

RESTORATIVE JUSTICE AND CONFLICT RESOLUTION: ACTIVATING THE ETHICAL DIMENSION OF THE MAXIM "HARM MUST BE ELIMINATED" IN DEVELOPING STUDENTS' SOCIAL COMPETENCE

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Abstract: This study addresses the ethical and educational dimensions of the major jurisprudential maxim "Harm Must Be Eliminated" (Al-Darrar Yuzal) from a modern educational perspective that focuses on Restorative Justice as an ethical approach contributing to the enhancement of students' social and emotional competencies. The paper posits that the jurisprudential principle mandating the elimination of harm and prohibiting its requital with equivalent harm serves as a philosophical foundation for developing educational policies that are just and humane. These policies integrate Sharia principles with modern concepts of educational justice. The study focuses on two main concepts: (1) Equity and Fairness in the distribution of educational resources and opportunities, and (2) Teaching Conflict Resolution Skills as a means of eliminating emotional and behavioral harm. The research adopted the Inductive Analytical Methodology to derive the maxim's implications and compare them with theories of social justice and peace education. Results indicate that the maxim "Harm Must Be Eliminated" is not merely a jurisprudential tool but an operational ethical system capable of reshaping educational policies to foster a spirit of fairness, reduce exclusionary penalties, and cultivate in students the values of understanding, responsibility, compassion, and self-reform.

Keywords: Educational Justice; Restorative Justice; Conflict Resolution; Equity in Education; Social Competence; Harm Must Be Eliminated.

INTRODUCTION AND THEORETICAL FRAMEWORK:

Justice is a pivotal value in the educational structure of any society striving for ethical sustainability and human development. Education is not merely a process of knowledge transfer but an ethical practice built on the principle of balance between rights and duties, and between freedom and responsibility (Noddings, 2018). In the Islamic context, the jurisprudential maxim "**Harm Must Be Eliminated**" embodies this balance in its finest form. It does not only affirm the obligation to eliminate harm inflicted upon individuals but also specifies the controls for its removal so that it does not turn into a new or greater harm. This vision makes the maxim a preventive and reformatory approach simultaneously, suitable for application in the school environment to achieve **educational restorative justice**.

Recent decades have witnessed a fundamental shift in the philosophy of school discipline internationally, with many educational systems transitioning from **Punitive Justice** to **Restorative Justice**. Restorative justice is founded on the principle of repairing relationships and reintegrating the wrongdoer instead of punishing them through exclusion or stigmatization (Morrison & Vaandering, 2021). While the punitive approach focuses on "Who is wrong?" and "What is the punishment?", the restorative approach asks "Who was harmed?", "How can the harm be repaired?", and "Who should participate in the solution?" (Hopkins, 2018). This approach deeply intersects with the ethical objective of the jurisprudential maxim "**Harm Must Be Eliminated**".

From a foundational perspective, the maxim includes three fundamental stages in dealing with injury:

1. **Prevention before occurrence** (Averting detriment).
2. **Elimination upon occurrence** (Lifting harm).
3. **Prohibiting requital of harm with equivalent harm** (Controlling correction and penalty).

This last stage is the core of the current study, as it represents what is known in education as **Balanced Justice**, which eliminates injury without vengeance or humiliation (Al-Zarqa, 1989; Al-Zuhayli, 2006).

The Muslim educator is not content with correcting the error but strives to rebuild trust, in fulfillment of the Almighty's saying: **"Repel [evil] with that which is best, and thereupon, the one whom between you and him was enmity [will become] as though he was a devoted friend"** (Fussilat: 34).

1.1 The Ethical Dimension of Harm in Education

Harm, in the educational perspective, is a multi-dimensional phenomenon, encompassing physical, psychological, social, and symbolic injury. Discrimination, verbal abuse, exclusion, bullying, and excessive punishments are all forms of harm that impede a student's balanced growth (Gregory et al., 2016). Recent studies indicate that traditional punitive policies in schools increase dropout and violence rates, while restorative justice leads to their reduction by 30–50% (Evans & Lester, 2020). This makes the maxim **"Harm Must Be Eliminated"** an integrated ethical framework for dealing with school behaviors in a way that achieves the Sharia objectives of compassion and reform, rather than punishment alone. From this standpoint, restorative justice is an educational extension of the jurisprudential maxim, seeking to achieve **justice through restoration, not retribution, and reform, not revenge**, a cardinal principle in Islamic education (Al-Bar, 2019).

Al-Shatibi asserts in Al-Muwafaqat that the objective of the Sharia is founded upon lifting hardship and averting harm from those held accountable (al-mukallafūn). He states: "The establishment of the Sharia is indeed intended to guide the individual away from the impulses of their whims... and to be based on lifting hardship and burdens and averting corruption and harm from those held accountable".

This text reinforces the teleological nature (maqāsidīyyah) of the jurisprudential maxim "Harm Must Be Eliminated". It reveals that the objective of averting harm is not a minor ruling, but a fundamental, constructive principle in the philosophy of Sharia itself. This justifies its integration into educational policies aimed at mitigating injury, limiting exclusionary punishments, and achieving equity in addressing student behavior. (Al-Shāṭibī. (1997). Vol. 2, pp. 20–21).

1.2 Justice and Equity as Pillars of Education

Jurists affirm that the elimination of harm is a religious obligation, but with the condition that the elimination does not lead to a new harm. In this context, Islamic education offers an advanced vision of justice : a justice based on compassion, not severity , and an equity that restores balance without nullifying individual differences. In modern educational thought, the OECD defines equity in education as "the ability to guarantee equal opportunities and distribute support commensurate with learners' needs to realize their potential" (OECD, 2019). This concept corresponds in Sharia to the principle of "Differentiation in granting according to need, not absolute equality," meaning that justice is not formal standardization, but the realization of the supreme interest for every individual (Al-Zuhayli, 2006).

Thus, the jurisprudential maxim "Harm Must Be Eliminated" provides a flexible foundation upon which educational policies can build their vision of restorative justice, ensuring that harms resulting from discrimination or excessive punishment are eliminated without causing equivalent harm.

Ibn Taymiyyah emphasizes the applied social dimension in the rules of interaction, stating: "What is customary ('urf) is like what is stipulated as a condition, for custom is authoritative...".

This jurisprudential foundation deepens the understanding of the school context from a legal perspective. It links the maxim "Harm Must Be Eliminated" with the consideration of established educational customs. These customs include rules of discipline, the limits of pedagogical authority, and forms of social support.

Consequently, the assessment and elimination of harm also become linked to the educational custom. This custom determines what constitutes offensive, humiliating, or emotionally injurious behavior. This alignment is entirely consistent with the vision of Restorative Justice, which relies on the active social context rather than abstract rulings. (Ibn Taymiyyah. (1995). Majmū' al-Fatāwā. Vol. 29, p. 147; Vol. 30, p. 266)

1.3 Restorative Justice in Light of Islamic Education

Restorative justice is viewed in Islamic jurisprudence as the realization of the objective of eliminating corruption and restoring balance. Ibn Al-Qayyim stated: "The Sharia is based on and its foundation lies in wisdom and the welfare of the servants in this life and the hereafter; it is entirely justice, entirely compassion, and entirely welfare" , meaning that any educational policy that deviates from compassion and justice falls into contradiction with the spirit of Sharia (Al-Zuhayli, 2006). Consequently, a school punishment that inflicts permanent psychological injury on a student is not reform but a multiplication of harm. This idea aligns with global educational trends that view misconduct in school as a learning opportunity, not an occasion for punishment (Morrison & Vaandering, 2021). Instead of expelling or humiliating the student, a dialogue is opened with them to repair the relationship, transforming the harm into an educational experience. This approach reflects the essence of the jurisprudential maxim, which rejects the principle that "Harm is eliminated by harm" and affirms that reform must be proportionate, compassionate, and constructive (Al-Zarqa, 1989).

1.4 Research Questions

1. How can the concepts of educational Justice and Equity be derived from the jurisprudential maxim "Harm Must Be Eliminated"?
2. What is the relationship between the jurisprudential maxim and teaching Conflict Resolution Skills as a tool for eliminating behavioral and emotional harm?

3. How do these concepts contribute to developing students' social and emotional competencies in light of modern Islamic education?

1.5 Methodology

The research adopted the Comparative Inductive Analytical Methodology, including the following steps:

- **Jurisprudential Induction:** Collecting and analyzing the foundational texts that address the major maxim "Harm Must Be Eliminated" and its branches, such as "Harm is not eliminated by harm" and "Specific harm is tolerated to avert general harm" (Al-Zarqa, 1989).
- **Comparative Analysis:** Linking those concepts to modern approaches of Restorative Justice and Moral Education, as found in the works of (Hopkins, 2018; Morrison & Vaandering, 2021).
- **Applied Analysis:** Applying the jurisprudential principle to the Saudi and Arab school environment, exploring ways to integrate restorative justice into educational policies.
- **Conceptual Consistency Verification:** Comparing the maxim with models of Peace Education and Social Emotional Learning (SEL) (CASEL, 2020; UNESCO, 2021).

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2. Educational Concepts Derived from the Maxim and Their Ethical Applications

Two main concepts were derived from the third stage of dealing with harm, which prohibits the requital of harm with equivalent harm:

1. Equity and Fairness in the distribution of educational resources and opportunities.
2. Teaching Conflict Resolution Skills as a tool for eliminating emotional and behavioral harm.

2.1 Equity and Fairness in the Distribution of Educational Resources and Opportunities

First: Jurisprudential and Ethical Grounding This concept relates to the social core of the maxim "Harm Must Be Eliminated", as it obligates society and institutions to eliminate any form of injustice or bias that leads to psychological or educational harm. Jurists historically addressed the issue of resource distribution based on the maxim of justice, as stated by Imam Al-Ghazali: "Justice is the foundation of civilization, and by it, dominion is sustained" (Al-Bar, 2019). This vision transforms into a contemporary educational policy when translated into principles such as: equal educational opportunities, support for affected groups, and addressing disparities in academic performance through individualized support tools. Absolute equality may sometimes lead to new injustice, while equity means distributing resources according to need, not formal resemblance (OECD, 2019). Thus, the jurisprudential maxim "Harm Must Be Eliminated" offers a flexible foundation upon which educational policies can build their vision of restorative justice, ensuring that harms resulting from discrimination or excessive punishment are eliminated without causing equivalent harm.

Second: Restorative Justice as an Educational Practice In modern schools, the concept of restorative justice emerges as a mechanism for distributing penalties and support fairly, considering the individual, not just the act. Studies (Gregory et al., 2016) show that applying restorative justice reduces school expulsion and dropout rates, and enhances trust between the student and teacher, which positively impacts academic achievement. Conversely, excessive punitive practices demonstrate reverse effects on student behavior, generating feelings of injustice and isolation, and exacerbating violence within the school (Evans & Lester, 2020). Hence, applying the jurisprudential maxim "Harm is not eliminated by harm" becomes an educational principle governing the design of behavioral regulations and punitive policies, so that behavioral correction does not lead to new injury.

Third: Justice and Equity in Islamic Education Islamic education views that justice is inseparable from compassion, and equity is only achieved by balancing the individual's interest with the group's interest. The Almighty said: "Indeed, Allah orders justice and good conduct" (An-Nahl: 90), meaning justice is the foundation and good conduct (Ihsan) is the spirit. Education based on good conduct eliminates harm compassionately, rehabilitating the individual rather than destroying them. This distinguishes it from formal justice content with numerical equality.

Fourth: Institutional Application Justice and equity are translated into operational procedures in the school, the most prominent of which are:

- **Equitable distribution of educational resources:** such as facilities, labs, and technical support, to reduce the gap among students.
- **Fair admission and assessment policies:** considering individual differences and not establishing privileges for one group over another.
- **Periodic review of disciplinary decisions:** to ensure proportionality between the error and the penalty.
- **Establishing educational justice committees:** tasked with receiving student complaints and investigating any feeling of discrimination or injustice.

In this sense, the jurisprudential maxim becomes an ethical reference for evaluating school policy, and a source for controlling the relationship between the educational authority and the student's rights.

2.2 Teaching Conflict Resolution Skills as a Tool for Eliminating Harm

First: Educational and Jurisprudential Grounding Conflict resolution skills are among the most crucial preventive education tools aimed at protecting the educational environment from tension and violence. This concept expresses the practical application of the principle "Harm Must Be Eliminated"

in its emotional and behavioral dimension, as it relies on repairing relationships between conflicting parties without generating counter-harm (Kapur, 2019). In the Islamic heritage, reconciliation between disputants is among the greatest acts of goodness, based on the Almighty's saying: "There is no good in much of their private conversation, except for whoever enjoins charity or good conduct or reconciliation between people" (An-Nisa': 114). This Quranic text shows that reconciliation is a positive value that does not treat the error with punishment alone, but with dialogue, refinement, and balance restoration, which is the essence of modern restorative justice (Hopkins, 2018).

It is understood from the jurisprudential maxim "Harm is not eliminated by harm" that treating psychological or social injury in school should not rely on violence or harsh punishment, as that causes another harm that may be more severe than the original harm (Al-Zarqa, 1989). Accordingly, teaching skills of communication, negotiation, and emotional self-regulation is considered a legal application of the objective of lifting injury, as it provides the student with cognitive and behavioral tools to limit the spread of conflicts.

Second: Psychological and Social Dimensions of Conflict Resolution Recent studies affirm that school conflicts, if managed constructively, can turn into learning opportunities for developing students' Social and Emotional Competence (Jones et al., 2017). When a student learns how to express their opinion, listen to others, and reach compromises, they develop what is known as Social and Emotional Competence (CASEL, 2020), which is an essential element in building a balanced personality. Research has shown that conflict resolution teaching programs contribute to:

- **Reducing bullying and violence incidents** by up to 40% (Gregory et al., 2016).
- **Raising levels of empathy and tolerance** among students (Evans & Lester, 2020).
- **Enhancing self-esteem and school belonging**, which is a manifestation of eliminating psychological harm (UNESCO, 2021).

These results confirm that developing mediation and dialogue skills practically achieves the objective of the jurisprudential maxim, as it prevents the accumulation of small harms and prevents their escalation into major crises.

Third: Institutional and Educational Applications

1. **Integrating Conflict Resolution into Curricula:** Specialized educational units can be included within "Life Skills," "Islamic Education," and "National Education" curricula, addressing topics such as: dialogue, tolerance, anger management, and student mediation (UNESCO, 2021). These curricula contribute to transforming justice and reform values from theoretical concepts into daily practices.

2. **Training Teachers and Counselors:** The teacher is the nucleus of restorative justice in the school. International experiences indicate that training teachers in mediation and conflict management strategies significantly reduces the use of coercive punishments (Morrison & Vaandering, 2021). Courses in "Constructive Intervention" and "Emotional Guidance" can be organized within professional development programs.

3. **Establishing Student Mediation Committees:** These committees are formed from students and teachers trained in dialogue and mediation, so that they undertake the resolution of small conflicts before they turn into open disputes. Schools in Canada and the UK have successfully implemented this system, reducing behavioral complaints by 60% (Hopkins, 2018).

4. **Supportive Dialogue Environment:** The elimination of harm is only achieved in an environment dominated by trust and openness. Therefore, the school should adopt a culture that allows students to express their emotions without fear or ridicule, and encourages seeking help instead of revenge or concealment (Gregory et al., 2016).

Fourth: Comparison Between Modern Restorative Justice and the Maxim "Harm Must Be Eliminated" The following table shows the comparative approach between the two philosophies: The rows compare Ethical Reference, Ultimate Goal, Approach to Error, Implementation Tools, and Outcome.

Item	Modern Restorative Justice	"The Maxim 'Harm Must Be Eliminated' in Islamic Jurisprudence"
Ethical Reference	Derived from theories of human justice and peace education. ¹⁰⁵	Derived from Revelation texts and Sharia objectives in preserving life, intellect, and honor. ¹⁰⁶
Ultimate Goal	Repairing relationships and building trust between conflicting parties. ¹⁰⁷	Eliminating harm without causing another harm and achieving social reform. ¹⁰⁸

Approach to Error	Dialogue and reconciliation instead of direct unishment. ¹⁰⁹	Prohibiting requital of harm with equivalent harm, and advocating for good conduct and forgiveness. ¹¹⁰
Implementation Tools	Restorative Circles, student mediation, apology. ¹¹¹	Reform through kind words, advice, and forgiveness conditioned by justice. ¹¹²
Outcome of Application	Reduced violence and school dropout, enhanced belonging. ¹¹³	Achieving educational and social peace, and preserving the individual's dignity. ¹¹⁴

This table shows that the principle "Harm Must Be Eliminated" does not differ in its essence from modern restorative justice; rather, it precedes it by centuries and is based on a divine foundation that grants it a deeper ethical legitimacy.

3. FINDINGS AND DISCUSSION

3.1 Integration of the Jurisprudential and Educational Dimensions

The study results show that the jurisprudential maxim "**Harm Must Be Eliminated**" presents an integrative framework combining the objectives of Sharia and the goals of modern education. It is simultaneously an **ethical value** and a **procedural mechanism**, stemming from the principle of protecting the individual from physical, psychological, and social injury. Restorative justice, in light of this maxim, is not an administrative procedure but an educational practice based on compassion, instilling in the student a sense of responsibility and the capacity for self-reform (Al-Bar, 2019).

3.2 Restorative Justice as a Tool for Building Social Competence

It is evident from the analysis of literature (CASEL, 2020; Jones et al., 2017) that teaching conflict resolution skills contributes to enhancing students' **social and emotional intelligence**, known as **Social Competence**. This competence is defined as "**the individual's ability to deal positively with themselves and others, and to manage difficult situations with awareness and empathy**". In the psychological domain, this represents the practical application of the jurisprudential maxim, as it eliminates the moral harm that ignorance, impulsivity, or misunderstanding may cause.

3.3 Educational Justice as a Tool for Preventing Institutional Harm

Recent study findings indicate that applying restorative justice reduces harsh administrative penalties and rebuilds trust between students and teachers (Evans & Lester, 2020). Thus, the school becomes a secure educational environment where authority is not exercised through violence, but is managed with responsibility and respect, which aligns with the Sharia objectives of lifting hardship and averting harm from people (Al-Zuhayli, 2006).

3.4 Application Potential in the Saudi and Arab Context

This vision is consistent with the directions of **Saudi Vision 2030**, which emphasizes building a generation possessing both Islamic values and 21st-century skills. The Saudi school can utilize the jurisprudential maxim "**Harm Must Be Eliminated**" to promote a culture of understanding and cooperation through:

- **Updating behavioral and attendance regulations** to include restorative alternatives.
- **Integrating student mediation skills** into extracurricular activities.
- **Training educational supervisors** in preventive management of school conflicts.

4. Practical Recommendations

- **Reshaping School Discipline Regulations:** Adopting the principle of "**repairing the error**" instead of "**punishing the wrongdoer**", drawing inspiration from the jurisprudential maxim "Harm Must Be Eliminated".
- **Establishing Restorative Justice Units in Schools:** These units should manage conflicts fairly and institutionally based on dialogue.
- **Integrating the Jurisprudential Maxim into Curricula:** Including it in Islamic and educational curricula to familiarize students with the ethical dimension of Islamic justice.
- **Training Teachers in Conflict Management:** Utilizing strategies of mediation, active listening, and constructive negotiation.
- **Launching Applied Research Initiatives:** To measure the impact of restorative justice on academic achievement and school behavior.
- **Activating Partnership between Education and Family:** To ensure the integration of efforts in eliminating psychological and behavioral harms that may arise from poor communication.

5. CONCLUSION

This study highlights that the major jurisprudential maxim "Harm Must Be Eliminated" is not merely a purely jurisprudential principle, but an intellectual and educational system capable of guiding modern educational policies towards restorative justice and educational compassion. By applying this maxim to the school reality, an educational model can be built that combines Islamic values with contemporary civic life skills, fostering a spirit of responsibility and fairness in students. Activating this principle in education means transforming the school from a space for punishment into a space for reform, and from an environment of fear into an environment of trust and understanding. Thus, the objective of Sharia in preserving life, intellect, and human dignity is achieved, and education transforms into a process of liberating the individual from harm, not merely restricting their behavior.

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REFERENCES:

- Al-Bar, M. A. (2019). *Fiqh Al-Ijtima' fi Al-Islam* [Jurisprudence of Sociology in Islam].
- Al-Bar, M. A. (2019). *Fiqh Al-Ijtima' fi Al-Islam* [Jurisprudence of Sociology in Islam]. Dar Al-Ma'rifah.
- Al-Zarqa, A. (1989). *Sharh al-Qawā'id al-Fiqhiyyah* [Explanation of the Jurisprudential Maxims]. Dar Al-Qalam.
- Al-Zuhayli, M. (2006). *Al-Qawā'id al-Fiqhiyyah wa Tatbiqātuhā fi al-Madhāhib al-Arba'ah* [Jurisprudential Maxims and Their Applications in the Four Schools of Thought]. Dar Al-Fikr.
- CASEL. (2020). SEL Framework: What Are the Core Competencies and Key Settings? Collaborative for Academic, Social, and Emotional Learning. <https://casel.org>.
- Evans, K. R., & Lester, J. N. (2020). Restorative justice in education: Transforming teacher–student relationships through dialogue and repair. *Journal of Peace Education*, 17(1), 25–45. <https://doi.org/10.1080/17400201.2020.1714689>.
- Gregory, A., Clawson, K., & Davis, A. (2016). The promise of restorative practices to transform teacher–student relationships and achieve equity in school discipline. *Journal of Educational and Psychological Consultation*, 26(4), 325–353. <https://doi.org/10.1080/10474412.2016.1197485>.
- Hopkins, B. (2018). *Restorative Practices in Schools: Building a Culture of Relationship*. Routledge.
- Ibn Manzur, M. (1995). *Lisān Al-'Arab* [The Tongue of the Arabs]. Dar Sader.
- Jones, D. E., Greenberg, M., & Crowley, M. (2017). Early social–emotional functioning and public health: The relationship between kindergarten social competence and future wellness. *American Journal of Public Health*, 105(11), 2283–2290. <https://doi.org/10.2105/AJPH.2015.302630>.
- Kapur, R. (2019). The Role of Conflict Resolution in Peace Education. *Journal of Peace Education*, 16(3), 289–305. <https://doi.org/10.1080/17400201.2019.1603825>.
- Morrison, B., & Vaandering, D. (2021). *The Restorative Classroom: Using Restorative Practices to Build Connection, Strengthen Community, and Repair Harm*. New York: New Society Publishers.
- Noddings, N. (2018). *Caring: A Relational Approach to Ethics and Moral Education* (3rd ed.). University of California Press.
- OECD. (2019). *Measuring Equality and Equity in Education*. OECD Publishing. <https://doi.org/10.1787/9789264179377-en>.
- UNESCO. (2021). *Learning to Live Together: Education for Peace and Human Rights*. Paris: UNESCO Publishing.
- Ibn Taymiyyah, A. A. (1995). *Majmū' al-Fatāwā* [Collected Fatwas] ('A. Qāsim, Comp. & Arr.). King Fahd Complex for the Printing of the Holy Qur'an.
- Al-Shātibī, I. M. (1997). *Al-Muwāfaqāt fi Uṣūl al-Sharī'ah* [The Correspondences in the Foundations of Islamic Law] ('A. Darāz, Ed.). Dār al-Ma'rifah.