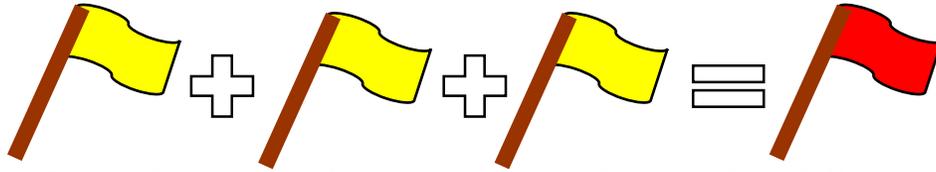
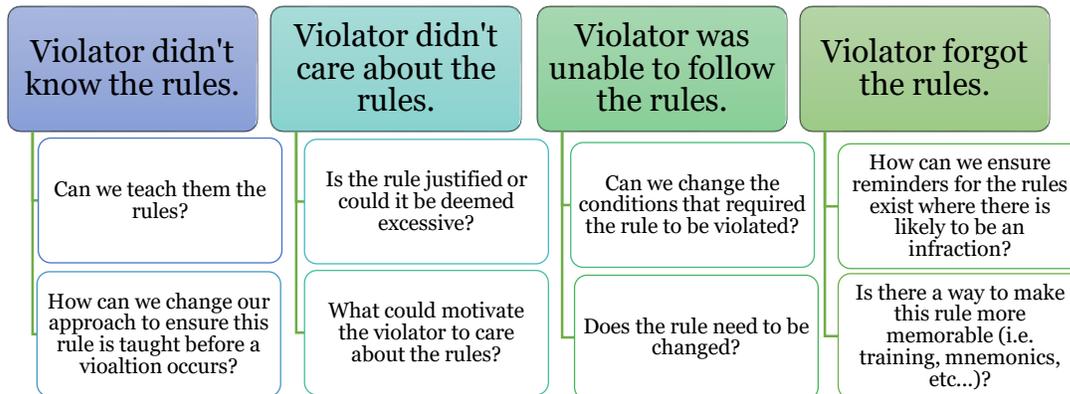


BREAKING RULES

The goal with all of this is to remember that **people are good and behaviors have reasons**. People generally are not causing a behavioral issue for no apparent reason. Often behavior issues are the result of a **cascade of events**: when lots of little things add up to a big thing (i.e. lots of “yellow flag” behaviors resulting in a “red flag” incident, or more concretely, a group or individual repeatedly feeling shafted by decision making finally lashes out).



Behavior issues almost always *come from somewhere*, whether it be a different reward system where the behavior was learned, a need for attention, or similar. It may stem from a deficit of needs, in which case it might be worth checking out **NEEDS BASED ORGANIZING**. The reality is that good people break rules all the time, typically for four reasons outlined below. In each case, the best way to approach the rule violation is a) remembering, via the Waterline Model, to focus on structural issues *first* and b) asking the following questions.



It's pretty easy to deal with three of the four reasons people break rules. You either make changes in the system not providing them with resources they need, you educate people, or you develop a memory-based system. These are organizational and educational challenges. Only responding to the “I don't care about the rule” category is really behavioral.

This gets into a tricky place. The first step is to ask of these people is **why don't they care?** Consider:

- Is it a dumb rule?
- Is it a necessary rule?
- Are they able to see who benefits from the rule?
- Is this a rule we need because of a higher power (state agencies, etc...)?

The best way to figure out why they do not care is ask them why they do not care. This is the beginning of behavioral response that respects the agency of the rule breaker. You are crediting them with the likelihood that they have a good, well-intentioned reason for doing what they do.

SAFETY NOTE: If the rule violation is an immediate threat to your safety, your group's safety, the safety of property, or the safety of the perpetrator, intervene! See CHALLENGES OF IMMEDIATE HARM.

PRAISE and PUNISHMENT

The classic methods of rule enforcement involve carrots and sticks. But remember, this is predicated on a certain social assumption we tend to operate under, namely:

There are established rules (or norms). These are broken. When broken, there must be punishment. Alternatively, when not broken there can be a reward.

This is not the way a system of governance has to operate (see **MANY FACES OF JUSTICE**). But because it tends to be the habitual approach for most folks in traditional, western society it merits some exploration.

PUNISHMENT: THE STICK

Punishment is the authoritative imposition of an undesirable or unpleasant outcome upon a group or individual, in response to a particular action or behavior that is deemed unacceptable or threatening to some norm. So punishment can include any time you have to impose your will against someone else's – that is actually a pretty common occurrence in a traditional leadership setting, or when working with kids.

Some punishments are inherent to a system of behavior. This is the concept of **direct feedback**. If you violate a norm or a rule, something bad happens. Often a foot injury is a direct result of violating the rule to not walk around barefoot – that's direct feedback. And other punishments may not be the intention of a justice system, but just a result of human nature in a group. If you act like a jerk, people will turn against you, even if it's not because of a specific rule or assigned punishment.

Research suggests that punishments stop or change a behavior only in the moment the punishment is applied, and only when the source of the punishment is present and in power. In these cases they work exceptionally well, but they aren't serious prompters of behavior change.

And remember, even the lightest punishments involve intentionally doing harm to a human being, and create a non-consensual power dynamic.

PRAISE: THE CARROT

It is easy to criticize punishment, but praise is generally well regarded. But even here there are subtleties, especially in the broader sense of a reward.

Research shows rewards work well for (a) mindless tasks that (b) have a clear end goal. But in complex tasks they tend to kill creativity while showing a limited ability to change behavior. Additionally, rewards run the risk of what we call the "brownie points" phenomena. Namely, you should not get brownie points for basic social expectation.

It is entirely possible that giving someone candy for NOT being rude to a neighbor will convince them to be polite. But they are being rewarded for NOT doing wrong, rather than doing RIGHT

exceptionally well. Additionally, that shows that they are being polite in a mindless sense, not actually adjusting their social relationship with another – that is a very complex task, and for that a reward schedule does not work.

Additionally, praise or rewards for absolute states of being present a predicament. Praise should be towards efforts, and not accomplishments. It is easy to say “you’re very good” or “you’re very smart,” but these are absolutes. If you only reward people that receive a certain grade you ignore all the effort and differing conditions facing those people. Instead, if you must use rewards, benchmark rewards individually based on identifiable levels of growth.

Remember, too, that rewards are rewarding for their novelty! If you can’t sustain a reward schedule, and your behavior change is dependent upon it, you’ll be in trouble!

MAKING PRAISE AND PUNISHMENT WORK

These are not useless tools, they are simply overused tools. In the right setting and circumstance, praise and punishment can work. A few ways to do this:

(1) Let the recipient set the terms **in advance**.

In a complex sense, this can be a written agreement where they lay out their own expectations, rewards, and punishments. In a simple setting (or with younger kids), have them make a promise (i.e. “promise you won’t run”). Then if the rule is violated, it’s not “I told you not to”, it’s “you told me you wouldn’t.” This preserves their agency.

(2) Make it a **competition**.

Competitions can be a useful way to motivate someone through a task, and they can use reward and punishment. But it must be directed, control for outliers (i.e. you win because of what is immediately relevant to the goals, not because of your height, strength, etc... - there must be an even playing field). Set a rubric, of sorts, for how you win the competition. Praise and punishment simply become an anticipated, accepted, and agreed upon part of a common system – and the desired behavior or task gets done.

(3) Make it **relevant**.

If you must use praise and punishment to manage behavior, make sure the rewards or punishments relate to the offense or somehow help to resolve the original program. Arbitrary or cruel punishments only breed resentment, and resentment only threatens the system which gives you the power to praise and punish in the first place!

MANY FACES OF JUSTICE

Your typical praise-and-punishment justice system is actually only one of many possible justice systems. Like any social structure, it is something we create. You could have a justice system that operates entirely on the doling out of jellyfish to the third cousins of any victim of a crime. It might not make a lot of *sense*, but we could do it.

The traditional justice system used in most western countries now proceeds along the following logical path:

- (1) There are rules.
- (2) What rule was broken?
- (3) Who broke that rule?
- (4) What is an appropriate punishment?

But there are other approaches. Restorative justice, for example, proceeds along a different path:

- (1) There are needs.
- (2) Who was harmed?
- (3) What needs – both of victim *and* perpetrator – are going unmet?
- (4) How can we meet those need *and* restore the community's needs (i.e. trust, function, etc...)?

And distributive justice looks at everything in the sense of resources:

- (1) What goods (wealth, power, food) need to be distribute?
- (2) Between what entities (humans or otherwise) must this be distributed?
- (3) How can we distribute them in accordance with our values?

The reality is that any system of justice must come into play in tense situations. The goal of a justice system should be to *minimize* the tension and maximize a group's acceptance of the outcomes. That means a lot of negotiating and balancing needs. Useful skills can come from **NEEDS BASED ORGANIZING, CONFLICT RESOLUTION**, and **FEEDBACK EXCHANGE**.

There are other ways to manage a justice system, and very few of them involve intricate jellyfish exchanges. They do involve questions, however, such as:

- 1) Do people have rights, if so, what?
- 2) Who do we hold **accountable** for actions: individuals? Individuals and their families? Their group of origin?
- 3) Who do we hold **responsible** for actions: individuals? Individuals and their families? Their group of origin?
- 4) What do we consider right? What do we consider wrong?
- 5) Who should manage our administration of justice?
- 6) Are rules inherent to reality (i.e. natural consequences that we discover and codify) or do we just create them?
- 7) What if someone things something is unjust that others think is just?

...and so on. These are really tough questions! It's worth thinking through them, just for kicks. Fortunately, a lot of people have come before us and done that very thing. They've come up with a variety of examples of different ways justice can be wrought – but it is far from a conclusive list!

JUSTICE AND THE CATTYWAMPUS

Once upon a time, on the shores of the Big Two Hearted River on a canoe trip, Joel the Cattywampus (names changed for privacy) threw my perfectly crafted grilled cheese forged from the fires of a sycamore-fed fire. I was wronged. My grilled cheese was lost to me. What sort of justice could be wrought?

RESTORATION

Focuses on responses that attempt to meet the needs of community members that have gone unmet. That refers to both victim and violator, with the idea that once those needs are “restored” and there is a sense of community satisfaction and ability to perform, justice has been served. For example, my need may have been for me to enjoy my creation – perhaps had I been given a chance to have another one, my need would be met and we could continue. Perhaps Joel has a need to put things into flames that could be better respected. There is no right answer – the challenge is in the conversation.

REPARATION

Rests on responses that cause, by force or volunteerism, violators to repay victims. The repayment should be to a degree that is considered equivalent to the violation, which is where much of the negotiation takes place. This is common in criminal justice systems via fines or payments for emotional damages. Joel would have to make me a new sandwich.

REHABILITATION (or EDUCATION)

This would focus on Joel – I have lost my grilled cheese, and can only rest easy knowing we are attempting to ensure he never throws grilled cheese into the flames again. Rehabilitative responses exist to reform behavior and minimize the likelihood of a recurrence, offer Joel counseling to see if we can reduce his desire to throw perfect sandwiches into the corrupting flames.

DENUNCIATION

We would express disapproval at Joel’s actions, perhaps to try to shame him out of future actions.

DETERRENCE

We are going to do whatever it takes to deter Joel from doing this again, so slap his hands when he reaches for a grilled cheese.

RETRIBUTION

Responses that simply punishes because a wrong was committed, to a degree that is considered equivalent to the violation. There is a rule telling us what happens when a sandwich is cast into the fire, and we apply it. If there isn’t a rule, we make it, we apply it, and we use it again in the future.

INCAPACITATION

We decide Joel is a threat to the integrity of the community, and we absolutely cannot allow him to commit this crime again. We chop off his hands.

The reality is that you can use any mix or number of these approaches, and there are a thousand varieties in between. These just are useful ways to start to look at the concept – realize that what you may see as just at first glance is one of a number of options you can explore.