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ABSTRACT

Proclaiming that delinquency and violence among youth are neither uncontrollable nor inevitable, this technical bulletin argues that law-related education (LRE) can help young people overcome adverse environmental conditions by teaching the principles and skills needed to become responsible participants and active citizens. Although LRE cannot eliminate risk factors such as family conflict, community disorganization, and economic deprivation, LRE programs may foster student resilience and ability to cope with a harmful environment. Because of the involvement of community resource persons, LRE programs promote bonding with responsible adult role models, an important protective factor. LRE programs also promote interactive, cooperative learning and problem solving, methods that contribute to social competence and problem-solving skills. Practice in mock trials, legislative hearings and other role-play strategies strengthens the ability to think abstractly, reflectively, and flexibly, which increases the likelihood that at-risk youth will think before acting. Practice in handling controversial issues with respect for different viewpoints also reinforces feelings of empathy and caring. (JD)

From Risk to Resilience: The Role of Law-Related Education

Bulletin

American Bar Association Special Committee on Youth Education for Citizenship

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From Risk to Resilience: The Role of Law-Related Education

By Norma D. Wright

Many factors, both individual and environmental, contribute to the increase of youth crime, violence and other antisocial behaviors. Although the problem is staggering and there are complex factors that must be collaboratively addressed by families, schools and communities, there is overwhelming evidence that delinquency and violence among our nation's youth are neither uncontrollable nor inevitable. By examining the characteristics of young people who have successfully overcome adverse environmental conditions, it is possible to see how law-related education (LRE) can help develop those characteristics that lead to healthy behavior.

LRE is an educational program for citizenship in a constitutional democracy. It is designed to teach students the principles and skills needed to become responsible participants and active citizens. Programs include:

- relevant, high-interest course materials
- extensive use of volunteers from the justice system
- field experience—for example, community service projects, court tours, police ride-alongs, internships
- participatory classroom teaching methods and cocurricular activities (mock trials and other public performances)

What Is *At-Risk*?

Youth-at-risk has become a buzzword with a different meaning in every context. The lack of clarity is reminiscent of the time Supreme Court Justice Potter Stewart was asked to define *obscenity*. "I can't define it," he replied, "but I know it when I see it." In much the same way, we all know who the youth-at-risk are. They are not necessarily overtly aggressive, stereotypical juvenile delinquents. They may be quiet and withdrawn. Nor are they limited to one geographical area or socioeconomic or ethnic group. They are present in every classroom in every school. They are the young people who fall between the cracks—unless we provide safety nets.

For the purposes of this paper, *at-risk youth* are those who have been subject to a combination of interrelated biological, psychological and social factors that result in a greater likelihood for the development of delinquency, substance abuse or other related antisocial and self-destructive behaviors.

Risk Factor Research

The premise of risk-focused prevention programs is that, to prevent behavior, we must first know what factors increase the risk of that behavior and then work to reduce those factors. There are many interrelated conditions that place young people at risk, but no factor seems to have a greater impact than any other. David Hawkins, a researcher at the University of Washington, identifies 10 factors for which the research is consistent:

- alienation and lack of bonding to family, school and community
- early, frequent antisocial behavior
- family history of high-risk behavior
- poor family management practices
- family conflict
- economic and social deprivation
- school failure
- low commitment to education
- association with delinquent peers
- community disorganization (little sense of community, high crime, low surveillance, availability of drugs and alcohol—distinct from income levels)

The presence of these factors does not guarantee that a young person will engage in delinquency, substance abuse or other antisocial behavior. They do, however, represent an increased probability that such behavior will

occur. The more risk factors present, the higher the risk. Yet, it is also important to note that many risk factors are correlative, not predictive. For example, children of alcoholics are more likely to become alcoholics than children of nonalcoholic parents, but most children of alcoholics do not become alcoholic.

Resilience Research

Although some risk factor research and theories have contributed significantly to our understanding of prevention and intervention, they do not explain why most children manage to overcome even the most adverse circumstances. Indeed, it would be hard to find some adolescent who hasn't experienced at least some risk factors, yet most young people do not turn to delinquency and antisocial behavior. They appear to be resilient. *Resilience* is the ability to overcome the effects of high-risk environment and to develop social competence despite exposure to severe stress. What characteristics make this possible, and how can schools create environments to support these children?

Tim Buzzell, director of the Iowa Center for Law and Civic Education, notes that the research findings on both risk and resilience include a number of psychological characteristics. For example, risk factors such as alienation, school failure, or poor interpersonal relationships incorporate a number of characteristics associated with the processes of cognition. The resilience framework focuses more specifically on psychological traits such as problem-solving skills, social competence and a sense of autonomy. As Buzzell points out, the research on cognition and resilience is also consistent with findings from evaluations of corrections programs.

An important challenge to the prevailing belief that "nothing works" in rehabilitating young offenders is the work of Robert and B. D. Ross at the University of Ottawa. After a careful review of studies published between 1973 and 1987, they found that some programs were highly successful and that the common factor among those programs that worked was the use of some technique that could be expected to impact the offender's thinking: one that increased reasoning and problem-solving skills, caused the offender to stop and think before acting, and helped develop alternative interpretations of social rules and obligations and to comprehend others' thoughts and feelings.

Based on her review of the literature, Bonnie Benard, a prevention specialist for the Western Center for Drug-Free Schools and Communities at Far West Laboratory for Education Research and Development, identifies these characteristics of resilient children:

- social competence—responsiveness to others, conceptual and intellectual flexibility, caring for others, good communication skills, sense of humor
- problem-solving skills—application of abstract thinking (understanding rules and laws), reflective thinking, critical reasoning skills, development of alternative solutions to frustrating situations (calculating consequences of actions, cause and effect)
- sense of autonomy—positive sense of independence, emerging feelings of efficacy, high self-esteem, impulse control, planning and goal setting, belief in future (confidence that things will work out and a sense of understanding why things happen as they do)

By strengthening these characteristics, educators may help young people resist antisocial influences.

Protective Factors

Protective factors are those conditions or influences that ameliorate the risk factors and promote the characteristics of resilience. They are not merely the opposite of risk factors. Rather, they represent a separate group of factors, defined independently of risk-factor research. Anthony uses this analogy to clarify the terms *risk*, *resilience* and *protective factors*: "[T]hree dolls made of glass, plastic and steel [are] exposed to the same risk, the blow of a hammer. The first doll breaks down completely, the second shows a dent that it carries permanently, and the third doll gives off a fine, metallic sound. Of course, the outcomes of the three dolls would be different if their environments were to buffer the blows from the hammer by interposing some type of 'umbrella' between the external attack and the recipient" (10–11).

In the analogy, the glass and plastic dolls represent different degrees of vulnerability, the steel doll is resilient, and the buffer, or umbrella, represents the protective factors. According to Werner and Smith, the balance among risk factors, stressful life events and transitions, and protective factors determines the range of human development outcomes. In addition, Benard asserts that

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families, schools and communities that protect children growing up in adverse conditions are characterized by (1) caring and support, (2) positive expectations, and (3) ongoing opportunities for participation.

LRE as a Protective Factor

Given the incredible stresses many families are experiencing, school has become a vital refuge for a growing number of children, serving as what Garmezy has called a "protective shield" that helps children withstand the many problems expected in a stressful world.

LRE is not a panacea for the complex problems that often begin within the family and worsen because of social conditions outside the home. LRE content and strategies, however, are especially well suited to mitigating the effects of those factors.

Bonding Factors

In his social development strategy, Hawkins organizes evidence about protective factors into a theory for addressing risk factors and promoting resilience. This theory identifies bonding—the feeling of being connected to others—as the overarching protective factor in the development of healthy behaviors. We can do little or nothing about a child's individual characteristics. For example, gender, shyness and sociability have a biological base. Bonding, however, is one protective factor that can be nurtured and encouraged to flourish.

Early on, resilient children tend to establish positive adult and peer relationships that help them bond to their family, school and community. LRE's emphasis on the use of outside resource people provides opportunities for children to bond with adult role models both inside the classroom and out. The small, heterogeneous cooperative-learning groups inherent in LRE instruction not only provide opportunities for at-risk students to interact with nondelinquent peers, but increase the chance that they will ask for and accept others' support.

Bonding encompasses the quantity and quality of the relationships we establish with others. With regard to school-based violence prevention programs, Deborah Prothrow-Stith, assistant dean of the Harvard School of Public Health, stresses the importance of the fourth *R*—relationship. A recent study conducted by the Institute for Education in Transformation at the Claremont Graduate School collected and analyzed 24,000 pages of data from interviews about the problems in schooling with students, staff and parents at four representative urban/suburban public elementary and high schools. A summary of their findings, *Voices from the Inside: A Report on Schooling from Inside the Classroom*, notes that the problem most mentioned was relationships between teachers and students. When positive things about the schools were noted, they usually involved reports of caring, listening, understanding, and respectful individuals who were honest, open, and sensitive. LRE teacher-training programs stress the development of these attitudes among students as well as teachers and encourage educators to value the contribution of all students and to learn with their students.

Another consideration is cultural status, which could be a risk factor or a potential protective factor. Institutional racism still exists, denying members of certain ethnic groups equal access to the rewards of our political, economic and educational institutions. For Cummins, these inequities can lead to feelings of powerlessness, alienation and anger. In *A Place to Start*, the Santa Clara County Office of Education finds that the larger society devalues and disempowers some ethnic communities in much the same way as their individual members, so that, with some justification, these communities often distrust the dominant culture. They become further isolated from opportunities and resources available to them (14).

Young people from language and cultural minorities are disproportionately represented among youth-at-risk. But the American Psychological Association finds that most minority youth who grow up with the stress of poverty, lack of opportunity, discrimination, community breakdown and family disruption do not engage in crime and violence. Cultural values of minority groups can serve to enhance resilience. While the dominant culture values individuality, for instance, more closely aligned with positive protective strategies are the traditional African-American emphasis on community; the Hispanic, Asian and Pacific-Island emphasis on family harmony; and the Native American value of group cooperation. Along with the social competence skills of empathy and caring for others, LRE curriculums and strategies incorporate increased understanding of and respect for cultural diversity, particularly in the area of constitutional protection of minority rights.

Conditions for Bonding

Hawkins outlines three conditions necessary for the development of strong bonds.

Opportunities. Children must have the opportunity to contribute to their family, school and community. For Hawkins, the task is to provide all children with meaningful, challenging, developmentally appropriate opportunities that help them feel responsible and significant. Hawkins et al. have demonstrated that bonding to school increases with instructional methods emphasizing proactive classroom management, interactive teaching and cooperative learning.

LRE's emphasis on interactive and cooperative-learning strategies provides an opportunity for all students to participate and to receive recognition for their contributions

to the group. LRE content prepares students for school and community participation by providing an understanding of how the system works and allowing students to explore alternative ways to influence social conditions. Students who see the relevance and authenticity of many LRE lessons respond with interest and participation. Several LRE curriculums are explicitly designed to promote community service and to engage students in solving real problems in their school or community.

Skills. Opportunities for involvement are of little value if students lack the skills that enable them to participate. The resilience characteristics identified by Ross and Ross, Benard and others (problem-solving, social competence and autonomy) are explicit objectives of LRE lessons and curriculums. Participation in mock trials, legislative hearings and other role-play strategies enhances communication skills. Debates, moot courts, case studies and conflict resolution exercises help students see issues from many perspectives, tolerate ambiguities, identify alternative solutions to problems, and assess the consequences of various alternatives. Practice in such activities strengthens the ability to think abstractly, reflectively, critically, and flexibly, which in turn may increase impulse control–the likelihood that students enrolled in LRE classes will think before acting. Practice in handling controversial issues with respect for different viewpoints reinforces feelings of empathy and caring. Several LRE curriculums focus on the development of student plans to address school and community issues. Planning skills are found to be attributes among resilient children.

Recognition. Families, teachers and community members who acknowledge the legitimacy and value of youth participation send an important message about efficacy and personal empowerment. As Hawkins reminds us, children must be recognized and acknowledged for their efforts as an incentive to continue to contribute.

Good LRE instruction is based on students' life experiences. This practice not only makes the lessons more relevant to the students' lives, it recognizes the value of their experiences. LRE also asks students to reflect on, recognize and value what they have learned from each lesson or activity. The use of outside resource people in LRE classrooms lets students know that others in their community care about them and are willing to take the time to listen to their ideas.

A Look Ahead

Violence on Youth: A Summary Report of the Commission on Violence and Youth identifies primary prevention programs that promote social and cognitive skills as having the greatest impact on attitudes about violent behavior. The report also concludes that effective intervention programs share two primary characteristics: they draw on the understanding of developmental and sociocultural risk factors leading to antisocial behavior, and they use theory-based intervention strategies with known efficacy in changing behavior. LRE meets both criteria.

There is no quick fix, no magic wand to solve the problems that threaten young people in our society. But it can be done with time, patience, resources, and concerted family, school, and community efforts to change beliefs, attitudes, practices, and social conditions. LRE can play an important role in that effort by fostering resilience to risk factors in classrooms and communities.

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