

CONFERENCEING AND THE COMMUNITY

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Introduction

When Terry O'Connell wandered through the United States in 1994, I was one of the lucky people who had the opportunity to spend several days with Terry and learn about family group conferencing, that process of bringing people together to work out a proper response to a criminal or delinquent event which evolved from Maori cultural practices. I was engaged immediately by Terry's stories. The process made so much sense and it resonated with my life experience.

One aspect of conferencing which was so exciting to me then, and continues to be a charm for me, is collective responsibility and collective accountability--in a caring context. Those characteristics--collective responsibility and collective accountability in a caring environment--are also essential elements of healthy community. Consequently, conferencing provides an opportunity to strengthen and reinforce key characteristics of strong, vibrant communities.

Every conference is an opportunity to:

- demonstrate setting limits on behavior while loving and supporting that particular person (process)
- clearly articulate norms and expectations for behavior for the entire community (content)
- reinforce a sense of mutual accountability, our responsibility to care about and take care of one another (vision/ values)
- practice a new form of democracy which gives all present an equal voice in decision making (empowerment)

Relationships are the threads of community. The interweaving of relationships is the fabric of community. Mutual responsibility is the loom on which the fabric of community is woven. Crime represents a failure of responsibility--often on many levels, individual, family and community. Our response to crime must strengthen or build relationships and emphasize and reestablish mutual responsibility on all levels--that is, spin new threads, add

strands to old threads and weave them together based on a pattern of answering to and for one another.

Setting limits in a loving way, articulating norms of behavior and reinforcing mutual responsibility are critical functions of healthy communities. Conferencing can contribute to the care and maintenance of those functions in community.

What do we mean by "community"?

Much has been written about the meaning of "community" and hours of discussion have been held searching for a precise definition. Lack of clarity is often cited as a problem which must be solved before we can proceed to work with communities. Practical experience in developing restorative responses in community demonstrates otherwise. Communities themselves do not worry much about academic definitions. They soon define themselves based on the issue at hand.

By community, I mean a group of people with a shared interest and a sense of connection because of that shared interest. Ronnie Earle, District Attorney in Austin, Texas, defines community as "shared joy and pain." A planning group in St. Cloud, Minnesota, has defined community as "a group of people whose destinies are intertwined."

For some, that sense of community is a deeply felt commitment beyond the self. George Bernard Shaw wrote, "I am of the opinion that my life belongs to the community, and as long as I live, it is my privilege to do for it whatever I can. I want to be thoroughly used up when I die, for the harder I work, the more I live. Life is no 'brief candle' to me. It is a sort of splendid torch that I have got hold of for a moment, and I want to make it burn as brightly as possible before handing it on to future generations." This vision of community is one that entails giving of self on a deep level to others, but it is very important to note that the giving is voluntary. This relationship to community is not that of slave, but of self directed choice to serve others in ways which serve the self at the same time--"the harder I work, the more I live."

In his monograph, *Building Community*, John Gardner notes that, "There will always be a tension between the needs of the individual and the needs of the group. Both must be honored." He speaks of the balance needed, "Ideally one fosters individual initiative but expects that a certain amount of that initiative will be expended on shared purposes." To achieve this he suggests a need to "rehabilitate the idea of commitments beyond the self" and notes that, "(These) commitments involve self discipline and constraints, but they are freely chosen constraints."

So, community does not mean just the individual's responsibility to

others, but also the responsibility of others to that individual in relationships and structures which allow choice in how one best contributes to others and honors community obligations and it involves dialog to determine jointly acceptable obligations and relationships.

Confencing fits nicely into this concept of commitments beyond self which honor both individual and group needs using a dialog process involving the key parties to determine those commitments.

Importance of community of place

With all due respect, I wish to modify the widely quoted assertion that "Community is not a place." I would say community is not only a place, but that community of place matters for our long term health as a society.

We all function in many different overlapping communities, around different aspects of our lives-work, church, schools, neighborhood, family, hobbies, interests. Because we are a very mobile society many people de-emphasize the community of place which was the most common understanding of the term in earlier generations. Community of place, geographic community (neighborhoods, villages), is not the only form of community, but it is important around the issue of crime for the following reasons:

(1) Crime generally affects those living in the surrounding geographic area, so there is a need to repair harm in that community of place. Many people who were physically close to a criminal event are affected by that event, even if they have no relationship to any of those immediately involved. Generally, the geographic community around a criminal event has a stake in the resolution of that incident.

(2) In those communities most impacted by crime, urban neighborhoods, many residents do not have a lot of mobility. It is a luxury, related largely to income, to be able to choose your community in a variety of ways not related to the geography of where you live. So, in fact, community of place is still the primary form of community for many people, especially vulnerable people--those who are poor, young or old.

(3) The process of raising children is heavily influenced by the place in which they are raised. The creation of norms and expectations for children will be shaped by experience in the community of place even if there are strong non-geographic communities in the child's life. Community of place can be a significant determinant of delinquent behavior. So, community of place is very important for prevention of crime.

(4) For most people the sense of safety is related to place, therefore attempts to increase safety need to attend to place. One of the most important characteristics of safe places is community cohesion and sense of efficacy.

It is important to draw on all forms of community which can contribute to effective resolution of the problem, but it is also important to make sure that our resolutions work toward strengthening community of place as well as communities of interest.

Importance of the value structure under the practice

Confencing has the potential to strengthen communities, but will not achieve that outcome unless we consciously build the practice toward that goal. The values under the practice, spoken or unspoken, will determine the quality of the outcomes of the process. Confencing can be done in ways which weaken community. If the values guiding the process are not consistent with the values of healthy community, then the process will undermine community.

Communities are value laden structures. Resilient, sustainable communities are built on respect, caring, taking responsibility, fulfilling obligations, a sense of shared fate. If we want people to be respectful, they need to experience being respected. If we want people to care about others, they need to feel cared about. If we want people to take responsibility for their impact on others, then we need to be responsible for the impact of our process on them. If we want people to be committed to successful completion of their obligations, then they must have voice in the choice of those commitments. If we want people to have a sense of responsibility for the fate of others, then we must have a sense of responsibility for their fate. If we want people to act in our best interest, then we have to act in their best interest.

At varying levels of intensity, community, that is connection to others, serves the needs and interests of its members. This is a reciprocal process. The values and expectations have to work in both directions. Every member both gives and receives. Clearly the existence of structures or processes which facilitate giving and receiving will increase the capacity of the community to meet the needs and interests of its members. Confencing is a process which holds great promise for increasing community capacity for reciprocity among all of its members, but that promise will not be realized unless the process is guided by values which honor the dignity of every human being and the importance of caring relationships.

Values matter! And values are carried in intent. An intention to shame is not respectful. An intention to help a person understand the harm they caused and to support them in taking full responsibility for that harm is respectful. An individual may often feel shame in the process of coming to understand the full impact of their behavior, but it is understanding that is the intent, not shame.

If the process is constructed around a deliberate attempt to shame, it may undermine healthy connections (the voluntary connections of shared commitment) which is the weave of the community fabric.

This cannot be overemphasized. If the values of conferencing are not strong, healthy, and based on caring and respect for the victim, offender and all other participants, then the process will not be a community building process. It will be a clever, new way to do the same old thing disconnect people further.

Native people have much to teach us about keeping values at the center of human interactions. They have a way of describing these kinds of problem solving processes which gives an image I find helpful. Ada Melton says that when native people come together in a circle to address behavior, they put the problem in the center--not the person. That makes a subtle but powerful shift in the nature of the process, in the attitude and relationships of the process. The image of the problem in the center helps to avoid a common problem of everyone in the conference coming down on the offender in a way which feels like a personal attack to the offender and might further isolate an offender.

If the problem is in the center, the offender becomes an equal part of the group around the problem, contributing to the solutions--an actor, not just a recipient of anger, advice or directives. If an offender is symbolically in the center, there is a separation between the offender and others, but if the problem is in the center then the offender is part of the WE of all the others and together the WE examines the problem and looks for solutions.

In addition, putting the problem in the center puts more focus on the victim and the harm experienced by the victim. When the offender is symbolically at the center there is a tendency to focus primarily on the offender.

Technique is helpful in doing effective conferences, but values are more basic than technique. Participants can feel values in the attitude of how the conference is organized and conducted. Positive values reflected in respectful treatment and caring can overcome shortcomings in technique, but the experience of disrespect or indifference cannot be overcome by perfect technique.

As mentioned earlier, conferencing based on respect and caring can contribute to strong healthy communities in the following ways:

- demonstrate setting limits on behavior while loving and supporting that particular person
- clearly articulate norms, expectations for behavior for the entire community
- reinforce a sense of mutual accountability, our responsibility to care

about and take care of one another

- practice a new form of democracy which gives all present an equal voice in decision making.

Let's examine each of those dimensions and the implications for effective practice which builds community while resolving individual events.

Setting limits on behavior while loving and supporting

This is a critical skill for communities. Behavior in a community must be kept within certain bounds. The more community members can do that in constructive ways without recourse to fear and power and outside enforcers, the stronger the community.

Stan Basler, Oklahoma Council of Churches, said it as well as anyone I've heard. "Support without accountability leads to moral weakness. Accountability without support is a form of cruelty." Conferencing intertwines accountability and support. Answering to those you love and who love you, as well as those you hurt is at the heart of conferencing. Knowing that you are loved and lovable, even if you made a mistake, makes it possible to face the pain of full disclosure of the impact of your behavior. And those who love you know it is good for you to face yourself in a full understanding of what you did to others—but it would be harmful to you to do that without love and support.

Accountability is a natural by-product of appropriate caring. Loving comes first, accountability follows. If you love someone, you want them to be responsible. You don't want them to live in a way which hurts others, because you know that it will hurt them inside to do that. If you know you are loved, it will give you the courage and strength to acknowledge what you have done to change for the future.

The criminal or juvenile justice system can exercise enormous power over the bodies of offenders, but it is relatively powerless in affecting the minds and hearts of offenders. The behavior change we want from offenders comes primarily from the heart and mind. Those who care about the offender do have significant power to change the hearts and minds of offenders. They do that through caring and setting limits—in that order—caring, setting limits.

But those who care about the offender will not participate in a process which threatens the integrity of self of the offender. If the process does not value the offender, those with the most influence over the offender are not going to allow their influence to be used by the process.

Setting limits on behavior in an environment of caring has implications for the practice of conferencing.

(1) Most members of the support group of the offender must disapprove of the behavior and care deeply about the offender. (The process can accommodate some support people who do not disapprove of the behavior, if the support system overall is strong in its capacity to express disapproval.)

(2) Expressions of caring are encouraged and facilitated.

(3) The larger the support system which cares and disapproves, the more reinforcement there is for the message of setting limits and caring. It is important to reach beyond nuclear family for supporters.

(4) The support system is encouraged to take active steps in setting and enforcing the limits in the future.

(5) The process must clearly be respectful toward the offender to engage the active participation of those who care about the offender in disapproving the behavior.

(6) The caring expressed for the offender is respected and reinforced by other participants.

The Central City Neighborhoods Partnership in Minneapolis is using conferencing to address quality of living crimes in those downtown neighborhoods. This approach is in sharp contrast to the New York City model of responding to quality of life crimes with a police crackdown. The suppression approach attempts to enforce community standards (accountability) but lacks any way for the community to reach out and weave the offender back into the community fabric with a development of shared, voluntary commitment to community standards. Consequently, the suppression strategy typically pushes crime from one area of the city to another or creates short term relief, but does not change behavior in the long term.

The suppression strategy also relies entirely on the outside enforcers, the professional system, to solve the problem. No new skills are learned in the community to strengthen the community for managing this behavior in the future. When citizens participate in the process of condemning the behavior, they strengthen the ability to set limits. When they treat the offender respectfully and reach out to an offender, they demonstrate that caring and accountability go hand in hand. As they weave the offender back into the community fabric, they reduce the distance which made offending easier. The police suppression process allows the community to see the problem of the offense and the offender as belonging to the system. The community conferencing process sees the offense and the offender as belonging to the community and requiring a community solution.

By demonstrating an appropriate way to set limits while caring about someone who has made a mistake, conferencing teaches participants that it is possible to combine loving and accountability. Practice in the process over

time can build the community's capacity to set limits in a caring way without the intervention of the formal justice system. It is a primary responsibility of community to set limits without further damaging any community member. Conferencing provides a structure where community members can have a direct experience in successfully enforcing their standards without causing further harm to the offender while at the same time building their own capacity to solve problems, manage behavior and reduce reliance on outside enforcers.

Articulating norms and expectations for behavior for the entire community

Conferencing creates an opportunity to look beyond resolution of the specific incident to reinforce acceptable standards of behavior for the community as a whole. One of the prerequisites of community conformity to norms is a clear understanding of what behavior is and isn't acceptable. In the conferencing process most of the participants will express expectations about behavior in the community. We have very few processes in communities today in which community members discuss their expectations of one another. In contrast to earlier generations, children and adolescents today get very little feedback about how their behavior is affecting others in the community. Conferences focus on how behavior affects others and in that process become explicit about expectations for community behavior. The process reinforces those expectations, not just for the offender, but for everyone sitting in the room.

In its attention to the needs and interests of victims, the conferencing process establishes an expectation that victims will have an opportunity to tell their story and have a voice in determining what the offender can do to make amends. Conferencing establishes a norm that victims will be treated with respect, listened to, and welcomed as participants in the resolution of a crime.

Maximizing the potential for articulating and reinforcing community norms has implications for practice.

(1) The more people participating in the process, the stronger the sense of the message about expectations as a broad based message.

(2) Involvement of community members who were not involved in the event can strengthen the message of community expectations. Longmont, Colorado, has developed a conferencing process which includes general community members. Participants from other states in a National Institute of Corrections Academy on restorative justice in Longmont were offered the opportunity to be involved in a conference as community members. These participants reported that the young offenders and their parents paid very close attention to their remarks, though they did not know them. A voice

from outside the family which repeats the message of the parents can be very impactful. By establishing an expectation as that of the community, not just the family, a much stronger standard is set.

(3) Reinforcement of community expectations for everyone will be stronger if the conference process does not focus just on the offender but also emphasizes support and caring for the victim and a sense of collective problem solving.

(4) Agreements which include contributions and obligations of others as well as the offender will reinforce the understanding of broader community expectations of all members. The facilitator may ask supporters how each of them will help ensure fulfillment of the agreement.

In the city of Woodbury, a suburb of St. Paul, a conferencing case became the catalyst for a larger community wide discussion about standards for the youth in the community. The conferencing process in an individual case became an opportunity for the community as a whole to examine what its shared values are and how it is communicating (or not) those to young people.

The conferencing process involves a public acknowledgment of the wrong done which clearly sets a standard for everyone, not just the offender. The process also publicly explores the damage of the behavior which makes evident the reason the standard is important. It emphasizes that the behavior is harmful, not just illegal, and in doing so gives the standard a greater depth of meaning.

Reestablishing mutual accountability, and collective responsibility

Conferencing creates opportunities to strengthen the sense of mutual accountability and encourages collective responsibility for acknowledging harm and making amends.

Apologies and expressions of remorse by the offender's family or other supporters often make a big difference to the victim. In so doing, the offender's supporters acknowledge a sense of responsibility for the actions of the offender. That does not in any way imply that the offender is not responsible for his or her choices, but does reflect the complexity of behavior and various dimensions of responsibility. By answering directly to the victim, the family of the offender is able to work through the shame they feel and experience the relief of face to face acknowledgment. When family members are not offered this opportunity, they are often caught in a shame they cannot dissipate and, in defense, may withdraw from taking responsibility or action regarding the behavior. Of the offender or may blame the victim in all effort to relieve the shame they feel.

Conferencing allows family members and supporters to be a part of

determining the obligations of the offender, and consequently they have a stake in successful completion of the agreement. As participants in the decision making they become responsible for helping to make the agreement work. Instead of just the probation officer checking to see if the offender has paid restitution or done community service, an uncle or neighbor who was a part of the conference may ask the offender whether restitution has been paid or community service done. That is a far more personal prompt than one coming from the probation officer.

Expressions of collective responsibility by offender supporters are very important to the community because once they acknowledge such responsibility, supporters are more likely to use their influence with the offender to inhibit such behavior in the future.

Some agreements include ways in which other community members or the victim reach out to the offender or the family. Such actions powerfully reconnect the offender and the family in the community and reestablish a relationship of mutual responsibility and commitment to the welfare of all.

Throughout the process the commitment of the community to the well being of the victim is reflected in statements of support and caring and the creation of the process itself which allows full involvement by the victim.

Characteristics of practice will influence the degree to which collective accountability and mutual responsibility are achieved.

(1) The wider the net of support for the offender, including extended family, neighbors, role models, the stronger the web of relationships available to give verbal and behavioral expression to a sense of collective accountability for the past and future behavior of the offender. Typically, no single supporter can take this on alone and therefore, supporters may avoid commitments if they feel they will be stuck with all the responsibility themselves. If the support system is large enough, then the small contributions of each supporter add up to a significant difference which is felt by all.

(2) Collective accountability is unlikely to be expressed by offender supporters if they feel the process is isolating and hurtful.

(3) The tone of the session will significantly affect whether participants see themselves as having responsibility for one another beyond the resolution of the incident. If the conference is focused entirely on the offender, others may have no sense of their own responsibility for a better future for all the participants.

(4) Expressions of caring and support for the victim reconnect the victim to the community and reinforce the community's stake in the welfare of the victim.

In another Woodbury case a neighborhood which felt victimized by vandalism by a local youth decided that they had a responsibility to get to

know one another better. The agreement included a plan for the neighborhood to organize a social event for themselves with the express purpose of getting more connected. The conferencing process caused residents to be more aware of their own responsibilities to building a strong community.

In the Central Cities Neighborhood Partnership program neighborhood residents offered to help an offender prepare for the driving test so that he would no longer be an illegal driver. Community members took on responsibility for not only finding, but also executing, an effective solution to the problem.

Practicing a new form of democracy

Conferencing gives the power to make a decision to those most affected by a decision. It provides disempowered people, victims, their supporters, offenders and their supporters with the opportunity to take control of a significant event in their lives. And it requires that the decisions made address the interests of all parties, because agreement requires everyone's approval. That is democracy in action--on a small scale, but with enormous implications if practiced widely.

In the conferencing process everyone has a chance to tell his or her story in relation to this event. Every perspective is incorporated into the understanding of the event which emerges from the process. The complexities and nuances of real life are allowed expression and consideration in reaching decisions. The information available to make decisions is not constrained by rules or structure.

This may ultimately be the most important contribution conferencing makes to building strong communities. Conferencing and the peacemaking circle process model democratic decision making in communities in a new form which ensures that no one leaves the table with their interest ignored. Decisions in conferencing, as in circles, are based on consensus. Consensus decision making requires all participants to pay attention to the needs and interests of every other participant so that an agreement might be reached. Decisions which include the interests of all participants seem to me to be more fundamentally democratic than decisions made by majority rule. The experience of finding consensus resolution around problems of crime, where there are very strong emotions, demonstrates that consensus decision making is not an unrealistic possibility for groups of people around other issues as well.

The experience with both conferencing and circles teaches us that ordinary citizens do not need complex training to be able to sort through information from a variety of perspectives and pick out the most critical

issues and craft ingenious solutions. Democracy is undermined by dependence upon professional classes to analyze and solve community problems. Conferencing moves responsibility and authority back to community members, especially the victim and offender and their supporters.

Having a say in those decisions which most affect your life is the essence of democracy. Conferencing and circles take the power of decision making to the most fundamental level. This is grassroots democracy in a form which does not pit groups against one another, but through the consensus process builds a sense of shared commitment and collaboration. Majority rule democracy encourages competition and pursuit of self interest or limited partnerships. Consensus building encourages cooperation with all other interests and pursuit of balanced interests for self and the target community.

These processes have the potential to transform our relationships with one another and our ways of working with one another at all levels, personally, in families, in the workplace, in community and in government processes. But that will not happen unless we are clear about guiding values which emphasize respect and caring for everyone.

A few words of wisdom from the universe:

"The biggest gift we can give the community and the people we serve is the opportunity to resolve these problems." Paul Schnell, Deputy Sheriff, Carver County, Minnesota

"The community coming together is the way the community keeps its sanity." Resident of Parker's Prairie, Minnesota, after an explosion caused by a juvenile which destroyed a block in the center of town.

"In the end, it's the reality of personal relationships that saves everything." Thomas Merton, "Letter to a Young Activist."

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