

Restorative Justice

What it is and is not

Misbehave, get punished. That pretty much sums up the approach to “disciplining” students that educators through the decades have taken in schools and classrooms. The most extreme form of this law-and-order strategy is zero tolerance, described in *Rethinking Schools* by Bill Ayers and Bernardine Dohrn back in 2000, as these policies gained popularity:

Schools everywhere—public, private, urban, suburban, rural, and parochial—are turning into fortresses where electronic searches, locked doors, armed police, surveillance cameras, patrolled cafeterias, and weighty rule books define the landscape.

In schools today, educators still respond to what they perceive as student misbehavior with punishment. However, schools and school districts appear to be abandoning the language of zero tolerance and in many places are introducing what is often called “restorative justice.” This represents an enormous victory for the activists and organizations that for years have fought the school-to-prison pipeline. Zero tolerance puts school resources toward policing and push-out instead of toward teaching and support. The number of youth—overwhelmingly youth of color—out of school and incarcerated has skyrocketed; LGBTQ and disabled youth are also targeted.

So we welcome the abandonment of zero tolerance.

But simply announcing a commitment to “restorative justice” doesn’t make it so. Restorative justice doesn’t work as an add-on. It requires us to address the roots of student “misbehavior” and a willingness to rethink and rework our



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classrooms, schools, and school districts. Meaningful alternatives to punitive approaches take time and trust. They must be built on schoolwide and districtwide participation. They are collaborative and creative, empowering students, teachers, and parents. They rely on social justice curriculum, strong ties among teachers and with families, continuity of leadership, and progress toward building genuine communities of learning.

Too often, this is not what we see in places that tout a focus on restorative justice. At far too many schools, commitments to implement restorative justice

occur amid relentless high-stakes “test and punish” regimens—amid scripted curriculum, numbing test-prep drills, budget cutbacks, school closures, the constant shuffling from school to school of students, teachers, and principals.

Meaningful restorative justice also requires robust funding. It can’t mean a high school teacher released for one class

period to “run the program” or a mandated once-a-year day of staff development training. Under these circumstances, announcing one’s embrace of “restorative justice” is hypocritical window dressing.

What Is Restorative Justice?

The concepts of restorative justice are based largely on indigenous approaches. The Navajo system is a good place to start, described by Robert Yazzie in “Life Comes from It’: Navajo Justice Concepts”:

Navajo justice is a sophisticated system of egalitarian relationships,

where group solidarity takes the place of force and coercion. In it, humans are not in ranks or status classifications from top to bottom. Instead, all humans are equals and make decisions as a group. . . .

There is no precise term for “guilty” in the Navajo language. The word “guilt” implies a moral fault that commands retribution. It is a nonsense word in Navajo law due to the focus on healing, integration with the group, and the end goal of nourishing ongoing relationship with the immediate and extended family, relatives, neighbors, and community.

So what might this look like in public schools? Cedric, a thin African American teenager in a red shirt, sits in a circle

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with his parents, other students, teachers, counselors, the principal—about two dozen people. Cedric is returning to Ralph J. Bunche High School in Oakland, California, after being incarcerated, and this is his welcome and re-entry circle.

Eric Butler, from Restorative Justice for Oakland Youth (RJOY), explains the goal: to provide support for Cedric’s return to school. The circle starts with a relationship-building round: Everyone says what they, as children, hoped for in adulthood.

The next round is on values necessary to have the discussion: speak your truth, compassion, commitment. Then a round on what everyone commits to doing for Cedric. The principal says, “I am the person who will ensure you get your high school diploma and get on with your life.”

“You’re making me blush,” Cedric says, covering his face with his hands. Later he explains: “That touched me. . . .

At first I couldn’t trust them, but then they all looked me in the eye and told me what they could do to help me, so I felt like I could give them a chance.”

Butler asks Cedric’s mom what kind of help she needs from the group. “I need you to support my son,” she says.

After repeated times around the circle, they make a concrete plan, decide who will do what, and agree to meet in 30 days. At the end, everyone shakes Cedric’s hand or gives him a hug.

The circle for Cedric (made into a short video by RJOY) highlights what restorative justice can offer—healing harm rather than continuing a cycle of crime and punishment. There are a number of models of restorative practices, but they always start with building community. Then, when a problem arises, everyone involved is part of the process. As in Ce-

dric’s healing circle, shared values are agreed on. Then questions like these are asked: What is the harm caused and to whom? What are the needs and obligations that have arisen? How can everyone present contribute to addressing the needs, repairing the harm, and restoring relationships? Additional questions can probe the roots of the conflict and make broader connections: What social circumstances promoted the harm? What similarities can we see with other incidents? What structures need to change?

A commitment to restorative justice has to be built over time; it can’t be mandated or compelled. For example, Rita Renjitham Alfred was hired in 2005 as case manager in a pilot program to reduce expulsions, suspensions, and fights at Cole Middle School in Oakland. She started with a support group for teachers. The next year, Alfred and a colleague

offered five days of training in restorative justice spread out over the year. They also got a commitment from the principal to conduct one staff meeting a month on restorative justice principles.

Soon the teachers suggested that the students get involved. Alfred went class to class, explaining restorative practices and starting discussions. The following year there was an elective in restorative justice and it became an accepted approach for dealing with school problems. By the program’s third year, suspensions had dropped 87 percent.

Alfred tells a story that illuminates the program’s impact and how it reaches into the school curriculum:

One day, two middle school students at Cole came to me in tears. “We need an RJ circle on teaching slavery,” they said. They asked for my help talking to their teacher, a wonderful teacher who had been an active participant in our RJ trainings, about how she was teaching a unit on slavery in U.S. history. She agreed and we set up the circle.

“We love you,” the students said, “but we have to tell you what this unit is doing to us. This is our identity, and the way you’re teaching slavery is making us feel terrible.” After a long discussion, with tears on all sides, the teacher suggested a strategy: She would reconstruct the unit, putting it in the context of African history overall, and as an international struggle over power, resources, and economic systems—looking at slavery in the context of conquest and resistance all over the world rather than isolating a specific group as victims. She still teaches the unit that way.

What Isn’t Restorative Justice?

Given the strengths of restorative justice, doesn’t it make sense to charge full

steam ahead? Of course, but restorative justice depends on building community, rooting it in social justice curriculum, and integrating classroom practices with schoolwide practices.

Restorative justice is not a set of prompts. The switch from seeing offenders and victims to looking for harm (when

with the kids. Then our school got ‘turned around,’ and we lost our principal and most of our staff. Now we’re starting over.” “I’ve started over three times,” one New York teacher said. “I can’t do it again.”

Restorative justice won’t work as a band-aid when schools are being torn to shreds. Look at Philadelphia. The schools

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everyone involved may well have been harmed) is an enormous one. It’s also not a quick fix to change suspension statistics.

Kathy Evans, from Eastern Mennonite University, worries that

in our haste to implement RJ in schools, we don’t lose our way. Not all programs that call themselves restorative are indeed restorative. Many are restorative-ish; others have been completely co-opted so that restorative terminology is used to rename the detrimental programs they are meant to replace. For example, having kids wash the cafeteria tables in lieu of suspension may be a better option, but it isn’t necessarily restorative. . . . Implementing restorative justice to address behavior without critically reflecting on how curriculum content or pedagogy perpetuates aggression is limiting.

Restorative Justice as the Finger in the Dike

Several years ago, at a workshop on restorative practices at the national Free Minds, Free People conference, teachers spoke up during the discussion period. “We spent three years getting buy-in from the administration and the staff for restorative justice, and we were starting to work

have faced years of devastating cuts. Last year at Bartram High School, there were two counselors for more than 1,000 students, 91 percent low-income. Bartram has lost more than a third of its total staff over the last three years, including its only librarian, assistant principals, aides, and a third of its teachers. Dozens of new students came to Bartram as a result of 24 city school closings in 2013. Violence increased, including an assault on a conflict resolution specialist. The administrative response: four more police officers, stricter enforcement of the uniform policy and rules against cellphones and tardiness—and “a commitment to restorative practices.” Under such circumstances, what real meaning does that commitment have?

And, as the students at Cole understood, there is a strong relationship

among curriculum, pedagogy, and restorative practices. Restorative justice can’t grow in the margins of scripted, test-driven curriculum; it’s based on teachers hearing, understanding, and responding to the academic, social, and emotional needs of students.

Don’t get us wrong. Rejecting zero tolerance is huge. “Restorative-ish” programs are a vast improvement over zero tolerance. But we need to advocate the essential values of restorative practices. That includes fighting for schools that meet the needs of all our students and the communities they serve. The healing that lies at the heart of restorative practices must include healing the wounds from the kinds of miseducation that oppress children and teachers alike. ■

ENDNOTES

Ayers, Bill, and Bernardine Dohrn. 2000. “Resisting Zero Tolerance,” in *Rethinking Schools*, Vol. 14, No. 3.

Evans, Kathy. 2014. “Restorative Justice—Possibilities, but Also Concerns,” Zehr Institute for Restorative Justice Blog. June 26. Available at emu.edu/now/restorative-justice/2014/06/26/restorative-justice-in-education-possibilities-but-also-concerns.

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Yazzie, Robert. 2005. “Life Comes from It’: Navajo Justice Concepts,” in Nielsen, Marianne and James Zion, eds. *Navajo Nation Peacemaking: Living Traditional Justice*. University of Arizona Press.



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Michael Fowlin

Friday, November 21, 2014 • 8:30 a.m. - 3:00 p.m.
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Conference Information
Nancy Schniedewind <schniedn@newpaltz.edu>