

Restitution I: How to repair harm

The Chess Circle

“Two middle school boys were in competition with each other in both football and chess club. They both competed for football place kicker and for first board on the chess team. The boy who lost out in the chess competition definitely considered himself to be cooler than the other boy. He began making cutting remarks about the other boy’s appearance, particularly his hair. When he did not stop, the other boy swung his notebook and hit him, giving him a bloody nose.

We could have suspended these boys, however, that would not have fixed the underlying resentments each had for the other. We invited their fathers in and did a circle instead.

The focus of the circle was on the role of competition and cooperation as boys transitioned into manhood. We discussed how their actions hurt the school, their class, the chess club and themselves. The fathers contributed insights. The circle concluded with a discussion of possible acts of restitution. It was decided that the boys would do two service projects. Each would tutor a child with special needs for 7.5 hours and each would tutor a beginning chess player for 7.5 hours.

The circle was a success in both the short and long term. The boys were able to repair the harm between them and they had insights into how to compete in a cooperative environment. Six weeks later, they are friends”

--Seward Elementary School Grant Report, 2001
Minneapolis, Minnesota

Restorative justice is often described as a paradigm shift. Implementing restorative practices in schools as in the criminal justice system does require a shift in thinking and action. Instead of focusing attention on an offending student, widen the lens to include attention to the person harmed and the bystanders or classmates. Instead of directing the discipline, facilitate the problem solving. Perhaps the most challenging shift is in determining the consequences—instead of using exclusion as punishment, use restitution to repair the harm.

Exclusion has uses—if a student is disruptive in a class, immediate removal can make it easier for students and teachers to get on with education. Time away from a problem can help a student or adult calm down and think more clearly. However, exclusion has other repercussions: sending the message intended or unintended, that “you are not welcome, we do not need you in this school.” Physical exclusion can make it difficult for students to separate their behavior from who they are, for the punishment is about being forced to be absent, in body and mind.

However, behavior that hurts others or endangers others must have a consequence, for indifference is more harmful than zero tolerance. How then, does one hold accountable a person who harms?

Many people who have attended a conference or circle where a student has faced the person they harmed, and, in front of friends, teachers and parents, explained the bad choices they made, would say the session is a consequence much more difficult than

going home for a day or more. But talking is not the only consequence, for a restorative philosophy does ask and, indeed, believes that people can make amends, can repair the harm and can give back to the community.

The story above about the chess team members is a good illustration of, not just a restorative process, but also of a connected restitution. When harm happens in a school, the people affected are not just the parties to the incident, as in this instance, the two boys, but the students and staff as well. Dealing with a fight takes away focus from learning. Community service, related to education and performed in the school, helps people who have done harm give back to learning what they may have interrupted. Tutoring younger chess players is perfect restitution because the boys disrupted the chess team. Tutoring is an excellent form of restitution in a school community, because the work draws upon the youth's assets, all schools can use extra help tutoring students, and teaching solidifies the tutor's own knowledge.

A good indicator of successful restitution is that the person who does it feels satisfaction upon completion. This is part of the challenge in the restorative justice paradigm shift. Our cultural expectation is that people should feel bad when they have done something wrong and that the consequence should "hurt." One restorative conferencing facilitator tells the story of a boy who vandalized lockers in his school. At the conference, all participants agreed that he work with the janitor to clean up the lockers, and to help the janitor for a week. Then one man said, "You made a mess, make something beautiful," and suggested he plant perennial flower gardens at each building entrance. The boy agreed, planted the gardens, and in spring, watched with pride as the flowers grew. He was praised: what beautiful gardens! But some staff was frustrated that a boy who did wrong would get praise.

However, he faced his community, cleaned up the mess he made, and gave back to his community, in a manner that built on his assets and increased his knowledge. One cannot make a recipe book for restitution, for each situation is so different. But there are some useful guidelines: ask victims what they want, ask the community what they want, and ask the offenders what they think they can do to repair the harm. Recognize completed agreements. And as in the classroom, have high expectations: respect everyone's ability to solve problems.

For more thoughts on school restitution and making amends, read Diane Chelsom Gossen's book *Restitution*, New View Publications, PO Box 3021, Chapel Hill, NC 27515-3021, 1-800-441-3604; 1996. For more information about restorative measures in Minnesota Schools, contact Nancy Riestenberg, Prevention Specialist, Minnesota Department of Children, Families & Learning, 1500 West Highway 36, Roseville, MN 55113; 651-582-8433; nancy.riestenberg@state.mn.us.

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