

## Missed Opportunity for Peace: Restorative Justice and Jena Louisiana

Last year black students asked for the “right” to sit under a tree on campus that had historically been reserved for white students. The tree, instead of becoming a symbol of harmony and progress, no longer lives on campus. But before it was cut down, nooses were strung from it by white students. Those students knew the symbolism of the act and they knew the threat and history it provoked. But, they might not have known the harm it caused. How could they? They probably didn’t intend to hang black students from the tree—they merely wanted to be “one-up” in the power dynamics of a situation that seemed to be threatening the separation of the races on school grounds and the superiority of white students. It was determined that a “crime” had not been committed and school suspensions were meted out to those involved.

Reports indicate that tensions and fights between black and white students have flared up over the several months since the first noose was found in the tree. School officials, students, parents, and community members considered them a normal part of high school life—schoolyard fights between boys, often between boys in groups of their friends, often based on racial identity. Each situation was probably handled by the rules and what seemed reasonable to school officials. However, they did not understand the ongoing harm that occurred in the school community. Fear, anger, suspicion, tension, and reminders of “place” and social divides that many had hoped would have been long irrelevant were affecting everyone. There were likely both white and black students who worried about violence on campus.

Then the group of black students now called the Jena 6 was charged with attempted murder for the beating of a white student. We’ve seen the consequences. Thousands of people converging in Jena, national news and interviews of some involved, political comments and reminders of the civil rights movement, acknowledgment of systemic racial discrimination in our criminal justice system, and a “protecting of their own” by prosecutors and other officials within the system. Charges have subsequently been reduced and five of the students are out on bail while the prosecutor tries to make a distinction between them and the sixth (Bell) who has had previous arrests. These details are hard to surface in the turmoil and big picture experience of racial prejudice. There have also been more nooses tied to car/truck bumpers recalling the 1998 killing of James Byrd Jr. a black man dragged to his death from a noose tied to a truck in Jasper Texas.

Here is an important example of the consequences of not understanding the harm that happens—even if the action doesn’t reach the level of being named a ‘crime’. It is an example of how actions—known to be symbolic—have enormous impact. It is also a searing example of the collective harm that occurs from systemic discrimination. The thousands of demonstrators and rhetoric of the case being a new symbol of the 21<sup>st</sup> Century civil rights movement reinforce the need to address overt racism in our criminal justice system. But, it also compromises all of us to suggest that a six-on-one beating should be endorsed as either an acceptable or necessary response to a harmful situation.

This is also a case where the reliance on the results of the beating rather than the harm it induced creates even more harm. When people note that the student was released from the hospital and attended a school function the same evening, they are in effect saying the

crime was less severe than the charges indicate. I have no doubt that the student beaten by the Jena 6 feared for his life. I think both he and they are lucky that he did not die. Not because there was an intention to kill, but because permanent injury or death can be so easily a result from this type of physical violence. The societal attitude that violence (especially group violence) should be accepted also reinforces an approach to harm that young men (and growing numbers of young women) in this county model to their long-term detriment.

An alternative approach would have been to recognize harm and deal with it. Knowingly fostering racial discrimination by allowing race-designated places (informal or formal) is the responsibility of the school and addressing the harm that occurred to students is part of the obligation school leaders needs to assume. Those who hung the first nooses might have better understood the impact of their actions if there had been dialogue rather than quiet suspensions. Students who were impacted and found racial tensions and fights occurring in the school could have had a venue for letting out the experience, feelings, and story of what did and was happening on campus. The Jena 6 could have had the opportunity to name their experience and understand the impact of their actions. The student, beaten by a group of six and surrounded by onlookers, and his family/friends could have had the opportunity to share their fears and concerns without being named racists. And, the community of the school could have learned more about the needs of its students and engaged them in creating a safer place for everyone.

I know that Jena doesn't want this incident to define it in the national consciousness—and yet it does. The legal process and rules of school administrators and policy makers have their place. However, they have not served these students and this community well. A restorative model of dialogue and conflict resolution could define Jena as a place that strives to heal hurt, allows experience to be expressed in the context of time and symbolism, and engages those impacted by harm to seek and define resolution. I wish for Jena, the Jena 6, and the students expelled, beaten, and suspended a place and a process of dialogue that offers an opportunity for understanding and the power to define their own resolution to the harm. Through their wisdom, sustainable and effective guidelines for their future school community could be developed. I offer our dialogue facilitators who understand the dynamics of race, violence, adolescence, and harm to help in any way we can.

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