“How Does It Feel to Be a Problem?”
The Gifts of the Deviant in Education, Society, and Epistemological (R)Evolution

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Abstract  

Despite the theoretical elegance and strong explanatory power of decolonial theory, its implications for pedagogy remain to be developed. Oriented by a question posed by Du Bois in 1897, “how does it feel to be a problem?,” I provide the reader with a history of both compulsory education and the juvenile justice system in the United States paying particular attention to the ways in which these systems have helped to (re)produce and re-form the deviant problem. I then examine how European projects of conquest and colonization have informed schooling practices throughout the world that naturalize relationships organized around domination and help to re-create deviant bodies. Finally, I present the reader with what several decolonial theorists have identified as the “decolonial gift,” namely emancipative orientations developed by collectivities positioned as problem people. In thinking through how this gift can serve as an ethical grounding for pedagogy, I offer suggestions as to how instructors can push against alienating and stigmatizing forms of education.

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If you investigate, you'll find out where it's coming from
Look through our history, America's the violent one. . . .
My words are weapons, and I'm stepping to the silent
Waking up the masses, but you claim that I'm violent
- Tupac

Introduction

“How does it feel to be a problem?” W.E.B. Du Bois provided an elegant answer to his own question when he penned “The Strivings of the Negro People” for the Atlantic Monthly in 1897. Within his piece, drafted 32 years after emancipation, he shared the experiences of a people suffering with the brutal contradictions of an America that had promised its slaves and their progeny freedom yet largely continued to position them symbolically as ill-formed barbarians in a land of well-formed purveyors of civilization. Such an identity, of course, helped to recreate the country’s racialized economic hierarchy in that their status as the underdeveloped produced and was produced by their locations at the margins of material distribution.

Du Bois’ concept of double-consciousness was first explicated within this article. This historically and environmentally informed consciousness represents “a sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity” (Du Bois 1897). He identified it, nonetheless, as a gift, understood as a special ability or capacity of second sight that uncomfortably straddles two worlds and incessantly attempts a form of empathetic reconciliation that refuses to collapse one completely into the other. We can also imagine it as a gift, understood as an offering to the world, of a way of being in which one can occupy multiple and seemingly contradictory identities, “without being cursed and spit upon, without losing the opportunity of self-development” (Du Bois 1897).
I have found myself increasingly reflecting on how Du Bois’ question not only can but
must inform my research on constructions of justice and conceptions of deviancy recreated
within a Bay Area public high school restorative justice\(^1\) youth court class.\(^2\) “How does it feel to
be a problem?” I hope that the ideas generated within this paper as I search for answers to this
complicated inquiry will eventually assist me in my work with the student advocates\(^3\) at my
dissertation research site. Such a question seems appropriate for my study in at least two ways.

The first surrounds identification of “the problem.” The history of United States
compulsory education and juvenile justice, briefly outlined in the first section of this paper, has
been fueled in part by desires to re-form children who, in one way or another, are seen as
deficient. These markers of deficiency, of course, have been informed by a longer and deeper
process of colonization by European powers largely on non-European bodies. Indeed, the
category of “the problem” is contextually bound and cannot be understood apart from the
historical practices through which it was created and is continuously reconstituted. As such, my

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\(^1\) Most theorists/practitioners of restorative justice argue that it is an orientation to crime prevention, reconciliation
and restitution that is less of a cookie-cutter or a one-size-fits-all approach and more of a “philosophy or framework
that can guide us as we design programs and make decisions within our particular settings” (Amstutz and Mullet
2005, 4). The key goals of restorative discipline, a restorative justice approach for school contexts, are: 1. to
understand the harm and develop empathy for both the harmed and the harmer; 2. to listen and respond to the needs
of the person harmed and the person who harmed; 3. to encourage accountability and responsibility through personal
reflection within a collaborative planning process; 4. to reintegrate the harmer (and, if necessary, the harmed) into
the community as valuable, contributing members; 5. to create caring climates to support healthy communities; and
6. to change the system when it contributes to the harm. Guiding questions for restorative justice are: 1. who has
been hurt?; 2. what are their needs?; 3. whose obligations are they?; 4. what are the causes?; 5. who has a "stake" in
this? and 6. what is the appropriate process to involve stakeholders in an effort to put things right? (Amstutz and
Mullet 2005, 10, 14).

\(^2\) “All youth courts … share fundamental characteristics. First and foremost, a youth court is a peer-based discipline
program-i.e., youth determine the discipline consequences of their peers. In addition, the consequences must be
restorative alternatives to the traditional form of discipline, such as suspension in schools or juvenile hall detention
at the county level. For example, the alternative consequences often include components such as community service
and restitution. Those courts with youth juries almost always include a component requiring the Respondent to
serve on the jury of a future case. The vast majority of youth courts also require the Respondent to take
responsibility for his or her actions by admitting guilt before appearing in front of the court, which allows the court
process to focus on the harm caused as well as the context in which the offense took place” (Daniels and Luu 2008,
35).

\(^3\) “The Student Court hears real discipline cases in which Respondents (students who have broken school rules) are
brought before a student jury. Advocates (student lawyers) argue the case on behalf of either the Respondent or the
[school] community before an adult judge, usually a Superior Court judge or community-based lawyer” (Daniels
and Luu 2008, 34).
paper will also touch on the ways in which colonial practices have persisted into the present and inform the ways in which deviancy is currently defined, identified and recreated.

The second reason Du Bois’ question seems central to my research is the emancipatory potential of feeling. How does it feel to be a problem? The theory of double-consciousness grew out of Du Bois’ experience as an outcast within this country and, in imagining a sort of decentered subjectivity, it has contributed greatly to reconceptualizations of the self that are transformative as they push against current pervasive practices of rigid sorting, ranking and rewarding. What does justice look like? What can justice feel like? Identifying and refining my understanding of justice will prepare me to discuss restorative justice within the youth court class. Very much in the spirit of Du Bois, I see “the problem” as a necessary participant in developing a dynamic form of justice; the location of problem people at the margins of status and distribution has often provided them with a way of being, a consciousness, that resists the violent classificatory schemes that have positioned them as undesirable and unworthy. Decolonial theorists have gone far in giving voice to such perspectives. I will share a few in the second section of the paper that have assisted me greatly in imagining what justice can mean and do.

I end this paper with a few suggestions on how we may be able to begin operationalizing the collective insights that I have shared in order to work against forms of schooling that help to reinforce and reproduce the problematic ways in which we have organized ourselves. It would, of course, be naïve and idealistic of me to posit that changes in the way we educate would lead to a widespread symbolic and economic revolution as schooling is largely a product of greater sorting, ranking and rewarding systems. Education, nonetheless, helps to organize our material and ideal worlds and there are spaces within it where we can participate in building a movement that can challenge and maybe even help to transform business as usual.
Every single empire in its official discourse has said that it is not like all the others, that its circumstances are special, that it has a mission to enlighten, civilize, bring order and democracy, and that it uses force only as a last resort. - Said

Adam could not be disabled on his own. He needed others to recognize, document, and remediate a disability that had to be made ‘his.’ – Varenne and McDermott

The Progressive Era and the Development of the Modern Juvenile Delinquent

As child labor legislation during the mid-nineteenth century began moving children out of factories, a triumph of big business over marginal manufacturers and tenement operators that relied heavily on such labor, there was a rising concern that large numbers of undisciplined working class youth roaming the streets could have a socially corrosive effect. It was feared that such individuals would fail to develop the skills and discipline seen as guaranteed through factory training and eventually grow up to become irresponsible adults. The solution, it seemed to Progressive Era reformers, was a form of compulsory schooling that would offer the state the “power to arrest all. . .little beggars, loafers, and vagabonds that infest [the] city, take them from the streets, and place them in schools where they are compelled to receive an education and learn moral principles.”

These fears, however, did not represent the sole motivation for the development of compulsory education. Conventional historical analyses have framed Progressive Era activists’ reform efforts as “. . .aimed at curbing the power of big business, eliminating corruption in urban political machines, and extending the powers of the state by means of federal regulation of the

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4 “Since Progressivism was predominately a businessman’s movement, it is not surprising that big business played a central role in the welfare reform movement. Child labor legislation in New York, for example, was supported by several groups, including upper-class industrialists who did not depend on cheap child labor for their manufacturing operations. According to Jeremy Felt’s history of the movement, ‘the abolition of child labor could be viewed as a means of driving out marginal manufacturers and tenement operators, hence increasing the consolidation and efficiency of business’” (Platt 1977, xxi). See also Tyack 1974, 8.

5 Annual Report of the Chicago Board of Education quoted by Dohrn 2002, 272

6 See Levine (1962), Mead (1918), Aichhorn (1964), Pickett (1969), Schlesinger (1946), cited in Platt (1977), for examples of such historical analyses. See Platt (1977) for a compelling critique of these arguments.
economy and the development of a vision of ‘social responsibility’ in local government” (Platt 1977, xvi). The development of a mandatory public education system was seen as necessary in creating “an educated and critical future citizenry capable of adapting to rapidly changing circumstances” (Dohrn 2002, 268). Such a citizenry, trained in the skills necessary to participate competently in the democratic process, would be equipped to challenge the increasing social, political, and economic dominance of the emerging monopoly corporations, and their political allies, during the late nineteenth and early twentieth centuries.

Indeed, the success of suffrage movements proved somewhat disconcerting for those who earlier enjoyed privileged access to the political process. In addition, ever increasing numbers of immigrants within the United States further exacerbated the fears of the sociopolitical elite that the country was on the precipice of political strife and chaos. Education, to the sociopolitical elite, could not simply concern itself with the development of students’ critical and analytical skills. From its inception, a central purpose of the common schools was to instill the middle class values and Protestant work ethic that Progressive era reformers believed were central to the political, moral, and intellectual development of the child (Dohrn 2002). This development, limited only by each student’s talent and determination, would inevitably translate into one’s natural role within the economy. A desired by-product of this process was the continued political, social, and economic stability of the country.

More recent scholarship into the impetus for compulsory public education has highlighted how the desire of reformers for a mandatory moral and political education for all

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7 Tyack noted that the professionalization of the police force occurred at the same time schools were becoming standardized. These developments were partly the result of the perceived need to control the immigrant poor during the mid and late 19th century. “Conservative citizens worried about ethnic and religious riots, feared outbursts of social disorder and crime, and became despondent about traditional methods of social control. As informal mechanisms of shaping behavior broke down, cities created functionaries – men behind badges – to keep disorderly elements in line. The creation of efficient and uniformed police paralleled the movement to standardize schooling. Both were in part responses to the influx of the immigrant poor” (Tyack 1974, 32-33).
children aligned itself with the economic needs of business for discipline and training for the future labor force. Indeed, Progressive era activists relied heavily on the political and financial support of corporate liberals to successfully implement their reforms.\footnote{While the child-saving movement, like most Progressive reforms, drew its most active and visible supporters from the middle class and the professions, it would not have been capable of achieving significant reforms without the financial and political support of the most powerful and wealthy sectors of society (Platt 1977, xxii).} Schooling, hence, was organized around numerous desired functions that were both conflicting and complementary. Whereas liberal reformers saw education as key to healthy youth integration into adult occupational, political, and familial roles, capitalist leaders believed education was instrumental in imparting the skills and motivations that could lead to increased worker productivity. As both groups articulated their functions within a capitalist meritocratic framework - whereby the “cream,” regardless as to the depth of its origin, necessarily rose to the top - education ultimately assisted in “defusing and depoliticizing the potentially explosive class relations of the production process” (Bowles and Gintis 1976, 11-22).\footnote{The idea of a meritocracy, of course, was more explicitly linked to a healthy democracy and a strong capitalist economic system within the rhetoric of the Progressive Era reformers. As Horace Mann stated, quoted by Bowles and Gintis, “In great establishments, and among large bodies of laboring men, where all services are rated according to their pecuniary value. . . those who have been blessed with a good common school education rise to a higher and higher point in the kinds of labor performed, and also in the rate of wages paid, while the ignorant sink, like dregs, and are always found at the bottom” (Bowles and Gintis 1976, 24).} Within this robust American ideological framework, one’s eventual socioeconomic place largely rested in the genes and motivation of the individual rather than birthright. Failure is seen as “. . . something kids do,” an unfortunate amalgamation of poor stock and lack of effort, rather than, “something that is done to them . . .” (McDermott 1987, 363).

In consolidating formerly scattered and relatively isolated schools into a compulsory “one best system” (Tyack 1974), Progressive Era reformers enthusiastically adopted Frederick Taylor’s Scientific Management principles and applied them to public education (Bowles and Gintis 1976, 44-46). This efficiency obsessed bureaucratic hierarchical organizational model, in
which large industrial tasks are divided and distributed according to ability, provided an
innovative institutional design that promised:

- to replace confused and erratic means of control with careful allocation of powers and functions
  within hierarchical organizations;
- to establish networks of communication that would convey
  information and directives and would provide data for planning for the future;
- to substitute impersonal rules for informal, individual adjudication of disputes;
- to regularize procedures so that they would apply uniformly to all in certain categories;
- and to set objective standards for admission to and performance in each role, whether superintendent or third-grader (Tyack 1974, 28).

Regardless as to whether this application of the modern factory model to education was the result of a desire to take advantage of available and cutting-edge organizational designs\(^\text{10}\) or represented a plan to socialize into working class youth the demeanor and discipline necessary to assume working class jobs,\(^\text{11}\) this structure ultimately both normalized industrial labor relations\(^\text{12}\) and celebrated the idea of meritocracy.

As the reward/punishment structure of schooling became (re)articulated through a meritocratic discourse, and achievement was increasingly individualized and gradated, students were eventually grouped and positioned in a learning hierarchy according to performance. Similar to the factory, each level within this pedagogical pyramid entailed greater responsibility and more intellectually demanding assignments. Although educational researcher Jeannie Oakes outlined this process, tracking, and its implications in late twentieth century schools, incipient forms existed at the dawn of the common schools movement.

\(^{10}\)“Schoolmen were seeking stable, predictable, reliable structures in which their own role as educational managers would be visible, secure, and prestigious. They believed bureaucracy would provide what Philbrick called ‘a suitable hierarchical situation for the teacher.’ Philbrick admiringly quoted an European educator who advocated the bureaucratic ideal of meritocracy: ‘It is the function of a good administration. . . to ascertain merit and to class individuals according to their aptitudes; then there would be an end of solicitations, of subserviency, of intrigues, of protections, of favors, of injustices’” (Tyack 1974, 42).

\(^{11}\)“As Robert Carson has observed, ‘the object was at once to remove the unskilled child, who eventually became the unskilled youth, from labor ranks and to return teenagers to the labor force with the requisite skills for an increasingly technical and machine-oriented type of labor. . . . Thus, while reformers won their victories, it was really the corporate liberal philosophy that emerged victorious’” (Platt 1976, xxii). Willis (1977) depicted how working class youth are educationally and culturally “set up” in a way that, at times, makes them active participants in the maintenance and reproduction of an oppressive social order.

\(^{12}\)Bowles and Gintis have termed this the correspondence of schooling to the labor market or “The Correspondence Principle” (Bowles and Gintis 1976, 131-148).
First, students are identified in a rather public way as to their intellectual capabilities and accomplishments and separated into a hierarchical system of groups for instruction. Second, these groups are labeled quite openly and characterized in the minds of teachers and others as being of a certain type – high ability, low achieving, slow, average, and so on. . . A student in a high-achieving group is seen as a high-achieving person, bright, smart, quick, and in the eyes of many, good. And those in the low-achieving groups come to be called slow, below average, and – often when people are being less careful – dummies, sweat hogs, or yahoos (Oakes 1985, 3).

In addition to the problems that Oakes identified as central to meritocratic based (in)formal systems of tracking, one may include two closely related problems that challenge both the legitimating force of the institution and its outcomes.

As childhood is a socially invented category grounded in commonsense essentialist notions of biological differences\(^\text{13}\) and subject to contextually bound parameters that both separate children from adults and help to identify the normal from abnormal, disciplinary organizations will typically impose culturally specific notions of childhood onto the population they serve. This, in the case of education, not only affects the manner in which individuals within the organization interpret and reward/punish the activities of students but also its telos of child development. The first problem, hence, concerns the (in)ability of a culturally specific form of meritocracy – partially rooted in a culturally specific notion of intelligence - to adequately evaluate/reward the ability, effort, and development of a heterogeneous population. This problem has plagued public education throughout its history and has periodically jeopardized its perceived meritocratic objectivity, resulting in numerous reforms that attempt to remedy this reoccurring issue. It remains, nonetheless, a serious concern, in particular for students who are not members of the school’s normative culture, in that values, behaviors, language, and ways of learning specific to their own cultures/communities are often viewed,

\(^{13}\) Ferguson, citing Philippe Ariès (1962), describes how the social meaning of childhood has changed profoundly over time. “. . .Socially invented categories of ‘difference,’ [i.e.] age, gender, and race. . .are grounded in the commonsense, taken-for-granted notion that existing social divisions reflect biological and natural dispositional differences among humans: so children are essentially different from adults, males from females, blacks from whites” (Ferguson 2002, 587-588).
articulated and organized as problematic and threatening.\textsuperscript{14} Such symbolic violence often leads to the placement of minority youth into lower vocational tracks and eventual disengagement from school. Since schooling was increasingly seen as important for both child \textit{and} society, however, students that failed to enroll or left its purview without permission, from 1899 onwards, became defined as deviants and fell under the jurisdiction of the juvenile court where they were to be developed and returned to school. It was, after all, the “... logic of the common school ideology [which] led directly to the conclusion that truant children should be compelled to attend school, for it was precisely such children who needed training the most” (Tyack 1974, 68).\textsuperscript{15}

The second problem surrounds the instruction one receives within each level of the educational hierarchy. As seen earlier, the development of compulsory education relied heavily on the political and financial support of the business elite.\textsuperscript{16} Far from a group merely rallying around Progressive Era rhetoric surrounding the needs of the child, these individuals had a vested interest in the development of a particular form of education. As noted previously, early common school organizers were steeped in the Scientific Management design that many

\textsuperscript{14} Rist (1973), in his study of an urban school, observed that elementary school teachers would often base their judgments of the intellectual capacity of the child on his/her appearance. Oakes noted that many of the students assigned to lower tracks were ethnic/racial minorities and children of the lower classes. In her words, “If teachers and schools tend to associate misbehavior and nonconformity with ‘slowness’ and place students accordingly, are these perceptions more often made about poor and minority students: We know that these students are more often found in low tracks. Could this be partly because they are perceived as less easily controlled, less conforming, and more in need of learning passivity and compliance? Could some of teachers’ fears, if indeed they are at work here, be based on racial, cultural, or social-class differences? These questions need to be considered seriously” (Oakes 1985, 91). Ferguson (2002) observed that African American boys were adultified within the schooling context and, as such, not afforded the same leeway, when misbehaving, as other students.

\textsuperscript{15} Tyack went on to state that, “From Joseph Tuckerman in Boston in the 1830’s to Jacob Rüs in New York in the 1890’s, reformers chastised society for neglect of the children who learned from the school of the streets, ‘disobedience to parents, prevarication, falsehood, obscenity, profanity, lewdness, intemperance, petty thievery, larceny, burglary, robbery, and murder.’ If family discipline and the traditional village restraints broke down, then the school must fill the moral vacuum.” This responsibility, when the school system could not reform the child, would eventually be given to the juvenile court starting in 1899 Chicago.

\textsuperscript{16} As another example, “proponents of compulsory school attendance enlisted business allies when educators claimed that operating steam– and power-driven machinery required literate workers and asserted that education made them more orderly, energetic, and productive” (Feld 1999, 38).
corporate liberals favored, viewing it as efficient and meritocratic, and they created an educational structure that mirrored the modern factory model. Levels within both educational and occupational structures, as a result, tend to emphasize rule-following at the bottom, dependability and the capacity to operate without direct and continuous supervision in the middle, and internalization of norms and creativity at the top. Sorting into the various levels, furthermore, is highly correlated with a student’s socioeconomic and racial/ethnic background often made visible and audible through their appearance, language/register, dress, behavior, values, norms, knowledge, and ways of learning. Not surprisingly, many racial/ethnic and religious minorities as well as working class families and children initially viewed this form of education as against their interests and attempted to circumvent its reach. Now required to attend by law, however, truant children became categorized as deviants and, when processed by the juvenile court, institutionalized as juvenile delinquents. As Tyack noted,

17 “Blacks and other minorities are concentrated in schools [and levels] whose repressive, arbitrary, generally chaotic internal order, coercive authority structures, and minimal possibilities for advancement mirror the characteristics of inferior job situations. Similarly, predominately working-class schools [and levels] tend to emphasize behavioral control and rule-following, while schools in [and levels that educate children from] well-to-do suburbs employ relatively open systems that favor greater student participation, less direct supervision, more student electives, and, in general, a value system stressing internalized standards of control” (Bowles and Gintis 1976, 132).

18 This includes, of course, skin color as White students are not constantly reminded of, and “forced” to identify (with), their racial/ethnic background. As Tatum observed one day when she asked her students what their social class and racial/ethnic backgrounds were, “... a young White woman quickly identified herself as middle-class but seemed stumped as to how to describe herself ethnically. Finally, she said, ‘I’m just normal!'” (Tatum 1997, 93).

19 This is what Bourdieu and Passeron (1977) have defined as cultural capital.

20 Compulsory education, to many working class families, ultimately meant one less bread winner for the household. “Parental coercion accompanied parental education about compulsory education, for mandatory schooling ran directly against the immediate economic interests of the family” (Dohrn 2002, 273). Concerns about the curriculum, furthermore, made many ethnic and religion minority families hesitant in regards to sending their child to the common school. As Feld indicated, “Proponents viewed ‘common’ schools as a moral crusade to reform society, to instill democratic values and patriotism, to ‘Christianize’ immigrants and ‘Protestantize’ Irish Catholics, and to transform young people into productive citizens imbued with [class, sex, race/ethnic based] virtues of industry, temperance, and frugality” (Feld 1999, 38).

21 Feld, quoting Sutton (1988), sees this category, and the creation of the juvenile court, as facilitated by earlier “reform” efforts that included sending youth deemed as deviant to correctional institutions. “The reform school served as a vehicle and prerequisite for the formal, legal creation of delinquency as a deviant role for children. This institution not only required application of the delinquent label to juveniles who would under any circumstances have been considered criminal, but also implied inclusion of misbehaving and mistreated children” (Feld 1999, 55).
In the arguments of many advocates of coercive attendance, and even more so in the actions of the police and truant officers who rounded up the street arabs, schooling became a form of preventative detention – and often the intermediate step on the way to more total institutionalization in a reform school or in one of the many forms of incarceration for juveniles (Tyack 1974, 69).

The juvenile court arose as a response to increasing numbers of youth within adult jails and prisons - largely an outcome of truancy laws and other relatively new status offenses meant to protect children (re)defined by Progressive Era self-described Child Savers as naturally innocent, dependent, vulnerable, and in moral/physical danger from an increasingly complex industrialized and urban society (Platt 1977, 4). In addition, school and the juvenile justice organizers and administrators were oriented by theories of social Darwinism and natural selection. In this framing of human development “which suggested that life is a competitive struggle for existence whereby the fittest survive and thus elevate the whole human race” (Platt 1977, 19), the European bourgeois male is typically situated symbolically as the most developed whereas the African male is seen as little removed from simian both in intellectual/physical development and cultural complexity. All other individual/group categorical configurations – including sex, gender, sexual orientation, race, ethnicity, socioeconomic class, and religious affiliation – have historically been ranked, on a relatively dynamic scale informed by context, in accordance to their perceived proximity to these relatively static notions of the (supra)normal One and the abnormal Other. Considering that the criminal was widely perceived in the late nineteenth and early twentieth centuries as “...a morally inferior species, one characterized by

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22 Brickman (2003) has argued compellingly that these ideas, first articulated by nineteenth century anthropologists, informed the work of numerous “classical” theorists including Freud, Marx, and Darwin. Fanon stated the belief succinctly, “It has been said that the Negro is the link between monkey and man – meaning, of course, white man” (Fanon 1967, 30).
physical traits reminiscent of *apes*, lower primates, and *savage tribes* [emphasis mine],”^23 the judicial ramifications of this scale for those whose configuration ranked them toward the bottom become self-apparent.

Social Darwinism, nonetheless, did not represent the only theory that informed the Child Savers when developing the juvenile court and the category of the juvenile delinquent. Whereas “classical criminal law assumed rational, free willed moral actors made voluntary choices to commit crimes and they deserved prescribed consequences for their acts” (Feld 1999, 56), which entailed firm punitive and retributive judicial actions towards the immoral person, “[Progressive Era] scientific criminologies put forward a conception of the criminal as an abnormal human type, shaped by genetic, psychological, or social factors and, to some extent, unable to resist an inherent tendency toward criminal conduct.”^24 This new conception of the deviant, and by extension the delinquent, drew from the increasingly positivist oriented natural and social sciences in an attempt to both temper the highly deterministic nature of social Darwinism and position correctional workers as professionals able to rehabilitate individuals that were unable to assume their natural place within the meritocratic based socioeconomic order. Deviants, delinquents, criminals - in this framework - were, at the same time, victims of nature and nurture. As such, the juvenile court, although unable to change the delinquent’s genetic code, could possibly provide the cure for diseased youth.

Rehabilitation and development of deficient youth, thus, were considered two primary purposes of the early juvenile court. These goals, to a certain extent similar to those of the early

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^23 This was the argument of Cesare Lombroso, an individual Platt identifies as perhaps the most significant figure in nineteenth century criminology. He adds that, “although Lombroso’s theoretical and experimental studies were not translated into English until 1911, his findings were known by American academics in the early 1890’s, and their popularity. . .was based on the fact that they *confirmed popular assumptions about the character and existence of a ‘criminal class’*” [emphasis mine] (Platt 1977, 19-20).

compulsory public education system, were rooted in a culture specific telos that ideally positioned the European bourgeois man, and through him Protestant capitalist culture, at the end of a linear evolutionary and progressive supracultural scientific conception of history. A child, hence, was largely considered developing and becoming educated as she intellectually, linguistically, and behaviorally advanced towards this ideal type. Those that failed, or resisted this pedagogical process, were seen as in need of rehabilitation and risked inclusion within the ever increasing ranks of the delinquent.

25 “Public schools assumed primary responsibility to assimilate and Americanize immigrant children and to provide them with the linguistic ability, vocational skills, and personal discipline to function effectively in an industrial society. Schools also provided a comprehensive environment for social control of urban youths. ‘School reformers and officials alike increasingly complained about the polyglot and disorderly character of American society and defended the school as an agency which would at once bring the children of immigrants under social control and improve their chances for survival in the competitive economic life of America’ (Feld 1999, 40-41).

26 “V.Y. Mudimbe points out that Western culture knows all other human orders only in reference to itself. In consequence, this perspective enables contemporary scholars to measure all other human societies according to the single yardstick of technoscientific accomplishment that is defining the contemporary West’s ‘mechanical perfection.’ This is done by the logic of a linear evolutionary schema mapped on the nonlinear and branching histories of human forms of life – or cultures – all of which had been, when autocentric, the expressions of specific solutions that had been originally of adaptive advantage within the differing geographical and geopolitical environments in which they had found themselves, and, therefore, nonmeasurable, noncomparable each to the other” (Wynter 1996, 307).

27 This idea of development/education, according to Ogbu, is far from archaic. Although his argument has been challenged by numerous researchers, the fact that he articulated the idea that African American students see academic achievement as “acting White” can be seen as testimony to the durability of this educational ideological framework. “Subordinate minorities regard certain forms of behavior and certain activities or events, symbols, and meanings [“necessary” for educational success] as not appropriate for them because those behaviors, events, symbols, and meanings are characteristic of white Americans” (Ogbu 1986, 181). I would argue, in contrast, that African Americans – as all social, cultural, and economic groups – value education highly but may see some culturally specific notions of education, and intelligence/effort, as alienating. The problem, hence, does not lie with the group but with the culturally specific form of meritocracy within our current system of education. See Anderson (1988) for a discussion of how Blacks in the south of the United States, during the late 19th and early 20th centuries, consistently sought out educational opportunities for themselves and their children, establishing and supporting early black schools through their own efforts, despite innumerable obstacles. Indeed, “they viewed literacy and formal education as means to liberation and freedom” (Anderson 1988, 17). “With the aid of Republican politicians,” furthermore, “they seized significant influence in state governments and laid the first foundation for universal public education in the South” (Anderson 1988, 4). Haymes, finally, insists American black slaves saw their informal education as a necessary part of a humanizing project meant to challenge the racist formal teachings of the slaveholders. Black slave culture itself, which he argues was this informal education for slaves, functioned pedagogically in that it “transmitted values and understandings that taught African slaves how to live a human existence that was more than simply surviving but also thriving despite the stresses of chattel slavery” (Haymes 2006, 174). Once again, education, in a general sense, is not seen as the problem; it is certain culturally specific forms that are viewed as threatening.
Far from a conspiratorial and malicious transgression against ethnic/racial minority and working class children, early educational and correctional systems represented the efforts of individuals concerned with both the welfare of children and society yet largely at the mercy of certain culturally specific notions of childhood and development. We must begin to dig a little deeper in order to uncover how/why such notions developed as they did and how/why they may continue to serve as the proverbial ground on which current educators and juvenile justice administrators walk.

Coloniality survives colonialism. It is maintained alive in books, in the criteria for academic performance, in cultural patterns, in common sense, in the self-image of peoples, in aspirations of self and so many other aspects of our modern experience. In a way, as modern subjects we breathe coloniality all the time and everyday. – Maldonado-Torres

The Gift of the Underdeveloped

Decolonial theorists suggest that Eurocentric imperialist colonial projects have left their marks on everything from sexuality and authority to labor and intelligence. These projects introduced “the basic and universal social classification of the population of the planet in terms of the idea of race, a replacing of relations of superiority and inferiority established through domination with naturalized understandings” (Lugones 2007, 186). Decolonial theorists see these practices, collectively defined as the coloniality of power, as working in tandem with an
Eurocentric rationalism framed as objective modernity\textsuperscript{28} to legitimate the present Eurocentric capitalist global system that is both their product and producer.

Although formal colonialism has itself been largely abandoned, the coloniality of power – pervasive practices of racialized hierarchical differentiation and distribution of resources that largely favor Western geopolitical locations and Eurocentric perspectives – has persisted, although continuously transformed, as it is now embedded in our material environments and has “colored” the semiotic resources we use to understand and recreate each other and the world in which we live. Despite best intentions, many school administrators, teachers and researchers currently practice and legitimate forms of schooling that tend to reproduce the coloniality of power as the normative culture of schooling - through evaluations of academic performance, designations of valid knowledge, and framings of European rationalities as objective forms – disciplines students toward racialized and classed ideal types. In addition, academic meritocratic competition seems to reinforce a particular way of being, a \textit{racist/imperial Manichean misanthropic skepticism} (Maldonado-Torres 2007, 244-245). This subjectivity - an \textit{ego conquiro} or “practical conquering self”\textsuperscript{29} - is an antagonistic and skeptical disposition to the world that naturalizes hyper-competitive and violent economic and epistemic arrangements that inevitably

\textsuperscript{28} Maria Lugones argues that, “The cognitive needs of capitalism and the naturalizing of the identities and relations of coloniality and of the geocultural distribution of world capitalist power have guided the production of this way of knowing. The cognitive needs of capitalism include ‘measurement, quantification, externalization (or objectification) of what is knowable with respect to the knower so as to control the relations among people and nature and among them with respect to it, in particular the property in means of production. . . . This way of knowing was imposed on the whole of the capitalist world as the only valid rationality and as emblematic of modernity’ (Lugones 2007, 192). Earlier in the same article she indicated that, “This way of knowing is Eurocentered, [meaning] the cognitive perspective not of Europeans only, but of the Eurocentered world, of those educated under the hegemony of world capitalism. Eurocentrism naturalizes the experience of people within this model of power” (Lugones 2007, 191).

\textsuperscript{29} “The certainty of the self as a conqueror, of its tasks and missions, preceded Descartes’ certainty about the self as a thinking substance (res cogitans) and provided a way to interpret it. I am suggesting that the practical conquering self and the theoretical thinking substance are parallel in terms of their certainty. The ego conquiro is not questioned, but rather provides the ground for the articulation of the ego cogito. Dussel suggests as much: ‘The ‘barbarian’ was the obligatory context of all reflection on subjectivity, reason, the cogito’” (Maldonado-Torres 2007, 245).
(re)produce, and reward/discipline racialized, classed, and gendered notions of winners and losers, successes and failures, geniuses and idiots.

As culturally informed sentients, European expansionists confronted others that were, with respect to their point of reference, terribly - in terms of magnitude as well as in terms of exciting terror, awe or great fear - different. This perceived difference was interpreted, and subsequently inscribed on and in the bodies of the other, as inferior. Translated through familiar symbolic binary orders, the European and his culture was situated as the ideal type towards which the barbarian other had to develop (Said 1979, 58). Interventions – political, religious, and educational - designed to save the “native,” needless to say, could not be entrusted to the “native” as they lacked the intellectual and moral capacities necessary for such projects. The civilizing and proselytizing mission became, and remains, the “white man’s burden.”

Individuals and communities that deviate from the ideal and/or resist the interventions are seen, in current privileged racist social/biological Darwinist and meritocratic discourses, as the unfortunate losers of evolution in need of further education/discipline and/or confinement. Indeed, even their (re)actions and bodies are relatively circumscribed as signifiers of inferiority as they have historically constituted the deficient, at times abject, “Orient” through which the West organizes and understands itself.  

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30 “The discourse of racism does not consist simply in descriptive representations of others. It includes a set of hypothetical premises about human kinds (e.g., the ‘great chain of being,’ classificatory hierarchies, etc.), and about the differences between them (both mental and physical). It involves a class of ethical choices (e.g., domination and subjugation, entitlement and restriction, disrespect and abuse). And it incorporates a set of institutional regulations, directions, and pedagogic models (e.g., apartheid, separate development, educational institutions, choice of educational and bureaucratic language)” (Goldberg 1990, 300).

31 “. . .This universal practice of designating in one’s mind a familiar space which is ‘ours’ and an unfamiliar space beyond ‘ours’ which is ‘theirs’ is a way of making geographical distinctions that can be entirely arbitrary. I use the word ‘arbitrary’ here because imaginative geography of the ‘our land-barbarian land’ variety does not require that the barbarians acknowledge the distinction. It is enough for ‘us’ to set up these boundaries in our own minds; ‘they’ become ‘they’ accordingly, and both their territory and their mentality are designated as different from ‘ours.’ To a certain extent modern and primitive societies seem thus to derive a sense of their identities negatively” (Said 1979, 54).
This disposition informs projects of subjugation/domination commonly understood as violently repressive as well as those largely considered to be progressive charitable works. Indeed, they are part and parcel of the same imperial/colonial practice and, as such, represent complementary disciplinary forces that (re)produce, (re)organize, and “reward” racialized bodies across time and space.\textsuperscript{32} Although different in their approach, both repressive and charitable projects locate moral and intellectual deficiencies within the body of the other and, in a symbiotic process, the normal and abnormal are constantly recreated as the blows of cultural hammers (violently and gently) pound both the “colonizer” and “colonized” into shape.\textsuperscript{33}

One can imagine how such a way of being in the world could affect educational practices toward certain minority groups. Similar to earlier imperial/colonial missions to save intellectually/culturally deficient natives, yet possibly dissimilar in that such deficiencies are not normally seen as biologically driven but the nefarious outcomes of debilitating social structures, many educational theories are rife with framings of the “oppressed” that render them somewhat stultified and in need of an enlightened and beneficent liberator/educator (en)able(d) to foment the conscientization necessary to assist them in escaping the fetters of their common sense.\textsuperscript{34}

Is it possible that many educational theorists and activists are symbolically (re)producing the ignorant masses – through their data, through their interpretations, through their writings - by which they organize and understand themselves and their theoretical/emancipatory tasks

\textsuperscript{32} As Goldberg notes, “A decision that one race is intellectually inferior to another may be taken as the basis of a norm of exclusion from educational institutions, or of the concentration of special resources” (Goldberg 1990, 300).

\textsuperscript{33} “Life in culture, Bakhtin (1940) reminds us, is polyphonic and multivocalic; it is made of the voices of many, each one brought to life and made significant by the others, only sometimes by being the same, more often by being different, more dramatically by being contradictory. Culture is not so much a product of sharing as a product of people hammering each other into shape with the well structured tools already available. We need to think of culture as this very process of hammering a world” (Varenne and McDermott 1998, 137).

\textsuperscript{34} Coben provides a compelling critique of such liberation/education: “The vision of the education process as one of liberation from ignorance and false consciousness is exhilarating and endows a certain glamour on the role of educator. Indeed since the conscientization process renders those participating in it more fully human, it may be seen as a reworking of the myth of creation, with God, through the medium of the educator, imparting the gift of speech-with-understanding to those who had been trapped in the culture of silence” (Coben 1998, 110).
What if we understood subjugated people as representing a plethora of worldviews and dispositions that, informed by histories of oppressions as well as the cultural logic of late capitalism (Jameson 1991), tend to strategically shift across space and time in response to desires and demands (or “the man”). This is not necessarily a flippant understanding/orientation to the world, nor a haphazard celebration of a postmodern condition that privileges fluid and shallow notions of identity, but a strategy of survival that just may represent a liberatory form of good sense. These hitherto largely ignored and/or denigrated perspectives and positionalities could hold some of the most important and radical contributions to understandings of our collective condition(ing) as their locations at the margins of status and distribution have often informed, out of necessity, ways of being in and recreating the world in ways that resist the violent classificatory schemes situating them as undesirable and unworthy. This reason of the enslaved and condemned may very well represent a decolonial gift (Maldonado-Torres 2007, 132).

This good sense, understood by decolonial theorist Chela Sandoval as a differential consciousness (Sandoval 2000, 62-63), is both context specific, and thus highly contingent, as well as a general disposition to the world that permits perpetual productive transformation/movement within and between contexts. As such, it resists/escapes the violent imperial/colonial logic/force of an ego conquito, malevolently/benevolently inspired, obsessed with acquisition and imposition of particular truths as the foundation for a universal symbolic/material order.

Educational theorists have to take seriously the idea that no individual can be reduced to, and/or forced into, one identity and the moral/intellectual qualities to which it is tethered. In many ways, each of us represents complex amalgamations of innumerable
complementary/contradictory binary categories - among which include oppressor and oppressed, liberator and dominated, educator and educated - that take shape and disappear as we interact with each other and the world. As such, we must all depend on, and provide, the empathy and insights of an other in order to liberate ourselves and each other from the confines of our common sense.

The great struggle of our times is the struggle to regenerate a public sphere when the spheres of culture and education are increasingly being colonized. Such a struggle necessitates giving up something, giving up our certainties and our illusions of control over knowledge. It means a powerful and painful kind of rapprochement. – McCarthy and Dimitriadis

**Contributions to a Decolonial Pedagogy**

Given the stubborn persistence of these long standing patterns of power, coloniality, how can responsible educators work with students in ways that push against what may now be, quite possibly despite our best intentions, tendencies towards hierarchical differentiation, in the innumerable racialized and gendered ways that it manifests itself, and the differential allocations of resources and power that it produces and through which it is produced?

Decolonial theory, as shown, warns against projects aimed at saving the native. Such an approach recreates the problematic binaries of civilized/uncivilized, critical/uncritical, educated/ignorant. In many ways, furthermore, it helps to recreate a form of coloniality that may be different in name and feel but familiar in that it seeks to establish a universal order founded on particular truths. The end result, unfortunately, is the same.

What if, however, instead of committing ourselves to the incessant search for truth we commit ourselves to the relentless search for empathy, defined as the intellectual identification with or vicarious experiencing of the feelings, thoughts, or attitudes of an-other. Such empathy
understands that identification is always partial as the other is always same but different. One represents a love of wisdom, the other a wisdom of love (Beals 2007). It is a radical vocation that couples diligent recognition, a question of status, with uncompromising redistribution, a question of resources, in ways that works towards decentering and destabilizing self.35 What are some strategies that may help us in this task?

The strategies, as Chela Sandoval (2000) has argued, already exist. Forced to negotiate and navigate a hostile world, the underdeveloped have developed ways of being in the world that understand truth as contingent and, ultimately, unstable. As such, the shifting keys to our collective liberation may not exist above, in ivory towers and governmental institutions, but below, in the daily lives of those who continue to suffer from our prejudices and hoarding of resources. An insightful upwelling from below, the gifts of the underdeveloped, may very well provide us with the tools of decolonial justice36 necessary to continuously dismantle the master’s house.

Such a practical understanding of justice -- one that represents the incessant search and collaborative application of the intellectual/visceral wisdom/practices of coping/caring developed by those positioned ideally/materially as the wretched of the earth -- seems to hold great promise in ameliorating the conditions that (re)produce stigmatized and economically impoverished populations. In many respects, the restorative justice approach seems to be oriented by a similar conception of justice as it is concerned less with retribution and punishment than with healing

35 For a developed argument in support of coupling redistribution with recognition, see Fraser (1997).
36 As defined by Maldonado-Torres, “Decolonial justice opposes the preferential option for imperial Man by the preferential option for the Damned or condemned of the earth.” Elaborating on the concept, he indicates that “such justice is inspired by a form of love which is also decolonial. ‘Decolonial love’ -- a concept coined and developed by Chicana theorist Chela Sandoval -- gives priority to the trans-ontological over the claims of ontology. Decolonization and ‘des-gener-accion’ are the active products of decolonial love and justice. They aim to restore the logics of the gift through a decolonial politics of receptive generosity” (Maldonado-Torres 2007, 260-261).
damaged relationships, developing empathy and working toward reconciliation and restitution.³⁷ Toward this end, victims, to the extent possible, are included in the restorative justice process to share the emotional/physical pain created by those that inflicted harm through misbehavior.³⁸ As such, the insights of individuals suffering from an other’s actions are central to developing a general understanding of the consequences of certain types of behavior and how to take responsibility for repairing harm and ways to commit to positive change (Amstutz and Mullet 2005, 21).

Although recent research on restorative justice practices within the criminal justice system -- such as face-to-face meetings (conferencing)³⁹ and circles⁴⁰ -- suggests that they are far more effective in producing positive outcomes than traditional punitive and retributive practices,⁴¹ rigorous evaluations of the approach within school contexts, defined as restorative discipline, are lacking and evidence of its efficacy is primarily anecdotal (Sherman and Strang 2007, 53-55). In addition, the reach of its pedagogical implementation is typically limited and it generally suffers from the persistence of traditional disciplinary approaches that have informed the ways in which schools have been historically organized. Needless to say, without the broad institutional commitment to the framework required for successful implementation -- whereby all

³⁷ Howard Zehr has defined it as "a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible" (Zehr 2002, 37). See also Claassen and Claassen 2008, 3.
³⁸ “The restorative discipline mode believes that harmers will choose respectful options when they come to understand, through dialogue and conversation with those harmed, the pain they have caused by their misbehavior” (Amstutz and Mullet 2005, 23).
³⁹ “When serious harms are committed, restorative discipline provides an opportunity for those harmed and those doing the harming to talk together. Conferencing allows them to share what happened, how each feels about it, what needs to be done to make the matter right, and how to avoid this situation in the future” (Amstutz and Mullet 2005, 60).
⁴⁰ “Circle processes are . . . being used not only in cases of wrongdoing but also as a way to dialogue on difficult issues and for community problem-solving. . . . Chairs are placed in a physical circle. One or two facilitators, often called keepers, lead the meeting. A talking piece is passed, usually clockwise, and only the person holding the talking piece is authorized to speak” (Amstutz and Mullet 2005, 52).
⁴¹ These include reduced rates of recidivism, increased victim and offender satisfaction with the process, and a diminished desire for retaliation on the part of victims (Sherman and Strang 2007, 4).
members of the learning community support and are trained in the practices of restorative discipline -- its potency will be restricted (Sherman and Strang 2007, 55). In addition, confining the approach to matters and spaces that are currently under the purview of traditional discipline and disciplinarians may inadvertently stigmatize the practice as well as the participants. Indeed, in order to fully appreciate what restorative discipline offers, and to correctly evaluate its capacity, it must inform all aspects of campus life including administration, curriculum, assessment and the ways in which relationships are structured. Such a holistic approach understands school discipline as the evolving sum, inscribed on and in the body of each person, of all interactions on campus and, therefore, an approach that seeks to restore is part and parcel of a general environment of care (Amstutz and Mullet 2005, 7).

School interactions, however, are informed by, and often help to recreate, quite resilient distributions and flows of power on/off campus that have historically situated, materially and symbolically, some bodies as more important than others (Foucault 1991). A restorative approach -- one that focuses on resolving interpersonal conflicts through a process in which individuals impacted by the offense assume responsibility and accountability towards reestablishing peace -- seems rather myopic in scope, and may unintentionally help to reproduce power inequalities, if it does not seek to also address problems at the structural level through practices that push against the dominant interests, values and norms that help to support the status quo. Indeed, the fact that restorative justice and discipline principles are gaining traction within the very institutions that have protected, and provided legitimacy for, relationships of

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42 This definition of discipline pushes against the general tendency to see it as merely punishment and moves toward the classical definitions of 1. training to act in accordance with rules; 2. activity, exercise, or a regimen that develops or improves a skill; 3. the rigor or training effect of experience, adversity, etc.; 4. behavior in accord with rules of conduct; behavior and order maintained by training and control; and 5. a set or system of rules and regulations. See http://dictionary.reference.com/browse/discipline.

43 For a useful and informative summary of the critiques of restorative justice, see Capeheart and Milovanovic 2007, 61-74.
domination may demonstrate that certain forms may be too easily co-opted as they do not seriously challenge the greater injustices through which inequality is reproduced (Morris 1999). In addition, merely seeking restoration inflicts further violence on those who are already struggling for survival and desire/practice the transformation that could prove to be liberating for everyone. Such liberation is only possible, however, if we truly listen when we ask “How does it feel to be a problem?”
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**Discography**
