In January 2001, the Andrus Family Fund launched the Board Exploration Triads (BETs) project, an experimental approach to learning about grantmaking. Participants were divided into small study groups or triads composed of an Andrus Family Fund trustee, an extended Andrus family member, and an outside expert. Over a period of eight months, each BET explored a different aspect of the Fund's two program areas: Transition from Foster Care to Independence and Community Reconciliation. In September 2001, the teams met in New York to share what they had learned. This paper serves as a summary of the findings of BET H, which explored community reconciliation through facilitated dialogue and restorative justice.

Andrus Family Fund BET (Board Exploration Triad)  
Working Paper: Group H  
(Julie Andrus, Ken Downes, Mark Umbreit), 6/27/01

COMMUNITY RECONCILIATION  
THROUGH FACILITATED DIALOGUE & RESTORATIVE JUSTICE

I. SUMMARY & RECOMMENDATIONS

Central to the notion of community reconciliation through restorative justice is the process of facilitated dialogue. This usually involves trained mediators or facilitators. The purpose of restorative justice dialogue is to provide a safe place for the people most affected by a specific hate crime, hate incident, or criminal act (victim, offender, family members of both, and other support persons or community members) to have the opportunity to enter into a direct dialogue with each other in order to talk about the full impact of the crime upon their lives, to address any lingering questions, and to develop a plan for responding to the harm caused to the greatest extend possible. This type of facilitated dialogue provides the opportunity for entirely new directions and changed perspectives in the lives of the involved parties. Currently, there are very few examples of this in response to acts of intolerance and hate.

Restorative justice policies and practices are now developing in early every state and in numerous other countries. As this important justice reform movement has begun to enter the mainstream in many communities, far too many initiatives focus on changes in external behavior only, or what we call “restorative justice lite.”

“Restorative justice lite” illustrates one of the key concepts in William Bridge’s model of transitions. Bridges believes that when issues related to endings and losses are glossed over and not given sufficient attention (depth), individuals and even organizations do not have the emotional capacity to navigate the rough waters of the “neutral zone” (the crazy in-between time when the old reality is not yet finished, but the new reality still seems far away). Therefore, many are not successful in arriving at the “new beginnings” stage - the level at which individuals and institutions experience well-being or a
sense of peace.

In other words, restorative justice “lite” may help people to better manage some of the outward symptoms that have made living and working difficult. However, such efforts often fall short of adequately addressing the fundamental inner emotional pain that allows people to move forward in their lives, forgive, let go, and/or experience a sense of healing. Without a deeper process that allows participants to name and experience the full range of their endings (losses) and to live fully in the ambiguity and the messiness of the “neutral zone,” people may circumvent their best opportunity for transformation and reconciliation.

Facilitated dialogue and restorative justice provide a viable pathway to deal with the messiness of the “neutral zone” and even to enter the “new beginnings” stage.

Suggested Guiding Principles for AFF Support of Proposals on Community Reconciliation Through Facilitated Dialogue:  (this is just a first attempt at this—much more thought needed)

1. Opportunities for direct face-to-face facilitated dialogue among the involved parties and affected members of the community are provided in a safe, if not sacred, place.

2. A multi-method approach is employed which adapts the facilitated dialogue process to the specific needs of the people, their community and culture.

3. There is openness to adapting the process of facilitated dialogue to the spiritual and cultural needs of the involved parties.

4. A humanistic “dialogue driven” and non-directive form of mediation and facilitation is used, including extensive preparation of the involved parties and a focus upon community reconciliation and healing.

5. Community reconciliation can occur from the individual level to larger community level or visa versa.

6. Processes that can address both individual needs and larger community impact are likely to offer the greatest impact.

7. Initiatives in community reconciliation through facilitated dialogue and restorative justice need to include sufficient time for in-person preparation of the involved parties prior to the actual dialogue and follow-up as well. This is central to creating a safe place where the involved parties feel comfortable enough to engage in a direct dialogue with each other, with the mediator/facilitator saying little and being very much in the background. This preparation helps to lower, though not eliminate, the anxiety level of those who will participate in the dialogue. Preparation actually involves far deeper listening to the stories and needs of the parties than it does speaking at them. Through this pre-dialogue contact, the mediator/facilitator can become more connected, though impartial, with those who will be part of the dialogue.

8. Initiatives in community reconciliation through facilitated dialogue and restorative justice
can occur with either juveniles or adults or both. Current funding through the Office for Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice is likely to support certain types of prevention efforts. Funding for initiatives that work exclusively with adults is far less likely from state or federal funding sources.
II. BACKGROUND

Intolerance and violence continue to occur at far too frequent levels within American society. During the past decades the occurrence of hate incidents, hate crimes, and criminal violence has increased at an alarming level. Crime often triggers greater community fear, isolation, and intolerance. As the America enters the twenty first century it continues to be faced with numerous unresolved problems. The continuing cry for greater retribution and harsher penalties by many, along with lingering concerns by many others about the importance of rehabilitating criminals and preventing further crime and intolerance has led to an increasing lack of clarity about the basic purpose of the justice system. Is it meant to rehabilitate and change offender behavior? Are criminal sentences meant to deter others from committing crimes? Or, should the purpose of sentencing be to simply incapacitate, or remove, the criminal from circulation in society for a set period of time? These and other goals contribute to on-going confusion about what courts are trying to achieve in response to intolerance and violence.

Victims of hate crimes and other acts of violence and intolerance have virtually no legal standing in the process of doing justice in American courts, even though the justice system exists precisely because individual citizens have been violated by criminal behavior. Victims of crime feel increasingly frustrated and alienated by our current systems of justice. The crime is against “the state” and state interests drive the process of doing justice. Individual crime victims are left on the sidelines of justice, with little, if any input. Crime victims frequently feel twice victimized: first, by the offender; second, by the criminal justice system that their tax dollars are paying for. For many crime victims their encounter with the justice system leads to increasing frustration and anger as they are largely ignored, and are often not even provided with information about the process, court date changes, and the final disposition of the case. Rarely do criminal justice professionals take the time to listen to the fears and concerns of crime victims and then seek their input and invite their participation in holding the offender accountable.

Communities are kept out of the justice process even though they are the battleground for the reality of crime, victimization, hate, and intolerance. Entire communities can often be victimized by a single act such as a hate crime or a cluster of home burglaries, yet representatives of that community have no legal standing in the courts (unless they have been individually victimized). Frustration and anger often lead to fear and the cry for retribution. Few, if any, opportunities for community reconciliation and healing exist in most locations.

Another problem facing our nation is found in the fact that increasingly harsh punishments have failed to change criminal behavior. If severe punishment and incarceration were effective, America should be one of the safest societies in the world. Many citizens and politicians believe the United States is too lenient on criminals. The fact, however, is that more Americans are locked up in prisons, per capita, than any developed nation in the world other than Russia. In a similar vein, sentences in the U.S. are far in excess of other democratic western nations. The U.S. is the only developed nation to routinely advocate and use capital punishment.

Finally, the skyrocketing cost of corrections, and incarceration specifically, is driving a growing number of legislatures and policy makers to reconsider the wisdom of the current retributive system of justice, which relies so heavily upon incarceration, while largely ignoring the needs of crime victims.

The public debate around issues of intolerance, violence, crime and punishment is often driven by political
leadership embracing the conservative or liberal solutions of the past. A significant current development in our thinking about crime and justice is the growing international interest in restorative justice theory. Restorative justice offers a fundamentally different framework for understanding and responding to violence, intolerance, and victimization within American society. Restorative justice emphasizes the importance of elevating the role of crime victims and community members, holding offenders directly accountable to the people they have violated, restoring the emotional and material losses of victims, and providing a range of opportunities for dialogue, negotiation, and problem solving, whenever possible, which can lead to a greater sense of community safety, conflict resolution and closure for all involved.

In contrast to the offender driven nature of our current responses to intolerance and violence, restorative justice focuses upon three client groups: crime victims, offenders, and community members. It represents a growing international movement with a relatively clear set of values, principles and guidelines for practice, while at this point in its development lacking a comprehensive plan for broad implementation as a new paradigm to fully replace our current systems of juvenile and criminal justice. As a relatively new practice theory (though based upon many old fashioned principles) that is gaining support among a growing number of policy makers and practitioners, community activists, victim advocates, court officials and law enforcement officials, it is important to examine the current development and impact of this movement. At its best, restorative justice truly represents a very different way of responding to crime and intolerance through more active involvement of victims and the community. It goes far beyond the traditional liberal and conservative positions of the past by identifying underlying truths and joint interests of all of those concerned about crime policy in a democratic society.

What is restorative justice?

Restorative justice provides an entirely different way of thinking about intolerance, crime, and victimization. Rather than the state being viewed as the primary victim in criminal acts and placing victims and offenders in passive roles, as is the case in the prevailing retributive justice paradigm, restorative justice recognizes crime as first and foremost being directed against individual people. It assumes that those most affected by crime should have the opportunity to become actively involved in resolving the conflict. Restoration of losses, allowing offenders to take direct responsibility for their actions, and assisting victims in their journey of moving beyond their frequent sense of vulnerability by means of achieving some closure, stand in sharp contrast to focusing on past criminal behavior through ever-increasing levels of punishment. Restorative justice attempts to draw upon the strengths of both offenders and victims, as well as communities, rather than focusing upon their deficits. While denouncing criminal behavior and intolerance, restorative justice emphasizes the need to treat offenders with respect and to reintegrate them into the larger community in ways that can lead to lawful behavior. It represents a truly different paradigm based upon the following values.

1. Restorative justice is far more concerned about restoration of the victim and victimized community than simply ever more costly punishment of the offender.

2. Restorative justice elevates the importance of the victim in the criminal justice process, through increased involvement, input and services.

3. Restorative justice requires that offenders be held directly accountable to the person and/or community that they victimized.
4. Restorative justice encourages the entire community to be involved in holding the offender accountable and promoting a healing response to the needs of victims, offenders, and the community as a whole. Community reconciliation is highly valued.

5. Restorative justice places greater emphasis on the offender accepting responsibility for their behavior and making amends, whenever possible, than on the severity of punishment.

6. Restorative justice recognizes a community responsibility for social conditions which contribute to intolerance, hate, and criminal behavior.

In a very real sense, the theory of restorative justice provides a blueprint for moving into the 21st century by drawing upon much of the wisdom of the past. Dating all the way back to 12th century England, following the Norman invasion of Britain, a major paradigm shift occurred in which there was a turning away from the well established understanding of crime as a victim-offender conflict within the context of community. William the Conqueror’s son, Henry I, issued a decree securing royal jurisdiction over certain offenses (robbery, arson, murder, theft, and other violent crimes) against the King’s peace. Prior to this decree crime had always been viewed as conflict between individuals; an emphasis upon repairing the damage by making amends to the victim was well established.

Restorative justice also draws upon the rich heritage of many recent justice reform movements, including: community corrections, victim advocacy, and community policing. The principles of restorative justice are particularly consistent with those of many indigenous traditions, including Native American, Hawaiian, Canadian First Nation people, and Maori people in Australia and New Zealand. These principles are also consistent with values emphasized by nearly all religions.

Restorative justice is expressed through a wide range of policies and practices directed toward offenders, crime victims, and the community, including: victim support and advocacy, restitution, community service, victim impact panels, community dialogue groups, victim offender mediation, circle sentencing, family group conferencing, community boards that meet with offenders to determine appropriate sanctions, victim empathy classes for offenders and community policing. Little empirical data is available on most restorative justice policies and practices, although a growing number of studies are being initiated. As the oldest, most well documented and most broadly used expression of restorative justice, victim offender mediation has been the subject of more than 40 empirical studies in North America and Europe over the past two decades.

**What does restorative justice look like in practice?**

As communities move more toward a fully developed restorative justice system of responding to intolerance, crime, and victimization, juvenile and criminal justice practice would include the following characteristics, some of which are already in place.

- Opportunities for community reconciliation and dialogue about the impact of intolerance, hate, and criminal behavior exist.
- Faith communities sponsor community dialogue groups to provide a safe place to discuss the
impact of crime in their community and the need for community reconciliation.

- Community peacemaking circles and community justice councils provide a way in which local community members can be actively involved in holding offenders accountable and offering support to both crime victims and offenders.

- Victim offender mediation and conferencing is available for any victims who want to have a meeting with the offender to discuss how the crime or hate incident affected them and how the offender can repair the harm. Victim offender mediations are conducted by trained mediators (usually volunteers) who are sensitive to the needs of victims and their families.

- Victims and families of victims receive support and assistance.

- If they wish, victims have the chance to help shape how the offender will repair the harm.

- Restitution is more important than other financial obligations of the offender.

- Community volunteers are working with offenders and victims.

- The community provides work for offenders to be able to pay back restitution to victims.

- Offenders participate in community service projects that are valued by the community.

- Educational programs for offenders include becoming aware of how victims feel and being able to empathize with victims. Education also helps offenders see their responsibilities as members of a community.

- Offenders face the personal harm caused by their crime or act of intolerance through victim offender mediation, or through listening to panels or groups of victims or community members talk about their experiences with crime and how crime has affected their lives.

- Orders for repairing the harm caused by crime are more important than orders imposed just for punishment.

- The courts and corrections provide annual reports on how reparation is made.

- Community members advise the courts and corrections by being on advisory boards.

- Business and community groups work with offenders to bring them back into the community as the offenders make good on their obligations.

- Offenders end up with greater skills than when they entered the corrections system.
How widespread is interest in restorative justice?

The initial conceptualization of restorative justice began in the late 1970's and was first clearly articulated by Howard Zehr in 1985. At that time, the discussion of this new paradigm was based largely in North America and with a small network of academicians and practitioners in Europe. At this time, restorative justice was not being considered seriously by the mainstream of criminal and juvenile justice policy makers and practitioners.

By 1990, an international conference supported by NATO funds was convened in Italy to examine the growing interest in restorative justice throughout the world. Academicians and practitioners from a wide range of countries (Austria, Belgium, Canada, England, Finland, France, Germany, Greece, Italy, Netherlands, Norway, Scotland, Turkey) presented papers related to the development and impact of restorative justice policies and practice. International interest in restorative justice has continued to grow. In 1995, the New Zealand Ministry of Justice issued a working paper on restorative justice for serious consideration as a federal policy. During 1996 and 1997, a group of scholars in North America and Europe interested in restorative justice will be meeting in the U.S. and Belgium to further examine this emerging practice theory. A second international book on restorative justice (following the initial book about the NATO conference in Italy) was published in 1999. Additional and much larger international conferences have been held in the United States and in Germany. The European Council endorsed the concept of restorative justice in September of 1999 and a sub-committee of the United Nations has been examining the concept of restorative justice.

Interest in the United States has grown the most extensively during the mid to late 1990's. Representing one of the oldest and most visible expressions of restorative justice, the practice of victim offender mediation in which the actual victim and offender meet each other, talk about the impact of the crime, and develop a plan for repairing the harm, which began in the late 1970's, is now occurring in more than 300 communities throughout the U.S. and more than 1,000 locations in Europe.

Perhaps the strongest indication of how the restorative justice practice of victim offender mediation is entering the mainstream is seen in the actions of one of its most powerful former skeptics. The American Bar Association has played a major leadership role in the area of civil court mediation for over two decades. After many years of little interest in criminal mediation, if not skepticism, the A.B.A. in the summer of 1994 fully endorsed the practice of victim offender mediation and recommended its development in courts throughout the country.

Another clear expression of the growing support for restorative justice is seen in the National Organization for Victim Assistance’s monograph (Young, 199_) endorsing “restorative community justice.” During the early years of this movement, most victim advocacy groups were quite skeptical. Some still are, however, there is a growing number of victim support organizations actively participating in the restorative justice movement.

While the restorative justice movement initially developed within the context of juvenile and criminal justice systems, by both community activists and public officials, the movement is increasingly being broadened to deal with underlying issues that contribute to social injustice, racism, intolerance and violence in communities. These newer expressions of restorative justice often occur independent of the formal juvenile or criminal justice system.
Have restorative justice practices been implemented?

In contrast to many previous reform movements, the restorative justice movement has major implications for system-wide change in how justice is done in American society. While initiating restorative justice interventions such as victim offender mediation, family group conferencing, peacemaking circles, restorative community service, victim panels, and other forms of victim offender dialogue or neighborhood dispute resolution is important, restorative justice places a heavy emphasis upon systemic change. Already there are 20 states that have introduced and/or passed legislation promoting a more balanced and restorative juvenile justice system. Thirty other states have restorative justice principles in their mission statements or policy plans. A recent national survey found their are individual restorative justice programs in virtually every state and a growing number of states and local jurisdictions are dramatically changing their criminal and juvenile justice systems to adopt the principles and practices of restorative justice.

Community Reconciliation and Restorative Justice

The concept of community reconciliation is at the core of restorative justice. While it is important to address the immediate needs of crime victims and offenders, involvement of community members in the process of doing justice and building stronger, more connected, and caring communities is one of the foundational pillars of the contemporary restorative justice movement. Acknowledgment of harm and dysfunction within the community and a yearning for personal accountability and opportunities for making amends and offering forgiveness are the pathway to authentic community reconciliation through dialogue.

Restorative Justice “Lite” versus Deeper Impact

As restorative justice policies and practices have been developing throughout the United States in recent years, most initiatives on focused on changes in external behavior. This includes: the manner in which we treat crime victims; the degree to which we invite active participation of crime victims and community members in the process of doing justice; the actual number of victims and community members participating in restorative justice programs such as victim offender mediations, family group conferences, peacemaking circles, victim impact panels, and related interventions; the amount of community services being performed by offenders; the amount of financial restitution being collected for victims of crime. Unfortunately, as restorative justice is now entering the mainstream in many communities it has become politically correct to use its language. As a result, many jurisdictions are “talking the talk” but not “walking the walk.”

Practices that have been in place for decades and that are entirely offender driven with no involvement of victims or community members are now being called “restorative.” While both change in many external behaviors in the justice system and greater acceptance of restorative justice principles and language are important, neither come even close to fostering long term deep transitions in how we understand and respond to the reality of crime in our communities. Both represent what Mark Umbreit refers to as “restorative justice lite,” remaining fairly superficial external changes at best.

“Restorative justice lite” illustrates one of the key concepts in William Bridge’s model of transitions. Bridges believes that when issues related to endings and losses are glossed over and not given sufficient attention (depth), individuals and even organizations do not have the emotional capacity to navigate the
rough waters of the “neutral zone” (the crazy in-between time when the old reality is not yet finished, but the new reality still seems far away). Therefore, many are not successful in arriving at the “new beginnings” stage - the level at which individuals and institutions experience well-being or a sense of peace.

In other words, restorative justice “lite” may help people to better manage some of the outward symptoms that have made living and working difficult. However, such efforts often fall short of adequately addressing the fundamental inner emotional pain that allows people to move forward in their lives, forgive, let go, and/or experience a sense of healing. Without a deeper process that allows participants to name and experience the full range of their endings (losses) and to live fully in the ambiguity and the messiness of the “neutral zone,” people may circumvent their best opportunity for transformation and reconciliation.

“Restorative justice deep” is a term used to describe those initiatives that address the more fundamental issues involved in major life transitions, a letting go of our old perceptions of crime and criminals, a willingness to live with some ambiguity and discomfort as we move toward a major transition in our thoughts and behavior, and a new beginning as we transition to embracing a very different and more holistic paradigm of justice. “Restorative justice deep” is inseparable from the process of dialogue, in which those people most affected by intolerance, hate, and criminal behavior in a community have an opportunity to talk directly with each other in a safe, if not sacred, place. “Restorative justice deep” is the antithesis of the quick fix, involving little true investment of people or resources.

Rather than focusing on quick change of external behavior, “restorative justice deep” speaks to the hearts and minds of the involved parties in ways that can transform and alter their most fundamental perceptions and behaviors. Precisely because “restorative justice deep” can be labor intensive, involving lengthy preparation and intense emotions, it can often be quite messy, yet very powerful. Examples of program initiatives that can represent “restorative justice deep” include: victim offender mediation (particularly in more serious and violent crime), family group conferencing, peacemaking circles, and community dialogue groups. The term “restorative justice conferencing” is increasingly being used as the overarching concept of facilitated dialogue through victim offender mediation, family group conferencing, and peacemaking circles.

Community-based initiatives that are grounded in a “restorative justice deep” approach address issues of major transitions, not quick changes. By definition, these processes can often be very slow and messy, with a great deal of ambiguity present in the midst of life changing perspectives and behavior. The “restorative justice deep” approach often involves initiatives that are independent of the formal juvenile and adult justice systems.

What is Restorative Justice Conferencing?

The purpose of restorative justice conferencing and dialogue is to provide a safe place for the people most affected by a specific hate crime, hate incident, or criminal act (victim, offender, family members of both, and other support persons or community members) to have the opportunity to enter into a direct dialogue with each other in order to talk about the full impact of the crime upon their lives, to address any lingering questions, and to develop a plan for responding to the harm caused to the greatest extent possible. The four most specific examples of restorative justice conferencing and dialogue include, in the order of there years of experience and frequency of use, the following: victim offender mediation; family group
conferencing, peacemaking/sentencing circles; and reparative community boards before which offenders appear. A brief description of each process, along with a contact person, is provided in Appendix 1. Key elements that are central to victim sensitive restorative justice conferencing and dialogue are:

1) All of those directly affected by the hate incident, act of intolerance, or crime are encouraged to participate.

2) The victim and offender choose which, if any, family members or support persons are present.

3) The process of conferencing/dialogue is adapted to the expressed needs of the victim and offender.

4) Extra deference is shown toward the victim, while still treating the offender respectfully.

5) All of the primary parties are thoroughly prepared through in-person meetings prior to a joint conference.

The process of allowing interested victims of hate incidents or crimes to meet with the offender in the presence of a trained mediator/facilitator, often times with family members or other support people, has been found to have many positive impacts. Victims are able to let the offender know how the crime affected their lives, to receive answers to any lingering questions they may have, and to have direct involvement in the process of holding the offender accountable through development of a plan for the offender to restore losses and repair the harm to the greatest extent possible. Offenders learn of the human consequences of their criminal behavior, that victims are people not just objects or targets, and they are offered an opportunity to take responsibility for their actions through some form of making things right with the victim. Family members and other support people of the victim and offender have the opportunity to learn more about what actually happened, to express the impact of the crime on their lives and to assist with the process of holding the offender accountable and helping the victim. Interested community members can be trained to serve as volunteer mediators and facilitators.

More than 40 studies over the past twenty years have examined the oldest, most well developed and widespread expression of restorative justice conferencing with thousands of cases annually in more than 1,300 communities in North America and Europe. These studies of victim offender mediation have consistently found high levels of victim and offender satisfaction with the process and outcome of meeting each other, particularly when compared to victims and offenders who go through the normal court process. After meeting the person they violated, young offenders are significantly more likely to successfully complete the restitution agreement, victims report less fear, and offenders are significantly less likely to commit additional crimes. The smaller number of studies that are beginning to examine the impact of justice system oriented family group conferences in New Zealand, Australia, and the United States are most often obtaining similar findings related to client satisfaction with the conferencing process and outcome. Studies of other newer forms of restorative justice conferencing, such as peacemaking/sentencing circles and reparative boards, are only now beginning to occur.

The lengthy history of victim offender mediation and the growing interest in family group conferencing, peacemaking/sentencing circles, and reparative boards well for the future of restorative justice conferencing. Former skeptics and critics, including the American Bar Association and numerous victim
advocacy groups, have in recent years endorsed victim offender mediation and are now cautiously looking into the merits of other forms of restorative justice conferencing. While VOM is certainly not yet in the mainstream of juvenile justice in all communities, it has clearly moved from the margins of the justice system in a growing number of communities that refer hundreds of cases annually to such programs. Several programs work with nearly 1000 case referrals a year and receive grants of nearly a quarter of a million dollars through local county governments who want these cases diverted from the formal juvenile justice system. The growing acceptance and practice of victim offender mediation throughout North America and Europe over the past 25 years has certainly neutralized a good deal of resistance and cleared the path for gaining more widespread public and justice system support for other newer forms of restorative justice conferencing.

**What is meant by “facilitated dialogue?”**

Central to the notion of restorative justice is the process of facilitated dialogue. This often involves of trained mediator. For example, in the thousands of cases referred to the over 300 victim offender mediation programs in the United States each year, hundreds of community volunteers are trained as mediators. Sometimes “facilitated dialogue” involves more of a general facilitator, rather than a specifically trained mediator. The more recent development of peacemaking circles in the community justice process involves facilitators that are called “circle keepers.”

The more common types of mediation focused on divorce, commercial transactions, and neighborhood conflict typically involves a more legalistic, directive and settlement-driven type of mediation that is not conducive to direct dialogue between the involved parties. The type of mediation that has been found to be particularly effective for facilitated dialogue is called humanistic mediation.

Humanistic mediation represents a “dialogue driven” rather than “settlement driven” form of conflict resolution. It emphasizes the importance of: meeting with the parties individually and in person prior to the joint mediation session, in order to listen to their story, build rapport, explain the process and prepare them for engagement in a mediated dialogue; a non-directive style of mediation in which the parties are primarily speaking to each other with minimal intervention by the mediator/facilitator; and a mediator/facilitator attitude of unconditional positive regard and connectedness with all parties, while remaining impartial (e.g. not taking sides).

While the focus of the mediator/facilitator’s work is upon the creation of a safe, if not sacred, place to foster direct dialogue among the parties about the emotional and material impact of the conflict, written settlement agreements often occur but are not central to the process. Humanistic mediation is a specific practice application of the broader theory of transformative mediation. It is grounded more in a paradigm of healing and peacemaking than problem-solving and resolution. The telling and hearing of each other’s stories about the conflict, the opportunity for maximum direct communication with each other, and the importance of honoring silence and the innate wisdom and strength of the participants are all central to humanistic mediation practice. Humanistic mediation is central to fostering community reconciliation efforts through facilitated dialogue.

**Multi-method Approach Rather Than One Size Fits All Models**

During the early development of any new program initiative it is quite understandable that “models” are
presented as unique and “one size fits all.” As the field of restorative justice continues to develop throughout North America, Europe and the South Pacific, however, it becomes increasingly important to find the common ground among all restorative justice policies and practices and to ensure that such initiatives are highly victim sensitive and adaptable to diverse people, communities, and cultures. Programs in a number of communities in the United States and England are already beginning to de-emphasize the program model and highlight the underlying process in such a way that it can be adapted to meet the needs of specific people. By doing so, these programs are maximizing the strengths of each model, while compensating for the limitations of each model, based on the expressed needs of the specific victims, offenders, family members and/or other support people that are part of their community.

A multi-method approach involves adapting the practice wisdom and techniques of multiple methods, most notably victim offender mediation, family group conferencing, and peacemaking circles to the specific context of each case referral. Using a multi-method approach moves far beyond the “one size fits all” perspective of many programs and offers a more flexible intervention to respond to the unique needs of individuals based on their communities and cultures. For the sake of clarity, we are highlighting the importance of combining the strengths of traditional victim offender mediation, family group conferencing and peacemaking circles based upon the needs of each case. Other methods, however, such as victim panels, reparative boards, indirect mediation, or group sessions with surrogate victims, can also be incorporated into a multi-method approach to restorative justice conferencing. Remember, the central issue is how to create a safe place for people to engage in a genuine dialogue based on their needs, not the needs of the program advocates.

Table 1 identifies some of the advantages and disadvantages of one-on-one restorative justice conference between the victim and offender versus a larger group conference including family members and/or other support people. As can be seen, one-on-one and larger group conferencing often compliment each other quite well, balancing the strengths and limitations of each process. From our perspective, all expressions of restorative justice conferencing share a great deal in common despite many clear distinctions in the specific “model.” Rather than uniquely different from each other, they exist along a continuum of restorative justice conferencing. In fact, in more serious cases combining two or more of the processes can often be the most effective intervention: beginning with a one-on-one or small group conference and then subsequently enlarging the conference by adding additional family members and other support people from the community.

It is easy to assume, based on one’s experience and preference, that victim offender dialogue is most effective either through a one-on-one conference or the more common current assumption that more is better and that having a group conference including family members, support people, or other community members present is far more effective. We, however, assume that the most appropriate form of a conversation between victims, offenders, family members or other support people needs to be grounded in the expressed needs of the specific crime victim and offender, their cultural context and practical realities in terms of time and other resources. Creating a safe and comfortable opportunity for those most directly affected by the crime is the primary focus. Many prefer a smaller, more intimate arrangement, while others find a larger group setting more helpful.

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<td><strong>Advantages and Disadvantages of One-on-One Restorative Justice Conference versus Larger Group Conference</strong></td>
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<p>| Potential | Potential |</p>
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<thead>
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<th>One-on-one conference</th>
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| (Conversation is between the crime victim and the offender. One or more family members or other support people may be present but are not actively involved in the conversation) | a. More private setting in which victim and offender feel less anxious.  
b. More likely that victim and offender will feel safe enough to be vulnerable and open.  
c. More likely to speak frankly rather than influenced by what others might think.  
d. Greater likelihood of genuine dialogue between victim and offender.  
e. Greater focus on the needs of the direct crime victim.  
f. Less likely that the offender will “clam up” and feel shamed by others. | a. Offender is unlikely to understand the full impact of his or her behavior on other people affected by the crime.  
b. Participation of others who are part of the victim and offender’s community of support, including family, is limited.  
c. Privatizes a conflict that affects the entire community.  
d. Less likely to engage a network of people who can offer follow-up support to the victim or offender.  
e. Limited involvement of the community (except via community volunteer mediator) in holding the offender accountable. |

<table>
<thead>
<tr>
<th>Larger group conference</th>
<th>Advantages</th>
<th>Disadvantages</th>
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| (Conversation is among all present although the victim and offender are likely to first begin by telling their stories. Likely to typically involve six to eight people. Periodically will involve as many as twelve to twenty or more.) | a. More likely to involve many others affected by the crime.  
b. Greater community involvement in process of holding the offender accountable.  
c. Offender is more likely to understand the full impact of his or her behavior upon both primary and secondary victims.  
d. More likely to involve family members and others who can offer support to either victim or offender.  
e. Greater likelihood of a network of people to offer follow-up support to victim and offender. | a. Young offenders are likely to feel intimidated by so many adults present.  
b. The primary victim’s needs are likely to not receive as much attention as those of other family and community members.  
c. Some victims are likely to prefer a less public forum.  
d. Some offenders may not feel safe enough to talk openly - even pressured by the group to respond in certain ways.  
e. One or more people may dominate the conversation, while the actual victim and offender have little time to talk with each other. |

**Prevention versus Intervention**

The use of facilitated dialogue in the context of restorative justice and community reconciliation can occur at both the prevention or intervention level. Projects that focus on prevention would address general issues related to intolerance and hate crimes/incidents through forms of facilitated dialogue at a very early stage, quite possibly in the absence of any specific hate crime or incidents in their specific community. Projects that focus on intervention would address issues related to community reconciliation in the wake of specific crimes and incidents of hate or intolerance that have occurred in their communities over the recent past. These interventions may or may not involve the specific perpetrator(s) and victims but would certainly involve others in the community affected by such intolerance.
General educational and prevention oriented projects are more likely to be funded by government sources, as indicated by a recent review of websites and projects related to hate crimes and hate incidents. Intervention projects that can foster community reconciliation are few in number at this time and far less likely to receive funding from state or federal government sources.

**How Can the Process be Adapted to People, Communities and Cultures?**

Preparation, preparation and preparation. Without adequate preparation of all of the parties to be involved in restorative justice conferencing, preferably through in-person separate meetings, it will be virtually impossible to adapt the process to people, communities and their cultures. Without taking the time for preparing the parties, practitioners will be making numerous assumptions about what is best, who should do it, how it should be done, who should be present and where it should be held ... in other words, the “one size fits all” perspective. Such an approach, which lacks adequate preparation, is also more likely to be culturally insensitive, if not offensive in some situations.

Preparation of the parties does not primarily mean talking at them, selling the program and ensuring their participation. Rather, culturally sensitive preparation first means: listening to their story; trying to pick up cues about their communication style and comfort zone; and, identifying the impact of the crime on their entire family and community of support (whether victim or offender). Then, after explaining the conferencing process in more detail and with specific options available, it is important to prepare them for the actual encounter should they indicate interest in doing so. It is important to listen attentively to their specific needs as they contemplate engaging in a victim/offender conference, including such issues as: support people they may want present; how large of a group; the location and time for the conference; specific questions they might have about how the session is conducted; potential benefits and risks; and how they would like to be addressed.

The pre-conference preparation of the involved parties is not meant to “script” the actual conference so that little genuine emotion, including anger, will emerge. Rather, the pre-conference preparation is meant to reduce anxiety over what to expect in the conference process through a personal, though impartial, connection with the mediator/facilitator so that the parties feel safe enough to engage in a genuine dialogue with minimal intervention by the mediator/facilitator.