

Borbála Fellegi and Dóra Szegő

Handbook for Facilitating Peacemaking Circles

2013





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Written by
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Borbála Fellegi and Dóra Szegő

Introduction

Mediation in civil and criminal cases is available in many countries within and beyond Europe. Practice and research show that people can largely benefit from such dialogue processes. In many cases it seems to be healing and useful when people have the opportunity to sit down with each other and a facilitator to talk about their conflicts, the pain and losses they have gone through in the past and the ways to move on in the future.

On the Euro continent one can perceive that mediation involving only the directly affected parties is much more known and accepted than other restorative practices, such as conferencing methods or circles, that aim to involve the broader community in the discussion, as well.

Still, one might ask: if a crime is committed or if there are conflicts between people – does it affect only those people who are directly involved? Or does it have an impact on the community as well? And if so, should not the community be involved to some extent into its resolution? Or in other words: if a conflict affects an entire community (as it does most of the time), how can we involve members of the community into the dialogue process? And how can the relevant professionals and authorities be involved into this discussion?

Peacemaking circles (further referred to as PMC or circles) represent a unique way of dealing with conflict. At their core, PMC are an inclusive and non-hierarchical approach to conflict resolution that is rooted in the tradition of First Nation people in Canada. Compared to other restorative practices PMCs aim to address even broader levels of harm by involving a larger spectrum of people affected by the crime committed (e.g., family members, members of the community). In addition to that, one peculiarity of the method is that it also aims to involve the court personnel (e.g., judge, prosecutor, police officer, etc.) in the procedure while using the spiritual and structural power of circles. In recent years, PMCs have also been used as a way of dealing with crime (and are then often referred to as sentencing circles) in common law countries such as Australia, Canada, and the United States.

Recognising the importance of the above listed questions and the growing importance of circles in the European context a research project was conducted

between 2011 and 2013 which involved Germany, Belgium, and Hungary.¹ The project aimed at experimenting with PMCs in these three European countries, which have similar legal roots. Furthermore, the objective was to explore whether this method can be implemented into the European continental legal systems, and if so, how.

The consortium was led by the University of Tübingen (Germany); with partners from the Catholic University of Leuven (Belgium), the Foresee Research Group (Hungary), and the National Institute of Criminology (Hungary).

Within the framework of the project, PMCs were piloted in almost 30 cases (primarily but not exclusively criminal cases). These cases were part of an action research that tested both theoretically and practically the applicability of circles in countries that are all governed by the legality principle and the rule of law. As an outcome of the project the participating countries have prepared a complex research analysis of the circles and the legal and institutional background in the three countries.

As another outcome of this project we prepared this Handbook. The content of this booklet is, on the one hand, based on the training that all the project partners received from the Gatensby brothers who reside in the Yukon (Canada). Phil and Harold Gatensby are two of the pioneers who not only apply circles, but also help practitioners outside of Canada in transferring this indigenous practice into other cultures and contexts. On the other hand, this booklet is based on those practical lessons that we have learnt while experimenting with the circle method in our countries. Within the European project we were constantly keeping the restorative principles in mind as the basis of our practice.² However, each partner had to make some modifications to the methodology received from the Gatensbys in order to tailor the practice of circles to our

1 With the Financial Support from the European Commission's Criminal Justice Programme 2010, No. JUST/2010/JPEN/AG/1609

2 Such principles include: firstly, parties are given comprehensive *information* about the aims and possible outcomes of the process. Thereafter, they *voluntarily* enter the process that provides space for an open and partnering communication in which the *needs* – both *emotional* and *material* – of the victim(s), offender(s) and other stakeholders (community members, family members, etc.), and the *active responsibility-taking* of the offender are emphasised. Our main goal is for any agreement reached between the parties to be made with the *active participation of the widest possible circle of persons* directly affected. The purpose of the dialogue led by a *non-partial circle keeper/facilitator* is to reveal the *circumstances* of the conflict, the *causes* of the offence, the *impacts* of the case on the persons concerned and on those around them, the potential for *reparation* and the *restoration of relations*, the conditions for the *prevention* of further conflicts, as well as all of the *commitments* required to facilitate these ends. (Fellegi, B., 2009, *Út a megbékéléshez. A helyreállító igazságszolgáltatás intézményesülése Magyarországon. [Towards reconciliation – The implementation of restorative justice in Hungary]*, Budapest: Napvilág Publishing House: 55-56.)

cultural, legal and institutional contexts. It should also be emphasised that as part of the action research we had to challenge the existing mediation frameworks while adapting the circle approach into the system.³ We found that while certain elements of circles are well embedded in the Native American culture, they cannot necessarily be adapted into our European context. (As an example, we can think of the difference between the green nature and the spirit of fire compared to a grey statutory office with artificial lights, led by professional mediators and officials within a bureaucratic criminal justice system).

This publication is primarily directed to an audience of practitioners who have already become experienced in mediation and/or in other restorative practices and are open to experimenting with PMCs in their practice as circle facilitators or circle Keepers.⁴ The Handbook first offers an overview on the circle method compared to other restorative practices. The second chapter goes through the circle process step-by-step. The final part of the Handbook presents ten case studies of PMCs carried out within the framework of the project. The cases were selected and compiled by the researchers from Germany, Belgium, and Hungary. Finally, a list of recommended books and articles relating to PMCs is included.

As can be seen from the above approach, we do believe that the methodology of circles cannot, and should not, be set in stone. Practitioners applying circles are encouraged to be sensitive to the circumstances under which they are working. In other words, everyone should feel free to adapt and try new elements that fit into the normative standards of their people that might effectively serve the main objective of circles, namely to help the flow of honest and respectful communication between people.

This was the philosophy underlying the purpose of this Handbook. We documented everything in order to show how we did our practice ‘as best as we could’. But what you read here is just one of the possible approaches. We encourage all the readers to constantly stay innovative, reflective, and flexible within the contexts they are working in – so that the ‘magic’ can happen in each circle!

3 But of course, we always kept legal safeguards in mind and that this practice under no circumstances should cause harm to anyone

4 In this Handbook we use the terms circle ‘facilitator’ and circle ‘Keeper’ synonymously..



THE CIRCLE

What is a peacemaking circle and what are its main differences from mediation and conferencing?

I. What is a peacemaking circle and what are its main differences from mediation and conferencing?

Peacemaking circles (PMCs) 'offer a way to include those harmed by crime, those who commit crime, and the community in a partnership with the justice system to determine the most effective response to a crime that would promote healing and safety for everyone' (Pranis 2005, 9).

The roots of the PMCs are in the indigenous practices of First Nations from North America, where people started to use this model based on traditional peacemaking practices to deal with wrongful acts committed by mostly indigenous young people (Törzs, 2013, 29).

Concerning its main philosophy, circles place a significant emphasis on the interconnectedness of all humans. Based on a holistic approach, circles 'consciously engage all aspects of human experience – spiritual, emotional, physical, and mental' (Pranis 2005, 12).

As Törzs (2013, 30-31) points out, the 'most important difference between the circle, the conferencing and the mediation model is that in addition to communities of care, members of the wider community and state officials (police, prosecutors, probation officers etc.) are also present.'

'Justice system representatives participate in the PMC on an equal footing with everybody else, as equal members of the community, without a special role or function. They share their personal views and contribute to the compilation of a restitution and reintegration plan in the same way as the other people affected by the incident. Moreover, community members who are not personally affected by the offence but who may have a stake in the issue or can contribute to a restorative outcome may also be included' (Törzs, 2013, 31). If possible, community members (e.g., volunteers, who are not involved in the case can also participate and contribute to the circle).

However, the best way to understand the main differences of PMCs compared to conferencing and mediation is to participate in the process. The circle setting, the various rituals and ceremonies create an atmosphere that makes the circle method especially appropriate to handle complex conflicts in which a wider group of people are affected within and out of the scope of criminal justice.

The main differences between circles, mediation and conferencing lie in the following features of circles:

- ◆ ceremonies and rituals as a framework;
- ◆ the circle format that creates a special dynamic in the dialogue;
- ◆ the inclusion of the wider community and of the judicial representatives (if possible);
- ◆ the potential of circle participants to create the values and rules of the discussion ;

The main differences between circles, mediation and conferencing lie in the following features of circles: ceremonies and rituals as a framework; the circle format that creates a special dynamic of the dialogue; the inclusion of the wider community and of the judicial representatives (if possible); the potential of circle participants to create the values and rules of the discussion ; the keeper's role that is different from a mediator's or a conference facilitator's role; and the consensus-based decision making that covers all participants.

- ◆ the keeper's role that is different from a mediator's or a conference facilitator's role; and
- ◆ the consensus-based decision making that covers all participants.

In the following section, we will share some thoughts on each of the above-mentioned features.

Ceremonies and rituals

Practices such as applying culture-sensitive opening and closing ceremonies, as well as using the 'talking piece'⁵ to give an equal right to speak are mostly about creating an atmosphere and prescribing the boundaries of a special event, a time and space of safety, respect and equity. These 'conditions' serve to ensure that the process will facilitate an opportunity to bring the emotional and even spiritual aspects of a conflict into focus. The function of ceremonies is also to highlight the starting point of this special meeting for everyone: to set apart the circle session from the daily routine and interactions of the participants.

The dynamic of the circle format

One of the most important differences from mediation and conferencing is the structure of the dialogue, governed by the talking piece: in circles the keeper asks one question to the entire group. Each question (e.g. What happened?) is answered by each participant before a new question is asked by the keeper. Unlike in circles, in several mediation and conferencing models (e.g. while applying the scripted restorative conferencing method) a significant part of the discussion is based on a dialogue between the facilitator/mediator and the addressed participant. In these practices often the same person is asked the set of questions - 'What happened? What did you think then? How did you feel then?', etc. - before the mediator/facilitator turns to the other persons with the same set of questions.

This feature of circles has a significant impact on the dynamics of the process by slowing down the rhythm and allowing people to think more before they react. Everyone gets an equal voice: the circle framework equalises the individual contributions, counter-balances the differences between verbal skills and power-imbalances and results in a less dominant role for the circle Keeper. As

5 It is an old ritual which allows and empowers the person with the piece to hold the floor uninterrupted. Quite often the indigenous people use a feather, a pipe or something that has a meaning in their culture. To read more about the talking piece, go to chapter 2.4.

a result, more responsibility is taken by the participants helping each individual to take their own part of responsibility.

Inclusivity

Peacemaking circles are looking at the context where the conflict originated and are oriented to addressing broader levels of harm than other methods (i.e. victim-offender mediation or family group conferencing). The starting point of circles is that a broader community around the participants was also harmed by the conflict. This community, hence, also may take responsibility for the conflict to some extent. 'Community' in this sense means everyone affected by the crime, persons who feel some relationship with the victim or to the offender, or who have been affected in other ways by what happened.

The more people are involved in the resolution of a conflict, the more likely it is that an adequate solution will be found. The various perspectives of the participants help towards the restorative outcomes as well, such as responsibility-taking, the better understanding of each other, acceptance of the situation and relief that the matter has been resolved. (However, it has to be noted that sometimes this is not true: some people might arrive to the circle with their own agenda that is not compatible with, or cannot be integrated into, the core issues of the circle. If it is recognised during the preparation or the circle session, Keepers can politely remind each participant about the main issue(s) of the circle and ask everyone to focus on them.)

As Pranis points out when commenting on circles: 'Every participant has gifts to offer in finding a good solution to the problem (Pranis, Circle Keeper's Handbook, p. 3).' Therefore, circles allow space to discuss what are the responsibilities of the community members concerning the conflict, and in what ways they can contribute to the repair of the harm caused.

Decision-making in circles also harmonises with the inclusivity principle: the decisions made during a circle try to meet the needs of all participants as much as possible. Circles are aiming for the contribution and consensus of every participant that doesn't necessarily mean the 'full satisfaction' of each of the participants, but at least everyone can accept and 'live with' the decision.

In some circles that are organised in crime-related conflicts judicial representatives may also be invited (e.g., prosecutors, judges, policemen and probation officers). They can represent the legal and societal perspective and provide information about the penal procedure, hence creating a 'bridge' between the circles and the judicial process.

Furthermore, other professionals (who are also considered as community-members in certain contexts) can participate in the circle (e.g., social workers, mental health consultants, psychologists, etc.) who can help in understanding the roots of the conflict and/or providing information about resources, services, etc. in order to avoid future conflicts in the community.

Role of the keeper

The keeper's role also differs from the role of the mediator and the conference facilitator.

Based on equality as a main principle, keepers discuss the guidelines of the meeting together with the participants at the beginning of the circle. Hence, decisions on the rules are made together with the participants. Therefore – supported by the circle dynamic as well – instead of being 'governors', the keepers are just one participant among others in the circle.

Furthermore, just as in mediation and conferencing, keepers are impartial, or as often described, they are 'all-partial'. However, since they are 'human beings' in the circle, keepers are not necessarily neutral: they are encouraged to express themselves with sharing their opinions, feelings and own stories related to the issues of the circle.

Table 1 below shows some further differences between the mediation, the conferencing and the circle model. However, we note here that these differences are not based on clear-cut division lines. There are many variations amongst the different mediation, conferencing and circle schemes and the personal styles of the mediators/facilitators/Keepers can significantly vary, as well. Hence, based on these aspects the differently 'labelled' models can be much more similar, closer to each other in practice. Furthermore, as writers of this Handbook as well, practitioners are often trained in various methods and open to integrating them in their practice in order to develop the most suitable approach tailored to the specific needs of each case and participant.

Table 1: Comparison of victim-offender mediation, conferencing and circles (Based on Törzs (2013, 40-42.), Bazemore and Umbreit (2001) and Ehret (2012))

	Victim-offender mediation (VOM)	Conferencing	Circles
Facilitator	Mediator	Facilitator (in some models police officers, called coordinators)	Circle Keeper (usually two)
Role of the facilitator	Impartial and somewhat neutral, sets the rules and creates structure	Impartial and somewhat neutral, sets the rules and creates structure	Impartial but not neutral
Participants	Mediator, victim, offender are standard participants. Parents of minors are often involved. Others occasionally present but not always involved in the dialogue. Participation of supporters is possible, but not a goal.	Facilitator identifies key participants. Close kin of victim and offender are invited. Police, social services, or other support persons are also invited. The goal is to strengthen the families, networks and resources of the parties.	Judge, prosecutor, defence counsel participate in serious cases. Victim(s), offender(s), service providers, support group present. Open to entire community. Inviting and involving supporters and community members is an explicit goal of the process.
Process and protocols	Usually the victim speaks first. Mediator facilitates but encourages victim and offender to speak, does not adhere to script. The mediator is quite active in helping parties to reach a consensus.	Australian Wagga Wagga model: facilitator follows script in which offender speaks first, then victim and others. New Zealand: model not scripted, usually the offender speaks first, allows consensus decision-making after private meeting of family members.	Keeper opens session and allows for comments from judge. Prosecutors and defence present legal facts of case (for more serious crimes). All participants allowed to speak when 'talking piece' (e.g., feather or stick) is passed to them. Compared to mediation the role of the Keeper is less, the role of the community is more significant in reaching a consensus.

	Victim-offender mediation (VOM)	Conferencing	Circles
Preparation	Face-to-face or phone call/letter preparation with victim and offender to explain process.	Phone, letter or face-to-face contact with all parties to encourage participation and explain process. New Zealand model requires face-to-face visits with offender, offender's family, and victim.	Extensive work with offender and victim prior to circle. Invitation and preparation of community members. Explain process and rules of circle.
Who sets the rules	Mediator – participants have to agree	Facilitator – participants have to agree.	The circle creates them by consensus of the circle participants.
How the dialogue is managed	Mediator manages with open ended questions	Facilitator manages, in some models following a script of questions.	After Keeper initiates, dialogue is managed by process of passing talking piece.
Understanding of the conflict in general	Interpersonal	Interpersonal with affected family and community members.	Community issue
Primary outcome(s) sought	Allow victim to relay impact of crime to offender, express feelings and needs; victim satisfied with process; offender has increased awareness of harm, gains empathy with victim; agreement on reparative plan.	Clarify facts of case. Denounce crime while affirming and supporting offender; restore victim loss; encourage offender reintegration. Focus on 'deed not need' (i.e., on offense and harm done, not offender's needs). Some emphasis on collective accountability.	Increase community strength and capacity to resolve disputes and prevent crime; develop reparative and rehabilitative plan; address victim concerns and public safety issues; assign victim and offender support group responsibilities and identify resources; repair harm on the personal, relational and community levels.



	Victim-offender mediation (VOM)	Conferencing	Circles
Other aspects		<ul style="list-style-type: none"> - Some models give time to the offender and his/her family for private discussion. - In some models an informal refreshment section follows the conference 	Community members are not present as supporters – they can either support any sides (balancing role) or give a voice to the community implications of the issue.



THE STEPS

The circle process, step by step

II. The circle process, step by step

1. Before the circle¹

1.1. Selecting cases for peacemaking circles

Any case suitable for victim-offender mediation is also suitable for peacemaking circles. However, peacemaking circles require significantly more time and resources both from the participants and from the circle facilitators. Hence, it is worthwhile to outline some basic selection criteria for finding cases deemed most suitable for circles.

¹ The way in which a suitable case is referred to the PMC significantly varies in the different jurisdictions and depends on the existing legal and institutional context where it is applied. Although this is also an interesting issue to discuss, due to its practice-orientation, this Handbook starts from the point where the case has been already referred to the relevant service.

So, consider preparing a PMC, if

- ◆ the conflict affected multiple victims and/or offenders;
- ◆ the conflict happened within or between groups;
- ◆ the conflict had an impact on people who were not ‘officially’ or ‘legally’ considered as offenders or victims (e.g. in a school, a family, in a locality, in a neighbourhood, in an organisation, etc.);
- ◆ the primarily affected people are deeply and emotionally impacted by the conflict and meanwhile, open to involve supporters (e.g., family members, friends, other respected people around them);
- ◆ the primarily affected people think that the future of their relationship is important for them;
- ◆ you feel that one or several parties lack strong verbal and negotiation skills and that for them it is extremely important to create a ‘balanced’ and ‘equalising’ atmosphere.

If you are co-working with another facilitator (recommended) in the PMC process, discuss the selection of cases together. In a dialogue process in which you can share your perspectives, you can become more confident about the reasons why you have or have not selected a certain case for PMC.

Don't forget: if you select a case, it will not necessarily end up in a PMC. You just offer this option. But at the end, it is up to the parties (in a dialogue with you) to decide if they are open to such a process, or not.

Also, if you finally decide not to try a PMC, but offer mediation or conferencing first, during the meetings with the parties you can still feel that a PMC would be adequate and can always offer it as a future option.

1.2. Inviting and preparing participants

a.) Whom to invite?

Peacemaking circles intend to involve not only the main parties, but also their supporters, the wider community and professionals, who might help in understanding and resolving the issues that led to the conflict.

Peacemaking circles intend to involve not only the main parties, but also their supporters, the wider community and professionals, who might help in understanding and resolving the issues that led to the conflict.

During the preparation one of the main tasks of the circle keeper is to map the possible participants who can be involved and invited to the circle.

While it is important to widen the circle as much as possible, it is also essential to keep the parties' preferences in mind while deciding on the participants.

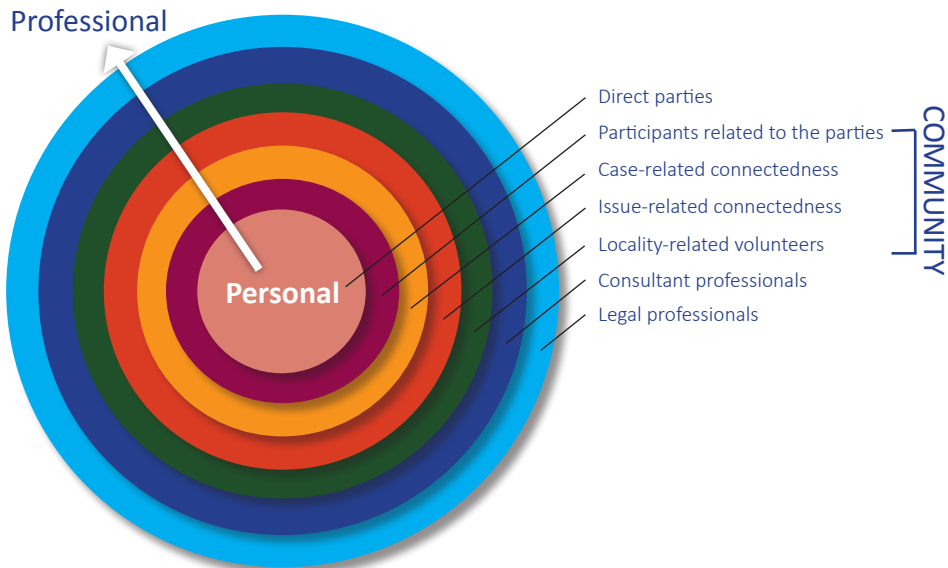
Therefore, in the preparation phase circle keepers may:

- **discuss** the list of the possible participants with the legally concerned parties (i.e. with the victim and the offender);
- **brainstorm** together with the parties about whose presence would be useful;
- **encourage** the parties to suggest people as supporters, community members and professionals by explaining the possible advantages of involving extra people (e.g. they can add extra resources, knowledge, new perspectives, can help 'bridging' the opposing sides, can raise empathy and understanding towards each other and the underlying issues, etc.);
- **give priority** to suggestions coming from the parties about the persons they propose to invite;
- **inform** the parties about the people who finally accepted the invitation and will possibly come to the meeting so that the parties can prepare for it;
- **allow** space for the parties to raise their concerns, fears (if they have any) in the preparation phase concerning the presence of the other participants;
- **discuss the safeguards**, as a response to the possible concerns, to be used (also) with the extra participants (such as, confidentiality, respect for the ground rules, their focus should be on supporting and not excluding the parties, etc.)

Figure 1 below shows the people whose invitation should be considered during the preparation.

Following the arrow, as we go towards the outer circles, the invited people have more of a 'professional' or 'titular' and less of a 'personal' role. However, during the circle we encourage each participant to show their 'personal' face. Also, they are sitting in one, equalising circle. Therefore, this above-mentioned distinction is relevant only in the preparation phase.

Figure 1: Possible participants of a PMC



direct parties: those who are legally concerned by the case as victim(s) and offender(s)

participants related to the parties: supporters (friends and family members) of the parties, in other words, the ‘community of care’

participants with a ‘case-related connectedness’: community members who have been indirectly affected by the case (because, for example, they live/work/spend some time in the same locality (e.g. a neighbour, a pedestrian, a member from the same organisation to which the parties belong to).

participants with an ‘issue-related connectedness’: community members who are not affected by the case and do not necessarily know the parties, but can connect to one of the main issues of the case, because, for example, they have been victims or offenders of a similar offence (e.g. if a swastika is drawn on a public space, a community member can be at the meeting to explain what this symbol means to him/her as victim of the Holocaust).

locality-related volunteers: community members who personally feel committed to be involved into local issues (e.g. crime prevention, building and strengthening community, etc.), and for this purpose they are active in local boards, community panels, or in other local networks as volunteers.

consultant professionals: who can help in understanding the roots and the consequences of the crime and/or can provide help in resolving the main issues behind the conflict (e.g. a psychologist, a social worker, a mental health consultant, or a professional in environment issues if the crime is related to pollution).

legal practitioners: who are working in the criminal justice system and either directly concerned with the case or in other ways know about the case due to his/her formal role (e.g. police, probation officer, prosecutor, judge, etc.).

b.) Contacting and preparing the participants

First contact the persons whose presence you think is the most essential or those who you think may be hesitating to take part.

At first sight it seems appropriate to contact the victim first; but many practitioners feel that it is better to contact the offender first, so as not to risk raising the victim's expectations and then disappointing them if for any reason the offender refuses to take part or is considered unsuitable. If the offender is willing, the reason for doing it this way should be explained to the victim; otherwise another way of supporting the victim will be needed.

The first contact is usually done through a phone call. Don't make it too complicated, don't use jargon, act professionally but somewhat informally and try not to come across as an official. Briefly describe that in their case there is a possibility for a meeting involving all those who are concerned. If he/she agrees to participate, ask for a personal appointment to discuss the details of the process.

Basically, the purpose of this dialogue process is to provide space and time for all concerned people to share with each other what they think is important about the case and how they could move on.

Following the first phone call it is generally best if you can personally meet the directly affected parties from all sides.

In certain cases, in which personal preparatory meetings are not feasible (e.g. if parties live too far away, or are not available personally, or there are too many people concerned) a thorough phone conversation can also be sufficient. In this case, first ask for a date when you can have a calm phone talk of 15-25 minutes to make sure your client understands the process and has sufficient time to ask his/her questions, raise his/her concerns to you.

Principally, anyone who will participate in the circle should take part in a preparatory meeting or phone call, explaining the whole circle process, so that they know what to expect.

...the purpose of this dialogue process is to provide space and time for all concerned people to share with each other what they think is important about the case and how they could move on.

During the preparation talk(s) we address the following issues/questions:

◆ Introduction and permission for PMC

You introduce yourself and the restorative process: What can happen next? What are the possible outcomes and alternatives?

You explain that in his/her case there is a possibility to arrange a so-called peacemaking circle that means that some supporters and other community members can also participate in the meeting. Certain professionals who might help in understanding and/or resolving the case might also come to the circle.

You explain your role as the facilitator.

You will be there to ensure:

- ◇ that everyone feels safe in this dialogue process;
- ◇ that everyone will have equal opportunity to share his/her thoughts and feelings;
- ◇ that the outcome of the meeting (which might be a written agreement) is based on consensus, meaning that everyone who approved it 'can live with it' as a solution, and it does not include any point that one of the parties might not accept.
- ◇ that the participants understands the status of the agreement in relation to the criminal justice system (e.g. is the agreement the 'last word', or is it subject to the approval of a judge, who might alter it, or it can have other consequences on the justice procedure?).

Hence, you are not here to decide what the truth is and who is right. Your role is not to propose any solution. It is their case, their solution, you are just here to provide a safe environment and a process in which this discussion can take place.

Hence, you as a facilitator are not here to decide what the truth is and who is right. Your role is not to propose any solution. It is their case, their solution, you are just here to provide a safe environment and a process in which this discussion can take place.

You ask whether he/she accepts this approach: whether you can continue this way. Of course, you will give thorough information about the entire process and he/she can ask questions at any time.

After the introduction, ask open questions to see how he/she feels right now and what he/she thinks about the process.

- ◇ How do you feel now?
- ◇ What do you think about what happened?

Don't arrange a PMC if there are basic controversies in what the victim and the offender think about the facts, or if the offender fully denies his/her responsibility. The PMC cannot focus on arguing about facts and collecting evidence. If this is the case, probably it is not suitable for a restorative dialogue. If some responsibility is taken by the offender, PMC can be an option.

- ◇ What would you expect from such a meeting?

From hearing the answer from each party you can already define a goal of the circle that is general, impartial, neutral, positive, and future-oriented enough. This will help the people to focus on it and connect to it.

For example, you can say that: 'The goal of the meeting is to understand the impact of this incident and to discuss how we all can move on from here.'

- ◇ Do you have any questions about the process?
- ◇ Do you have any concerns you would like to raise?

It is important to openly talk about the fears. At this point you can help in recognising and maybe handling them. It can greatly help the effectiveness and better the atmosphere of the meeting.

- ◇ Briefly talk about the circle meeting: how it will go.

Emphasise that it is a confidential process. Make sure to explain the talking piece and its purpose. Mention that it ensures that everyone will have the opportunity to talk. On the other hand, it is also asked from everyone to be able to listen, when the talking piece is being held by another person. The meeting is not about finding the truth; it is about allowing everyone to share what they think is the truth, how they have been affected, and their feelings. Tell more, if there are more questions (the more they know beforehand, the more they will feel safe and comfortable, which is essential to be constructive at the meeting. But don't tell more, if you feel that there is no more 'space' in the parties (i.e. they have no need/attention/ability to take in more information). At the end of the introduction ask if there are any remaining questions concerning the process, and answer if needed.

- ◇ Ask if they can invite any **support person** – any friend or family member or a respected person in their environment besides whom they feel comfortable, who could help them during the meeting.

Practice shows that people are usually ready to support others in such a process and can greatly contribute with their opinions. Also, finding bridges towards the other side might be largely helped by such supporting people.

However, we often see that people feel uncomfortable to involve people who are important to them (usually because of shame or embarrassment). Therefore, it is worthwhile to empower and encourage them in this brainstorming: sometimes we are surprised how much these supporting people are able to contribute and change the dynamics of the circle into a constructive and supporting meeting.

- ◇ Ask if there are other **people from the community** who are affected by this case and/or who might help the resolution.

You can think about people from the broader family, school, locality, or any other formal or informal community (e.g. sports club, music group, an NGO) to which they belong.

Some people can be suggested because they have an important role in the community,

- ◇ their presence gives a 'weight' to the meeting, or
- ◇ if they don't participate in this discussion, they might endanger the realisation of the agreement later on.

When thinking of possible participants, ask if they would prefer to contact and invite them or prefer you to invite them. In the latter case, ask for their contact details.

If proposals for such 'extra' participants arrive from different people (e.g. from the other side or the circle keeper), ask if he/she has any objection against extra people to join. Again, you can emphasise the confidentiality of the meeting, the safe environment as the facilitators' main responsibility and the possible positive contribution of such people to the resolution. In order to avoid any 'negative surprise' at the meeting, make sure that any extra person who was proposed to join the meeting is acceptable for the others.

- ◆ Think about any **volunteer organisation in the locality** (e.g. a local community board), from where someone could come and contribute to the discussion by emphasising the community aspects of the issue and/or could support the resolution process.

These people are usually not known by the parties. They are connected to neither the case, nor the issue. But they feel some personal commitment towards local issues, therefore participate in certain local activities (e.g. sit on a local crime prevention board). Hence, they might be motivated in taking part in a peacemaking circle and contribute to the discussion and to the resolution of the case.

- ◆ Consider involving **helping professionals** (e.g. social worker, psychologist, youth worker, mental health worker, etc.)

Helping professionals can greatly support the parties in understanding, accepting and resolving the conflict by sharing their opinions on the case and informing the parties about the available help (resources) they or related agencies are able to offer for the future.

(Please note that these participants also need to be prepared for the circle to understand that the circle is not about shaming or judging anyone, but rather about supporting everyone in 'moving on'.)

If some professionals agree to join, inform the main parties about it and ask if it is okay for them to avoid any negative 'surprises'.

- ◆ Consider involving **legal practitioners** (e.g. a prosecutor, judge, probation officer, and/or police officer)

Legal practitioners not only represent 'society', but also can largely help the parties in seeing the case within the legal process, in better seeing the possible outcomes, and understanding the official and the wider (societal) aspects of the case. Also, the participation of legal practitioners might give a 'weight' and legitimacy to the case that might also be important for the parties.

However, it is extremely important not to cause further risks for the parties by involving legal practitioners. Hence, if you see that involving them might put the parties into a worse position (e.g. because of the legality principle the prosecutor or the police has to officially report each crime they know about, or a judge cannot say he/she 'did not hear' something that they had heard, influencing their future verdict), or if the parties wish not to involve them, don't involve them. Involving the judiciary is only a means but not an aim. If it helps

the parties in understanding and resolving the case in any way, try to do it. If it causes further harm, don't do it.

Legal advocates of the parties should preferably not be present in the room, because the legal rationality they need to follow is often not compatible with the values of the circle.

◆ Agree on the date and the venue.

The venue should be a possibly neutral place (e.g. a community room, library, office, etc.), not directly linked to any of the parties (e.g. not the flat of one of the parties or of the referral person), but accessible to everyone.

Clarify whether the venue is accessible for everyone or anyone needs any help getting there. As for the date, there should be enough time to thoroughly prepare at least the primary concerned parties. However, it is important that the facilitator schedules the meeting as soon as possible after receiving the referral so that people do not need to wait too much or might not get involved into new conflicts meanwhile.

For further guidelines on the venue arrangement (see Chapter 1.5).

◆ Discuss the possible duration of the meeting.

It is important that every participant stays until the very end of the meeting, if possible. However, if needed, participants can decide on having several circle meetings in the future. Practice shows that one meeting usually requires 3 hours (depending on the complexity of the case). Since after 4 hours it is really difficult for most people to concentrate, one meeting should not be planned for more than that. If young people or people with special needs are invited, even shorter meetings might be necessary, depending on their capacities.

Nevertheless, if someone cannot stay for the entire meeting, it is okay to leave. If it is known beforehand, it can be communicated to the others, so no one is surprised or disappointed. In any case, as the whole circle, the presence is also the responsibility of the participants and not of the facilitators. If they decide to leave, they leave. At that point the others can discuss and agree on whether to continue the circle without the presence of the leaving person or not. And of course, there's also the possibility of taking a break if it is needed by anyone.

◆ Ask if he/she has any suggestion for the talking piece.

The talking piece is an object that, on the one hand, is important for the primarily affected people or the community. On the other hand, it can symbolise the main issue or value behind the case. It is important that there is a personal story related to the chosen talking piece. As a result, the person who brings the talking piece to the circle already tells a story about him- or herself.

However, it is important to keep in mind that the talking piece should unite and not divide. So only those objects are suitable to which each participant can connect positively. If there are no ideas, or wishes, from the parties what the talking piece should be, mention that you will be proposing a talking piece at the meeting.

For further thoughts on the talking piece, please go to 2.4.

1.3. Preparing yourself

a.) Work in pairs: choose a co-facilitator with whom you can work well during the entire process

Working in pairs has many advantages: for example, you see the details and the entire process from another perspective, you can share your thoughts before making decisions, you can support each other in staying impartial and focused, and you can divide the tasks, especially the preparatory talks, if there are many participants. During the meeting you can give more attention to the people, you can model cooperation; and you can better ensure the safe and balanced atmosphere of the circle.

Basically, when at all possible, we would propose to work in pairs in all cases. Certainly, in exceptional cases, circles can work even if they are facilitated by a single facilitator, but the more complex the case is the more intensive the emotions are, the better it is to work in pairs.

Discuss and decide beforehand how you will work together: whether you make each step together, or you divide the tasks, or if you combine these two approaches.

It is useful if your partner is very similar to you in your approach to the work, because then you can easily find your 'common voice'. But it can also be useful if your partner is very different from you (or at least of the opposite gender or a different age-group) because then you can complement each other with your strengths.

Don't forget: working in pairs is never a competition. You are 'one soul in two bodies'. Parties are not interested in your individual roles. They are interested in you as a pair while building trust and accepting your support, guidance, impartiality and care, even if they might feel themselves closer to one of you, than to the other.

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b.) Choose a talking piece

Talk with your co-facilitator about what this case is really about. For example, connectedness? Living together? Respect towards each other? Trust and losing trust?

What could be a good symbol that reminds both you and the parties during the meeting of the underlying value behind the case?

What can symbolise something that is important for each participant? What can remind them of their common points?

If you have a personal story linked to the selected talking piece – that is even better (e.g. it can be a stone from a lake that you have received from a loved one several years ago and it means certain things to you²).

c.) Think over and discuss the possible risks of the meeting

Think about what might happen unexpectedly and how you will react (e.g. if extra people show up whom you have not thought of).

Think about whether there are any issues or participants that might make you lose your emotional control or impartiality. Recognising our possible ‘weak points’ is much more useful than trying to deny them. If they are recognised, you already have done a lot towards adequately handling them. If you see such issues, share them with your colleague and discuss how you will support each other in ensuring the safe atmosphere for all participants. If you feel you are somehow too much involved emotionally, feel free to share them with your colleague and hand on the case to another colleague, if needed. You do better by recognising and handling your personal difficulties, than by trying to deny or suppress them.

d.) Keep enough time for yourself before the meeting to mentally prepare for the meeting

As part of the preparation for the meeting, it is useful to draw down the so-called ‘medicine wheel’ for yourself and think about the four stages (for its structure, see chapter 2.2):

- ◆ How will you introduce yourself?
- ◆ What will you state as the goal of the circle?

² For example: influencing each other, like the stone and the water are doing with each other before this shape is created.

- ◆ What kind of ceremony will you use?
- ◆ What will be the opening and closing questions?
- ◆ What kind of questions might you use?
- ◆ How will you share the work with your colleague?

1.4. Preparing the room

a.) Find, or ask the participants to propose, a 'neutral' place for the meeting that is accessible to everyone.

It is important that none of the participants feels uncomfortable because of the meeting place. Also, none of the participants should play a dominant role because of the place (e.g. if one of the participants offers his/her flat, that is a nice offer, but as the 'host' he/she can feel dominance during the meeting challenging a balanced atmosphere).

b.) Arrange the chairs into a circle without any table in the middle

Keep some extra chairs in case other people might also join whom you did not expect. If possible all the chairs should be the same, or at least of equal height.

Avoid having a table in the middle of the circle. It is important that the mental and spiritual energy can flow amongst the participants without any furniture disturbing it. Also, if there is a table, participants might put the talking piece on it instead of holding it in their hands and that might reduce its 'uniting' effect.

Some people might feel discomfort with not having a table in front of them. However, the meeting itself is indeed about building trust and confidence, so even if they find it weird at the beginning, hopefully it will become more acceptable later on. Meanwhile, the discussion can be much more transparent and honest if people cannot 'hide' behind their tables.

However, you can put a smaller symbolic object into the centre of the circle (a so-called centrepiece) on the floor, to symbolise the underlying values of the circle, if that helps 'to create a focal point that supports speaking from the heart and listening from the heart' (Pranis, Circle Keeper's Handbook, p7.). But do not 'overkill' the atmosphere with a centerpiece: use it only if you feel that it is suitable in that setting with those participants.³

³ As an example, in our practice in Hungary we have not been using the centre piece. We felt that the talking piece was sufficient to achieve the aim described by Pranis. Also, we wanted to avoid having too many elements in the process that are too far from the everyday communicational culture of the participants and might seem to be strange compared to what they would have expected.

c.) Make a seating plan

Seating is crucial in circles, since the conversation goes in seating order.

Don't forget: if you don't decide beforehand how should people sit down and ...make the 'circle-rhythm' as comfortable and supportive as possible so that everyone feels safe in their position. How you achieve it can change from case to case.

you let them decide by intuitively sitting down, it is still a 'seating plan': a seating plan of how people themselves feel is the most comfortable for them. This is a good practice especially when people have known each other from the past and are closely related (e.g. work in the same organisation or live in the same neighbourhood) and they are not too much polarised. So this 'spontaneous' seating is advisable only if there is no risk of people feeling discomfort due to the person sitting next to them.

Next, we offer some tips in case you decide to make a seating plan. Please note that these are only tips and can be changed any time when the case requires different seating.

Principally, make the 'circle-rhythm' as comfortable and supportive as possible so that everyone feels safe in their position. How you achieve it can change from case to case.

◆ Seating of the facilitators

Some facilitators prefer to sit next to each other. In this case they can more easily communicate with each other, can feel each other's energy, they can easily hand the talking piece to each other, and their input comes only once within a round resulting in a more 'participant-led' round.

Some facilitators prefer to sit facing each other. This is a good way to be a 'middle' person in the circle. Since by this method they give an input in the middle of the round, they can give further support to the participants. Also, if the responses of the participants divert from the focus of the discussion or from a constructive direction, the facilitator – sitting half-way round the circle – can slightly 'reorient' the responses towards a more constructive and focused direction.

◆ Who should sit next to the facilitator?

The person sitting beside the facilitator (usually on the left) will have a key role, since in many cases the first responses come from there. (Although, as described in 2.4., after each question the keeper can decide to whom he/she

gives the talking piece first. By this technique power-imbalances can be handled and more silent participants can receive a more focused attention in the circle.)

The right to be able to respond first has both its advantages and challenges from the point of view of the respondent. On the one hand, he/she can set the tone, set the main issue for the entire circle. However, it is sometimes difficult to respond at first without knowing what the others think.

Some people (concerning some questions, e.g. 'What happened?') prefer first to listen what others say and then reflect and respond.

Therefore, it is advisable to propose to the victim or his/her supporter to be the first on the left of the facilitator, since in this case the opportunity to respond first is always there for them. But meanwhile, they can always say that first they would like to listen to what others say and then the talking piece can first be given to someone else to start the circle.

If you feel that the victim is too vulnerable, less strong in verbal skills, or for any other reasons he/she is not in the position to be able to first talk, ask one of his/her supporters to sit next to you and become the 'first' person in the round.

◆ Where should the others sit?

Both victim(s) and offender(s) should be sitting beside or between their supporter(s) in order to feel safe and comfortable.

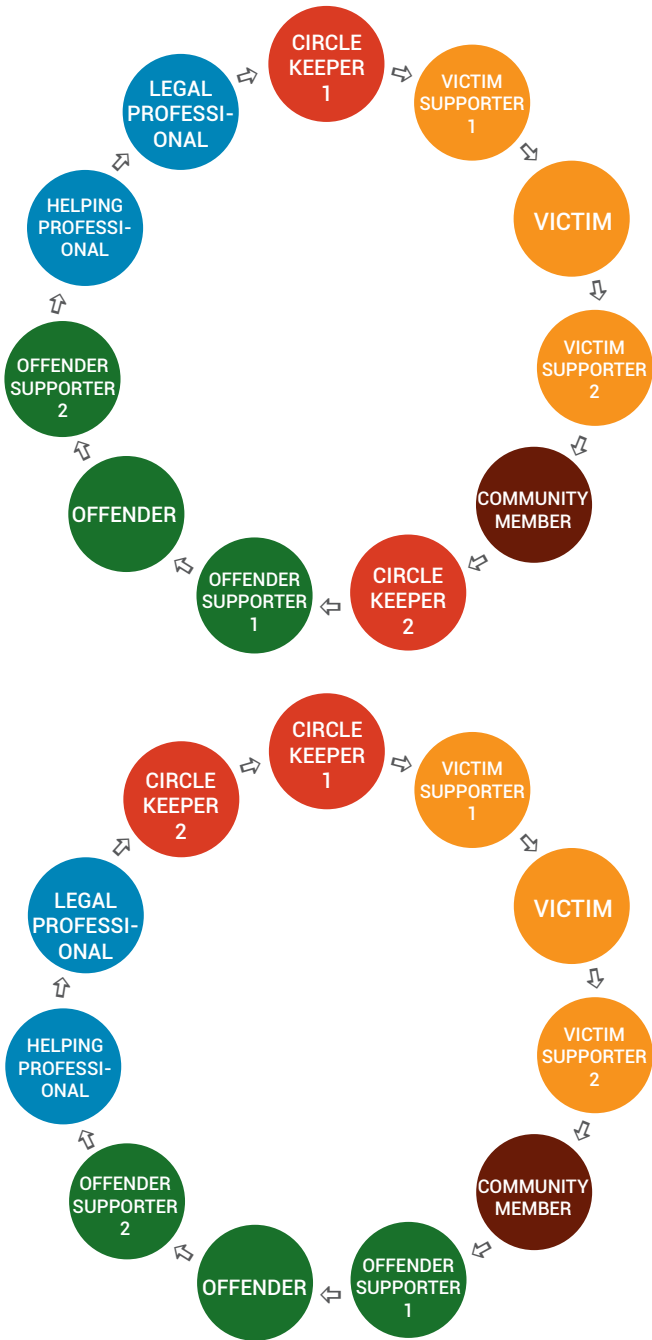
Victims and offenders should not sit next to each other. Preferably, their supporters should not sit next to each other, either. One solution is that the co-facilitators sit between the two groups.

Another possibility is that supporting professionals (e.g., social worker, psychologist, etc.) or community members, who are good in 'bridging' with their comments, sit between the victim and the offender 'group' to reduce the tension between them.

Officials, judicial representatives can sit at the 'end', since they are good in summarising the case or giving a broader perspective about the possible outcomes (e.g. by reminding people what happens if the agreement is fulfilled, and what happens if not).

Generally speaking, those who are less involved personally in the case (e.g. a probation officer) speak later in the round.

The two figures below show two possible seating arrangements:



2. During the circle

2.1. Goal of the circle

While during the preparation facilitators already have to discuss and keep the 'goal of the circle' in mind, the 'final goal' can be defined, when the participants have finally arrived to the meeting.

In other words, the goal of the actual circle will be defined after seeing who has finally come to the meeting.

If all parties came who have been invited, the goal of the circle is what has been defined before (e.g. 'How to find a solution that is acceptable to everyone after this incident?').

It might happen though that one or more parties do not finally show up due to several reasons (e.g. changing their mind, or an unpredictable event prevented them from coming and they were not able to communicate about this).

If this is the case, you can decide to postpone the meeting or to discuss it with the ones who came: 'Shall we postpone the meeting to a date when everybody can be here, or shall we use this occasion to share and listen what we think and how we feel about the case?'

If they agree to continue, you can re-define the goal of the circle according to the people who are sitting there by thinking over: 'At this point in this circle what might be the most important issue for them?'

Certainly, the absence of some people (especially, if it is the victim or the offender) might have consequences for the legal process, but it does not necessarily mean that there cannot be a fruitful discussion amongst those who came and decided to stay (e.g. about what happened exactly when the conflict arose and what are the thoughts and feelings about it now?).

Again it can be stressed that the PMC is for the participants and not for the facilitators. As facilitators, you are there and available, if they decide to use this occasion. But if they prefer to postpone or cancel it, it is also their decision. You as facilitators should not want it more than they want it. Although, of course, you can explain at this point the possible advantages of a circle discussion, if they decide to stay.

If someone is absent from the circle, the facilitator has to ask the participants to try not to talk about the person(s) who are not there, but rather talk about themselves.

By this we can prevent the circles from leading to further excluding, blaming and judging those who are not there.

2.2. The importance of the four phases

The circle meeting itself should take place in four stages:

1. Meeting and introduction.
2. Building trust.
3. Identifying issues.
4. Developing an action plan.



As Kay Pranis writes ‘the importance of relationship building to the process is evident in the diagram above that divides the process into four parts based on the widely used Native American framework of the Medicine Wheel, which is a circle divided into four equal parts. One of the lessons of the Medicine Wheel is that the four parts must be in balance.’ (Pranis, Circle Keeper’s Handbook, p.15.)

What it also tells us is that throughout the different phases a balanced circle discussion allows sufficient time and space for each participant to be present in their body, in their heart, in their mind and in their spirit.

The first two stages of the circle meeting do not go into detail about the conflict itself. All circle participants have the opportunity to speak and listen to each other in a safe setting. By paying attention to the act of speaking and listening itself before looking at the conflict, the space is created to talk about this conflict in a more genuine, respectful and constructive way.

Especially the ‘trust-building’ phase (although the entire circle as well) is highly case- and culture-sensitive. For some people, the abstract dimensions of values and interconnectedness are a helpful starting point; for others it may be very different from their usual way of communication, leading to discomfort and resistance.

So as facilitators we need to find the balanced way of applying the ‘spirituality’ of the circle-approach without being too far from the usual habits of the participants (e.g. if a PMC takes place in a judicial office in a bureaucratic setting, it is already strange for people to sit down in a circle without a table).

We need to experiment to discover what they can really accept without resistance (e.g. talking about values) and should not do more than they are comfortable with (e.g. for some people holding each other's hand – especially if they are strangers – in an office is impossible, although in certain cultures it is a suitable ceremony).

Before talking about the future (action plan phase) make sure you have left enough time and asked each participant to share what has been the most difficult thing for him/her.

Balance through the facilitation: support those who have difficulties in opening up, and help those to 'slow down' who would prefer to be 'quicker' and would like to move on towards the solutions.

Each participant arrives at the meeting with a 'backpack' of harms and pains (even the offenders). The goal of the first three phases is that they 'empty' their backpack: they share their pains so that they become able to listen to others. For some people it might take a short time. Others might need more time in the circle atmosphere to be able to open up.

Any 'pain' that is directly linked to the conflict but was not expressed during the first three phases might possibly 'come back' and challenge the resolution process later on, in the phase of the action plan. So it is worthwhile to leave enough time for everyone to vent before you move on to the issues on the future solutions.

The action plan is not pre-set. The goal is that all circle participants try to find a way of dealing with the conflict and overcoming it, which may include how to prevent similar conflicts in the future. All circle participants (and not only the offender) can take the initiative themselves regarding ideas or actions they may want to carry out or support in order to change the circumstances leading up to the conflict or those created by the conflict.

2.3. The role of the Keeper

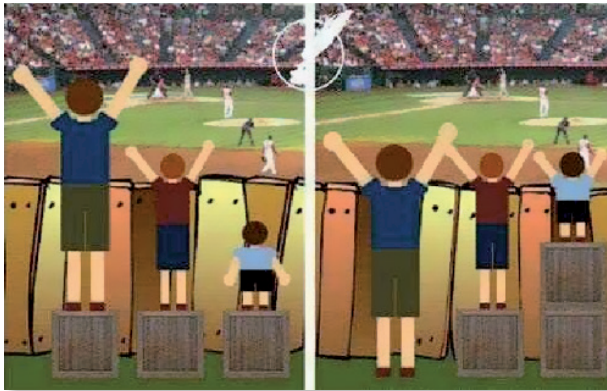
It is crucial for the facilitator to stay impartial (or so-called 'all-partial') in the entire process, so he/she should not take a side. However, it does not mean we/you need to stay neutral, either. On the contrary, circle keepers are also involved in the process as circle participants, hence they need to follow the same rules and can share their own feelings and stories, if these are suitable and supportive for the parties. However, it is usually considered that facilitators should not make suggestions for the solution.

Give as much support and empowerment as you can, just make sure that each 'side' is treated and supported to the same extent during the meeting.

Those who have more supporters might feel 'stronger' at the meeting. If so, then one of the facilitators can offer some extra support for the other side to feel 'equally' supported.

What is important is the *overall* support each party has, so it is natural that some people need more (i.e. who are weaker in social or verbal skills, or people without supporters), some people need less support (i.e. who are initially stronger or have more supporters in the circle).

To illustrate the above point, in the image below⁴ you see that on the left of the picture the amount of support from the keepers is the same for everyone, it realises different levels of 'strength', while on the right, circle keepers with their empowerment and supporting attitude try to support, as much as possible, equal empowerment for all parties:



You might do some preparation for the circle meeting considering some themes, starting questions or a rough outline. However, use your plans (and modify them flexibly) according to the actual circle dynamics. The most important is that you use your own voice and personality during the meeting: as all the other participants are encouraged to do, you also speak from your heart and mind.

When you have a dilemma or you do not understand something or do not feel good in the circle, you have the opportunity to honestly express it, as any other participant can. This will make you credible and trusted as long as you are there with a supportive, empowering, constructive and 'all-partial' attitude.

This can be effectively done by for example sharing a supportive summary/sentence/ thought before raising a new question in the circle.

Generally speaking, when the talking piece gets back to you, it is often useful to link the different rounds with some empowering sentences. But when the circle is running smoothly and people are ready to reflect for another round on what they have heard from others, you do not need to add comments all the time. You can also just silently pass the talking piece for a second round, if you feel people wish to add or reflect on what has been said.

⁴ Image retrieved on October 24, 2013 from <http://sherinefahmy92.files.wordpress.com/2013/02/equality-vs-equity.jpg>

Contrary to mediation, the circle keeper intervenes much less with extra comments, explanations or reframing sentences, and relies more on the dynamics of the circle itself. When we say 'trust the circle', it means that we believe that as the talking piece goes from hand-to-hand, the participants are able and will indeed re-question, re-phrase, reinforce, regulate each other, if they wish to, without any extra intervention of the keeper.

Hence, keepers add to the circle mostly when the talking piece goes back to them. Keepers might speak occasionally without the talking piece, if some facilitation or clarification is needed during the circle (Pranis, Circle Keeper's Handbook, p. 16): when some people might feel hurt during the discussion or some key questions have remained unanswered and might cause some frustration in others. But generally keepers would not speak without the talking piece. For further details on when the keeper might intervene, please go to chapter 2.4.

When we say "trust the circle", it means that we believe that as the talking piece goes from hand-to-hand, the participants are able and will indeed re-question, re-phrase, reinforce, regulate each other, if they wish to, without any extra intervention of the keeper.

2.4. The importance of the talking piece

As already mentioned, the talking piece is an object that is used in each PMC meeting. It is passed around the circle clockwise from person to person. The specific use of the talking piece is that only the person holding it may speak. All the other participants – including the keepers – have to listen and wait until the talking piece reaches them before it is their turn to say something.

The talking piece invites all participants to speak and obliges all participants to listen, resulting in an 'equalising' effect in the circle. Also, the talking piece provides an opportunity for the other participants to listen and think without immediately responding.

As such, it ensures that not only the verbally strong get a chance to speak, with everyone else only listening. Anyone can pass the talking piece on without speaking, if they wish to. However, the moment and opportunity is there for everyone to speak. In a way, the talking piece 'teaches' to speak more honestly and listen more profoundly.

Exceptionally the facilitators might take the talking piece out from the circle and turn the discussion into a moderated dialogue, if it seems to be more practical at certain stages. However, it is suggested to return to the circle method as soon as it becomes important again that each participant share their views and contribute to the issue at hand.

Circle dynamics can be effectively helped by giving the chance to others to be the 'first-responder' with the help of the talking piece. For example, if facilitators feel that it is particularly important for a particular person to respond first

to a certain question, they can walk and give the talking piece to that person in the circle indicating that as a start we would like to hear his/her opinion (regardless of where he/she is sitting).

As an example, it works well when young people are included in the circle, since their feelings are often very clear and direct. Their 'natural/genuine wisdom' can often 'surprise' the adults and can set an honest tone to the entire round.

Also, at certain points when it seems to be suitable, facilitators can ask who would like to start the circle. Then the person who is most certain about his/her answer will ask for the talking piece first.

2.5. Outline of the meeting⁵

In the following, we give a possible outline for structuring the circle meeting. However, as always, this is not a script or a set-in-stone structure, rather a set of ideas based on our practice. For a list of useful questions that can help the discussion, see Chapter III.

a.) Introduction

- ◆ Greet everyone.

Initiating a hand shake while people enter the room and thanking them for coming can be good practice if it suits the culture of the participants.

- ◆ When everyone is seated, wait for everyone to stop talking and **introduce** yourselves.
- ◆ **Thank** everyone for coming to this meeting that will be about (here mention the goal of the circle).

Speak simply and shortly so that everyone can relate. Make sure you use neutral language. Since the circle process is also about 'de-labelling' people and emphasising their human side, avoid the use of labels that might have a negative connotation or might resonate with the criminal justice procedure, such as 'victims', 'offenders', 'crime' (use instead words, like 'parties', 'affected people', 'issue', 'question', 'incident').

- ◆ **Acknowledge** everyone's efforts in the preparation phase and that they all have decided to join and contribute to this discussion.
- ◆ Explain the **voluntary** and **confidential** character of the meeting.
- ◆ Mention the **time frame** of the meeting and ask if everyone is okay with it.

⁵ Here we don't divide the tasks between the keepers. The question of who is doing what depends on the actual pair and on their internal decision.

- ◆ Mention that the meeting can result in a written **agreement** if participants wish. However, it has to be based on consensus, meaning that it can include only points which everyone can live with.

You can explain what happens if an agreement is made and its points are fully met, and what happens if there is no agreement or it is not followed.

Alternatively, this part about the possible outcomes and the impact of the circle on the official process can be explained at the beginning of the discussion by an official/judicial representative who is sitting in the circle and has an overview on the case.

- ◆ Introduce the **talking piece**.

Share the value that the talking piece represents to you and if you have a personal story related to that, share that, as well.

- ◆ Explain the rule of the talking piece.

Anyone holding it has the right to talk. It also means that the person who holds it has the right to say what he/she thinks is the truth. So the meeting is not about searching for the one and only truth, but is about listening to who thinks what about the situation. It also means that all those who are not holding it should be silent and listen. Everyone will have the opportunity to talk, when the talking piece reaches them. Everyone has the opportunity to pass the talking piece if he/she would not like to add anything else at that point.

Occasionally, circle keepers might ask some questions or add comments to facilitate the dialogue without holding the talking piece.

At certain points the facilitators can allow the discussion to go on without the talking piece when it seems to be more suitable.

- ◆ Explain the other basic ground rules:

- ◆ Participants are asked to

- ◇ try to share as truthfully and authentically as they can
- ◇ speak and listen with respect
- ◇ respect confidentiality

- ◆ Ask if everyone accepts this talking piece and these rules.

- ◆ If yes, the first circle starts. Ask everyone to introduce themselves and ask how we can call them.

You can also ask them to say briefly how they are connected to the case. However, if some people start to share already 'their story' (why they are angry, what happened etc.), intervene politely and ask them just to share their name. What they say is very important, this is why there will be a dedicated time when all this will be in the focus.

(The goal is to prevent people from 'jumping' immediately to the issue phase without going through the trust-building phase.)

b.) The phase of 'trust-building'

Collecting values and creating guidelines for the discussion

'Please share what you need from the others in order to feel comfortable and being able to openly and honestly talk in this circle?'

In Hungary we have experimented with several other questions to be able to collect values and create guidelines. It seemed that only this question works. Certainly, this can be worded or adapted differently depending on the verbal and abstracting skills of the participants and on their needs. We can say that this part is one of the most case- and culture-sensitive parts.

Sometimes it is difficult to stay in the trust-building phase:... But it is worthwhile to try, because this creates an opportunity to see a 'new face' and strength in everyone.

Also, we have to be sensitive to their needs: if they are very tense or already feel the circle atmosphere 'too unfamiliar', this part might be kept simple and short (only one round) to not alienate the circle process to much from them.

Circle keepers also share the values and needs that are important for them. One of the circle keepers can 'model' this by starting this round and passing the talking piece to the left.

To close the round of collecting values, you can ask if everyone can 'live with' the values that were mentioned by others. If yes, you can acknowledge it as an achievement already, since people in the circle could agree on what values should be respected during the discussion.

If there is some disagreement on the values (if there is no consensus in it), further rounds might be needed in order to agree on which values are the ones acceptable for everyone.

Trust-building through a theme or value that

- ◆ is simple enough to understand
- ◆ unites the participants
- ◆ sets a positive tone for the meeting.

Based on the impressions collected during the preparatory phase, discuss with your colleague what this first 'thematic' question could be, e.g.

Share one good moment from your last week. (A story that everyone can share and creates a positive atmosphere.)

What does family mean to you? (A strength that might be common in everyone...)

What does friendship mean to you? (A value that was broken by this conflict and can be positively addressed...)

Sometimes it is difficult to stay in the trust-building phase: to raise these questions and make people respond (and not wanting to already discuss the issues).

But it is worthwhile to try, because this creates an opportunity to see a 'new face' and strength in everyone (somehow different from their positions or identities with which they have sat into the circle). Also, it can bring up values to the surface to which participants can refer to later on during the discussion (as an example, they can say to each other e.g.: 'You said honesty is important to you. Now you have to tell us what you think honestly!').

c.) The phase of 'addressing issues'

- ◆ When you feel that people are ready to move on to the next phase you can ask them now to try to explore the PAST:

'Although we know it is difficult to think back and remember, and maybe it is also hard for some of you, but let's now try to focus on the actual incident.'

- *What happened? or*

- *What would you like to share with us about what happened? or*

- *How do you remember what happened?*

After raising the question, you might wait a bit. Silence is okay here (as at any time). It might be a difficult moment for everyone to remember. Keep your question simple and allow people to think internally.

You might allow several rounds so that everyone can reflect on what others said and they have the opportunity to share and ask everything they think is important.

To facilitate and help people to open up, in new rounds you can also ask e.g.:

- *How did it affect you and others around you?*

- *What has been the hardest thing for you?*

Whatever questions we use, we need to make sure that we keep them in this 'venting', or in other words, 'past-exploring' phase for a certain time in order to listen to others, look into themselves, 'digest', gain trust towards the circle and decide what and how they want to share.

If we skip this phase or move on too quickly, some might stay frustrated having unaddressed issues that can come back later on. So the principle is to keep them in the 'venting' phase as much as they need in order to 'empty their bag'. Therefore, we don't start to talk about the future until we feel that everyone has shared the most important thoughts and feelings about the past.

...keep them in the 'venting' phase as much as they need in order to 'empty their bag'. Therefore, we don't start to talk about the future until we feel that everyone has shared the most important thoughts and feelings about the past.

It is okay if people don't answer the question exactly, or if their answers are not directly linked to it. They are in an associative state: such associations can lead to sharing personal stories and/or pointing out the real underlying issues and sometimes can help towards turning points. So circle keepers should not intervene, if they feel that such ('less focused') answers help:

- the 'story-teller' in gaining relief, or
- the participants in better understanding the roots and the consequences of the conflict.

However, circle keepers may consider intervening and politely stopping the person who is shifting the focus in his/her answer, if:

- it is disrespectful towards anyone;
- the shared information does not help in understanding the situation, nor in gaining relief;
- it takes too much time;
- it comes 'too early' (e.g. if someone starts telling his/her issues already in the first introductory round), although everyone will have time to share these issues later on during the discussion.

If there are some disagreements about facts or minor details from the past that seems to move the discussion towards an 'endless' debate ('You said this and that'/'No, I didn't!') we can say:

'It is okay that we don't agree on each detail. What we have to see and decide together here is the following: firstly, what are the points on which we can agree? Then we can choose the points we don't agree about and we can also decide to discuss them. However, there might some points that will remain as 'non-agreed' points, and this is okay, as well.'

At the end of this phase when the participants and you think that all the important issues have been raised, so the discussion can move towards the future, you can ask:

- *Do you have any more questions at this point?*

d.) The phase of 'developing plans for the future'

As facilitators you can say:

'Now that we have seen the main issues, and how they have impacted all of us, maybe it is time to move on towards the future. We would like to ask: What do you think you would need in order to be able to move on?'

This point of the circle can be very 'liberating' for the participants: after all the pains and harms now they can look into the future and think about how to move on from here.

This is the phase in which participants can explore the needs of everyone. The discussion is primarily on the needs of the victims and the harmed community. However, needs of the offender and his/her supporters can also be addressed if they are relevant (e.g. important

in preventing further offences or become important due to the raised empathy towards them).

Usually, if victims are the first ones who can talk about what they would need, it is easier for offenders to reflect on them.

- ◆ Collect needs and ideas.
- ◆ Allow as many rounds as needed to clarify all the raised needs and their possible solutions.

To make this part more effective, especially concerning the operative issues (e.g. who pays what, where and when? Or what does the offender need and where is it available?) we can decide taking out the talking piece and turn the discussion into a moderated discussion. However, make sure you turn back to the circle with the talking piece when there is a question again requiring the responses from everyone.

- ◆ Encourage people in sharing and brainstorming.

- Trust the circle: people will themselves select what is important (and should also elaborate the details) and what is not.

- ◆ When you see that people have shared everything they wanted to, based on the common points in the discussion, draft an agreement and read it aloud. Ask after each point if it is acceptable for everyone and if the wording is okay in this form.

Continue the discussion if there are any disagreements or details that still need to be clarified.

Write the agreement in simple language. Make it SMART⁶: Specific – Measurable – Attainable – Relevant – Time-bound.

Discuss who will follow-up the agreement points and what will happen if any of the agreements are not met.

- ◆ Ask if there is any other need that has not yet been addressed.

After this question wait for some seconds and look into the eyes of the participants, one by one.

It is important at this stage that everyone feels that this is the time to raise needs, wishes and expectations.

After adding any new point into the agreement, read it and ask if it is okay for everyone. To build consensus, emphasise that it is okay to disagree and encourage people to say if they do not agree.

6 Doran, G. T. (1981). There's a S.M.A.R.T. way to write management's goals and objectives. *Management Review*, Volume 70, Issue 11(AMA FORUM), pp. 35–36.

If there is a disagreement about something, do not include it in the agreement: participants need to decide whether to continue the 'negotiation' in that regard or to leave that point out of the agreement.

- ◆ If the drafted agreement is acceptable and complete for everyone, you can move into the closure of the meeting.
- ◆ If there is no written agreement at the end of the circle, it does not mean that the circle was not useful and important.

In this case acknowledge the work that everyone put in this discussion and summarise what you have achieved. If there are plans or a decision about a future meeting, highlight it as the next step.

2.6. Closing the meeting

- Before you finalise the agreement in the official form, ask everyone one by one in a final round:

'How do you feel now? With what feelings do you leave this room now?'

Facilitators also share their own feelings at the beginning and/or in the end of the round.

- ◆ Thank everyone for their time and input. Acknowledge the hard work they all have done in the last few hours.

Acknowledgments can be given for e.g. being open with their thoughts and feelings, taking responsibility, being supportive, cooperative, finding a way to move on with a solution that is acceptable for everyone.

3. After the circle

- ◆ Keep enough time for yourself after the circle

A circle might be an emotionally very intensive and demanding process. It is essential that you give yourself and your colleague sufficient time to vent.

So right after the meeting keep some time to reflect to each other and share your thoughts and feelings about:

- What went well and what could have been done better by you and by your colleague?
- How did you feel your cooperation?
- What were the most important moments during the circle, incl. turning points, surprising or moving moments, etc.?
- What do you think, how successful was this meeting from the point of view of the participants?

- What do you think, what was the most important lesson learned in this circle?
- Planning future steps, if relevant.

◆ Follow-up of the circle and the agreement

Each circle is different concerning the future role of the facilitators in following up the agreement. However, it is suggested in any case to contact the primarily concerned parties after some time to ask how they feel about the situation now.



QUESTIONS

Examples for questions,
tips for helping
the discussion

III. Examples for questions, tips for helping the discussion¹

1. To break the ice...

- ◆ Tell us about something good that happened to you last week?
- ◆ What were you doing before coming to this circle?
- ◆ What do family, neighbourhood, this organisation, etc. mean to you?
- ◆ What motivated you to come to this circle?
- ◆ What do you expect from this meeting? (talking, answers, solutions,...)
- ◆ What do you want to share about yourself?
- ◆ Who are you?

¹ This list of questions was collected by the German, Belgian and Hungarian circle keepers/mediators (under the coordination of Ingrid Marit) who participated in the project workshop organised in Leuven in 2011.

- ◆ Who are you missing here (not in first round)?
- ◆ How do you feel now?
- ◆ Tell us your name?
- ◆ Why did you come here?
- ◆ What do you think about the talking piece?

Tip : you can also use a story to open up minds

2. To build trust...

- ◆ What do you expect from the others in this circle?
- ◆ What do you accept from others in the circle?
- ◆ What will help you to feel comfortable to talk about what happened, your feelings,...?
- ◆ What do you need to feel comfortable in the circle?
- ◆ How do you want to talk with each other?
- ◆ What do you wish for yourself?
- ◆ What do you wish for your neighbour?
- ◆ How do you want to be treated in this circle?
- ◆ How do you want to treat others in this circle?
- ◆ How is it shown that someone is respectful to you? What does respect mean to you?
- ◆ What is needed for you to speak openly or feel safe?
- ◆ What can you offer to the other to make this a safe place?
- ◆ Tell a story about a situation when you felt respected
- ◆ What does listening mean to you?
- ◆ What do this country, this community, this world need to be a better place?
- ◆ What does privacy mean to you?
- ◆ What would you find satisfying?
- ◆ What is happiness for you?
- ◆ What is love for you?

Tip:

- ◇ write down some values on a sheet of flip-chart paper and put them in the middle of the room on the floor
- ◇ Conclude with 'consensus making' questions :
 - Is this list of values complete?
 - Is something missing?
 - Would you like to add something?
 - Can everyone agree on this?
 - Is this clear to all of you?

3. To facilitate understanding about what happened...

- ◇ What happened?
- ◇ What is important for you?
- ◇ What do you want to share with us about that moment?
- ◇ How were you affected?
- ◇ What did you think at that moment?
- ◇ What did you feel?
- ◇ What did you do?
- ◇ What was the most touching thing for you?
- ◇ What was the most touching thing that you heard from the others?
- ◇ What does harm mean to you?
- ◇ What was the worst thing?
- ◇ What does it mean to you?
- ◇ Have you changed since that moment?
- ◇ What do you regret?
- ◇ Who was affected? How was he/she affected?
- ◇ What do you feel or think now while hearing the views of others?
- ◇ What is hard for you?

- ◆ What do you think is hard for the others?
- ◆ Which consequences have you had to deal with since this incident happened?
- ◆ What was your experience in this crime? What does it mean to you?

Tip: Refer in questions to the past, the present and the future

4. To gain ideas for an outcome...

- ◆ What do you need in order to be able to move on?
- ◆ What do you need after the circle?
- ◆ What happens if the plan isn't followed?
- ◆ What do you expect from others?
- ◆ How can you guarantee what you promised?
- ◆ Do you need an emergency support person? What will you need when you feel you are failing?
- ◆ How do you want to give feedback?
- ◆ Who would like to take responsibility?
- ◆ On what point(s) in the agreement will you take responsibility?
- ◆ What can be your contribution to restoration or improvement of the situation?
- ◆ What can we report to the professionals?
- ◆ How did you experience the circle?
- ◆ What do you think has to be done now to restore or repair the harm?
- ◆ Do you want something on paper?
- ◆ Is it acceptable for you?
- ◆ What can you contribute that is going well?
- ◆ What are you good at?
- ◆ Will you need follow up? Will you need another circle?
- ◆ What was the first idea that came up in your mind regarding a way of repairing the harm?
- ◆ What concrete action can you offer?

- ◆ What concrete action do you expect from others?
- ◆ How much time do you need to fulfil it?
- ◆ When or how do you want to see results? What needs to have happened, to make you feel that the harm has been restored for you?
- ◆ What is an acceptable action or a reasonable solution to restore the harm for you?





CASES

IV

Case studies

IV. Case Studies

CASES FROM HUNGARY

A case on losing and regaining RESPECT – Vandalism of a public poster exhibition

Case summary

Two young adults drew racist symbols (swastika) and hostile messages ('throw them down from the Taygetus') of five posters of a social poster-exhibition, which were exhibited publicly at one of the main squares of a town in North-East Hungary. The events happened in the Spring of 2012.

The owner of the poster exhibition was an NGO, who represents the interests of people living with Down syndrome. The police caught the offenders shortly after the action, since there were security camera recordings and when the

police arrived to the scene the offenders were still nearby. The police reported the case to the prosecutions office. The offenders blamed their action on being drunk and claimed that they were not aware of the issue of the posters. They partly admitted the offense. The hostile, racist messages were not considered by the prosecutor, the case was prosecuted as 'vandalism'. The official victim was the director of the NGO.

The offenders already contacted her in favour of reaching an out of court agreement before the official request for a victim-offender mediation arrived from the prosecution office. Both parties agreed on a victim-offender mediation. The circle keeper contacted them personally and raised the possibility of a peacemaking circle, asked about other parties who were affected by the case. It turned out that there were several families behind the NGO who felt harmed by the offense, a few of them were harmed personally, since it was their children's portraits that were damaged. The victim's party preferred a peacemaking circle to victim-offender mediation, because this way they could invite those families into the procedure who were also harmed by the events. And she hoped that this way other levels of harm can be also addressed.

The case got extensive public attention; there was a TV-report about it, which also justified the community-relevance of the case. Although unofficial victims joined the circle, they had great anger and they were considering making a parallel, civil law action with higher demands. They brought their children with Down-syndrome into the circle, whose extremely high capability to express their own feelings and emotions created a supportive, emotional and result-seeking atmosphere in the circle.

Content of the agreement:

Financial compensation of the damage and making a presentation within the framework of a social equality seminar at the university about the process the accused went through and lessons they learned.

Fulfilment of the agreement

Both parts of the agreement have been fulfilled; about 20 students participated in the seminar. The victims were also present and expressed their feelings for a wider audience of youngsters.

Method selection

The case was diverted from the prosecutors' office. Peacemaking circle method was chosen because of the community relevance of the crime. Namely: there

were families, who were unofficial victims of the crime as it was their children's portraits on the posters damaged - they constituted the community of care around the victim as well as bystanders who were also harmed by the racist messages.

Keepers raised the possibility of a peacemaking circle towards the official victim (the director of the Down-syndrome NGO) to widen the circle who was very motivated and cooperative towards involving the unofficial victims, who are also part of a community representing the interests of their children living with Down. Offenders also accepted the involvement of a wider community and the method selection.

Involving participants

The circle keepers held face-to-face, separate preparatory talks with both the official victim and the two offenders. The official victim personally invited the families who live with children having Down-syndrome and the circle keepers personally invited volunteer bystanders who were shocked by the events.

The offenders were requested to bring supporters as well but they expressed that they would like to support each other. Shame and privacy were also motivating factors behind the fact that they did not want to bring their parents and friends to the encounter.

An independent probation officer was also invited by the keepers to represent the judicial aspects.

Motivations

Motivation of the offenders during the preparatory phase was mostly the intention to close the case. Later on, during the peacemaking circle they got more involved emotionally, and gained some restorative motivations, such as showing apology, remorse and non-financial restitution.

The most important motivating factor on the victims' side as well as for the parental community of children living with Down-syndrome was the aspiration for understanding. Why did the offenders do what they did? Volunteer bystanders had the same motivations.

The circle meeting

The peacemaking circle was organised in the probation office. The keepers set up the seating arrangement ahead of the meeting. The keepers were sitting beside each other. The offenders were seated between the keepers and the

members of the wider community – the bystanders. The probation officer was seated next to the wider community members. The official victim, as well as the community of care (parents) and the unofficial victims (two youngsters living with Down-syndrome) were seated between the probation officer and the keepers.

Every participant expected showed up on time, yet even more people arrived than expected: the keepers had only counted on the parents; the participation of the two youngsters living with Down-syndrome was a surprise.

The course of the circle

Exhibiting the posters within the framework of the circle is a ceremony, which intended to facilitate understanding of the harm and promoting responsibility taking. The keepers planned to use the ‘tell a personal story’ for an opening ceremony, as part of trust-building. In the end they changed their mind because of the level of tension and anger. They also felt that the victims had a need to address the issue right away.

Following introductory questions the circle began to discuss values. Tolerance, peace, correctness, honesty, calmness, respect were mentioned or emphasised by the circle participants as important values for the discussion.

The first question after the introductory round and discussing the values was: ‘What happened?’.

The talking piece was a camera, which had a symbolic meaning. The meaning of it was explained by the keeper as follows: photos have weight, they may come into existence and create a ‘life story’ of their own. Someone who is pictured takes the consequences of getting publicity. During the initial times of photography some traditional groups of people were afraid of photos, they thought that being photographed meant losing one’s soul. These photos that were exhibited by the Down Association also started to live their own life-story.

The four phases of the circle were realised. Deep levels of emotions came to the surface. Although the Talking Piece and the ground-rules were highly accepted by all participants, keepers had to handle tension and high level of emotions in the peacemaking circle. Once the peacemaking circle was stopped because the keepers felt extreme emotions: one of the unofficial victims (a youngster living with Down-syndrome) said to the girl offender who was crying: ‘I don’t want you to cry because of me’ and he stepped to the offender on the other side of the circle and hugged her.

The offenders showed remorse and talked about their background-motivations. They were ready to offer financial and non-financial restitution equally, although only one of them could express her feelings and thoughts in a way that was credible to the victims. The honesty of the other offender's regret was questioned by some people from the victims' community of care. The agreement contained financial and non-financial elements as well. The community of care of the victim and the bystanders also participated in the creation of the agreement. Tension and anger was not totally dissolved by the circle. Full relief was achieved following the circle, as a consequence of the restitution.

After the circle

The non-financial part of the restitution was a seminar presentation made by the offenders at the university of one of the offenders. The victim and members of the community of care also participated in the event. The offenders' presentation about the restorative process as well as the opportunity for the victims to express the harm caused to them towards a wider audience both contributed to a more complete relief as well as largely impacted the university students emotionally.

Judicial consequences

The probation officer circle keeper wrote a report to the judicial authorities after the seminar and the receipt of the financial payment that the agreement was totally fulfilled, according to the action plan. The penal case was suspended.

A case on INTERCONNECTEDNESS – Physical violence in school with racism in the background

Case summary

The incident took place in the school of a small town. Two juveniles, Szilvia and Tamas, were accused, who were cousins. The acts were a reaction to a wrangle between the child-age younger brother (12 yrs) of the two accused and his classmate. The sister, Szilvia (15yrs) grabbed and twisted the boys' hand, thus breaking his finger. She was accused of committing mayhem (harm lasting over 8 days). The other accused, Tamas, having seen his cousin crying, grabbed the other boy in the following break to 'talk over' and 'settle' the incident and took him into the school toilet from where he did not let him go out. He was accused of illegal restraint to the harm of a child.

The police investigation disclosed that the motivation of the accused was to protect the sibling/cousin, who was said to be previously and constantly mocked and called names for being a Gypsy by the victim. Thus, the victim and offender roles were foreseen to be ambiguous in the case.

During the preparatory visit to the families of the two accused, keepers found the accused and their families cooperative and worried, while the victim's family proved to be openly biased, obviously characterised with a strong anti-Gypsy attitude. While the victim's family was open to take part in the mediation, they explicitly asked for shuttle mediation. As they said, they did not want to be in the same room with the Gypsy families.

Keepers, after some considerations agreed to hold the circle without the actual presence of the victim and his family. The meeting was, from that time on, meant to be a healing or support circle. Its central issue was to provide reasonable solutions for the accused and families, victimised by racist mockery. Responsibility for the offence was also thematised but mostly in respect of how similar situations could be prevented. Thus, the case was elevated from 'a children's fight' to the level of the local society.

Content of the agreement

The agreement stated the offenders' apology and highlighted the role of the school teachers so that students who were provoked and humiliated should be able to turn to them instead of striking (back).

Fulfilment of the agreement

The victims accepted the offenders' apology after the keepers had interpreted it for them. The keepers informed the offenders promptly, and the prosecutor officially.

Method selection

The case came from the prosecutors' office. The peacemaking circle method was chosen because of the community relevance of the crime. Firstly, a number of children and juveniles were concerned in the case. Secondly, the victim-offender roles were unclear: harm was recognised on several levels. Thirdly, the events took place in a school. The school is a community-related institution, which indicated the case to be suitable for a circle. The issue of continuous mocking of the child previously for being a Gypsy raises the responsibility of the school and its contribution seemed to be necessary for reaching a reasonable solution. Furthermore, since the victim and the offender were juveniles,

their siblings, parents - as the community of care - and social professionals (who helped the families before) were natural constituents of the circle.

Keepers raised the possibility of a peacemaking circle towards the victim's family and the offender's family. The victim's family was not motivated about the encounter and declined to come to the circle because of the social background of the other families. They even expressed directly that they do not want contact with Gypsies. Otherwise, they were open to settle the case outside of the court, for the sake of the juvenile offenders, but with the minimum effort possible.

The offenders' families were open towards the peacemaking circle mostly because they found the involvement of the school very useful. On the other hand, they were very much worried about the legal consequences of the case and were cooperative in finding any kind of solution that would protect their children from the legal consequences (this circumstance had an important role in the decision since a penal procedure is more threatening for Gypsy families than for others.)

Involving participants

The circle keepers held separate, face-to-face preparatory talks with both the victim's family and the families of the two offenders. They invited the offenders' parents as supporters, as well as the offender's 12-years-old brother, as an important actor of the events, (whom she intended to protect, which finally led to the offence). They invited an extra family member, an uncle who was present during the preparatory talk and seemed to be an important figure in the family.

The victims firmly refused participation in the peacemaking circle during the preparatory talk, although they seemed to be open to an indirect agreement. When this became clear, the circle was expected to be a healing circle for the two accused and their families, as well as a 'strategic meeting' about prevention of future offences with the involvement of the school. Thereby the keepers expanded the circle to involve school representatives and helping professionals from the local care/support services. They also invited an independent probation officer to represent the legal perspective.

Motivations

The offenders' motivation during the preparatory phase was to close the case without legal consequences and to express harm they suffered as a result of racist mockery, as well as to find reasonable solutions to avoid similar situations.

Motivations on the victims' side did not go beyond the intention to close the case. They did not have any other claims besides receiving apology. Based on the methodological considerations, usually the lack of motivation on either side would indicate against conducting a peacemaking circle. But in this particular case the victimisation of the offenders, the community relevance and the harm on a broader level, which went beyond the case, accounted for a peacemaking circle.

Keepers had the chance to prepare the case with the school director. School representatives were delegated by the director, which was bound to limit the level of their affectedness, motivation and willingness to think along/in terms of community concerns.

The circle meeting

The peacemaking circle was organised in the social care office of the town. The keepers created the seating arrangement in advance. The keepers sat vis-à-vis each other. There were two halves of the circle imagined: one for the accused, their supporters and the school teachers as community representatives; and the other for the professionals (social workers of the local family care, child care authority and the independent probation officer). The two keepers sat at the juncture points between the two halves of the circle.

Every participant who was expected showed up. A high level of tension and worry was expressed by the parents. The talking piece was a bird-feather that had a symbolic meaning: 'It tries to protect, but is itself vulnerable at the same time'- as the keepers phrased. It referred primarily to the juvenile offenders' intention behind the crime and, secondly, to their community of care. In spite of the high number of participants, the rounds went smoothly.

Answers to the value-question were mixed with goals: 'positive results; to close the case; if children meet up in school, they would play; maintain a relationship; kids don't get into trouble anymore; expectation towards the school to pay more attention" are some of the things that were mentioned. Consequently, the less concerned participants (community members, professionals, judicial representatives) formulated ground-rules for a constructive conversation, for the benefit of the whole, such as 'honesty', 'tolerance', 'activity', 'trust'.

A thematic question - 'What does family mean to you?' – characterised the trust-building phase. Keepers asked a question which was relevant to everybody in the room, irrespective of their affectedness. The aim with this was to deepen the thinking and mobilise feelings, to tighten and unify heterogeneity,

hence build a common ground for the circle. This personal and at the same time general question thus not only created the sense of unity in the circle, but also 'deepened' it. The answers to the question brought a lot of positive energy to the circle because the participants referred to values like 'love', 'safety', 'understanding', 'belonging', 'responsibility', 'life-long connection', etc..

Extra participants had a very crucial role in this circle. Although racist motivation and the protective intention of the juveniles was an important background issue, the juveniles and their parents did not thematise it. Their fears and motivations to avoid the legal consequences of their unlawful act were more dominant. Finally the brother-in-law, who was invited as an extra participant by the family, broke the taboo and grasped the issue of racism, which was a turning point in the circle, since it raised the case to the level of community concerns. He also articulated the responsibility of the school in this respect ('they could do more') and the motivation to exclude racism from the classroom. His honest, flexible and constructive attitude and common sense influenced the dynamics of the circle and complemented keepers' roles a lot. He also openly talked about his previous imprisonment and lessons he learnt while he was in prison concerning peaceful communication as well as about what helped him to avoid crime after he had been released.

The younger brother (who was protected by the offenders) expressed his regret and apology to his sister and cousin for bringing them into trouble. This moment brought in a new perspective related to the crime. It also helped the youngsters to take their part of responsibility. Moreover the young boy's expression of responsibility taking and apology might have influenced all the participants (the parents, the school teachers and the local social care workers) to the direction that the responsibility is not just on the juveniles' shoulder but on the whole community.

The schoolteachers' participation was not voluntary: the schoolmaster assigned them to come. They added a lot to the 'identifying issues' phase from their perspective about what happened, but basically tried to stay away from the circle on the personal level. Although they acknowledged the harm of the offenders and the fact of racism as a problem, they were not ready to go deeper into the issue, take responsibility or think of solutions for the future. The most personal moments of their contribution were when the teacher started to talk openly about her relative powerlessness related to violence at school (e.g. lack of tools or information).

The families felt somewhat relieved by having the chance to express their grievance about the racist mockery and about similar cases at school, even though

the acknowledgement of this was limited by the teachers and the social care workers. On the other hand they were disappointed about the victim's absence, and – regardless of the preliminary approval by the victim for the agreement – they still worried about the closure of the case and wondered if the victims had any other claims.

After the circle

Keepers went to the victim's family and informed them about the course of the circle. They emphasised that the offenders took responsibility together with their parents. They reported the offenders' readiness to discuss the events with the victim and their disappointment of not having the chance to apologise in person. The victims accepted the offenders' apology after the keepers interpreted it to them. Keeper informed the offenders promptly, who were finally relieved by getting assurance that the case was over. The prosecutor was officially informed that an encounter took place with shuttle mediation and the victim accepted apology.

A case on SHARED RESPONSIBILITY – Vandalism of an abandoned airport by juvenile and child offenders

Case summary

In the summer and autumn of 2011, a group of five children broke five windows at an abandoned airport nearby a town by throwing stones at the building. Three children in the group were under 14, so only the other two were officially accused of damaging property. Although fenced in, protected by CCTV-s, and attended by a security guard, this area became an informal open-air meeting point for the communities of the small town, youngsters, but also for families with children spent their free time there also on a regular basis. The local municipality, the owner of the territory planned to call for an investor to make use of the area, but while not finding one easily, the amortisation of the environment and the airport-building has started. All but one child in the group agreed to take part in the peacemaking circle, although three of them did not have consequent legal responsibilities due to their age. The juveniles, who were officially charged only took partial responsibility, claiming they were just 'in the wrong place at the wrong time'. Both the extent of the damage and the exact identity of the perpetrators were being questioned by the accused.

It was hard to come to an agreement because of the gap between the children's moral and legal responsibility. However, the honest presence of the child offenders was in itself acknowledged by the juveniles and their parents. It resulted in

a fairer procedure from the official, juvenile offenders' perspective and had a great educative impact on the children. The first encounter did not end in an agreement, even though the option of taking the case back to court surfaced, in the context of seeking 'justice'. The juveniles and their parents asked for time to get more information about the possible legal options. Finally they requested a second encounter where an agreement was signed. The contribution of the child offenders remained symbolic, the total amount of the damage was paid by the juvenile offenders.

Content of the agreement:

As an outcome, a financial compensation was to be paid by the two legally accused families, which they could pay in instalments over the following months. This was expected and agreed on by the representative of the local government.

No financial contribution has been expected or offered by the families of the younger children as unofficial parties. Their voluntary participation in the circle as 'harm-doers' was the way they could and wanted to take and share responsibility and express their regret.

Fulfilment of the agreement

The financial compensation was paid.

Method selection

The case was diverted from the prosecutors' office. Keepers decided to conduct a circle due to the community of children and juveniles who committed the crime together. The children (under 14), who did not have a legal responsibility but in fact contributed to the offence wouldn't have been involved in the case of a victim-offender mediation – this was an extra justification for a peacemaking circle. The legal procedure had artificially divided this group into 'accused' and 'witnesses', taking only their age into consideration, but keepers felt motivated to work with the complete group. Moreover, the circumstance that the airport was used as an informal open-air meeting point for the local communities of the small town put the crime into a community context on a broader level and called for a peacemaking circle. The keepers raised the possibility of a peacemaking circle firstly to the juvenile offenders who were ready to involve the child offenders. The three child offenders were addressed then. One family refused to come, because they were afraid of being forced to take part in the financial restitution. The other family (two brothers and their parents) was willing to come.

Involving participants

Juveniles and child-age participants were joined by their parents as supporters – keepers made personal preparation both with the families of the juveniles and the children. The social workers helped the keepers with contacting the officially not accused families and with asking and persuading them to participate.

The injured party, the local municipality – the handler of collective property – was represented by two in-service clerks. The peacemaking circle was extended by the policeman, attending the investigation, and two helping professionals from the local family-support service. The victim, the policemen and the helping professionals were invited via phone.

Motivations

Juvenile offenders and their parents hoped that the child-age offenders would contribute to the financial restitution as an outcome of the peacemaking circle. The child offenders' family expressed during the preparation that they were willing to join the circle, express responsibility, apology and regret but due to their financial situation their financial contribution remained uncertain. The keepers could have counted on the discrepancy between moral and legal responsibility and the families' different expectations about the meeting. The victim – the municipality representative – was open to the peacemaking circle as well, he expressed that he was mostly interested in the financial restitution, with a slight educative intention, to see 'remorse' and setting an example for others (i.e. children from the community).

The circle meeting

The venue of the circle was the local family-support service (since there is no probation service in the town). All participants arrived on time, even slightly early. The keepers tried to choose an object as talking piece that is relevant for the children as well. They brought a Pinocchio-figure, which referred to the importance of honesty with its 'growing nose'.

The circle went through all its phases, but it did not end in an agreement. The gap between the moral and official responsibility of the children couldn't be resolved. The juvenile families – although respected that the children came – were resistant to take full responsibility for the events. The missing family (under-aged, not officially accused) served as a scapegoat – a way out of responsibility. The juveniles' parents were the most active in the circle. They questioned their childrens' responsibility, criticised the investigation and blamed the maintainer of the area. The juvenile offenders spoke little.

The child offenders' emotional attachment was more visible, they took part more actively and showed their 'personal face' more than the juveniles. They expressed sorrow and took some responsibility. Their parents believed that they had the moral duty to participate in the circle because of shared responsibility, but their readiness to participate was meant to be a symbolic redemption. However, the children's father offered a financial contribution at one point, which was discredited, thus indirectly refused by the official offenders, on the basis of the poor financial situation of the children's family.

A further issue was the security-guard of the abandoned building, who had initiated the reporting instead of starting a personal dialogue with the children when he had caught them. His responsibility shifting the conflict into a formal, legal context instead of an informal, personal educative negotiation also emerged in the circle. Unfortunately he was missing from the circle, because he had not been mentioned by the families during the preparation phase as a key person.

The best outcome of the circle that could have been reached still seemed at that time 'unfair' to one of the officially accused families. Thus the action plan stated the need for further negotiations within and among the families and getting more information about the potential outcome of the jury's possible verdict and its future impact on the young offenders' life (whether noted the juveniles' records, which affects their future career choices in public bodies, for example) – to be able to choose pro or contra the peacemaking circle agreement. The families wished to implement the action plan without the assistance of the peacemakers and agreed to request for a continuation of the peacemaking circle if they decide about a restorative continuation. The official victim accepted this alternative without any claims and waited for continuation.

The goal of the circle was to provide opportunities for expressing and understanding the needs and the boundaries on the victim's side, for mapping the willingness and potentials of the other, non-officially accused parties in taking a share in the financial compensation. Besides, it provided space for venting, especially for the juveniles' parents. A strong disagreement was expressed with the result of the police investigation and one of the juveniles' mothers questioned the charge against her son in the circle. At that point, the policeman conducting the investigation was a key-person of the circle, since he answered the parents' questions and provided hints that refusing responsibility was already anachronistic at this point of the criminal justice process, as the two juvenile accused previously made plea agreement and this was precondition of diversion for a restorative process.

The question of the keepers also touched on a few generalised, community-level issues, which turned participants' attention from the concrete case to a more general level of experiences, e.g. 'making rules and their exceptions' or 'local community space for youth leisure activities'.

After the circle

After collecting all the information about the possible legal outcomes, the families of the juveniles requested to make a second round of peacemaking circle to reach an agreement. They decided to pay the whole amount of the victim's claim, although they expected the children's families to come to the meeting. In the end only the official victims and offenders were present at the second round, held at the same place as a mediation, rather than a PMC, on the agreement.

As an outcome, a financial compensation was to be paid by the two, legally accused families, which they could do in two instalments over the following months. This was expected and agreed on by the official victim, representative of the local government. The prosecutor's office was informed about the fulfilment by the keeper.

A Case on RECOGNITION and ACCEPTANCE – Serial theft in a dorm

Case summary

A juvenile girl was committing serial theft from three girls, her room-mates in the student dorm. She stole money, clothes and cosmetics from the girls. She lived in an average middle class family, her social background did not explain her motivations. The fact that she did not use the things but collected them in her cupboard referred to a psychological problem. The investigation extended to a psychological test as well. The prosecutor's office diverted the case to the probation office. It was revealed during the preparation phase that although the events happened about a year ago, the victims were still very astonished about it and could not understand the motivations of the offender, who was their friend. They were motivated to come to the encounter although were afraid of the meeting - the offender had moved out of the dorm, they hadn't seen her since the events. The psychological opinion was that the theft was in connection with her trauma of moving to the dorm from the family home.

The victims, the offender, their parents, an independent psychologist and a probation officer were involved in the peacemaking circle. The keepers made some efforts to invite a dorm-deputy, but they abstained from participation.

Financial restitution was an evident intention in this case, although understanding the motivations of the offender and the circumstances within the serial theft took place was more important for the victims and their parents. The victims showed deep emotions. The offender was communicative and talked about her motivations behind her deeds (jealousy, envy, feeling herself less competent than the other girls) but did not show emotions. The victims did not understand this attitude and questioned the credibility of the offenders' remorse. The psychologist had a crucial role in this peacemaking circle since her explaining of being alienated and incapable to express emotions is part of the offender's psychological problem the victims became more empathic and got answers to the 'why'-s.

The victims' parents got over their anger and expressed great solidarity towards the offender's parents. The mother of the offender was also victimised by the events and could hardly support her daughter. Thereby the psychologist had a secondary, very important role: she functioned as a personal supporter to the offender.

The four families had a common grievance, which was disappointment at the attitude of the dorm-director. The director had not informed the families about the thefts (their daughters had not informed them immediately) and had not tried to solve the situation informally, out of the legal framework. The director's refusal to participate in the PMC was a further cause of disappointment, which created a common bridge between the victims and the offenders.

Content of the agreement

The parties agreed on a financial payment in parts. The offender also agreed to continue visiting the psychologist.

Fulfilment of the agreement

The agreement was partly fulfilled: the financial compensation was paid. But the victim did not visit the psychologist during the follow-up period.

Method selection

The case was diverted from the prosecutors' office. Keepers chose the circle method because more victims were concerned with the case and the events happened in the community of girls, who lived in the same room. The keepers raised the possibility of a peacemaking circle firstly to the victims who expressed fears about meeting the girl again but were ready to participate. The offender

was addressed then, who felt remorse, and was very motivated to have a chance to apologise and explain her intentions to the victims.

Involving participants

Since all the victims and the offender were juveniles, their parents joined them as supporters. Keepers made personal preparation together with the three juvenile victims and their parents, and separately with the offender and her parents.

Motivations

The main motivation on the victims' side was to get answers to their questions about the offenders' motivations for the serial theft. Why did their friend steal from them when she did not need those objects? The offender – who had started to visit a psychologist since the events – was very motivated towards the encounter, wanted to face the victims and talk about her motivations that she herself had started to understand in therapy. All families were motivated in involving the school director, since they wanted to express their disappointment about not being informed about the serial theft by the school. On the other hand the school was not interested in participating, because they were worried about their good reputation.

The circle meeting

The venue of the circle was the central probation office of the county. All participants arrived early, which made the greeting ceremony and seating more difficult for the keepers. The most important value of the encounter was that the victims and their supporters got to understand the behaviour of the offender and the motivations behind the offense. They got additional information about the case (e.g. the father of one of the victims asked where the offender threw out the official documents of the victim from the purse).

Keepers chose a Pinocchio-figure as talking piece. It worked well in the previous case where juveniles and children were concerned. It referred to the importance of honesty with its 'growing nose'- just like in the previous case.

The responsibility of the school was also brought up by the father of one of the victims, which was a common grievance that created a bridge between the victims and the offender. Keepers and participants equally learned from this peacemaking circle that the encounter couldn't solve all problems. It did not solve the psychological problems of the offender, although it helped victims to understand and reinforced the offender – as well as her parents – that they

followed a good path when they turned to a psychologist and started to deal with the emotional causes of the offense.

Although the victims were emotionally very touched by the events, some signs of empathy were expressed towards the accused. E.g. the parents of the victims insisted on part-payment or one of the victims wished the accused good luck for her emotional recovery. The mother of the accused not only acknowledged the emotional grievance of the victims but also their maturity by facing the events. On the other hand the mother of the accused took a secondary victim's role. She faced her part of responsibility for her daughter's emotional deficiency right in the peacemaking circle ('Maybe I should have not pushed her to go to this elite boarding school and should have listened to her that she had preferred another, sport-oriented school?' – as she rose at a certain point), and she could not really support her daughter. Thereby the psychologist seconded as a supporter for the offender, she had a fundamental role in supporting her and helping the victims to understand her situation. The agreement contained a financial restitution and a statement about an endeavour of the accused that she continues visiting the psychologist.

After the circle

The financial payment was entirely fulfilled, although according to the follow-up by the keepers the accused did not visit the psychologist in the first period. She explained it with feeling comfortable and in better harmony with her new school and life situation.

CASES FROM BELGIUM

A case on REPARATION to the community – Breaking into abandoned buildings

The crime

A couple of young men, around the age of 18 to 20 years old, broke into several buildings that are abandoned at night (e.g. the cafeteria of a soccer club, a meeting room of a youth organisation, etc.). Most of the burglaries were committed by two offenders, a couple of times there was a third offender involved. In most of the burglaries they afflicted some damages to the buildings to enter them. On most occasions, they stole liquor and exceptionally a small amount of money.

Preparatory phase

When they were caught by the police, they were temporarily incarcerated for a couple of months. After they were released (but still before sentencing by a judge), the Prosecutor's office informed all offenders and victims of the possibility to participate in a mediation by a standard letter. The mediators, when being informed of this case (also by the Prosecutor's office) decided that it could be a possible case for holding a peacemaking circle, since several victims and offenders were involved and the burglaries all happened in a relatively confined geographical space, so it potentially had an impact on the neighbourhood too.

The different offenders and victims contacted the mediation services at different times. A separate meeting was then held by one mediator with each of the conflict parties who showed interest in victim-offender mediation. In this meeting, the possibility of holding a peacemaking circle was suggested; the conflicting parties had the final decision in the choice between a mediation or peacemaking circle.

Since it was also very unclear in which of the burglaries all three offenders were involved and they experienced difficulties reaching some conflict parties, the mediation service made the decision to, if possible, hold peacemaking circles with the conflict parties they had reached at that time. As such, only one victim (a youth organisation) and two offenders were prepared to participate in this peacemaking circle.

Since the youth organisation did not really know an official spoke person, the mediation service spoke to the team of 'youth leaders' and let them decide who should be present at the peacemaking circle, though the mediator asked that not the entire team would be present (to prevent an imbalance in the number of victims and offenders). The mediator asked the two offenders to think about support persons to accompany them to the circle meeting, but neither of them wanted this.

When it became clear that a peacemaking circle could be started, the mediator of the case involved a second mediator (who had followed the peacemaking circle training). They both continued with the preparation of the circle meeting, starting with the search for community members who could participate. On the one hand they started to look for community members who lived in the neighbourhood of the crime. They contacted the city government to ask if any persons living in that area were known representatives of their neighbourhood. They found and invite two community members this way, who both were willing to participate – one of them cancelled though at the very last moment.

Furthermore, they looked at bringing in community members from the broader community (the macro-community). They already had a list of community members who had heard about the project in one way or another and invited one of them to the circle meeting. All community members were only talked to on the phone before the circle meeting.

Another task of the mediation service was to find a suitable room for the circle meeting. They again looked in the environment of the crimes and found a community room, which the owners let them use for free as they very much liked the idea behind peacemaking circles. The circle keepers also made sure that there were drinks and snacks available in the room.

The circle meeting

There were six circle participants present for the circle meeting. Two represented the victim (one former and one still active youth leader), the two offenders were present as well as one geographical and one macro-community member.

The circle meeting started with everyone taking place in the circle itself, in the places the circle keepers appointed to them. The circle keeper who followed the training (not the keeper who did the preparatory meetings) took the lead in the circle meeting.

Once everyone was seated, the circle keepers stood up and shook hands with each circle participant. This was the opening ceremony for the circle, although no explanation to why the circle keepers did this was given. After this, the circle keeper started with a short introduction, in which she focused on the confidentiality of the circle meeting and the fact that all circle participants were equal. Furthermore, she introduced the talking piece, which she herself chose: it was a keychain with a small figurine on it made by one of her children. She explained this was something valuable to her, but that the key itself also stood as a symbol for both the crime (burglary) and for a way to find 'the key to a solution'. She then asked if everyone could agree with the use of the talking piece.

The circle keeper then asked the question: 'Who are you and why are you here?'; after which she immediately passed the talking piece. The victim answered it hesitantly and then passed the talking piece. A couple of remarkable things happened during this first round. First, the second circle keeper repeated the equality in the circle and exemplified this by stating that she herself had also been a victim and even an offender (e.g. when she fights with her partner). Second, one of the offenders already apologised in the first round. Lastly, when

the first circle keeper received the talking piece again, she introduced herself too and mentioned that she used to be a member of a youth organisation too, albeit the competing one. This caused several circle participants to laugh.

The circle keeper started the second phase of the meeting by asking what everyone needs to listen to each other. How did they want this conversation to go? The talking piece was passed around the circle and the second circle keeper noted down everything that was said, to afterwards put it in the middle of the circle. After one circle round the circle keeper asked if everyone could agree to the values and guidelines mentioned, which everyone did.

The next step in the circle meeting was phase 3 (identifying needs and issues). The second circle keeper – who also had done the preparatory meetings – summarised the crime, in which she also mentioned that the youth organisation had been a victim of burglaries multiple times (where the present offenders were only involved two times). The circle keepers then invited the circle participants to talk about the crime or ask the questions they had concerning what happened. The talking piece went around the circle once, in which it became clear that especially the victims had trouble asking questions when they did not know for which burglaries the offenders were responsible. Consequently, the circle keepers decided to put the talking piece away in order to allow a direct dialogue between victims and offenders to clear this up.

This ‘back and forth dialogue’ happened in a very open atmosphere, where the offenders seemingly answered all questions very honestly. The downside of putting the talking piece away was that the community members became a bit less involved, although once it became clear which burglaries the offenders committed, they started to contribute more.

After about 40 minutes of back and forth dialogue (1h10 after the start of the circle), the circle keepers suggested to take a short break.

After the break, the circle keeper suggested to do a round about how everyone felt about the meeting thus far. The talking piece was used again for this round, in which all circle participants shared their appreciation for the meeting and the attitude of other participants.

The next round was the start of the final phase of the circle meeting (‘creating an action plan’). By request of the circle participants, the talking piece was not used anymore (it was put in the middle of the circle). Again, this created a dialogue mostly between victims and offenders, with some minor input from the community members. The participants struggled somewhat to think of

ways of restoring the harm done, where both offenders and victims showed concern for each other (the victims didn't want to ask too much, the offenders didn't want to do too little). The geographical community members also gave some suggestions on how to restore harm in a creative way; he suggested that the offenders share their experiences with other youngsters who might commit crimes. Eventually, the circle participants agreed that the offenders pay the financial damages of the victims.

To end the circle, a closing round was done, where each participants answered the question 'How do you go home now?' asked by the circle keeper. Everyone stated she/he was glad to have participated in the circle meeting.

When the round was over, the circle keepers invited everyone to stay a bit if they wanted to (there were some drinks and small snacks available).

After the circle meeting

The circle keepers held another small meeting between the victims and the offenders, in which the damages were paid and the agreement, which was added to the judicial case file, was signed. There was no further contact between the community members and the conflict parties.

A case on THE STRENGTH OF BONDS – Threatening within the family

The crime

In a family of four, there had been some problems between the son, who is already an adult and his parents. The biggest problems were between him and his father, who were constantly confronting other: the father had not been able to work for several years due to health issues (which were difficult for him) and the son was unemployed and still living at home. The son also had followed some therapeutic counselling to deal with problems and behavioural issues.

One day, the father who was cleaning the house asked the son to stop using the computer. This led to an argument between them. During this argument, the son grabbed a knife and threatened his father. He stole some money from him and left the house.

After the crime, the offender went to live with his grandmother.

Preparatory phase

The Prosecutor's office had informed the conflict parties by letter about the possibility of a victim-offender mediation. The mediation service was also informed that the conflict parties received this information.

When the conflict parties contacted the mediation service, the mediator made separate appointments with both the offender (together with his grandmother) and the victim (together with his wife). In this first meeting, she suggested holding a peacemaking circle, since it was clear that the crime affected more people than just the judicial victim and offender. She gave both conflict parties some time to think about this idea. When they both agreed a couple of days later, a new meeting with each of them separately was made to explore who could further participate in the meeting. The idea was that the conflict parties themselves would invite other community of care members. This way, the wife and daughter of the victim (or mother and sister of the offender) and grandmother and former therapist of the offender were reached. The girlfriend of the offender, even after she met with the mediator, as well as an aunt and uncle of the offender, did not want to participate. The reason for their refusal was that they did not want to risk damaging the relationship with the conflict parties by joining the circle meeting and being seen as taking sides by something they said or did. In other words, they wanted to keep clear from the conflict between the father and son.

The mediator also searched for community members who could participate at the circle meeting. Since the conflict parties did not want anyone from the geographical community to be present, she looked for macro-community members. The mediator contacted people who already had shown interest in the project about peacemaking circles.

The mediation service tried to share the responsibility of preparing the circle meeting with the circle participants – as mentioned before they asked the conflict parties to invite members of their community of care themselves. Furthermore, they asked the victim to reserve the room where the peacemaking circle could take place, asked the grandmother to bring refreshments (since she made her own apple juice) and the offender to think about a possible talking piece.

The circle meeting

There were eight circle participants present for the circle meeting: the victim, who had his wife and daughter (who was still a minor) as community of care

with him; the offender, who had his former therapist and his grandmother with him; and two community members. It has to be noted that due to the family bond between victim and offender (and various other circle participants), the real situation was not so one-sided as described here (e.g. the wife of the victim was also the mother of the offender, so she can obviously also be seen as a person of the community of care of the offender).

The circle participants were seated per instructions of the two circle keepers (one mediator who did the preparatory meetings and a colleague). The circle always started with the circle keeper who did the preparatory meetings (and who also followed the training).

When everyone was seated, both circle keepers stood up and went around the circle shaking hands and welcoming all circle participants. When they sat down again, one of the keepers explained that they had done this to officially start the circle, to greet everyone personally and to make a connection with each circle participant. The keeper then continued to introduce the circle meeting, emphasising the confidentiality of the circle meeting and introducing the talking piece. Since the offender did not bring a talking piece, the circle keeper made the choice to use an apple and explains why: (1) it is round, just as a circle; (2) apples come in different sizes and shapes and people are equally different from each other, (3) apples often have some dents or bad spots. They are not perfect, and neither is anyone sitting in the circle meeting. Lastly (4) there is also a connection with the grandmother, who makes her own apple juice and always offered some to the circle keeper during the preparatory meetings (as well as brought some to the circle meeting).

The circle keepers ended the introduction to the circle meeting with some practical issues (breaks, etc.). She concluded with asking if everyone can agree with all of this.

The circle keeper then asked the circle participants to introduce themselves and say something about what a family meant to them. She passed the talking piece to her left. During this first round, several circle participants had it emotionally difficult and were crying while they spoke; or even could not speak at all, as was the case for the daughter of the victim. At the end of the round the circle keeper therefore suggested to hold a short break. She assured the daughter of the victim that she did not need to stay present in the circle meeting; after which the girl immediately stepped outside the room. Her mother and the second circle keeper followed her. A couple of minutes later, they returned to the circle meeting without the daughter, who went home. The circle keeper suggested

continuing the circle meeting and keeping the daughter 'present in thoughts'. During the remainder of the circle meeting, the circle keeper often referred to the daughter.

The second phase of the circle was started with the question 'What is important for you to make this conversation go well?'. The circle keeper gave some examples of values before passing the talking piece. The second circle keeper noted everything that was said and at the end of the first circle round, she summarised what had been said and put her notes in the middle of the circle. Another circle round was started to give everyone the chance to add something; the only one to do so however was the second circle keeper. At the end of this round, the circle keeper stated that she got the feeling that everyone can agree to what was said.

The third phase of the circle meeting was introduced by the circle keeper summarising the crime (with a bit of assistance from the offender). Afterwards, she invited circle participants to talk about the crime or about what they thought when hearing this (aimed at the community members). The talking piece was passed around the circle during two circle rounds, where the circle participants and keepers shared their thoughts. The conflict parties both brought up that they were both at fault and there lied some issues in the communication between them. The community members supported the conflict parties and sometimes repeated things they found important or touching.

After the second circle round on this topic, the circle keeper started another round with the question 'What do you expect?' Again, two circle rounds were done using the talking piece, to which all participant contributed regarding how to communicate and how to talk about emotions.

To end this phase of the circle meeting, the circle keeper continued on the subject of communication and asked the circle participants (especially the conflict parties) how they see their future together. Before passing the talking piece to her left, she first gave it to the offender to answer this question. Afterwards, the talking piece was passed again in a normal way through the circle. During this circle round, in which the difficulty of communicating by the offender was discussed, the former therapist of the offender mentioned that she struggles with her professional confidentiality. At the end of the circle round the circle keeper suggested taking a short break to give the therapist and the offender a chance to talk separately.

After a short break, the circle keeper continued the circle by asking how everyone felt and what impression they got so far. The talking piece was used

again for this circle round, in which the dialogue slowly shifted again towards the relationship and way of communicating between the offender and his parents; which in total lasted two rounds.

The circle keeper then decided to start the final phase of the circle meeting by asking what the circle participants wanted to report to the judicial authorities and what commitments they wanted to take to avoid future conflicts. Two circle rounds were again held, in which the conflict parties agreed to try and communicate in a better way and the possibility of the offender coming back to live with his parents is contemplated. Regarding what to report to the judicial authorities, many circle participants were unsure; though some added that the willingness of the conflict parties to come to a solution and the regret shown by the offender had to be mentioned.

After a closing round, in which everyone shared how they felt now (of note: one community member mentioned that she did not see the offender as 'the offender' anymore), the circle keepers closed the circle by again going around the circle and shaking hands. Some circle participants stood up and gave them a hug.

After the circle meeting

The circle keeper met with the conflict parties again in order to sign the agreement (in which the circle meeting was mentioned) that could be sent to the judicial authorities. There was no more contact between the conflict parties and the community members.

The case was sent to trial, in which both the lawyer of the offender as the prosecutor referred to this agreement. The offender received a probation sentence and had to follow a sort of therapeutic training.

A case on REBUILDING RELATIONSHIPS AFTER TRAUMA – Violence within the family

The crime

After a family gathering, there was an argument between a young man and the father of his girlfriend. When the young man pushed his girlfriend's father, he fell and broke his leg. The victim was hospitalised and died a week later in the hospital (though the judicial authorities later stated that the death was not caused by the crime).

The police intervened at the night on the offence, but did not open a judicial case file. The son of the victim however pressed charges about one month after the offence. This led to a judicial inquiry (during which mediation was started) and a sentencing by the judge; the offender received a probation sentence.

The whole situation created a lot of tensions in the family of the victim, as the daughter of the victim continued her relationship with the offender. Her brother and some other family members (grandparents, aunts and uncles) had a hard time accepting this.

Preparatory phase

During the judicial inquiry, the wife of the victim was referred to the mediation service through victim aid. An indirect mediation was started between her, her son and the offender; which eventually led to a direct meeting between the son of the victim and the offender. This in turn led to a circle meeting, where the family of the victim and the offender came together and talked about what had happened. This circle meeting however ended sourly when the topic of the upcoming trial was brought up.

Several months later, the victim's wife contacted the mediation service again in order to organise a second circle meeting. She specifically wished to discuss the verdict by the judge with all concerned parties.

The mediator then contacted the victim's daughter and son and the offender again to invite them to a circle meeting. She only talked to them by phone while preparing this circle meeting. She explicitly made it the responsibility of each of these persons to invite support persons if they wanted any to be present. There were no efforts made however to involve the broader community (neither the geographical community, nor the macro-community).

In preparing the circle meeting, the two circle keepers agreed to keep to a strict timing (the circle meeting could last at most two hours) and to use the talking piece at all times.

The circle meeting

There were seven circle participants present for the circle meeting: the victim's wife, son and daughter; a victim support worker from the prosecutor's office, the offender and his parents. A support person of the victim's daughter (who also knew the victim himself in person) wanted to be present, but she was invited too late by the victim's daughter. As mentioned before, the relationship

between the circle participants was more complicated, as the offender and the victim's daughter were still in a relationship with each other.

The circle participants were seated per instructions of the two circle keepers; the seating arrangement was also different than the first circle meeting. The circle always started with the circle keeper who did the preparatory meetings.

The circle meeting started with a short introduction by the circle keeper, in which she emphasised the use of the talking piece and the maximum duration of the circle meeting (she even set an alarm clock). She then asked the circle participants what they need to let the circle meeting happen in a good way. She immediately added that two circle rounds would be held on this topic: one to give everyone the chance to say something, a second one to reflect on what had been said. The second circle keeper took notes, which she put in the middle of the circle afterwards.

The first circle keeper answered the question herself (respect for the talking piece and time) before passing the talking piece around the circle. Every participant added something; sincerity and finding some closure were most heard. The victim's wife added a question: she wanted everyone to imagine that they were in her place and how they would have reacted to the whole situation.

When the talking piece reached the circle keeper again, she read what the second circle keeper has written down out loud and then started a new circle round. Only two circle participants added something and when the talking piece reached the facilitator again, she started the next phase of the circle meeting.

This phase was started with the question what the circle participants wanted to share about the verdict and everything that happened after the verdict. The talking piece was passed around the circle four times. During these rounds, participants not only reflected on the verdict, but also on why they weren't able to talk about this with each other on their own. The subject of taking responsibility also spontaneously came up during the circle round.

Two things were also remarkable: during these four rounds, each circle participant answered the question that the victim's wife had asked in the beginning of the circle (imagine you were in my place) at some point. Secondly, the father of the offender at times took up a supporting role towards the victim's wife.

When the last of the four rounds ended, the alarm clock went off, signalling it was time to close the circle meeting. The circle keepers decided to hold one additional circle round to give everyone the chance to voice their impressions on the circle meeting itself. Several circle participants stated that they found it

to be an added value, even the circle meeting they held before, which ended in a rather negative atmosphere. Many agreed that they were not 'there' yet, but they had made good progress to act as one family again.

The circle keeper then officially closed the circle; however, one of the participants said that they still had to hold the closing ceremony of holding hands and passing values. The closing ceremony was held, after which everyone said their goodbyes and left

After the circle meeting

The circle keeper contacted the participants approximately one week after the circle meeting. Afterwards, there was little to no contact between them for a few months. Then, the victim's wife contacted the circle keeper again to ask her to hold another circle meeting between the offender and her extended family (the victim's sister and her family).

CASES FROM GERMANY

A case on VOLUNTARILY TAKING RESPONSIBILITY– Damage and reparation to the local community

Case summary

On a Thursday in January, 2012 the gardener Mr. Wright., who managed the city's landscaping and gardening projects of a small town in the Swabian Alps reported three juveniles to the police for having damaged public property three days before.

During a cultural event at City Hall in January he let three or four boys stay in the entrance hall (because it was quite cold outside) with the warning: "Keep your mouths shut and don't damage anything, then you can stay along." Given that their voices in the hall were disturbing the event they got kicked out later by somebody else. Afterwards, the boys kept coming back several times opened the door shouted "Hello" and such and kept disturbing the event. Realising that he was probably not fast enough to catch them, because he would have to go downstairs for that, he looked out of the window the next time they showed up and observed them together with a few others kicking against the laths of a city-owned picket fence and damaging it. This was when Mr. Wright ran outside, got a hold of Chris and a friend of him and saw other boys run off.

Since he remembered their faces, the police and the school principal agreed to let Mr. Wright come to the local school the following Monday, enter selected classrooms of kids around their age, in order to find them. By doing so he identified three students Chris, Ben and Paul. They immediately admitted that they stepped off the laths of the fence that night. Later on, Thomas, Sebastian, and two other boys also admitted that they had stepped down laths of the fence before and were damaging it. Thus there were seven offenders altogether. Two of them were still minors (below the age of 14) and could not be charged. On the day of the circle one of the adolescents was missing (he overslept) and one of the minors was interested in coming but did not have time. The other minor, Sebastian was present together with his father (who came a bit later to the circle). Thus, five of the offenders were present.

Agreement:

The repair of the fence cost 600 Euros and the victim suggested two mornings of 3-4 hours of working for all the boys to support him with cleaning up a littered city creek. Consensus was built about how it could best be put into practice in a realistic and pragmatic manner and without letting too much time pass.

Fulfilment of the agreement

All of the boys showed up the next morning and helped cleaning up. For the second day, one of them could not come but the other four were there and finished up. (One additional one who did not attend the circle was allowed to come as well but helped on a later date).

Method selection

The case was referred to the German mediation service provider, Handschlag from the prosecution office. On the organizational level, Handschlag developed a set of criteria for deeming cases referred for VOM suitable for the circle method such as: several people are involved in the case, some of them were rather indirectly harmed, there will be future interactions, etc. (for a detailed list of criteria, please see the full project report).

All of these criteria applied very well as there were several offenders as well as directly and indirectly harmed parties. The “Fence” case seemed particularly well-suited for a circle as there was also a very tangible and obvious community dimension present due to the damage of public property.

The parents of the young offenders were in an interesting double role in this case. Firstly as parents questioning their child’s behaviour and themselves as

their responsible caretakers, secondly they represented the community and taxpayers of the city and were at least partly harmed as well. Moreover, the school was involved as the police came into several classrooms to identify the perpetrators. The city was also harmed, since the fence was public property and originally the mayor and a representative from city administration intended to come representing the city in their role of keeping public spaces clean, neat and in order, as well as the taxpayers and the way their money is spent. In addition there were the personal victims, a gardener, who caught them and the “Bauhof” builder’s yard manager whose company ended up repairing the fence.

Involving participants

All preparatory talks were held by Regina Steinborn and Mary Winter. Participants were contacted by mail and by phone. They held separate preparatory talks with five of the accused and their mothers. They also sent letters to the parents of the minors, held personal preparatory talks with one of them and his mother and talked to the other one by phone. The harmed party was also contacted by mail, phone and they met them in person to prepare them for the circle. All of them were basically willing to participate.

Motivations

One major concern on the part of the accused was that the fence had already been replaced and they were worried they would have to pay for the expensive new metal fence. They also had doubts or insecurities regarding the degree of their involvement and therefore their contribution to the actual damage since it differed widely and they were concerned that considering this it would not be possible to find a fair solution. However, the preparatory talks helped diffuse these worries and present the circle as an opportunity for making amends which was much appreciated by them.

The Keepers set as their goal for this circle to find a way of repairing the harm that would not overburden the juveniles, could be accepted by everyone considering that their contributions to the damage varied substantially, and was somehow related to the offense or at least not completely disconnected. All of these goals were reached.

The circle meeting

A large circle gathering was made possible in a room at the City Hall with 14 participants altogether engaging in a very constructive dialogue and developing a creative and well-suited action plan. Aside from the two Keepers from Handschlag, Marie Winter (M.W.) and Regina Steinborn (R.S.), the researcher:

Dr. Ehret was present, four of the accused adolescents, showed up, Chris, Paul and Ben with their mothers as support persons, and Thomas all by himself. Sebastian, one of the accused minors was supported by his father, Steven. As mentioned, Mr. Wright (gardener) and Mr. Leeds (manager Bauhof) joined the circle to represent the harmed party.

The seating arrangement was left pretty open this time around because it was not deemed necessary to regulate or plan it very much. Most importantly, there was no need to separate the two conflict parties as there was no risk of re-victimisation for the victims or of anyone threatening others or anything.

We all introduced ourselves and explained why we were there. Considering the large size of the circle and the limited time, we made this a brief introduction round. The story reading (two wolves) and value discussion were used for trust building. The plan was to create a natural transition from the wolf story to the discussion of values and guidelines. However, it was the boys' turn first after the story was read and they did not quite understand the question initiating this round of 'What is important to you to be able to talk openly here?'. Thus, they talked more about their intentions or goals. Altogether, the message was understood by everybody eventually though and resulting rounds helped in breaking the ice and clarifying everybody's intentions.

The Keepers initiated the identifying issues and needs phases by addressing the gardener as the immediate victim directly after reading the police report out loud. He was explicitly encouraged to describe his emotions about the incident. This helped to gain an even better understanding of the conflict, prior events leading to him being upset about the kid's behaviour and his reasons for observing them and finally catching them outside. As a second step, Keepers conducted a small round for the accused only, (not the whole circle) in order to give them the opportunity to respond to the accusations and emotions of the gardener. Afterwards there was sufficient time for everybody to do the same.

For developing ideas to repair harm and an action plan we explored options during a lively discussion with many contributions. The suggestion from the victim, to clean up a city creek together, found immediate support and the discussion revolved more around questions about how to make this a realistic plan by setting a day and time for it and pinning down other specifics such as what shoes to wear and so forth. The repair of the fence cost 600 Euros and the victim suggested two mornings of 3-4 hours of working for all the boys to clean up the city creek and support him with his work. Consensus was built about how it could best be put into practice in a realistic and pragmatic manner and without letting too much time pass beforehand.

The accused acknowledged harm beyond their relationship to the victim and became aware of the community dimension of their actions. In the circle we addressed that public property is financed with taxes and fees and their parents are taxpayers. Moreover, perhaps more importantly, we addressed the rather immaterial harm done to other residents who were feeling frustrated about the repeated destructive acts. All the boys apologised and took full responsibility.

This case showed particularly well, how circles can be community building. Particularly one of the mothers contributed in a constructive and helpful way in this respect. She raised the issue that the boys had no connection to the city as a community before and did not even realise that they were harming others. For this reason she suggested that the city should approach juveniles more often by showing them that they were needed members of the community, who can make meaningful contributions to it.

After the circle

All participants were content that they participated in a circle and would do it again. The gardener expressed in a follow-up interview that he was sceptical at first and thought the kids only said what they thought they were expected to say in order to avoid more serious legal repercussions. However, when they showed up for the cleaning days and worked along together with him, he could see and experience their willingness and thought they were really making an effort for repairing the harm they had caused.

For this case a further impact on the community seemed likely. Not only was the cleaned up creek noticeable and probably appreciated by more citizens of this town than the ones included in the circle. There was also the hopeful notion, that other juveniles may have observed the action or noticed the result and may have changed their attitude towards littering a bit. Most importantly, the participating juveniles raised their level of consciousness about littering, its impact on others as well as the environment and about publicly funded space and property. Before the circle they were not aware of the fact, that they were causing harm to their own parents and other citizens of their hometown on material as well as on immaterial levels.

In the fence case, two minors were interested in coming to the circle and making amends. One of them did not have time that day, but the other one showed up, was later joined by his father and participated in the clean-up efforts of the action plan. Standard judicial proceedings would have excluded him since he is not legally culpable and would not have provided this learning experience and chance for repairing harm he had caused to him.

A case on the PREVENTION OF VIOLENCE – A child custody conflict leading to a fight between mothers

Case summary

A young couple, Felina Sieber and Simon Meier has a child together, Karina (2 ½ years old). The couple split up for a while but was back together again. The child's mother lived in an apartment by herself, the father still lived in his parental home together with his twin sisters and his mother, Mrs. Meier, who took care of his child. Shortly before the incident, the young mother, Felina lost custody and it was transferred to her boyfriend's mother. (During the circle she claimed to not have known about this fact.)

On the day of the incident Mrs Meier (M.M.) was in the yard together with her grandchild Karina. Felina showed up in the yard and wanted to take the child with her. The grandmother refused to hand the child over to her. They got into an argument about it and Mrs. Meier pushed Felina away. Felina hit a child swing behind her with her head. Then Felina bit M.M. in the arm followed by M.M. pushing her backwards causing her to hit the swing once again. Following this Felina slapped M.M. with her flat hand in the face. Bernd Meier, Simon's older brother who was visiting that day observed this from inside the house, came outside and pushed Felina away causing her to fall down. During the whole fight the little 2 and ½ year old child was present. In this specific case there were no clearly defined victim and offender roles, instead everybody felt harmed and accused the other party of having caused this.

Content of the agreement

Both mothers apologised for what they did. Felina Sieber admitted that she was insulting the grandmother. The grandmother expressed how well liked F.S. is in her family and explained that with the 'privileges' come some obligations. The circle developed rules for dealing with each other in better ways in the future and one Keeper collected them on a flipchart. Suggested rules centred on competencies of avoiding conflict escalations such as: asking for a break and taking a break, leaving the room, agreeing on signs or symbols for communicating the need for a break such as waving a white flag, etc.

Fulfilment of the agreement

From a follow-up interview with the grandmother we know that the family found better ways to communicate and continuously used some of the techniques we discussed. Particular the word "white flag" was used to avoid escalations—and

with success. Interestingly, the twin sisters adopted it and sometimes reminded the young couple of it too. They felt like they benefitted from the circle very much.

Method selection

For general case selection, including offender and offense characteristics, the German mediation service provider “Handsschlag” follows the German VOM/TOA standards. Although these are not legally binding and it is not obligatory to follow them, they have been developed by some of the leading mediation and social services agencies and formulate important safeguards and minimum standards for VOM. In this individual family case, child protection services were already involved before the incident, because of the child custody case (custody of the child was transferred to Mrs. Meier, the mother of its father). For this reason the Keepers found the case particularly suitable for a peacemaking circle and originally intended to include someone from child protection services in the circle. Additional criteria for the selection of the case for the circle method were:

1. The conflict concerns a large family, with several of its members being affected by it more indirectly, including Simon’s twin sisters and Bernd, the older brother of Simon.
2. Bernd’s girlfriend was also involved and the Keepers suggested including her as well.
3. The Keepers also intended to include supporters from the young mother’s family or circle of friends.

Involving participants

In personal preparatory meetings and talks it turned out that the young parents did not want Bernd’s girlfriend to participate. When asked, the young mother Felina, also claimed to not know or trust anybody she would want to include in the circle meeting for her support. She also objected to the idea of inviting someone from child protection services. She seemed to feel like they would not be on her side or at least not neutral. Considering that they removed custody from her, this seems understandable.

Thus the circle turned out much smaller than originally intended and remained restricted to the extended family Meier. Since Felina was not able to suggest a support person, a trained intern from Handschlag, Marie Winter, was included as a community member and for her support if needed. The final group of participants was the mother of the child, Felina Sieber, the father: Simon Meier (son

of M.M., brother of B.M.) the grandmother of the child: Maria Meier (mother of S.M. and B.M.) and its uncle: Bernd Meier (brother of S.M., son of M.M.) and Marie Winter (M.W.)

The twin sisters of Simon Meier originally wanted to participate in the circle but their mother decided not to take them out of school for it.

Motivations

The young couple deeply regretted that things had gotten this far and that the conflict had become a legal issue. They clearly wanted to find a different solution to leave this behind and start looking ahead again. On the other hand, the grandmother had wanted to “draw the line” and set boundaries to such behaviour, which is why she had decided to file a police report. She seemed happy to have found an approach that helped the family more than traditional justice could have. Simon’s older brother Bernd acted like his mother’s protector and did not think he needed to participate in the circle. However, when we insisted on his appearance, he showed up and got involved.

The circle meeting

The circle meeting took place at the Handschlag meeting room which was the right size for this rather small group and created a light, warm and welcoming atmosphere.

The seating arrangement was the following (right to left): first Keeper, uncle (support person), researcher, second Keeper, father (support person), mother (accused), community (support person), grandmother (harmed).

In the circle, both of the harmed parties, the grandmother and her supporter B.M. were placed right next to a circle keeper in order to make them feel safe and comfortable. This was also deemed helpful in case interventions were needed for example if they would have started talking to each other or changed the subject substantially.

The course of the circle

The Keepers started with personally greeting every participant. Keepers initiated the first round by asking: “Please let us know who you are and why you are here.” After this introduction round the trust building phase (phase 2) was prepared by a moderator reading a story related to values. This led into a discussion about what people needed to speak openly in the circle and what guidelines they wanted to set.

One Keeper wrote the values as suggested by circle participants on colourful sheets of paper and put these in the middle of the circle. This served to illustrate the values and remind everyone of them during the circle dialogue. Most of us used little sheets of paper to remind ourselves of things that were important. Using colourful papers also brought this message across in a positive way or set a positive tone.

For identifying issues and resulting needs (phase 3) the Moderator read out the police report. This was also the German approach to represent the legal perspective on the incident since no judicial representatives were included. Several participants did not like this and criticised the technical language and harsh legal labels such as “physical assault.” In order to shift the focus on needs, the Keepers asked how participants perceived the police report and how they felt when listening to it. This way they were able to express their emotions about it and the events that had led up to the meeting. F.S. had difficulties opening up during the whole circle and was not able to overcome them. It turned out later (her boyfriend mentioned this) that she felt hurt by the police report.

This third circle phase was challenging because the victim and offender roles were not as “clear cut” as in other cases. Rather, the involved parties were in a kind of “double role” since the argument escalated, turned violent, and both sides used physical means of fighting. For phase 4 focused on repairing the harm, please refer to section “fulfilment of agreement.”

After the circle

The two women took responsibility for their actions and the circle philosophy of addressing the harm done to relationships in a constructive collaborative way was a very suitable approach in this case. It also contributed to making the young mother feel safer. In a more accusatory or trial-like setting aiming at establishing guilt, the young mother would have probably been even less cooperative. Moreover, the family was able to set some rules for future interactions and agreed on words and symbols for preventing escalations better in the future.

Role of community

Particularly the role of M.W. as our “selected” community member was substantial for the circle process. She was currently a trainee at Handschlag and her skills were very helpful for this circle. Her offer and ability to speak on Felina’s behalf mattered greatly for making the shy young mother feel safe and including her in the dialogue at least part of the time. M.W. managed to find the

right words and found a very sensitive and respectful way to ask Felina for her confirmation of what she said. M.W. did an excellent job of supporting F.S. this way and this could have helped empowering her as well. By asking her if she confirms M.W. offered a direct opportunity to F.S. to step up and act less like a victim.

The larger community was not relevant in this particular case as this was a rather personal family issue. In several cases, like this one, it was the conflict parties who limited the number of participants, although there were more people affected and identifiable. In some cases the Keepers suggested additional people that had not been considered by the conflict parties and were able to convince them. However, the conflict parties were always informed and had the “last say” in this.

Judicial consequence

As a result of the successful circle meeting, the case was dismissed.

A case on RE-ACCEPTING EACH OTHER – How mobbing can escalate into violence

Case summary

The case revolved around a young boy called Tim (victim) who was pushed and hit by Sergei (accused). As a reaction Tim spit on Sergei. (In circle, Sergei also claimed that Tim called him insulting names). Things escalated and Sergei kept hitting Tim although he was lying on the ground already. This happened in the school yard and was stopped by a teacher who intervened.

After school on the school bus Sergei approached Tim and continued the argument. He then hit Tim’s head so hard that it bumped against the window. Tim got off the bus and called the police. It should be noted that things like this had happened before without having escalated this extremely though. Tim had also been the victim of mobbing by others—including teachers – but had not reported it to the police before.

To the circle, Tim came with his aunt Klara (victim support) who had child custody for him because his parents lacked the time. Sergei was accompanied by his mother Berta for support. Paul, a social worker who did youth service work participated as a representative of community and aimed to remain neutral although he knew Sergei well.

Agreement

They both apologised to each other and made genuine suggestions regarding how to prevent such incidences in the future. We discussed that not listening when being insulted or provoked is probably harder than telling the other to “please stop!” The aunt suggested a secret word “Obergrenze” to the boys for them to use when a situation is escalating as a signal to stop. They agreed that they wanted to help each other in preventing escalations. The accused also agreed to go have ice cream with the victim (a suggestion of Tim’s aunt). This would have lowered the victim’s fear of him particularly regarding an upcoming school trip. Both boys seemed to be content with the result.

Fulfilment of the agreement

Unfortunately, the boys were not able to get together for ice-cream before the school trip. Since time was too limited to make this happen, this had not been a very realistic plan anyway. However, they did have ice-cream together at some point during the school trip. And so far things have not escalated again. Tim seemed happy with the solution found, even though his aunt expected much more and was therefore rather disappointed.

Method selection

In the preparatory talks a circle was suggested to both, the accused and the victim. The keepers deemed a circle suitable because of the embeddedness of the conflict in the broader school context/community. Originally they had intended to include several additional affected or involved people into the circle such as the victim’s parents, one or several teachers and/or the school principal, and maybe even additional students if this was considered helpful by the conflict parties. However, when asked both conflict parties did not want additional participants included in the circle and therefore more attention to their “case.” They mostly wanted to leave it behind and get it over with. This was unfortunate as it turned out in the circle that one of the teachers was contributing substantially to the “mobbing” climate at the school and to Tim’s role as a “victim.”

The victim support person (aunt Klara) objected at first against a circle meeting when Tim’s parents had to cancel it since for her this created an imbalance of participants between the conflict parties. She saw the social worker, Paul as an additional support person for the accused mainly, so the accused would have had one more supporter than Tim. The keepers discussed this with Paul and informed aunt Klara that Paul was going to approach the case as a social worker

from a more neutral and professional perspective. This way, she agreed and no other participants were included. For this reason, Paul participated more in a role of a community representative than as a support person for Sergei.

Involving participants

All preparatory talks were held by Regina Steinborn and Mary Winter. They were difficult and time-consuming because participants cancelled appointments and did not seem very interested at first. They talked to every circle participant in person, following the German steps for preparation (listening to their concerns, informing them about the circle, the use of the talking piece, the ground rules, etc. they also suggested to them to think of questions they may want to ask in circle, etc. While the conflict parties objected to the idea of including additional people in the circle they agreed to hold a circle meeting among them, including Paul in the role of a community representative and the researcher.

Motivations

The Keepers set as their goal for this circle to prevent further violence between the two boys and address issues regarding the school context of their conflict.

The main motivations of the two conflict parties were to leave the incident behind. While they did not seem very interested in the preparatory talks they noticeably “warmed up” to the idea of talking instead of fighting during the circle. It was the explicit goal of the victim to not have to be afraid anymore. The goal of the accused was not clear. It seemed for him this was an option for preventing worse things from happening such as dispositions or becoming a registered delinquent.

The circle meeting

The meeting took place in the Handschlag’s second office in downtown Tuebingen. Although there was a noticeable power imbalance between the two boys, the circle seemed empowering for Tim. For example, he even felt safe and confident enough to tell the perpetrator to “turn a deaf ear” (die Ohren auf Durchzug stellen) in case he would insult him again. This can be interpreted as a self-confident assertion and request although it was lacking self-reflection. It was also a way of admitting, that he had insulted him before. The circle found even better solutions eventually.

Seating arrangement (right to left): first keeper, Tim (harmed), aunt Klara (support harmed), researcher, second keeper, Paul (community), Berta (support – accused), Sergei (accused)

Course of the circle

Every arriving participant was greeted by shaking their hands and welcoming them.

The introduction round initiated with the phrase: “Please tell us who you are and why you are here.” was a bit short and the conflict parties referred to themselves as “victim” and “offender” immediately, which is not ideal because the goal is to let them relate to each other as human beings. It seemed authentic though, as they had been confronted with these labels before. Then Keeper 2 read a story (two wolves inside us) and it was well perceived. This ceremony of reading a story that includes a “lesson” or ethical questions and thoughts fits to our western culture well and also sets the stage/prepares people’s minds for thinking about values and discussing their meaning during the circle.

After reading the police report out loud, the Keepers initiated the identifying issues and needs phases by addressing Tim immediately. He was explicitly encouraged to describe his emotions about the incident. This helped to gain an even better understanding of the conflict. The Keeper also asked everyone else for their permission to let the accused, Sergei speak right afterwards although in the consecutive order of the circle it would not have been his turn. The other circle participants agreed with this idea.

When the circle shifted more towards identifying the harm and the accused was describing his version of the incident, he blamed the victim for spitting at him and calling him names, which Tim denied. This brief exchange of the two of them put the one-sidedness of victim and offender labels into perspective as they had both acted rather aggressively on the day of the incident just by different means. Nevertheless, Tim was and had been the victim of mobbing many times and sees himself as one. This made it difficult to assess if his ‘harm’ had been fully repaired. There was a tendency noticeable for Tim to all too willingly accept anything that would make the whole issue go away faster and remove the attention away from him. He seemed obviously uncomfortable with applying any pressure on the accused. In sum, the boys seemed genuine when apologising and reflecting on strategies for preventing escalations in the future.

After the circle

All participants were content with having participated in a circle and would do it again. Tim was happy with the solution found and the attention paid by the accused to him as an equal. Since his aunt had expected much more of it, she was a bit disappointed. She particularly disliked that the accused got away “so

easily” in her opinion and the boys did not even get together for ice cream before the school trip. The aunt remained unhappy with the remote willingness to take responsibility of the accused. She thought he should have been sanctioned more severely. This was her personal opinion and was not shared by Tim or the authors of this report. The Keepers were pretty content with this circle its course and its outcome although its restorative impact was limited due to the fact that we were not able to include more participants. It seemed more likely afterwards that the boys would manage to stay out of trouble until the end of the school year. At least they had more of a repertoire of techniques for dealing with escalations.

Judicial consequences

In this specific case, the participants did not want to expand the circle of participants and wanted to keep things more private. The Keepers respected this need and therefore opportunities for impacting the community or the justice system were rather limited. Nevertheless, the fact that the option of a VOM or circle was available probably protected the accused from more serious interventions or sanctions. This seemed important as he was in a rather precarious transition phase before finishing school, starting an apprenticeship and moving out of his parental home.

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GUIDING QUESTIONS FOR CIRCLE PREPARATION

PRACTICALITIES

- When will it take place?
- What is the time frame for the circle meeting?
- Will there be a seating plan, and if so, how it will help to make the meeting as comfortable as possible for everyone?
- Is there a general outline for the meeting?
- When will be time to prepare and to reflect to the case with the other keeper?

PRACTICALITIES

PARTICIPANTS

Who should be there?

- parties, supporters, community of care
- others who have a personal connection to the parties/to this case/to the main issue at stake/to the locality
- legal practitioners and consulting professionals
- anyone else who could be invited and might help in understanding and/to resolving the main issues?

PARTICIPANTS

MOTIVATIONS AND VALUES

MOTIVATIONS AND VALUES

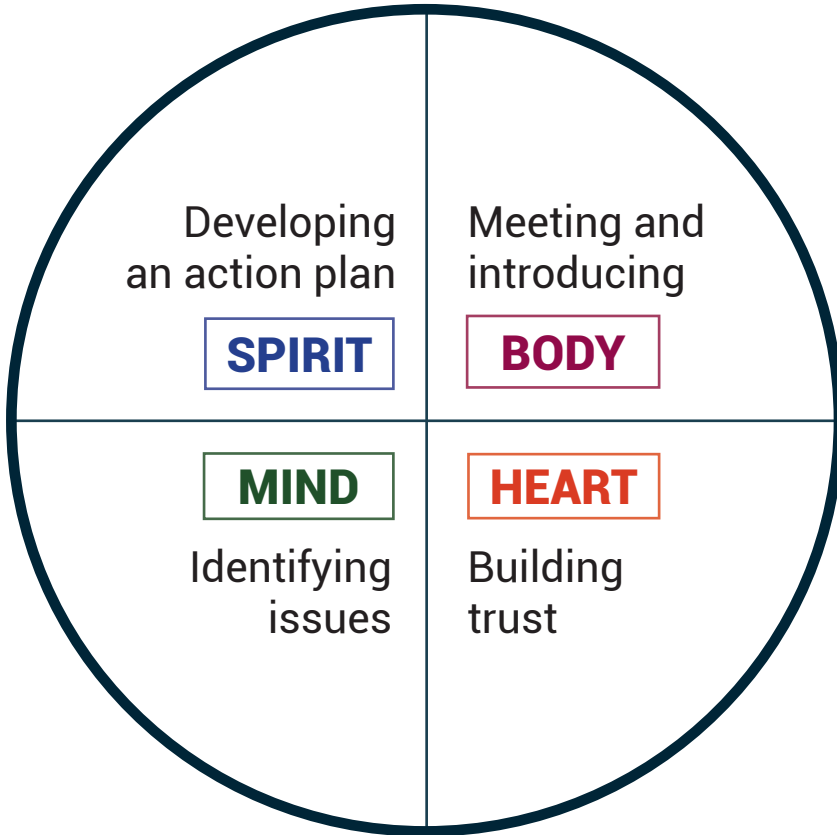
- What is the core value in the focus of this case?
- What are the main needs, emotions, concerns and expectations of the participants to the circle process?
- Which participants are ready to take some personal responsibility?
- What will be the talking piece?
- What will be the ceremony?
- What are those questions that might positively link all the participants at the trust-building phase?

ALTERNATIVES/ OUTCOMES

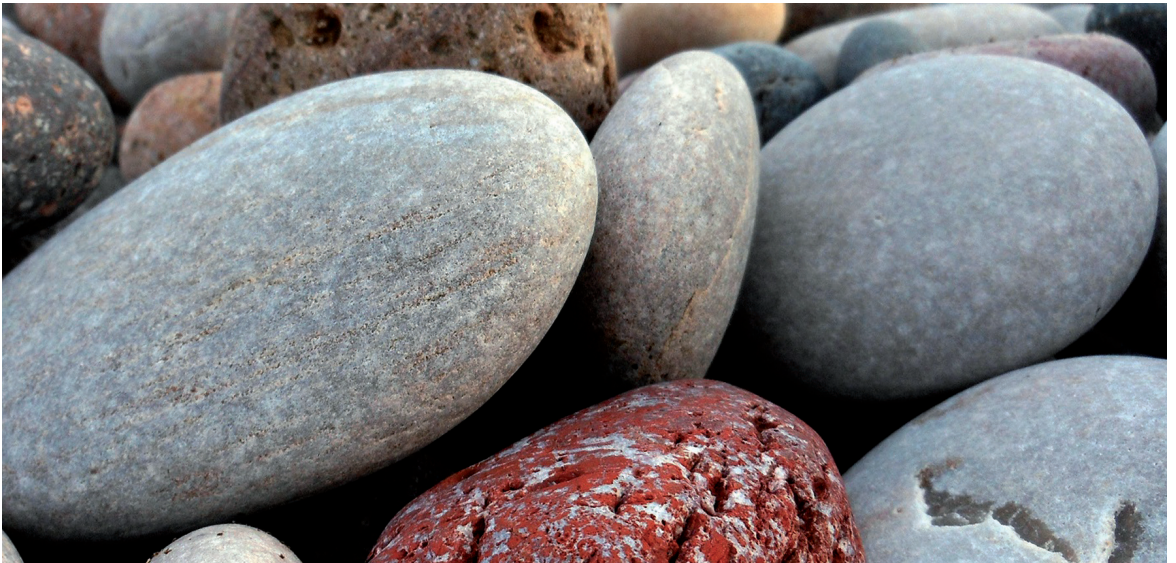
OUTCOMES

- What are the alternatives to a peacemaking circles, ie. what happens if the parties do not sit down with each other?
- What are the legal consequences of coming or not coming to an agreement?

THE FOUR PHASES OF THE CIRCLE







Handbook for Facilitating Peacemaking Circles

2013

