moral code, which is carried in what Naroll (in Schweigert 2000:75) calls the moralnet. He defines this as “the largest primary group that serves a given person as a normative reference group”. In various societies this could be “a foraging band, a village, a military unit, or a religious congregation”. Drawing together all individuals and representatives of groups who have an interest in resolving an incident of crime or violence is thus a particular constitution of the band relevant to the individuals involved. Schweigert (2002:35) refers to this particular constitution as “community –in-action”. The authority of these two sources is called upon by the recognition that crime is both a personal injury, part of interpersonal conflict, as well as a

violation of the laws of the state acting as custodian of the moral authority residing in universal norms. This authority of the constituted community is further strengthened by the voluntary, free and equal participation of participants, the fact that decision-making is largely consensual, and the actions of respectfully supporting both those who have been harmed and the perpetrators (Schweigert 1999a: 176).

Secondly, the most effective way of engaging this complementarity between the two sets of norms is when restorative practices **focus** on what Schweigert calls the “**space between spaces**”. This refers to focusing not on individuals, families or institutions, but on the space where these social bodies intersect. He regards the locus of moral education as the intersection between multiple levels of social experience. In convening a moralnet in this way, restorative practices aim to improve the quality of interactions between the various levels of relationships and to effect lasting change in the way they relate to one another. The social space that a restorative practice creates also introduces participants to new roles and creates opportunities for new levels of competence in existing roles for members. This means, for example, that “at times classroom conflicts will be dealt with in a space between the classroom and the whole school, and school conflicts in a space convened between the school and the surrounding community – not arbitrarily, but because in both cases the larger social group has a direct stake in the conflict and the outcome” (1999a: 176-177).

Thirdly, **restorative practices pursue the moral development of the whole community**, rather than individual moral development only, not in any way minimizing individual development, but building on it to accomplish broader aims. This understanding of community moral development highlights four characteristics. The first is the consistency of means and ends – participants in a restorative practice are introduced to a new way of thinking about crime and justice through the process itself. Secondly, collaboration is essential for the success of a restorative practice – for example, a variety of stakeholders need to collaborate in confronting, controlling and monitoring offenders. Thirdly, the free space for open discussion, problem-solving and social critique is at the heart of the restorative process as the catalyst for transformation. Fourthly, the use of a restorative practice in responding to an incident of crime or violence sets up new patterns of horizontal cooperation and trust that have the potential to expand into other areas of social and political life.

This understanding of restorative practices and their vision for community-based moral education can further be understood as an expression of the principles of solidarity and subsidiarity. Schweigert (2002: 33) defines solidarity as “shared membership characterized by mutual care and mutual respect, that is, a sense of belonging enriched by a commitment to human dignity. Subsidiarity is understood as a guide for social action, directing decision-making to the local level that is most effective, with particular respect for the power of local and communal levels of society”. The application of solidarity is seen in how restorative practices nurture trust and compassion and a foundation for generalized reciprocity. This takes on particular potency when applied in the context of crime or violence, that is, when the possibility of the revocation of membership of the community due to the violation of trust is a possibility. However, as all members will violate this trust in some way at some stage of their lives, community is only possible if its members pledge loyalty to doing good beyond what normal reciprocity requires. In this way, a restorative practice not only draws on community as a resource, but it also heals and creates community afresh, affording unearned or restored membership when the terms have been breached. Subsidiarity functions as a limiting principle in that it limits the power of the state, creating the opportunity for the state to share, to delegate its power to the local community to deal with a particular matter. In this way it also functions as a linking principle, recognizing the interpenetration of the various levels of subsystems, drawing on resources from all these levels, and enabling local decision-makers to exercise power on behalf of and for the building up of family, community and the broader society. Restorative practices thus create a social space in which relations of care and accountability are nurtured in an interwoven way in response to human needs and are placed at the centre of concerns for justice and sustainable development (Schweigert 2002: 41, 43).

#### **4.3.4 Implementation of restorative justice as community-based moral education**

Zehr (2005:2), one of the pioneering writers in the restorative justice movement, has warned of the dangers of programmes succumbing to pressures from the criminal justice system and wider society, thereby losing their identity and integrity. Vaes, writing in the Canadian context, found limited articulation of restorative justice values, and no evaluations of programmes probing the presence of these values (2002: 52). The movement does not appear to have well-developed tools to ensure that practice stays true to its values and ideals in a general way. However, Henkeman (2012) has made recommendations regarding the training of restorative justice facilitators to ensure understanding of the connection between structural and direct violence so that they are able to “render structural violence

visible through the cases they mediate” (246). Sharpe (2011: 21) has also developed guidelines to assist the translation into action of the principles practitioners find meaningful in the restorative justice literature or in guidelines or codes of ethics.

In a more specific way, the perspective of restorative justice as community-based moral education outlined above is certainly neither well known nor integrated into the movement. Most facilitators of restorative practices are likely to follow some version of an interest-based mediation model outlined in section 4.3.1 above, where identifying issues, interests and possibly values at stake are discussed. This recognition of values as relevant is probably as far as most facilitators go, particularly if they come from a mediation background. This being the case, they would tend to view the matter to a great extent as being a private one between two parties, and would not have much conception of the issues of the common good at stake. Schweigert (1999a: 179 -180) regards the distinctive expertise of moral educators (in this case the facilitators in restorative practices) as “the organisation of social space to facilitate learning”, the ability “to recognise and then organise our society’s most potent opportunities for moral learning – that is, to see conflict and wrongdoing as opportunities for engagement rather than as occasions for exclusion. This is the art of ecological cultivation” (1999a: 179). In view of this, it would seem that the expertise required of restorative practice facilitators, in addition to the obvious ones of understanding the concepts and values of restorative justice and learning communication, facilitation and mediation skills, would need to include an understanding of the educative aims of the criminal justice system, the educative dynamics of restorative practices, and the dynamics of these practices as community-based moral education. It does not seem as though Schweigert or other writers have addressed these areas at the level of developing expertise for facilitators, so the potential of utilizing restorative justice practices for individual and community-based moral education is largely untapped.

#### **4.4 Character Matters**

This section describes the approach developed by Lickona (2004), who directs The Center for the Fourth and Fifth Rs in New York, USA. The fourth and fifth Rs refer to respect and responsibility, building on the traditional three Rs of reading, writing and arithmetic, while the Center is described by Browning and Read (2004: 141) as one of the central character education resource centres in the USA. Apart from the fact that this approach is a very definite example of character formation and education (see section 2.1.1 above) and virtue ethics (section 2.1.5), it also supports the recommendation by the Centre for

Justice and Crime Prevention study that intervention strategies should not focus on schools in isolation, but should be connected to the community in which they are located (Burton & Leoschut 2013: xiv).

#### **4.4.1 Why character matters**

Lickona (2004: xxi -30) lays out the points of departure regarding the importance of good character and locates the strength of the character education movement in North America and elsewhere in a historical context. He is quite clear that “disturbing behaviour” like greed, violence and corruption have in common an absence of good character, and that addressing this absence goes to the root of this behaviour and is “the best hope of improvement” (xxiii).

Within this view, character is not an individual affair or a function of intellect: Lickona quotes Cicero, saying that “within the character of the citizen lies the welfare of the nation”, and Waldo Emerson’s statement that “character is higher than intellect” (4). Nurturing good character is the responsibility of families, schools, faith communities, youth organizations, business, government and the media, and strong partnerships across these boundaries are evident in national advocacy groups such as Character Education Partnership (see [www.character.org](http://www.character.org)) and the Character Counts! Coalition ([www.charactercounts.org](http://www.charactercounts.org)) in the USA. While it clearly draws from the field of psychology, this movement appears to fall primarily within the philosophical tradition.

Lickona stresses that character education is not a new idea; throughout history, it has been regarded as essential to be of good character as part of being educated and part of “being good”, a sentiment captured by Martin Luther King in his famous “I have a dream speech” when he dreamed of a day when all Americans “will be judged not by the color of their skin but by the content of their character” (7). The content of character is virtue and character education is the intentional effort to cultivate virtue; not any virtue, but specific virtues that are affirmed by religions and societies nearly universally. Virtues are intrinsically good, and transcend time and culture. They meet certain ethical criteria such as:

- they define what it means to be human;
- they promote the happiness and well-being of the individual person, while at the same time serving the common good, making it possible for us to live and work in community; they spell out what constitutes right conduct in relation to oneself and to others;
- they meet the classical tests of reversibility and universalizability.

In Lickona's view, the ten "essential virtues" are: wisdom; justice; fortitude; self-control; love; positive attitude, including hope and humour; hard work; integrity; gratitude; and humility (8-11). There are obvious overlaps between this list and that developed by the Values-In-Action framework discussed in section 4.2.

In addressing the question of what motivates good character and how it is formed, Lickona draws on studies of "rescuers", and people who were prepared to risk their lives to save Jewish people from the Nazis. These studies have identified three orientations that motivate this behaviour: norm-orientation (acting in accord with the values of one's group), empathic (moved by another's distress) and principled (committed to a universal ethic of justice or care) (18-19). Moving beyond "rescuers", a study of contemporary lives of moral commitment developed five criteria for "moral exemplars": a) a sustained commitment to moral ideals; b) a consistency between ideals and the means of achieving them; c) a willingness to sacrifice self-interest; d) a capacity to inspire others; and e) a humility about one's own importance. What emerged from this study of "moral exemplars" was the need for a personal goal that inspired their own moral transformation, and the importance of other people who model this process (20-22).

#### **4.4.2 Creating families of character (Lickona 2004: 31 -108)**

The family is regarded as the foundation of both intellectual and moral development, and parents are recognised as having enormous influence on the lives of their children. In view of this, Lickona (35) regards supporting parents in this task as the single most important thing a school can do to help students develop strong character and succeed academically. He goes on to list eleven principles for guiding parents in creating families of character:

- Make character development a high priority;
- Be an authoritative parent, as opposed to an authoritarian or permissive one;
- Express love for children by spending time with them, nurturing meaningful conversation and making sacrifices for them;
- Teach by example;
- Manage the moral environment, controlling the influences that children are exposed to such as the TV they watch and the friends they have;
- Use direct teaching to form conscience and habits, explain why some things are right and others wrong and provide positive alternatives to the behaviour that is being corrected;

- Teach good judgment, helping children test decisions against ethical tests and consider the likely consequences of their decisions;
- Discipline wisely, imposing appropriate and natural consequences on wrong behaviour;
- Solve conflicts fairly in such a way as to acknowledge the feelings of children, help them see the perspective of others and involve them in helping solve family problems;
- Provide opportunities to practice the virtues-they do not develop by talking about them; this includes giving children responsibility for chores at home, helping them set goals for the future and making plans to achieve them;
- Foster spiritual development, helping them see how spirituality and religious practices ground morality in a system of meaning.

Having affirmed the family as the primary character educator, Lickona goes on to detail a number of explicit ways in which the school can play an actively supportive role, such as providing programmes on parenting, working to increase attendance at these, and making a moral compact with them that extends to how they deal with discipline. Building an active partnership between the home and school in this way would seem to be an example of what Schweigert calls the “space between spaces” (see section 4.3.3), which is a particularly important platform for moral education.

#### **4.4.3 Creating classrooms of character (Lickona 2004: 109 – 216)**

Use of the classroom as an opportunity to continue character education is grounded in the understanding that human maturity includes the capacity to love and the capacity to work. A number of virtues are needed to be able to do both of these (for example, empathy and compassion, diligence and perseverance). Work ethic and competence are thus not separate from character but are in fact part of it (121-122). This understanding provides the platform for integrating character education with academic learning.

Lickona exhorts teachers “to teach as if (the following) matter: relationships, purpose, excellence, integrity, responsibility, truth, justice and restitution. Using the language of virtue helps to create a culture of character, for example, I admire the **effort** you put into that project, thank you for being **patient**, what would be a **kinder** way to say that, what would help you discuss this problem in a more **peaceful** way?”(153)

Teaching manners is a key dimension of creating a classroom of character: “manners are minor morals. They are the everyday ways we respect other people and facilitate social relations. They make up the moral fabric of our lives”(166). This can be done practically by getting children to think about why manners are important and implementing a manners curriculum.

Preventing peer cruelty and promoting kindness is a core aspect of creating classrooms of character, as the way children treat each other is a powerful moral influence. Important ways of doing this are to enforce holding children accountable for their actions, creating a caring school community and implementing an effective anti-bullying programme.

Although “part of our character is ‘caught’ – absorbed from positive role models and the experience of being treated with love and respect, we don’t become wiser, more patient, more self-disciplined...and more humble persons automatically. We do so by deliberately striving to be that kind of person”(197). Children can be helped to grasp this important truth by emphasizing why character matters, and supporting them to take responsibility for building their own characters. This can be done in a number of ways such as creating opportunities to study people of character, assessing their own character and setting goals for character development.

#### **4.4.4 Creating schools of character (Lickona 2004: 217 – 258)**

One of the USA national advocacy groups in the character education movement, Character Education Partnership (see [www.character.org](http://www.character.org)), has developed a charter of Eleven Principles of Effective Character Education; one of these states that “The school itself must embody good character. It must progress toward becoming a microcosm of the civil, caring and just society it seeks to create”.

Lickona suggests several ways in which this intention can be accomplished. This includes creating a touchstone, a comprehensive vision statement of intent, having a character-based motto, drawing on the leadership base within the existing infrastructure, starting with the principal, developing a knowledge base, introducing the concept of character education to the entire staff, and getting them to consider what character education means for them personally and what it would look like if implemented across the school.



Key activities in implementing character education across an entire school start with analyzing the moral and intellectual culture of the school (identifying positive experiences, omissions, trouble spots and inconsistencies), choosing two priorities for improving the school culture, planning a character education programme, developing an organizing strategy for promoting the virtues and making assessment part of the plan.

Significantly from the perspective of Swartz's moral capital approach and the emphasis on coaching relationships, building a strong adult community (primarily focused on the school staff), making time for dealing with issues of character, and involving students in the whole programme in formal and informal ways (providing opportunities for informal input, integrating it into student government as well as establishing a peer mentoring system) are all listed as essential activities.

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#### **4.4.5 Creating communities of character (Lickona 2004: 259 – 276)**

It is clear that families and schools do not function in a vacuum; dangers and threats outside schools and families can undermine the best efforts that are undertaken here.

In line with the approach taken in building families and schools of character, Lickona is of the view that a specific commitment is required to build a community of character. Some of the steps required to do this involve setting up a representative leadership group and maximizing ownership among a wide range of community groups by creating opportunities for input. Specific values and virtues that need to be developed in the community should be set as targets. Awareness of these should be raised and they should be integrated into community programmes such as at schools, and in sporting and cultural activities. Examples of good character should be recognised. Lickona emphasizes the need to assess impact at a local level, as it is difficult to sustain community programmes of this nature in the longer term (273-274). He encourages communities to develop an abiding concern for character as part of their everyday infrastructure and conversation.

## 5. CONCLUSIONS AND PROPOSED APPLICATIONS.

Regarding these four approaches to moral education together a number of ways in which they can complement each other become apparent.

The Values in Action Framework (VIA) proposes a set of universal values and character strengths, together with a tool for assessing the existing level to which these are developed. It presents a baseline, a significant proposal to define the content of character, thereby addressing the frequent allegation of vagueness levelled at virtue ethics (Peterson & Seligman 2004:88). In listing self-control/regulation (“that practiced ability to monitor and manage one’s emotions, motivation and behaviour in the absence of outside help” (Peterson & Seligman 2004: 38)) as a character strength under the virtue of temperance, the VIA connects with the centrality of this factor in relation to crime that emerged from both the sociological and psychological criminological literature. Self-control also features in all important conceptualizations of virtue ethics: temperance is one of four cardinal virtues in the classical tradition (Keenan, 1995) and is reiterated by Lickona (2004) in the Character Matters curriculum. The fact that this tool has been standardized across 18 languages and can be accessed online suggests that it can be very useful in moral education.

Swartz’s notions of moral ecology and moral capital and their constituent features and components provide an approach that acknowledges South African realities and outlines the conditions under which values and character strengths can develop. Significantly, her model addresses the interplay between environmental factors, personal developmental factors and morality, which is apparently not well understood by either sociological or psychological criminologists, who tend to treat these categories of factors as competing strategies for intervention. Through her ecological lens is revealed the complex interrelation between an individual’s moral reasoning ability, personal responsibility for action and the context of poverty. Immediate connections can be made with elements that emerged from the criminological literature on crime prevention (sections 3.3.1 and 3.4.1), which stressed the importance of healthy neighbourhoods and the role that positive role models can play in providing supportive relationships for young people.

Schweigert's understanding of restorative justice practices as community-based moral education is rooted in his understanding that, as all members of any community will violate its trust in some way at some stage of their lives, community is only possible if its members pledge loyalty to do good beyond what normal reciprocity requires. The importance of reciprocity as a dimension of social capital was explained in section 3.4.1. Schweigert regards restorative justice practices as following in the tradition of virtues ethics; restorative practices address the reality of social disintegration and the contradictory messages contained in the tension between individualism and civic duty; they also stress the importance of community as understood in the vision of the common good and the principles of subsidiarity and solidarity. Furthermore, restorative practices also provide a space for moral learning and education for young people and adults alike as part of a comprehensive response to crime.

Lickona's approach to character education spells out inconsiderable detail how this can be undertaken at home and school and in the community. While this is aimed mainly at young people, adults would also benefit from the activities he suggests. The literature on childhood risk factors outlined in section 3.4.1 shows the importance of the family in nurturing values, but, from a social crime prevention perspective, this can clearly not be the only level of intervention. Lickona's approach, which is to strengthen the capacity of families to undertake moral education, while supporting this with other activities in the school and in the community, thus makes good sense.

Referring back to the understanding that there are four basic methods of moral education (Browning & Read 2004: 124-125; Schweigert 1999b: 33-39), several further conclusions and applications emerge:

- **Behaviourism** – the limitation and inadequacy of relying on consequences alone to change and shape behaviour, and the need to expand this to social control, particularly developing the virtue and character trait of self-control, has been well set out by Gottfredson and Hirschi 1990: 87-89). In view of this, **self-control should be prioritised in character/values education initiatives** (see below).
- **Values clarification** – although Schweigert (1999b: 33-39) is not convinced of the charges of relativism levelled against this approach, it appears that, in a narrow sense (not teaching, only clarifying), given the realities and limitations that occur naturally in the huge demands made on modern families that result in widespread inadequate moral development of children, this approach, as originally understood, is perhaps largely redundant.

- **Cognitive development** – Although this occurs naturally to some extent as part of maturation, given the enormous disruptions in “normal” development in many contexts, particularly that of South Africa, it must be recognised that many, if not most young people reach adulthood with arrested moral development. **The value of supportive, mentoring relationships with older people, as highlighted by Swartz in her framework (319), provides a way of addressing this problem and suggests an intervention that should be afforded high priority.**
- **Character education** –recognising the enormous need to clarify terminology in the South African context (Solomons & Fataar 2011: 226) this method might be more appropriately referred to as **values education**. Understood this way, it can include both a didactic element (what values and virtues are and why they are important) as well as a practise element (Schweigert 1999a: 34). Lickona (2004: 197) points out that the virtues are best learnt by practising them. This can be seen in the activities that both Schweigert and Lickona detail, as outlined above (sections 4.3.1, 4.4.3).

Returning to the main thrust of this paper, examining the assumption that moral education is relevant to crime prevention and reintegration, this was already confirmed in the review of criminological literature, although it was found that this connection is not well developed. After exploring the four specific approaches cited above, it is clear that, while both the sociological and psychological streams in criminology point to the need for social control, particularly self-control, this is framed entirely with reference to cognitive development and overlooks the contribution that character/values education can make. The limitations of this are emphasized by Lombard (2009:2) in his comment that “(t)here are many sceptics who regard discourse on morality as narrow, old-fashioned, reactionary or counter-productive. Instead, they emphasize law enforcement, economic upliftment, self-help groups, psychological therapy or life orientation programmes as the key to addressing deviant conduct.” **Character/values education should be accepted as an essential additional tool in crime prevention and reintegration of offenders.**

In recognising the reality of a serious gap between the field of responding to and preventing crime and the field of ethics, particularly virtue ethics, it is clear that all four of the approaches outlined can, with adaptations to context, be profitably used in the endeavour of responding to and preventing crime.

## **6. SUMMATION AND INDICATORS FOR FURTHER WORK**

In addition to the conclusions and recommendations tabled above, the following areas for further research have emerged from this exploration.

### **6.1 Developing a curriculum for training restorative practice facilitators in moral education**

In concluding section 3.4.4, it was noted that the expertise required of restorative practice facilitators, in addition to the obvious competencies of understanding the concepts and values of restorative justice and learning communication, facilitation and mediation skills, would have to include an understanding of the educative aims of the criminal justice system, the educative dynamics of restorative practices, and the dynamics of these practices as community-based moral education. It does not seem as though a clear curriculum has been developed to nurture this level of expertise for facilitators, so it is an obvious area of research to be undertaken in order to enhance the moral education potential of restorative practices.

### **6.2 Indigenizing character education**

While the Values-In-Action framework has been validated for use among certain indigenous South African populations, very little local material could be found dealing with character education. In contrast, it seems that this field has been developed to the point of presenting graduate courses in the USA (Lickona). Given the calls for moral regeneration in South Africa, and the recognition of the need to give closer attention to values education, there would appear to be an enormous need to develop a movement that develops material that draws on indigenous values, customs and practices of moral and particularly character education, finding practical ways to integrate this into the curriculum and practice of schools.

## BIBLIOGRAPHY

Altbeker, A. 2007. *A Country at War with Itself: South Africa's Crisis of Crime*. Johannesburg and Cape Town: Jonathan Ball.

American Colleges and Universities website

[http://www.aacu.org/core\\_commitments/CognitiveStructuralMeasurements.cfm](http://www.aacu.org/core_commitments/CognitiveStructuralMeasurements.cfm) accessed 23 July 2013.

Andrews D. & Bonta J. 2006. *The psychology of criminal conduct 2nd Edition*. Cincinnati, OH: Anderson.

Aitken, R. 2012. *Open letter to Nonceba Lushaba about Amanda Dissel's Good practice principles in reducing reoffending: a review of the literature* commissioned by the Network on Reducing Reoffending (NRR).

*Bill of Responsibilities*, downloaded from [www.leadsa.co.za](http://www.leadsa.co.za) 18 October 2011.

Browning, R. & Reed, R. 2004. *Forgiveness, reconciliation, and moral courage*. Grand Rapids, Michigan: William B Eerdmans Publishing Company.

Bohr, D. 2006. *Catholic Moral Tradition*. Wipf & Stock Publishers.

Bruce, D. 2010. *Tackling armed violence: key findings and recommendations of the study on the violent nature of crime in South Africa*. Johannesburg. Centre for the Study of Violence and Reconciliation, downloaded from [www.csvr.org.za](http://www.csvr.org.za) accessed 12 November 2011.

Brugman, D. 2003. "The Teaching and Measurement of Moral Judgement Development". *Journal of Moral Education*, Vol. 32, No. 2 pp196-203.

Burton, P. et al. 2009. *Walking the Tightrope: Youth Resilience to crime in South Africa*. Cape Town: Centre for Justice and Crime Prevention, Monograph Series, No 7.

Burton, P. & Leoschut, L. 2013. *School Violence in South Africa: Results of the 2012 National School Violence Study*. Cape Town: Centre for Justice and Crime Prevention, Monograph series no 12.

*Charter of Positive Values*, downloaded from [www.mrm.org.za](http://www.mrm.org.za) 20 November 2011.

Collins, A. 2009. "Taking on Altbeker". *SA Crime Quarterly* no 28, Pretoria: Institute for Security Studies.

Crawford, A. 1999. *Crime prevention & community safety: politics, policies and practice*. London: Longman.

Crawford, A. 2007a. "Situating Restorative Youth Justice in Crime Control and Prevention". *Acta Juridica*, pp1-21.

Crawford, A. 2007b. "Crime prevention and community safety", in Maguire, M. Morgan, R. Reiner, R. (Eds). *The Oxford Handbook of Criminology (4<sup>th</sup>ed)* Cape Town: Oxford University Press.

David, I. 2008. "A charter to live by... or not". *Mail and Guardian*, accessed from [www.mg.co.za](http://www.mg.co.za) 28 September 2011.

DeLis, M. & M Vaughn, 2008, Epu2007. "The Gottfredson–Hirschi Critiques Revisited: Reconciling Self-Control Theory, Criminal Careers, and Career Criminals". *International Journal of Offender Therapy and Comparative Criminology* October Vol 52(5) pp520-37. Sage Publications accessed from <http://online.sagepub.com> 1 December 2012.

Department of Basic Education, 2010. *Building a culture of responsibility and humanity in our schools: A guide for teachers*. Pretoria. Downloaded from [www.education.gov.za](http://www.education.gov.za) on 17 August 2013.

Department of Education, 2001. *Manifesto on Values, Education and Democracy*, downloaded from <http://www.info.gov.za/view/DownloadFileAction?id=70295> on 17 August 2013

Department of Justice and Constitutional Development, 2013. *National Policy Framework for Restorative Justice*, Pretoria.

Department of Social Development. *Policy Framework for the Accreditation of Diversion Services in SA* Pretoria. (ND, no page numbers).

Department of Social Development, 2011. *Integrated Social Crime Prevention Strategy*, Pretoria.

Dissel, A. 2012. *Good practice principles in reducing re-offending: a review of the literature*. Cape Town. Network on Reducing Re-offending, Community Law Centre, University of the Western Cape, accessed from [www.nrr.org.za](http://www.nrr.org.za) 13 May 2012.

Dixon, B. 2004. "Justice gained? Crime, Crime Control and Criminology in Transition", in Dixon, B & van der Spuy, E (Eds) *Justice gained? Crime and crime control in South Africa's transition*. Cape Town: UCT Press.

Driver, J. 2006. *Ethics: the fundamentals*. Oxford: Blackwell Publishing.

Ehlers, L. & Tait, S. 2010. "Balancing immediate safety with the need for far reaching, long-term social change". Paper presented at the Institute for Security Studies Conference *Towards a coherent strategy for crime reduction in South Africa beyond 2010*. Downloaded from [www.iss.org.za](http://www.iss.org.za) 10 December 2010.

Evanoff, R.J. 2004. "Universalist, relativist, and constructivist approaches to cultural ethics". *International Journal of Intercultural Relations* Vol 28, pp439-458.

Farrington, D.P. 2007. "Childhood risk factors and risk-focused intervention", in Maguire, M. Morgan, R. Reiner, R. (Eds). *The Oxford Handbook of Criminology (4<sup>th</sup>ed)* Cape Town: Oxford University Press.

- Flannery, A. (Ed) 1992. *Vatican Council II. The Conciliar and Post Conciliar Documents*. Indiana: Liturgical Press.
- Gottfredson, M.R. & Hirschi, T. 1990. *A general theory of crime*. Stanford: Stanford University Press.
- Holtzhausen, L. (Ed) 2012. *Criminal justice social work: a South African practice perspective*. Claremont: Juta.
- Henkeman, S. R. 2012. *Restorative justice as a tool for peacebuilding: a South African study*. University of Kwa-Zulu Natal, unpublished DPhil dissertation.
- Hollin, C.R. 2007. "Criminological psychology", in Maguire, M. Morgan, R. Reiner, R. (Eds). *The Oxford Handbook of Criminology (4<sup>th</sup> ed)* Cape Town: Oxford University Press.
- Holtmann, B. 2008. "Why law enforcement is not enough". *SA Crime Quarterly no 23*, Pretoria: Institute for Security Studies.
- Hursthouse, R. 2012. "Virtue Ethics", in *Stanford Encyclopedia of Philosophy*, accessed from <http://plato.stanford.edu/entries/ethics-virtue/> on 24 August 2013.
- Keenan, J.F. 1995. "Proposing cardinal virtues". *Theological Studies* Vol 56.
- Khumalo, I. et al. 2008. "Exploring the validity of the values-in-action inventory of strengths (VIA-IS) in an African context". *Journal of psychology in Africa*, Vol 18(1) pp133-142.
- Lickona, T. 2004. *Character Matters: How to Help Our Children Develop Good Judgment, Integrity and Other Essential Virtues*. New York: Touchstone.
- Lewis, C. S. 1990. *The Abolition of Man*. Glasgow: William Collins and Sons.
- Lombard, C. 2009. *Moral education: The formation of a human rights culture*. Cape Town: University of the Western Cape, downloaded from <http://196.21.45.52/index.php?module=cms&action=showfulltext&id>, accessed on 17 August 2013.
- Lösel, F. 2010. "Strengthening Transnational Approaches to Reducing Re-offending". Paper presented at the *First European Seminar of the STARR Project, Cambridge, UK What Works in Reducing Reoffending: A Global Perspective*. Downloaded from [http://www.cepprobation.org/uploaded\\_files/Pres%20STARR%20Cam%2010%20Loesel.pdf](http://www.cepprobation.org/uploaded_files/Pres%20STARR%20Cam%2010%20Loesel.pdf), on 29 October 2011.
- Maguire, M. et al. (Eds) (2007). *The Oxford Handbook of Criminology 4<sup>th</sup> edition*. Cape Town: Oxford University Press.
- National Institute for Crime Prevention and Reintegration of Offenders, 2010. *Nicro's Non-Custodial Sentencing Stakeholders' Toolkit*.



- Pelser, E. 2007. "How we really got it wrong". *SA Crime Quarterly no 22*, Pretoria: Institute for Security Studies.
- Peterson, C. & Seligman, M.E.P. 2004. *Character Strengths and Virtues*. New York: Values in Action Institute, Oxford University Press.
- Rauch, J. 2005. *Crime prevention and morality: the campaign for moral regeneration in South Africa*. Pretoria: Institute for Security Studies.
- Rock, P. 2007. "Sociological theories of crime", in Maguire, M. Morgan, R. Reiner, R. (Eds). *The Oxford Handbook of Criminology (4<sup>th</sup> ed)*. Cape Town: Oxford University Press.
- Rohlf, M. 2010. "Immanuel Kant", in *Stanford Encyclopedia of Philosophy*, accessed from <http://plato.stanford.edu/entries/kant/> 24 September 2013.
- Rousseau, J. 2011. "Why the Bill of Responsibilities doesn't make the grade". *The Daily Maverick*, accessed from <http://dailymaverick.co.za/opinionista/2011-03-29-why-the-bill-of-responsibilities-doesnt-make-the-grade>) on 29 October 2011.
- Rwiza, R. N. 2001. *Formation of Christian Conscience in modern Africa*. Nairobi: Pauline's Publications.
- Schweigert, F. J. 1999a. "Learning the Common Good: principles for community-based moral education in restorative justice". *Journal of Moral Education*, Vol 28: 2 pp163-183.
- Schweigert, F.J. 1999(b). "Moral Education in Victim Offender Conferencing". *Criminal Justice Ethics*, Vol. 18: 2 pp. 29-40.
- Schweigert, F.J. 2000. "Mending the Moralnet: moral education in strengthening personal and family networks". *Journal of Research and Development in Education* Vol 33: 2 pp74-84.
- Schweigert, F.J. 2002a. "Solidarity and Subsidiarity: Complementary Principles of Community Development". *Journal of Social Philosophy*, Vol. 33: 1 pp. 33-44.
- Schweigert, F.J. 2002b. "Moral and Philosophical Foundations of Restorative Justice", in Perry, J. (Ed.), *Repairing Communities through Restorative Justice* Lanham, MD: American Correctional Association, pp. 19-37.
- Selznick, P. 1992. *The moral commonwealth: social theory and the promise of community*. Berkeley and Los Angeles, California: University of California Press.
- Segal, J. & Smith, M. 2012. *Emotional Intelligence (EQ) Five key skills for raising emotional intelligence*. Accessed from [http://www.helpguide.org/mental/eq5\\_raising\\_emotional\\_intelligence.htm](http://www.helpguide.org/mental/eq5_raising_emotional_intelligence.htm).
- Shisana, L. et al. 2013. *South African National Health and Nutrition Examination Survey (SANHANES-1)*. Cape Town: HSRC Press, accessed from [www.hsrcpress.ac.za](http://www.hsrcpress.ac.za) on 31 August 2013.

- Skelton, A. & Batley, M. 2008. "Restorative justice: a contemporary South African Review". *Acta Criminologica* 21(3) pp37-51.
- Smit, A. & V. Padayachee, 2012. *Criminal Cognition as a risk factor for recidivism*. Cape Town: Open Society Foundation.
- Solomons, I. & Fataar, A. 2011. "A conceptual exploration of values education in the context of schooling in South Africa". *South African Journal of Education* Vol 31 pp224-232.
- Soothill, K & Francis, B. 2010. "Considering paradigms of crime reduction in different contexts". Paper presented at the Institute for Security Studies Conference *Towards a coherent strategy for crime reduction in South Africa beyond 2010*, downloaded from [www.iss.org.za](http://www.iss.org.za) 10 December 2010.
- Sharpe, S. 2011. *Walking the talk: Developing Ethics Frameworks for the Practice of Restorative Justice*. Fraser Region Community Justice Initiatives Association.
- Swartz, C. 2010. "'Moral ecology' and 'moral capital': tools towards a sociology of moral education from a South African ethnography". *Journal of Moral Education* Vol. 39, No. 3 pp 305–327.
- Terblanche, S. 2007. *Research on the sentencing framework bill*. Cape Town: Open Society Foundation of South Africa.
- Van Ness, D. 2005. "An Overview of Restorative Justice Around the World". Paper presented at *Eleventh United Nations Congress on Crime Prevention and Criminal Justice*, Bangkok, Thailand, accessed from [www.rjonline.org](http://www.rjonline.org) on 12 August 2007.
- Webber, C. 2007. "Re-evaluating Relative Deprivation Theory". *Theoretical Criminology*, Volume 11, No. 1 pp95-118, accessed from <http://tcr.sagepub.com> on 6 December 2012.
- Wojcicki J.M. 2002(?) *Commercial sex work or ukuphanda? Sex-for-money exchange in Soweto and Hammanskraal area, South Africa*. Accessed from <http://www.ncbi.nlm.nih.gov/pubmed/12555904> on 5 January 2013.
- Young, S. et al. 2008. Victim Empathy Response Assessment (VERA): The validation of a new measure for forensic patients. *Journal of Forensic Psychiatry & Psychology* Vol 19 (2) pp: 191-204 abstract downloaded from <http://www.tandfonline.com/doi/abs/10.1080/14789940701740172#.UqLvpeLIPjs> on 23 July 2013.
- Zehr, H. 1990. *Changing Lenses*. Scottsdale: Herald Press.
- Zehr, H. 2005. *Signposts and markers on a circuitous road: standards and values in restorative justice*. Unpublished manuscript.