

## ARTICLE

**HUMAN RIGHTS AND RESTORATIVE JUSTICE IN SCHOOLS: WHAT DO TEACHERS THINK?****ANA CAROLINA REIS PEREIRA<sup>1</sup>**<http://orcid.org/0000-0003-1727-7439>**ÁUREA MARIA GUIMARÃES<sup>2</sup>**<http://orcid.org/0000-0003-0230-7906>

**ABSTRACT:** The present article aims to know the place that human rights and restorative justice have in the oral history of teachers who work in the state network of the city of Campinas-SP. It is understood that conflict mediation depends on the way restorative processes are welcomed, planned and executed. Thus, based on the oral life history of these teachers, this article seeks to identify, in their narratives, how the use of restorative justice was carried out in the school context. Authors such as Foucault, Larrosa, Veiga-Neto, and Pignatelli helped to problematize the teachers' narratives involving restorative practices, recognizing in them subjective predispositions that, being exercised based on control devices, feedback in this locus the same violence they intend to cool down. It is understood that it is necessary to encourage the teaching agency, in the sense of stimulating among educators a permanent reflection, in order to transform school routines and reflect on what can be done in the circumstances in which they operate, on a daily basis.

**Keywords:** Human Rights Education; Restorative Justice; School Violence.

**DIREITOS HUMANOS E JUSTIÇA RESTAURATIVA NAS ESCOLAS: O QUE PENSAM OS PROFESSORES?**

**RESUMO:** O presente artigo tem por objetivo conhecer o lugar que os direitos humanos e a justiça restaurativa têm na história oral de professores que trabalham na rede estadual da cidade de Campinas-SP. Entende-se que a mediação de conflitos depende do modo como os processos restaurativos são acolhidos, planejados e executados. Assim, a partir da história oral de vida desses professores, busca-se neste artigo identificar, nas suas narrativas, como foi realizado o uso da justiça restaurativa no contexto escolar. Autores como Foucault, Larrosa, Veiga-Neto, e Pignatelli ajudaram a problematizar as narrativas dos professores envolvendo as práticas restaurativas, reconhecendo nelas predisposições subjetivas que, sendo exercidas com base nos dispositivos de controle, retroalimentam neste locus a mesma violência

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que pretendem arrefecer. Entende-se ser necessário encorajar a agência docente, no sentido de estimular entre os educadores uma reflexão permanente, com vistas a transformar rotinas escolares e a refletir sobre o que pode ser feito nas circunstâncias nas quais atuam, cotidianamente.

**Palavras-chave:** Educação em Direitos Humanos; Justiça restaurativa; Violência escolar.

## **DERECHOS HUMANOS Y JUSTICIA RESTAURADORA EN LAS ESCUELAS: ¿LO QUÉ PIENSAN LOS PROFESORES?**

**RESUMEN:** El presente artículo tiene por objetivo conocer el lugar que los derechos humanos y la justicia restauradora tienen en la historia oral de vida de profesores que trabajan en la red estatal de la ciudad de Campinas-SP. Entiéndese que la mediación de conflictos depende del modo por lo cual los procesos restauradores son acogidos, planificados y ejecutados. Así, a partir de la historia oral de vida de estos maestros, en este artículo se busca identificar, en sus narrativas, cómo se llevó a cabo el uso de la justicia restauradora en el contexto escolar. Los autores como Foucault, Larrosa, Veiga-Neto, y Pignatelli ayudaron a problematizar las narrativas de los profesores sobre las prácticas restauradoras, reconociendo en ellas predisposiciones subjetivas que, siendo ejercidas sobre la base de los dispositivos de control, retroalimentan en este locus la misma violencia que pretenden enfriar. Defiéndese que es necesario alentar a la agencia docente, en el sentido de estimular entre los educadores una reflexión permanente, con miras a transformar rutinas escolares y a reflexionar sobre lo que puede hacerse en las circunstancias en las que actúan cotidianamente.

**Palabras-clave:** Educación en Derechos Humanos; Justicia restauradora; Violencia escolar.

## INTRODUCTION<sup>3</sup>

As the function of justice is to ensure that rights are effectively respected, it was incorporated to the list of rights contained in the Universal Declaration of Human Rights (1948), as well as integrates the civil and political rights guaranteed in the Brazilian Federal Constitution (1988), ensuring not only the right to access Justice, but also the presumption of innocence<sup>4</sup> and defense in criminal proceedings (BRAZIL, 1988, art. 5, inc. LIII, LIV, LV, LVII).

In this perspective, restorative justice cannot be disassociated from the doctrine of human rights protection, because both defend the principle of respect for human dignity (VITTO, 2005, p. 48) and also the values of "democratic citizenship" (SCHILLING, 2014, p. 16), given that they claim for its achievement the "[...] constitution of probable ethical subjects, free, endowed with speech, rational and sensitive, with the right to have rights" (p. 16). We consider, therefore, that the debate on the relationship between human rights and conflict mediation through restorative practices has an emancipating potential not yet properly realized in our society.

The question that provoked us was how a proposal that establishes as its foundation the respect for the human rights of the subjects and in which a telos of reciprocal agreement that establishes its ethical and dialogical dimension is already incorporated beforehand takes place in a historically oligarchic, exclusionary and authoritarian society (CHAUI, 2014), in which a significant part of the population rejects not only human rights, but also the claims and achievements of the progressive forces in recent decades, as evidenced by data from the survey *Human Rights: perceptions of public opinion*, conducted in 2008, by the National Secretariat for Human Rights (SDH/MDH), on the meanings attributed by Brazilians to these rights (VENTURI, 2010).

If it is the role of justice to make sure that rights are effectively respected, even though we know that these rights have not yet been duly guaranteed, and that they will not only be guaranteed by decree, or by law, there is reason to believe that the justice system underway in Brazil tends to reproduce and perpetuate existing socioeconomic inequalities, because "when impunity is the norm [...], citizens - at the top and the bottom of the social ladder - have an incentive to seek resources in alternative means of obtaining justice" (OXHORN; SLAKMON 2005, p. 197).

Because of their conception, micro justice models have been pointed out as consistent alternatives for resolving conflicts or crimes of less offensive potential. Although it is important to note that there are situations in which police presence in schools is inevitable, such as: drug trafficking, gunfire in the school environment and breaking and entering followed by theft or robbery, we disagree with the widespread understanding, especially by the media, that violence committed in this locus will be solved exclusively by repressive police control (RUOTTI; ALVES; CUBAS, 2006, p. 59). Thus, these models propose a paradigm shift in the formal justice system that focuses primarily on retribution: reparation instead of punishment, and active action instead of passive testimony.

In fact, restorative justice is an alternative proposal that intends, in its essence, a radical change in what is understood as conflict resolution, since everyone should actively participate in the elaboration of solutions for the restoration of the broken social fabric. Nothing should be imposed, and decisions should be reached by consensus, from which we can see that the concern of restorative justice does not focus on the infraction of the rule, or on the conflict itself, but on how these issues are addressed and the deliberations that are consequent to them, that is, whether the damage is repaired and, consequently, the relationship between the subjects involved, both directly (victim and offender), and those who are somehow involved (family and community) (MELO, 2006, p. 644).

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<sup>3</sup> This work was carried out with the support of the Coordination for the Improvement of Higher Education Personnel - Brazil (CAPES) - Funding Code 001.

<sup>4</sup> Which establishes as a rule that subjects are treated and considered innocent until proven guilty (BRASIL, 1988, art. 5, inc. LVII).

In the school environment, restorative justice claims, for its achievement, the reorientation of conflict management. Thus, the consensus that it aims to achieve should not be produced in situations of inequality, but should involve the willingness to consider the reasons of others and to recognize their prior responsibility towards the other, which distinguishes it from a mere "recognition of guilt" (MELO, 2006, p. 648). In this way, restorative techniques should focus on the active accountability of the subjects and the restoration of damage and allow them to position themselves and reflect on their actions through dialogue. They contain, therefore, a profound formative content (MELO, 2006).

The introduction of restorative justice in the Brazilian school context was pioneered by the municipality of São Caetano do Sul (SP), in 2005, through the implementation of the project "Justice and Education: partnership for citizenship", a result of cooperation between the Justice and Education Systems. Later, this experience was expanded to other municipalities of São Paulo, under the rubric of the School Protection System (SPEC), conceived by the State Education Secretariat (SEE-SP), for the execution of a set of programs and projects for prevention of school violence. Restorative justice would reach, in 2007, the municipality of Campinas (SP).

The training "Restorative Culture and its Practices" was carried out through a partnership between the Education Secretary of the State of São Paulo (SEE-SP), the Campinas juvenile court (Justice Court - TJ/SP) and the Federation of the Assistance Entities of Campinas (FEAC). Its third edition was held between the months of August and December 2014, for teachers and managers of the state public education network, with the aim of promoting a culture of non-violence in public schools in Campinas (SP).

This proposal had the total of 32 hours of face-to-face classes, with practical activities divided between 10 restorative practices and 20 dynamics of nonviolent communication, executed by teachers and managers with their students in their respective school units of performance. Thus, this continuing education was constituted as the materialization of a government policy, whose objective was to subsidize the pedagogical practice for the prevention of violence and for conflict mediation in the school environment.

However, the incentive to the use of restorative practices by the São Paulo state education system faces numerous impasses and contradictions in its implementation, considering that the Manual for School Protection and Promotion of Citizenship (SEESP, 2009a), published in 2009 by the Education Secretary of the State of São Paulo (SEE-SP), contains questions and answers that indicate the disciplinary rules that should be adopted for cases of insubordination of young people to the precepts or norms unilaterally established by teachers or school management, also contemplated in the "General Norms of School Conduct" (SEESP, 2009b, art. 3, 5, p. 9-13), from which any deviation or act of indiscipline must be strictly punished.

Moreover, it is necessary to consider that teachers are not a homogeneous group, and affective, political and social issues can be configured as references that influence the way they exercise their teaching profession, comply with institutional rules and the ways they process the information and training they receive as education professionals.

Considering that the bundles of meanings they produce, or to which they adhere, have their origin in their social trajectory (MARTINS, 2004, p. 109), we resorted to the analysis of the oral life history of the interviewed teachers. It is important to highlight that, among the several types of oral history, we chose the oral history of life precisely because it privileges the narrator's perception in its field of study. So that in this proposal the narratives do not have to be definitive, nor truthful, because it is the subjective elements that emerge from the memory that constitute themselves as its object (MEIHY, 2010).

Thus, the analysis of the oral life history of 17 teachers and school and community mediators graduated from the course "Restorative Culture and Its Practices" allowed us to investigate, in the doctoral thesis, the diversity of conceptions they have about the principles affirmed by human rights and

restorative justice and that were elaborated during their lives<sup>5</sup>. In this article, we made a cut, opting not to develop this debate in depth, but to emphasize the following question: How, after the conclusion of the course and based on the analysis of the teachers' narratives, was the use of restorative justice carried out in the school context?

The field research was developed based on interviews recorded and conducted in the state school units where these subjects work, between the months of July and November 2015, at their own suggestion. Of the 17 teachers interviewed, only 4 were born in Campinas-SP, 4 were from other Brazilian states, and the others came from other municipalities in the state of São Paulo. In this group there were teachers as well as school and community mediators<sup>6</sup>, who had between 7 and 30 years in the classroom, all of them effectively teaching classes, with the exception of 2 who took turns between the functions of teacher and school and community mediator. Among them, 8 teachers worked in high school; 6 were exclusively mediator-teachers; and 4 taught in the last years of elementary and high school.

As far as their training is concerned, all of them worked in the school units in their respective areas of training, i.e., there was no deviation of function. Not all of them had a permanent contract with the State. For ethical reasons, we decided to protect the identity of the teachers interviewed, so that their names have all been replaced. For this reason, we did not identify their schools<sup>7</sup>, nor the districts where they are located in the municipality of Campinas-SP.

The interviews were analyzed according to the theoretical and methodological framework of oral history of life, so that the narratives went through the processes of 1) literal transcription, which consists in converting the oral text into written text; 2) textualization, in which questions and comments of the researcher were suppressed, and errors and vices of language of the narrative were corrected; 3) and transcription, in which we explicit the mood of the interview, by introducing our impressions (MEIHY, 2010). After these steps, we submitted the final text to the interviewed collaborators, fulfilling the modifications requested by them. Only after the approval of its content by the teacher-collaborators, the consent form authorizing its use was signed.

Thus, based on the assumption that a person's life trajectory, despite its individuality, is also social, we believe that the analysis of the oral life history of former teachers of this course allowed us to delineate, from their narratives how restorative justice has been implemented as a State policy oriented to the prevention of school violence, how it has been incorporated to teaching practice and how it collaborates to the cooling down of such situations in this locus, as well as to the strengthening of an educational process guided by human rights and to the active exercise of citizenship.

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<sup>5</sup> This article is the result of a thesis whose research was approved by the Research Ethics Committee of the State University of Campinas (CEP / UNICAMP). CAAE number: 52991015.3.0000.5404.

<sup>6</sup> The figure of the mediator was instituted through the School Protection System (SPEC), through Resolution SE no. 19, of 12-2-2010, later reformulated by Resolution SE no. 2, of 6-1-2017, whose attributions are defined in its article 7, as follows: "Article 7 - In the implementation of the specific actions of the School Protection System, the school may count on 1 (one) teacher to act as a School and Community Mediator Teacher, whose attributions consist, primarily, in:  
I - adopt conflict mediation practices in the school environment and support the development of Restorative Justice actions and programs;  
II - to guide the students' parents, or responsible ones, about the role of the family in the educational process;  
III - to analyze the vulnerability and risk factors to which the students may be exposed;  
IV - to orient the family, or responsible ones, as to the search for social protection services;  
V - to identify and suggest complementary pedagogical activities to be performed by the students outside the school period;  
VI - to guide and support students in the practice of their studies. Resolution SE no. 19, of 12-2-2010, is available at: <[http://siau.edunet.sp.gov.br/ItemLise/arquivos/07\\_12.HTM](http://siau.edunet.sp.gov.br/ItemLise/arquivos/07_12.HTM)>. Accessed July 7, 2016. Resolution SE No. 2, dated 6-1-2017, is available at: <[http://siau.edunet.sp.gov.br/ItemLise/arquivos/2\\_17.HTM?Time=22/03/2017%2015:19:48](http://siau.edunet.sp.gov.br/ItemLise/arquivos/2_17.HTM?Time=22/03/2017%2015:19:48)>. Accessed on: 21 Oct. 2017.

<sup>7</sup> There is no standard model of "being a school" (DAYRELL, 1996; SCHILLING, 2010, p. 3), whose differences can be pointed out in their architecture, in their political-pedagogical projects, and in interpersonal relationships; however, in the teachers' narratives, only issues related to interpersonal relationships were pointed out as a problem; moreover, the level of precariousness in the schools in which they taught was very similar and referred to the scarcity of didactic and technological resources. The school units where the certified teachers worked were located in neighborhoods in the East and South regions, and in four districts of the city of Campinas-SP.

## ON TEACHERS' CONCEPTIONS OF HUMAN RIGHTS AND RESTORATIVE JUSTICE

After three decades of the establishment of formal democracy in Brazil, with the promulgation of the *Federal Constitution* in 1988, through which the country became a signatory of important international treaties<sup>8</sup>, as well as producing a set of laws, programs, conferences and national councils for the protection of human rights, an analysis of our structural conditions indicates that the problems related to their effectiveness persist, although they are ensured from the normative perspective (SCHILLING, 2014). This is what teacher Amanda talks about:

I believe that human rights, yes, they have a very important function, but as soon as they fulfill their obligation, then I believe it is correct. But I don't know if they did. I only know through what the media shows... I didn't look for it. So, depending on the case, depending on the occasion... I think that since the person is paying, I am using what we most hear about human rights, defending criminals... since the person was judged, is going to pay, he or she has to have dignity too... they are already paying, they are not free, they are locked up in the prison system, they are in a Foundation House, but they are paying and I think it has to be dignified. The problem is not even the human rights, but the human rights that we are not having, right?

This understanding of the teacher is in line with the data presented by the research *Human Rights: Perceptions of Public Opinion* (VENTURI, 2010, p. 20). In this survey, when asked about *who are the subjects preferably protected by human rights*, only one in seven interviewees (15%) associated them with the defense of offenders, understanding human rights as a privilege of this specific group. However, this perception clashes with the 31% of interviewees who were against the human rights of prisoners (p. 25). This percentage seems to be reinforced by the acquiescence of 34% (summing those who agree "totally" and "partially") of the respondents with the statement that *human rights should only be for right-wingers*; and the 32% who agreed with the expression *good criminals are dead criminals*, a percentage that increases to 43%, when added to the responses of those who agree "partially" with this statement.

Also, according to this research, among the rights suggested as the most disrespected were: the right to life, health, equal protection before the law, freedom of expression and freedom to come and go; and equal treatment between rich and poor, and between white and black people (VENTURI, 2010, p. 21). These data show inconsistencies in the responses of the subjects interviewed, since 32% were against quotas for blacks, for example (p. 25).

The information collected in this research seems to indicate that in our society there is a clear perception about who should be included in the universality of rights, from whom we tolerate some human rights violations - a context that is very well expressed in the speech of Professor Suzana, when she states that "it is the political process itself, the political un-education of the individual that causes these human rights not to be fulfilled".

The data presented by the survey *Human Rights: Public Opinion Perceptions* (VENTURI, 2010) lead to a reflection on the problem of the enforcement of human rights and the democratic rule of law in contemporary Brazil, as well as on the role to be played by education in this regard.

Nevertheless, abundant analytical data show that the right to education has not yet been properly realized among us, given the persistence of serious indicators of illiteracy, age/grade distortion,

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<sup>8</sup> In addition to the Universal Declaration of Human Rights of 1948, Brazil has signed the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both of 1948 and 1984; the International Covenant on Civil and Political Rights of 1966; the International Covenant on Economic, Social and Cultural Rights of 1966; the International Convention on the Elimination of All Forms of Racial Discrimination of 1968; the Convention on the Elimination of All Forms of Discrimination Against Women of 1979; the Convention on the Rights of the Child of 1989; the World Conference of Vienna of 1993, just to mention a few examples, because the list is very long. At the inter-American level, Brazil signed the American Declaration of the Rights and Duties of Man, of 1948; the American Convention on Human Rights (Pact of San Jose), of 1969; and the Protocol of San Salvador, of 1988. For a more detailed analysis of all international human rights documents ratified by Brazil, see the *National Plan for Human Rights Education* (PNEDH) (BRASIL, 2009, p. 67-69).

failure and evasion of students enrolled in public education (BRASIL, 2021; IBGE, 2019). This situation is especially emblematic, especially when considering education as both a human right and a way to access other rights, since the notion of being a subject of rights is not spontaneously realized (PEREIRA, 2020; SCHILLING, 2004).

In this sense, we should point out that in the context of basic education, the inclusion in the educational legislation of human rights education is detailed in the *Law of Directives and Bases of National Education* (BRASIL, 1996, art. 26, inc. IX), in the *National Curricular Parameters* (BRASIL, 1997, p. 44), in the National Plan for Human Rights Education (BRASIL, 2009, p. 25), in the *National Curriculum Guidelines for Secondary Education* (BRASIL, 2012, art. 5, inc. III), in the *National Education Plan* (BRASIL, 2014, art. 2, inc. X) and also in the *Common National Curricular Base*<sup>9</sup> (BRASIL, 2018, p. 19).

The *National Plan for Human Rights Education* (PNEDH), officially published in 2006, which constitutes the legal framework for human rights education in Brazil, recommends that information about human rights, the treaties and legislations that grant their realization, and the means necessary for their realization be included in the educational process (BRASIL, 2009). A contact with this perspective is presented through the speech of professor Gabriel:

So, for me, human rights are fundamental references for anyone who wants to break with these formal things that we have in Brazil and in the world as well, which is that thing of who can do more cries less, I am better than you because I am a man, because I have money, because I am white. I can break these things using the question of human, social, and political rights. They tell me that another world exists, that other realities exist and are accepted because of a historical set that imposes that whoever is in power commands, whoever is not in power obeys. And you can only break through this when you have a set of knowledge, a set of values that show you a path that you can follow, that you can manage to change this world-reality.

And this will only be possible if we consider that the educational process can be configured as an adequate space for the approach of these contents in the school context, as a necessary condition for the formation of subjects that are aware of their rights and duties, essential for the development of a true democratic state.

If from the pedagogical perspective a training and education oriented towards the exercise of citizenship is much advocated, as expressed in the *Federal Constitution* (BRAZIL, 1988), in the *Law of Directives and Bases of National Education* (BRAZIL, 1996) and, more recently, in the *Common National Curricular Base* (2018), what is observed is that, despite its legal provision, the principles and values concerning human rights are generally not addressed, nor experienced in Brazilian public schools (PEREIRA, 2020). In effect, states Professor João:

Even because when we talk about human rights, the school itself doesn't have a program for the student, you don't get, for example, a history teacher, or any other area, it could be Biology, Science, to discuss the Statute of the Child and Adolescent with the adolescent, or with the school staff, or in a meeting with the teachers, for us to discuss what can be used and what cannot. So, this gives us a certain background for us to do this kind of work with the students, to tell them what they can and cannot do, what their rights and duties are. That is, in my understanding, to politicize these kids, to show them that life is not just waking up, coming to school, copying a few things and thinking that everything is alright, no, it is not, life is not just this, life is not just this. There are many issues that they need to learn, that they need to discuss, everything related to the community they live in, the city they live in, the state they are in, the country they are in, everything that happens in the world ends up interfering, no matter how simple the student may be, it ends up getting to him; you only have to talk about a world crisis

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<sup>9</sup> The thesis was defended before the promulgation of the *Common National Curricular Base* (BNCC, 2018). We identified that in the BNCC, human rights appear as a guiding principle of the curriculum and also as a general competence of basic education.

and everyone was laughing. And what happened to the least favored? They are here inside the school, we hear them saying that their father is unemployed, that I don't know how many times, so everything ends up reaching them. And by taking knowledge to them, they know, they will know where they should run or claim, in this case, a right that is theirs. Aiming at improving their lives and making them adults also do their part, which is our duty.

In view of what the teacher evidenced, the school, at the same time that it can reproduce mechanisms related to domination and exclusion, can also be a decisive space for the construction of practices of respect for human rights, for the formation of a critical and citizen conscience, and for the development of democratic relationships.

However, in the narrative of the interviewed teachers, we identified the difficulty in involving the whole school group in the proposals that imply their execution, whether because of their lack of knowledge, lack of time and will, or the fragility of the network of defense, guarantee, and protection of rights to forward the cases involving aggression (verbal and physical) suffered by young people, as teacher Antônia tells us:

[...] when sometimes we need justice, today we have the Guardianship Council, which is not a legal body, it has no power to do anything, it actually offers a document here of a child that is going to be abused or is being abused, I take it to them, they simply take it from our hand and take it to the prosecutor. So, it takes time, a lot of time. We have had cases and cases here that the girl got lost, ended up, went out into the world and justice was not done. We have cases and cases that were left at that. So, we feel, in this aspect, still very much without support. This is a pity, because we talk so much about rights, evidence of laws and everything else, and when the whole thing explodes, I sink to the path of the Guardianship Council and I don't see a solution. We should have the justice system more open to the school for an immediate solution. This is missing a lot.

Thus, although the introduction of restorative justice in the educational context is particularly fruitful for the development of an educational project engaged in favor of the formation of subjects able to actively exercise their citizenship, especially with regard to conflict resolution, it faces numerous ambiguities in this locus, because, as the school is a social institution, the problems installed in society are also processed inside and manifest themselves daily in the forms of violence and exclusion (SCHILLING, 2014; SINGER, 2005), as can be inferred from the report of teacher Jonas, when he said:

I think that the mediator in the school is seen much more as an oppressor than as a mediator. Because of the question of authority, authority represses, oppresses, gives fear. Think about God, here in front of you right now. And then? you know that He is going to do like this... you turn to dust. Power makes you afraid, being in front of those who have power makes you afraid. It is a kind of pious fear, that reverent fear. It is the fear of the judge, you know that if you speak any word outside of what he expects to hear, you can be arrested for contempt of authority.

In this teacher's understanding, if restorative justice is guided, in a school environment, suppressing dialogue, annulling the protagonism of the subjects through coercion, it ends up reproducing the same violence it intends to prevent, which leads us to reflect on the incidence of power relations in the way it has been implemented in schools.

With this purpose, we resort to Michel Foucault (1997, p. 119), who begins his studies on the "mechanics of power" by investigating the role of discipline in institutions such as prisons, hospitals, factories, and educational institutions, between the seventeenth and nineteenth centuries, stating that



power does not belong exclusively to the representation instances of the formally established State, but exists as a disciplinary technique of domination and subjection of bodies, whose protagonists are individuals in their daily interactions.

Since this is an asymmetrical and perpetual confrontation, incessantly crossed by a "will to freedom", which is a condition for the exercise of power, as well as for the resistance to it, and because this is an agonistic relationship, in the sense of a permanent and reciprocal dispute between adversaries, power finds its sunset when, once freedom is suppressed, what is installed is the authoritarian relationship - so that power, in this case, is replaced by the "pure and simple coercion of violence" (CASTELO BRANCO, 2013, p. 153; FOUCAULT, 1995, p. 244-245). Thus, the permanence, or not, of domination will depend on the correlation of forces, struggles and resistance that oppose it.

As Veiga-Neto (2008, p. 20) states, Foucault has an ambiguous interpretation about power and domination relations: while he states that domination relations are power relations that are crystallized and blocked, so that the possibilities of change and escape of those who are in a situation of domination are very small (FOUCAULT, 2006), he also states that power relations are distinct from states of domination (FOUCAULT, 1990, 1995, 2005).

Veiga-Neto's proposal consists in re-signifying the concept of domination in Foucault's work, since, in his understanding, the relations of domination are power relations, but they are on another level: it would be a difference in intensity whose limit is violence, but these relations are not static. In his text "The Subject and Power", Foucault (1995)<sup>10</sup> states that, while disciplinary power understands punishment as a rationally calculated action, which aims to exercise social control over individuals, violence turns punishment into an action that is exhausted in itself, that is, "[...] while *power bends* - because it is self-justified and negotiates, and thereby legitimizes - *violence breaks* - because it imposes itself. While the former happens agonistically, this one happens antagonistically" (VEIGA-NETO, 2008, p. 29, author's emphasis).

Thus, the conflict, the dispute, the agonism of positions, ideas and ways of life, should, for Foucault (1995, p. 91), be the keynote of our lives, because, if "where there is power there is resistance", for there to be power relations in the sense that this author attributes to it, it is necessary that the subjects are free, which is only possible insofar as there are personal, social and political circumstances feasible for such. "[...] What cannot happen is the paralysis of agonistic relations, for that would represent lack of social and human mobility and deprivation of democratic vivacity" (CASTELO BRANCO, 2013, p. 159).

We brought this interpretation of Veiga-Neto (2008) on the articulation between the concepts of domination and power in the Foucauldian work because we consider that it crosses the way the interviewed teachers negotiated the principles of restorative justice in their practices: in a gradient, their actions focus sometimes on power relations, sometimes on domination; at other times, are the strategies of struggle to occupy a leading role, but often, their actions present themselves nuanced. They are the "tiny forms" (DUSCHATZKY, 2012, p. 88) of relationship between teachers and students, through which they seek, with their own resources and in their concrete specificity, to solve the problems that present themselves, from their appropriation of the principles of restorative justice. This was evidenced in a passage from the text of the interview with Professor Lucas:

This is a point that helped me a lot, that referred me to restorative justice. As the students are not a blank page, they have many difficulties that they bring to the day to day of the classroom. I had a student here the year before last who was crying in class and I asked her to talk to me.

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<sup>10</sup> In the words of Foucault (1995, p. 243): "A relation of violence acts upon a body, upon things; it forces, it subdues, it breaks, it destroys; it closes off all possibilities; it has, therefore, next to itself, no other pole than that of passivity; and, if it encounters a resistance, the only choice is to try to reduce it. A power relation, on the other hand, is articulated on two elements that are indispensable for being exactly a power relation: that the 'other' (the one on whom it is exercised) is fully recognized and maintained until the end as the subject of action; and that a whole field of possible responses, reactions, effects, inventions open up before the power relation.

She hasn't seen her father in 6 years, so I questioned why to see if I could help, "My father is in jail, I haven't seen my father in six years". So, the life stories that they bring to us... I have had people who used cocaine and came into the classroom, some teachers couldn't talk to them, and I got along very well with them, and I was happy when he left here and I found him working in a shop, that made me very happy because I always talked to him. And restorative justice wants you to sit, talk, try to help in a way that you are not punitive. And today I think like this, you talk and most of the time, rules, limits, that at home they can't find, the students often don't hear 'no' at home and when they arrive in the classroom and they hear the word 'no', they are already totally revolted. So, I think that restorative justice is good, but the student has to be charged. Many times, you talk three, four times with the student and you can't reach your goal. Ah, you have to punish the student? I don't know if it is punishment, but you have to set limits and rules for them. That's what I try to do today, if you go there and ask, everyone likes me, but I try to sit down, talk, and set limits, because otherwise you can't, because they don't come with these limits from home. So, let's analyze restorative justice: only in dialogue, it will be something that you will achieve in the long term and if you ally dialogue with rules, I think it can be a little faster, you will be able to achieve some answers.

It is possible to verify in the teachers' narratives about their practices of what Duschatzky (2012, p. 89) calls a wandering impulse: these teachers do not run away from problems, what is verified is an "active disposition to appropriate what erupts and act something around it. This is what we can observe in Professor Gabriel's words:

Because if you have a dialogue and you explain why, what the role is, that even if I don't like it I am obliged to do such and such a thing if this happens, you are at least listening and telling the other what is going to happen. And from the moment that you don't talk and that you only hurt, that you act with the rigor of the law, with force, you cause conflicts. And if you can't resolve the conflicts, they get bigger and bigger. And then it's up to the teachers, who are the people responsible for calming the conflicts, to dialogue so that the conflicts can be resolved. But until you achieve this, sometimes you lose class time because of things you didn't have to do. But since you want the good of the students and the good of the school, you even give up the class itself to solve this thing that is the relationship between the people who make up the school, which in this case are the students, the people who teach, and the administration. So, justice at school exists, it is a fair school, but it could be much better. Restorative justice came here so that the school can act better with these students that get angry with the world, or that already get angry with the world and use the school to expose it. At home, sometimes there is no point in exposing because, in some cases, the home is just the physical home, there is not that relationship of a father and mother calling their son or daughter to listen, to talk, to teach. It is that thing, "I tell you what to do", "shut up", usually the father beats up the mother with the children watching, and then the son or daughter can't solve this at home and at school they play this out with anger, with revolt. Then comes the story of you hearing, "What's going on? Tell me. Because I can come here and talk and talk and talk and it will go in your ear and out the other ear, it won't do any good, because it is you who has to talk, because you are not well, because if you were well, you wouldn't be causing trouble in the classroom or at school, as you are doing. If you are doing this and you know that at some point you are going to get your attention called away or you are going to end up going to the principal. If you can't talk, can't articulate, can't ask, I'm here, tell me what's going on". And then you get them to... not always, but you get them to put down their weapons and to really see the school as their space, that they can use the school to become what they want to be. In this case, restorative justice was important, it opened the eyes of several people, even the students, to realize that there are other ways to act. So, I can be a rebel against the world, kicking desks, knocking down desks, cursing my friends, but I can be a rebel against the world by being what they don't expect me to be [...].

In the perception of the teachers, restorative justice has met their expectations, conformed to their dispositions, and been incorporated into their practices, in the sense that they began to seek to

resolve conflicts through restorative practices. As an example of this construction, we highlight the speech of teacher Suzana:

To give you an idea, this mountain of folders here is from the vacations on. If you take it, you see: "action taken". And no occurrence. Most of them are talks and orientation to the student. One or two cases of suspension. And I see that the aggressiveness at school has decreased a lot, the commitment to attendance, I think it has improved a lot, a lot. It is the restorative practice that leads to this. It is the conversation, the welcoming, it is putting yourself in the other's shoes, it is coming and calling the school board, calling the child, showing that there are limits, that it is not a matter of putting your hand on your head, it is a very good job.

On the other hand, it was also possible to identify in their expressions that its execution in the school environment is crossed by countless paradoxes: for example, when they identify the school as excessively disciplinary, guided by punitive and asymmetrical power relations, or when they perceive the lack of political will and time, necessary conditions for the restorative practices to reach the school collective and have chances to consolidate in this space. By the way, I highlight teacher Marcos' narrative:

So, restorative justice is the best way to solve, although we can't put everything into practice, it's very rushed, but I found it fundamental for me, even for the formation as a person. But if I had to talk about justice inside the school, I would say that justice is punitive, not only in school, but in society, it is very punitive, it solves things by repressing, sometimes even in an authoritarian way. For me it is punitive justice. Restorative justice is still very small. And as I said, justice is punitive in society in general, in the social space, not only in school. I will give examples: the student came to the teacher and was rude to the teacher, the measure is to throw him out, warning, compulsory transfer, so it is punitive. Even the teachers, too, there are teachers who are very coercive, but not only in the teacher/student relationship, I think in all relationships. There is this asymmetric relationship. The relationships are not symmetrical, as they should be. In a democratic society you have to be equal, it is not because he is a student that I am going to treat him as inferior, it is not because I am a teacher that the principal... But that's how it works, always asymmetrical, I speak in a superior tone, I go there to get snacks, I cut the students, it's always like this... In some cases, I think that restorative justice can restore, yes, in others it can't. Many times, a conversation doesn't violate the law. Many times, a non-violent conversation, making agreements, you see that it worked. The boy hit the boy, you go there to make an agreement, you realize that you don't have any more, but there are cases that don't, after making the agreement you see that he does it again, he does it again. So, there are cases that work and cases that don't. I see a space for this proposal in the school environment. No.... In fact, there isn't... the project is very busy, everyone works a lot, mediators work a lot, teachers work a lot, so these practices... need time, demand time, the way it is, the way time is managed, no. You do what is possible, but to work it would need to be better.

From this we conclude that, even though they believe that restorative justice has improved their pedagogical practices and the way they started dealing with conflicts in schools, they still show in their narratives that its implementation in the school context is permeated by authoritarianism and powers that, in general, they identify in society, in the public powers, in the school, and, eventually, in themselves.

This perception finds support in the narrative presented by the teacher-mediators, in which they report that most of the cases sent either to mediation or to the school board could be solved in the classroom. Although they understand that the classroom setting (overcrowded classrooms, too much content to deal with, etc.) does not always allow the teacher to resolve the conflict adequately, they emphasize that power relations cut across all relationships experienced in the school space, as teacher João tells us:

And the biggest conflicts in school people think are between students, aren't they? No, no, it isn't. The biggest conflicts that exist within the school occur between teachers, principals, coordinators, among those who should not have these kinds of conflicts. Between them. Dealing with students is the most enjoyable part of school, a student's conflict is an adolescent's conflict, we already know this, we have already been through this. And when we start to apply it with them, great, it's going great, but we also want to apply it with the others. But then no, then we start to close the spaces, we cannot, we cannot, we cannot. And this is not here and there, this is a general context that goes on and on and on, and generally people end up hindering those who are willing to do it, to practice.

If we consider indiscipline and situations of conflict and violence at school as reactions and resistance by students against the forms of subjection and domination (PEREIRA, 2020; GUIRARDO, 1996, p. 67-70; LEÃO, 2006, p. 41; SINGER, 2005, p. 178), we wonder what are the reasons for the indiscipline and the situations of conflict and violence at school, we question what are the real possibilities of insurrection and resistance for students immersed in such a clearly asymmetric conjuncture, in which "[...] the refusal to any instituted form is seen and experienced as a conduct of resistance that requires to be governed" (SCHEINVAR, 2013, p. 146).

In line with Foucault (1997), based on the assumption that school is a space that produces knowledge, power, normalization and modes of subjectivation, restorative justice, as a practice operating in this locus, is also crossed by different strategies of power and knowledge that produce effects of truth in the formation of subjectivities, which, as we have seen, may give rise to other modes of control - through, for instance, "confession" (in the sense of forcing to speak the truth) and normalization (LARROSA, 2008) - as well as operate in the scope of reflection and active responsibility of the subjects to which it is originally linked. In this case, the challenge is to ensure that restorative justice in this space does not become a device that reproduces violence, as illustrated by Professor Jonas:

Power oppresses. So, the school mediator has the power to suspend you for a few days, to ground you, etc. The mediator can't be like that, the person has to have confidence in mediation. And at school this is still compromised. Even though the mediator here is a teacher, the position of mediator is entrusted with power. While the power doesn't have to be his, the power has to be the power of the people who are being mediated, because they are the ones solving the problem among themselves.

When we consider that restorative justice is usually conducted at school by managers and/or teachers, and that conflictive situations are turned into reports to be entered both in the school's occurrence book and in its digital equivalent (ROE<sup>11</sup>), we conclude that the narratives built about these students are also crossed by power and knowledge relations. Moreover, based on the norms and rules established both in the *Manual of School Protection and Promotion of Citizenship* (SEESP, 2009a), and in the *General Norms of School Conduct* (SEESP, 2009b)<sup>12</sup>, we must admit that they contradict what is recommended by restorative justice. Such documents were conceived by the Education Secretary of the State of São Paulo in the framework of the School Protection System (SPEC), which includes under its

<sup>11</sup> "The ROE - Registro de Ocorrência Escolar (School Occurrence Register) is an online tool in which School Directors can register occurrences of a disciplinary or criminal nature within the school community. To access ROE it is necessary to have a login and password, so only employees and authorized persons can do so. We checked with the Eastern DRE about the possibility of accessing it, in order to analyze what managers and teachers understand as violence and conflict, but they did not authorize us to do so. We emphasize that this electronic system was established by article 9 of SE Resolution No. 19 of 12-2-2010, the same that established the School Protection System (SPEC). Available at: <http://www.fde.sp.gov.br/PagePublic/Interna.aspx?codigoMenu=211>. Accessed on: 25 march. 2019.

<sup>12</sup> It is important to point out that from 9/15/2016 to date, the School Protection System (SPEC) Manual and Standards, have been removed from the website without any kind of justification. For verification, we recommend checking the website that now hosts the information about SPEC: <http://www.educacao.sp.gov.br/spec/o-sistema-de-protecao-escolar-spec/>. Accessed 25 Mar. 2019.

rubric the execution of a set of programs and projects to prevent and combat school violence, as defined in *Resolution SE* n°. 19, of 12-2-2010<sup>13</sup>, in its article 1°:

The School Protection System is hereby established, which will coordinate the planning and execution of actions aimed at the prevention, mediation, and resolution of conflicts in the school environment, with the objective of protecting the physical and patrimonial integrity of students, employees, and servers, as well as the equipment and furniture that make up the state education network, in addition to disseminating knowledge of Civil Defense techniques for the protection of the school community. (SEESP, 2010)

The guidelines contained in the *Manual for School Protection and Promotion of Citizenship* (SEESP, 2009a), and in the *General Standards of School Conduct* (SEESP, 2009b), include from verbal warnings, suspension of school activities and compulsory transfer to another school unit, to the registration of an Occurrence Bulletin and the activation of the police, for cases involving physical / verbal aggression, drug use, alcohol (SEESP, 2009a, p. 33), depredation of personal property, abuse of public property, and abuse of public security. 33), depredation of school property, theft, robbery or carrying of weapons (SEESP, 2009a, p. 35-36; 2009b, p. 13-14). The disciplinary sanctions institutionally regulated in these documents are authoritarian and punitive, thus contradicting the adoption of preventive and restorative measures, and consequently, the provisions of restorative justice (POSSATO, 2014, p. 37-39; TIBÉRIO, 2011, p. 83-90). In the words of teacher Jonas: "So, 'ah, I'm going to make up with him because otherwise the principal will put me on suspension', is that restorative justice? It is not. This is fear. The school works with fear.

Even though there was a consensus among teachers - albeit with varying degrees of intensity in affirming that restorative practices "restore" school relations, operating on the basis of warnings, punishments, imposition of confessions, visits to the principal, etc., to what extent can we speak of restoration? In Foucauldian terms, it seems that we move between the terrain of power relations and that of domination, since in this context restorative justice would also incur in violence, the same violence it intends to prevent and cool down.

Thus, if in the school system the pedagogical process has been historically built based on a set of coercive practices in face of the insubordination to the precepts or rules present in the school, this seems not to be working, considering the growing incidence and the worsening of violent situations that have been affecting the school context in its most diverse variations and conditions, which, associated with the difficulties to face them, have evidenced the deep crisis of the school role nowadays and the permanent state of tension of the teaching work in our society (GUIMARÃES, 2003).

In this sense, the teachers reported with suffering the impact produced by the conflicts in the exercise of teaching. Suffering that presents itself in the form of very expressive numbers: in 2017, the Access to Information Act indicated an average of two educators assaulted per day in their workplaces (in daycare centers, schools and in universities, both private and public) in the state of São Paulo; These data, obtained through police records, were counted based on complaints made by these professionals, in the period from February to June 2017, on school calendar days, and informed that the occurrences referred both to "de facto" (violence considered less serious, such as pushing, for example), with 37% of the complaints, and to crimes of bodily injury, which accounted for 63% of the records (PINHO; MARIANI, 2017). The municipality of Campinas-SP, at the time, occupied the fifth position in this ranking, preceded by the following cities: São Paulo (capital), Greater São Paulo (excluding the capital), Bauru and Ribeirão Preto. Questioned about this, at the time, the Education Secretary informed the increase in conflict mediation actions. But in 2018, the Access to Information Act reported an 189%

<sup>13</sup> Resolution SE no. 19, of 12-2-2010, is available at: [http://siau.edunet.sp.gov.br/ItemLise/arquivos/19\\_10.HTM?Time=05/09/2016%2018:19:44](http://siau.edunet.sp.gov.br/ItemLise/arquivos/19_10.HTM?Time=05/09/2016%2018:19:44). Accessed on: 07 Jul. 2016.

increase in the registration of aggressions, both verbal and physical, against teachers in São Paulo state schools (CAVALCANTI, 2018).

An example of a successful experience in conflict mediation has been developed in Barcelona (ES)<sup>14</sup>: the local government establishes that schools are independent to decide how they will carry out "*school mediation*", but they offer a set of trainings and didactic materials (made available for free on the internet) for the school to decide how and when to do it, and what to use, taking into account its local specificity; in the educational legislation consulted<sup>15</sup>, it is foreseen that, to carry out the "*school mediation*", both the managers as well as the teachers and the students must undergo training in the techniques of conflict mediation, but its implementation must occur among equals, so that the protagonism in its conduction must be assumed by the students: in each classroom there are students responsible for mediation. Thus, when there is a need, those involved seek them out and they restore themselves, that is, what happens among the students is resolved by themselves, without involving teachers or managers; these only accompany the situation, or intervene in it, if they are summoned by the students, that is, when they perceive that a certain situation is more serious or delicate.

In spite of the social, economic and political differences between the Brazilian and Spanish cultures, the restorative techniques in this location have already been put into practice for some time, which allows us to think of other ways for their implementation in the Brazilian reality. And it is because of examples like this, that we believe it is possible to think that the proposal of restorative justice can take place in other terms among us.

## OUTLINING THE RESULTS FOUND AND DRAWING SOME CONSIDERATIONS BY WAY OF CONCLUSION

At the present juncture, we have no guarantees whatsoever regarding the future of human rights in Brazil, since the reforms that threaten rights guaranteed by the Federal Constitution (1988) are being implemented even in disagreement with the majority of the population. From this we can conclude that, although they coexist in the midst of the demands vocalized by social movements and sectors of organized civil society, the forces reactionary to the expansion and enforcement of the human rights agenda remain powerful in a context marked by authoritarianism, paternalism and patrimonialism (VENTURI, 2010). These perplexities are verified in the execution of human rights and justice in Brazil, and, since the school is a social institution, they end up being reproduced in these spaces.

Aiming to make possible the resolution of conflicts and the prevention of violence inside school units, the training "*Restorative Culture and its Practices*", offered to teachers of the state education network in the city of Campinas-SP, was configured as an opportunity to understand the place that human rights and justice have in the oral history of life of teachers graduating from this course, from

<sup>14</sup> In the first semester of 2017, I did my doctoral internship at the Universitat Autònoma de Barcelona (UAB), with the aim of understanding how the notions of conflict mediation and citizenship were situated in the professional trajectory of teachers of public and private education networks of this city. The choice to conduct part of the studies at the UAB was due to the fact the Spanish legislation established the mediation of conflicts as a strategy to prevent and overcome the violence practiced in the schools. Moreover, until 2016, the subject "Education for citizenship" was mandatory in the curriculum of secondary education in the region of Catalonia-ES.

<sup>15</sup> The coexistence project promulgated through "RESOLUTION ENS/585/2017" on March 17, 2017, states that "educational centers must train all students and members of the school community for coexistence and positive conflict management," whose objectives are as follows:

- Ensure and guarantee the participation, involvement and commitment of the entire school community.
- To help each student relate to himself, to others, and to the world.
- To promote equity and respect for student diversity within a framework of shared values.
- Encourage school mediation and a culture of dialogue as a basic tool in conflict management.
- Promote a culture of peace and nonviolence, along with the values that preserve and enrich the lives of all people.

The full document is available at: <http://educacio.gencat.cat/portal/page/portal/Educacio/PCentrePrivat/PCPInici/PCPProjectesEducatius/PCPProjecteConvivencia>. Accessed on: 29 Jul. 2017.

which their notions about what is fair and unfair, good and bad, desirable and undesirable, are elaborated in their professional lives.

Thus, we resorted to oral life history to reflect on their practices and on what effects of power and knowledge they produce, what types of subjectivities they form, especially when they occur in the concrete and heterogeneous space that is the school and aim to restore relationships whose protagonists are the managers, teachers, and students (CASTRO, 2016; FOUCAULT, 2014a, 2014b).

Although there was consensus about the benefits of restorative justice in this locus, especially with regard to the introduction of dialogue, the vast majority identifies this as a work done alone - either because there is a lack of time and space to involve the whole school group in the proposal, or because there is no interest on the part of the group in getting involved. Moreover, they perceive an excess of authority on the part of managers and teachers at school; they consider that there is no impartiality in school relations; that the intervention in the conflict usually happens by imposing obedience, or confession; and, finally, the fact that they associate the introduction of dialogue in their teaching practices after their participation in the course on restorative justice is also quite emblematic. In smaller percentages, they presented favorable perceptions of human rights: in the school setting, they attributed their absence to the technical and depoliticized training of the teachers; in society, they associated the violations of these rights to ignorance and the lack of political education.

In other words: what we can see in the teachers' narratives is that the restorative practices either take place in contexts marked by power relations and authoritarianism, or are crossed by them. In this sense, we consider that the absence of an active citizenship and the troubled relationship with human rights in contemporary Brazil end up compromising the realization of actions oriented to restorative justice, especially in school practice, the space in which we consider they should be taught and professed. Although we have identified practices that even try to solve conflicts, we verified that the way they are conducted does not empower the subjects, nor prepares them for the agonism of positions in the public sphere, because they are exercised based on control devices and feed back in this locus the same violence they pretend to cool down. But how to promote displacements in this direction? How to resist the regulatory discourses of teachers' work?

In order to outline an answer to the first question, Veiga-Neto calls attention, in a Foucauldian register, to the understanding that discourses and actions are always and necessarily involved in power relations. As there is no "outside of power", in the same way as we are not incessantly entangled in situations of domination, it will always be possible to exercise a resistance, "[...] a (re)action or, if we want, as a countervailing power action. To resist a power action means to problematize such action, making use, for that, also of power" (VEIGA-NETO, 2008, p. 22). And, being so, we have to pay attention that the speeches and also the practices that support them do not become violence, especially when we intend, through dialogue, to solve conflict situations and prevent violence at school, through restorative justice.

We defend that the school institution should be a space for learning and living the democratic culture, considering the insufficiency of spaces for the exercise of public life. And how can young people learn to be subjects in the democratic life? What efforts have been made for young people to become the subjects of their own lives? These should be questions constantly asked by schools, and it is from this perspective that questions related to violence should not be reduced only to the dimension of public security, but treated as a political and cultural issue. At the moment when the notion of public loses strength, when the dimension of sociability and the reasons for "being together" disappear, the understanding that violence can be a legitimate resource for solving conflicts gains strength (CARRANO, 2007).

Thus, one of today's great challenges is to educate individuals to recognize themselves and others in democratic public spaces (CARRANO, 2007). And, for that, it is necessary to encourage the teaching agency (PIGNATELLI, 2008), in the sense of stimulating among educators a permanent reflection that puts under suspicion totalizing conceptions, in order to transform school routines, to

reflect on what can be done in the circumstances in which they operate, on a daily basis, and even, from there, to engage in favor of broader changes in society itself.

\* The translation of this article into English was funded by the Fundação de Amparo à Pesquisa do Estado de Minas Gerais – FAPEMIG – through the program of supporting the publication of institutional scientific journals.

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**Submitted:** 02/19/2020

**Approved:** 07/14/2021