FROM SOCIAL CONTROL TO SOCIAL ENGAGEMENT: ENABLING THE "TIME AND SPACE" TO TALK THROUGH RESTORATIVE JUSTICE AND RESPONSIVE REGULATION

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> *Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.*
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> Eleanor Roosevelt, 1958, on presenting *In Your Hands* to the United Nations, in response to a worldwide, year-long observances of the Tenth Anniversary of the Universal Declaration of Human Rights.

Fifty years have passed since Eleanor Roosevelt spoke with wisdom and passion about where justice, opportunity and dignity begin; for our young people, those small spaces close to home, are our communities and schools. We have yet to heed this vision; instead, we have increased our reliance on strong institutional sanctions. Instead of building the capacity for individuals, within communities, to become more involved, the regulatory institutional system shifts responsibility to third parties, who read the rule book (be it the criminal code or the student code of conduct) and hand down the apportioned punishment, typically social exclusion in some form.

In the context of schools in the United States, zero tolerance policies are handed down from a federal and state level, mandating automatic suspension and expulsion for a range of infractions (Gregory & Cornell, 2009). Though zero tolerance expanded in the wake of school rampage shootings in predominantly white, suburban schools (Giroux, 2009), it is minority students of color that are expelled at disproportional rates. The evidence of disproportional representation is clear; it is students of color (Advancement Project, 2009; Ferguson, 2001; Gordon, Della Piana, & Keleher 2001; Losen & Edley, Jr., 2001; Welch & Payne, 2010) and working class students (Jordan & Bulent, 2009; Skiba, Nardo, & Peterson, 2002). The racial disparities in the school system are reflected in the criminal justice system, where black males are incarcerated at a rate six times that of white males (Human Rights Watch, 2009).

At the same time, school suspensions have increased for all students, not just minority students. In the United States, since 1973, the number of students suspended annually has more than doubled to 3.3 million students (Dignity in Schools, 2009). Suspension increases the likelihood of a student being expelled, dropping out, and being incarcerated (Ladson-Billings, 2001; Sandler, Wong, Morales, & Patel, 2000), a phenomenon dubbed the "school to prison pipeline" (Wald & Losen, 2003). Through zero tolerance and an increasing reliance on police presence in schools, many school officials are in effect helping to create an "institutional link" of formal social control between schools and prisons (Casella, 2003; Noguera, 2008; Wallace, Goodkind, Wallace, & Bachman, 2008). Prisoner statistics reveal further links between schools and prisons: in 1997, nearly 70 percent of prisoners never graduated high school, and approximately 70 percent of juvenile offenders had learning disabilities (Wald & Losen, 2003, p.

11). Through the strengthening of these formal institutional mechanisms of social control, individuals and communities have become less involved in enabling justice, opportunity and dignity in those small places close to home.

The practice of restorative justice enables schools and communities to tap into the rich ecologies of an individual's life through creating the "time and space" to talk, in places close to home. Communities cut across institutional domains, and can respond in ways that broaden the scope for achieving safe and productive schools and communities. Restorative justice draws on three broad leverage points that offer a distinct perspective to typical institutional responses of social control. First, rather than focusing on external sanctioning systems (rewards and punishment) as a motivational lever, restorative justice focuses on relational ecologies as a motivational lever that foster a rich value based internal sanctioning systems. Thus, in responding to threats to school safety and well being, instead of asking "who did it" and "what punishment do the offenders deserve?", the questions center around "what happened?", "who has been affected?", and "how do we repair the harm done?" (Zehr, 2002). Second, the process of answering these questions includes those closest to the harm, and those closest to the community affected. This is distinct to current institutional practice, wherein the decision making is often left to third parties, removed from the direct incident, particularly in the context of serious threat or harm. In the context of courts, the system has been characterized as stealing conflict from those most affected (Christie, 1977). Third, restorative justice does not trump emotion with reason, but finds reason for emotion (Sherman, 1999). This is distinct from most institutional responses that focus on establishing the facts, with little focus on the social, emotional and spiritual dimensions the make up the rich ecologies within the lives of individuals and communities.

The practice of restorative justice is theoretically eclectic, cutting across disciplinary silos, with a range of normative and explanatory theories making a case for restorative justice (Braithwaite, 2002). Normative theories draw on a range of world views: from indigenous and faith based to sociologist, such as Durkheim and Foucault (see Braithwaite, 2002). Explanatory theories, in different way drawing on normative theory, include re-integrative shaming theory, which builds understanding of the role of the moral emotion of shame, and the process of shaming (see Ahmed, Harris, Braithwaite, & Braithwaite, 2001; Morrison, 2007); defiance theory (Sherman, 1993), which builds understanding of when punishment increases crime, decreases crime and has no effect; social identity theory (Tajfel & Turner, 1979) and self-categorization theory (Turner et al., 1987), which builds understanding of the social psychological mechanism that bridges the self and society. Building on the latter theoretical analysis, Tyler (2006; see also Wenzel et al., in press) in an article on rule breaking, procedural justice and restorative justice concludes that a shift from regulation by external sanctions, to self-regulation, is important:

> "Sanctioning-based models, which dominate current thinking about managing criminals, have negative consequences for the individual wrongdoer and for society. It is argued that greater focus needs to be placed on psychological approaches whose goal is to connect with and activate internal values within wrongdoers with the goal of encouraging self-regulatory law-related behavior in the future."

This analysis resonates with that of Valerie Braithwaite (2009) who brings together her work on social values and motivational postures, within a responsive regulation framework. In particular her work identifies institutional practices that generate defiance, undermining individual's capacity and willingness to cooperate in core facets of social life from family and school to work and governance. Responsive regulation is contrasted with formalized regulatory

responses (Braithwaite, J., 2002), which Valerie Braithwaite argues are institutionally silo-ed. Within a formalized regulatory system the implicit belief is that clear rules and laws within the architecture of the system, backed up by clear and consistent sanctions, will elicit the desired behavior. The basic assumption is that at some level all actors are rational, assuming individuals and groups are uniformly programmed in the way they respond to rules and laws. In contrast, Braithwaite (2009) has identified five motivational postures: commitment, capitulation, resistance, disengagement, and game playing. In summary, Braithwaite (2009) argues that traditional sanction based rational actor models ignore the science of how individuals, groups and society function.

Social identity and self-categorization theory offer further insights beyond standard rational choice theory. The conceptual shift can be framed through an understanding the nature of power. Turner (2005) proposes a new theory of power emphasizing group identity, social organization, and ideology, rather than dependence as the basis of power.

The theory proposes that processes of power, underlying basic mechanisms of social control—persuasion, authority and coercion—can account for more explanatory variance by reversing the causal sequence of the standard theory. The latter argues that control of resources produces power, power is the basis of influence and that mutual influence leads to the formation of the psychological group. The three-process theory argues that psychological group formation produces influence, that influence is the basis of power and that power leads to control of resources (Turner, 2005, p. 1).

This conceptual shift has implications for theories of social change, emphasizing that power is leveraged as a function of social relationships, in the context of "definite social, ideological and historical content rather than reifying it as an abstract external force producing generic psychological effects" (Turner, 2005, p. 1). In other words, differential social engagement across ideology and context, as a basis for social identification, leads to enhancing the power base for access to resources.

ROCA, in Chelsea, MA, has developed a community-based intervention model for very high risk youth, which resonates with these theoretical shifts that emphasize social engagement over social control. This outcome driven organization has a clearly defined mission: to help disengaged and disenfranchised young people, ages 14-24, move out of violence and poverty. Their vision is clear: "Young people will leave the streets and gangs to take responsibility for their actions and have jobs. Young immigrant mothers will raise their children in safety and will be recognized for their contributions to society. Our communities will have the ability to keep young people out of harm's way and in turn, thrive through their participation and leadership" (Roca, 2010). Roca's innovative theory of change has two levers that work hand in hand: programmatic and organizational. These two levels of change mirror the framework developed by Braithwaite (2002) in coupling the practice of restorative justice within a responsive regulatory framework at an institutional or organizational level. The key fundamental premise is the recognition that individual change is best leveraged through responsive regulation within the institution. The programmatic lever "theorized that Roca participants would experience positive outcomes through the implementation of relentless outreach, relationships for the purpose of change, peacemaking circles and skill-building opportunities" (Pierce, 2009, p. 2). The organizational theoretical lever "recognized that singe programs were not sufficient to impact the trajectories of high risk people. Instead it is the combination of strategies and programs that would bring about change. The theory also documented that in order to reach the desired outcomes, leadership had to be strong and program performance tracked over time" (Pierce, 2009, p. 4). These theoretical shifts required Roca to move from programs to programming, wherein the key strategy was the management and tracking of transformational relationships

(Pierce, 2009, p. 4). At the heart of all programming are two core premises: (1) change is possible for all young people and (2) people change in relationships. Relationships are built on a foundation of trust, truth and transformation (Pierce, 2009, p. 9):

> Trust: Youth workers build trusting, long-term relationships with young people and others in their lives, including family, other adults and institutions.
> Truth: Youth workers are truthful with young people. They are truthful about what is going on in the lives of young people, the challenges, the realities of their families and communities, and that change is possible.
> Transformation: The trusting and truthful relationships support and encourage personal transformation through participation in life skills, education and employment.

Outcomes are tracked and measured within the programmatic and organizational theory of change, in reference to Roca's clearly defined mission and vision, which specify three areas of focus: engagement, economic independence, and living out of harm's way. It is expected that this process of change will take 4-5 years. The key theoretical shift resonates with that specified in Turner's (2005) analysis of power; in that, transformational power, in reference to economic, social, and emotional well being, emerges as a function of social relationships.

An additional factor that is important to Roca's community-based strategy is their Engaged Institution Strategy, which recognizes that a range of institutions that are important and influential to the economic, social and emotional well being of a young person's life – schools, local government, agencies, and organizations. As such, Roca creates partnerships with these institutions and organizations. Wheeler (2006) articulates the purpose and outcomes of the Engaged Institutions Strategy as being to "ensure that the systems and institutions contribute to young people's self-sufficiency and help them to be out of harm's way" (p. 44). As a community-based organization, Roca seeks to: (1) increase institutions ability to understand and be more responsive to youth needs; (2) be accountable for services they provide; and (3) understand the impact they have on young people's lives. The processes of engaging institutions mirrors that of those used to engage young people (Pierce, 2009, p. 44):

The strategy is marked by an investment in building trusting relationships no matter how long it takes, frequent, consistent, honest communication between Roca staff and staff within the institutions or organizations, and the use of peacemaking circles to hear and understand each other and the young people.

The long term aim is to enact alternative restorative policies in communities that will, in turn, result in a systemic change of how our communities address the needs of this high-risk youth population.

The evidence to date is very promising: in the 2009 financial year, Roca actively served 664 youth and young adults through our High Risk Youth Intervention Model. While most programs struggle with serving and retaining this population, Roca does not lose these young people: 91 percent of the target population participants who were initially engaged in FY08 were retained through Roca's High Risk Youth Intervention Model through FY09 and are still engaged in relationships and programming to support their change processes. Of young people in Transformational Relationships (Phase 1 & Phase 2): 84 percent participated in stage based life skills, education, and/or employment programming; 72 percent of participants in a Phase 2 made positive progress through the stages of change related to specific behavior changes indicated on their service plans; 76 percent engaged in educational programming made academic gains; 88 percent engaged in pre-vocational training achieved skill gains; 91 percent

being worked with toward employment obtained employment; 81 percent who successfully completed transitional employment were placed in jobs; 74 percent of these retained their employment. Roca is now involved in further implementation, outcome and impact evaluations, including a replication, with possible random assignment, in Springfield, MA. Through Roca's commitment to youth, they are building the foundation of a rich evidence base of innovation and change at the individual, community and institutional level.

Bazemore and Schiff (this volume) propose that routine activity theory, a sub-field of rational choice theory, when coupled with the practice of restorative justice will strengthen schools ability to break the school to prison pipeline, through a focus on dialogue, place management and a communal school model. While each of these factors are important to recognize, this paper argues that breaking the pattern of routine activities of young people at risk requires a more fundamental paradigm shift, from social control to social engagement. To some extent this bears out in the randomized control trail of routine activities theory in the context of an after school program which found that the "minor increase in frequency of involvement for students who were already highly engaged did not have an influence on routine activities" (Cross, Gottfredson, Wilson, Rorie, & Connell, 2009, p. 406). The findings suggest that supervision alone was not enough to break routine activities. The sampling of participants in this study also suggests that the students in the treatment group were not particularly at high risk. In comparison to the intensive outreach by Roca, supervision, by an adult guardian alone, was a not strong enough lever for behavioral change, particularly within the context of a single program.

Restorative justice, in theory and practice, in the context of responsive regulation which reverses the causal chain of traditional rational actor models offer much more fertile ground for addressing the school to jail pipeline, particularly for youth that are disconnected and disengaged. Routine activities theory offers a rational choice theory of change through a time space analysis that is dislocated from a motivational analysis, particularly motivations evoked within a particular institutional culture (see Zimmerman, 2007). The social psychological analysis of motivational postures (Braithwaite, 2009), coupled with Turner's (2005) analysis of power, within a responsive regulatory framework offers further fertile explanatory variance in understanding and responding to youth who are disconnected and disengaged. This is particularly relevant to minority students of color, where power dynamics are particularly salient. In agreement with Bazemore and Schiff, current strategies and programs designed to mitigate zero tolerance responses are likely to fail, particularly within current formalized institutional responses of social control, that fail to engage individuals and communities, such that they have the "time and the space" to talk about what matters in those small places close to home.

The evidence from a recent report, *Redefining Dignity in our Schools* (Chin, 2010), reiterate the same points that Eleanor Roosevelt identified: "Human rights only have value if they are part of people's lived experiences and not just policy standards that fail to make it into the lives of the community" (p. v). There will need to be patient investment of time and resources to link theory and practice, wherein theories born of the paradigm of social control are conversant with theories born of the paradigm of social engagement. It will take this level of dialogue and engagement to shift the school-to-prison pipeline, to the school-to-dignity pipeline.

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