Negotiating Competing Ethical Systems in Schools: Restorative Practices for Transforming Violent School Communities

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This briefing contributes to an ongoing international conversation about restorative practices by examining how restorative justice functions as a peace-building tool in culturally diverse public schools plagued by high incidences of violence. By focusing this briefing on New York City, we are reminded that violence and conflict are not limited to the Global South. We are also reminded that our understanding of the term "violence" must include the less conspicuous, but no less prevalent, forms of violence that we see in our schools today. For the purpose of this briefing and my current research, I define schools as a dynamic and intricate system of interdependent groups (Dunlevy and Proctor, 2011), and I will define school-based violence as the intentional harm caused by any member (or members) of that group through systematic, physical, verbal, or attitudinal aggression. My research intends to address some of the challenges of evaluating restorative practices in school settings, specifically by acknowledging and challenging the tacit ethical assumptions about violence brought to play in school communities though official policy and the value systems of individual community members. As such, I am interested in exploring the implications that culturally-based ethical conflict have for the conceptualization and practice of restorative justice in schools. With this in mind, I propose that restorative practices, including but not limited to, proactive and reactive circles,[1] and training for students and staff in restorative conferencing can significantly contribute to neutralizing the multiple and often competing value systems that come to play when a school is faced with issues of violence. Finally, I propose that schools that consistently demonstrate high rates of suspensions due to

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[1] The purpose of proactive circles is to build community and relationships among school groups, whereas reactive circles are typically held in response to an event or conflict and are utilized to reach consensus (Pranis, 2005)

violent incidences be considered violently divided, as suspension is in and of itself an act of division of community member from the community, and I will subjectively suggest that the impact of this division on our school communities be considered in urgent need of attention from the peacebuilding community.

The legal document that guides all official response to violence in New York City schools is the *Citywide Standards of Intervention and Discipline Measures*, commonly referred to as the NYC Discipline Code. In September of the 2012-2013 academic year, The NYC Department of Education introduced dramatic changes to this document, which includes a Bill of Student Rights and Responsibilities, offers a brief guideline for promoting positive student behavior, the assumed role of parents in behavior management and a short subsection dedicated to the implementation of Restorative approaches as "both a prevention and intervention measure" (New York City Department of Education, DOE) for addressing negative student behavior. In previous years, the Discipline Code provided a great deal of flexibility and autonomy for schools in deciding on disciplinary responses to negative behavior, however, in response to an alarmingly high number of annual suspensions, the newer version of the document no longer allows for suspension as a targeted consequence for minor infractions such as truancy, lateness or verbally rude or disrespectful behavior. However, while these changes signify a significant paradigm shift in policy regarding challenging student behavior, the document is negligent in addressing the divergent ethical perspectives concerning the legitimacy of violence as a method of problem solving within the diverse communities that make up our schools. With this in mind, a central question concerns the impact of a legal document that explicitly opposes the use of violence as a legitimate behavioral response to problem solving, but that never acknowledges the complex and often competing ethical dimensions brought to the school community by its diverse members.

The Discipline Code is unambiguous in its ideology regarding student behavior. Sub-section five, article twelve of the Bill of Student Rights and Responsibilities, K-12 in the Discipline Code states that, "Students have a responsibility to use non-confrontational methods to resolve conflicts." (DOE) Further articles require that students "behave in a polite, truthful and cooperative manner", "promote good human relations" by "build[ing] bridges of understanding", and "assemble in a peaceful manner". The bill also states in its preamble that, "Violation of some of these responsibilities may lead, in accordance with the Discipline Code, to disciplinary measures." Such language unquestionably constitutes a document that legally enforces nonviolence as its central ethical standpoint in outlining expectations and processes for addressing student behavior. Conversely, as the document clearly enforces nonviolence, it can be concluded that it explicitly opposes the legitimacy of violence as a method of problem solving. And while the new changes to the Discipline Code offer more progressive and therapeutic approaches to dealing with violent behavior than ever before, the meanings of concepts like "respect", "safety" and even "responsible behavior", which appear frequently throughout the text, have been negotiated in advance by groups far removed from the school communities for which they are designed, ostensibly eliminating the voices that would be the most efficacious in mitigating root causes of violent behavior in schools.

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According to the DOE website dedicated to the Teaching Fellows program, NYC has the most culturally diverse student population in the world, with students in grades K-12 speaking more than 150 languages at home (DOE). Language is often cited as the trademark for New York City's vastly diverse student population, and for good reason. As a signifier of diversity it is benign. Indeed, on the Teaching Fellows recruiting website the fact is presented as one of the incomparable draws to teaching in New York City public schools. Yet the cultural pluralism represented by so many languages carries with it an equally large number of often competing cultural factors. Could we imagine the DOE recruiting potential teachers with statistics about 150 different religions practiced among the student body of New York City's classrooms? Or more relevant still, 150 distinct cultural and ethical approaches to problem-solving? It is also noteworthy that publicity regarding the diversity of NYCDOE schools rarely if ever includes data about the adults that staff them. Teachers, administrators and other school staff clearly contribute to the multiple ethical frameworks at play in a school setting. But the fact remains that when a student uses violence to solve problems, the ethical system outlined in the Discipline Code is in direct conflict with the ethical system of the student and often times, their family. If these competing systems are not negotiated, the most frequent disciplinary response utilized by schools is suspension.

How then, can restorative justice help mitigate the often ambiguous messages communicated to the school community regarding violence for problem-solving? Additionally, how can restorative practices help reframe the conversation about school-based violence to shift responsibility from just the student body to to whole school communities, including the adults that work there? Primarily, I will argue that the circle itself, either as a preventative or reparative tool, is foundational for negotiating competing ethical systems in schools.

Circles constitute a reformation of space. There is ritual in the circle process, and the simple act of creating it as a group can be an act of appropriation. By shifting desks and chairs, classic power dynamics are altered and the space now belongs to the group. I also argue that the circle, once constructed, possesses the qualities of the aesthetic space as outlined by Augusto Boal in his final work, Aesthetics of the Oppressed (2006). Boal proposes that the aesthetic space has transformative power because it embodies plasticity, which implies that subject and object are essentially liberated from their preordained meanings in the 'real world' (2006). His classic example refers to a chair placed in the aesthetic space that is declared to be a throne. No actor or spect-actor questions this transformation. As such, in circles, school culture gains plasticity. It is a space within which the agreements of a new community framework can be written. The plasticity of the circle can be extremely powerful when a group arrives at new agreements with relation to problem-solving. Students and adults with competing perspectives regarding the legitimacy of violence earn the freedom to create new and more just conditions for interacting. Additionally, these agreements arise from the personal narrative of every member of the group, scaffolding their authenticity. In this way, the circle is an exercise in citizenship, and the impact is often swift.

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Story-telling in circle forces community members to personalize their relationship with violence, thereby removing violence as a concept from the greater, more unmovable global, national, community or family sphere, allowing participants to reclaim it. This is what Boal referred to as the telemicroscopic quality of the aesthetic space (2006). That which was very far is now close, and possible. This reclamation of violence is an act of reframing; seeing violence as idea within which there is room for personal choice as opposed to an absolute truth. And the circle format insures that all community stake-holders are heard which implicitly eases conflicts that formerly may have led to violence and suspensions.

There is an urgent need to address violently divided school communities and the structural factors that systemically reinforce the failure of so many of our students. Additionally, it is hardly an exaggeration to acknowledge that the NYC Discipline Code reinforces a very specific and troubling form of systematic racism that exists in our schools, directly contributing to the well-documented school-to-prison pipeline that exists in our nation. Yet despite the potential for success, trends in school-based restorative justice assessment have shown that initial improvements can often lead to long-term implementation challenges (Daly, 2001). Of note, a study by the Youth Justice Board for England (YJB) concluded that, "Restorative Justice is not a panacea for problems in schools but, if implemented correctly, it can improve the school environment, enhance learning and encourage young people to become more responsible and empathetic" (YJB, 2004, p. 65). The sustainability of restorative justice in a school is therefore dependent on lasting cultural change within the school, which has shown to be fragile at best amidst the dynamic and ever-changing populations of schools in general. Students are typically in high school for about four years, and a new population of students replaces every one that graduates. Additionally, the turnover of teachers and administrators remains high in hard-to-staff schools. For these reasons it is essential that schools develop long-term plans for sustainable maintenance of the model.

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