

Discipline, punishment, and the moral community of schools

Theory and Research in Education
2020, Vol. 18(1) 98–116
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DOI: 10.1177/1477878520904943
journals.sagepub.com/home/tre



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Abstract

The following article surveys changes to school punishment in the United States over the past century – particularly, the rise of exclusionary methods and the school-to-prison pipeline – to argue that prevailing disciplinary techniques are out of step with the developmental ethos of education and the principles of democratic oversight. To remedy these shortcomings, it offers a defense of schools as moral communities and outlines disciplinary responses grounded in the recognition and respect of the restorative justice model.

Keywords

History, punishment, restorative justice, school-to-prison pipeline

While school discipline and punishment have always been lightning rods of social controversy, recent reports suggest that something has gone seriously awry. In Georgia, a middle school girl was expelled and had a warrant issued for her arrest because she wrote the word ‘Hi’ on a school locker. In another instance, educators at an elementary school shamed students who were tardy more than four times, isolating them at lunch behind a cardboard screen. We read troubling reports of gender and racial disparities in the administration of punishment, and of law enforcement tackling and tasing students in the classroom. Of particular concern is the widespread use of exclusionary punishment in schools, even while the American Academy of Pediatrics notes that ‘the adverse effects of out-of-school suspension and expulsion on the student can be profound’

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(Committee on School Health, 2003). As these worries capture our attention, there are also critics who worry that schools are ‘going soft’ on discipline and that violence and chaos are the result. How did we get to this point of confusion regarding punishment in schools? And what should be done?

We argue that as schools have grown increasingly bureaucratic over the past century, formalizing disciplinary systems and shifting from physical punishments, such as whipping, to forms of spatial or structural punishment, such as suspension, school discipline has not only come to resemble the operation of prisons or policing but has grown increasingly integrated with those institutions, subjecting children to new levels of surveillance, restraint, and criminalization. These changes, we argue, disregard the unique status of schools as spaces of moral growth and community oversight, and are incompatible with the developmental ethos of education. We contend that restorative justice, with its demands for mutual recognition, respect, and atonement, is far more in keeping with a proper understanding of schools as moral communities, and as such marks a more fitting approach to school punishment. While full implementation of a restorative justice approach will be difficult in less-than-ideal circumstances, we believe modest movement in that direction by educators is both possible and ethically necessary.

The historical context

Although bureaucracy and de-moralization have affected schooling in many nations, we base our analysis on the history of education in the United States in particular. With highly local structures of government, a surprising lack of judicial scrutiny, and rates of criminalization and incarceration far higher than other Western countries, the United States offers an especially stark illustration of the processes that we critique and stands to benefit the most from the remedies that we recommend (Driver, 2018).

For most of American history, educators espoused a rhetoric of morality in the classroom, which they equated with a strict adherence to order and enforced with corporal punishment (Falk, 1941; Ryan, 2000). By the turn of the twentieth century, however, this approach had fallen out of step with increasingly hierarchical school systems, which secured order through therapeutic or exclusionary approaches, penalizing minor infractions and segregating or suspending troublemakers. In ways suggested by Michel Foucault (1995), professionalization encouraged systems of surveillance, psychological norming, and physical restraint, with tighter connections to police and prisons and fewer opportunities for public accountability. Schools moved away from the physical brutality of the past but came no closer to fulfilling punishment’s moral and educative functions.

Corporal punishment was a nearly universal practice in American schools until the late nineteenth century. The United States was a patriarchal society: women, slaves, criminals, soldiers, and sailors were all bound in one way or another, and all could be whipped by their superiors for minor infractions. Schoolchildren, subject to the common-law principle of *in loco parentis*, were subject to the same treatment. Housed in overcrowded, single-room buildings, led by a male teacher with no formal training, they were organized in ways that practically necessitated corporal punishment. These arrangements were publicly accountable, ensuring low taxes and decentralized governance, but they came at the cost of more nurturing or less punitive classrooms (McClellan, 1999).

Just as the disorganization of rural schoolhouses lent itself to corporal punishment, the rise of urban systems formalized and eventually discouraged the practice (Glenn, 1981; Jewett, 1952; Kaestle, 1978). By the early 1900s, an increasingly feminized teaching force began to insist that punishment fell outside its area of expertise and worried that striking children could expose members to legal liability (Cobb, 1847: 10, 80). Many teachers saw the abolition of corporal punishment as a means to bolster professional status, and hoped to replace ‘the entire repressive apparatus which bribed or threatened children into being industrious and orderly’ with engaging lessons and gentle correction (Falk, 1941: 78). Controlling the classroom humanely became a hallmark of the qualified teacher, and introduced aspects of the ‘developmental ethos’ of punishment that we endorse below (Hogan, 1990).

Unfortunately, professionalism still depended on the preservation of order, and subordinated child-centered rhetoric to that end rather than to children’s moral development. A therapeutic language emerged, in which misbehavior became a disruptive force to be ‘managed’ rather than a moral failing to be punished (Butchart and McEwan, 1998: 36; Mintz, 2009). Psychological assessments migrated from clinical studies of children with mental or emotional pathologies to the student body at large, while untrained educators applied therapeutic tenets selectively, abandoning the specificity of diagnostic terms for a sort of pop psychology driven by mandates conformity and compliance (for similar phenomena elsewhere in schools, see Carson, 2007; Schneider, 2014). Schools also became reliant on systematic forms of segregation. As child labor laws pushed working-class students into school, administrators began to promote students from one grade to the next on the basis of age rather than ability, and developed forms of in-school segregation to isolate students in dead-end curricular tracks (Mirel, 2006; Ravitch, 2000). Under the cover of therapeutic rhetoric, administrators created ‘special classes’ as a release valve for misbehaving students. As one admitted, diagnostic testing was the guiding principle in placement decisions but it was ‘by no means closely adhered to’: a teacher might reassign a troublemaker ‘even though his classification indicates otherwise’ (Tropea, 1987: 37–38). Likewise, by attributing misbehavior to social or emotional maladjustment, teachers could claim that ‘youth needed therapeutic services beyond the *educational* expertise of a regular classroom teacher’, transforming punishment into ‘a specialized task’ best suited to ‘non-instructional personnel’, whether administrators, social workers, or the criminal justice system (Kafka, 2011: 55).

By the 1950s, there was growing collaboration between government agencies in the control of wayward children, all under the guise of meeting developmental needs. Juvenile courts promised flexible responses to misbehavior, appropriate to the age of the offender and without the adversarial nature of trial courts. By the same token, however, they weakened children’s constitutional protections: judges could incarcerate children without charging them with a crime, hold them indefinitely, and, working closely with public schools, subject them to supervision from welfare offices and parole officers (Tanenhaus, 2011). Police involvement followed a similar arc. Programs devoted to dialogue between teenagers and the police laid the groundwork for the ‘school resource officer’ (SRO), a uniformed patrolman stationed within the school building, as early as the 1940s (Drinan, 2018: 47; Jostyn, 1945; Stein, 1947). The presence of SROs was touted as preventive and even pedagogical: policemen would become role models for

troubled children, able to intervene more constructively in the hallway than they could on the street. Yet friendly discipline could quickly slide toward arrest and court involvement, and although many schools still administered corporal punishment, the fact that a student could be wrestled to the ground or handcuffed to a chair by an armed man introduced a new standard of physicality. Underlying all of these issues was a lack of training for officers themselves, who could act on their own simplistic understandings of child development and comportment (Kupchik and Bracy, 2010).

These disciplinary structures reproduced existing inequalities. Boys were more likely to be swept up than girls, and the poor and students of color bore the brunt of segregation, surveillance, and coercion. African American children, in particular, confronted naked racism in the schools, especially in the wake of desegregation during the 1960s (Kozol, 1968; Lyons, 2008; Perrillo, 2012). The trope of ‘uneducable’ Black children enflamed mutual suspicion between African American students and parents on one side, and teachers on the other, a breakdown of trust that led many educators to take a ‘hands-off’ attitude toward discipline and rely instead on bureaucratic formalism. ‘Rather than disciplining and counseling students in the classrooms, halls, and playgrounds’, which they saw as futile, ‘teachers became reporters of violations for which the usual punishment was suspension or expulsion . . . [alienating] teachers from students who needed their counseling most’ (Little Rock Classroom Teachers Association, n.d.). Suspensions of African American students skyrocketed, and remain far higher than those of other students, especially for minor offenses (Agyepong, 2018; Muhammad, 2010; Suddler, 2019).

A perverse circularity has solidified these arrangements since the 1970s. Disciplinary policies have migrated to ever higher levels of government: following a wave of state legislation, Congress passed the Gun Free Schools Act in 1994, mandating suspension for weapons or drugs in school (Bennett et al., 1996). Yet local authorities retain significant discretion in their implementation, and have expanded ‘zero tolerance’ to everything from cutting class to belligerent language (Kim et al., 2010; Meek, 2009). Facing public criticism, administrators claim that their hands are tied by federal legislation. Facing federal requirements to achieve racial proportionality, they invoke local control. Courts have generally declined to interfere with school punishment on the assumption that schools are ‘open institutions’, subject to parental and community control, when in fact they have become increasingly insulated from both (US Supreme Court, 1977). Thus, the logic of professionalization has promoted institutional stability over moral development, and frustrated attempts at public accountability.

The moral community of schools: A sketch

Several issues are worth highlighting in this historical account of punishment. There is the early emphasis on moral formation and classroom order, enforced through corporal punishment. Corporal punishment was generally (but not entirely) replaced by growing bureaucratic systems of student control. The moral discourse surrounding student punishment receded, exchanged for therapeutic languages and managerial strategies (often drawing from outside institutions and law enforcement) meant to keep school order and discipline. The rigid, heavy-handed moralism of early schools evolved into the morally sterile, behavior-management clinics of later schools, with the associated pathologies

such as the school-to-prison pipeline. Neither approach, we believe, correctly recognizes the nature of schools as moral communities.

What is needed is a reconsideration of the nature of schooling, particularly of how we conceptualize schools as communities governed by values and moral norms. If we take schools seriously, not as rigid enforcers of a Protestant morality or as managerial bureaucracies, but as moral communities, what then follows with respect to punishment practices? One way to think about the moral nature of schools, we suggest, is to consider what makes them unique as social institutions (Warnick, 2013). What goals are schools striving toward, what obstacles do they face in achieving those goals, and what is necessary to overcome those obstacles? The sort of social relationships that should exist within schools, and the sort of discipline practices that are justified, will depend on the specific institutional context of schools, properly described.

The context of social institutions has ethical weight. When we think of the moral responsibilities of citizens within liberal democracies, we often tend to think in terms of universal rights and obligations – broad-based rights such as freedoms of speech and association, rights to due process, and rights to equality of treatment under the law. While such universal rights have their place in the moral universe, it is clear that, under some circumstances, our rights and obligations are modified by the particular institutional contexts we find ourselves inhabiting, the specific roles we play in those contexts, the prescribed duties placed upon us, and unique privileges granted us to perform those duties.

In this vein, the US Supreme Court (1969) has found that schools are specific spaces that modify and transform constitutional rights. In the 1969 *Tinker* decision (*Tinker v. Des Moines Independent Community School District*), the Court affirmed that students and teachers have rights, but that they should be ‘applied in light of the special characteristics of the school environment’ (506). Also, the context-dependent nature of our obligations toward students has been highlighted in moral and political philosophy. Samantha Brennan and Robert Noggle have advanced the notion of role-dependent rights, the idea that some of our moral and political rights depend on the contexts in which we operate. Rights, they argue, ‘depend in part on the facts about the persons who bear them, facts about the relationship of which they are a part, facts about previous communities they have made, and facts about the societies in which they live’ (Brennan and Noggle, 1997, p. 7). They point out how professionals are given the ability to do certain things that others are not. Doctors can prescribe medications, for example, and lawyers can keep certain conversations confidential. For Brennan and Noggle (1997), roles matter even for students: ‘One’s role as a student confers certain rights against her teacher’ (p. 6). Role-dependent rights are justified because of the need for social intuitions to accomplish their essential goals.

Schools are, without a doubt, important social institutions. How, then, should we conceptualize the social mission of schools? What are schools trying to achieve and what sort of roles and social relationships are vital to these goals? What makes them *special*? These special characteristics will, in fact, largely define and construct a normative vision of school community. The special characteristics will influence the sort of relationships that should exist within schools, and therefore be central to establishing what forms of punishment are appropriate. In what follows, we will look at the special characteristics that are most relevant to discipline practices.

Special characteristic 1: Educational purposes: Vocational, liberal, and civic

The nature of the moral community that educators should be trying to build in schools will depend on the goals that the community is pursuing. The goals of education can be divided into the vocational, the liberal, and the civic. The purely academic goals of schools – learning mathematics, science, history, languages, and so forth – are justified instrumentally, as a means of accomplishing these larger goals. There is, we believe, some intrinsic value in knowing about such things. The public interest in education, however, lies more in what this academic knowledge helps construct: citizens who are free and equal, who can make positive contributions to the public good. Our focus, then, will be on the larger, social aims of schools, and the vocational, liberal, and civic goals of education.

The vocational goals consist in the preparation required for citizens to participate in the economy. At best, this involves thoughtfully exploring with students the vocational possibilities open to them, and assisting students in choosing pathways that will be personally meaningful and contributory. Students will need to acquire a set of skills and dispositions that will guide them toward meaningful participation in the economy. While the focus of the public is often on developing technical skills, particularly in math and science, employers are sometimes just as interested in the so-called ‘soft skills’. These skills include communication, responsibility, teamwork, and problem solving (Leighton, 2018).

The goal of liberal education is the development of autonomy and personal responsibility. Liberal educational goals grow out of the fundamental political principles governing liberal democratic societies, namely, liberty and equality. The idea behind the liberal goal of autonomy is that human beings should be given the opportunity to think for themselves, taking personal responsibility for their beliefs and actions. Beyond the place of autonomy in the liberal political tradition, there are also independent moral arguments for its status as an educational goal. Autonomy is an important part of human happiness, since happiness would seem to increase as people are able to choose their own lifestyles according to their preferences and values. Developing autonomy in education is also a critical part of how we demonstrate respect for personhood. We show respect to human beings, and their capacity to deliberate and make decisions, precisely as we encourage individuals to exercise this capacity and make fundamental decisions governing their own lives. Finally, autonomy is a necessary part of civic education – in order to overcome various forms of social manipulation, intelligent voting requires the use of independent judgment and critical reason. From these moral arguments, it follows that children should be given the opportunity to develop the mental capacities and character traits associated with autonomy.

The development of autonomy is perhaps the most controversial goal of schooling. Autonomy has been advocated by a wide range of political thinkers, each advancing a particular vision of autonomy and how it is developed (Brighouse, 2006; Callan, 1997; Levinson, 1999; Newman, 2013; Reich, 2002). Autonomy is not without its critics as an educational aim, however, and some have argued that autonomy is harmful to democracy (Galston, 1991) or that it fails to recognize the importance of intellectual authority (Hand, 2006). While we find the arguments for autonomy convincing, we are aware of its

controversial status. The conception of punishment that we advance is not entirely dependent on acceptance of this goal; indeed, most of what we say will be relevant to those advocating only civic or vocational goals. We do believe, however, that recognizing the need for autonomy serves to strengthen the case for the type of discipline and punishment we have in mind.

The last goal of education in democratic societies has to do with the civic purposes of education. Education should help students live together peacefully and justly in a democratic society. At minimum, it seems that an adequate civic education provides for a basic historical, sociological, and governmental knowledge. It also encourages various dispositions that help people to live together peacefully, such as tolerance and open-mindedness. These dispositions include forbearance of other viewpoints, respect for the rule of law, and the ability to engage with others under an umbrella of mutual respect in pursuit of justice. More broadly, any adequate notion of civic education would involve coming to know and care about how one's actions affect others. When disagreements arise, students should learn how to talk with others as equals, resolving disputes in a cooperative and reciprocal way. The moral community of schools needs to be such that it encourages the development of these civic traits.

Special characteristic 2: The age of students and developmental ethos

Another important dimension of schools as moral communities is that they generally serve a population of minors, individuals who have not fully acquired the full set of legal and moral rights. They are denied full rights because we take age as an indicator of immaturity. The very young usually have not developed the capacity or experience to make wise and informed decisions relating to their own present or future good. On an abstract level, the age of students forces us to recognize that schools, as moral communities, need to be places of growth and development. They are places where the governing assumption is precisely that students do *not* have fully refined judgment, rich experiences, advanced social skills, or deep knowledge of the consequences of their actions. This means that schools need to be governed by what we could call a 'developmental ethos'. A developmental ethos highlights the importance of patience, allows for and even encourages mistakes, forgives, and emphasizes learning and progress over time. Schools must make decisions about how to treat students, obviously, but they must do so in ways that respect this developmental ethos.

Special characteristic 3: School association: Blurring lines of moral responsibility

Student misbehavior is sometimes accurately understood as the result of school failure, of boring and mismanaged classrooms, or of unskilled or under-resourced teachers. Recall A.S. Neill's (1968) striking statement: 'Thousands of teachers do their work splendidly without having to introduce fear of punishment. The others are incompetent misfits who ought to be driven out of the profession' (p. 124). We would not put things nearly that strongly, but Neill's point that bad schools are sometimes the cause of student misbehavior is surely correct. As Pedro Noguera (2003) writes, '[W]hen we locate

discipline problems exclusively in students and ignore the context in which problematic behavior occurs, we run the risk of overlooking some of the most important factors that give rise to the behavior' (p. 347). The fact that schools are dealing with children and youth, without full judgment, knowledge, and experience, also implies that the school itself might be partly to blame for student behavioral issues. If so, it would therefore be unfair to inflict burdens on students that are purely punitive. A school as a moral community needs to be reflective and continually ask how *it* also bears moral responsibility for the behavior of students.

Special characteristic 4: Public accountability and legitimacy

Most schools are either fully public institutions or private institutions that receive varying amounts of support from the public sector. They also have an important public charge – to prepare the next generation of citizens – and are therefore subject to different forms of public accountability. Public accountability relates to the concept of legitimacy. Legitimacy is the key fact about social institutions that justifies the exercise of social power. Governments can only justly enforce their laws through force when they are perceived as legitimate. Compulsory schooling can only be justly mandated, therefore, by a government broadly seen as a legitimate expression of the public good. Legitimacy and trust in schools are also essential for both the health of local communities and for the proper functioning of school as a social institution. For example, US schools often rely on tax levies passed through referenda and on volunteers from the local community. These needs suggest that the mission of American schools, at least, cannot be accomplished without some degree of trust from the local community. School discipline practices, if implemented in a discriminatory or arbitrary way, harm the trust that schools need within the communities they serve.

The moral community and restorative justice

These special characteristics of schools help to clarify the sort of moral communities that schools should be, and therefore the punishment that is justified within them. Considering the aims and goals of schooling, which include the development of vocational soft skills, the promotion of autonomy, and the acquisition of civic dispositions of community engagement and understanding, we can see that some disciplinary practices are antithetical to the educational aims of schooling. The widespread use of suspension and expulsion is one tactic that is simply incompatible with these goals, particularly when administered mechanically for minor offenses. These tactics require very little of students in terms of reflection and engagement; they do not help students to understand and take responsibility for their actions, or to appreciate the nature of their social existence. Such sanctions do not offer the opportunity for 'collective problem solving, learning, and growth' (Morrison and Vaandering, 2012: 140). There is little in the process of exclusion that helps student understand *why* what they did was wrong, moving them toward more informed and autonomous action in the future. Students do not engage in collective problem solving or communication, valued by employers, nor do they develop the empathy

and responsiveness needed in democratic societies. Because the punishment involves little that is educational in nature, exclusionary practices fail to advance the liberal, civic, and vocational goals of education.

Furthermore, exclusionary punishment takes little account of the other special characteristics. With respect to a 'developmental ethos', rather than fostering future growth, exclusionary practices have been shown to be highly damaging to students, limiting future academic achievement and life prospects (recall the conclusion of the American Academic of Pediatrics referenced earlier about the 'profound' adverse effects of exclusion). Next, with respect to the school-associated nature of moral action, exclusionary practices fail to help educators identify practices that might be contributing to behavioral problems. Noguera (2003) describes why this reflection is so necessary, pointing to his observations of one school that attempted a form of exclusionary punishment:

When I spoke with teachers about the state of their classrooms now that the most disruptive students had been removed, the responses from the teachers were surprisingly similar. In nearly every case, I was told that while they appreciated the absence of the troublemakers, new students had emerged to take their place. Several teachers informed me that they were still experiencing disruptions in their classrooms, and some even suggested that the school needed one more teacher and one more isolated classroom to handle the remaining problem students. (p. 346)

This should not be surprising. With exclusion, there is no moment of reflection, no rumination by the school of its own role in student behavior. Finally, with respect to public accountability, the unequal application of disciplinary policies along racial and gender lines, particularly the unequal application of exclusionary punishment, does lasting damage to public legitimacy. For oppressed groups, schools become agents of oppression. Claims implicating schools in 'school-to-prison pipelines' are a primary example of this threat to legitimacy.

An alternative approach to school discipline has recently been advocated that seeks to improve this state of affairs, restorative justice. Restorative justice has been defined as 'the process whereby parties with a stake in a specific offense collectively resolve to deal with the aftermath of an offense and its implications for the future' (Canton, 2017: 153). Criminologist Howard Zehr (1990), considered one of the pioneers of this approach in the criminal justice system, urges us to see 'crime' as a breach of human relationships rather than an abstract injury against the state. The focus of restorative justice, for Zehr, is on how these harms can be healed and the community repaired. Rather than focus on 'who is to blame', the focus is on 'how can we solve this problem'. The focus is on 'conferences' rather than trials, conferences based in dialogue and the attainment of mutual understanding. In this view, the needs of the victims are primary – what does the victim need to feel safe and return to wholeness? The offender is asked to take responsibility and to assume a role in repairing harm. At the same time, the needs of the offender are also a concern since misbehavior can itself be a sign of unmet needs. This approach involves 'truth telling' on the part of victims, describing how they have been hurt. The offenders can also explain how they feel and why they did what they did. Dialogue is central, sometimes directly between the victim and offender, and sometimes

indirectly in cases of fear and power imbalances. The aim of the dialogue is to restore ties of community relationships.

In criminal justice, restorative approaches always involve the victim and the offender, and usually some sort of mediator. The mediator ensures that the conversation between the parties proceeds without fear and intimidation, and that a dialogue among equals takes place. Usually, the victim explains what has happened to them and the impact that the offender's actions have had. The offender then responds and a dialogue proceeds, often with powerful expressions of emotion. Lawrence Sherman and Heather Strang (2011) offer some details. They describe how apologies are often present, but are often transformed when the victim has been able to describe the full impact to the offender – an apology is not worthwhile, really, unless the harm in question has been fully articulated and clarified. They also reveal how the dialogue often moves from vengefulness into empathy. This empathy is often built among all parties to the dialogue: offenders better understand the hurt they have caused; victims better understand the context of the offender. This could be contrasted with how things proceed in legal proceedings, where offenders are encouraged to deny their involvement in the situation and/or minimize the harm that has been caused.

As part of restorative justice conferences, the parties reach an agreement about what is necessary for the 'restoration' to take place. Sometimes, the agreement may include something like traditional punishment. The offenders may be asked to do certain things to show that they take their actions seriously and that they take responsibility for what they have done. Such penance may include community service, detentions, compensation, public apology, shaming, or even some form of exclusion. After restorative discussions, however, these punishments come to be reinterpreted, now as pathways to reintegration rather than punitive retribution. The punishment becomes a statement of meaning in an ongoing community conversation.

Two additional aspects of restorative justice are particularly relevant to thinking about schools as moral communities. First is the issue of public confidence. There is some research indicating that restorative justice is supported by the general public. Valerie Braithwaite (2000) asked parents about their preferred views of school punishment and summarizes her own findings in this way: 'The model that meets with the most approval from parents is that which uses a restorative justice approach, while giving schools the capacity to move to retributive measures in the event that restorative strategies fail' (p. 138).

More generally, the view of many proponents of restorative justice is that restorative practices increase public confidence in social institutions. This occurs because, in restorative justice models, the process and outcome of the encounter have a better chance at winning the approval of *all* interested stakeholders. Restorative justice is seen as being more responsive to victims and communities, and therefore producing conclusions that are more likely to be seen as legitimate by all the involved parties. As Tom Brooks (2013) notes, 'If the outcomes are good enough for those involved, then they should be good enough for the wider public' (p. 72). Public confidence is particularly advanced when community members are included in the restorative conferencing. This inclusion makes sense from a restorative justice point of view, because crime is never simply about offenders and victims but has ramifications for the larger society.

Second, restorative approaches often blur the line between victim and offender. Assignment of responsibility emerges from the dialogue and is not assumed at the beginning. As Canton (2017), writes, '[T]he roles of "offender" and "victim" are not necessarily pre-determined when the attempt at conflict resolution begins and indeed deciding who was in the wrong may matter less than achieving an outcome that sufficiently commands everyone's confidence' (pp. 155–156). This sort of openness about not only where responsibility lies but also what can be done moving forward is one of the strengths of the restorative justice approach. It allows for real dialogue and problem solving. It makes particularly sense in schools, where, as we have seen, lines of responsibility for student conduct are often blurry. With this dialogue, schools are better positioned to take some responsibility for student misbehavior.

Admittedly, there are several limitations to the restorative justice approach. Some crimes might be too emotionally charged for any sort of dialogue to take place. Even many advocates of restorative justice argue that serious crimes, such as murder and rape, should not be approached through this paradigm. The depth of these types of harms would make a conference difficult, perhaps re-traumatizing victims. There is also an issue with how restorative justice dialogue proceeds when there are power imbalances between victims and offenders – social background will matter. Of course, power imbalances are present in all forms of punishment, not just in restorative justice approaches, so a critic of restorative conferences would have to show that the power imbalance in such conferences is more damaging than in other systems of punishment. Third, there is a problem of consistency in outcomes. In restorative justice, what matters is that all the stakeholders are satisfied. Some offenders may 'get off easy', while others face stiff conditions in what they are asked to do. This may be a problem, to be sure, but Brooks (2013) points out that there is type of *process consistency* within restorative justice – a consistent process is followed to address restorative needs (p. 72).

Restorative justice has been put to use in some schools. A common practice in schools is the restorative 'circle' where individuals within the school discuss their lives and work together to solve problems, or to hold dialogic conferences among students and teachers. The individuals in the circle or conference cooperate to understand what has happened, who has been affected, and what can be done to restore relationships. Troi Bechet argues that the goal of restorative justice in schools is to work 'with' students to solve problems rather than doing things 'to' them through punishment:

This is about building an internal locus of control. Punishment is an external locus of control. If we want children to grow up to be socially responsible adults, we need them to believe that they should do the right thing because it is the right thing to do. (Quoted in O'Donnell, 2018)

Restorative justice and the special characteristics

We can now state our argument: A restorative approach is justified because it best matches the aims and values that should undergird the school system of democratic societies. A restorative justice approach, in other words, coheres with the educational mission of schools and the other special characteristics of the school environment. Indeed, we would go further: restorative approaches are required in schools as a matter of justice, given the types of social

institutions that they are and purposes that are assigned to them. This approach to punishment best matches the idea of schools as moral communities, properly understood.

Educational goals and restorative justice

The first thing to point out is that restorative practices, and the rich dialogues they involve, are themselves deeply educational. They are a way, not simply of disciplining, but of teaching. Through such practices, students learn about human relationships and about themselves as responsible moral agents. An important part of civic education is to help students work with others as equals in a shared way of life. Students need to understand how their actions affect others. They need to develop skills of empathy, of putting themselves in the position of others and imagining how they might feel. Rather than just removing students from classrooms, restorative dialogue moves students toward these goals, and they do so in perhaps the most relevant way imaginable: the students are solving real social problems with their peers and teachers. Building social knowledge, building empathy, and building pathways to cooperation and reconciliation in community are the explicit goals of restorative conferences. And while it is perhaps most natural to frame the educational nature of restorative dialogue in terms of civic education, it is easy to see that such experiences will also help students to develop the soft skills that will serve them in the workforce. After all, vocational contexts also demand conflict resolution, communication, and relationship mending.

Consider also the goal of building autonomy and responsibility in students, one of the key aspects of a liberal education. A liberal education strives to help students see themselves as actors who can make responsible choices for themselves about how to live. It involves telling one's story, admitting mistakes, and taking responsibility for those mistakes to make things right. These activities are all a part of restorative justice conferences, and they help students to develop that 'internal locus on control', seeing oneself as the author of one's life, as someone who has the strength and competence to make their own decisions. Little of this happens as part of other disciplinary practices.

The developmental ethos and restorative justice

The school is an environment that needs to recognize that children are still learning and developing rather than entering as finished moral beings. It needs to be a place where mistakes can be made, where errors do not become life sentences. Zero tolerance policies, particularly when paired with exclusionary discipline, seem to forget this basic characteristic of schools as moral communities. Restorative justice sees both students and schools as developing together, continually in process. Under restorative justice, questions about moral responsibility and blame (a problematic concept when dealing with children) give way to questions of learning together and problem solving as a collective. The practices themselves becomes educational rather than (simply) punitive. At their best, other forms of punishment – exclusion, shame, corporal punishment – signal that an action is wrong, but they do not help to convey *why* an action is wrong. Under restorative justice, schools become places of apology, forgiveness, and restoration. They better respect the developmental ethos.

The school-associated nature of action and restorative justice

As pointed out earlier, in many forms of restorative justice, the categories of ‘offender’ and ‘victim’ are softened and the restorative dialogue is allowed to uncover multiple lines of responsibility. This is particularly important in school settings, because students and educators bare joint responsibility for much of what occurs in school. There is no doubt that schools can contribute to student behavior. Where the school is implicated, the truth telling should come from all sides. It should come from the educators involved, jointly exploring with students how they can do better as teachers, and from the students, exploring how their actions can better show respect for others. As Macready (2009) has observed, restorative justice approaches allow teachers and administrators a chance to better learn how to meet the needs of the students. In fact, some research has indicated that teachers participating in a pilot project of restorative practices were more willing to reflect on their relationships and interactions with students (McCluskey et al., 2008). This joint responsibility should be a key factor governing restorative conferences in schools. Such conferences open up opportunities for reflection and allow educators themselves to assume at least partial responsibility for what has happened. There is, in fact, unique potential in restorative justice to honor this special characteristic of the school.

Public legitimacy and restorative justice

As we have seen, an important concern for proponents of restorative justice is building public trust and confidence. It is sometimes the case that communities lose confidence in schools because of their disciplinary practices. This is particularly true in the case of minoritized students and their families. If such families perceive that punishment is given in a capricious or arbitrary way, or, worse, given in a way that is fundamentally hostile or discriminatory, a crisis of legitimacy is a possible result. Restorative justice seeks to restore community confidence in the disciplinary practices of schools. It does this by seeking a resolution that is acceptable to all interested stakeholders. Greater community confidence can be more effectively accomplished by having trusted representatives from the community engage in restorative conferences in schools – this representation is particularly helpful if there are differences in background between staff and students (White teachers, for example, and a mostly Black student body). Such representatives can facilitate the process of truth telling, if that person commands wide respect. In this way, restorative practices can help schools regain the trust and legitimacy they may have lost.

Criticisms of restorative justice in schools

Critics of restorative justice in education, and sometimes even educators themselves, complain that restorative practices make it difficult for teachers to maintain order in the classroom. Students, free from the threat of punishment, are now unleashed to bully their peers and their teachers, misbehave, and disrupt classrooms. One critic, Paul Sperry, ridicules the idea that schools should ‘respect students’, that school problems may be the result of racial misunderstanding, or that ineffective teaching may be part of the discipline problems schools face (Sperry, 2015). Not all critics are as dismissive of

the underlying ethical concerns of restorative justice, but worries persist that student behavior will worsen without traditional punishments (Eden, 2019). In fact, the critics might claim that achieving the educational goals of schooling requires a safe and stable learning environment and that this should also be one of the special characteristics of schools. Restorative practices, the critics claim, work against this requirement. In an important sense, the critics are quite correct: a safe and ordered environment is essential to a functioning school context. And it is fair to ask: restorative justice might be better for the offending student, but is it better for everyone else?

In response, we would like to highlight a few points about restorative justice as practiced in schools. First, the existing research on restorative justice does not support the idea that schools become more chaotic under restorative practices. One review of the literature states,

The preliminary evidence does suggest that RJ may have positive effects across several outcomes related to discipline, attendance, graduation, climate, and culture. And evidence from a more rigorous assessment suggests that RJ has positive effects on exclusionary discipline rates, discipline disparities, and school climate. (Fronius et al., 2019: 35)

The more rigorous assessments include two well-designed studies from the RAND Corporation, which produced a complex and sometimes conflicting mixture of results (Acosta et al., 2019; Augustine et al., 2018). School climate seemed to improve and suspension rates were lower under restorative policies, but classroom climates were sometimes reported to be worse and academic achievement sometimes suffered, at least in schools with predominantly African American students. Critics of restorative justice have pointed to these findings as evidence that restorative justice is simply unworkable. As RAND commentators (Acosta et al., 2019) note, however, the dip in achievement seemed to occur in schools that did *not* reduce suspensions, suggesting that ‘it had more to do with the difficulty teachers had in meeting all the demands on their time than with disruption by students who otherwise would have been suspended’. They also note that implementation was highly variable across schools and teachers. Overall, they point out that the two studies together indicate that students *who actually experienced restorative practices* reported less bullying, greater connection to peers, and better classroom climates.

Second, having said this, the notion of best practices surrounding restorative practices, and how to balance the needs of different students, is still a work-in-progress. The literature has noted that restorative justice requires significant time, resources, and cultural change (Anfara et al., 2013). It seems clear that teachers, under restorative policies, often feel unsupported and that they lack the tools to deal with difficult behavior problems (Madison Metropolitan School District, 2015). These considerations demand attention, clearly, but they do not present insurmountable difficulties. At this point, the restorative justice approach offers a wide range of possibilities and strategies that can be tested, and only a small number have actually been researched. Success or failure of one restorative strategy, in one context, does little to speak to overall effectiveness of the paradigm. Given the ethical necessity of restorative justice, and the ethical failure of alternative approaches, at this point, initial difficulties are simply an indication to try something else.

Restorative justice assumes an optimistic and demanding view of schooling, but not a completely unrealistic or overly idealized view. It is unlikely that widespread adoption of restorative justice can occur until the resource supports are in place and a substantial shift in thinking occurs across entire schools and districts. We are encouraged by schools that have overcome these boundaries and have moved toward adopting this new approach – see, for example, the Oakland Unified School district, which saw reduced suspensions, reductions in the Black–White discipline gap, and improved academic performance, among several other positive indicators, after implementing restorative justice approaches in 2005 (Jain et al., 2014). These examples serve as a proof-of-concept, demonstrating that schools, under the right conditions, can put this approach into practice. And, for those schools that lack the right conditions, we believe that thoughtful educators can still learn from this approach, using micro-tactics to move in modest ways toward the ideal. At the level of the individual teachers, these tactics would involve building better relationships and increasing the level of moral dialogue with students, focusing on understanding and solving behavioral problems rather than quickly imposing traditional punishments.

Under non-ideal circumstances, teachers might also consider limiting the scope of restorative justice and implementing hybrid approaches. For example, for minor infractions (gum chewing and tardiness) and one-off instances of disruptive behavior, rather than invoking a full restorative circle, educators can employ traditional classroom management strategies. For ongoing or morally problematic behavior, a richer moral conversation might then be justified. If traditional punishments are deemed necessary, a hybrid approach might involve restorative conferencing concurrent with a traditional punishment. These hybrid approaches might capture some of the ethical spirit of restorative justice, while acknowledging practical limitations.

Conclusion

Restorative practices best match the special characteristics of schools. By respecting elements of schools understood as moral communities, restorative practices avoid the heavy-handed moralism of earlier schools and the damaging managerialism of contemporary practices. In contrast to exclusionary punishment, they infuse schools with a rich dialogue about moral responsibility, about the effects of our actions on others, and about how broken relationships can be repaired. They are disciplinary practices that are themselves educational. At the same time, it is also important to remember that traditional punishment practices, particularly suspension and expulsion, often have devastating consequences for those students most in need of support. These are not acceptable alternatives to restorative justice. Traditional punishments fail to address the core reasons for student misbehavior. The strength of having restorative dialogues with students is that, when done properly, they give educators access to perspectives that will help them improve their practice. Through listening to students in restorative dialogue, the problems of restorative practices can, in the hands of reflective educators, self-correct in a way that makes it uniquely attractive, uniquely necessary. Such practices build the sort of moral community required in institutions dedicated to education.


Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

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