

**JOHANNES L VAN DER WALT**

## **A (NEW) DISCURSIVE FRAMEWORK FOR DEALING WITH THE PROBLEM OF UNSAFE SCHOOLS**

### **Introductory remarks**

The problem of unsafe schools, in the sense of schools being afflicted by incidences of violence, crime and general anti-social behaviour, is a worldwide problem (Skiba & Peterson, 1999: 1-11; Bucher & Manning, 2010: 160). Not surprisingly, the literature on the subject tends to centre on two issues: understanding the problem, and avoiding or combating the problem (Skiba, 2012: 27). This paper focuses on the second by presenting a discursive framework for thinking about school safety based on four premises about tolerance, and by particularly focusing on the capability approach.

### **Two less acceptable approaches to tolerance as measures to ensure school safety**

#### *The standard approach to tolerance*

The standard notion of tolerance is where a person or institution with power imposes certain actions to address a problem (Galeotti, 2014: 2). According to Galeotti's definition of this approach, a principal and school governing body, as the potential tolerators of the unacceptable practices, views and actions of certain learners in the school, have the right to interfere (accept or reject) with such practices because they possess the power to do so. This, as she indicated (Galeotti, 2014: 2, 5), was typical of despotic rulers who governed "from above" and dispensed justice as they saw fit.

This "vertical" notion of tolerance is unacceptable as a means to ensure school safety. It is at odds with the rule of law and with the doctrine of human freedom and basic rights that is characteristic of liberalism in a democracy. The normative theory of liberalism has changed tolerance from an act of grace "from above" of the sovereign to recognition of the universal rights flowing from the liberty of citizens.

#### *Zero tolerance policies*

School managements tend to adopt a zero tolerance policy when serious violence is perpetrated in the school to such an extent that normal pedagogical measures in their opinion cannot counteract the problem (Skiba & Peterson, 1999: 1). Zero tolerance policies usually take the form of a set of rigid descriptions of what is regarded as unacceptable behaviour combined with a similarly rigid set of actions that have to be taken to remove each problem from the school (Daniel & Bondy, 2008: 1). The prescribed action seldom leaves any discretion to educators, the principal, school administrator or the governing body, and more often than not leads to the suspension of a learner or even expulsion from school. A zero tolerance policy presupposes the use of all kinds of punitive or retributive punishment.

Zero tolerance policies have been criticized for various reasons, including the fact that a promising learner might be deprived from education after just one misdemeanour. Educators and management tend to over-zealously apply the norms

of zero tolerance. The policy leaves very little discretion to educators and school managers. A zero tolerance policy is a simplistic, standardized and often inconsistent approach to a complex problem (Skiba & Peterson, 1999: 7, 10; Daniel & Bondy, 2008: 1). Its application also elicits issues about fairness and equity and it could be harmful to establishing a culture of respect for human rights. It tends to give equal treatment to unequal situations; it is a form of generalised retribution for a generalised evil (Skiba & Peterson, 1999: 9). To treat learners in this manner amounts to an a-pedagogic, even anti-pedagogic approach to learners, an approach characterised by a lack of caring, understanding and individualization. It criminalizes young people, which is unacceptable in an educational context. In addition, suspension and expulsion work contra-productively in terms of expected school outcomes. It is furthermore based on retributive and punitive justice instead of preventive measures. It treats both major and minor incidents with equal severity (Skiba & Peterson, 1999: 3).

It is no wonder that Daniel and Bondy (2008: 1) regard a zero tolerance approach as not equitable, socially responsible or pedagogically justifiable. It only succeeds in sending a message to the students that the administration is still in charge instead of the school taking responsibility for addressing the problems that students might be struggling with. A zero tolerance policy embodies the indiscriminate use of force without regard for its effect, and that is a hallmark of authoritarianism which is incompatible with the transmission of democratic values to children (Skiba & Peterson, 1999: 9).

Another crucial question is whether a zero tolerance policy does not constitute a violation of a basic right of a learner who, for instance, oversteps the line for the first time and gets suspended from learning opportunities. In line with Galeotti's (2014: 3) guidelines a zero tolerance approach should be intolerantly rejected since it also contravenes the harm principle. It would have been more prudent to follow a less rigid policy which allows school managers and governing bodies leeway to decide between omission (to overlook or excuse) and commission (to punish or take remedial steps). To be totally intolerant of others and their behaviours amounts to a refusal to engage with moral dilemmas and shows a lack of understanding, respect and moral imagination.

#### **Four forms of conditional tolerance on the basis of which the safety of a school can be ensured**

##### ***Tolerance as recognition of differences***

The principal and the governing body of a school should keep in mind that, as Furedi (2012: 30-31, 37) has argued, tolerance represents a positive orientation towards creating the conditions where people can develop their autonomy through their freedom to choose how they wish to think, believe and behave, each in his or her own way. As such, tolerance is clearly one of the most important democratic values (Saulius, 2013: 49).

For the principal and governing body to be tolerant involves decision-making based on the value system and ethical standards of the school, reasonable argument, a respect for difference (Potgieter, Van der Walt & Wolhuter, 2014: 3), the freedom in which one can express oneself (Joe, 2011: 6) and the context in which a certain view is expressed or a certain behaviour is conducted (Van der Walt, 2014).

Tolerance affirms the freedom of conscience and individual autonomy of both the tolerator and the tolerated (Furedi, 2012: 31). Tolerance therefore represents a positive appreciation of the necessity of diverse views and conflicting beliefs (Furedi, 2012: 37).

In line with Boersma's (2012) view, it can be said that the freedom and autonomy of the individual should not be seen as absolute and total. Learners are not totally free to do as they wish; they have to conform to the standards set by the school. This does not mean that the school authorities have to be tolerant of all views and behaviours. To be tolerant does not mean to be non-judgmental, uncritical of the views and actions of others, or that educators do not have the right to evaluate and to discriminate (distinguish between what is acceptable and what not) (Furedi, 2012: 31-37; Boersma, 2012). They may indeed be critical of learners / students, their views and behaviours but this does not mean that they reject them as human beings. Their wish to peacefully coexist with them does not deprive them from the right to differ from them on the basis of their own strong views, rooted as all personal views are in personal value systems. To be truly tolerant of others and their differences does not mean that the school authorities should be blind to the personal, social and cultural contexts in which a certain action is couched. Daniel and Bondy (2008: 13) are correct in stating: "Equal treatment in an unequal social and academic environment is discriminatory."

It is clear that the concept of tolerance only makes sense in the context of difference(s); if we were all the same, there would have been no need for tolerating others, their views and behaviours (Saulius, 2013: 50). Tolerance only comes to the fore when an individual realises that s/he has no alternative but to tolerate the views and behaviours of others from whom they differ for the sake of peaceful coexistence in the school. Tolerance as recognition of differences, besides acknowledging that all members of the polity have the same basic human rights, aims at the recognition of the differences among people as legitimate components of contemporary pluralism. In this way, the bearers of those differences are seen and accepted as full and equal members of the polity, in this case the school (Galeotti, 2014: 9).

#### ***Tolerance as empathy and compassion with others***

The school authorities have to understand the moral problem that the perpetrator of the violence presents them with. They have to show empathy with his or her situation and through the application of moral imagination place them in his or her shoes. This will help them understand what drove the learner to that particular form of behaviour and might also suggest certain steps for successfully addressing the problem (Skiba & Peterson, 1999: 9-10; Daniel & Bondy, 2008: 15-16; Bucher & Manning, 2010: 160-163). While dealing with the person and the moral problem that he or she confronts them with they are allowed, indeed expected, to express their own judgment of the perpetrator's views and behaviours, evaluate the behaviour in terms of the norms of the school as formulated in its code of conduct, but all of this should be done with the ideal of peaceful coexistence in the back of their mind. It is important to note that refusal to engage with others about the motives and principles of their actions can be seen as a lack of understanding and empathy, and hence as intolerant behaviour (Nussbaum, 2001: 417; Wright, 2009: 413-428; Saulius, 2013: 54).

### ***Tolerance as respect for others and their rights***

All members of a specific society or polity should enjoy the same measure of respect (Galeotti, 2014: 8). In liberalism, tolerance has a much wider scope than in the standard approach: not just freedom from persecution by those in power but also respect for the equal rights of all citizens. In addition, authorities in a liberal society such as school governing bodies should feel themselves bound by only three principles: the principle of neutrality, the promotion of a positive *modus vivendi* and the harm principle (Galeotti, 2014: 5). In this context, tolerance constitutes one of the most important preconditions for social justice, fairness and democracy; without it we cannot be free, and we cannot live with one another in relative peace (Furedi, 2012: 30-31, 37). In a liberal, human rights context, political and state institutions are not supposed to express any likes or dislikes or approval or disapproval of views but should only provide conditions for their peaceful coexistence (Galeotti, 2014: 5). This implies that only in cases where the views or acts of a person disturb the peaceful coexistence of the members of society or of a school, may steps be taken against the transgressor. The problem here is, however, that in (school) communities constituted by a majority and many minorities the neutrality of the governing body might become compromised through being dictated to by the social standards of the majority, which then become the standard for all behaviour in the school (Galeotti, 2014: 6).

The act of tolerance demands reflection, restraint and respect for the right of other people to find their own way to the truth (Furedi, 2012: 32), but this does not mean that one has to uncritically and non-judgmentally accept what others believe and do (Joe, 2011: 8). Acts of judgment, evaluation and discrimination are integral to the act of tolerance. Efforts to evade the challenge to engage with moral dilemmas can be seen as a way of avoiding difficult moral choices (Furedi, 2012: 32). Schools and school governing bodies, in their capacity as organs of the state are in no position to permit or to deny a learner to do or wear anything that is within the bounds of the law. All it can do is to legitimize in the form of a public declaration that a given practice or behaviour, if it does not infringe on any right as enshrined in the Constitution of the country or the schools act of the country, is legitimate in a pluralist society (Galeotti, 2014: 10). By the same token, a view or an act that infringes upon any right as inscribed in the law of the country may and should be denounced and the necessary steps taken to counter it.

### ***Tolerance as the development of the inherent capabilities of others***

One has to keep in mind that the school is a complex organisation: it will always remain difficult to envision how every stakeholder in the school can think, choose or act without being influenced in one way or another by the working of all the influences around them (Sen, 2010: 244-247). It is therefore unacceptable to apply a one size fits all type of approach to school violence. A school is a complex societal relationship in which various stakeholders are involved and in which the interest of every participant should be striven for (Ng, 2013: 45), including that of a perpetrator of violence. A violent incident might be a symptom of a much more complex problem in the school or in the community; simplistic answers and reactions therefore might not be appropriate. While attending to the matter of procuring a safe school, the principal and the governing body should be aware of the fact that the situation is fraught with imponderables and non-describable uncertainties and that

they will have to deal with these to the best of their ability (Möller et al., 1999: *passim*). They have to extract from the situation what they think might work to ensure a safe school.

The capability approach (CA), applied together with complexity theory, provides a suitable normative framework for the principal and the governing body to assess and evaluate the well-being of all in the school, and the social arrangements in the school that would lead to a positive school climate and to school safety. The main focus of the CA is what all the people connected to the school are able and willing to do effectively, their capabilities as human beings (Robeyns, 2005: 4). The school management should focus on the premise of capability theory that all the people connected to the school should be helped to be and to become what they are able to do in a way that is worthy of their dignity as human beings (Nussbaum, 2000).

The constraints of a conference paper do not allow exploration of all the possibilities of a capability-couched-in-complexity approach to the issue of ensuring school safety. I can only draw an outline. Firstly, school management and educators should ask what the educators and the learners in the school are able to do, and what they value as human beings. They then have to ask themselves what they can do to promote the well-being of all and the good life that is desired by all concerned, and how they can form the school into an equitable and just society. The third step is to determine as far as possible what each participant in the school values and how they can be supported to attain those values, particularly how they can be supported in making decisions towards those ends. Educators should afford all learners the freedom to strive for such valued ends, thereby helping them flourish as engaged actors in bringing about the school that everyone wishes for (Cockerill, 2014: 13). To be able to do all of this, educators should possess the necessary “practical wisdom” (*phronesis*) or good judgment to make assessments and decisions about how to act to help their students to achieve basic social goods in ways which enable a good life and which shape the *habitus* of each learner. As Bessant (2014: 150) points out, this does not mean to allow the student free reign as far as taking decisions and acting are concerned; it rather means to possess the capacity to be context-sensitive, to know each student and their needs, their dispositions and interests, and to know how to guide the student in choosing between viable alternatives, and in working out how to pursue the ends they value. In practice, says Bessant, it means helping students establish how and why they might act to change aspects of their lives for the best, and what action is required in specific situations to achieve that. Each educator should develop for him- or herself a “phronetic pedagogy.”

The value of the CA lies in the fact that it centralises issues such as the freedom of individuals, their right to choose, their capabilities, the good life in and of the school and all concerned, diversity, values, differences, complexity, care, affiliation (which requires trust and cooperation; the capability to make sound judgements through critical sensitive interpretation, and the capability to relate to others with compassion, care, and with respect for the dignity to every individual (Cockerill, 2014: 14)), deliberation, ethical enquiry, reflective practice and social action in our efforts to make schools safer places. The capability of affiliation with the school and with all of those in and attached to the school is of the greatest importance in the

establishment of a school as a safe place, given that Nussbaum (2001: 417) defines affiliation as “being able to live with and towards others, to recognise and show concern for other human beings, to engage in various forms of social interaction, to be able to imagine the situation of another...[and] being able to be treated as a dignified being whose worth is equal to that of others.”

### Concluding remark

The last four premises regarding tolerance and capabilities provide the vocabulary necessary for reflection about the creation of schools as safe places. As Skiba (2012: 28, 33) rightly concluded, safety in schools and academic opportunity are not exclusive. By employing strategies to teach learners what they need to know to get along in school and society, we strengthen the learners, the social systems and communities.

### References

- Bessant, J. (2014): A dangerous idea? Freedom, children and the capability approach to education. *Critical Studies in Education*, 55(2), 138-153.
- Boersma, P. (2012): *Personal communication*. The Netherlands: Besturenraad.
- Bucher, K. T. & Manning, M. L. (2010): Challenges and suggestions for safe schools. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*, 76(3), 160-164. Published online 2010. Accessible at: <http://tandfonline.com/loi/vtch20>
- Cockerill, M. P. (2014): Beyond education for economic productivity alone: The Capabilities Approach. *International Journal of Educational Research*, 66, 13-21.
- Daniel, Y. & Bondy, K. (2008): Safe schools and zero tolerance: Policy, program and practice in Ontario. *Canadian Journal of Educational Administration and Policy*, 70, 1-20. February 28. Accessed on 30 November 2014 at: [files.eric.ed.gov/fulltext/EJ806990.pdf](http://files.eric.ed.gov/fulltext/EJ806990.pdf)
- Furedi, F. (2012): On Tolerance. *Policy*, 28(2), 30-37.
- Galeotti, A. E. (2014): The range of toleration: From toleration as recognition back to disrespectful tolerance. *Philosophy and Social Criticism*. Published online 23 November 2014 at: <http://psc.sagepub.com/content/early/2014/11/20/0191453714559424>
- Joe, D. (2011): *Review of F. Furedi's 'On Tolerance: A defence of moral independence'*. (Continuum Publishing). Retrieved July 2, 2014, from [www.manchestersalon.org.uk/on-tolerance-frank-furedi.pdf](http://www.manchestersalon.org.uk/on-tolerance-frank-furedi.pdf).
- Möller, B., Beer, M., Graf, W. & Hoffmann, A. (1999): Possibility theory Based Safety Assessment. *Computer-Aided Civil and Infrastructure Engineering*, 14, 81-91.
- Ng, F. S. D. (2013): Leadership learning through the lens of complexity theory. *Human Systems Management*, 32(1), 43-55.
- Nussbaum, M. C. (2000): *Women and human development: The capabilities approach*. Cambridge: Cambridge University Press.
- Nussbaum, M. C. (2001): *Upheavals of thought: The intelligence of emotions*. Cambridge: Cambridge University Press.
- Potgieter, F. J., Van der Walt, J. L. & Wolhuter, C. C. (2014): Towards understanding (religious) (in)tolerance in education. (<http://dx.doi.org/10.4102/hts.v70i3.1977>, Ed.) *HTS Teologiese Studies / Theological Studies*, 70(3), 1-8.
- Robeyns, I. (2005): The capability approach: a theoretical survey. *Journal of Human Development and Capabilities*, 6(1), 93-117.

- Saulius, T. (2013): What is “tolerance” and “tolerance education”? Philosophical Perspectives. *Ugdymas. Kuno Kultura. Sportas. Socialiniai Mokslai*, 89(2), 49-56.
- Sen, A. (2010): *The idea of justice*. London: Penguin Books.
- Skiba, R. & Peterson, R. (1999): The dark side of zero tolerance. Can punishment lead to safe schools? *Phi Delta Kappa International* 23 March. Accessible at <http://www.pdkintl.org/kappan/kski9901.htm>
- Skiba, R. (2012): The future of zero tolerance. *Reclaiming Youth and Children*, 22(4), 27-33. Winter.
- Van der Walt, J. L. (2014): *Measuring religious tolerance in education*. Retrieved July 2, 2014, from <http://www.driestar-educatief.nl/research/religious-tolerance>
- Wright, R. (2009): *The evolution of God*. New York: Little, Brown and Company.

Prof. Dr Johannes (Hannes) van der Walt  
North-West University  
South Africa  
[hannesv290@gmail.com](mailto:hannesv290@gmail.com)