

# Restorative Justice Pedagogy in the ESL Classroom: Creating a Caring Environment to Support Refugee Students

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*For many years the Canadian government has been committed to resettling refugees. Recently, this commitment has been expanded, as more than 25,000 Syrian refugees have been admitted into Canada. As refugee students struggle to adapt to a new environment, English as a second language (ESL) educators are called upon to play a significant role in the resettlement process. Attending to the social as well as academic needs of students requires educators to alter the pedagogical approach adopted. Restorative justice pedagogy provides a framework for attending to these needs by transforming ESL classrooms into safe and caring environments. This article will trace the origins of the restorative movement to the criminal justice system and outline how restorative principles have been applied to school discipline. It will then articulate how these principles could be applied to the ESL classroom to identify student needs and begin the process of healing and community building. Finally, the article will conclude with an example of how restorative justice pedagogy has been applied in a Canadian high school with refugee students.*

*Le gouvernement canadien est engagé à la réinstallation de réfugiés depuis plusieurs années. Cet engagement a récemment été élargi et 25 000 réfugiés syriens ont été admis au Canada. Les élèves réfugiés se luttent pour s'adapter à leur nouvel environnement et les enseignants d'anglais langue seconde sont appelés à jouer un rôle important dans le processus de réinstallation. Répondre aux besoins sociaux et académiques des élèves exige que les enseignants modifient leur approche pédagogique. La pédagogie de la justice réparatrice offre un cadre pour adresser ses besoins en transformant les classes d'ALS en milieux surs et accueillants. Cet article retrace les origines du mouvement de la justice réparatrice dans le système de justice pénale et décrit l'application de ces principes à la discipline scolaire. Par la suite, l'article explique dans quelle mesure les principes peuvent être mis en œuvre dans les cours d'ALS pour identifier les besoins des élèves et amorcer le processus de guérison et de développement communautaire. Finalement, un exemple de l'application de la pédagogie de la justice réparatrice auprès d'élèves réfugiés dans une école secondaire au Canada vient conclure l'article.*

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For many years the Canadian government has been committed to resettling refugees in accordance with United Nations conventions. Recently, this commitment has been expanded, with more than 25,000 Syrian refugees welcomed into the country between November 2015 and April 2016 (Government of Canada, n.d.). Government support for refugees involves access to healthcare services, financial support, and resettlement assistance, including employment and language training. As a result, English as a second language (ESL) educators play a significant role in the resettlement process for both adults and children. Refugee students share commonalities with learners typically found in ESL classrooms in that they must not only grapple with the content and linguistic requirements of course material but also issues associated with acculturation and the negotiation of one's identity in a new cultural and linguistic landscape. Nonetheless, they also have unique needs related to forced migration—mainly the trauma associated with war and displacement, interrupted schooling or work-related development, and poverty, among others (Lerner, 2012; Matthews, 2008; Roxas, 2008). These unique needs necessitate an educational approach that goes beyond the instrumental focus of most modern classrooms to address students' foundational human needs. Restorative justice pedagogy is such an approach, as it offers the potential to transform the ESL classroom into a safe and caring environment to support learners through the resettlement process and in forging a future characterized by hope.

To demonstrate the potential value of restorative justice pedagogy, we will trace the origins of the approach to the justice system and outline how restorative principles have been taken up in educational contexts. We will then explore how these principles could be adapted to an ESL setting to support refugee learners, followed by the provision of examples demonstrating how restorative justice pedagogy has been enacted in a Canadian public school.

## **Origins of the Restorative Movement**

The foundational principles of restorative justice are grounded in traditional Indigenous ways of knowing (Blue & Blue, 2001; Pranis, 2007). According to the worldview of many Indigenous cultures, a strong relationship exists between everything in the universe (Pranis, 2005). As a result, humans cannot be viewed as autonomous beings, but must be understood as closely connected with each other and their environment. This belief is rooted in an understanding of the inherent worth of all beings (plant and animal life as well) and the important contributions they make to the general well-being of the community. As a result, "harm to one is harm to all. Good for one is good for all" (Pranis, 2005, p.26). As all life is viewed as interconnected and interdependent, mutual responsibility exists to ensure well-being (Vaandering, 2011). When well-being is undermined by harm, it is viewed as an injustice

that requires healing (Pranis, 2007). Thus, restorative justice involves healing leading to a state of healthy balance.

Traditional Indigenous views of justice were taken up by Mennonites and other practitioners in the 1970s in response to dissatisfaction with a criminal justice system grounded in retributive principles that were deemed to ignore the needs of victims, while not holding offenders accountable to understand the effects of their misdeeds (Mirsky, 2004; Wachtel, 2013; Zehr, 2015). In contrast to retributive justice, which is based on punitive recourse to address violations of rules, restorative justice views crime as a violation of people and relationships (Zehr, 1995). Based on this perspective, crime is viewed as rupturing relationships, and therefore the recourse for such harm is to promote individual and community healing. Hence, restorative justice focuses on addressing the harm committed and restoring community bonds rather than punitively discouraging further wrongdoing.

Restorative justice focuses on three central concepts—harm, accountability, and engagement (Zehr, 1997). As crime is viewed as harm to individuals and communities rather than a violation of rules, restorative justice seeks to repair the harm by addressing the needs of those involved. Above all, this consists of attending to the needs of victims and communities to ensure healing takes place, but it also may consist of investigating and addressing the unmet needs of offenders that resulted in the criminal behaviour. In order to address harm in a meaningful manner, restorative justice emphasizes accountability by linking the act of causing harm to obligations. As a result, offenders are held accountable to understand the repercussions of their actions on victims and the wider community and to take responsibility to make things right as much as possible. Finally, accountability and addressing unmet needs are facilitated through engagement with those affected. Hence, the victim, offender, and involved community members all play a significant role in the justice process, as they participate in dialogue and mediation to bring about a satisfactory resolution.

Restorative justice provides a framework for addressing crime in a manner that promotes healing and restores community. The positive outcomes fostered by the approach have led educational authorities to apply restorative principles to school discipline.

## **Application of Restorative Principles in Education**

Schools are responsible for socializing young people and helping them to develop the skills needed to become productive members of society. The skills commonly expected for productive participation in contemporary Western society—entrepreneurship and engaged citizenship within a democratic framework—are contradictory to the habits promoted through the traditional disciplinary structures of schools that emphasize compliance and acquiescence to authority. Moreover, zero tolerance policies and other authoritarian

practices fracture relationships and create an adversarial environment, an environment that has had dire consequences for racialized students (Bell, 2015; Smith, 2015; Verdugo, 2002). In a setting where the relationship between students and teachers is critical to achievement, this has the effect of undermining the very goal of education. The ineffectiveness of authoritarian disciplinary practices has led to growing interest in infusing restorative justice into education.

In school settings, principles of restorative justice have been most commonly applied to disciplinary structures (Vaandering, 2010). Based on restorative principles, school discipline is reconceptualized as a process done *with* students rather than *to* them in a punitive manner or *for* them in a permissive manner (Costello, Wachtel, & Wachtel, 2009). Integrating learners into the disciplinary structure in schools serves to strengthen associations with members of the community and increase accountability to the community. Rather than being treated as an external group upon whom rules are imposed, students are treated as important members of the community who assume responsibility for maintaining harmony. Connected to community coherence is the notion that when harm is done, there is an inherent obligation to address the harm. As a result, students who have caused harm are not permitted to passively accept punishment without assuming responsibility, but rather must engage in understanding the repercussions of their actions and providing input on how to rectify the situation. This is accomplished by holding conferences in which invested parties gather to discuss how the events impacted them, what could be done to make things right, and how future harm could be avoided (Amstutz & Mullet, 2005). Zaslaw (2010) explained:

Each group member [including the offending student] can talk freely about how the behaviour affected him or her so that they can decide as a group how the offending student will repair harm and what roles each party will have to heal the community. (p. 12)

In this way students are encouraged to assume responsibility for maintaining a positive learning environment and through the process develop respect for their fellow students.

Complementary to the emphasis on community engagement is a shift away from discipline as establishing and enforcing rules to focusing on attending to the needs of members of the learning community. As such, inappropriate behaviour is not framed as breaking a rule, but rather as causing needs to be unmet. For example, a student who speaks loudly in class would not be chastised for breaking a classroom rule, but would be made aware of how his/her behaviour has adversely affected other students who are trying to work and/or the teacher who is trying to teach a particular concept. The student would then be involved in finding ways to rectify the situation so that the needs of members of the classroom community are met. By engaging students in understanding how their behaviour affects others, students learn

not only empathy, but also important communication skills associated with mediation.

## **Restorative Justice Pedagogy in the ESL Classroom**

Restorative practices have been most commonly taken up in educational settings as a means to manage student behaviour, as demonstrated by the use of recidivism statistics as central sources of evidence for the efficacy of the approach (Anfara, Evans, & Lester, 2013; Porter, 2007). This promotes the perception that restorative principles do not have an influence on schooling beyond reducing truancy and violations of appropriate conduct and, therefore, act as a series of strategies rather than a foundational philosophy (Vaandering, 2014). This not only makes restorative approaches vulnerable to cooptation for alternative purposes (Vaandering, 2010), but also ignores the potential value of restorative principles in guiding pedagogy. As the approach is based on promoting healing and community, pedagogy grounded in restorative principles (what will be labeled as “restorative justice pedagogy” from now on) has great potential for guiding the structure of the ESL classroom, in particular when working with refugee students.

Restorative justice pedagogy is based first and foremost on the perspective that people are interconnected and the strength of a community is dependent on the well-being of all members. As a result, the primary focus of a classroom grounded in restorative principles is addressing the needs of all members. While it is important for teachers to have their needs met in order to develop a productive learning environment, inevitably the needs of learners are the primary concern in a classroom environment. In contemporary education where accountability measures, performance on standardized tests, and preparation for a competitive global economy have been emphasized, the needs of learners are often portrayed in instrumental terms. In an ESL classroom this most often results in an emphasis on developing pragmatic linguistic skills and knowledge and skills to acculturate to the local context. While these are inevitably important skills to develop, the prioritization of these needs is an example of what Noddings (2012a) labeled “assumed needs,” or externally imposed needs based on a third party determination. This is problematic because it not only assumes that students are in a position to focus on academic endeavours, ignoring their unique situations, but it also ignores the actual needs of students as understood by themselves and their families, what Noddings (2012a) labeled “expressed needs.”

The application of assumed needs to the development of the curriculum can result in frustration, as it ignores the actual needs of learners, but it can also result in the application of erroneous assumptions based on a deficit perspective of refugee students. For example, it is commonly assumed that refugee students will have suffered trauma associated with displacement and

developmental delays related to interrupted access to education; however, it is often not considered that refugee students have developed strategies and resilience to cope with difficulties. Roxas (2008) contended that a lack of familiarity with refugee students “can lead teachers to undervalue the courage, tenacity, and resourcefulness” (p. 5) they have developed through their life experiences. As a result, teachers may unintentionally adopt a deficit perspective without carefully considering the strengths students bring to the classroom.

In order to avoid a deficit perspective and attend to students’ expressed needs, teachers need to adopt a caring perspective. According to Noddings (2012b), care involves attentiveness and receptiveness to the needs and desires of the cared-for. As such, the caregiver cannot project his/her desires or thoughts onto the cared-for, but must allow the needs of the cared-for to be authentically expressed. In the caring relationship between a teacher and student, this involves avoiding the pitfall of ascribing needs to students and instead engaging in dialogue with students and their families to ascertain what they are experiencing and how they can be supported. In essence, this involves redefining the role of the teacher to one of responsiveness, in which the primary questions to ask refugee students are “What do you need to learn? And how can we help you learn it?” (Devine, 2015, p. 1376). In this way, the relational character of restorative justice pedagogy is promoted through authentic conversation “in which the participants in the conversation engage in a reciprocity of perspectives” (Aoki, 2005, p. 228).

While dialogue is important as a means to ascertain students’ needs, it is also essential for forging community. The premise underlying restorative pedagogy is that interactions within the classroom should be encouraged to foster relationships and create a safe space for holistic development. While interaction has the obvious benefit of promoting linguistic development in the ESL classroom, authentic dialogue also has the benefit of enabling learners to explore topics of relevance (Aoki, 2005). For refugee students, the opportunity to discuss experiences in a supportive environment with peers who have gone through similar experiences can be therapeutic. Furthermore, the sharing of life experiences in a supportive atmosphere can help to confront feelings of loss and forge a sense of connection with the newfound community (Noddings, 1991; Schirch & Camp, 2007). As restorative justice pedagogy is grounded in interconnectedness and reciprocity, it is important that the dialogic character of interaction is maintained. This means that respectful patterns of interaction are encouraged, often in the form of talking circles (Amstutz & Mullet, 2005; Hopkins, 2011; Pranis, 2005), and students are encouraged to dialogically engage with concepts so that they are not passive recipients of knowledge, but act as “subject[s] in the world and with the world” (Freire & Macedo, 1998, p. 85).

The importance of developing relationships and fostering community extends beyond the classroom. Integrating refugee families into the school



community is important in promoting the success of students. Many families lack cultural capital and awareness about how to navigate education in a new setting (Roxas, 2008). As a result, they are unable to provide direct assistance to their children and may lack the resources to identify external supports for them. In this context, integrating families into the school community can enhance awareness about institutional norms and strengthen the support system provided for students.

Establishing relationships between the school and community can also serve to enhance student comfort. Respect and a sense of belonging are important factors in promoting success (Porter, 2007). Schools that apply “English only” policies and ignore the unique heritage of students by adhering to strict monocultural practices relay the tacit message that refugee students’ languages and cultures are not welcome in schools. This creates an untenable divide between students’ home and school lives and fractures community bonds. Conversely, the integration of students’ cultures by establishing bonds between the school and the wider community reinforces respect for students and helps to instill a sense of pride and belonging that can assist in developing new relationships and fostering growth.

## **Application of Restorative Justice Pedagogy**

Restorative justice pedagogy is a philosophy of education grounded in particular principles (in particular, addressing student needs and fostering community as a means to promote a state of healthy balance). These principles could be applied to the ESL classroom in numerous ways based on the particular context in which a teacher works. The second author has applied restorative justice pedagogy in his work with teenaged refugee students in a public middle and high school. The decision to implement restorative justice pedagogy was a response to the needs of students to provide a more appropriate, relevant, and compassionate curriculum. The following is an explication about how he applied restorative principles in his setting within the classroom and in the broader community to build healthy relationships and attend to the needs of his students.

Starting every school day, I began with a practice called “Morning Pages” that was taken from Cameron’s (2002) *The Basic Tools*, in which writing becomes an activity free from censorship and editing. Cameron (2002) believes that this freedom can help to develop proficient writing and rediscover creativity. These journals are not intended to be a way to assess student writing skills or language acquisition, but instead are a continuation of restorative justice pedagogy in which students share their ideas and thoughts about living in a new country. This is also a way for students to recognize that their teacher has heard their voice and wants to know more about their experiences and ideas.

Students open their Morning Pages writing books to find that I have written to them individually. In this way, I can demonstrate that I am exploring each student's thoughts and responding in the direction I believe the student wants the conversation to go. For example, if a student writes about an experience of migration in great detail, I will guide the conversation further into the experience of migration. If a student moves away from a topic, I will not press the student back into the less desired conversation. Through this process, I come to understand the students' interests, passions, fears, and academic capacity. As I discover more of what they are capable of and desire to discuss, I uncover their needs academically and socially. At the end of every school day I take three or four minutes to write back to each student, never using a red pen to correct or grade the quality of their writing, but only interacting with the content. Noddings (2012a) encourages this active listening as being essential to care and relationship. "The teacher urges the student, 'Let me hear you think.' At first, it may be frightening, but when students realize that their thinking will be respected, they enter the spirit of dialogue" (p. 774). Authentic dialogue is the goal of Morning Pages as students build trust over time. Taking no more than 20–30 minutes, Morning Pages is a great way to develop individual relationships with students. According to Carter (2013), reflective writing may also enhance the restorative process when it uncovers unmet needs.

In coming to understand the purpose of school for refugee students, I needed a way to discover what was needed as a classroom community, in other words the expressed needs of students. Noddings (2012a) noted the importance of communication and relationship building in this process: "Dialogue is fundamental in building relations of care and trust" (p. 775). To do this I began a daily teatime in which students and I would converse over a cup of tea about what they felt was important and needed in their academic and social lives.

During teatime, the students and I would sit in a circle and drink a cup of tea, each of us taking turns to speak if we chose to but having the option to pass on to the next person. A talking stick was used to create equal opportunities for participation as both a listener and a speaker. Sometimes I started conversations about what happened in the news, and other times the conversations began by students bringing up a topic that they found important (e.g., music, family history, favourite foods, school conflict). Teatime is a place for students to share their stories of migration, express their difficulties and joys in a new country, and come to terms with a changing identity in a new home. Students may find that, while they feel isolated, they have shared experiences with their classmates and that by sharing their experiences they can be understood better. Students have the opportunity to share as a way of identifying what is most important to them, and what their immediate academic and social needs are. Taking 30–45 minutes, teatime is not only an activity in the classroom for relationship building, but



also a key element in determining the needs of students. High school English, math, and learning support teachers have also begun using teatime as a way to discover where students have encountered difficulties in course content and have found the free time to share is enlightening, as students have a platform for sharing.

Engaging family and community within the school can be difficult with refugee students, but home visits may be a way to bring conversations into the students' community. Every year, I completed two or three sets of visits in my students' homes. These visits were important because I found it difficult to engage parents in traditional parent/teacher interviews and report cards did not often share the information parents needed to have about their children. I have found that there is a very positive response to meeting families at home. As the power dynamics change (because I am now the guest), families may feel more comfortable to share their experiences and expectations for school and life in Canada.

Upon entering the home I asked the family to speak about their adjustment, family, work, and studies. This is important, because families may be unsure about the purpose of the meeting and fear that I am there for negative reasons. Initial contact with families was always positive and intent on relationship building. The most important part of the home visit was for the family to share what their desires and goals were for their children at school. In this way, I was better able to discover the expressed needs of students, their families, and the larger community.

## **Conclusion**

ESL classrooms are often viewed in pragmatic terms as training grounds for integration into society through linguistic and cultural education. As Matthews (2008) contended, though, "schools are not simply literacy delivering machines ... they are also places of settlement, safety and security" (p. 42). This is of particular importance when educating students who have been forcibly displaced from their home communities. For these students, linguistic development is important, but it must be accompanied by the creation of a caring, safe environment to support the resettlement process. Although restorative justice principles have often been applied to managing behaviour in a school setting, they may also be fruitfully integrated into the fabric of the ESL classroom to foster a caring environment. Although an example has been provided of how restorative justice principles have been utilized in a particular setting, this is simply one manifestation. The challenge for ESL educators is to find appropriate ways to apply restorative justice pedagogy to their specific context to support refugee students in engaging in the healing process and building community bonds.

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