Whether crime or misbehavior, restorative justice principles provide guidance on how to respond
by Ron Claassen

Last month’s newsletter about how Roxanne is implementing Restorative Justice in her classroom and school generated a significant amount of interest for more information. So I will, in the next several months, discuss the principles that guide the discipline program we have developed called “Discipline That Restores.”

There is a saying, “The purity of the theory is no match for the mess of reality.” We recognize this to have some truth and also recognize that if we do not have theory to guide us, we are like “a ship without a rudder.” We developed these principles in 1995 to help provide a guide, or a “rudder” for our emerging ideas about how to implement Restorative Justice principles in a school setting.

Principle 1: Misbehavior is viewed primarily as an offense against human relationships and secondarily as a violation of a school rule (since school rules are written to protect safety and fairness in human relationships).

In the community when someone violates a law, we call it a crime. In schools, when someone violates a rule, we call it a misbehavior. If a misbehavior is observed that isn’t covered by a rule yet, we usually write a new rule. Rules are very important and helpful since they help everyone to know what behavior is not acceptable in that school community. Rules also prevent, or at least reduce, arbitrary punishment because the rules are published for everyone to know and members of the school community can appeal to them if it seems that they are being punished arbitrarily.

Where this becomes a problem, is when the primary focus of a discipline program is on the rule violation as opposed to the human violation. In the case of a human violation, the community can appeal to the rules if it seems that they are being punished arbitrarily.

The second offender was harder to contact. When I first called Leah requesting an individual meeting, she seemed semi-interested. Towards the end of the telephone conversation, she decided not to participate. After the conversation I called the VORP office and talked to Maria, the VORP case manager. Maria called Leah and remarkably set up an individual meeting. Leah decided to attend the joint meeting. I was grateful for the help of Maria and inspired by her ability.

Now, both Linda and Leah claimed it was Lucy who threw the rock that injured Crystal. The third offender was difficult to get a hold of. I first called Lucy and spoke with her and set up an individual meeting. My mistake was not taking to her mother to confirm the meeting. When I attempted to make a follow-up call, the line was disconnected. When I showed up, I was disappointed. Lucy was not home but her mother was, unaware that she had scheduled a meeting with me. I talked to Lucy’s mom about VORP and scheduled an appointment through her for an individual meeting with Lucy.

Lucy’s mom had quite a few questions concerning probation and justice. I explained that we have developed a significant amount of restorative justice program. I told Lucy that if she did throw the rock, it was unintentional and that the human violation was ignored or minimized. Since the purpose of establishing rules is to provide for a safe, fair, just, and orderly community, it is important that this underlying reason is not lost in our effort to be sure we follow the rules.

So, this principle suggests that when a misbehavior occurs and it is a violation of a rule, we will not lose sight of the fact that the primary problem is that someone human violation occurred. Let’s identify a few common misbehaviors that are usually also violations of school rules: (a) a student hitting with another student; (b) a student carving names on a school property; (c) a student talking rudely to a teacher. One option, in each case, is to focus on the fact that the students violated the school rule. When we do this, we usually punish the student in some way or we may say you now need to suffer the consequences. In either case, if we follow this path, significant but very subtle thing happens. We inadvertently make the school the “victims” because we are now focusing on the school’s rule as being violated. What gets lost is the real violation of the other person(s).

If, instead, we allow DTR Principle #1 to provide guidance for us, we will remember that a rule violation is also an indication of a reminder that there has been a human violation. When we focus on the human violation, we begin asking questions like, who was hurt, what was the damage, who is responsible for what, how can the damage be repaired, why did this happen, how could it be prevented in the future, etc.

If we do not recognize and focus on the human violation, the primary focus often shifts from the real violation to a power contest between the authorities and the offending individual. Instead of focusing on the questions above, the focus is on proving the violation of the rule and deciding what should be the punishment. This leaves the real victim out and in many ways, victimizes them again.

Example A: one student hitting another student. The rule has been violated. If we focus only on the rule violation, we
Rules serve as reminders of human violations

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miss the opportunity to repair the damaged relationship. What we really want is for the offending person, with the injured party, to recognize the violation and injustice, repair the damage (physical and relational) as much as possible, and figure out how to prevent it from happening again.

Example B: a student carving or writing on a school wall. The problem is not just that the student has violated a school rule, but also that the community has an understanding that we don’t deface each other’s property. Therefore, the offender has violated the community (adults and other students), the authorities charged with providing oversight, the maintenance person who now must divert attention from other projects to repair it, and taxpayers who must pay for it.

Example C: a student talking rudely to a teacher. The problem is not just that the student violated a school rule. The problem is also that the student has disrespected the teacher. If we focus only on the rule violation and punishment for the student, we leave the human violation unaddressed. The relationship between the teacher and student has been damaged and unless it is repaired, the openness to teaching and learning will also be affected.

Principle 2: The primary victim of the misbehavior is the one most impacted by the offense. The secondary victims are others impacted by the misbehavior and might include students, teachers, parents, administrators, community, etc.

The victim language does not mean that they are helpless but that they were the ones who were on the receiving end who were impacted by the offensive behavior. It helps identify who would have to be involved in order to determine the damage and to repair the damage (physical and relational). Many times our structures for discipline are completely oriented around the offender. Without intending to, we ignore the victim, leave them out of the response, and often rob them of the opportunity to deal constructively with the offense and heal the injuries.

VORP relies on your contributions

This is a good month to make a resolution to continue or to start supporting VORP financially. As you can see from Melissa’s story, VORP is a community building activity for all involved.

If each person receiving this newsletter gave $20 per month, VORP could double its case load.

Please consider making a modest yet significant contribution to building a safer and more peaceful community.