



Justice Connections

A joint publication of NAFCM, PRASI and VOMA

Conference Presentation

Neighbor and Peer Mediation Help to Preserve Social Order by Martin Wright

The title of this article is an optimistic one! I believe the statement to be true, but we do not yet have strong evidence. This is, not least, because so far mediation has only been put into practice on a small scale, but of course we hope that it will have an influence beyond its numbers, as more and more people have experienced it, or know someone who has. I believe that the advocates of a movement called "transcendental meditation" claim that if one per cent of the population of a town practice it, the ethos of that town will be transformed. In English, many people confuse the words "meditation" and "mediation." I hope that mediation will have the power to transform communities in a similar way! My experience suggests that we can take this as a working hypothesis until we have firm evidence.

First, I will describe our experience of neighbor mediation in Lambeth, in south London about how it was established and how it works, with some examples. Then you can consider whether this approach is relevant in your circumstances. Next, I will say a few words about mediation in schools. Then I will suggest some reasons why the hypothesis is a reasonable one, and I will outline the ideals on which this practice is based, ending with a vision for the future.

Experience in Lambeth

Lambeth is an inner-city borough in south London with a population of about 250,000. Long ago it was made up of villages, such as Kennington (with a famous cricket ground, and a piece of common land where public executions were once carried out), Vauxhall (which once had beautiful gardens, and gave its name to the Russian word for a railway station,

вокзал), Clapham (which is famous because a judge once described the 'man in the street', the 'ordinary' person, as 'the man on the Clapham omnibus'), and Streatham (which is not famous for the fact that I live there). Lambeth is ethnically very mixed. Over one third of the population are from black and ethnic minority communities. In families in Lambeth over 150 languages are spoken, and in the schools 27 percent of pupils are not fluent in English. It is the second-most disadvantaged borough in England. Forty-two per cent of dependent children live in single-parent families, and 51 per cent of children receive free school meals (Thurlow and Bitel 2002). Over 200 children are on the Child Protection Register. (Every local authority in England and Wales keeps a Register, or list, of the names of children who need a child protection plan to help keep them safe from harm.) Unemployment is nearly 10 per cent. Lambeth has many high blocks of flats, and many houses converted into flats, usually with poor sound insulation.

Another of the former villages is Brixton, with shops, a market, many ethnic minorities, but also some middle-class people who have discovered that property prices are not so high as elsewhere. With this mixture of "haves" and "have nots" the crime rate is high. Twenty-five years ago the people whom police officers stopped and searched in the streets were dispropor-

tionately from black and ethnic minority groups, which caused resentment against the police (This still happens, but not to such a marked degree as before). In April 1981, and again in September 1985, major riots took place. There were also riots elsewhere, for example in Liverpool.

A senior judge, Lord Scarman, was appointed to produce a report. He recommended reforms in the police and in the community generally, especially for those who are disadvantaged because of their race. He was impressed by "the enthusiasm ... among tenants' groups and ethnic minority leaders", and considered that 'Inner city areas are not human deserts: they possess a wealth of voluntary effort and goodwill. It would be wise to put this human capital to good use.' (Scarman 1982: 159-160) Later the Safe Neighborhood Unit of the National Association for the Care and Resettlement of People (NACRO), a non-governmental organization (NGO) concerned with crime prevention and the support of ex-offenders, was commissioned by Lambeth borough council to report on a troubled housing estate called Lansdowne Green. The NACRO report found, among other things, that:

Many tenants complained about the problem of neighbor disputes. The Tenants Association

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*Organizational Update***Working Together for Shared Interests**

Thank you for all the positive feedback about the **Justice Connections**. Our goal is a newsletter that is useful and meaningful. Over the next year, the newsletter will include broad coverage of areas important to us all, including organizational updates, research findings, effective practices, cultural perspectives and practices, community and mediation programs, books and resources, theoretical and challenging observations, policy and advocacy commentary, and offender and victim narratives. In order to do so, we need new writers with diverse perspectives and experiences related to restorative and social justice and community-based mediation and dialogue processes. Please add your voice to this exciting vehicle for sharing information, building skills, expanding programs and services, and improving our work.

Combining Our Strengths

NAFCM, PRASI and VOMA continue to identify and work on projects of interest and value to each of us. One such effort was the first Taste of Justice Event in Washington D.C. at the end of September. According to Irv Foster from NAFCM, who also staffed the NAFCM and VOMA tables, the event was well attended and filled with good conversation about our collective work. He has also encouraged participation from PRASI and VOMA volunteer facilitators for America Speaks outreach efforts for its large community meetings on a unified plan for redevelopment in New Orleans over coming months.

PRASI continues to combine social justice work with restorative practices through its network of practitioners and writers. PRASI leader S.Y. Bowland, along with VOMA board member Millie Carvalho and NAFCM board member Hasshan Batts, are developing a curriculum under a VOMA mini-grant on social justice and restorative practices with youth of color involved in the criminal justice system. PRASI also appears close to selecting an editor for its anthology publication of voices of color in the ADR/Conflict Resolution field.

VOMA is spearheading joint fundraising efforts and has developed resolutions that involve three demonstration projects and an official new alliance/consortium for structural support of our collaborative efforts. The demonstration projects are related to offender treatment/community re-entry, aftermath of Katrina for those who have remained homeless and/or being permanently relocated, and effective responses to hate and bias crimes.

Conference

We are also asking everyone to save the dates **June 9-13, 2007** for The Institute of Evidence-based and Best Practices conference in Miami, Florida. The conference will bring together our three organizations with others involved with victim/survivors and offender and court services to look at the practice of mediation and restorative justice in healing, treatment, re-entry, supervision, and court processes. A request for workshop presenters will be distributed soon.

Justice Connections

Justice Connections is a joint publication of the National Association For Community Mediation, the Practitioners Research And Scholarship Institute, and the Victim Offender Mediation Association.

We welcome contributions, including short articles, literature reviews, case studies, program news, images and other interesting information.

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#4 May, 2007	Apr 15
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Practice Notes

Facilitating a Collaborative Inter-Agency Effort

by Laura Branca and Kirby Edmonds

Between August 2004 and December 2005, we served as consultants and facilitators for an exploratory collaboration of seven progressive organizations, whose missions support the practice of conflict resolution and education, bias prevention, restorative justice, community-based research and mediation, peacemaking and dialogue. The participating organizations were PeaceWeb, Practitioners Research and Scholarship Institute (PRASI), the Victim Offender Mediation Association (VOMA), the National Association for Community Mediation (NAFCM), the National Council on Dialogue and Deliberation (NCDD), Creative Response to Conflict (CRC) and the Fellowship of Reconciliation (FOR). These organizations all have a commitment to social justice, diversity inclusion and supporting community-based problem-solving and peacemaking. In this article, we hope to share our sense of the inspiring possibilities, challenges, accomplishments, and lessons learned during this engaging and demanding effort.

Collaborative Conference

As the William and Flora Hewlett Foundation shifted its focus of support away from conflict resolution organizations and networks, it also encouraged inter-agency collaboration. In addition, the Hewlett Foundation provided a grant to PeaceWeb and its potential agency partners to study the feasibility of co-sponsoring national conferences.

Of the seven Hewlett-funded conflict resolution organizations, four hold national conferences annually or every two years and the other three hold regional training institutes and retreats. Given separate but overlapping constituents, a collaborative conference has the potential to generate income and provide an excitingly rich and synergistic gathering, where multi-disciplinary and multi-cultural learning, networking, and new alliances could blossom.

To determine the feasibility of a collaborative conference, the organiza-

tions would have to understand each other's missions and values, the implications of sharing their networks, make some financial disclosures, and determine how to share income from or liability for the venture. The process would also demand an honest assessment of who the actual players would be, who would do the work, and what it might mean to share or blend resources, fundraising efforts, affiliation, leadership and control.

Sustainability

After a series of interviews and conference calls, it became clear that some conversations could not happen long-distance. Communication style differences began to emerge on the calls, with some representatives wanting to move through the tasks, and others needing to explore underlying premises and to understand how people were using language. "High-context" folks needed to meet their colleagues in person for the insight, non-verbal information, and trust-building that only face-to-face encounters can yield.

Initially, we met for two days with representatives of these organizations to share information and to start addressing the areas mentioned above. The group spent a great deal of time clarifying their missions and values and the need for finding new funding streams. Differences in styles and priorities continued to surface. While some representatives felt confident that they understood and were comfortable with all of the organizations, others needed more time to establish trust. A recurring question for this group was, "Must we build trust before doing a project, or should we do a project as a means of building trust?" Concrete thinkers wanted specific, immediate things to work on, while visionaries and strategic thinkers sought multi-dimensional long-range plans. This tension continued.

Everyone was able to envision a fabulous event, where their members could find community and increase their

skills and knowledge, while gaining exposure to an array of ideas and approaches from kindred spirits in related fields. It could showcase organizations, provide leadership, expand networks, and be a joyous gathering of national and international participants who could share strength and build alliances toward policy change.

The hope and expectation was to find one organization that would serve as primary conference organizer. When it became clear at this meeting that the organizations most experienced with conferences were not in a position to take on this additional project, the group shifted attention to other opportunities for collaboration.

They generated a number of viable directions, including an intention to explore strategies for mutual sustainability, but they appeared to find the most common ground in discussions of social justice and activism, and the desire to collaborate on projects that make a difference in people's lives. They engaged energetically around ways to inspire young people's leadership, to build members' capacity for socially responsible, culturally relevant practice, and to hold national associations in their respective fields accountable for creating policies and standards that are accessible, inclusive, and grounded in social justice. Several areas of interest were identified:

- design and pilot a retreat for youth interested in taking leadership in peacemaking, conflict resolution and anti-bias work
- create an on-line educational resource clearinghouse for practitioners, drawing from the wisdom and best practices of all the participating organizations
- build and strengthen regional practitioners' networks, and a listserv
- share opportunities to develop multi-disciplinary teams to work in

Inter-Agency Effort*continued from previous page*

partnership with local, community-based problem-solving efforts

- explore opportunities for joint fundraising, and sharing the administrative functions, development, purchasing, etc.

Shortly after the initial meeting, VOMA offered the collaborative the opportunity to submit a proposal for a one-day pre-conference event at its 2005 conference. This venue would introduce the collaborative to a wider audience, and its theme would be a Call to Action about the place of social justice and social responsibility in their fields of practice. This event became the main outcome of the collaborative and a summary of outputs is available on the VOMA website (www.voma.org).

Lessons Learned*Styles Matter in Trust-Building*

Communication styles matter as much as race/ethnicity, gender, class, age, ability and sexual orientation. We were continually challenged about how to communicate at a distance, through conference calls, emails, draft proposals, and business plans. With representatives participating from Newfoundland to Georgia, Vermont to Nevada, New York to Los Angeles, and Minnesota to Arizona, it was nearly impossible to accommodate their range of communication styles without frustrating someone. Even in a collaborative effort, some folks prefer to work by themselves and others don't like to do anything alone.

Whose voices are missing?

A range of diverse perspectives is important for the shaping and planning of collaborative actions and trajectories. It's hard to have a sense of ownership of a process that is already in motion. Most participating organizations acknowledged that they have more work to do in order to have greater diversity among their memberships and those they serve. Because they identified inclusion of diverse voices as both an important tenet of their missions and a principle for their collaborative work, it became a concern that in the absence of having all the "right voices" (historically excluded identities and communi-

ties with whom organizations want to connect), no substantive work could be done, or the relevance and credibility of the work might be questioned. For example, there were no Latinos among the representatives and no white men until the very end of the project.

Who will do this work?

The Call to Action highlighted the need to bring in other representatives to do various assignments once program, design and steering committees were established. Representatives invited new people from their staff, councils, or networks to replace them as organizational representatives, to recruit, coordinate and staff pre-conference events, or to help steer the collaborative. The membership boundary of the collaborative became so open that it was less and less certain who would be present on any given conference call.

We experienced this as a fundamental tension in the group's process. On one hand was the need for a process that allowed new voices to join the effort, deepen its relevance, and have access to opportunities to contribute their energy and expertise. On the other hand, as new people were invited, introduced, and copied on e-mails and drafts, we spent a great deal of time in

Too much fluidity in the membership made it extremely difficult for the work of the collaborative to get traction

conference calls and "one-on-ones" orienting and answering questions. Even so, there was a lot of uncertainty about who would actually do which tasks. Too much fluidity in the membership made it extremely difficult for the work of the collaborative to get traction and accomplish things in a timely way. Ironically, it was often newcomers who, after one or two calls, asked why this group wasn't able to get more done.

Inclusion and Exclusion: How many of us need to hear this?

Critical information and support are often exchanged in off-line conversations, which exclude some parties. Sometimes exclusion is intentional. If people involved in an effort have some history with each other, or with each other's organizations, they may carry concerns from past problems or patterns of exclusion into the present situation.

A group can easily reproduce exclusion, even unintentionally, when those who are present feel the urgency to decide something and move ahead. A critical question is "Are we authorized to decide this, or do we need input from others? What is the cost of waiting, or deciding now?"

The assumption of a certain kind of authority and action can be seen as taking leadership, but it can also be viewed as taking over. Although it may be uncomfortable, it is important to check out assumptions beforehand, to consider who will care, and to be transparent.

Authority, Responsibility, Decision-Making and Leadership

The executive or regional directors, administrators, board members or senior leaders participating in this meeting were not personally authorized to commit their organizations' staff time or resources to a collaborative venture. However, they were tasked with presenting proposals and resource needs to their boards or councils for approval and support.

After reaching a general accord on a proposal, there were often more steps ahead:

- summarize ideas in a form that those not present can understand;
- wait for scheduled council meetings to address proposals; or
- relate responses back to the group and figure out what to do.

Having responsibility without authority to act makes progress slow and

Neighborhood Disputes

The Power Of Place: Mediating in the Neighborhood Where the Dispute Occurs

by Caroline Harmon

Community mediation centers that offer mediation services in the actual neighborhoods where the disputes occur are harnessing existing community assets, building community power, providing safer, more convenient processes for mediation participants, modeling collaboration as opposed to competition, and effectively spreading the word about mediation.

The Community Mediation Program in Baltimore, Maryland works with 115 mediation sites to provide free mediation in the same neighborhoods where conflicts occur. These mediation sites are existing community programs that have partnered with us to donate free space for community-based peacemaking.

Our staff contacts sites, on an as-needed basis, for scheduling availability. Since we mediate from 9 a.m. to 9 p.m., seven days a week, there are some sites that are rarely available at the times participants have chosen for their mediation sessions. Others are available continuously, and have entrusted us with keys to their buildings, and we distribute them to the volunteer mediators who are assigned to mediation sessions there. Each site is catalogued in our office with information about public transit, driving directions, entry instructions, contact people, wheelchair accessibility, hours of operation, for ease of scheduling. A directions file is maintained so that each mediation participant receives transit and driving directions with their mediation confirmation letter.

Community Mediation Program's site network is made up of: community centers, church basements, library meeting rooms, hospital conference rooms, student activity or volunteer centers on college campuses, public school buildings, nonprofit offices, city-run recreation centers, shelters, community development corporations, tenant council offices and rental offices, supervised visitation centers, and more. Each site receives a placard to post in their window or door embla-

zoned with "Conflicts Resolved Here Using Mediation" and our phone number.

A New Center

In 2003, Community Mediation Program successfully purchased our own community center building, saving it from demolition by British Petroleum following a mediated agreement. Among the reasons staff, Board members, and mediators fought to save the building is that it is located at a crossroads, nearly dead-center in Baltimore. It is located in Waverly, one of the few neighborhoods within Baltimore where racial demographics mirror those of the whole city, which is about 70% African American. Most neighborhoods are segregated more sharply in one direction or another. When our volunteer community mediators mediate conflicts between people who live on opposite ends of the city, we offer our own building as a mediation site. Still, less than 10% of our mediation cases are mediated here at our home base.

Saint Frances Academy Community Center is a mediation site we recently added to our network. Located in the shadow of the city jail, St. Frances Academy has a long and venerable history as the nation's first Catholic School for African-American children, founded by the Oblate Sisters of Providence in 1828. The expansive, newly-constructed facility is an open door in Johnston Square, a very low-income neighborhood where houses are largely vacant and unemployment is high. The Center offers an enormous job fair on Martin Luther King's Birthday, and a Haunted House for nearly 1000 area children. When approached, the school's Community Center Director Ralph E, Moore, Jr., quickly began scheduling mediation sessions at his building. He came in on Saturdays to open up the building for volunteer mediators, told people about the service, and asked for eight signs to post instead of the two we usually give out. Since St. Frances began this partnership with us, they have referred two mediation cases. Once, a student's

parent referred another parent to mediation, and on another occasion a community member called the Community Mediation Program after seeing one of the eight signs plastering the building!

Building Community Power

City neighborhoods and rural small towns already have local social infrastructure. Too often, low- and moderate-income neighborhoods and towns are classified in terms of need – as in, what can professionals charitably donate to people in need? Community mediation in the neighborhood where the dispute occurs says that there is strength and power in the neighborhood already. CMP mediators are from every area of the city, from diverse socio-economic backgrounds, and a range of education levels, ages and ethnicities. Johnston Square may be a neighborhood where crime and violence occur, where a lot of women are raising kids on their own, where houses are boarded up and burnt out. It is also a neighborhood where people talk through difficult issues, where parents work toward understanding, where people craft their own solutions even after violence, where residents train to become mediators, and where people make their own peace.

Harnessing and Exposing Community Assets

Working with grassroots local groups and surviving city-run neighborhood-based programs also helps citizens learn about the assets that are already in place around them. Time after time, Community Mediation Program participants tell our volunteer community mediators that they had passed their local community center or nonprofit offices hundreds of times, but never knew what they offered. For example, they may have known that the library was there, but didn't know about its programming for children, or that their local church was offering GED classes for free.

Book Review

Silently Silenced: Essays on the Creation of Acquiescence in Modern Society

Review by Russ Immarigeon

Silently Silenced: Essays on the Creation of Acquiescence in Modern Society

by Thomas Mathiesen

Waterside Press

\$29.95 (paper), 116 + viii pages (2004)

Over recent decades, community mediation and restorative justice have each resulted in groundbreaking proposals, stirring theoretical work, valuable research evaluation, and exemplary practice in various jurisdictions. Still, for all these accomplishments, I cannot think of any jurisdiction in the United States (or Canada for that matter) where either community mediation or restorative justice serve as the guiding model, or set of principles, for day-to-day, as opposed to exceptional or occasional, justice system practices. We simply do not have anything closely comparable to New Zealand's use of Family Group Conferences throughout its youth justice and child welfare systems.

Why is this? I know that in some states -- New York is an example -- most local court systems have at least some access to mediation services, but these are still rare, and, more importantly, not nearly extensive enough or sufficiently resourced to address its potential use. Consequently, criminal (or civil) justice systems pick up the bulk of "interventions" that occur in these local jurisdictions, usually in traditional ways. Often, community mediation and restorative justice practices are undoubtedly viewed as quaint notions, not really of service in more serious cases, or even in most cases. In such a context, I am troubled by the limits, often self-imposed, placed on mediation and restorative justice practices.

In this and coming issues I will resort, here and there, to reviewing books that challenge us to think broadly and critically of the context within which we work, with particular attention to making our practices have a greater impact on the everyday delivery of justice services in our country.

Silent silencing

Thomas Mathiesen is a Norwegian sociologist who has long studied and written about the use of prisons, the role and importance of prisoner reform movements, and the impact of law and justice on society. In **Silently Silenced**, he ties together a string of disparate essays, previously published over the past 30 years (although mostly in 1977-78) in a far-flung assortment of Scandinavian and other international publications, that raise and focus upon the matter of how contemporary institutions, including those that provide "care and social justice," are "structured in such a way that (they) silently and suavely (make) clients and patients fall into silence, keep quiet, hold back their criticism, beware of protest, go along, be acquiescent and strategic." (emphasis in original)

Silent silencing, as Mathiesen terms it, has five inherent distinguishing characteristics: It is structural, unbounded, noiseless, dynamic and "an everyday matter." The structural nature of silent silencing is not necessarily clearly seen. Instead it must be observed. People's positions within institutional structures exert an "invisible coercive character" that enforces their "being quiet." This routine, everyday, ordinary, non-physical force seems to have no clear limits so people are ill suited to keep their distance from it. Furthermore, silent silencing "takes place without the mobilization of any particular apparatus, without any particular organizing from private quarters or from the state, and thereby without much public debate." And, it is dynamic, meaning that it forms "over time" and becomes "continually more encompassing and continually stronger in its effect."

In addition, silent silencing, as Mathiesen sees it, has "five main features (that) are typical of the ways in which silencing concretely takes place." These "ways of silent silencing" include absorption, system placement, professionalization, legalization and masking. Absorption refers to "the attitudes and actions (that) are transcendent, are integrated in the prevailing order in such a way that dominant interests continue to be served." (emphasis in original) For

Mathiesen, those who might transcend existing systems are placed within the system (however this occurs) so that their transcendence is stifled. Professionalization, and subsequently legalization, further affirms this silence as the individual's transcending potential is subdued through training and other engaging processes associated with the work at hand. Lastly, Mathiesen claims the following: "through the absorption of goals which are threatening, the placement of persons or groups within system frameworks, professionalization of problem solution in society, redefinition of problems to issues of law and a general masking of them, we are subordinated and silenced in terms of attitudes and actions."

Conclusion

Mathiesen argues that silent silencing is a form of political control that affects our participation in everyday life of institutional arrangements wherein we conduct of routine, as well as out-of-the-ordinary, activities. Mathiesen's examples, plentiful throughout this text, include policing, imprisonment and other aspects of criminal justice. While mindful that some of this may seem mysterious, and perhaps then not really real, Mathiesen also posits that it actually occurs as part of a concrete, if not entirely visible, process.

For mediation and restorative justice, meditative and reconciliatory processes are offered and accepted as part of a process of apparent change, but often this process is shortchanged through the "silent silencing" of inherent concerns such as race, class, gender and culture, not to mention objectives such as the displacement of punitive practices, including incarceration, or the achievement of transformative outcomes, not just for individuals but also for communities.

Silently Silenced can be obtained directly from ISBS, Inc., 920 NE 58th Ave., Suite 300, Portland, OR 97213-3786, (800) 944-6190, (website) www.isbs.com.

Russ Immarigeon is the Editor of **Justice Connections**.

Practice Notes

The Challenges of Restorative Justice for a Juvenile Probation Officer

by Lance F. Kelley

I have been a Juvenile Probation Officer in Loudoun County, Virginia for more than five years. I am a trained restorative justice conference facilitator as well as a trainer in restorative justice conferencing. Coming from the criminal justice system side of things - I run the Restorative Justice Program for our Juvenile Probation unit - tends to make the victim/offender conference facilitation more challenging for me. Fortunately, I have surrounded myself with seasoned professionals in this field and have continued to hone my skills through ongoing training.

My caseload varies from high-end misdemeanors to low-end felonies, i.e., from juveniles that have shoplifted to juveniles who have committed sexual offenses. All of our conferences are co-facilitated, which we have made mandatory for our program. I feel that co-facilitation not only enhances the conference experience, but also adds another set of eyes to the process, which can help us because it provides another vantage point to the conference. The goal of our conferencing is to hold offenders accountable and to have them enter into agreements that solidify their accountability.

Primary and secondary facilitator roles

I have found that pre-conference work is essential to the restorative justice conferences we do in our unit. In addition to the importance of many hours of pre-conference work needed for the success of the conference itself, this work also allows me to answer the question, "Can I Run a Conference and Still Be Neutral?" In order to do this, I have to be able to conduct myself as a facilitator rather than as a probation officer. Sometimes I feel that I cannot step out of my probation officer role when I run the conference, such as when I have to work with juveniles who have had prior contact with our office. An example of this was a young man who had an opportunity to have his charge diverted if he complied with the shoplifting program in our office.

Unfortunately, he didn't comply. I felt this juvenile had a chance, but we de-

ecided to give him another chance without any formal charges. In this case, I pulled in another experienced facilitator to lead the conference and I took the secondary facilitator role. In this secondary facilitator role, I typically outline legal consequences to the offender if his or her case were to go to court. This secondary facilitator role keeps me in the loop of the conference; but it also means that I am more in my juvenile probation officer role than a facilitator role.

On the other hand, if I decide I can step out of my probation officer role and lead the conference, I am able to use more of my counseling skills. As lead facilitator, for instance, I apply my active listening skills to a participant's recounting of the event or events that lead to the criminal offense. This primary facilitator role brings the human side of the offense to the surface. The emotional impact of how the events have affected both the victim and offender makes the offense very real for those involved in the conference. I find myself engaged with the victims' response and the offenders reaction to that response. This interaction helps me orchestrate the start of the healing process for all parties involved. Part of this process is allowing the victim to decide what they need from the offender to start repairing the harm. The victim becomes actively involved in putting the written agreement together for the offender to follow. This interaction gives the victim some say in what happens in the offender's case.

Avoiding Personal Stuff

I also have to look at each case very carefully to see if "my own personal stuff" may impede the conference. Everyone has "stuff;" and, to successfully run a conference, you just have to own it and be able to handle it when it comes up. You do this not just for your own well-being, but, even more so, as a good restorative justice facilitator, you owe it to the victim and the offender to know when you should give a case to another trained facilitator to handle. In doing this, you will assist in providing a positive conference experience not only for the victim, but also for the offender.

Again, by conducting the pre-conference interviews, I can quickly determine whether my own personal issues will allow me to run the conference in a neutral way.

For instance, I had one case involving an offender who committed a sex offense against a six-year-old female. At the time of this case my daughter was six, and I naturally wondered how I would react when meeting this offender for the first time. After several phone conversations with the offender's family, I had them come into my office to finalize the pre conference work. When they arrived, I observed a twelve-year-old boy who was scared to death about the trouble he was in and seemed genuinely remorseful for what he had done. My questions to him were: 1) do you want help and 2) if so, will you be willing to take responsibility for what you have done? His answer to both questions was yes. Because of his demeanor and responses to my questions, I felt I could successfully facilitate this conference in the lead role. I am pleased to say that after a year and a half of treatment this offender has not re-offended and continues with counseling.

Importance of pre-conference work

Pre-work, pre-work, pre-work. I cannot say enough about how important this stage is for successful conferencing. I feel that if I had not taken the time and steps I have proscribed for a successful conference, it would be been a disaster for everyone involved. You also want to ensure that you have the appropriate support people at your conferences. In the end, I encourage anyone who wants to be a restorative justice facilitator to get formalized training and to observe as many conferences as possible before you take on the facilitation role.

Lance F. Kelley is a Restorative Justice/ Diversion Specialist in the Loudoun County Juvenile Parole and Probation Office a, where he handles diversion cases for the Court Services Unit. For further information, contact Lance Kelley, 20L JCSU, PO Box 6370, Leesburg, VA 20178, (703), 771-5568, (e-mail) lkelly@loudoun.gov.

*Tour Report***Restorative Justice Speaking Tour in Argentina and Chile**

by Marty Price

For two weeks this past May, I visited Argentina and Chile to speak about restorative justice at the request of each country's Ministry of Justice. As a pioneer in the restorative justice field, I felt confident that I could provide valuable expertise, experience and resources. But, I quickly realized there was more to present than one person could bring.

I posted an invitation on the Victim Offender Mediation Association (VOMA) e-mail group and a group of leaders in the restorative justice movement responded. On our first conference call, Spanish language materials were offered and connections were made with others in our field who have worked in South America. The others provided connections to Argentines and Chileans who were presently engaged in the development of mediation and restorative justice in those countries.

Together with a group of restorative justice colleagues, we created a vision for the potential of this trip - a vision much larger than what one person alone could offer or provide. We saw the potential to build bridges between the Restorative Justice movement in North America and the new, but growing movement in South America.

The Speaking Tour

On a typical day, I would make three major "live" presentations, each to an audience of a few hundred or more. Many of the people who attended my presentations traveled a considerable distance to do so and sometimes filled the nearby hotels. Sandwiched between the major presentations each day, there were typically press conferences, TV or radio interviews or "courtesy calls" to visit high-level justice system officials. In addition to the "live" presentations, there were also digital video conferences, in which I delivered my presentations from a high-tech broadcast studio. In the studio, I faced a bank of a dozen or more TV monitors and on each monitor, I saw a large audience, each in another

province in another part of the country. Each audience saw me on a large screen monitor and could interact with me, with the help of a facilitator who "directed traffic."

The result of this sophisticated programming was that, by the end of my tour of each country, virtually every decision-maker and person of influence in the criminal justice systems in Argentina and Chile had heard my restorative justice message and had an opportunity to dialogue with me. Through these modalities, I met or dialogued with the Ministers of Justice, Supreme Court justices, judges, national and regional prosecutors, and public defenders, mediators and victim advocates, court administrators and corrections officials, and professors of law, criminology, psychology and sociology. There was an especially important meeting with the board members of the Justice Studies Center of the Americas, a think-tank of the Organization of American States - an influential presence throughout all of Latin America.

Meetings with national officials were always face-to-face, often with more pomp and circumstance than that to which I am accustomed, commonly presenting me with an engraved plaque, certificate, autographed book or other tangible acknowledgment of their appreciation of my visit. Such warm welcomes were typical.

The reception to my presentations was, to me, nothing less than phenomenal, marked by openness, curiosity and enthusiasm. By the end of each presentation, audience members were literally jumping out of their chairs with comments and questions for me. There was never enough time to meet the desire for more sharing of information and experiences. Presentations and meetings always included an explanation that I was speaking on behalf of a large group of contributors to a restorative justice cultural exchange, rather than presenting myself as an

individual expert.

Cultural, Legal and Socio-Political Reflections

Still, it was difficult to avoid being seen and related to as an expert. One of my cultural learnings had to do with the notion of expertise and how it is perceived. Depending upon the professional level of the audience, there were sometimes more comments than questions and sometimes speeches disguised as questions. The speeches seemed more intended to impress listeners than to share knowledge. I learned that, in some circles, asking questions was viewed as exposing a lack of expertise - not a desirable thing. I also learned that when I responded to questions with "I don't know the answer to that," followed with suggestions on how the answer might be learned, I left no doubt, ironically, that I was an expert. True experts, I learned, were free to say, "I don't know." People who lack expertise, or who lack confidence in their expertise, need to "fake it" by providing something that sounds like an answer to the question that was asked.

The significance of the "Justice Undergoing Change" movement in South America cannot be underestimated. Both Argentina and Chile are in a period of profound legal transition from hundreds of years of an inquisitorial criminal justice system to just a few years experience with an adversarial system such as we have always had in the United States. In the inquisitorial system, judges made accusations of criminal behavior, investigated the accusations, dismissed the charges or conducted a trial, rendered verdicts and pronounced sentences. There were no juries and no prosecutors; defense attorneys were only for wealthy defendants. Rights of the accused, to the extent that they existed in writing, had little means for enforcement.

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Restorative Justice in South America and North America

Although it was no accident that I was invited to Argentina and Chile during "Justice Undergoing Change," it also seemed somewhat ironic to me. In North America, the restorative justice movement has come, at least in part, in response to the inequities, injustices and inefficiencies of our adversarial criminal justice system. In Argentina and Chile, prosecutors and public defenders are seen as "a breath of fresh air," the gatekeepers and providers of a more modern, more democratic, adversarial criminal justice system (juries still have not arrived).

Because adversarial criminal justice with prosecutors and public defenders is "the new way" (and indeed a great improvement over the old way), I initially imagined that my restorative justice message, advocating healing outcomes for all, rather than the narrow, adversarial focus on "winning the case," might be met with a great deal of resistance. But to my delight, I found the newness of adversarialism, in the context of the spirit of "Justice Undergoing Change," fostered openness to notions of restorative justice (rather than commitment to the win/lose battle in court.) In my mind, I contrasted that openness with the resistance to the restorative justice movement that has been typical in the United States and other countries that have been steeped in adversarial criminal justice for hundreds of years. South Americans are in the midst of change - they feel it is long overdue, they like it and they want even more. They seemed to see restorative justice as yet another way to modernize and "democratize" the way they do criminal justice, and to introduce even more fairness and efficiency - for which they hunger - or simply, "more just" justice.

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Volunteer community mediators also learn about community strengths and assets. For example, one Community Mediation Program mediator recently learned that Spanish classes were being offered at HarBel, her own local neighborhood umbrella community center. Harbel is best known for its first-rate Citizens On Patrol and safety programs, and the mediator was planning to sign up for Spanish classes 8 miles from her house, in a neighborhood better-known for its Latino/a population.

Most importantly, by mediating in the neighborhood where the dispute occurs, a powerful statement is made: you already have all the resources you need to resolve your differences. Community mediation skills and values and communication styles can be put to work at your local library and at your own kitchen table.

Providing Convenience & Safety

Using neighborhood destinations for community mediation sessions is more convenient for mediation participants, therefore, they are more likely to come to mediation. In Baltimore, mediation is still an unknown quantity, so there is great apprehension about using the service, as well as the normal human fear about facing conflict head-on. We do whatever we can to make the process more convenient, including mediating at 7 p.m. on Friday night or at 9 a.m. on Sunday morning. There is not only convenience, but also safety in the familiar. For most people, a local recreation center feels far more "safe" than a courthouse or police department, in spite of - or maybe because of - the lack of security guards, sheriffs or metal detectors.

Modeling Collaboration

When a conflict resolution group collaborates with other human services, legal services, youth and family services programs, it is modeling the collaboration that is their main gift to the community. In addition, by maintaining a (fairly low-demand) site partnership year-round, we are better able to create stronger partnerships around specific projects. For example, when we hold fundraising events, when we

go to defend our Community Development Block Grant allotment against cuts, when we launch our upcoming faith-based campaign, Blessed are the Peacemakers, we already have a foundational relationship with appropriate agencies, nonprofits and houses of worship because of our site network. Collaboration is in the fabric of everyday life, rather than an urgent response to threats or opportunities, making the organization more sustainable.

Spreading the Word

Creating 115 separate "doors" into the mediation process in Baltimore has been one of our most powerful tools for spreading the word about mediation's potential as a force for community building. Our mediation sites make referrals to mediation, host community conflict management trainings, refer potential volunteer community mediators, and generally serve as our best ambassadors.

Getting Started

Coordinating mediation sessions with 115 locations is hard work. Many things can go wrong, and it demands a more labor-intensive commitment to communication than other service models. When I was a first-year volunteer community mediator with the Community Mediation Program eight years ago, our volunteer coordinator gave me an award at our appreciation event for "Most Problems with Sites." The award contained a screwdriver, a set of bobby pins, a credit card, and some reading materials - a tribute to a couple of snowy weeknights spent waiting for a building to be opened up, or setting up in the wrong room on a sprawling college campus. While volume brings challenges, it also provides options, so each time there was a site problem, another one was nearby that I could be directed to. As a volunteer community mediator, as a mediation consumer, and now as a Community Mediation Program staff member, the benefits outweigh the challenges.

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stressed that Housing Officers fail to tackle the problem of neighbor disputes or take responsibility to resolve them.

It recommended that:

The Council should first review and strengthen its procedures for dealing with neighbor disputes and also consider setting up a mediation scheme (as in Reading, Southwark, Sandwell and Islington) in order to reduce the level of conflict in such situations and to bring about an effective resolution without recourse to the police or legal remedies.

(NACRO 1987)

Among the reforms after the riots were improvements in police/community liaison, and volunteers were appointed as lay visitors to police stations, to see that prisoners were well treated. One person involved in these reforms was Greta Brooks, a former school teacher and the wife of a retired doctor. After working with the police for some time, she concluded that it would help both the community and the police if people who had disputes with their neighbors had the choice of resolving them through mediation, rather than by going to the police. She therefore decided, in 1988 (at the age of 71), to establish a mediation service in Lambeth.

She contacted a wide variety of people to assess the need for a mediation service: the police, housing officers, community associations, NGOs, church groups. She went to see the national organization, Mediation UK, which told her among other things that I was a member and lived in the area. So I was one of the people she contacted. She organized public meetings in different parts of the borough. As a result of this, she found a group of people who were willing to form a steering committee.

The committee made a list of things that needed to be done. Two people drew up a constitution, and applied for registration as a charity (this means that the not-for-profit association does

not have to pay tax, but it has to provide information about its financial management to the Charity Commissioners). Another group planned the recruitment and training of volunteer mediators. Others worked out the details of how the service would operate, and planned publicity for it. It was decided that mediators would be as representative as possible of the local community (or communities), and that anyone could apply to be trained as a mediator, with no previous paper qualifications. Training is practical, not based on reading academic textbooks and writing essays. It includes such practical skills as "active listening," awareness of prejudice, summarizing statements in neutral language, and – importantly – mediators would work in pairs and learn to give and receive constructive feedback about each other's performance. It was expected that one or two people would drop out of the training course if they felt that they were not suitable. In addition, there would be an assessment at the end of the course by means of a role play and an interview, and references would be requested.

When someone contacted the service, or was referred by (for example) a housing officer, the police, or a local councillor, the request would come to the co-ordinator. At first this was Greta Brooks herself, working on a voluntary basis from her own house. Later, we employed a paid co-ordinator and rented an office. Mediators would work in pairs. They would visit the first party and listen to their account of what had happened. Then, if the first party asked them to visit the other party, they would ask them also if they could visit them and listen to their point of view. Perhaps we should be willing to try more "shuttle" or "pendulum" diplomacy, going backwards and forwards between the two. This produces less satisfaction, but may be better than nothing. On the other hand, it may provide an easy way out for some people who would otherwise have chosen the benefits of face-to-face mediation. In our present model, both parties are asked if they agree to meet, on neutral premises such as a community center, with mediators. If they agree, the co-ordinator arranges the meeting. In addition to the two mediators a third trained volunteer is present, who acts as "receptionist." He

or she talks to the first party when they arrive, so that when the second party arrives they do not find the others chatting to the mediators, which might give the impression that the mediators were not neutral. If the mediators want to speak to each party alone, the receptionist chats to the other; if everyone feels the need for a pause, he or she makes tea or coffee. The receptionist also deals with any unexpected occurrence, such as looking after a small child whom one of the parties has brought. Otherwise, the receptionist takes no part in the mediation, but, afterwards, when the mediators evaluate the session and each other's performance, the receptionist also contributes as an independent observer. .

Currently a system of accreditation is being introduced, both for mediation services and for individual mediators. This is desirable in principle, but there are fears that the process may be more bureaucratic than necessary.

The sorts of disputes that are handled involve noise (late night music, shouting, hammering or power tools, washing machines or slamming doors), children (running in-doors, ball games out-of-doors, and how they behave or are spoken to by neighbors), adults (bad language, offensive behavior, threats), property (garden boundaries, access to gardens, car parking or fallen tree damage), and other things such as cooking smells or troubles caused by pets or other animals. In addition, there have been some disputes between groups of people, and between shopkeepers.

The first funding for Lambeth Mediation Service came from charitable trusts. Costs were low because all the work was done by volunteers. When it became necessary to employ a co-ordinator, funds were obtained from the local authority, Lambeth borough council. Otherwise, we have to obtain money from charitable trusts, or from special government initiatives, which provide funds for specific purposes. These funds are usually limited to two or three years. Keeping ourselves informed about these, and applying for them, is time-consuming. In the

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United Kingdom, NGOs have to spend a lot of time designing new projects that will attract the interest of government departments or charitable foundations. It is difficult to obtain the "core funding," the basic cost of keeping the service running. The government says that it wants to encourage voluntary activity in the community, but arrangements like these do not make it easy for us.

We are now beginning to extend the service to other kinds of disputes, such as those in the workplace or in residential homes. Agreements are written in everyday language, using the parties' own words as far as possible. A balance is struck between being specific (agreeing a date by which a fence will be repaired) and making an agreement based on goodwill and good intentions. Often what is important is not so much the agreement itself, as the fact that the parties have spoken to each other and recognized that the other respects their needs.

Other mediation services offer a range of different services. The range covered by some mediation centers in England is suggested by the following:

Basildon Mediation (Essex)

- peer mediation;
- homeless young people and their families; and
- victim/offender mediation.

Mediation Oxfordshire

- mediators (paid and volunteer);
- neighbors;
- parents and schools;
- workplace colleagues;
- facilitating difficult meetings;
- branches and generations of families; and
- tenants and landlords.

Mediation Dorset

- restorative justice conferencing in schools;
- workplace (between staff, employers & staff, with clients/customers.
- preventing homelessness);
- children with special educational needs;

- victim/offender (restorative justice);
- young mediators project (peer mediation, skills training); and
- anti-social behavior.

Newham Conflict and Change (East London)

- community mediation (neighbor disputes);
- domestic mediation (working with families where communication has broken down);
- community development (learning to manage conflict, share ideas and resources, working with homeless families and refugees);
- schools (whole-school approach, training for student mediators, communication training for teachers and supervisors);
- training for trainers; and
- Muslim mediation service.

Many are working with children, in or out of schools. This work is also spreading through the government's initiative to include "citizenship" in the school curriculum, but it is not centrally co-ordinated and there appears to be no information about the number of schools that are already using it. A young mediators' network has been started and is growing, with more than 250 members aged from 13 to 21 and 200 schools and other organizational members.

Mediation in Lambeth Schools

I will say a few words about peer mediation in Lambeth, not because it is a distinctive program, but because it is the one with which I have worked. We wrote to all the primary (age 5-11) and secondary (age 11-18) schools in the borough, asking if they felt that peer mediation would be helpful in their school. A number of them said "Yes," which enabled us to obtain a three-year grant from the National Lottery Community Fund, to develop this service. We agreed to work in the first five schools that replied (three primary and two secondary comprehensive, of which one was co-educational and one for girls only), Another primary school was added later. We appointed a mediation trainer, and she started to train a group of children in each school.

The aim was not only to teach children how to mediate, but to

- enhance children's and young people's learning to prepare them for the world outside, where conflict is bound to take place;
- enable children and young people to handle conflict in such a way that all parties feel they have been treated fairly;
- empower children and young people to achieve an amicable agreement without resorting to violence as a means of resolving conflict; and
- give children and young people life and communication skills, with particular reference to Personal, Social and Health Education (PSHE) and Citizenship as essential parts of the school curriculum. (Thurlow and Bitel 2002)

At first, training was provided in 12 weekly one-hour sessions, but recently we have experimented with delivering the same number of hours in half-day or whole-day sessions, which have some advantages. The principles and practice of mediation are very simple, and similar to those used by adults:

- introduction, mediator's impartial role, ground rules: no interrupting, no put-downs (humiliations), no swearing or name-calling (insults), try to be honest;
- each party tells their story uninterrupted and expresses their feelings;
- the parties question each other and discuss the issues;
- the parties put forward suggestions for workable solutions; and
- the parties agree on one or more solutions (a written agreement is usually drawn up and signed by the parties and the mediators). (Lawrence 2000)

We were able to find some money for research. Unfortunately, our worker did not succeed in persuading children and staff to keep detailed records, so few figures are available. The results of the research, however, were generally favorable. (The following group of quotations is from Thurlow and Bitel 2002). One head teacher said

The ethos among the kids is much more supportive when

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there's a dispute ... There's a general lowering of temperature across the school – the kids are beginning to realise that they have responsibilities.

It helped the self-esteem of the mediators. One said:

It makes me feel good – I'm proud of myself for achieving something

Mediated pupils appreciated the service:

I thought, how can someone my own age talk to me? But after, I realised that she understood me much better than a grown-up would – the words I was using, me and the other girl's attitude.

If we hadn't had it, we'd have kept on punching each other and we'd probably have been excluded.

Even if figures had been collected (for example, for the number of temporary or permanent exclusions of pupils, the number reported to the head teacher, and so on) they would not prove that mediation was successful, because most schools have more than one program operating at the same time.

Our next concern is to find a way of spreading mediation through all the approximately sixty schools in the borough. In theory, we could train the staff in a few schools, then leave them to continue while we worked in more schools. We cannot be sure, however, that standards will be maintained, and the trained staff may move and not be replaced. But if we were to maintain a regular presence in all the schools, that would require a larger staff, which in turn would require extra funding. Funding is of course another major concern. The original grant from the Community Fund allowed us to offer the service free for three years, but it was not renewed, so that now we have to ask the schools to pay. Some are willing to do so, but others are unable to.

The case for restorative approaches in schools has been made by the practitioner and trainer Belinda Hopkins (2004). It is based on such values as recognition of feelings, needs and rights, empowerment, trust and above all respect for other people even when their behavior has been unacceptable. Hopkins explores such concepts as the need for participation to be voluntary, but she faces the need to decide what to do if voluntary participation is not possible. She suggests that when children understand the principles of co-operative problem-solving, they can collectively make such decisions. Mediation is not the whole of this method. It emphasises other necessary building blocks of a whole-school approach such as promoting communication, and techniques such as problem-solving circles. We must look beyond the conflict and tackle the unmet needs that gave rise to it. We must also not ignore the possible contribution of adults to escalating the problem if they do not handle it in a restorative way.

We hope to extend the service to help with conflicts between parents and schools, parents and children, members of staff, and so on. This, of course, would be done by adult mediators.

Why mediation should work

The first community mediation service in England, founded in 1984, says in a recent annual report (2002-2003):

Our vision is for Newham to be part of a global community in which people are nurtured and empowered to value difference (i.e. to value the differences between people and cultures, and treat people equally) and to see conflict as an opportunity for change. (Newham Conflict and Change 2003)

Disputes can have serious outcomes. One man in Lincoln had a long-running dispute, because he thought that his neighbor's hedge was too high. One day he cut it down – and his neighbor shot him dead (Independent 16 June 2003). It is estimated that there are 100,000 hedge disputes in Britain every year. A couple in Swindon claim that the behavior of their neighbor has reduced the value of their house by £60,000 (Times 21 November 2002).

An elderly man, a former soldier, used a toy gun to try to scare off boys who were taunting him. He was charged with possessing an imitation firearm with intent to cause fear, but killed himself on the first day of his appearance in court (Independent, 16 May 2001). A Home Office study suggests that a substantial part of the rise in violent crime is due to assaults and fights between friends, work colleagues, and their clients, and school-children. The number of such incidents, not including domestic violence, has risen from about 800,000 in 1981 to 1,182,000 in 1999, an increase of 48 per cent, while the number of attacks by strangers has increased by only about five per cent, from 850,000 to 892,000 (Stranger and acquaintance violence: practice messages from the British Crime Survey, reported in Independent, 23 July 2001).

These are extreme cases, but less serious ones can make life unpleasant for many individuals and families. Suppose that your neighbor constantly plays loud music, or their children run up and down in the flat above yours until late at night, or they repeatedly park their car in your parking space – what can you do? You can lie down like a doormat and try to get used to it. You can knock on their door and ask them to stop. Perhaps they will, or perhaps they will give you a mouthful of abuse. Perhaps you will shout back at them, and make things worse. You can bang on the ceiling, or turn your own music up high, or shout at their children – that usually makes things worse, too. You can get your other neighbors to support you against the troublesome one – he or she will probably do the same, and the community will be divided into hostile groups. You can ask a lawyer to write them a letter, but that will be expensive and is unlikely to improve personal communication between you and your neighbor. If you go to the police, you will probably never be on speaking terms with your neighbor again, especially if this ends in a prosecution and/or conviction.

Our experience has shown that people can resolve their own disputes, with the help of a third party, and remain on

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speaking terms, even in the most unlikely cases. If people are willing to come into the same room, with the mediators to make sure that they are safe and guide the discussion so that it does not go round in circles, an agreement is reached in eight or nine cases out of ten. The more we do, the less the state or the justice system has to do. The difficulty is in persuading them to talk to each other. We hope that as the reputation of mediation spreads, more and more people will be willing to do so.

One writer has suggested that the basis for a civil society is the belief that individuals are not motivated solely by self-interest, but by the need for affirming social relationships (Morrison 2001). Restorative justice can reintegrate those who are not linked to their communities, by creating mutual understanding. Social capital is built through institutions that foster productive social relationships. A dialogue between parents and teachers, for example, should be institutionalized. The ideal would be not to control people through rewards and punishments, but to form "communities bound by moral commitment, trust and a sense of purpose" (ibid. p. 203). In this way we can allay fears and cultivate hope.

A vision for the future

We are not going to create Utopia – in this life at least –and I hope that the people on this planet can avoid turning it into Hell, but we can decide whether we will try to walk towards one or the other. It may seem that I am going beyond the immediate subject of this article, but I don't think so. If modern societies were more-or-less stable and just communities in which the problem was only to persuade deviants to conform with the wishes and interests of the majority, then mediation and restorative justice would be merely a tool for this purpose.

As it is, however, many societies are unequal, many people live in poor conditions, people want more than they have and take it from others against their wishes (and wealthy individuals and corporations do this as well as poor ones). It follows, firstly, that mediation must be carried out with great

care and adequate safeguards, to make sure that the stronger party does not dominate the weaker one. Secondly, it follows that mediation has an extra function. It does not only provide an opportunity for the two parties to resolve their conflict, but it enables them, and the mediators, and anyone else present, to gain a better understanding of the social pressures that may have contributed to the conflict. The challenge is then to act on these insights, to make the community, the country and eventually the world a better place. Mediation and restorative justice cannot achieve that on their own, but they can contribute towards it.

This is not the place to undertake an analysis of the flaws in modern society, but I would like to say a few words about money. It was invented as a tool, to save the inconvenience of barter, but when its acquisition becomes an end in itself, goods are manufactured for no other purpose than to be sold at a profit. Some people want to continue this because it is their livelihood; others to get rich. If acquiring a maximum amount of money becomes a goal, people are reluctant to pay taxes, and public services are cut. Nils Christie says that if he had the power and the urge "to construct a situation for the promotion of crime, then I would have shaped our societies to a form very close to what we find in a great number of modern states." (2004: 51) We live in a "monoculture," in which money and consumption are the goals of life. We are dominated not by a dictator, but by dependence on production and consumption, almost a totalitarian culture, so that lack of money becomes an indicator of failure which many people will go to extreme lengths to avoid. Meanwhile, there is "diminished availability of the types of activities that represent a reward in themselves." (ibid. p. 27)

The mediation movement is affected by this tendency. Like other services, if it does not receive enough money, it cannot provide the best possible service. Secondly, at its best mediation is a community-based movement, in which people from many different backgrounds volunteer to act as mediators. But those who have to work long hours of overtime, or take a second job, in order to support themselves

and their families, may not be able to volunteer unless they are compensated for the loss of earnings while they are doing voluntary work. In that case, again, adequate funding of mediation services is essential

I hope that we can achieve a society in which people can earn enough to live on in a shorter working week, so that they will have more time for voluntary activities, including mediation and many others. These would be "activities that represent a reward in themselves," and would mean that social workers and police also would not have to work such long hours. We should not need so many of them; the more people do for themselves, the fewer taxes they will have to pay to the state for services. In England, people are commonly (but not always) allowed time off work, to serve as unpaid lay magistrates, or as jurors; it is not common to be given the same freedom for other voluntary work, such as mediating

The aim would not be a society without conflicts, but one in which conflicts are handled restoratively. It would for example:

- include mediation in the basic school syllabus;
- enable people (and organizations, groups, official agencies and others) to handle conflicts themselves, with the help of mediators if necessary;
- enable people to handle conflicts without violence;
- enable people to learn from them; and
- encourage them to put into practice what they have learnt locally and, ultimately, structurally.

An example of how this can be done comes from the Peacemaker Committees in Zwelethemba, Western Cape, and other townships in South Africa. They handle a wide range of criminal and civil cases, and those where the criminal law is not involved such as infidelity and noise disturbance (what is and is not defined as criminal varies, of course, in different jurisdictions). One distinctive feature is that cases are not necessarily referred from

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courts but people can come to the project directly. Another is that there is a peace-building project alongside the peacemaking. This studies the conflicts to identify the underlying social problems, such as extreme poverty and the chronic lack of employment opportunities and basic amenities, and within its limited resources takes remedial action such as building a children's playground and supporting small businesses (Roche 2003: 264-6). It may not be able to effect fundamental structural changes, but could help to make people aware of the need for them.

Ultimately, there could be mediation centers throughout a country. As far as possible, the work would be done by trained volunteers, who would be reimbursed for expenses and loss of earnings if necessary. In complex cases, a professional and a volunteer mediator could work as co-mediators. There would need to be a system (as unbureaucratic as possible) for accreditation and continuing training. They would be supported by local and national government, but ideally would obtain funding from more than one source in order to retain their independence. There could also be paid work (with paid mediators) for commercial and governmental agencies.

Mahatma Gandhi was once asked what he thought of western civilization. He replied that he thought it would be a good idea! If this vision spreads to Lambeth and other local communities, so that local mediation services, and especially peer mediation in schools, become as normal and universal as law courts, perhaps it will help to make Gandhi's good idea a normal part of life in our societies.

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spongy. Ultimately, organizational sponsorship and support were attained and significant leadership and follow-through emerged.

A program design team planned the Call to Action with our assistance, while organization leaders and a logistics team handled recruitment, logistics and coordination. The event attracted close to 70 participants and generated some important implications for best practices and for policy change.

Leading in an environment like this can be frustrating and risky. The need to seek and honor many viewpoints can produce cumbersome processes and plans that are too ambitious. The Call to Action design felt more like a three-day conference, with its large audience, multiple facilitated break-outs on separate topics, volumes of flipchart outputs, and tentative next steps. It's interesting how the vision of a collaborative conference re-emerged in the ambitious scope of this event.

We saw tremendous potential in collaborating for mutual sustainability. With good will and talent, organizations are inclined to hope that a strategic alliance is possible; it is difficult to recognize that this might not be the right combination of partners. In this case, bold steps were taken, but a fresh leadership team was needed to follow-up on promising ideas and recommendations and to carry forward other areas of interest, such as a clearinghouse, youth retreat pilot, and regional networks.

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Last of Series

The Long Horizon Of Identity and Change

by Jarem Sawatsky

In 1990, an indigenous group in Oka, Quebec set up a road block to block golf course development, on what they felt was sacred ground, where there was an armed stand-off with the police. When these parties reached the negotiation table, the government openly stated that it was only interested in talking about when the arms and roadblocks would be laid down. The indigenous representatives started with these words, "Since time immemorial...." In fact, they wanted to talk about the nature of their identity and the long history of their relationship with the Canadian government. These initial negotiations failed. One peacebuilder suggested that this was a failure of timeframes to meet.

When the timeframe is very narrow, the prevailing orientation focuses on crises, issues, and quick fixes. As the timeframe expands, the lens expands to include systemic change, identity, patterns of relationships and the nature of sustainable change. A peacebuilder's timeframe is like an accordion – expanding and contracting with artistic flair. Liberating peacebuilding practice allows one to work on the current crisis while at the same time working on the larger systems and relationships in which the crisis is embedded.

The final part of this series on guideposts for peacebuilding practices that redefine unjust relations focuses on guideposts to help peacebuilding practitioners draw on this expansive timeframe, the long horizon of identity and change.

Peacebuilding Practice that redefines Unjust Relationships is Rooted in a Collective Orientation, Not an Individualistic Orientation

Insofar as peacebuilding sees itself as a democratizing force strengthening civil society, it will cease to be of assistance to those persons or groups whose collective-oriented identity

questions the fundamental assumptions of liberal democracy. The peacebuilding field has largely developed within individualistic-oriented cultures. The focus on autonomous decision-makers in mediation, negotiation, and communication skill building is rooted in an individualistic-orientation (if you just get individuals to communicate well together they will make good decisions and have less conflict).

The collective-orientation is fundamentally different. Indigenous people have a distinctive "way of knowing" from that of the western state system. Liberating peacebuilding practice will work to accommodate and draw upon multiple ways of knowing. This does not mean "tweaking" individualistic-

What peacebuilding practice can offer is a way of being together on the journey of discovering justice.

oriented conflict resolution processes to make them culturally appropriate. It means developing and recovering collective-oriented approaches, which will look very different than the individually oriented ones.

In indigenous context, peacebuilding is not merely a set of skills, but a way of life, a way of survival. Survival in an individualistic orientation is the survival of the fittest. In a collective orientation it is the survival of the community, which includes both human and non-human community. Our world is in desperate need of relearning a collective-oriented survival of the global community. This is a gift indigenous communities can bring to

those caught in the individualist-orientation.

Peacebuilding Practice that Redefines Unjust Relationships Creates Space for Multiple Time-Orientations

Timeframes are culturally dependent. The modern western concept of time is linear and progressive. We move from where we are now into the future. As a result, conflict intervention focuses on short-term crisis intervention at worst and long-term sustainable peacebuilding at best. The Buddhist concept of karma, enlightenment and reincarnation, results in a more circular and future outlook. Harms of the past are often seen as a result a bad karma. Attention is more on "right living" in the moment and working toward the future than it is on looking back. Indigenous traditions are different. They often see the way forward by looking back.

It can be argued that a linear future-oriented timeframe is one of the biggest tools of oppression of indigenous peoples, as it undermines their very way of knowing, creating meaning and simply being. It disconnects them from the very sources of life and meaning. If peacebuilding practice remains crisis-oriented, future-biased and peace-focused, it will be unable to assist indigenous people and may actually become just another tool of cultural imposition.

Liberating peacebuilding practice must broaden its perspective to be aware of and include multiple time orientations. Nearly every peacebuilding process is embedded with an implicit timeframe understanding. The more we become aware of timeframes, the more we will be able to recognize when others are being excluded due to own our biases.

Identity and Change*continued from previous page*

As we grow in our ability to be design-oriented, we must learn to design justice experiences within the time conceptions of the participants.

Conclusion

It remains to be seen if peacebuilding practice in its various forms – conflict resolution, restorative justice and alternative dispute resolution – will be a barrier or a servant of indigenous people. The uncritical importation of peacebuilding practices into indigenous communities is a sure path to create more hindrances than helps. Moving between cultures always involves interpretation and adaptation. For good reasons indigenous people and peacebuilding practitioners see each other as potential friends. And yet for good reason many indigenous people are skeptical about the extent to which

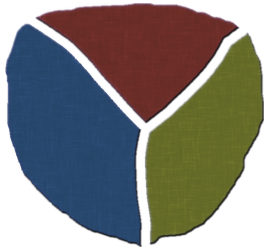
peacebuilding will be of service in getting over the barriers ahead.

This series of articles, now drawing to a close, has laid out a number of guideposts for the journey. Healing is a journey into the known and the unknown, the expected and the unexpected, the explained and the unexplained. Along this journey into mystery we need some guideposts. Guideposts are not a map telling us where to go or what to do. They are helpful indicators to set up to serve the traveler.

In this case, the travelers are indigenous communities and the advocates for the use of peacebuilding praxis. I submit these thoughts for discernment by these communities and advocates, so that they may test and evaluate in order to determine whether these are helpful guideposts for the journey.

What peacebuilding practice can offer is a way of being together on the journey of discovering justice, harmony and truth. It is a way of standing with people and together exploring and creating ways of addressing harms and rediscovering identity.

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