

# RJ Smart Book

3rd Edition | March 2025

Resorative  
Justice



# WHAT IS RESTORATIVE JUSTICE?

**Restorative Justice** is an alternative theory of crime and justice that focuses on the “needs” of victims and perpetrators. It has existed since 1958, but its spread has been extremely quiet until 2014, when it was applied to public schools by the federal government. Restorative Justice argues for law and rulemaking to move away from punishment and embrace reparations and rehabilitation. In practice, Restorative Justice supports reverse discrimination, arguing that past histories of oppression mean that members of certain minority groups should escape consequences for their actions. Less known than SEL or CRT, it is equally or more harmful, leading to violence that intimidates students and teachers and makes learning impossible.



## Restorative Justice





# RESTORATIVE JUSTICE'S KEY PRACTITIONERS AND TEXT

Restorative Justice levels a broadside against Americans' understanding of their country using psychology and legal theory, as well as liberal Christianity, which applied modern knowledge like psychology, and progressive Christianity, which emphasized an idealized focus on social justice. The first use of the term was by a German theologian in the 1950s, and the first American use came in a 1958 article by Professor **Albert Eglash**: a veteran of Detroit nonprofits focusing on rehabilitating criminals, mostly African American teenagers. Eglash blamed the teenagers' situations on the legal system's focus on crime and punishment, and came up with the "psychological exercise" of "Creative Restitution" which was meant to help the victim and also the perpetrator:

*In restitution, as in reparations, concern about the damage and about the victim is a first concern. A constructive, redeeming act is directed [by the perpetrator] first towards the victim.*

This was an idea picked up by **Howard Zehr**, widely credited as the "grandfather" of the Restorative Justice movement. Zehr also drew on his Mennonite faith, which opposes

"the American myth of rugged individualism" and embraces "pacifism, economic and ecological stewardship, and community." Informed by these perspectives, Zehr wrote the key text in the Restorative Justice movement: 1990's **Changing Lenses: A New Focus for Crime and Justice**.

In *Changing Lenses*, Zehr asked "**Why are the actual needs of those involved in crime—whether transgressed or transgressor—so irrelevant in the "justice" process?**" He blamed this on "**our individualistic concepts of guilt and freedom**" which make us "assume that the individual is free to make choices and has anticipated the consequences of those choices." He argued that, especially when it comes to crimes committed by members of minority communities,

*this assumption...ignores the social, economic, and psychological context in which actions occur. Consequently, justice for offenders can be conducted without reference to...whether the social setting is just.*

Based on this theory, Zehr argued that punishment under the criminal justice system not only didn't help the victim but was unfair to the perpetrator. Instead, alternative methods of "healing" should be established. These methods begin with a meeting. They then proceed, based on conversation, to address a series of questions.



# RESTORATIVE JUSTICE'S KEY PRACTITIONERS AND TEXT *(continued)*

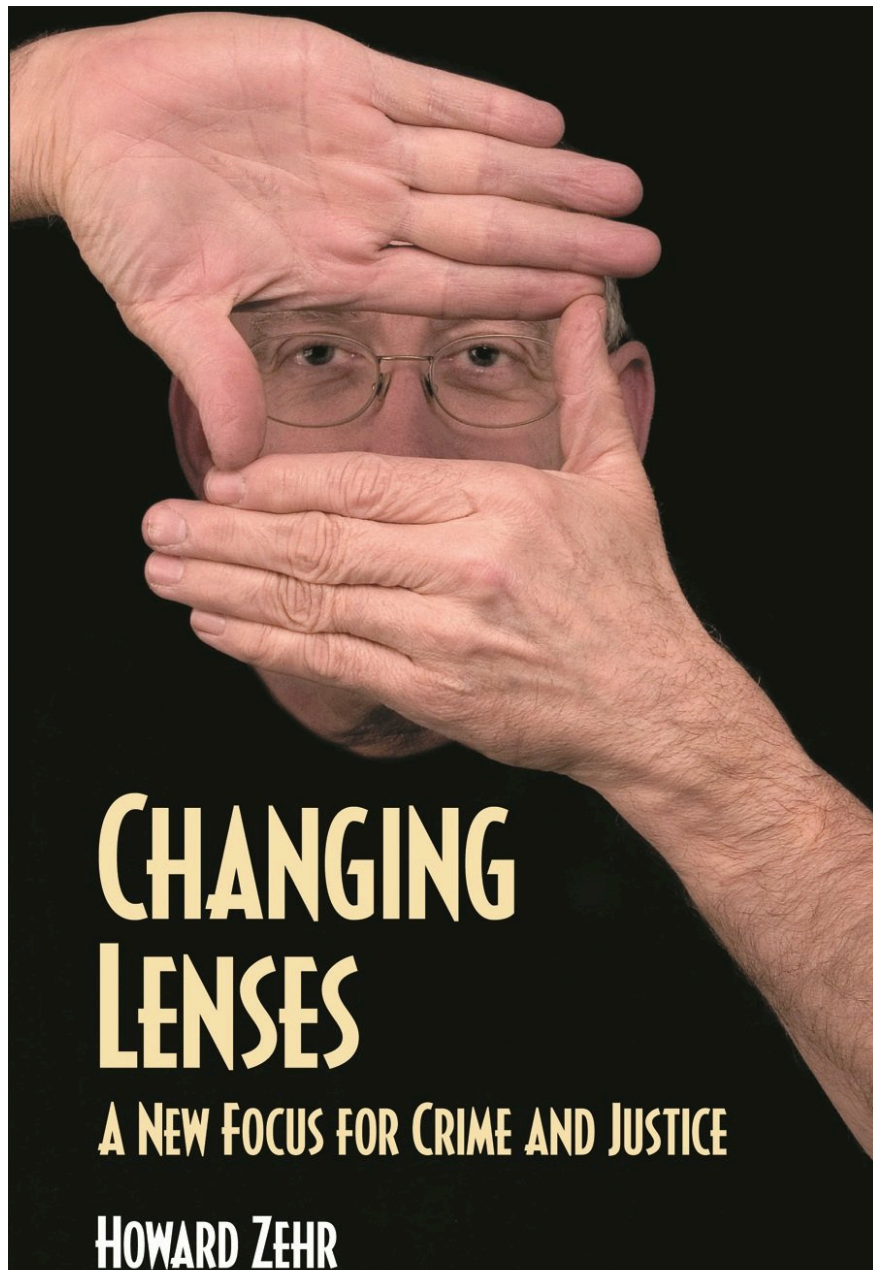
One example Zehr uses is the following:

*“A school principal and his family meet with the boys who exploded a pipe bomb in their front yard, narrowly missing the principal and his infant child. The family’s and the neighbors’ fears of a recurrence are put to rest and the boys for the first time understand the enormity of what they have done.”*

The questions that would be raised in such a meeting to judge its success are the following:

*Are the wrongs being acknowledged? Are the needs of those who were harmed being addressed? Is the one who committed the harm being encouraged to understand the damage and accept his or her obligation to make right the wrong? Are those involved in or affected by this being invited to be part of the “solution?” Is concern being shown for everyone involved?*

**Zehr’s argument was tricky.** He was right that victims often need counseling after a crime. But by 1990 psychology was well-versed in Post Traumatic Stress Disorder and could handle that task without involving the perpetrator. He was also right that black teenagers committing crimes in cities like Detroit were often acting out for a reason: they couldn’t get jobs, first because of racial restrictions then because of the outsourcing of blue collar labor beginning in the 1960s. But Zehr didn’t care about changing bad policies that encouraged bad behavior. Instead, like the Critical Race theorists operating at the same time, he wanted to use bad policies as excuses to target the foundations of American law. Indeed, the bottom line of Zehr’s Restorative Justice wasn’t addressing people’s emotional “needs,” which can’t be measured. The bottom line was letting criminals escape punishment by demonstrating remorse, whether they meant it or not.





# RESTORATIVE JUSTICE's SPREAD:

## From Religion to Academia to Government to Schools, 1970s to 2010s

Restorative Justice's spread in America started at Zehr's hands via **Mennonite networks** like the Mennonite Central Committee (MCC). **Other liberal Christians took the idea up**, including the Presbyterian-funded Criminal Justice program; the Prison Fellowship Ministries; and the Victim Offender Mediation Association. The education nonprofit worker and mother of future Obama Education Secretary Arne Duncan, **Sue Duncan**, inspired by her liberal Protestant church, founded a children's center in Chicago's South Side focusing on minority students. The center, as well as Duncan's daughter Sarah, a nonprofit education worker, embraced projects involving Restorative Justice.

**From there, Restorative Justice migrated to academia, mostly small colleges or state universities; and to international organizations** like the United Nations in the 1980s and 1990s. In the 1990s and 2000s, it also spread through elite law schools like Harvard, Yale, UCLA, Stanford, and the University of Chicago. These law schools were embracing **criminal justice centers and clinics** under the heading of "public interest law," the result of liberal administrators partnering with beneficiaries of affirmative action to create a "social justice"-centered approach to the law. At the same time, **"public interest law" nonprofits** like the ACLU and the pro-bono firm Public Counsel, staffed by graduates from these institutions, embraced Restorative Justice.

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All this occurred at the same time as a growing civil rights boondoggle in American government. **Beginning with the Clinton White House, the Civil Rights offices in the Departments of Justice and Education were weaponized by Liberal bureaucrats and progressive affirmative action appointees.** This set the stage for a much more aggressive push in the Obama Administration, which directly targeted American kids.

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The first move in this direction came from **Broward County**, "the nation's sixth-largest district, with more than 260,000 students and 35,000 employees, and...an annual budget of \$4 billion." In 2013, Broward County Public schools implemented a program called **"P.R.O.M.I.S.E.": Preventing Recidivism through Opportunities, Mentoring, Interventions, Support & Education**. According to The South Florida Sun Sentinel, "The PROMISE program was rolled out...after statistics showed the district was arresting far more black students than others for the same crimes." In the name of correcting this disparity, "Students with certain misdemeanor offenses like vandalism, disorderly conduct and fighting were allowed to enroll in PROMISE and receive psychological and behavioral help rather than going to jail."

The pusher of this program was **Robert Runcie**, the Superintendent of Broward County Public Schools in South Florida. Runcie had spent the previous 8 and a half years working in the Chicago Public School System under **Obama Secretary of Education Arne Duncan**: a college friend from their days at Harvard who before going to Washington was Superintendent of Chicago public schools. So it's instructive that in 2014 Runcie said that, "Some of my staff joke that the Obama administration might have taken our [PROMISE] policies and framework and developed them into national guidelines." Essentially, Runcie's PROMISE plan was the model for the plan the Obama Administration foisted on America.

# The FEDERAL GOVERNMENT AND RESTORATIVE JUSTICE:

## The “Dear Colleague” Letters of 2014 and 2023

In 2014, five people pushed a version of Runcie’s plan onto American kids across the country.

The first was **President Barack Obama**, a graduate of Harvard Law School who had been taught by CRT founder Derrick Bell and whose presidential library supports Restorative Justice. The second was Obama’s Attorney General **Eric Holder**, who had attended Columbia Law School, and said in 2012

*...students of color, students from disadvantaged backgrounds, and students with special needs are disproportionately likely to be suspended or expelled...these unnecessary and destructive policies must be changed.*

The third was Obama’s Secretary of Education **Arne Duncan**, whose mother Sue and sister Sarah were Chicago-era educators who used Restorative Justice and whose college friend and Chicago employee, Runcie, inaugurated the Restorative Justice program model for the White House in Broward in 2013. Fourth and fifth were Holder’s Assistant Attorney General for the Civil Rights Division of the Department of Justice, **Jocelyn Samuels**, the former director of UCLA’s Criminal Justice clinic and a prominent backer of DEI; and Duncan’s Assistant Secretary of Education for Civil Rights **Catherine Lhamon**: a graduate of Yale Law School, a veteran of the ACLU, and the director of impact litigation at Public Counsel, the nation’s largest pro bono law firm.

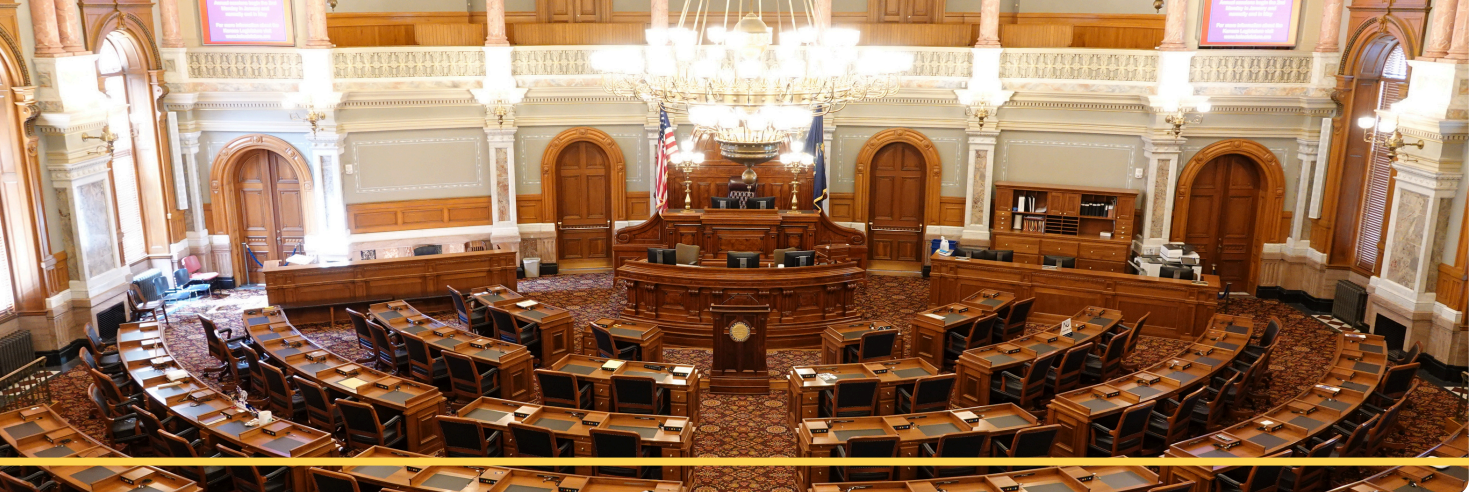
Working through the Department of Justice’s Civil Rights Division and the Office of Civil Rights of the Department of Education, these operators issued a joint “Dear Colleague” letter to federally-funded secondary schools advising on “Nondiscriminatory Administration of School Discipline.” After arguing that “racial disparities in the Administration of school discipline” existed and were violations of the Civil Rights Act, the letter made clear the government’s intention to investigate schools based on Disparate Impact, which the government would measure three ways:

1. *Has the discipline policy resulted in an adverse impact on students of a particular race as compared with students of other races...?*
2. *Is the discipline policy necessary to meet an important educational goal...?*
3. *Are there comparably effective alternative policies or practices...?*

This amounts to a three-step march toward “comparably effective alternative policies or practices,” e.g. **Restorative Justice, which is mentioned four times in the letter.** And, the letter makes clear, *almost any disciplinary action can qualify for this treatment.* One example the letter gives of a possible Civil Rights violation by schools is disciplining students of a particular race for tardiness if their neighborhood is further away based on interstate construction which leads to a longer commute. Another is disciplining students of a particular race more than students of other races under a rule prohibiting the use of electronic devices in class, *even though students of that race are actually using electronics more.*







Though the Trump Administration rescinded this “Dear Colleague Letter” in 2018, reports suggested that schools were continuing to enforce it, with the support of superintendents and even some teachers unions. Even the Justice Department’s Office of Justice, in 2018, supplied the core funding for the founding of the National Center on Restorative Justice to promote the practice; it still exists today.

In 2023, the **Biden Administration** published a new version of this Letter, which cleverly avoided using the term **Disparate Impact**. But the examples this letter used still showed that almost anything could be considered a civil rights infraction. (One example: “a pattern of harsher and more frequent disciplinary actions across types of discipline, schools, and grade levels for Black students than their white peers, resulting in significantly greater lost learning time for Black students.”) What’s more, influential Washington think tanks like the “Centrist-Liberal” Brookings Institutions criticized the Biden Administration for not going far enough to address disparate impact, showing that the push for the Obama-era rules extends past progressive activists or overt Restorative Justice practitioners.





# RESTORATIVE JUSTICE IN SCHOOLS: 2015-2025

What does Restorative Justice look like on the ground? Put simply, it looks like disorder, as teachers are forced to follow a three-tier system of discipline that sharply limits when a teacher can discipline a student or call for administrative support. Instead of disciplining a student whose action falls into a lower-tier category, teachers must perform Social Emotional Learning exercises: “talking the problem out” in group “healing circles”, focusing on the feelings of offenders and victims. Some other terms for Restorative Justice include “Restorative Practices,” “Progressive Discipline,” and “**Positive Behavior Intervention and Supports**” (PBIS), the latter of which, like SEL and CRT programs, is a cash boondoggle.

**In practice, Restorative Justice puts students’ and teachers’ lives in danger and in at least once instance, via a 2018 shooting by Nikolas Cruz, may have led to their deaths.**

According to the Sun Sentinel, not a conservative paper, in an article that it’s since taken down, Broward County’s PROMISE program led “children to engage in an endless loop of violations and second chances, creating a system where kids who commit the same offense for the 10th time may be treated like it’s the first.”

One of these children was **Nikolas Cruz, who shot and killed fourteen students and three staff members at Parkland High School in 2018.** According to school records, Cruz’s record included “fighting, vandalism, bringing prohibited items to school and breaking rules on the bus”; being “disruptive by screaming, using profanity and making sexual gestures”; and being “defiant of authority and destructive of property...” Because of the PROMISE program and Broward’s very public commitment to cut down on district arrests via its tiered system of discipline, Cruz was allowed to continue to come to school: “zig-zagging between serving in-school suspensions of varying days, then out-of-school suspensions...He was referred to...PROMISE...[and] never was arrested, despite not completing the program.”





Cruz was not a one-time case: the district was determined to reduce arrests to reduce the “school to prison pipeline,” essentially blaming schools keeping their students safe for problems with the criminal justice system. In Broward, according to Max Eden in testimony before the House Judiciary Committee on School Violence

*“School-based arrests plummeted from 1,056 in 2012 to 392 in 2016... Jeff Bell, the president of the Broward Sheriff’s Office Deputy Association...said that **the [Broward] school district didn’t want “police officers making arrests on campus... because it looks like there is bad stats at the school.”***

Neighboring Brevard County, the tenth largest district in the state, lost 50 teachers and bus drivers in two years thanks to the policy. According to The New York Post, laying out conditions testified to by teachers under the “disparate impact” policy:

*“One student began masturbating inside a classroom...[a] teacher was hit in the face with a tape dispenser...another educator frequently had to remove all furniture from her class because kids were routinely chucking it around the room or at each other.”*

Studies of schools in Pennsylvania and Maine by RAND, a liberal-progressive think tank in Washington, D.C., showed that Restorative Justice, though “trendy,” failed to solve disciplinary problems and instead caused more. Two proponents of the method wrote an article entitled “The Cart Before the Horse” calling its implementation faulty. (For the full reports, see “Selected Sources” at the end of this Smart Book.)



# FIGHTING BACK:

## The Arguments

Even with these results, proponents of Restorative Justice still defend it. Here are their arguments—and some responses.

**ARGUMENT 1:** Children who commit offenses do so because of social factors beyond their control and punishing them for these offenses only makes them angrier and more resentful.

**ANSWER 1:** Bad social circumstances caused by government policy make it more likely that members of certain groups will commit crimes. This was the case with racially restrictive housing laws which began to be tackled by Martin Luther King Jr.'s Civil Rights movement and labor outsourcing, both government policies which created a bad environment for minority communities for decades starting in the 1940s. But the answer to bad policy is political action. It's not relaxing discipline or removing accountability in schools, which exist to teach and protect students from disruptions, not to bear the brunt of bad government policies.

**ARGUMENT 2:** Our legal system is based on crime and punishment and doesn't consider the needs of victims and perpetrators: specifically, their need for healing and redemption. This punitive approach bleeds its way into school discipline and hurts kids.

**ANSWER 2:** The legal system and the school discipline system aren't designed to address spiritual or psychological needs. They're designed to protect and to teach.

**ARGUMENT 3:** Restorative justice works: it helps victims and offenders "heal" and stops the "school to prison pipeline."

**ANSWER 3:** Restorative justice encourages offenders, some of them with serious mental issues, to act out again and again, putting other students in harm's way and making it impossible for them to learn.

- It emphasizes racial division based on its insistence that policies which have "disparate impact" on certain groups are illegal. It stops schools from having violent offenders arrested for fear of high arrest statistics leading to a civil rights investigation from Washington, D.C.
- Victims who need therapy can speak to school counselors; and offenders with mental issues have the resources they need inside the criminal justice system—schools should not be involved.
- Finally, stopping the "school to prison pipeline" is a political matter of changing policies—as the 2018 bipartisan First Step Act signed by President Trump helped do. It has nothing to do with schools and asking schools and students to help solve problems created by policies in the criminal justice system is mixing apples and oranges.



# FIGHTING BACK:

## The Arguments (*continued*)

**ARGUMENT 4:** Parents who are against restorative justice are stopping all students from achieving equal treatment, which is the promise of a democracy.

**ANSWER 4:** Parents against restorative justice oppose equity—equality of outcomes at the hands of government mandates placed on schools. They support equal treatment—disciplinary policies applied without reference to identity. They also support democracy—which means rule of the people. In our Constitutional republic of decentralized power and multiple checks between branches of government, democracy takes the form of communities controlling their own destinies. That’s the opposite of Washington, D.C. administrators and ideologues handing down mandates like Restorative Justice to local schools.

# FIGHTING BACK:

## Take Action

1. Look through the disciplinary policies of your school, as outlined in its student code of conduct. Check for any references to disciplining students about “disparate impact” or “restoration” or “reparations,” as well as “students’ personal, social, emotional and behavioral needs” and “intervention and prevention.” Other terms that mask RJ include: restorative / transformative discipline, healing circles, multi-tiered systems of support (MTSS), Positive Behavior Intervention and Support (PBIS).
2. Look at the school’s website for any new “alternative disciplinary programs.” Besides the buzzwords above, red flags to watch for are “partnerships” the schools has made with “juvenile justice” clinics or divisions of the States Attorneys Office; the NAACP; Public Defenders; or universities.
3. If you see these signs, write to Moms for Liberty, attend your school board meeting to raise the concerns, and write to your state legislators as well as U.S. legislators to urge an investigation of funding for the school.

# FURTHER READING

## SELECTED SECONDARY SOURCES:

CRITICISMS OF RESTORATIVE JUSTICE, ITS OUTGROWTHS, AND ITS SPREAD:

- [The Cart Before the Horse: A Proponent of Restorative Justice Calls its Implementation a Failure](#)
- [A Liberal-Progressive think tank calls Restorative Justice a Failure](#)
- [Max Eden's Testimony Before Congress on Broward County Schools](#)
- [The Abolition of School Discipline, National Affairs, a Winter 2025 Report](#)
- [Teachers Protest Obama-era School Discipline Rules](#)
- [Schools Continue with Restorative Justice Policies Even After Trump Rescinds Them](#)
- [Why Meadow Died, about the deaths at the hands of Nikolas Cruz, the Parkland Shooter](#)
- [Moms for Liberty Williamson County on Restorative Justice](#), with a special focus on Broward County
- [Moms for Liberty Williamson County on Restorative Justice](#), with a special focus on Terms & Practices

## SELECTED PRIMARY SOURCES:

RJ PRACTITIONERS' WRITINGS AND SYMPATHETIC NEWS REPORTS:

- The first American reference to Restorative Justice: [Albert Eglash, "Creative Restitution. A Broader Meaning for an Old Term," 1958 \(Paywalled\)](#)
- The "Founding text" of Restorative Justice: Howard Zehr, [Changing Lenses: A New Focus for Crime and Justice](#), available as [Changing Lenses: Restorative Justice for Our Times](#)
- [The Zehr Institute for Restorative Justice](#)
- A Comprehensive Look at Restorative Justice: [The Restorative Justice handbook](#), available in full without charge
- The Broward School District PROMISE Program, [An Overview](#)
- 2014 "Dear Colleague Letter" from the U.S. Department of Justice Civil Rights Division and the U.S. Department of Education Office of Civil Rights on the ["Nondiscriminatory Administration of School Discipline."](#)
- 2023 "Dear Colleague Letter" on ["Confronting Racial Discrimination in School Discipline"](#)



# RESTORATIVE JUSTICE TIMELINE

- **1950s:** The first reference to Restorative Justice appears in the writings of a German theologian.
- **1958:** The first American reference to the concept appears, by scholar and Detroit nonprofit participant Albert Eglash, in a short scholarly article.
- **1970s:** Howard Zehr, a Mennonite, blends Eglash's four-page article into a more comprehensive approach, using Mennonite networks to encourage its spread.
- **1970s-1980s:** Thanks to Zehr and several others, Restorative Justice gets picked up by liberal Christian denominations as well as by nonprofits serving mostly minority children in lower income neighborhoods. Among these is a nonprofit run by Susan Duncan, the mother of future Obama Secretary of Education Arne Duncan.
- **1990:** Howard Zehr's *Changing Lenses*, the "ur-text" of the Restorative Justice movement, appears.
- **1990s-2000s:** Justice clinics focused on minority offenders spring up at elite law schools and use Restorative Justice, including Harvard, Yale, Stanford, and the University of Chicago. It also spreads among educational and criminal justice nonprofits. Practitioners who embrace projects involving Restorative Justice include the sister of Arne Duncan, who by this point is the Superintendent of Chicago Public Schools
- **2013:** The first Restorative Justice school policy program, Promise, is pioneered in Broward County by Robert Runcie, the college friend and former Chicago Public School district employee of Secretary of Education Arne Duncan. According to Runcie, "Some of my staff joke that the Obama administration might have taken our [Promise] policies and framework and developed them into national guidelines."
- **2014:** The Offices of Civil Rights of the Justice and Education Departments send out a "Dear Colleague" letter threatening schools with federal civil rights investigations under the "Disparate Impact" standard, a three-part measurement of the effects of school punishment on different groups. This three part standard leads directly to Restorative Justice.
- **2015-2025:** Restorative Justice makes the news in local and national newspapers, think tank reports, and congressional hearings for leading to the breakdown of discipline, attacks on teachers, and a sharp decline in learning across the country.
- **2018:** The Trump Administration rescinds the 2014 Obama "Dear Colleague Letter" but schools continue to practice Restorative Justice. Nikolas Cruz, a Broward County school district student not disciplined for repeated threats and violence because of the Promise Program, shoots and kills fourteen students and three staff members at Parkland High School in 2018.
- **2023:** The Biden Administration sends out a new "Dear Colleague" letter which removes references to disparate impact but has much the same examples as the Obama letter regarding what constitutes possible discrimination that the federal government will investigate—a more subtle way of pushing Restorative Justice on schools. Prominent centrist DC think tanks criticize this letter for not going far enough to address discrimination.

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