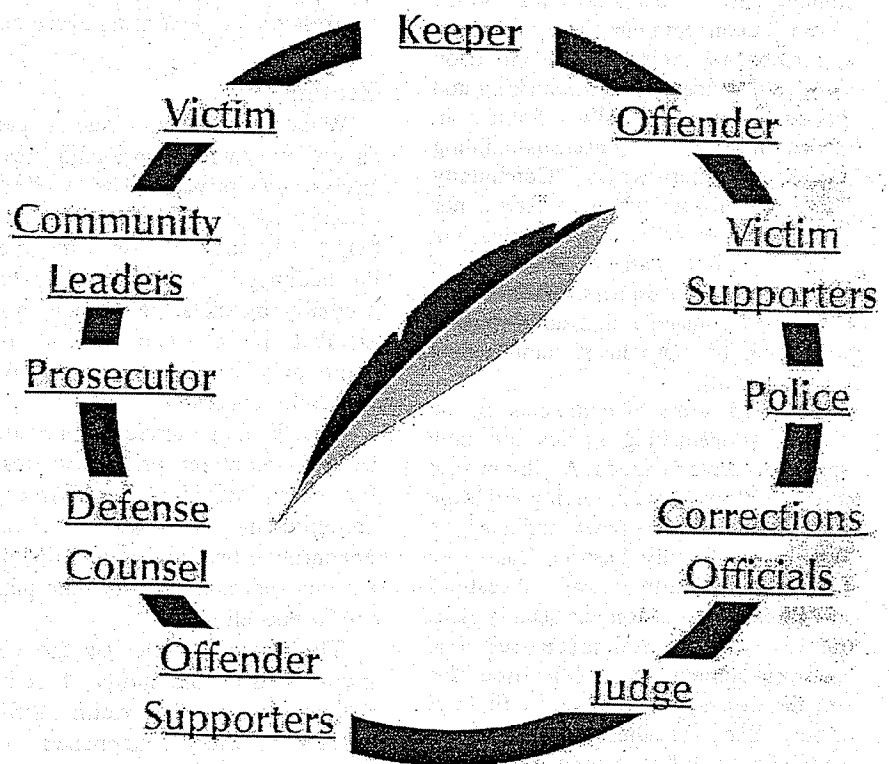


## Peacemaking Circles

*Restorative Justice in Practice Allows Victims and Offenders to Begin Repairing the Harm*

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 By Kay Pranis

A young man in his early 20s sits, his head hanging down, in a circle of chairs. Around the circle sit community members, elders, the young man's sister, a judge and a probation officer. Notably missing are his mother and friends, many of whom had agreed to attend this Sentencing Circle. The Keeper, a respected community member skilled in peacemaking and consensus-building, opens the session with a prayer and a reminder that the circle has been convened to address the behavior of this young man, who killed his sister's cat in a drunken outburst. An eagle feather is passed around the circle. As the feather is passed, each member of the circle expresses his or her feelings about the crime and raises questions or concerns. The young man expresses regret about his actions and a desire to change his harmful behavior. His sister, the victim of this crime, talks about her anger and sadness, but also about her love for her brother. An elder mentions that the young man owes something to animal kingdom and suggests building a bird feeder and feeding the birds. Another community member comments on the inability of the young man to cry and suggests grief and anger counseling. Attendance at Alcoholics Anonymous and community service also are suggested.



One community member volunteers to help the young man with the bird feeder and several others offer to accompany him on his first visit to the counselor when he acknowledges that it may be difficult for him to go alone.

Community members also speak about the young man's strengths and potential. As the evening progresses,

the young man holds his head higher and higher. Toward the end of the discussion, he tells the group that he had no idea he had so much support in the community. The suggestions of the group are incorporated into a sentencing agreement. The circle ends with a prayer honoring participants for their wisdom and support. The group

then adjourns for a potluck supper and chatter.

### **Peacemaking Origins**

A peacemaking circle is a community-directed process, developed in partnership with the criminal justice system for involving all those affected by an offense in deciding an appropriate sentencing plan which addresses the concerns of all participants. According to Barry Stuart, author of *Building Community Justice Partnerships: Community Peacemaking Circles*, the principles of negotiation, mediation, consensus-building and peacemaking that shape the peacemaking or sentencing circle process have been part of the dispute resolution process in European and Asian communities for centuries. The process as it has evolved today, most recently within the Yukon Territory in Canada, however, is most similar to one still used to resolve conflicts in Canada's aboriginal communities. "The partnerships formed within Yukon community peacemaking and sentencing circles draw heavily upon aboriginal concepts of peacemaking and the practices typically found in mediation and consensus-building processes," Stuart writes. "Community circles are neither wholly western, nor aboriginal, but combine principles and practices from both in creating a community-based process to respond to conflict in a manner that advances the well-being of individuals, families and the community."

After six years of experience in the Yukon, peacemaking circles are now spreading across Canada. A pilot project in central Minnesota involving the Mille Lacs Band of Chippewa Indians, the Mille Lacs County District Court, the Minnesota Department of Corrections and Midstate Probation has been in place for one year. Several urban, suburban and rural communities in Minnesota also are developing the process to fit local needs. Each of these projects is a collaborative effort among community members, nonprofit community organizations, judges, local corrections officials, police, victim services, defense attorneys and prosecuting attorneys.

### **The Process**

Peacemaking circles use traditional circle ritual and structure to create a respectful space in which the victim, victim supporters, offender, offender

supporters, judge, prosecutor, defense counsel, police, court workers and all interested community members can speak from the heart in a shared search for understanding of the event. The participants also identify the steps necessary to address the harm caused by the offense and to prevent future occurrences.

The peacemaking circle process typically involves several steps leading to the actual sentencing:

- an application by the offender to the circle process;
- the creation of a support system for the offender;
- the creation of a support system for the victim;
- a healing circle for the victim;
- a healing circle for the offender; and
- the sentencing circle.

After the sentencing circle, there may be follow-up circles at appropriate intervals to review progress on the sentencing agreement.

### **Healing Circles**

While a sentencing circle is open to anyone who wishes to attend, healing circles are private. The victim or offender for whom the healing circle is being held may choose who attends the healing circle. The healing circle normally includes the support system of that person and several other community members who are active in the circle process.

The healing circle is based on several important principles: respect for each individual, confidentiality, commitment to positive outcomes, openness to hearing the pain of others and an understanding that the pain of one affects all.

The healing circle for the victim involves the community directly in validating that the victim did not deserve what happened and demonstrates that the community cares about the victim and is willing to share the pain the victim is experiencing. Participation in a healing circle is a choice for a victim. Information from the healing circle about the harm of the offense to the victim and the wishes of the victim regarding what the offender should do to make amends are shared with the offender support group to assist them in developing an

appropriate plan for the offender to present to the sentencing circle.

The healing circle for the offender involves the community in naming the harm created by the offense and in exploring the issues faced by the offender which may have contributed to the behavior. It also demonstrates the willingness of the community to work with the offender to make the changes necessary for him or her to become a contributing member of the community. Typically, the offender healing circle will begin to identify elements which should be part of the sentencing plan.

Healing circles begin with a prayer or reflection, followed by a welcome and explanation of the process by the Keeper. An eagle feather, or other object symbolizing respect and wisdom, is passed clockwise around the circle for everyone to introduce themselves. The feather then is passed again, allowing each participant to speak from the heart to the person for whom the healing circle is being held. Participants may speak only when holding the feather. The feather may go around the circle many times to exhaust all the things that need to be said. Participants may pass the feather without speaking if they wish. Spirituality and expression of emotion are critical aspects of the healing circle process. The circle is closed, as it began, with a prayer or reflection. Many healing circles are followed by a potluck meal for all participants.

### **Additional Applications**

Healing circles have been used in circumstances other than the sentencing process. They can be used to provide support and share the pain of victims whose offenders are never caught. Victims whose cases never reach court often feel neglected or isolated in facing the pain of their loss. Through a healing circle, the community can reach out and surround that victim with care and affirm that what happened was wrong and that the victim was not responsible for the crime.

The Mille Lacs project has twice held healing circles for juveniles who were nearing release from state juvenile correctional facilities. The healing circles provided an opportu-

nity to hear the fears of the juveniles regarding their return to the community and the fears of the community about the return of the juveniles. The outcome of such healing circles may be particular conditions of release which address community concerns and commitments by the community for support to address the offenders' concerns.

Healing circles also can be conducted with adult offenders returning to the community after a prison sentence. Successful community reintegration upon release is one of the most difficult challenges faced by offenders and communities. Healing circles create a process for working through intense emotions and constructing solutions to perceived problems. The healing circle provides an opportunity for the community to clearly communicate its expectations and to make commitments for support if those expectations are met.

### **Community Building**

The sentencing circle described in the opening paragraph provided an opportunity for all those impacted by the crime to talk about their concerns. But this circle did more than determine a sentence for the perpetrator. The young man later joined the Community Justice Committee and today participates in healing and sentencing circles for others. When asked what turned his life around, he always replies, "Support from the community."

The circle process is not simply a process for finding more appropriate justice; it is an exercise in building community, because it brings community members together in a forum which allows exploration of underlying causes of crime and encourages each community member to offer his or her gifts or capacities to the process of finding solutions and implementing them.

Participation in circles builds the skills of community members in talking about difficult issues. Crime and victimization are among the most emotional issues in communities. The circle process allows full expression of emotions and channels the energy

of those emotions toward positive solutions. Feeling respected and being heard allow participants to move beyond anger and fear to listening and caring about one another.

Each time the community gathers around a difficult problem and finds a way to make the situation better, the community builds its capacity to solve problems.

### **Democracy at Work**

Circles operate in a very democratic way; decisions are based on consensus and everyone involved - victim, offender, judge, prosecutor, community members - must agree that the decision is one with which they can live. Consensus-based decision-making provides protection for powerless voices which are not protected by the usual conceptualization of democracy as majority rule. In the case of crime, the powerless voices might be those of either the victim or the offender. Consensus-building models require the group to pay attention to the interests of all participants. Participation in decision-making circles is open to anyone who wishes to have a voice in the outcome. This openness is essential to avoid domination by any particular subgroup of the community and to maintain trust by the community in the process.

The physical format of circles carries a message of equality and respect for all. In a circle, all are connected. Titles are dropped in circles, as are other symbols of authority, such as the judge's robe. Every participant in the circle is assumed to have a positive contribution to make.

### **Community Involvement**

The criminal 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. On the other hand, communities do have significant power to change hearts and minds. Again and again, chronic, long-term offenders who have gone through the circle process say that community support made the difference for them.

Community members have another enormous advantage over criminal justice professionals. They are present in the offenders' lives all day, every day. The community is in a much better position to know what is going on in an offender's life. It can monitor the offender's progress and identify where there is a need for more limits or more support.

Similarly, community members often are in a better position to provide support and protection to victims. They can be available at all times and they may be able to monitor the victim's safety much more closely than the system can.

The community also has resources which are not available to the system. A family member or a neighbor of an offender can offer to help the person get to Alcoholics Anonymous every week or a businessman can offer a job. Those are resources not available to the criminal justice system. Circles draw on the life experiences of all the participants to understand the problem at hand and to devise workable solutions. The more diverse the circle membership, the greater the variety of life experiences which may offer wisdom and hope for the future of the community.

*Kay Pranis is the restorative justice planner for the Minnesota Department of Corrections. Copies of Building Community Justice Partnerships, by Barry Stuart, are available by calling the Aboriginal Justice Directorate, Department of Justice of Canada, at (613) 941-2974.*