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Introduction

“And what does the Lord require of you but to do justly, to love mercy, and to walk humbly with your God?” (Micah 6:8, NKJV)

In one of the greatest masterpieces in Western literature, *Les Misérables*, Victor Hugo (1997) illustrates the pernicious struggle between two men whose destinies are intertwined through their relentless efforts to uphold competing perspectives of morality. For one, police inspector Javert, imposing severe penalties offers the only alternative for punishing offenders in the name of justice. For the other, Jean Valjean, modeling the unmerited forgiveness of a bishop forever changes him as the bishop tells him: “Jean Valjean, my brother, you no longer belong to evil but to good. It is your soul that I buy to save it from black thoughts and from the spirit of damnation, and I give it to God” (Hugo, 1997, p. 112).

This inspiring epic invites readers to evaluate the consequences of life’s choices and the ethical perspectives behind these choices, since essentially the dilemma in Hugo’s (1997) novel poses ultimate questions of morality. To educators whose work with children necessitates multiple choices on their behalf, morality plays a large part in carrying out these decisions. Similar to the conflicting views of Javert and Jean Valjean, choices are often dictated

by a teacher’s view of justice and mercy, and balancing these competing moralities poses significant challenges because each action sets consequences in motion for others.

Contemporary Ethics Based on Rationality

In my ethics class, we discuss the theories of Immanuel Kant and John Stuart Mill, which are based on “those [decisions] that decide the rightness or wrongness of an action in terms of its consequences, as in consequentialist ethics, and those that do not, as in nonconsequentialist ethics” (Strike & Soltis, 1998, p. 11). In their book, *The Ethics of Teaching*, Strike and Soltis offer ways in which ethics can be objectively discussed through these two particular theories, and although other perspectives are available (virtue ethics, ego ethics, divine command theory, and others), the ethics of Kant and Mill exemplify ways to objectively and rationally consider issues imperative for maintaining a moral classroom (Strike & Soltis, 1998, p. 5).

Kantian Ethics

For Kant, ethical choices should be dictated by both duty and the law, which he defines as the categorical imperative: “Act on that maxim whereby thou canst at the same time will that it could become a universal law” (Pojman, 1994, p. 139). Basically, the categorical imperative asks the question, “Can my moral action be applied to all cases of the same kind?”

To Kant, universal laws influence the way we make decisions, creating a morality that has its ultimate source in rationality. Therefore, moral rules are not mere arbitrary conventions or subjective standards; they are objective truths, which are grounded in the rational nature of human beings. In other words, we know what is morally correct when we ask questions about our responsibilities to others. Morality, then, does not consider the results, but rather upholds the intentions that initiated the

actions into being (Strike & Soltis, 1998). For a Kantian, justice would override mercy in cases where mercy resulted in unequal treatment to anyone or where the actions could not be universally applied.

Kant's second formulation of the categorical imperative is the principle of ends, which requires one to "act as to treat humanity, whether in [one's] own person or in that of in any other, in every case as an end and never merely as a means" (Strike & Soltis, 1998, p. 147). Because all humans possess dignity and worth, they must never be used to achieve the ends of the general good. Since we are not mere objects, we must recognize the unconditional worth of others and treat them as valuable in themselves.

Mill's Utilitarian Ethics

On the other hand, John Stuart Mill's theories of utilitarianism claim that the rightness or wrongness of an act should be determined by the goodness or badness of the results that flow from it. It is the end, not the means, which counts: the end justifies the means. Since the goal of utilitarianism is to promote human flourishing and ameliorate human suffering, it places a great deal of faith in the outcome, making this decision potentially more detrimental, in the long run, to some individuals. A utilitarian focuses on what is often referred to as benefit maximization, which means that our concerns should be centered on achieving the greatest happiness for the greatest number of people (Strike & Soltis, 1998).

The second aspect of Mill's theories is the utility principle, which states that "the only thing that is good in itself is some specific state" like pleasure or happiness (Strike & Soltis, 1998, p. 111). Therefore its strength lies in an absolute response to all moral questions and offers a way in which one can go about alleviating human suffering. By maximizing pleasure and minimizing suffering, this theory appears to be impartial through its emphasis on the happiness of the majority over the minority. Mill's theories would appear to support mercy over justice, although one might ask, who is receiving the mercy and at whose expense?

Teacher Case Studies of Ethical Dilemmas

In a recent case study assignment for my ethics class, a teacher describes her experience with a student whom she saw sniffing something up his

nose with a rolled up dollar bill. Knowing the students' affiliation with gangs, including a background in juvenile hall, the teacher had seen positive changes in the student in the past year. She writes:

He was a success story in the making. He had been in some trouble and was on probation, but had really turned things around and was doing well in school. He had earned all the credits he needed to graduate, and his family was very proud of him. They were so proud of him in fact, that they had family coming all the way from Mexico to see him graduate and celebrate his great success. Now the teacher is in a position of having to make a decision: Does she report the student and risk his losing everything he worked so hard for, or does she overlook it so he can experience the success that has been out of his reach for so long? (Wallace, 2010, p. 3)

Although this teacher's particular dilemma was more difficult than those experienced by most educators, decisions of whether to enforce justice or grant mercy to their students mystify classroom teachers consistently throughout their careers. Of course, each case presents its own unique challenges, so no one-size-fits-all option exists; sometimes it seems that the student needs to learn a lesson; whereas at other times a student just needs some grace extended to the situation at hand. Unfortunately, there are times when both options seem viable and reasonable.

Relying on Kantian ethics, the teacher in the above case study would have turned in the student. Wallace (2010) states:

Morally, it would not be right for me to overlook something that is blatantly wrong and against the law. If I were to overlook the incident, I would be going against school policy of not reporting suspicious or erratic behavior, as well as the fact that my ability to do my job, which involves protecting myself and those around me, would be called into question. (p. 4)

Using this ethical perspective, a teacher abiding by Kant's moral position would have to displace personal feelings about that student's unique

situation and apply to him what she would do for any student in violation of the same laws.

However, if the teacher in the above case study followed Mill's utilitarian principles, the outcome would be completely different. If she reported his actions to the principal, he would be removed from class, he would be arrested because he was on probation, and he would not be able to participate in the graduation ceremony. She writes:

Using Mill's theory, I would choose to overlook the incident. By doing so, I would save a lot of anger and heartache for everyone involved, not to mention the fact that the student would also end up back in jail after he had been doing so well. The greatest good for the greater amount of people would be the premise of my decision. (Wallace, 2010, p. 5)

The advantage of the teacher's decision to follow Mill in this case would certainly result in a happier student and a more optimistic future; however, the outcome is only a prediction of the future, since the results can't really be known. In truth, the teacher could be establishing a precedent with that student's life, which could actually be undermined in the future: Did the student know he got away with something? Could ignoring the action create unforeseen problems later in this student's life?

The Christian Teacher's Response

Ethical dilemmas challenge all educators. Whether they are from faith or non-faith backgrounds, moral issues do not discriminate. In a helping profession like teaching, where a child's future is at stake, partial, or even faulty information, can provide disastrous results. Occasionally these moral decisions must be made at a moment's notice: Fail the student? Give the student a second chance? Report the student to authorities? Call the parents?

For Christian teachers, there is an additional challenge based on scriptural directives to be merciful, because aren't we all, in the long run, desperately in need of mercy? Commands like, "Judge not, lest you be judged," offer a substantial warning against setting ourselves up as judge and jury against another person. Nevertheless, an indulgent act of mercy can encourage a sense of entitlement among our students, whereas a strident and unyielding call for justice undermines what seems to be at the heart of the gospel.

Over last 35 years I have taught in Christian higher education and have been on the faculty where various institutional policies have run the gamut of two extremes. Some of these colleges seem to offer all grace with no accountability, in which students can use a personal crisis or a prayer meeting to get out of doing their course work, while other Christian institutions endorse an opposite position: accountability with no grace, requiring students to follow the strict mandates of the university's policies under threat of expulsion.

Even more disconcerting is the struggle to find an appropriate biblical response among the perplexing set of options and at times these even appear to be contradictory. For example, accountability is necessary for growth and scripture validates the need for responsible action. The book of Proverbs states: "People who accept correction are on the pathway to life, but those who ignore it will lead others astray" (10:17, RSV). Nevertheless, forgiveness underlies the gospel's core and is demanded of us before we ourselves can be forgiven (Luke 6:37). In his discussion of what appears to be conflicting messages in the gospel regarding justice and mercy, C. S. Lewis (1943) writes:

That explains what always used to puzzle me about Christian writers; they seem to be so very strict at one moment and so very free and easy at another. They talk about mere sins of thought as if they were immensely important: and then they talk about the most frightful murders and treacheries as if you had only got to repent and would be forgiven. But I have come to see that they are right. What they are always thinking of is the mark which the action leaves on that tiny central self which no one sees in this life but which each of us will have to endure – or enjoy – forever. (p. 87)

It seems that Lewis recognizes what Jesus tried to teach us – that the human spirit cannot thrive without forgiveness but that it cannot mature without accountability.

Jesus demonstrated elements of both justice and mercy in his relationships during his life on earth, reflecting his immense capacity for mercy as well as his divine sense of justice. We are provided with examples in scripture where Christ welcomed

outcasts like harlots and tax collectors, while rejecting pillars of the community like scribes and Pharisees. As he turned over the tables of the moneychangers and challenged the hypocrisy of the Jewish leaders, Jesus' message of justice did not preclude his message of grace and forgiveness; in fact, his anger toward the mercenaries in the temple was fueled by his compassion for the masses that were being taken in by their greed. This delicate balance does not come easily to those of us who want to follow Christ's example; so how do we reconcile the disparities without losing our balance, emphasizing one action while ignoring the other? How do we extend grace while remaining true to high academic standards? How do we enforce justice without losing generosity of spirit?

Applying Mercy with Accountability

Sometimes the inevitable eventually arises: the student's continual infractions require that the teacher address the aberrant behavior. In her book, *Caring: A Feminine Approach to Ethics and Moral Education*, Nel Noddings (1984), proposes an ethic for the caring relationship between student and teacher, claiming that by attaching the best possible motive to the student, the teacher can then reach out to the child and address the behavior without shaming the child. She writes:

When the teacher confronts a child cheating, she may say, "I know you want to do well," or "I know you want to help your friend," but she then explains how difficult it is for her to work from a faulty diagnosis. She may talk about fairness and caring for other classmates. But she does not attribute grubby motives to the child. She explains why he, or she, who wants to do well and right, should not do this particular thing. (p. 124)

One of my colleagues tells a story about a student who informed her that her sister had suffered a stroke, so she gave her an extension on an assignment due in the course. After the course was over, the student emailed my colleague and confessed that she had lied about her sister. Rather than revoking her grade, my colleague decided to make the student's moral error a teachable moment. She writes that she arranged to meet with the student "to discuss the consequences of her decision-making and strategies for the future" (N. Brashear, personal communication, August 7,

2010). Regarding the whole situation, my friend humorously stated that she planned to scare her a little, saying,

I think the judicious use of fear—in conjunction with administering grace—is a great tool for a teacher. I also sincerely hope that this accountability/mentoring session will be represent enough of a moment of "grace" that it will impact her actions in the future in a positive way. (N. Brashear, personal communication, August 7, 2010)

As teachers we make hundreds of decisions involving moral issues during our careers, and in some small way the grace we extend to our students will hopefully reflect the grace that God gives to us. It is never cheap grace; a difficult lesson is always learned, but if we are willing to receive God's grace in the way it is given, we find ourselves capable of forgiving others as well as ourselves.

So what should Christian teachers do when faced with a justice or mercy decision? Is it really that different from any other teacher's position toward students? In his article, *Can We be Good Without God?*, Glen Tinder (1993) distinguishes between the Enlightenment view of equality established by our country's forefathers and the Christian view of destiny. With equality, individuals are ranked beside one another, but Tinder states that the Christian concept of love, agape, undermines our natural inclinations to rank and evaluate one another. He claims that in contrast, "agape means refusing to take place in this process" (p. 175), by accepting others unconditionally. When the process of mutual scrutiny is lifted, all are free to be themselves. This unique view challenges the concept at the heart of our constitutional beliefs that "all men are created equal." To those of faith, the idea that all share a destiny creates a possibility within each person, meaning that one's destiny is personal, and despite one's social or economic status, destiny makes us more than just equal; it makes us incomparable and therefore worthy of attention (Tinder, 1993).

How might this concept of destiny be applied to Christian teachers' actions toward their students? Certainly fairness is common to all educators. However, recognizing Tinder's (1993) distinction between the constitutional belief that supports equality and fairness and the Christian view of

incomparable destiny, Christian teachers must enlarge their vision to include possibilities for that destiny. Yet expanding one's vision may not mean giving the students what they want or even seem to need at the moment. We know this about the very nature of God: his grace does not preclude his sovereignty.

Deciding Between Justice and Mercy

Both parents and teachers know that one of the most demanding parts of working with children is just paying attention to what their behavior says. The easy response is to ignore the tantrum, the cheating student, the bullying in the hallway, and some might even think they are extending mercy by virtue of allowing it to pass – this time. Sometimes the difficult work is right in front of us, and recognizing a person's destiny might include refusing to allow it to be compromised because of our unwillingness to get involved or create a scene. Are we being merciful or cowardly? We must facilitate growth in our students by insisting that they become responsible people; perhaps justice is the clarifying action here.

However, the idiosyncratic nature of individual relationships requires us to consider the opposite of paying attention, which could be hyper-focusing on student behavior in a way that negates his or her own sense of self-determination. Parents demonstrate this phenomenon when they hover around their children in ways that keep them dependent and powerless. In some cases, paying attention results in mercy rather than justice. Such is the case of a high school teacher who overheard a conversation about a gang fight from a student in her class. Horrified about the information, the teacher struggled with the decision of whether or not to reveal what she overheard to the authorities. Instead, she created a lesson emphasizing the importance of one's actions and she found surprising results; the student was in tears for some time after the lesson and told her later that he was making changes in his life and avoiding the friends who were trouble makers.

In this teacher's experience, as well as in my colleague's story, both chose to mentor their students instead of punishing them for obviously poor choices. By giving attention to their students' behaviors through caring responses, these teachers demonstrated how it is possible to disapprove of the deed while still caring for the doer. Regarding our

need to detach from our students' actions, Noddings (1984) claims that two essential elements of caring are engrossment and motivational displacement. The one caring (the teacher) is attentive to the cared for's (the student) needs, but is willing to displace personal motives in order to attend to that person, even if it is momentary. She writes:

When we watch a small child trying to tie her shoes, we often feel our fingers moving in sympathetic reaction. This is motivational displacement, the sense that our own motive energy is flowing toward others and their projects. I receive what the other conveys, and I want to respond in a way that furthers the other's purpose or project. (as cited in Reed & Johnson, 2000, p. 223)

An essential manifestation of all forms of caring for others is through relationship, which is also at the heart of our Christian faith, and relationships have their own DNA: no two are alike. To prescribe an action that can be applied to all teachers in a given situation is as difficult as it is to prepare teachers for the actual experience of teaching a room full of students with their unique backgrounds and personal stories. Recognizing this impossibility, Noddings warns that "one cannot say 'Ah, this fellow needs care. Now let's see – here are the seven steps I must follow.' Caring is a way of being in relation, not a set of specific behaviors" (as cited in Reed & Johnson, 2000, p. 224).

Other Ethical Considerations

In his article, *Ethics, Justice, Prophecy: Cultivating Civic Virtue from a Levinasian Perspective*, Clarence Joldersma (2008) proposes how teachers can cultivate a democratic pathos in students through practicing the ethical stance of justice described by Emmanuel Levinas. Unlike the preceding rational arguments of Kant and Mill, Levinas attempts to discuss ethical possibilities by considering the relational aspect of making moral decisions. His position serves as a contrast against the moral basis of rationalism in favor of a more postmodern position of relationship-based ethics. He states: "From the beginning my infinite responsibility to the Other is compounded by the presence of the third party, who also calls for my undivided infinite responsibility" (Joldersma, 2008, p. 264). Emphasizing the respect of the Other at the forefront of one's choices, however, justice requires the consideration of a third party, and even beyond

known individuals to include strangers. Levinas then makes a distinction between a single ethical choice and a civic responsibility: ethics requires an irremissible obligation for the other; justice is transformed into a concern for all.

It would seem that Levinas is merely reiterating Kant's categorical imperative, but Joldersma (2008) further describes how the idea of justice complicates the relation to the Other, because it is compounded by the presence of a third party:

In my relation to any particular student as Other, all of the other students are already present. In my infinite responsibility to any one of them as Other, the third party already appears, and my responsibility must be divided among them – justice must be done. (p. 266)

For Levinas, assessing one's responsibility to not merely one as Other but also to all parties requires a reflective consciousness, where a third action, prophecy, is required, which not only considers Others but also speaks up for them. This additional action distinguishes it from Kant's duty, because duty protects through obligation, whereas Levinasian ethics requires speaking up on behalf of goodness (Joldersma, 2008, p. 266).

Evolving Ethical Perspectives

As I reflect over the changes in my own pedagogical decisions spanning the decades of my career, from my twenties as a young professor whose inexperience kept my policies objective and formalized, to a more nuanced and less certain version of myself, I have discovered the advantages of adapting to each school's ethos and the individual needs of my students. As an undergraduate professor I taught in Christian universities in which the enrollment consisted of white, upper middle and middle-class students from evangelical backgrounds. Learning to balance the demands of justice and mercy meant reminding them of their increasing responsibilities as young adults, or helping them differentiate between a crisis that needed attention and an inconvenience that needed time. My caring role required mentoring in ways that encouraged maturity, focus, empowerment, and independence.

Now as a graduate professor, my students' ethnicities and culturally unfamiliar religious backgrounds have challenged me to listen to their

stories and unique situations before assigning penalties for past-due papers. Some of my students are single parents; others are women who are enrolled in graduate studies amidst disapproving families who discourage their ambitions based on their gender. While I hope to model responsible scholarship, I also realize that when students' personal challenges become so overwhelming that it would be easier to just quit, I need to reassess my expectations without diminishing my standards. (Of course, there are always those students who consistently cancel conferences, come to class sporadically, and are never prepared; they are not hard to identify and they rarely deserve our mercy.)

As teachers we never know whose lives we are influencing, and sometimes we actually hear from a student who was a recipient of our insistence that justice be served. In fact, we even may find that the student is grateful that we held our ground in the power struggle or standoff. We may also hear from the student whom we pulled into the center from the sidelines and who appreciates being the recipient of our attention and concern. I have a folder titled "ego builders" containing letters from students who, over the years, have expressed appreciation for my actions toward them, both merciful and judicious, and they continue to remind me that I got it right sometimes.

Perhaps the best way to arrive at that balance between justice and mercy in the classroom is to look within ourselves rather than at our students, for we know that, while our influence on our students' lives may be noteworthy, for the most part, our connections with them are essentially short-lived and transitory. It would help us to ask ourselves, during those moments where justice had to be administered, did anger take over? When making a decision, was there an ulterior motive of resentment toward that student? In Lewis' (1943) previous quote, he discusses the significance of the small actions we take that leave a mark on that "tiny central self which no one sees in this life but which each of us will have to endure – or enjoy – forever" (p. 87). We will probably never really know how much we may have affected most of the students that we teach. At the end of the day, the year, or the decade, we are reminded of the decisions we made during those moments when our best selves summoned us to do what seemed to be the right

thing at the time, and that may be the greatest comfort of all.

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