RESTORATIVE JUSTICE IN EDUCATIONAL SETTINGS AND POLICIES:
BRIDGING THE EAST AND WEST

Wong, D.S.W and Gavrielides, T.
Restorative Justice for All cic (RJ4All) is an international Non-Governmental Organisation (NGO) with a mission to advance community and social cohesion at the local, national and international levels. Through our programmes, we redistribute power within society using the values and practices of restorative justice.

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Following many years’ experience as a primary school teacher and senior manager, Marianne Kiff moved across into Initial Teacher Training and Post Graduate Training for Teaching. Working as a programme leader and deliverer of various subjects, she developed considerable interest in the use of restorative approaches to pupil behaviour management in the UK educational system hitherto over-reliant upon simplistic punitive methods. Punitiveness is imbued in the thinking of many school teacher trainees following their own exposure to the prevailing norms of behaviour management in schools. Having attended training in Restorative Approaches and having had success with its adoption in her own practice, this inspired Marianne Kiff to conduct an experiment to see whether trainees’ attitudes towards the punishment norm could be moderated.

Her research gave her the opportunity to examine ancient justice systems from as far afield as Australia amongst the indigenous Aboriginal people and in America and Canada amongst the First Nations communities. There Restorative councils or circles empowered both the perpetrator and the victim of anti-social behaviours to come together to resolve the conflict.

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The Restorative Justice Series is published by RJ4All Publications which is an independent publisher specialising in social sciences and the publication of cutting-edge research on restorative justice, criminal justice, equality and human rights.

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RJ4All Publications is non partisan, but motivated by its values. We aim to advance research, academic rigour and public understanding of social harm, social inequality and alternative ways of restoring peace and crime. Ultimately, we want to affect positive change in society, and have a real-world impact.

All our publications are indexed by EBSCO Information Services and are available to over 170,000 universities and government departments from around the world. They can also be downloaded from www.rj4all.info and Kindle.

RJ4All Publications and our Restorative Justice Series are fully committed to ethical publication practice, and have a strict Publications Ethics Guidelines that we adhere to. RJ4All Publications and its Journals are guided by our Editorial Board and International Advisory Board. Their membership includes some of the most prominent academics, researchers and practitioners in the area that we publish.

Authors interested in publishing their work with RJ4All Publications should get in touch with the Editor-in-Chief, Dr. Gavrielides.
RJ SERIES no 9


*Community cohesion through children-led restorative justice art*, London: RJ4All Publications.
ISBN 978-1-911634-14-0

This unique e-book presents the results of the children-led project Culture and Art for Unity (CA4U) that was carried out by RJ4All in partnership with Bizzie Bodies from September 2018 until April 2019 giving to 22 children access to art workshops every Friday after school. The project had two objectives in mind. First, to create a fun and educational space for local children who could not afford to attend art classes outside of school, increasing in this way not only their skills, but also their awareness around issues of equality. They were mixed with children of different backgrounds, races, socio-economic status and abilities. The second objective was to use their work to get local people to talk. Indeed, one of the key principles of restorative justice is dialogue. Something as innocent and as creative as our children’s art became the best prompt for getting parents, teachers, policy makers and local organisations to talk.

RJ SERIES no 8


This e-book is part of the RJ4All Restorative Justice Series. It also forms part of the RJ4All’s accredited e-course «Safeguarding and Empowering Victims».

This training manual aims to provide assistance to crime victims and practitioners focusing on safeguards and best practice when implementing restorative justice.

This training handbook has been designed with the following target groups in mind independently of their location. The manual uses the Victims’ Directive (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA) as its legal and theoretical framework for achieving its objectives.

The manual includes information on the rights of the victim, a definition of restorative justice, case studies illustrating safeguarding issues and a victim assessment guide.

RJ SERIES no 7


ISBN 978-1-911634-08-9

At RJ4All, we strive for a more cohesive society by distributing power through educational activities, awareness raising and user-led projects. This e-book is the result of our latest “Restorative Art through children’s eyes project” leading to a unique exhibition, led by our children. The project falls within our wider partnership programme with local art club, Bizzie Bodies, titled “Culture and Art for Unity” and is supported by Southwark Council as part of Black History Month. The project is founded upon the belief that culture and art can bring people together and encourage community cohesion. We use restorative justice values such as equality, involvement in decision making, inclusion and empowerment, to support our children to lead on the art creation, and through their work increase cultural awareness.

RJ SERIES no 6


Edited by two leading restorative justice scholars from the West and East, this unique book bridges a gap in the literature by bringing together new evidence on the application of restorative practices in educational settings. The book has two aims. First, it builds a bridge between the restorative justice world in the East with that of the West. The volume demonstrates how similar the theoretical and practical experiences are in the two sides of the world. It presents us with evidence of what works in policy, research and practice and allows us to make comparisons for the future. Secondly, the book challenges restorative justice which is often seen through the narrow lenses of the criminal justice system.

“It is arrogant indeed to think that schools in the west have all the answers and we are somehow more advanced in our thinking and practice. The scope of the chapters in this book travails many of the issues that face schools and systems everywhere. This book is highly recommended for anyone practicing, studying or legislating restorative justice in educational settings. Restorative practice is who we are, not what we do!” Margaret Thorsborne, Restorative practitioner, trainer, facilitator and author.
Restorative justice was brought back into the modern world of policy, research and practice in response to a growing disappointment from our criminal justice systems especially in relation to how it treats vulnerable groups such as those experiencing discrimination due to their race, gender, age etc. Therefore, it is surprising why equality hasn’t featured more prominently in the restorative justice discourse. This is what the Editor calls the ‘paradox of restorative justice’, and the battle field where the future of restorative justice will be fought.

This edited collection of papers written by leading equality and restorative justice scholars aims to bring to the restorative justice debate a new dimension that is yet to be explored in its own right. This refers to issues surrounding equality and restorative justice both at the normative and empirical levels. Through an evidence-based approach, case studies from around the world are presented to develop a narrative and a practical tool for considering equality matters when applying or thinking about restorative justice. Particular emphasis was given on gender and domestic violence, Indigenous peoples, gender equality and prisoners.

“This is an important and timely collection... It traverses a great diversity of specific and crucial issues from restorative practices in prisons to deinstitutionalising the stigma of criminal conviction.

Perhaps the single most impressive feature that distinguishes this collection from others on restorative justice is that it corrects the usual focus on North America, Western Europe and the Antipodes with learnings from Central and Southern Europe. Many of these Central European and Mediterranean lessons are profound ones that can greatly enrich the predominantly North Atlantic restorative debate. Professor John Braithwaite, Australian National University.

Human rights and restorative justice are rarely brought under the same spotlight despite their normative similarities. This gap becomes even more apparent when put in the context of policy and practice internationally. Firstly, there is a developing gap between public perception and evidence-based depiction of crime. Secondly, scholarly debates are rarely reflected in criminal justice policy and legislation. This failure has an impact on recidivism, the spiralling costs of penal interventions, but most importantly on how we view our interpersonal and intercommunal relationships.

This edited collection of papers written by leading international experts in the fields of restorative justice and human rights aims to address this gap. The tools to achieve this and the role of human rights and restorative justice for personal and community conflicts were researched and tested. Through an evidence-based approach, a narrative and a framework are developed for moving the debate forward on joint human rights – restorative justice approach to conflicts.

“This book is an important contribution to both restorative justice and human rights literature. It develops a conceptual understanding of both that is able to withstand the tensions between the personal (relationships) and the abstract (norms). This collection demonstrates that restorative processes can be effective in producing a just response, repairing harm to victims, holding offenders accountable, and teaching values while recognizing the importance of relationships”.

Prof. Daniel Van Ness, Executive Director of the Centre for Justice and Reconciliation, Prison Fellowship International, Adjunct Professor at Pepperdine University.

This edited collection brings together 25 real case studies (plus 2 bonus case studies) written by leading practitioners from around the world such as the UK, Canada, Australia, New Zealand and across Europe. The case studies cover issues such as domestic violence, murder, hate crimes, theft and youth violence.
This e-book presents findings of an evaluation of restorative justice in prison settings. The findings are based on an independent evaluation that was carried out by qualified researchers using a mixture of quantitative and qualitative research. The quantitative research was carried out over a specified timeframe and with financial support from the Cabinet Office. The research was conducted between 1 November 2013 – 1 July 2015 (20 months). During the research period, the Silence the Violence programme was delivered to 162 participants in total. Milestones was delivered to 61 offenders, who were released from HMP & YOI Isis, HMP Winchester and HMP Forest Bank. An additional 45 offenders were mentored by partner organisations under contract to Khulisa. However, useable data was only secured for 40 Milestones participants giving us a total final research sample of 194 participants.

The death of Nelson Mandela in December 2013 closed an active year for restorative justice. His life was a symbol of restoration and promise and continues to stir interest and discussion in the search for an alternative to incarceration and towards peaceful conflict resolution. This book looks at restorative justice in context of two countries, the United Kingdom and South Africa, as they independently try to navigate between past, present and future justice systems. There is reference to the cultural, political and socio-economic landscapes of each nation. Our understanding of justice is symbolic of these landscapes and a mapping exercise is undertaken, with a discussion of enablers and barriers for the restorative justice movement internationally.

The book also discusses the ownership of restorative justice and the role of non-governmental bodies such as Khulisa. A key to the restorative justice process is a balance of stakeholder involvement between state and community enterprise. It is important to examine and highlight the importance of these bodies in the continuing and increased commentary on the restorative justice process. Subsequently, this book offers a timely and much needed discussion regarding our careful future steps in the shadow of legendary voices.

"As we investigate how best to lend our knowledge and expertise to the development of Restorative Justice in the UK, we commissioned RJ4All to carry out an analysis and assessment of the growth in restorative justice policy and practice in each country. We are grateful for the depth and breadth of the analysis undertaken by RJ4All and the recommendations they put forward. It is our hope that we can implement much of what they suggest through open and sincere collaborations with a multitude of partners, funders and commissioners already active in their communities". Simon Fulford, CEO of Khulisa
I was completely delighted to be granted an early opportunity to read the chapters in this book, the purpose of which is to bridge the knowledge gap that exists around what schools in other countries are doing with this approach to problem solving.

As the co-editors and authors, Theo Gavrielides and Dennis Wong suggest, it is arrogant indeed to think that schools in the west have all the answers and we are somehow more advanced in our thinking and practice. We have so much to learn from each other in a field that is still in its early years and is developing in so many different contexts. At a personal level, having co-authored a book on implementation of restorative practice in schools (Blood and Thorsborne, 2013), we were astonished to be sent copies of the book that had been translated into Korean! This was a big signal to me that there was far more going on in RJ in education than I knew about in my own familiar patches and networks.

The scope of the chapters in this book travails many of the issues that face schools and systems everywhere. Some schools, their systems and nations are slower than others in adopting restorative approaches to problem-solving – it’s too challenging to the status quo. This is not a criticism, but rather a reflection on what we know about the adoption of innovation and the various categories and characteristics of adoptees (Everett, 1995). I was also interested, but not surprised, to read that the struggles to innovate, to change hearts and minds of systems and practitioners, are so very similar no matter which country. Born of need (too much violence, too much bullying, too much family violence and trauma to name a few), innovators emerge out of those very systems to find ways to more effectively respond to these universal problems. Added to these challenging issues that plague some schools in some settings, we have a generation of young people who are no longer compliant, just because the adult would wish it so! More relational approaches, that engage in a genuine way with young people, are more likely to have a positive impact on brain development, and our systems must, to adapt to these rising challenges, re-think behavior management and focus perhaps on behavior development. Restorative practice is who we are, not what we do.

I have been heartened by the stories and efforts of academics, practitioners and system change agents - how they are slowly changing the way individuals and systems function. Our young people are inheriting a world that is sometimes very frightening – too much violence, too much hate, too much “othering”, too much poverty and disadvantage. It’s through the collective effort of our schools worldwide, that we can hope to prepare them for the job of creating a peaceful and safe global community, to make a real difference in how they problem-solve. It may be too late to reach and influence some of our leaders, politicians, parents, employers, colleagues and friends, but our schools, quite possibly, are the best place for the culture change that we yearn for – after all, all our children go to school in the years when their brains are so plastic and we can do our best relational work.
INTRODUCTION, IMPETUS AND STRUCTURE OF THE BOOK

BRIDGING THE WEST AND THE EAST

Theo Gavrielides and Dennis Wong

REFLECTIONS FROM THE WEST: THEO GAVRIELIDES

There can be no doubt that restorative justice has grown into becoming a global movement. It is legislated at national and international levels, and funded through small and large-scale programmes independently of location. What has been particularly impressive is the literature on restorative justice, which continues to grow, reflecting the passions of many researchers to report on its theoretical and practical achievements.

So, why another book on restorative justice? The unique contribution of this edited collection is twofold. Firstly, it aims to build a bridge between the restorative justice world in the East with that of the West. Despite the many articles, books and commentaries on restorative justice, a huge gap remains in bringing knowledge from these two sides of world. The consequences of this failure are multiple including Western scholars and newcomers to restorative justice believing that the concept owes its existence and development to the West. As this volume demonstrates, this is far from true. Persian, Asian and Hindu civilisations are far more rooted in history and restorative culture, than some modern Western traditions of justice. But this book is not about competing who owns restorative justice. In fact, its aims are rather opposite. The volume demonstrates how similar the theoretical and practical experiences are in the two sides of the world. It also presents us with evidence of what works in policy, research and practice, allowing us to make comparisons for the future.

This primary book objective is also reflected in the background and experiences of the two editors. We have both served restorative justice in various contexts and for many years. Despite knowing each other through our writings, we had never met. Strangely enough and without planning, our paths met in Tehran where the 2nd bi-annual Symposium on Restorative Justice was held. This international event was titled “Restorative Justice as a Bridge between the Silk Road Civilisation” and just like the days of the old it aimed to create a crossroad for dialogue between cultures, religions, as well as justice systems. And this is where our own first dialogue on bridging our restorative justice civilisations first happened.

Secondly, the book aims to challenge restorative justice which is often seen through the narrow lenses of the criminal justice system. Our joint experience has taught us that probably the biggest contribution of restorative justice lies in its educational abilities. As its rehabilitative and healing attributes are hard to manifest and are indeed scant, its preventative and teaching potential are considerable. And yet, there is very little on the practices and theories that can bring these potentials to the front. Therefore, it made sense for Restorative Justice for All (RJ4All), the international NGO that hosts RJ4All Publications, the publisher of this book, to develop a project that would look at the educational side of restorative justice. RJ4All’s strapline is after all “Redistributing Power through Education”.

We believe that it is time for restorative justice to engage, energise and use disciplines it has never reached. In fact, we hope that restorative justice benefits from an inter-disciplinary dialogue that can take the best features and learnings from an array of fields while not losing sight from its original intention of truly empowering those it aims to reach. Consequently, this book brings together criminology, sociology, political sciences and human rights, psychology, teachers, practitioners and social workers to open new paths for restorative justice.

The book is introduced by Margaret Thorsbome, an international expert in restorative justice in educational settings. We then divided the various contributions into two sections. The first brings together four chapters from the West.

Chapter 1 by Mark Tsagas looks at child sexual abuse especially within the context of institutions dedicated to learning
and education (e.g. by authority figures such as teachers, coaches, spiritual and religious leaders, as well as their support staff).

Tsagas reviews past and present cases of sexual abuse inflicted upon minors in educational settings. He then critically analyses the system's current approach in dealing with such criminal acts. He argues that while the incarceration and subsequent rehabilitation of the offender may be key to the process, it alone will not always offer the necessary closure to the victim. He uses evidence from the 10-year project carried out by restorative RJ4All on Child Sexual Abuse in the Catholic Church, to argue that restorative justice can be a viable and healthy alternative method for dealing with such cases, subject to their severity, due to the benefits it may have on restoring the harm done to child victims.

Chapter 2 by Sara Natividade and Giorgia Varvello looks at the potential of restorative justice in preventing youth violent radicalisation in educational settings. They argue that young people can be part of the solution. In fact, a restorative approach could be an effective strategy when dealing with such complex phenomena. They use a case study approach combined with a critical review of the extant literature to argue that a sociological approach to the issue of youth radicalisation opens the door for a restorative justice dialogue that can prevent and indeed heal.

Chapter 3 by Miranda Kiff presents original evidence that she collected with a group of post graduate students in the UK. Her researched aimed to establish whether and to what effect, training in restorative approaches could have on attitudes towards behaviour management. Her results demonstrated there was a substantial and statistically significant shift from punitive to restorative attitudes. She argues that encouraging teachers to think restoratively may not only improve behaviour management, but also instil restorative thinking in school pupils so that they grow up thinking less that punishment is always and only appropriate response to bad behaviour in society at large.

Chapter 4 by Beata Czarnecka-Dzialuk looks at the application of restorative justice in Polish schools. Evidence is presented of teaching children and youngsters how to repair or redress damage. Their evidence is drawn from the Polish Mediation Centre and a project implemented in the city of Gdańsk area. They conclude with recommendations in introducing mediation among children and young people as a fundamental social competence.

REFLECTIONS FROM THE EAST: DENNIS WONG

With the flourishment of restorative justice in Western jurisdictions for over twenty years (Braithwaite 2002; Johnstone 2002; Van Ness and Strong 2006; Umbreit, Vos, Coates and Lightfoot, 2006; Gavrielides 2007; 2018), we are now certain that restorative justice is not about establishing a pile of new rules and guidelines for law enforcers. Restorative justice is not limited to be used, for criminal matters or, in criminal justice setting. Restorative justice is not restricted to highly trained professionals only. Restorative justice, as you can see in this book, is highly flexible in programme innovation and practices for use in a wide range of situations, including in student discipline, offender counselling, and reintegration of wrongdoers or offenders into society but at the same time repairing harm done to victims and community. We are particularly delighted to see examples of restorative justice or sometimes called restorative practices (RP) from the East.

Authors from different fields, including teachers, lawyers, social workers, lecturers and professors, share their personal path to encountering restorative justice, and how they endeavour to promote and implement restorative justice in the educational settings. Their experiences are extremely valuable for restorative justice development and their sharing definitely add values to the current restorative justice literature which are predominantly generated from the West.

In reading the chapters from the East, readers may need to be aware that most of the authors are not native English or native American. English is not their mother tongue or common daily language. In other words, concepts of restorative justice or RP from the East have to be interpreted differently based on their cultural contexts (Liu and Palermo, 2009). Noronha (2002) in studying culture-level values across nations found that East Asian nations were found to have high levels of hierarchy and conservatism, favouring role obligations and maintenance of traditional order, whereas Western European nations exhibited opposite qualities. Similarly, Schwartz (2006) also discovers that Confucian-influenced cultures place a greater emphasis on embeddedness than all American and European cultures, prioritising hierarchy and mastery and placing less emphasis on egalitarianism, harmony, and autonomy. The wordings which represent “restorative justice” in their own language often denotes a deeper sense of meaning from the surface (Wong, 2014; 2016).

Chapter 5 by Ahn Eunkyung shows an adaption of restorative justice principles for resolving school violence. The chapter describes the process about how peacebuilders in South Korea drew upon insights from restorative justice and integrated its theory and methods in the field of student discipline in Korean schools. Instead of adopting harsh

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1 See [https://www.rj4all.info/rjabuse](https://www.rj4all.info/rjabuse) (accessed March 2019)
punishment, teachers are willing to use Restorative Circles at school for resolving conflicts after learning from the restorative justice practices. With the support of innovative programs developed by various NGOs in South Korea, positive education culture emphasising on using restorative practices for tackling disciplinary issues is gradually seen. restorative justice becomes an important tool for changing educational culture in South Korea.

In Chapter 6, two lawyers, Debarati Halder and Amol Shetty, advocate the integration of therapeutic justice and restorative justice for regulating road traffic violation - especially for India’s young generation. They assert that therapeutic justice could be taught in Law schools in India. Such movement would provide a good example in future law reform as well as rejuvenation of legal practices. Like other Eastern traditions, restorative justice concepts are deeply rooted in its cultural traditions in India. Nevertheless, contemporary legal practices tend to over-emphasise on offender punishment and thus neglect about the victim’s needs. Integrating restorative justice and therapeutic justice for handling road traffic related offences could ensure the criminal justice system in India fulfilling its dual obligations – upholding victims’ rights and taking offenders accountable. With examples illustrating recent works done by several Law schools’, readers may be able to grasp how restorative justice be promoted in the tertiary education setting in India.

In Chapter 7, Hannah Kim and Jae Young Lee attempt to point out the theoretical and historical context underlying the emergence of Restorative Discipline (RD) approach in South Korea. In response to the banning of corporal punishment among schools, RD has been one of the useful alternatives to harsh discipline since 2015. Based on results of 10 in-depth interviews of Korean educators, the chapter describes how RD stands out as an effective measure for treating students’ misbehaviour in classroom and discusses challenges facing future development of restorative justice in South Korea.

The topic covered in Chapter 8 by Miranda Forsyth, Dora Kuir-Ayius, Michelle Rooney and Mary Aissis is about how restorative justice could halt cycles of family violence for some problematic students in the City of Lae, Papua New Guinea (PNG). With a critical analysis of socio-economic and political backgrounds of PNG, the chapter points out that many women were victims of physical and psychological abuses at home. Under such situations, children of abused women are often at high risk of engaging in delinquency. Unfortunately, schools tended to adopt punitive measures and excluded those students who are already suffering from multiple family and social problems. The authors, based on their recent research, discusses some newly developed restorative justice initiatives for including instead of excluding problematic students. Their chapter will also uncover the successful factors and challenges behind such a new move.

Chapters 9 and 10 are about stories of restorative justice development in two affluent cities – Singapore and Hong Kong. Chapter 9 offers step-by-step description of the historical development of restorative justice development, firstly in criminal justice system and subsequently in educational setting. restorative justice is adopted in education sector in the form of RP in Singapore. RP was first piloted in Singapore schools in 2005 with the hope of developing restorative schools across the territory. Nevertheless, such a dream has not come true according to the author of this chapter, Katherine Kwan - a social work professional. This chapter discerns reasons behind a lack of traction of RP and discusses possible ways for promoting the use if RP across schools in Singapore. Similarly, Chapter 10 by two academics Wendy Lui and Dennis Wong, also focuses on the rise and fall of restorative justice development. restorative justice and mediation practices have once developed rapidly in Hong Kong in mid 2000s, under the auspices of the police diversionary scheme for young people. The use of restorative justice, for dealing with misbehaved students or school bullying, has also increased during the initial period of development. Despite this growth, no formal juvenile justice legislation has ever been enacted in Hong Kong as discerned by the authors. With a sharp decrease in crime rate in recent years, the development of restorative justice was seemingly gloomy. The authors, based on their recent research, explore into the reasons for the fall of restorative justice, especially in relation to its practice. With recent endeavours of rejuvenation of RP in primary and secondary schools, this chapter analyses the power of using multi-disciplinary education which may bring about a change to the development of restorative justice in Hong Kong.

Approaching the end of this book, Rick Sarre, a renowned Australian criminologist, recalls more of its history about restorative justice education in ancient and modern Christian Theology. Chapter 10 highlights how Christianity has championed restorative themes in its two thousand years of history. With examples of restorative justice practices in schools and universities established by Christian churches, Rick Sarre critically examine how Christianity continues to inform restorative practices in the educational settings and maintain a capacity to empower as well as enliven modern-day restorative justice education in both the East and the West.

To conclude, the beauty of restorative justice is its adaptability and applicability to different settings and cultures. As restorative justice is a new way of thinking about wrongdoings, forgiveness, reparation and restoration of human relationships, as far as we can stick to the basic principles for implementing restorative justice, healing and repair harm done is not unreachable (Braithwaite and Zhang, 2017; Van Wormer and Walker, 2013; Zehr, 1990). As we have
see from the above chapters, the research and writings on restorative justice initiatives and struggles, from both the West and East, are of great significance in filling the missing pieces of a culturally valid theory of restorative justice. This is especially true for the communities where “whiteism”, patriarchy, and pecking order are deeply rooted.
REFERENCES


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“It is arrogant indeed to think that schools in the west have all the answers and we are somehow more advanced in our thinking and practice. The scope of the chapters in this book travails many of the issues that face schools and systems everywhere. This book is highly recommended for anyone practicing, studying or legislating restorative justice in educational settings. Restorative practice is who we are, not what we do!”.

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