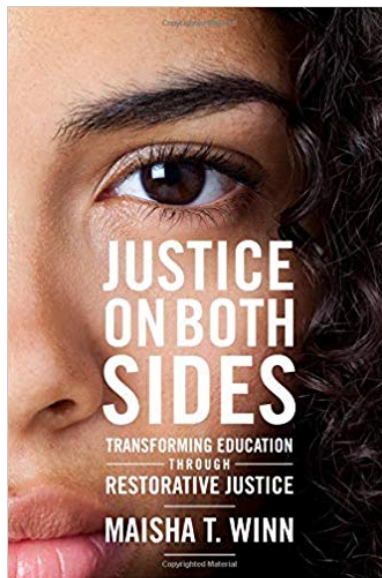


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## Review of *Justice on Both Sides: Transforming Education Through Restorative Justice* By Maisha T. Winn

Reviewer: Merida Lang  
The University of Georgia, Athens, GA



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*“A justice seeking movement in schools insists that no children are throwaways” (Winn, 2018, p.39)*

In the introduction to Maisha T. Winn’s newest book, *Justice on Both Sides: Transforming Justice Through Restorative Justice*, she writes that she is “interested in the contours of teaching, learning, and justice” (p. 4). This sentiment of Winn’s struck me as one of the most nuanced, yet succinct definitions of restorative justice that I have come across. In many ways, restorative justice is centered on understanding an incident within the context of the stories of the involved parties. A particular offense is positioned within the surrounding circumstances, environment, space, and society, and all affected parties work together to repair the harm done. Restorative justice, in its focus on delving deep, is absolutely concerned with the contours.

According to the Restorative Justice Project at the University of Wisconsin-Madison, restorative justice involves “principles and practices that create a different approach to dealing with crime and its impacts.... Instead of viewing a criminal act as simply a violation of a rule or statute, restorative justice sees this action as a violation of people and relationships” (Restorative Justice Project, n. d.). The core tenets of restorative justice have to do with considering an offense as a violation or rupture in a community, and as such victims, offenders, and members of the community must be involved in addressing and repairing the harm. Most central is the ethos that as a practice, and restorative justice is concerned with upholding the dignity and humanity of all people involved: victims, offenders, and community members.

Winn, Chancellor Leadership Professor at the University of California, Davis and co-director of their Transformative Justice in Education Center (TJE), brought her extensive research background in literacy, justice, and equity to bear in this new book, in which she considers both the promise and challenges of restorative justice practices in schools. *Justice on Both Sides Now* begins with an overview and history of restorative justice, and then, in chapters 3 and 4, examines practices in schools from the student and educator sides. In the final two

chapters Winn looks at some challenges of restorative justice in schools and provides concrete recommendations for educators for bringing restorative practices to their teaching and educational paradigm. I will provide an overview of each section and then will close with my own critical response.

### Introduction Section

The introduction, “Why We Need A Paradigm Shift in Schools Now,” opens by recounting the harrowing news story from 2015 where a sixteen-year old girl identified as “Shakara” was grabbed by the neck and dragged out her classroom by the school resource officer for not putting away her cell phone when told by a teacher and administrator. In a subsequent interview, the sheriff claimed that she was arrested for “disturbing school” (p. 1), which refers to the school statute, 16-17-420, also known as the “Disturbing Schools” rule that exists in Shakara’s state of South Carolina, as well as other states across the country. Winn notes that “the language in the statute allows for ambiguous interpretation”, in that, according to the rule, it is unlawful to “interfere with...the students or teachers of any school” or “act in an obnoxious manner” (p. 2), which could or could not apply to a wide range of behaviors, depending on who is doing the interpreting.

Winn questions how the practice of physically removing a student from class for nonviolently breaking a rule can be normalized, asserting that “teachers are socialized into a system of injustice through practices that normalize removal and isolation” (p. 1). Recounting her own early teaching experiences, she remembers how the use of referrals, in which a teacher refers a student to a dean or an administrator for what is considered problematic behavior, was encouraged for even relatively minor offenses, despite the damage can inflict on a classroom community and student learning, and especially so when the majority of students being referred are non-White.

She introduces restorative justice, and specifically circles (the cornerstone activity of restorative justice as characterized by Winn) as a way to democratize

schools so that all shareholders—students, teachers, staff, and administrators—have equal voices, although later in the book she explores some potential barriers to this equality. She provides an overview of the process of orienting students to circles by way of describing a class and the positive effect the circles can have upon community and student learning, a warm contrast to the violent opening story of Shakara.

While much of the book examines restorative justice practices from an institutional perspective, considering how schools as buildings and larger communities implement, conduct, and use restorative practices, Winn situates restorative justice in the introduction as a “mind-set” or “paradigm,” asking, “[w]hat can teachers and school staff *do* to address discipline in their classrooms?” (p. 7). Although adopting restorative justice is an institutional decision, in the sense that it is a system to respond to offenses in the community, Winn reminds her readers that it is also an individual option for how to frame and conduct relationships with students, a theme that she carries into the rest of the book.

### Chapter One: Paradigm Shifting on Both Sides

In the first chapter, Winn introduces the concept of restorative justice as being concerned with “making things right” (p. 19) with all involved parties, instead of one authority deciding who is right. Early in this chapter she presents a challenge of restorative justice work in schools that is echoed throughout the rest of the book: that in schools, restorative justice also often works in tandem with more traditional, punitive discipline systems. Winn, an “equity-oriented scholar” with a focus on “examining how Black and Latinx students are labeled, sorted, and often deemed unworthy” (p. 17), notes that this often uncomfortable marriage between restorative justice and traditional discipline systems can perpetuate the racial gap in suspensions (Anderson, Ritter, & Zamarro, 2019; Bradshaw, Mitchell, O’Brennan, & Leaf, 2010), even while reducing the overall numbers of students being suspended and expelled.

Winn introduces Howard Zehr’s book, *Little Book of Restorative Justice* (2002), as a core theoretical text through which to understand restorative justice (RJ). Zehr articulates three pillars of RJ: harms and needs, obligations, and engagement. Key to Zehr’s ideas is that incidents extend beyond the few parties involved to affect larger communities, and so the stakeholders are broader than they are in traditional discipline systems. Restorative justice is, as Zehr and Winn articulate it, an ongoing process and a community orientation, not merely a response to an offending event. As Winn writes,

Imagine students, youth, and adults in a community discussing their needs to address obligations and next steps to make things right, from the very beginning of the academic year, and determining together who is obligated to meet these needs. (p. 21)

Restorative justice requires that teachers, staff, administrators, and students develop relationships of communication, respect, and accountability that go both ways, instead of a top-down system of authority.

And yet, Winn acknowledges that this is an ideal system. Although there are schools and systems that incorporate or use restorative methods, the results have been mixed. Winn references Oakland Unified School District (OUSD) and notes that although the district reports that the use of restorative circles has had positive student results such as managing emotions and better conflict resolution, teacher buy-in is mixed, with some teachers feeling as if “students are no longer being disciplined” (p. 23). And at the majority of schools, teachers are part of a larger disciplinary culture that values and rewards punitive discipline and makes restorative methods challenging, which Winn addresses later in her book. Despite the institutional norms of most schools, Winn is intentional in trying to use this book to influence teachers’ thinking and attitudes, positioning restorative justice as a paradigm, and, as such, challenging educators to consider what they can do to shift their thinking and work to be more aligned with its goals.

## Chapter 2: History, Race, Justice, and Language

Chapter 2 brings the reader back to Shakara’s story again, with Winn reminding the reader of the skewed lens through which the behavior of Black children is often viewed, even when exhibiting similar behavior as White students, which contributes to the discipline gap in which Black students are disciplined, suspended, and expelled at far higher rates than their White counterparts (Morris, 2005; Hyland, 2015). Winn suggests that one of restorative justice’s great potentials is the “power to define” (Winn, 2018, p. 31), in that students get to frame their own narratives instead of having adult authority figures do it for them (with sometimes devastating consequences). Winn’s background in literacy comes through in this chapter, as she asserts that RJ’s capacity to allow students to frame their histories leads to the development of “critical vocabularies” and “grammatical agency” (p. 31).

Returning to the mixed results that restorative justice has had in schools, Winn asserts that in her experience, teachers who do not think RJ is effective “(1) have not been trained in restorative justice, and (2) they have not engaged in the mind-set work that must occur for practitioners to be open to and fully immersed in restorative justice practice” (p. 32). In order to undergo the paradigm shift that Winn considers crucial to undertake restorative justice work, she grounds RJ in four “pedagogical stances” that create the foundation for creating a space that has the potential to “become a site for boundary-crossing social engagement or an opportunity for stakeholders to achieve freedom and justice through the practice of defining and redefining themselves and those around them” (p. 32). The four pedagogical stances she establishes are: (1) History Matters, (2) Race Matters, (3) Justice Matters, and (4) Language Matters. By focusing on these issues, Winn establishes the importance of considering context when engaging with students and the larger school communities. Restorative justice asks that educators consider histories and contexts not only when listening to students but also when communicating. If, Winn and other RJ practitioners assert, these four stances are at the heart of

restorative dialogue for all parties, RJ practices will be grounded in mutual respect and accountability.

Winn then details the importance of circles in restorative justice. Circles, in which members of a community sit in a circle and engage in a structured discussion to address a wrong, restore, or build community, are at the heart of restorative practices in that they are the space where “sociocritical literacies” (p. 42) are built. Engaging in a circle requires that stakeholders (as Winn and other RJ practitioners refer to the participants) decide upon a shared set of values and topics beforehand, and once in the circle, each participant has an opportunity to talk while others listen. A talking piece—a hand-sized object like a stuffed animal or toy—is used to signify who has the floor. The designated facilitator:

initiates the conversation by posing a question or prompt, or presenting relevant artifacts, and then guiding participants, in turn, to provide context, exchange histories, define themselves, and name their actions, thus creating inclusive opportunities for participants to be agentive in building or repairing community in hopes of preempting harm. (p. 42)

Circles are positioned as a space where significant change and growth can occur because of the agency to tell one’s own story and the concurrent democratic listening processes, which ask that each person takes responsibility for their own actions and their own role in reconciliation or community repair.

## Chapter 3: We Live in a Nation of Freedom

In chapter 3, Winn introduces the research site of Kennedy High School in Madison, Wisconsin, which provides much of the data for this book. In response to statistics that reported that Black and Latinx students were being referred to the criminal justice system by schools at high rates, Kennedy enlisted the help of a nonprofit called TRANSFORM that trained students at Kennedy as restorative justice circle keepers, referred to as student circle keepers, or SCKs. The SCKs primarily facilitated circles that

focused on conflicts between students or between students and teachers.

In this section, Winn explores how the SCKs conceptualized justice and restorative justice, especially in light of the fact that Kennedy used other discipline systems as well, including a Youth Court and, in some cases, traditional methods of suspension and expulsion.

She asserts that in her interviews with SCKs, restorative justice allows students to: “(1) pursue equality; (2) problem-solve; (3) humanize Youth Court, a peer-led process to address wrongdoing using criminal court language and tools; (4) unlearn and relearn words; and (5) foster positive interactions outside the circle” (p. 57). Students interviewed felt that the circle process was an equalizer that could address the power imbalance in schools, especially when students and teachers were present in circles together. The process of restorative justice, according to Winn and the students at Kennedy she interviewed, encourages educators to consider an incident with students as a “situation” instead of a “problem” (p. 66), because of the contextualization and humanization that circles and restorative justice makes possible.

Kennedy, like other schools that employ restorative methods, combined it with other discipline systems. Youth Court, according to the National Association of Youth Courts, are designed to “nurture in youth a respect for the rule of law, help develop positive citizenship attitudes, encourage civic engagement, and promote educational success through a diversity of service learning opportunities, strategies and activities” (NYAC, n. d.). The goal is to use peer pressure to encourage young people to take responsibility and make restitution through alternative sanctions. While Youth Court does include restitution discourse, critics of the system like Winn assert that Youth Court’s design of having students try other students encourages an imbalance of power, one that restorative justice tries to restore.

Although the SCK reaction to Youth Court was mixed, some interviewees felt that only some students had access to restorative justice, while

incidents that involved violence were referred to Youth Court or more punitive measures like suspension or expulsion. And so, although Kennedy was reporting lower overall suspension rates, Black students were still being suspended at higher rates than their white counterparts.

#### **Chapter 4: There Was No Justice**

Although the previous chapter focuses on the students’ experiences with restorative justice (specifically the Student Circle Keepers or SCKs), this chapter addresses the teachers, staff, and administrators’ experiences. Winn creates seven of what she calls “pedagogical portraits” of educators to detail their experiences with training and implementation of restorative justice and how it affects their practice and relationships with students. The chapter opens with Officer Gold, the school safety officers, and the staff member who introduces the school to restorative justice, drawing attention to the vital role that staff play in school and the great potential of school safety officers, with whom students can have antagonistic relationships at many other schools.

Winn recounts her experiences at an educator training in which participants engaged in circles and were asked two questions: “Who were you at your best as a student?” and “Who were you at your worst as a student?” (p. 87), which produced emotional responses and shared vulnerability. But Winn acknowledged the challenges of these trainings too, citing difficulty in logistics such as covering classes and time away from other school responsibilities. She asserts that teachers need restorative justice training and that they should receive release time, and be paid for it, although in practice that does not always happen, and further argues that restorative justice should be a part of teacher preparation programs.

The benefits that the educators interviewed in this chapter recount are numerable: build conflict and communication skills, establish participatory climate, process feelings, respond to and repair harm, mentor, and build relationships, to name a few. But there were also challenges that the

educators interviewed faced, often having to do with the challenge of time: time to prepare, time to learn, and time to train. One administrator admitted that she “seldom had time to engage in RJ community building circles and found herself using circles to respond to and repair harm” (p. 97). But a thread throughout the chapter is that developing a restorative mind-set is a process, in which teachers continually work on their relationships with students, with mutual respect leading to increased expectations. Winn writes that one teacher, Ms. Reese, “started to make a paradigm shift that focused on language, purpose, and community, she *raised* her expectations of students” (p. 109), illustrating how, in investing in genuine relationships with students, educators may become greater invested in their students’ academic and creative lives, and therefore expect more of them.

### Chapter 5: When Some of Us Are Brave

In chapter 5, Winn extends her examination of the challenges of restorative justice in schools. She first notes the imbalance of restorative justice labor in schools, noting that in her experiences, girls, women, and/or people of color carry most of the weight of enacting and maintaining restorative justice. She asks, “[w]hat are the consequences of producing/reproducing gendered justice—that is, the feminization of peacemaking and making things right?” (p. 118). This question asks the reader to engage in a critical analysis of restorative justice practices, considering what injustice is being reproduced as we search for greater justice. At Kennedy, Winn questioned whether the work of restorative justice was being pushed onto the SCKs, specifically the Black ones, instead of being engaged in by educators. In order for restorative justice work to build and affect community, it needs to be the responsibility of all, especially those that hold power and access.

Ms. Tracee worried that “restorative justice circles were becoming a ‘catchall’ for anything that wasn’t going smoothly in schools and that this could undermine RJ work” (p. 138). In other words, problems or issues that should be resolved with more resources or staff, were instead being pushed

onto those students and educators who facilitated restorative justice in the schools, burdening a system to address issues beyond its capacity and with a limited group of stakeholders.

The burden on teachers was also included as a significant challenge to the successful implementation to restorative justice in schools. Even those teachers dedicated to restorative justice reported feeling overburdened and overwhelmed by both the demands of their position and the work of RJ, making it understandable why other teachers, perhaps not so initially inclined to adopt a restorative mind-set, were unwilling to consider it as an option. As Winn writes, teachers “cannot simply be told that relationships with students are a priority and simultaneously handed a list of time-sucking busywork that feels counterintuitive to creating expansive and welcoming learning communities” (p. 140). Almost all the teachers interviewed in the book reported difficulty engaging in RJ work to the capacity that they would prefer, and they were all dedicated believers in restorative justice.

### Chapter 6: How Do We Teach So That People Stop Killing?

Despite the very real challenges presented in chapter 5, with the title of this final chapter, Winn reminds the reader how vital she considers this work to be. She draws a parallel between teachers of today and the teachers of the Vietnam War era, quoting Mary Rose O’Reilly’s “Black Hole School” when she wrote, “My generation of teachers began to worry about grading because grading was a life-or-death proposition....We began to see grading is at the least a metaphorically violent act, because in 1967, it was *literally* a violent act” (p. 144). This quote shifts the focus of the chapter from the systematic blame in the previous chapter (impossible demands on teachers, poor funding, and insufficient staffing), to individual responsibility; what teachers can do and should consider in the classroom. Exclusionary methods, she notes, like the forcible removal of Shakara from her classroom recounted in earlier chapters, deny children an education which can dramatically impact their future options in life; a

kind of violence that is condoned systematically but enacted on an individual basis in classrooms.

Winn calls for radical change in the nation's schools and teacher education programs in no uncertain terms, advocating for a model of teacher education called Transformative Justice Teacher Education (TJTE): "TJTE in the US context asks what it means to teach in the age of mass or hyper incarceration and the increasing criminalization of children in our schools, especially, but not limited to, Black, Latinx, Indigenous, differently abled, queer, trans, Muslim, immigrant, and 'undocumented' children" (p. 146). The work as conceived by Winn and other restorative justice practitioners (and as she elaborates on in chapter 2) cannot be disconnected from social and cultural history and injustices and is part of a larger mission to not just build community in schools, but to redress larger injustices in society and create a more equitable and less harmful society.

### Critical Thoughts

As I am an education researcher with a focus on restorative justice and student-teacher relationships, Winn's book was of particular interest. A former middle and high school teacher in New York City with a background in juvenile criminal justice reform, I came to the reading of this book already a believer in restorative justice. I had worked for the final two years of my teaching career in a high school that used a restorative justice model similar to Kennedy's (without the Youth Court) and am aware of the promises and benefits, as well as the challenges.

I deeply appreciated Winn's focus on what she refers to as the "restorative mind-set," which made restorative justice work available to educators regardless of whether their school employed restorative justice as a structural practice. This is not to say that Winn does not consider the adoption of restorative practices as a school and schooling system to be vital, but instead, as someone invested in starting a movement to revolutionize discipline and justice within schools, she recognizes the

importance of paradigm shifts for individual educators.

Winn's attention to the role that staff plays in restorative work and community building was also refreshing to read as a former educator. Staff members, which I am considering to be employees of the school who are not teachers, coaches, or administrators, have a unique position in that they do not typically evaluate students. Because of this they are sometimes able to establish relationships with students that teachers and administrators cannot. In my experience these staff members often do vital work to build and maintain community and serve as a bridge of sorts between students, teachers, and administrators, facilitating mediation and understanding.

Similarly, the input of student circle keepers (SCKs) in this book was valuable, providing students' perspectives imparting insights that would not have been possible from interviews with employees alone, especially in terms of the racial bias embedded within RJ and the other discipline systems at Kennedy. That said, I wondered about the perspectives of students at Kennedy who were not SCKs. The SCKs were, in all likelihood, especially invested in the system and were able to provide detailed information, but also probably benefited from RJ. How does the restorative justice system work for other students in the school, either those who were involved in circles, other discipline measures, or neither?

Winn, in the latter few chapters of the book, addresses the difficulties of adopting and enacting a restorative justice mind-set, including the emotional toll of restorative justice work, especially when paired with the other, often overwhelming job requirements of teachers. Although Winn does not shy away from the challenge of how to balance teaching responsibilities and restorative justice work, the quandary is left unresolved. On the one hand, the work of restorative justice is presented as relatively untenable, but on the other hand, Winn urges educators to engage in it despite its difficulty.

I am persuaded by Winn's points. There are barriers to engaging in restorative justice work that are deeply real, making the work exhausting and at times overwhelming. Those in authority should work or continue to work to increase resources to schools and teachers so that resources and staff can be properly allocated. Teachers should be paid for RJ trainings and space made in their schedules for restorative justice work. But as advocates, policymakers, teachers, researchers, and other stakeholders work to make those changes happen, educators can still make a difference by adopting a restorative mind-set in their interactions with their students, thinking about student behaviors or incidents as situations with social, cultural, and historical contexts, and holding classroom communities accountable together, with respect and equity at its core. Cultural shifts are laborious,

painstaking work, but individual incremental efforts move us forward.

As Winn details, restorative justice is a process. As such, there is no blueprint for perfect implementation, and educators should not be expecting to engage in a paradigm shift without a few failures (especially as they are juggling other educator demands). Nor do I believe that all educators need to embrace the practices without discomfort. Circles, for instance, did not come naturally to me and often felt forced and awkward, but I recognize their benefit. But Winn's message that viewing students with more compassion, respect, understanding, and working to build classroom communities where that is the norm can make a vital difference for teachers and students alike.



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