

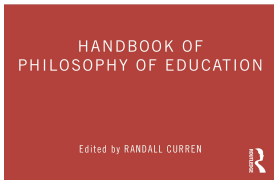
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Randall Curren

### **Discipline and Punishment in Schools**

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# DISCIPLINE AND PUNISHMENT IN SCHOOLS

*Bryan R. Warnick*

At least since Saint Augustine recalled his prayer to “not be beaten at school,” schools have often been remembered as places of strict discipline and harsh punishment (Augustine of Hippo 2002). Teachers have had the power to use force to impose school norms. Sometimes, that force has been manifest in corporal punishment, paddling, and whipping. At other times, the use of force has been employed to shame and humiliate students. More recently, the trend has been toward tactics of suspension and expulsion, meant to remove students from school altogether. While discussion of this or that form of punishment has been present throughout history, it is not as common to consider the more fundamental conceptual and ethical issues involved with school punishment: What does it mean to “punish,” anyway, and how does it differ from “discipline”? Is punishment in schools ever justified? What would a view of punishment look like that coheres with educational aims and democratic school communities? This chapter will address these fundamental questions.

## **The Nature of Punishment**

In philosophy, punishment has been defined as the imposition of a discomfort or other burden on an individual, by a social authority, because that individual has broken a community rule or norm (McPherson 1967). This is a helpful start in understanding the nature of punishment. Under this definition, students do not technically “punish” other students. They may inflict harm in direct response to violations of community norms, but they lack the authority to do so on behalf of a community. What this definition of punishment lacks, however, is the ability to help us to distinguish punishment from other sorts of social sanctions, like penalties. There is an important difference between the penalties assigned to manage complex social situations, like parking tickets, and the punitive burdens given in the face of moral wrongdoing. We usually do not morally condemn a person whose parking meter expires, but we do morally condemn perpetrators of serious crimes like assault, rape, theft, cheating, and so forth. A key feature of punishment, then, is that it *expresses moral disapproval of certain actions*, unlike penalties that manage social problems and conventions without moral judgment. This has been called the “expressive function” of punishment (Feinberg 1965). Punishment is meant to communicate something, perhaps a condemnation or perhaps an emotion such as disgust, fear, or anger. This punitive expression is aimed at someone, perhaps the perpetrator or maybe the community, or both. There is much debate about the exact character of the expressive nature of punishment (Wringe 2016). For our purposes, it is enough to know that the expressive

function brings punishment squarely into the realm education. Punishment is meant to convey – or teach we might say – the moral norms of the community.

The difference between a “penalty” and a “punishment” in education relates to a distinction that can be made between “discipline” and “punishment.” We can understand discipline as a type of educational penalty, which helps to organize a difficult social situation. A student leaving her chair in the middle of a lesson is not performing an immoral action, by itself, but it may violate the particular conventions meant to regulate the social situation. It might deserve a penalty, therefore, rather than a punishment. Other actions – school bullying, for example, which involves issues of basic respect and cruelty – are moral issues, and this would justify marshalling the expressive function. The expressive punishment conveys the community’s moral concern for what has happened. This distinction between discipline, which is given to enforce school conventions, and punishment, which is given to enforce moral norms, has important implications for educators. It matters in making the appropriate responses to different student actions (more serious responses for moral failures perhaps), as well as for the tone and tenor of the teacher’s response.

Clearly, this distinction between discipline and punishment is not always clear. Sometimes, violations of institutional conventions have moral implications. The school has important work to do and, if violating conventional rules disrupts this work, then other students might be harmed in some way. Their learning might be impaired, and their educational rights violated. This brings conventional rules into the moral universe. Moreover, the violation of conventions can be “weaponized” to express contempt for teachers or other students – willful tardiness, perhaps. Given these complexities, Joan Goodman (2006) helpfully divides the concept of discipline into three categories: moral infractions (that call for punishment), conventional infractions (that call for penalties), and the “derivatively moral.” The derivatively moral action is a violation of a conventional school rule but performed with the purpose of showing contempt or insolence for another student or a teacher. Such actions might call for punishment, but they also demand careful interpretation: a student’s tardiness may seem like insolence, but it may also reflect a personal issue. In such cases, the proper response would be caring discussion and problem solving, not punishment.

We have seen that the “expressive function” must be part of the concept of punishment. One of the central philosophical questions in an ethics of punishment is why hard treatment would be essential to the expression, communication, or teaching of moral norms. Almost everyone would agree that it is important that a community express its important moral ideals and condemn those who violate them. But couldn’t such correction be done solely through discussion and teaching rather than through the intentional infliction of hard treatment?

In response, some contemporary theorists of punishment argue that words alone are often not enough to convey the gravity of what has occurred. A verbal reprimand, a call for dialogue, and so forth, cannot by themselves express how strongly the community condemns certain actions. Think about how inappropriate it would feel to respond to rape, say, with merely a strongly-worded letter aimed at the assailant. The symbolism is wrong, and words alone seem impotent. Some sort of action on the part of the community is required to focus the offender’s attention on the seriousness of what has occurred. The hard treatment gives the community a communicative strategy: it allows the community to condemn in a way that words alone cannot. Just as important, the hard treatment also allows the perpetrators a chance to show remorse by *accepting that punishment*. Anthony Duff writes:

Sometimes, however, a (mere) apology is not enough. If I have done a serious wrong to another person, I cannot expect to settle or resolve the matter merely by apologizing to him: something more than that is due to him and from me. This is not because a serious wrong is likely to involve some material harm for which compensation must also be paid. Some such wrongs (serious betrayals of a friendship or a marriage, for instance) involve no such harm, while some harms (the harm involved in a rape or in a fraud committed by a

friend, for instance) cannot be made good by material compensation. The point is rather that the victim cannot reasonably be expected to forgive me, to treat the matter as closed, merely on receipt of a verbal apology, however sincere, and that the wrongdoer cannot reasonably expect to close the matter thus. The wrong goes too deep for that. It goes too deep for the victim ... It also goes too deep for the wrongdoer, whether or not she realizes it. To think that she could just apologize, and then return to her normal life, would be to portray the wrong as a relatively trivial matter that did not seriously damage the victim or their relationship.

*(Duff 2001: 95)*

The hard treatment of punishment, then, allows for certain sorts of conversations to take place. The community is able to express the depth of its concern about what happened and, by accepting a punishment, offenders are able to offer a statement of remorse, showing that they are truly sorry for what has happened, an acceptance that gives heightened meaning to verbal apologies.

For these conversations to take place, it is necessary that the punishment be “symbolically adequate” to what has occurred. As Christopher Bennett says, a symbolically adequate punishment asks offenders “to undertake the sort of reparative action that they would be motivated to undertake were they genuinely sorry for what they have done” (2010: 31). An example of this sort of symbolically adequate punishment would be to replace an item that was stolen or clean up an area that was vandalized. The idea with a symbolically adequate punishment is not to replace moral dialogue with hard treatment, but to *add* to the moral dialogue by including actions that deepen and enhance a language of condemnation, apology, and restoration.

At this point, we should also distinguish between a more general expression of community disapproval that comes with punishment from what we might call “secondary expressions” attached to specific types of punishment. While the general expressive function may work to initiate students into moral norms, the secondary expressions may send unintended messages. These secondary messages may have undesirable consequences, as we will see in subsequent sections, or even work against the general expression. An ethic of school punishment needs to focus on making punishments symbolically adequate and ensuring that the secondary expressions of punishment are in line with educational ideals and the purposes of schools.

### **Is Punishment Justified in Schools?**

At this point, some will question whether discipline and punishment are ever justified in schools. To be sure, there are powerful arguments against the very existence of school punishment. The first argument is simply that it is always wrong to intentionally impose a pain, hardship, or burden on another human being. The intention to harm is a vestige of violence that we should seek to eradicate from human communities rather than foster. This intention is particularly upsetting when it comes to vulnerable populations like children, who do not always understand the implications of their actions and do not possess full moral accountability. If punishment is justified, it is only justified in the case of full moral responsibility, which children in schools do not possess.

A second argument against discipline and punishment in education is that such things are, in fact, anti-educational. There is research in psychology, starting with behaviorists like B. F. Skinner (1972), suggesting that punishment does not actually work to change behaviors over the long run. More recently, researchers such as Elizabeth Gershoff have concluded that corporeal punishment decreases the internalization of moral principles (Gershoff 2002). More generally, critics might argue that education should be about discussion, dialogue, and cooperative action. It is about arriving at conclusions, not through brute force, but by the power of reasons. Punishment is the opposite of this sort of reasoning. Discipline and punishment send all the wrong messages about how human beings should live together.

A third argument has to do, not so much with punishment itself, but with what punishment allows teachers and schools to neglect. It is commonly noted that good teachers often have fewer disciplinary problems in their classrooms (Noguera 2003). One reason students misbehave is that classrooms are disordered and teaching is unimaginative and ineffective. The curriculum may be boring, irrelevant to the lives of students, and the teacher–student relationship may be distant and uncaring (Neill & Fromm 1960). In these circumstances, some students will either rebel or disconnect – nothing could be more natural or predictable. The problem with strict discipline and punishment is that it allows teachers, schools, and communities to skate by with poor teaching, poor leadership, and poorly resourced schools.

These criticisms all capture something important that an ethic of punishment must take seriously. Punishment is sometimes used to enforce order through force, and this sometimes stands in the way of improving teaching and educational institutions. And punishment can certainly be meted out in ways that run counter to reason and contrary to educational goals – particularly as the form of punishment ignores relevant “secondary expressions” pointing in this direction. In response to these criticisms, though, the defender of punishment also has several counterarguments.

In response to the criticism that schools can use punishment as a cover for poor teaching and ill-structured schools, the defender of punishment needs to concede a great deal of ground. There is much a skilled teacher can do to avoid the need for penalties and punishment, and there is much society can do to construct schools that children want to be a part of and participate in. A good teacher can do much to promote this discipline through pedagogy and curriculum, engaging students’ interests. Schools can be well-resourced, which sends a message that students are important and education is valued. But the power of a teacher and school is not completely determinative. Students will spend most of their time outside of classrooms. Recesses, lunch times, and moments in between classes, will be left to students (to a certain degree) without the guidance of thoughtful teachers. In addition, some students will learn attitudes of cruelty and discrimination at home. Such attitudes may make expressive punishments necessary, even in the best schools. We also need to be realistic about the imperfections of schools from the teacher standpoint. A teacher may be skilled, but face unreasonably large classrooms, unsympathetic parents, aging facilities, and boring required textbooks. Under these conditions, schools are unlikely to be perfect pedagogical machines, capturing student interest and attention in every moment. Until resources are what they should be, discipline and punishment might be an imperfect alternative to difficult school situations.

In response to the criticism that punishment does not work and is anti-educational, the defender of punishment will want to talk about the expressive role of punishment and the types of conversations it makes possible, as described in the previous section. It is fair to say that much of the research on “punishment” comes from behavioral psychologists and often the research derives from animal studies or laboratory environments. Outside of such contexts, it is easy for many of us to think of times when threats of penalties or punishment changed our behavior (parking tickets are prominent in my mind, for example, when I decide where I park on my campus). Such things can clearly work to manage behavior, which is often simply what schools need in the case of penalties. Can punishment change attitudes or long-term behaviors? We need to question the psychological research saying it cannot. Corporal punishment, or giving electric shocks to rats, is very different from a symbolically-adequate punishment, given as part of a discursive moral context. If punishment can indeed promote certain sorts of moral conversations, if it can be invested with meaning as both a message from the community and as a pathway toward reintegration (as Duff argues), then it seems to have a power to change people that goes beyond behavioral experiments. And, if punishment allows for this sort of extra-linguistic communication, then it seems firmly planted within a realm of reasoned discourse that we should value in education.

Finally, is punishment itself a relic of barbarism? Is the intentional infliction of hardship on another human being something we should try to eradicate? This seems to depend on the sort of

punishment that is being given. Certainly, some forms of punishment – whipping, beating, torturing, and so forth – seem to speak to something dark in the human psyche, something that seems to delight in the exercise of power and the infliction of pain. This is something we should try to move away from, and society’s long move away from corporal punishment recognizes this. At the same time, requiring people to clean up a mess they made, to replace something that they stole or intentionally broke, or paying recompense for a harm they cause – all symbolically adequate punishments – do not seem barbarous at all. Rather, they seem required on the grounds of justice. This holds even in the case of children, who are being initiated into the moral universe.

The case against school punishment is strong, then, but it seems that the arguments are not fully decisive. The arguments against punishment in schools should work to give ethical refinement to punishment practices rather than ruling them out. They suggest that punishment (a) should only be implemented in schools that are also self-critical about their own pedagogical practices, (b) should be symbolically adequate to what has been done, and (c) should be implemented in conjunction with discursive practices of explanation, reason-giving, and listening.

### **Problematic Areas of Punishment**

While punishment as a whole may be justified under these parameters, there are specific discipline and punishment practices within schools that need to be subject to serious scrutiny. This is because they violate certain principles of fair or equitable conduct, or because their “secondary expressions” are particularly problematic, or both. Two examples of problematic practices are corporal punishments and exclusionary punishments (i.e., expulsions and suspensions). In addition, educators need to be aware of how discipline and punishment practices are implemented differently across lines of race, gender, and special needs.

Corporal punishment is still legal in the public schools of nineteen US states (and legal, though rare, in private schools in 48 states). In those states that allow corporal punishment, 14% of public schools actually engage in the practice (Gershoff & Font 2016). Corporal punishment can sometimes cause non-trivial injuries to children, such as bruises and cuts, and its implementation can cause distress for students, distracting from the learning environment (Human Rights Watch/ACLU 2009). These things alone should be enough to cause us to be troubled by corporal punishments. Beyond that, though, the secondary expressions of corporal punishment seem to send messages of the appropriateness of violence as a means of human interaction. It validates the imposition of force through physical strength, expressing that this is how one deals with other human beings. There is research to suggest that this anti-social message is conveyed quite effectively to children: youth whose parents use corporal punishment are more likely to be violent themselves, that is, more likely to get into fights and exhibit tendencies toward bullying (Ohene et al. 2006). Corporal punishment harms students but can also disfigure teachers. Some teachers have reported getting caught up in the power of corporal punishment, relishing the suffering they cause, and realizing that this is a betrayal of their profession (see examples in Scribner & Warnick 2021).

Much more commonly practiced in American schools is the use of suspension and expulsion. Widespread use of this practice began in the 1990s in the wake of zero-tolerance laws passed after high-profile school shootings. Originally intended to cover bringing weapons to school, the scope of application expanded to include subjective offenses like “disrespect” or “disorderly conduct” (Insley 2001). The rates of expulsion have at least doubled since the 1970s (Skiba et al. 2002). There is mounting evidence of the harm the exclusionary punishments can cause across a range of measures (Council on School Health 2013). Suspension and expulsion violate many of the ethical guidelines on punishment discussed above. For example, is it hard to engage students in moral discourse when they are absent from the school and it is difficult to see how it is “symbolically adequate” to most offenses. Moreover, the secondary expressions of exclusionary punishment drive a wedge between

student identities and the school community. Such punishments send the message that students are not wanted or welcome in the school.

The negative secondary expressions of both corporal punishment and exclusionary punishment are magnified when they occur in contexts of inequality. Punishment practices are applied unequally across categories of race, gender, and special education status. Boys are generally punished more frequently, and more harshly, than girls, blacks more than whites, and students in special education more than non-special education students (United States Government Accountability Office 2018). In the year 2013-14, for example, 13.7% of Black students were suspended, compared to only 3.4% of White students, 4.5% of Hispanic students, 1.1% of Asian students, 4.5% of Pacific Islander students, and 6.7% of all Native American students. The number of Black and Native American students that were expelled from school (0.4%) was nearly double the percentage of all other groups (0.2%) (de Brey et al. 2019). Black girls are suspended six times as often as white girls (Crenshaw et al. 2015). This gap has been called “the punishment gap,” a companion in inequality to the “achievement gap” (Gregory et al. 2010).

Studies of the discipline gap reveal several important nuances. First, the punishment gap holds steady even when student class background is accounted for, suggesting that racial stereotypes are operative rather than being simply an issue of, say, poverty (Skiba et al. 2016). Second, it seems that students from different races are punished differently, even when their documented misbehavior is comparable, suggesting that the discipline gap is not explained by positing differences in student behavior across racial groups (Skiba et al. 2016). Third, there are an array of documented tendencies in teachers to interpret and surveil students differently according to race. For example, teachers tend to see behavior as more extreme when a student record of misbehavior is attached to a stereotypical African-American name than the same behavior attached to a stereotypical white name, and they tend to recommend harsher punishments for those students (Okonofua & Eberhardt 2015). Teachers also see black students as being older and more responsible for their behavior than are white students of the same age (Goff et al. 2014). Such biases are clearly part of what explains the punishment gap. The ramifications of these troubling disparities have been widely discussed, with many suggesting that unequal disciplinary practices in school are a major driver of the academic achievement gap (Morris & Perry 2016) and a contributor to a “school to prison pipeline” leading eventually to, say, the mass incarceration of black men. An analysis of the secondary expression of exclusionary punishment – particularly, its message of a lack of place and belonging – would further support these links.

### **Punishment and Educational Aims**

When we consider an ethics of school punishment, we may think in terms of applying important ethical concepts of punishment from other domains of life. Outside of schools, we find some important standards governing the conduct of punishment in liberal-democratic societies. These standards are related to general justifications for punishment. The traditional justifications for punishment conceptualize punishment as retributive (giving people what they deserve for past offenses) or as a deterrence (trying to discourage future misbehavior). If punishment is justified because of deterrence, the key questions to ask are whether a particular penalty could indeed function as a deterrent and, if so, under what circumstances – questions that come up in, say, the debate about the death penalty. We will also want to know what unintended consequences there might be in the future if we implement particular punishments. These questions are inherently future looking, judging punishments through the future consequences that they produce. If punishment is instead justified on retributive grounds, the ethics of punishment will focus on other issues. We will want to make sure that, if punishment is about giving people what they deserve, then only the guilty are to be punished. Accordingly, there will be an emphasis on “due-process,” ensuring that those who are

accused of misbehavior are indeed at fault. Under this justification, there will also be an effort to make the punishment proportional to or “fitting” to the crime, paying homage to the ancient principle of *lex talionis*. An ethic of retributive punishment will look backwards, ensuring that those who are guilty of past behavior are punished proportionally to what has occurred.

These general principles are still useful in educational contexts. If discipline and punishment are meant to deter, then it is worth considering whether deterrence is actually produced and whether any unintended consequences are forthcoming. Due process must also be an important part of school punishment, when and if punishment is administered. Students must be able to defend themselves and speak to what has happened from their perspectives. Witnesses can be questioned and evidence examined, at least to the extent that school resources allow. Another parallel is that punishment of students should not be out of proportion to what has occurred. This principle of proportionality is widely violated in schools today – indeed, one of the key problems is that subjective accusations of “disrespect” have become punishable by suspension and expulsion. Violation of the principle that only the guilty should be punished also often occurs in schools. Educators sometimes employ group punishments, giving a hardship to an entire class after an incident rather than to the guilty few. If punishment is about giving students “what they deserve,” group punishments that lump guilty along with innocent students violate the foundational justification for punishment in schools.

Still, we should be cautious in simply bringing general ethical principles governing punishment into school environments. The very idea of retribution rests on a shaky foundation in educational settings. The simple fact is that the population of schools is underage, either children or adolescents. The idea of getting “what you deserve” makes assumptions about moral responsibility that do not hold when it comes to this population – after all, moral responsibility demands emotional and mental competency. Children and adolescents lack the experience with the world – and of the cause-and-effect relationships – that allow someone to make responsible moral decisions. They also lack the appropriate brain development, which means they are more likely to act out of impulse, misinterpret social cues, and take greater risks. We should not underestimate the ability of students to think and act with wisdom, to be sure, but neither should they be treated as full moral agents, deserving of punishment fully proportional to misbehavior. Another fact about schools is that students and schools co-construct behavior. Students are put into environments explicitly constructed by school personnel and these environments create and make possible certain student behaviors. Therefore, schools are always at least partly complicit in what occurs in those environments. In short, moral responsibility, already a difficult concept, is an even more complex notion in schools.

In addition, schools have an explicit educational mission. They are charged with teaching academic subjects, and also developing democratic citizens, responsible moral agents, and thoughtful workers possessing both hard and soft vocational skills. Taken together, these goals all point to a need for students to develop an ability to communicate, to listen to the concerns of others, to talk through differences, to take responsibility for their behavior, to overcome disagreements and disappointments, to cooperate, to work toward mutually acceptable solutions, to apologize when appropriate, and to understand how their actions affect others. All of these skills are important parts of democratic citizenship, responsible moral agency, and even the “soft skills” valued by employers.

One problem with traditional paradigms of punishment is how little moral and civic reflection they ask of students. Students are beaten with paddles, humiliated with dunce caps, or expelled from schools, but they are not often asked to engage with others to fix the problems or restore relationships. On the flip side, traditional punishment practices demand little reflection on the part of schools or communities, something we have already seen to be important. They do not ask these parties to consider how school policies and practices might have contributed to a problematic situation. In any sort of reflective environment, the rules of the community and the behavior of those in authority should also be subject to scrutiny, not simply the behavior of students.



Exclusionary punishments like expulsion and suspension can be particularly weak on this front. If students are absent, obviously very little educational engagement is possible and the punishment will lack the discursive context that is so essential to the type of punishments that are justified in schools.

An alternative way of looking at punishment, a view better aligned with the educational mission of schools than traditional paradigms of punishment, is a paradigm called restorative justice. While restorative justice has older roots in indigenous communities, this view of crime and community reintegration was first used in criminal justice systems, with particular effectiveness in juvenile justice (Bergseth & Bouffard 2007). Implementation of restorative justice thinking in juvenile justice has seen noteworthy benefits, including reducing recidivism rates (Rodriguez 2007).

Restorative justice begins with a statement about the nature of crime – crime is what harms relationships. Crime is not (only) an abstract offense against the state; instead, it is a rupture of community ties. The goal of restorative justice is to restore the ties of relationship that have been broken when a crime has occurred, and it seeks to reintegrate offenders into the community. Restorative justice involves an exchange of experiences – the person who was harmed describes how they have been affected by a crime, how they have been hurt, and what it has cost them. They are also able to describe what, if anything, would help them to forgive and to co-exist with the perpetrator. Hearing the real effect on the victim has a number of consequences. For one thing, apologies can take on a new meaning in this context. After all, an apology that is given without full understanding of the harms that have been caused is shallow and meaningless to the victim. The restorative exchange allows the offender to take responsibility for what has occurred (contrast this with a traditional judicial proceeding, where the incentive is to deny and minimize what happened). The exchange can also create a better idea of what sort of action might be “symbolically adequate” to help heal the harm that has been caused. While the emphasis is on the victim, the perpetrators can also describe their own context, what they were thinking and what drove them to do what they did. Sometimes, this builds mutual understanding and may lead to a co-constructed solution moving forward. This can give a sense of control back to victims, and also to the offender, who now can do what needs to be done to reintegrate.

Schools should not be part of a criminal justice approach to punishment. Still, the principles of restorative justice lend themselves quite well to school discipline. In schools, restorative justice often takes the form of a restorative “circle,” where students and teachers gather to talk about disagreements, problems, and challenges they are facing. Participants aim for mutual understanding, attempting to restore community where it has broken down. Where traditional punishment asks little of students, restorative justice asks students to do real moral work.

Notice how this restorative activity is deeply educational and how it connects with the aims of schooling. This work of listening, understanding, taking responsibility, problem solving, and cooperation, is precisely what we want students to learn in schools. It will help them as future citizens as they engage in cooperative and problem-solving dialogue in public life, and it will help them as workers, learning to work together and to repair relationships when things go amiss. Restorative justice asks students to take responsibility for their actions and for reestablishing relationships and therefore is quite suited to the development of moral autonomy. The secondary expressions of restorative justice point toward social inclusion and prosocial values, like cooperation and cooperative problem solving. This is in stark contrast to the secondary expression of corporal and exclusionary punishments. For these reasons, restorative justice seems to be uniquely educational, and, therefore, uniquely appropriate for school settings.

Recall that one criticism of punishment in schools is that punishment allows for the continuation of suboptimal educational conditions – bad teaching and poorly run schools. By giving students a voice in restorative dialogue, the restorative practices also become educational for the school. In a true restorative experience, blame and responsibility are not entirely assigned before the dialogue

takes place. Through the dialogue, other school actors might discover that they share moral responsibility, or they might uncover mitigating factors within a particular classroom situation. Educators learn how they might have been partially complicit in a problematic situation and how they might improve in their pedagogical strategies.

What is the relationship between restorative justice and traditional punishment paradigms? In particular, how does it relate to the hard treatment and expressive function? For one thing, being asked to participate in restorative circles and to take responsibility for one's actions is itself an uncomfortable experience, an experience that might feel like hard treatment. This alone might be enough to express the moral sentiments of the community. Beyond that, though, it is possible that the victims in the school community might ask for an apology, compensation, or some sort of symbolic reparation. The desired compensatory action (cleaning up after an act of vandalism) or symbolic reparation (after-school detention, community service, and so forth) might sometimes look very much like a traditional punishment. Hard treatment still has a role to play here, in giving voice to the community, and in giving offenders a vehicle to show remorse. Restorative justice invigorates the hard treatment with greater meaning. In effect, it supplies the discursive context so essential in making punishment both ethical and educational.

There are critics of restorative justice who object on both philosophical and empirical grounds. Philosophically, they argue that restorative justice can lead to inconsistency in how people are treated. Some restorative conferences might result in hard symbolic compensations, while others might let offenders off easily. This is a feature, though, as much as it is a bug – individual relationships are all different, and will require different things for their restoration, and this is simply a fact of life. Besides, there is a process consistency to restorative justice: although the outcomes are not consistent (nor should they be), the process of getting to the outcome is consistent (Brooks 2016). Others criticize restorative justice in schools on empirical grounds: restorative justice programs simply do not work, they say, but instead breed chaos and disorder in schools (Eden 2019). To be sure, the best empirical studies to date on restorative justice programs are complex, with a mixed bag of results. Many of the results are positive, but some are also negative (Acosta et al. 2019; Augustine et al. 2018). There is reason to be careful about sweeping statements either for or against an abstract idea like “restorative justice.” Restorative justice can be practiced in many different ways in many different contexts – very few of which have received any sort of research attention at all. Still, an overall view of the empirical data leaves room for optimism, I believe, that such an approach is both realistic and offers valuable outcomes.

## Conclusion

Thinking deeply about punishment in education is valuable partly because it reveals so many assumptions about schools – assumptions about the nature of students, the nature of teaching, the purpose of education, and the role of power and authority in the educational enterprise. Students are not full moral actors, but rather moral agents in development. This does not mean that students avoid consequences of their actions; indeed, schools need to ask *more* from students than they currently do with traditional punishments. Students need to reflect, converse, explain, accept responsibility, and work to solve problems. They are not passive recipients for expressive messages; rather, they are in dialogue with those messages. At the same time, more also needs to be asked of schools. Educators need to examine both their pedagogical and disciplinary practices to ensure that everything points toward democratic educational ideals. Educators are given the authority to employ the expressive function of punishment, making sure the punishment is symbolically adequate, using punishment to open up conversations and to restore relationships, and working within ethical limits such as due process, proportionality, and the creation of appropriately discursive contexts. This authority assumes that teachers are not simply subject-matter specialists or pedagogues, but ushers,

helping students find their seats within moral communities and initiating them into a realm of social cooperation and problem solving. Restorative justice helps move schools in this direction.

(Related Chapters: 3, 9, 14, 16, 22, 35.)

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