

‘Making things as right as possible’ central to restorative justice, Discipline That Restores

by Ron Claassen

Because January’s newsletter, about how Roxanne utilizes Restorative Justice in schools, generated so much interest, I started a series in March to discuss the principles that guide our “Discipline That Restores” model of discipline. These principles, which I wrote and presented first, in her school, provide the theoretical “rudder” for the program.

In last month’s newsletter I discussed the first two principles. If you don’t have your hard copy and want to refer to them, you can find them on the Internet at www.vorp.org or call for a copy at 559-291-1120.

Principle 3: Discipline That Restores (DTR) is a process to “make things as right as possible.”

When a rule violation has occurred, principle #1 reminds us to pay attention to the human violation and not inadvertently ignore the real victim because our focus is only on the rule violation and how we should punish the offender. Principle #2 simply points out that the victim, the other one who needs to be included in the response, is the one most impacted by the misbehavior and might include other students, teachers, administrators, parents, etc.

Principle #3 says that our response, after recognizing the rule violation and the human violation it points to, should focus on “making things as right as possible.” To make this the focus is a radical departure from most discipline systems. Most discipline systems assume that the rule violator has a problem and needs to be fixed. Generally, the preferred way to fix them is to punish them, to make them feel pain, and then to hope that that will cause them to act differently in the future.

In most discipline programs, the primary activity is between the rule violator and some authority. The authority points out what rule has been violated and that violating the rule means there is a consequence. In some programs, the authority might even say that by choosing to violate the rule, you have chosen this punishment because you know that this is the conse-

quence for violating that rule. What you will notice is that the activity leaves out the victim, the one who was most impacted by the rule violation. In many discipline programs, the process is focused on deciding what rule was violated, who did it, and what punishment should be administered. But, DTR Principle #3 says that the focus of the process is to “make things as right as possible.” To do this, we must look at the whole incident. DTR says that violating a rule is an indicator that some relationship was violated. DTR identifies both who was harmed as well as who violated

the rule. Both will be needed to decide how to make things right. The misbehavior creates needs and obligations. Deciding how to make things right is a radically different process from an authority deciding how to punish the offender. Everyone in the process experiences a significant difference when this shift is made. One of the differences is who is needed to make the best decision on how to make things as right as possible.

“Making things as right as possible” is very different from punishing the offender.

See ‘DTR helps...,’ page 2

VORP meeting shows movement from hostility to civility

by Darren Brassington with Ron Claassen

For our story this month we are privileged to have some of the actual conversation of the parties in a recent VORP meeting. Darren Brassington is the mediator. He got permission to record the meeting but names and some details have been changed to protect identities.

Darren is a student in the MA degree program in conflict management and peacemaking at Fresno Pacific University.

Because these excerpts are only a brief portion of the total conversation, they will sound a little confusing. I will add a little commentary between excerpts to help explain what has just happened. These exchanges offer just a glimpse of the meeting that took approximately 1-1/2 hours.

A meeting generally starts with introductions and then the mediator reviews the groundrules and purpose of the meeting. If everyone is in agreement, the next steps are to Recognize the Injustice, Restore the Equity as much as possible, and to search for agreements that will make a better Future for both.

The first several exchanges are during the part of the meeting we call “Recognizing the Injustice” Before these excerpts, Mary and Carol had acknowledged that they were good friends but they had often gotten into “little fights.” But this one was different. It was a big one and Carol was injured.

Carol: Well I was at the store and I saw Lupe and Mary, and Tony was there, and he kept on saying Mary was really bad and said stuff about me. I kept saying forget it, forget it, we used to kick it. We don’t got no problems. I don’t got no problems with Mary. And then Lupe said get her, just get her, and then Mary jumped me from behind and they beat me up.

Darren: Mary, could you please summarize what Carol said. By this time they had each summarized several things the other had said.

Mary: She said we used to kick it after school together and that I was friends with Lupe. She kept saying there wasn’t no problem, and then Tony came up to her, and I grabbed her from behind and we fought and that was it.

Darren: Is that what you said?

Carol: Yes.

Darren: Is there more?

Carol: I didn’t go out. I stayed home for months; for two months I didn’t go out nowhere. (Carol’s mother added: it was almost four months. I wouldn’t let her go out if she wasn’t with me.)

The process of recognizing the injustices continued until all agreed that the injustices had been recognized. Next are some excerpts from the “Restoring Equity” portion of the meeting.

Mary: (Volunteering at the first opportunity) I think we should say we are sorry.

VORP relies on your contributions

VORP relies on your contributions. As contributions increase the case load will increase. If you can share \$20 per month or \$20 per year or more, you will be making a substantial investment in the peaceful future of our community.

While volunteer mediators work with most of the cases, we need staff for training, liaison work with probation and the courts, mediator support, and follow-up.

Your contributions are, of course, tax deductible. More importantly, they make reconciliation possible in our community. For information, call VORP at 559-291-1120.

Darren: Say sorry for what?

Mary: I think I should apologize for beating her up.

Carol: Yeah. I think I should apologize for fighting her too.

Darren: When would you like to do this?

Mary: I’ll do it first. I’m sorry, Carol, for fighting and hurting you.

Carol: And I’m sorry for fighting you.

Darren: Anything else?

Carol: My neck got hurt in the fight and my muscles and nerves are wrecked. So I’m in a lot of pain (Mother: she’s in pain all the time, her neck is very sore) and I went to the clinic and they say I need to go to therapy.

Mary’s Mother: How did your neck get hurt? What did Mary do to hurt your neck?

Carol: She grabbed me from behind and pulled me down to the ground by the neck and then pulled me and yanked me like that by my hair. (Mother looks at Mary who nods affirmatively)

Note that we did some more recognizing injustices while working on restoring equity. They agreed that since the cost of the therapy was covered, they would negotiate how to get Carol to therapy (mother could not take her the 15 miles) and fix the jacket that was torn in the fight. The next excerpts are from the “Future Intentions” portion of the meeting.

See ‘Victim...,’ page 2

DTR helps students find opportunity in midst of conflict

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Principle 4: DTR recognizes both the danger and opportunity created by the misbehavior and conflicts that underlie the misbehavior. As soon as immediate safety concerns are satisfied, DTR views the misbehavior and conflict as a teachable moment.

The Chinese written language has a symbol that is made up of two symbols put together. When taken as a whole, it gets translated into three English words, conflict, crisis, and crossroads. When each of the symbols is translated separately, the one is translated into the English word, danger. The other is translated into the English word opportunity. So the language itself suggests that when we have a conflict, we are at a crisis point, and we are at a crossroads. Depending on how we respond to that situation, it may take us in the danger di-

Victim, offender agree: 'no more fighting'

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Mary: We just have to not fight anymore. I won't fight.

Carol: I agree. No more fighting.

Darren: What if you feel like fighting again?

After quite a lot more conversation they all believed they had an agreement to prevent something similar from happening again. They have a meeting planned to follow up and see if the agreement is working.

Thanks Darren

"Blessed are the Peacemakers"

rection or in the opportunity direction. DTR principle #4 is intended to highlight this very important concept. It is intended to remind us that those who guide the response to misbehavior in schools have a huge responsibility. They are the ones who can influence this situation. The response process they design will largely determine if it leads in the danger or opportunity direction.

The danger is that the participants, the offender and/or all others impacted by the offense, emerge from the response further alienated, more damaged, feeling disrespected, feeling less respect for others, disempowered, and feeling less safe and less cooperative with other students and school officials.

The opportunity is that the injustice or violation and its impact are mutually recognized, a plan is designed to restore equity as much as possible, and a plan is created to address the future so that all participants are safer, less alienated, more empowered, and more cooperative with each other and the whole school community.

When I ask teachers and administrators to identify what they hope to accomplish with their discipline system, whatever system they prefer, I get very similar responses. We want students to: learn responsibility, learn to solve problems in a positive manner, learn respect for self and others, learn what is appropriate and what is not appropriate behavior, learn self control, learn self control, learn honesty, learn cooperation, learn that their decisions affect others, learn decision making skills, learn tolerance, learn respect for authority, learn that there are consequences for

actions, learn empathy for others, learn not to hurt each other, learn better ways to express needs than defiance, etc.

The teachers who created this list had very different preferred discipline plans. When they completed the list, they were amazed that all of the things they wanted to accomplish could be written in terms of what they wanted students to learn. We observed that although we usually didn't think of it this way, we all wanted whatever we did to be a learning experience. We agreed that it

would be very helpful to remind ourselves that each misbehavior is a teachable moment. What teachers found was that when they thought of misbehavior as a teachable moment, their response was different and the stress was significantly reduced. Discipline was no longer something off task, but an opportunity to substantially increase the student's Emotional and Moral Intelligence. In turn, since the student's discipline experience was constructive, they were more open to learning the other basic subjects.

Grateful victim thanks local congregations for response

Restorative Justice sometimes requires the community to help out when the victim and the offender don't have the resources to "make things as right as possible" as soon as it is needed. Betty's car was stolen and damaged. Her case was referred to VORP and she met with the offenders. They agreed to pay her for the damages (approximately \$1,200) over the next year. This was the best they and their parents could do. In a follow up meeting, Sara, VORP Restitution/Follow-up Manager found out that Betty was about to lose her job. She couldn't get to work because she couldn't afford to get the car out of the repair shop. Sara decided to let some churches know about the problem and they responded. Four churches offered funds to help get the car out of the shop. The boys will continue to make their payments. Following is a letter from Betty, to the churches expressing her gratitude.

"Greetings in the name of our Lord and Savior, Jesus Christ.

"I wish to thank you very, very much for your love, concern, and gifts to me. God has shown me there is love and concern in his people.

"I must tell you how devastated this whole situation had left me. I was about to lose my car, my job, and my place to live because I could not get to my work. "But your love and concern for me, defeated Satan's plan to defeat and destroy me. I thank God for you daily. I can go to work daily. I have my car back and it runs beautifully. You have been just what the Lord says you are. You loved me as Christ has loved you. Blessed are you. For you are what a true Christian is; Christ-like and I love you. So I say thank you with all within me. Praise God for you! May the Lord continue to bless you bountifully.

"In Jesus' name and with all my thanks, I love you all."

Betty

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