What makes a response to schoolroom wrongs permissible?

Helen Brown Coverdale [iD]
University College London, UK

Abstract

Howard's moral fortification theory of criminal punishment lends itself to justifying correction for children in schools that is supportive. There are good reasons to include other students in the learning opportunity occasioned by doing right in response to wrong, which need not exploit the wrongdoing student as a mere means. Care ethics can facilitate restorative and problem-solving approaches to correction. However, there are overriding reasons against doing so when this stigmatises the wrongdoing student, since this inhibits their learning. Responses that avoidably stigmatise students impermissibly undermine both the developmental ethos of education, and students' recognition and respect for each other as equals.

Keywords

Alternative interventions, care ethics, correction, discipline, punishment, restorative justice

Introduction

When is a response to schoolroom wrongs permissible? I defend a morally and prudentially educative approach to identifying and practising permissible responses to student wrongs at school, by drawing on my background in both penal theory and care ethics. This article begins a discussion between the philosophy of education, educative practice, care ethics and penal theory. I show how Howard's moral fortification approach to justifying criminal punishment may be helpfully applied to the case of children in schools.

Morally and prudentially, educative responses to wrongs recognise the responsibility of teachers and schools to correct learners' wrongs, and to foster and fortify the developing capabilities of the wrongdoing student. Since empirical research in education (Malik Boykin et al., 2015) suggests that stigmatising the wrongdoing student will undermine

Corresponding author:
Helen Brown Coverdale, Department of Political Science, University College London, 29/30 Tavistock Square, London WC1E 6BT, UK.
Email: h.coverdale@ucl.ac.uk

her capacity to learn; permissible responses to wrong will be limited by aiming to avoid stigmatisation of the wrongdoing student, insofar as possible. This approach takes wrongs seriously and addresses children's educational needs. Subject to avoiding stigma, the learning opportunity occasioned by the wrong and its correction may permissibly be broadened to the whole class, teaching moral and prudential reasons for avoiding wrong, ways of dealing with difficulties including temptation, and the skills and resilience for dealing with wrongs directed towards us, as necessary life skills. Ideal methods for responding to wrong will avoid shame and model appropriate behaviour by upholding rights, restoring relationships and repairing harms.

I begin by outlining care ethics and then penal theory as each connects with education; before discussing the types of wrong covered here. I consider the teacher's responsibility to correct, the audience of responses to schoolroom wrongs, and what we should teach, by working through an example adapted from Levinson and Fay (2016). I draw on restorative justice and problem-solving approaches to consider methods of responding to schoolroom wrongs that facilitate these aims.

Care ethics and education

For much of human history, caring has been socially coded as feminine, as the 'natural' duties of those who are less privileged, and as lacking the status of economically valued and remunerated work. Most modern Western care ethics literature is feminist scholarship, developing Carol Gillian's path-breaking work *In a Different Voice* (Gilligan, 1982); Slote's (2001) virtue ethics approach to care is a notable exception. Furthermore, care ethics has resonances with non-Western perspectives including Ubuntu (Gouws and Van Zyl, 2015), and Confucian thought (Sander-Staudt, 2015), from which we can learn.

Care ethics *normalises needs* and individual limits, which requires recognising *relationships* and *interdependence*. Even independent adults rely on others for essential collective goods such as social connection, the giving and receiving of which Brownlee argues should be considered strong enough to ground a right (Brownlee, 2016). External support is a part of everyday life, particularly for children in schools.

Caring *practices* consist in noticing the needs of others with whom we share relational connections, making logistical arrangements for care-delivery, providing support to an individual and hearing their response (Tronto, 1993: 103–108). Caring work aims to allow individuals to 'survive, develop or function', by *meeting basic needs*, or *building capabilities* or *avoiding unnecessary pain* (Engster, 2007: 29 at note 9, 75–76). The practice of education builds capabilities by providing guidance and correction to improve the skills children will need to 'maintain, continue and repair' our shared world, in order to 'live in it as well as possible' (Tronto, 1993: 103): from reading, writing and arithmetic, to sports and social skills, and the shaping of moral character. Supportive responses to wrong guided by care ethics should help to meet needs, build capabilities or avoid unnecessary pain. These aims are particularly appropriate for educative, morally and prudentially fortifying approaches to addressing schoolroom wrongs.

Because care ethics is informed by practices of care-giving, it is a *situated* approach, demanding attention to the social context of the person cared-for, their needs as they understand them and their preferences for how these needs are met. Since care is situated

and tied to the particular, there is disagreement about what is to count as a care practice. Yet, education is considered as a paradigmatic caring practice. Properly understanding others' needs requires open engagement (Kittay, 2002: 259–256). Furthermore, it is not enough to simply go through the motions: good care requires integrity, bringing overlapping features of the practice together with the open engaged attitude. Good care needs an approach which is *attentive, responsive and respectful* (Engster, 2007: 37).

This open engagement, which has been called a practice of 'caring-with' (Sevenhuijsen, 1998: 151; Tronto, 2013: 35), requires communication between the parties. As Tharp and Gallimore suggest, 'to most truly teach, one must converse; to truly converse is to teach' (Tharp and Gallimore, 2010: 111). This open communication is part of what makes education an exemplary practice of care: caring-with is part of the ongoing revision of the support provided to learners as they are corrected, as part of their development. This further provides a point of connection with communicative theories of punishment which view the practices of trial, sentencing and punishment as essentially a dialogue with the offender (Duff, 2001: 110).

The caring-with that is appropriate responds to the needs and context of the care-receiver, aiming to develop their capabilities as far as possible, while recognising and accepting their individual limits. For example, as a petite person, I am unlikely to make the college basketball team. Since we all have limits that mean we sometimes require assistance, my not making the college team should not trouble us. I can still enjoy playing the game, but the coaching support I am given should respond to this context and the abilities I already have: I may be experienced, seeking to improve skills; I may be a novice and need to be told the basic rules; I may be a wheelchair-user, or a visually impaired player – or simply seek to play with others who are – and therefore need to learn a different skillset. Correcting children's wrongs must similarly respond to what the individual child needs in order to recognise and understand wrongs (morally, prudentially, or both), and to illustrate appropriate behaviour (e.g. respecting rights or making amends).

Correcting children's wrongs is part of the development of children's capabilities, which is central to the developmental ethos of education and the educational purpose of schools. Education aims to raise standards through *formative* correction: refining and expanding children's capabilities through discussion. Distinct from formative correction, *remedial* correction responds to wrongs as a falling-short of expected standards (Peters, 2015: 272). Remedial correction reflects ongoing caring-with, helping a student to practice and strengthen their emerging capabilities, even when they fall short. Even experienced professionals make mistakes. Particularly in the case of school children, who have by definition not completed the learning the wider community believes is necessary for participation as a full member, we must expect mistakes. It is unreasonable to expect anyone, child or adult, to acquire a new skill perfectly from a single lesson. So, we must expect some overlap in formative and remedial correction, as communicative educative practices.

Education, penal theory and communication

Penal theory is a broad literature speaking to all instances of punishment, including children in schools; although this literature generally takes adult criminal punishment as the

paradigmatic case.[1] One approach to justifying criminal punishment, offered by Jeffrey W Howard, understands punishment as *moral fortification*, building on R A Duff's communicative theory, and Jean Hampton's influential moral education theory of punishment. Duff's communicative theory considers the processes of trial, sentencing and punishment (Duff, 2001, 2018; Duff et al., 2007) as an engagement in dialogue with the offender. Duff insists that this not a form of moral education: adult offenders know what they do is wrong, they simply do not care enough to avoid the wrong (Duff, 2001: 91). Instead, his 'rational and persuasion' (Duff, 2001: 81) aims to be corrective.

Jean Hampton's moral education theory of punishment likens the pain of criminal punishments to that encountered by an animal roaming into an electric fence. Hampton (1984) argues that while cattle are merely conditioned by pain to avoid straying from pasture, human wrongdoers are able to reason about why the wrong is prohibited, and reflect on why they are punished (p. 226). It is less clear that moral engagement can be relied upon,[2] or how this can be facilitated. Even if painful punishment were empirically demonstrated to be conducive to the moral education of criminal adults, it is not clear that a pedagogy of pain is appropriate for school children.

Howard's (2017) moral fortification approach draws on communicative theories of punishment, in order to facilitate Hampton's moral education and justify punishment. The culpable adult authors of criminal wrongs evidence, by their criminal conviction, that they cannot or will not resist temptation to do such wrongs. Therefore, assistance should be provided by the state to help criminally convicted adults in fortifying themselves against future temptations. Howard argues that this justifies criminal punishment practices that provide such fortification. (Howard, 2017: 46–56). As I discuss below, teachers have a professional and relational responsibilities to provide correction for children. Howard argues that Engagement in moral and prudential education, through formative and remedial correction, is a central part of education.

Separately, I have argued that criminal wrongdoers are entitled to such supportive care as fellow human beings, and that providing support is further a wise use of state resources. Supporting people who have previously offended in building capabilities to meet their own needs, and those of their dependents, reduces reliance on the state (Coverdale, 2018). Since both formative and remedial correction aims to strengthen future resistance to temptation, by either building (formative) or strengthening (remedial) capabilities, respectively, both forms of correction can be fortificatory.

Restorative justice – a practice of moderated reflective dialogue between wrongdoers and those who have been wronged – is the obvious place to look for caring in penal practices. Margaret Urban Walker observes that restorative practices and values are consistent with those central to care ethics (Walker, 2006: 154). Formative and remedial correction may both take restorative forms, facilitating learning, not from mistakes, but rather from the opportunity to make good, put right, repair harm and restore relationships. Restorative practice can then also be fortificatory, and prudential correction can similarly supplement and fortify moral correction. If caring is present in state prisons (Coverdale, 2020), and if we should treat criminal wrongdoers in our prisons as the subjects of state care (Coverdale, 2018), then surely we ought also to care for the children in our classrooms, building or fortifying capabilities as a guide to practice when addressing children's wrongs.

Schoolroom wrongs

There may only be one or perhaps a select few ways of being and doing right. There are many ways in which we can fall short of ideals. Not all of these inadequacies will be *wrongs*, in the sense that it would be right for some relevant authority to call us to account for our shortfall. If two young friends fall out, this may be an imperfect practice of friendship, but not wrong in itself. Imperfect practices of friendship are not the types of falling-short that teachers and schools should address[3] (although this may, however, inform the context of other relevant wrongs, should the falling out lead to bullying, or violence, or disruptions to lessons). Teachers and schools must teach children about and correct a range of wrongs, including the conduct of wrong itself (moral or legal wrongs), and conduct that frustrate the developmental ethos of education and educational purpose of the school. Relevant types of wrongs include, for example, the following:

Moral: morally wrong behaviour, for example, bullying, exploitation of vulnerable students;

Legal: legally prohibited behaviour, for example, theft, assault;

Behavioural: disruptive behaviour inappropriate to the classroom, for example, singing in maths class;[4]

Administrative: creating inefficiencies which impact on the function of the school and others' learning, for example, failure to submit homework or administrative forms on time;

Procedural: disrupting practices intended to create a safe and efficient learning environment, for example, walking on the 'wrong' side of the corridor, talking in class.

These types of wrongs overlap. It is both morally and legally wrong to take what does not belong to us without permission. It will be the case that sometimes, law enforcement agencies need to be involved when serious legal wrongs occur. For example, the stabbing of a student (2019, Beckfoot Thornton School in Bradford, England) or teacher (2015, Dixon Kings Academy, Bradford, England). I do not consider cases where schools deem it appropriate to respond to wrong by calling the police. Nor do I address the complex circumstances that make this decision appropriate. However, the wrongs I do address include the procedural, administrative and behavioural wrongs specific to the classroom, and moral wrongs, which may further overlap with legal wrongs (theft of low-value items, the minor violence of a playground altercation, or harm caused by poorly thought-through childish pranks). When these wrongs occur *at school*, they require a response on the part of the teacher and the school.

I argue that schools and teachers have a responsibility to help children learn by correcting their wrongs in ways similar to penal moral fortification. For example, building the capabilities to resist the temptation to do wrong, through working towards these guiding aims as follows:

1. Holding wrongdoers accountable (given their level of cognitive and moral development), while minimising avoidable stigmatisation or stereotyping;

2. Providing moral and prudential education, showing:
    (a) why a wrong is wrong;
    (b) why individual rights should be respected.
3. Building positive skills in repairing harm and restoring relationships;
4. Modelling appropriate behaviour, illustrating:
    (a) what *should have been* done in the situation instead; or
    (b) what *should now be* done to make things right.

These aims can guide us towards approaches that fortify young people's capabilities and skills needed for living well in society. Teachers are only human, and these aims cannot be ideally applied in non-ideal circumstances. Nevertheless, these aims can guide teachers and schools to more reliably produce permissible educative and fortificatory responses to wrongs, and appropriate policies.

Responding to schoolroom wrongs: An illustration

If permissible responses to wrongs are educative, further questions arise: first, who is the lesson for? Second, what should we aim to teach? Third, how will the lesson be communicated? If the correction is to be educative, then the first two questions about audience and content will influence and limit what methods are appropriate, in the context of the teacher's relationship with these particular students. Before addressing these questions, it will be helpful to consider the responsibilities of teachers and schools to correct. Here is a hypothetical case to explore these issues:

> Ms. Smith is a well-liked and respected teacher at a low-income suburban High School. Wesley, a challenging teen, had been frequently suspended in recent years. After getting an F in her class, Ms. Smith invites Wesley to stay for after-school tutoring. As things improve between them, Ms. Smith learns about Wesley's difficult home life and adult responsibilities, and Wesley earns a B.

> (Adapted from Levinson and Fay, 2016: 73–78)

> Aliya is absorbed in Ms Smith's history lesson. Sitting behind Aliya, Wesley is not engaged, partly because he is tired and hungry: taking his younger brother to school across town meant missing breakfast at home. He spots an open packet of his favourite candy in the pocket of Aliya's sweater, slung on the back of her chair directly in front of him. While the other students are working quietly, Wesley reaches across to take the candy – which spills noisily onto the floor as he pulls the packet out of Aliya's pocket. Everyone sees Wesley taking Aliya's candy.

> *How should Ms Smith respond?*

Relationships and the responsibility to correct

Teachers and schools should respond to wrongs that disrupt the educative purpose of the school because these wrongs are 'the business' of the school community. Duff makes a similar argument with respect to criminal wrongs as public wrongs: the types of wrong

that concern citizens (Duff, 2007: 52), causing public harms, as well as the impact on their immediate victims. It is 'the business' of the political community that individuals should not disregard shared values. Likewise, wrongs which disrupt the educational purpose of the school are 'the business' of the school community (Duff, 2018: 79, 92).

Duff argues that punishing authorities need the right kind of relationship with the wrongdoer. A doctor is accountable for providing appropriate treatment. But if she fails, it is her professional association that investigates and calls her to account for her wrong *as a doctor*, as fellow members of a community of medical professionals. It is not, however, 'the business' of her professional association to call her to account for other wrongs, such as treating her spouse cruelly, or fraudulently claiming welfare benefits. While the doctor's friends and colleagues might make some reaction to learning about these wrongs, avoiding her, or reporting her *to the relevant authorities*, the professional relationship does not provide the right standing to call the doctor to account for these wrongs (Duff, 2018: 80). Similarly, teachers stand in the *relevant relationship* to pupils to call them to account for their wrongs *at school*, particularly when the wrongdoing student is *their student*.

Teachers and schools are the relevant authority to call wrongdoing students to account for their wrongs at school since these wrongs harm all students when learning is disrupted. Those harmed include Aliya, her classmates, the wider school community (since Ms Smith's time and energy is taken up dealing with wrong rather than providing education), and Wesley himself. Children, unlike Duff's adult criminal offenders, cannot necessarily be presumed to already know why their conduct is wrong. It is imperative, rather than insulting, that moral and prudential education fortifies children engaged in wrongful conduct, developing their capabilities to resist temptations in future. Failing to educate through formative and remedial correction fails the educational purpose of the school, the professional responsibilities of the teacher and the relational responsibilities of teacher to student: to Wesley, Aliya, their classmates and the wider school community. Von Hirsch argues that criminal punishment should include prudential incentives to back-up pre-existing moral reasons to avoid criminal behaviour (Von Hirsch, 1993: ch 2). While, with Duff, we aim for moral understanding, it may be that the student only learns the prudential lesson. But while it is better to do the right thing for the right reasons, it is important to avoid wrongs (Peters, 2015: 272).

Communicative correction in the classroom

If correction is communicative, particularly in an educational setting, who is the audience? While there are good reasons to widen the audience, the primary audience is Wesley himself. Punishment is addressed to the guilty and not the innocent. To this end, it will be important to develop the learning opportunity presented by addressing Wesley's wrong in ways that facilitate his learning in particular. It is possible that Wesley had not engaged in or fully understood previous opportunities to learn that it is wrong to take what does not belong to us, and in this way remedial and formative correction overlap. However, it is reasonable to expect that he should have known better, Wesley's correction is primarily remedial.

Ms Smith has a duty to Wesley as his teacher to correct his wrongs. Furthermore, Wesley's correction is in the interest of the wider school community if it promotes either his rule-following or the rule-following of other students. Yet, while it is in the interest of the school community that Wesley receives remedial correction (or formative, or most likely a combination of both, with the remedial correction making the greater part), fortifying his ability to resist future temptation, it is also in the interest of the school community that all students have opportunities to learn these lessons as formative correction, enhancing their capabilities and raising standards.

Given the developmental ethos of education and educational purpose of the school, we have an educational reason to expand the learning opportunity as widely as possible. Something similar is found in penal thought as a secondary aim: punishing wrongdoers sets an example providing general deterrence, in turn dissuading those who witness the punishment from offending, particularly in a similar manner. Moreover, considering the educational purpose of the school in the context of the wider society, there is a wider social interest that all students at school should learn exactly the lessons that Wesley's remedial correction aims to provide to him.

We have an educational reason to share the lesson as broadly as possible to facilitate all students' learning. Furthermore, school community interest and social interest reasons add weight to sharing the lesson as broadly as possible. However, we may have further educational reasons to *restrict* the audience of the lesson, if it inhibits learning and frustrates fortification. For example, consider calling the whole school together in general assembly every time one student takes another's candy without permission, to remind all students that it is wrong to take what does not belong to us without permission. While this response might identify the wrong, identify the reasons for the wrong, help all students understand what *should have been* done instead, and further what *is now needed* to restore trust, repair relationships and respect rights, this response seems both disproportionate (to the nature of the wrong) and inconvenient. Interrupting lessons across the whole school may on balance frustrate the educational purpose of the school. Perhaps then we should concern ourselves more immediately with students who have witnessed the wrong: classmates who saw the candy-taking, rather than the whole school community.

While there are good educational reasons to broaden the audience when we can reasonably expect to avoid stigmatisation, Wesley's classmates' learning ought not to come at the cost of stigmatising him. There is no reason to expect that remedial correction should differ dramatically in this respect from other educational practices, and Malik Boykin et al. (2015) argue that stigma and stereotyping are likely to inhibit wider educational achievement. The criminology literature further suggests that stigmatisation can have a criminogenic rather than corrective effect (Lageson and Maruna, 2018: 126).

While Wesley's correction might diminish Wesley's standing with respect to his behaviour, appraising or evaluating his falling-short of expected standards, Wesley is still owed recognition and respect as a fellow person and school community member (Bennett, 2008: 153; Darwall, 1977: 36–49). Stigmatising Wesley and treating him in ways that suggest his learning is not our primary concern risks undermining Wesley's standing as an equal member of the school community, and risks undermining both his and his classmates' view of each other as equals. Responses to wrong that avoidably and

unnecessarily stigmatise students are impermissible since they inhibit learning, and because this undermines the conditions instrumental to moral equality.

Furthermore, Greene (2018) argues that poor behaviour is often linked with other educational substantive skills gaps, which are best addressed holistically (p. 24). So, focusing on Wesley's learning needs in the context of his other behaviour, relationships and individual challenges may facilitate his broader development. Nussbaum (2004) cautions against inviting children to feel shame, even when well-intentioned, and Goodman and Cook (2019) offer a detailed theoretical case against shaming practices in schools. However, Nussbaum suggests that spontaneous shame in relation to shamefull behaviour can be healthy, particularly for older children (pp. 214–228): Wesley may correctly feel ashamed of his wrong, but such self-invited shame is distinct from external stigmatisation. Wesley's classmates may learn *with* him, but not at the expense of his learning. I return to the possibility of constructive collaborative approaches to correcting Wesley's wrong, which can avoid exploiting Wesley as a mere means to the end of others' learning, in the final section of the article.

Practical complications and limitations

Prioritising Wesley's learning without stigma opens the possibility that, unlike criminal punishment, there may be sometimes a case for correcting wrongs privately, particularly if there are no witnesses or direct victims. Suppose Ms Smith knew that she alone had seen Wesley try and fail to steal from Aliya. In this case, highlighting the wrong may cause more harm than good. It may be appropriate for Ms Smith to require Wesley to stay after class to learn more about what she witnessed and address the attempted theft, rather than calling him out in front of his peers, especially if calling Wesley out embarrasses Aliya. Judgements about whether a given response will minimise stigma will be contextually informed. So, teachers who know individual students well will be best placed to understand the contextual information necessary to inform this judgement. Ms Smith may have justifiable educative reason for limiting the audience and responding privately to Wesley, if the purpose of addressing wrongs in an educational setting is fortification against future temptation, primarily for the wrongdoer.

I have discussed *ideal* audiences, according to the developmental ethos of education, and the educational needs of Wesley as the primary audience of the response to the wrong. However, ideal audiences will not always be possible. Some wrongs at school will demand an immediate response from teachers, with non-ideal audiences. Two clarifications must be made. First, teachers are human beings. The aims I have indicated to help produce justifiable responses to wrong are intended as a helpful guide. It should not be expected that they can be implemented in full on all occasions. I suggest rather that it is our sincere good-faith best efforts to do so that make punishment permissible. Second, we should distinguish between rule-enforcement and punishment practices. A criminal punishment example will help us here. Consider police officers apprehending a petty thief red-handed. This is an action of law enforcement, not punishment. Punishment follows at a later date, by a separate party, after hearing evidence. Teachers must fulfil both rule-enforcement and punishment roles.

Let's turn to an educational example of enforcement: suppose a fight breaks out in the corridor or schoolyard. For the safety of those involved, teachers must end the fight as soon

as possible. It is not possible to construct an ideal audience: we have an accidental audience. Some students who had not seen the violence will see the intervention, while some who saw the wrong may not see the rule-enforcement. Furthermore, one way to enforce rules against violence, swiftly ending the fight and physical danger to others might be to shame the actions of the participants (as distinct from the students themselves).

Rule-enforcement need not and should not be all that there is in adequately addressing this wrong. Measured, thoughtful discussion once heads have cooled is not precluded, which I discuss below. Practices of enforcement and punishment can be made more distinct, by making the rules, the expected enforcement practices, and responses to wrong, clear in advance and in terms that children can understand. This provides a context in which to understand both responses to wrongs, and teacher's enforcement actions in the moment.

Part of the good-faith correctional process might involve teachers explaining and, where necessary, apologising to students for their imperfect urgent enforcement responses. For example: 'I held your arm tightly. I am sorry that it was uncomfortable for you, but you were angry and other students were at risk'. This is important precisely because it models the appropriate responsibility-taking behaviour we seek to teach. Furthermore, it avoids problems of hypocrisy,[5] which may undermine the moral and prudential lessons, by undermining the teacher's authority to respond to the wrong. Duff similarly argues that the authority of the state to call criminal offenders to account is undermined by systematic injustices that have excluded the offender from the benefits of living in the community, *unless* the state is willing to be held accountable for the wrongs against the offender (Duff, 2001: 196, 2010: 139).

Correction, education and communicative content

What should Wesley be taught? Wesley needs to learn that he must not take what does not belong to him without permission. This may be both a moral and a prudential lesson. Taking what belongs to Aliya is wrong, since it disrespects her. Taking what does not belong to us is imprudent, since others will consider us untrustworthy; not to mention that this type of behaviour may ultimately lead Wesley to a criminal record, and associated collateral consequences (Hoskins, 2019). Moral education includes formative capability-building correction, and remedial capability strengthening correction. Prudential education backs this up, fortifying children with the social skills to live well in our shared, interdependent, social world, in the language of care ethics.

For Wesley, addressing his wrong also offers an educative opportunity to discuss alternatives. What Wesley did in taking the candy was wrong, how ought he to have behaved instead? As an older student, this lesson may be less important for Wesley. But, certainly for younger children, this may be an important formative correction opportunity. Ms Smith could lead a discussion framed around helping Wesley, brainstorming with other students other things he could have done that would have been permissible: he could have asked Aliya's permission to take a candy; he could have waited until break to do so. He could have respected her refusal, if she wasn't willing. He could have bought his own later. He could have explained the problem – that he missed breakfast and was hungry – to Ms Smith and asked for help. Wesley need not be exploited as a mere means

to the end of others' learning, but the occasion of doing right in response to his wrong creates a learning opportunity. A supportive discussion may help both Wesley and his classmates learn positive ways of responding and fortifying themselves against similar temptations.

Furthermore, as part of thinking about how Wesley might have responded differently to his situation, we might ask why Wesley acted as he did. While there will be occasions where students act in mean-spirited or selfish ways, Wesley's behaviour may say much more about him and his situation (that he was hungry and thoughtless) than it does about Aliya. Wesley's actions were not borne out of ill will towards Aliya in particular, and it may be important that Aliya and other students hear this from Wesley. Since there will be occasions in normal human lives when others will wrong us, this may allow all students, especially Aliya and including Wesley, to build resilience to and skills for addressing such situations. Although not part of the response to wrong in the sense of punishing Wesley, it may be important to acknowledge this as part of a wider formative learning opportunity, which Ms Smith might facilitate.

Moreover, as well as thinking about what Wesley *ought to have done* in place of his wrong, there may be merit in discussing what he might *do now* to try to put things right. With her consent, Aliya might be involved. Classmates might again help brainstorm suggestions. Perhaps Wesley should apologise. Perhaps he should replace the candy that was lost on the floor. Perhaps he should offer to help Aliya by bringing her materials for the next lesson or leave her alone if she prefers. Perhaps he should help Ms Smith by tidying the room during break, or help the caretaker clean up any mess. This allows a creative approach to repairing the harm cause, and the possibilities of mending the relationships between Wesley, Aliya, the class and Ms Smith. Students might learn from making mistakes, but making good and doing right to repair his wrong is a further learning opportunity. I have described these processes in order to reflect on the moral and prudential content that children might need to learn following a wrong, and how this might in some circumstances be possible as a collaborative collective exercise. The processes outlined here are similar to restorative justice practices. Some schools have adopted these practices, which have been used to address bullying. I turn now to these questions of method.

Communication, fortification and restoration

Restorative justice is a broad umbrella term, covering a broad array of practices including direct and indirect mediation, group conferencing, circle sentencing and practices where victims are not involved at all (e.g. as a reflective exercise, offenders may write letters addressed to victims that are never sent). However, Sherman and Strang's (2007) comprehensive meta-analysis found face-to-face methods most effective for criminal matters (as either a diversion out of the criminal justice system, or as part of a criminal sentence). Face-to-face practices also produced greater satisfaction levels for both those who had committed criminal offences, and their victims (Maxwell and Morris, 1993: 118–119, 121; Shapland et al., 2011: 140). While all restorative processes differ, face-to-face meetings facilitated by a trained moderator generally offer an opportunity to recount and discuss the wrong and its impact: first to victims, then wrongdoers and then perhaps other supporting parties where invited, before agreeing to a way forward. It is these

discursive, open and engaged practices, producing and revising plans of action, to restore fractured relations and repair harms that Margaret Urban Walker notes as being central to caring practices.

Restorative justice practices are used in criminal justice processes, inside and outside of prisons, in many Western jurisdictions, including England and Wales, Continental Europe, the United States and Australia, addressing both minor crimes and serious violent offences (Sullivan and Tifft, 2006: Section I, 17–22). Restorative justice has a much broader application than merely criminal wrongs, and has been used to address gross human rights abuses and transitional justice processes, for example, Truth and Reconciliation processes in post-apartheid South Africa, in Serbia and in Rwanda (Sullivan and Tifft, 2006: Section V, esp Chs 24, 25, 27). Restorative justice has been used to address civil neighbourhood disputes in several US states, England and Wales, and Australia (Sullivan and Tifft, 2006: 25).

Jean-Pierre and Parris-Drummond (2018) note that restorative practices derived from the above alternative criminal justice practices have been applied in schools. Restorative practices view misconduct as stemming from a 'fracture in the relationship between the student and the school community rather than a breach of norms' (p. 418). They argue that neither fractured relationships, nor the harm and needs that follow student misconduct, are addressed by punitive responses. Responses to wrong which remove the wrongdoing student prevent the repair of relationships and remove opportunities for the wrongdoing student in particular to learn from the wrong (Jean-Pierre and Parris-Drummond, 2018: 418). In short, they frustrate remedial correction and fortification for the wrongdoing student. The authors report that 'restorative schools' use collective efforts across the school community to create and sustain a healthy school climate and disciplinary practices that students perceive as fair, through the building of 'caring and nurturing relationships between students and school staff' (Jean-Pierre and Parris-Drummond, 2018: 417–418). Such practices resonate with characterisations of caring as efforts to 'maintain, continue, and repair' the shared social world so that we can live in this complex web of interconnections 'as well as possible' (Tronto, 1993: 103). Some existing schemes in 'restorative schools' employ a peer-mentor approach, empowering students themselves to play a part in helping to resolve conflicts and respond to wrongs (Jean-Pierre and Parris-Drummond, 2018: 424). Restorative approaches allow for the consensual engagement of wrongdoers, victims, witnesses and students as facilitators, in the learning occasion of doing right in response to wrong.

Other strength-building approaches are more wrongdoer-focused, and might be appropriate to avoid shaming. Greene's 'collaborative and proactive' problem-solving approach, is one such example. The first step is the 'empathy step', where adults engage openly with the child to understand their concerns and difficulties holistically. Second, adults explain the child's unmet expectation or falling short of expected standards. Finally, the child and adult work together on a solution that addresses both sets of concerns (Greene, 2018: 25–26). This mirrors the stages of practical care-giving to build capabilities, echoes the empathy of open engagement and is an exemplary practice of caring-with introduced earlier. Further parallels with these practices are found in the literature on alternative criminal justice practices of problem-solving jurisprudence, which aims to support criminal adults in complying with sentence requirements (Berman and Feinblatt, 2001). Whereas we have seen that stigmatisation is identified as likely to

inhibit learning, empowering young people to take responsibility is identified as a practice more likely to successfully challenge and change behaviours than shame or coercion (Larson, 2010: 25).

Both restorative and problem-solving practices create space for talking calmly about the wrong, what a better action in the situation *would have been* and allows for collaboratively identifying ways of repairing harm, to consider what *should now be done*. Discussions create learning opportunities and allow for positive feedback from teachers. These inclusive processes aimed at maintaining relationships also model in practice more appropriate behaviours. In both the cases, the teacher's manner and approach will be important. While teachers are human and cannot be expected to be endlessly patient and supportive, the core skills needed overlap with the communication and formative correction, which is a part of everyday learning.

Identifying wrongs and taking responsibility for them is a key part of both restorative and problem-solving approaches, but positive feedback from teachers may be as important for remedial correction. Recent research suggests that children and adolescents are able to identify the emotional impact of 'helping' and 'hurting' their peers (Recchia et al., 2015: 865). However, while they are able to consider both their own and others' needs in cases of 'hurting', children and adolescents were less able to draw positive lessons about their own motives, perspectives, emotions or understandings from occasions when they have helped others (Recchia et al., 2015: 873). It may be particularly important, therefore, for Ms Smith to highlight the good that Wesley now does in taking responsibility, or in taking steps to repair harm and to make good. Even if Wesley's attempts are flawed, teachers can identify the intention to make things right, and explore with students how to improve this. Positive feedback further serves to undermine stigma that would otherwise inhibit their learning. For instance, Wesley may learn that while he did wrong and must take responsibility, he is also capable of doing better. This one wrong act need not define him, or his future. Restorative justice would be inappropriate for minor administrative wrongs, such as bringing incorrect materials to class. Yet for many types of schoolroom wrongs, the opportunity to learn by doing right may present a more valuable learning opportunity for Wesley and his classmates than learning from the initial mistake or wrong. To foster the moral fortification and prudential development of all the children in their care, teachers and schools should aim to respond to wrongs in ways that hold wrongdoers accountable without stigmatising the wrongdoing student. In addition to building positive skills, repairing harm and restoring relationships; avoiding stigmatisation begins to model better forms of behaviour, and facilitates learning by doing right in response to wrong.

Conclusion

I have offered a defence of morally and prudentially educative responses to schoolroom wrongs. These responses provide remedial and formative correction to strengthen the capabilities that fortify young people against the temptation to do wrong. This approach acknowledges educational, school community and wider society reasons for broadening wrongdoer's remedial correction to include formative correction to benefit other students. However, to be permissible, I have argued that practices should minimise stigmatising and stereotyping wrongdoers, since this jeopardises the effectiveness of students' learning. Responses that avoidably stigmatise students impermissibly undermine both

the developmental ethos of education, and students' recognition and respect for each other as equals.

I have proposed aspirational aims, drawing on Howard's fortification theory of the justification of criminal punishment, to guide us towards justifiable practices of responding to wrong. The approach sketched here draws on restorative justice and problem-solving approaches to addressing and correcting children's wrongs. This permits collaborative practices that include other students, and shares the opportunity to learn from doing right in response to wrong, allowing students to learn by making good rather than learning only by making mistakes.

This article offers the beginnings of a conversation between care ethics, penal philosophy and the philosophy of education. As with criminal punishment authorities, teachers and schools must respond to wrongs in non-ideal circumstances, with limited time knowledge and resources. Distinct from criminal punishment, teachers and schools must both enforce rules and provide correctional responses to wrongs. Doing the right thing in these circumstances is not easy. Responding to children's wrongs in ways that foster their developing capabilities and provide appropriate correction and guidance is a complex challenge. I suggest this challenge is best negotiated through the open engagement and communication central to care ethics and necessary for education, and exemplified in alternative approaches. These practices model the moral and prudential behaviours we seek to teach through correction: doing the right thing is not easy, but we must try our best in good faith, and learn together.

ORCID iD

Helen Brown Coverdale (iD) https://orcid.org/0000-0002-9441-0611

Notes

1. This paradigm is challenged in a forthcoming special issue of the *Journal of Applied Philosophy* on 'Non-Paradigmatic Forms of Punishment'.
2. See Howard's (2017) worries on Hampton's position (pp. 68–69).
3. I am grateful to John Tillson for this example.
4. I am grateful to my first teacher, Sue Humphreys, for her formative correction in this area.
5. Further discussion on hypocrisy can be found in John Tillson and Kartik Chatterji Upadhyaya *Taking Hypocrisy to School: doing Better together*, an unpublished manuscript presented at Mancept Workshops 2019.

References

Bennett C (2008) *The Apology Ritual: A Philosophical Theory of Punishment*. Cambridge: Cambridge University Press.

Berman G and Feinblatt J (2001) Problem-solving courts: A brief primer. *Law & Policy* 23: 125–140.

Brownlee K (2016) I – The Lonely Heart Breaks: On the right to be a social contributor. *Aristotelian Society Supplementary Volume* 90(1): 27–48.

Coverdale HB (2018) Punishment and welfare: Defending offender's inclusion as subjects of state care. *Ethics and Social Welfare* 12(2): 117–132.

Coverdale HB (2020) Caring and the prison in philosophy, policy and practice: Under lock and key. *Journal of Applied Philosophy*. DOI: 10.1111/japp.12415.

Darwall SL (1977) Two kinds of respect. *Ethics* 88(1): 36–49.

Duff RA (2001) *Punishment, Communication, and Community (Studies in Crime and Public Policy)*. Oxford: Oxford University Press.

Duff RA (2007) *Answering for Crime: Responsibility and Liability in Criminal Law*. Oxford: Hart Publishing.

Duff RA (2010) Blame, moral standing and the legitimacy of the criminal trial. *Ratio* 23(2): 123–140.

Duff RA (2018) *The Realm of Criminal Law: Criminalization*. Oxford; New York: Oxford University Press.

Duff RA, Lindsay F, Marshall S, et al. (2007) *The Trial on Trial: Volume 3: Towards a Normative Theory of the Criminal Trial*. Oxford: Hart Publishing.

Engster D (2007) *The Heart of Justice: Care Ethics and Political Theory*. Oxford: Oxford University Press.

Gilligan C (1982) *In a Different Voice: Psychological Theory and Women's Development*. Cambridge, MA; London: Harvard University Press.

Goodman JF and Cook BI (2019) Shaming school children: A violation of fundamental rights? *Theory and Research in Education* 17(1): 62–81.

Gouws A and Van Zyl M (2015) Towards a feminist ethics of ubuntu: Bridging rights and ubuntu. In: Engster D and Hamington M (eds) *Care Ethics and Political Theory*. Oxford University Press, pp. 165–186. Available at: http://www.oxfordscholarship.com/view/10.1093/acprof: oso/9780198716341.001.0001/acprof-9780198716341 (accessed 28 October 2018).

Greene RW (2018) Transforming school discipline: Shifting from power and control to collaboration and problem solving. *Childhood Education* 94(4): 22–27.

Hampton J (1984) The moral education theory of punishment. *Philosophy & Public Affairs* 13(3): 208–238.

Hoskins Z (2019) *Beyond Punishment? A Normative Account of the Collateral Legal Consequences of Conviction Studies in Penal Theory and Philosophy*. Oxford; New York: Oxford University Press.

Howard JW (2017) Punishment as moral fortification. *Law and Philosophy* 36(1): 45–75.

Jean-Pierre J and Parris-Drummond S (2018) Alternative school discipline principles and interventions: An overview of the literature. *McGill Journal of Education* 53(3): 414–433.

Kittay EF (2002) When caring is just and justice is caring. In: Kittay EF and Feder EK (eds) *The Subject of Care: Feminist Perspectives on Dependency (Feminist Constructions)*. Lanham, MD: Rowman & Littlefield, pp. 257–276.

Lageson SE and Maruna S (2018) Digital degradation: Stigma management in the internet age. *Punishment & Society* 20(1): 113–133.

Larson S (2010) Strength-based discipline that taps into the resilience of youth. *Reclaiming Children and Youth* 18(4): 22–25.

Levinson M and Fay J (eds) (2016) *Dilemmas of Educational Ethics: Cases and Commentaries*. Cambridge, MA: Harvard Education Press.

Malik Boykin C, Mendoza-Denton R and Patt CE (2015) Stigma. In: Rubie-Davies C, Stephens JM and Watson P (eds) *The Routledge International Handbook of Social Psychology of the Classroom*. London: Routledge Handbooks Online.

Maxwell GM and Morris A (1993) *Family, Victims and Culture: Youth Justice in New Zealand*. Wellington, New Zealand: Social Policy Agency and Institute of Criminology, Victoria University of Wellington.

Nussbaum MC (2004) *Hiding from Humanity: Disgust, Shame, and the Law*. Princeton, NJ: Princeton University Press.

Peters RS (2015) *Ethics and Education (Routledge Revivals)*. London: Routledge.

Recchia HE, Wainryb C, Bourne S, et al. (2015) Children's and adolescents' accounts of helping and hurting others: Lessons about the development of moral agency. *Child Development* 86(3): 864–876.

Sander-Staudt M (2015) Caring reciprocity as a relational and political ideal in Confucianism and care ethics. In: Engster D and Hamington M (eds) *Care Ethics and Political Theory*. Oxford University Press, pp. 187–207. Available at: http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198716341.001.0001/acprof-9780198716341 (accessed 28 October 2018).

Sevenhuijsen S (1998) *Citizenship and the Ethics of Care: Feminist Considerations on Justice, Morality, and Politics*. London: Routledge.

Shapland J, Robinson G and Sorsby A (2011) *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders*. London: Routledge.

Sherman LW and Strang H (2007) *Restorative Justice the Evidence*. London: Smith Institute.

Slote M (2001) *Morals from Motives*. New York: Oxford University Press.

Sullivan D and Tifft L (2006) *Handbook of Restorative Justice: A Global Perspective*. London: Routledge.

Tharp RG and Gallimore R (2010) *Rousing Minds to Life: Teaching, Learning, and Schooling in Social Context*, 1st Paperback edn. Cambridge: Cambridge University Press.

Tronto JC (1993) *Moral Boundaries: A Political Argument for an Ethic of Care*. New York: Routledge.

Tronto JC (2013) *Caring Democracy: Markets, Equality, and Justice*. New York: New York University Press.

Von Hirsch A (1993) *Censure and Sanctions*. Oxford; New York: Clarendon Press.

Walker MU (2006) The curious case of care and restorative justice in the U.S. context. In: Hamington M and Miller DC (eds) *Socializing Care: Feminist Ethics and Public Issues*. Lanham, MD: Rowman & Littlefield, pp. 145–162.

Author biography

Helen Brown Coverdale is a legal and political theorist, teaching contemporary political philosophy in the Department of Political Science at University College London. Her research focus on the ethical qualities of the relationships and interactions between individuals and with the state, and include care and relational ethics, relational equality, social justice, human rights, and penal theory.