

Implementing Peacemaking Circles in Europe, (Project Summary)

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Restorative Justice (RJ) has ancient historical origins and shares its basic principles with community traditions for conflict resolution from many parts of the world. It includes a variety of forms such as victim-offender mediation (VOM), family group conferencing (FGC), sentencing or peacemaking circles (PM-Circles) and others unique to certain ethnicities or cultural domains. According to the philosophy of RJ crime is primarily seen as an offence against the community, its members and their relationships and secondarily as an offence against the law or state. Thus, RJ aims to *repair* the harm done by *restoring* the victim(s), the offender(s) and the community by means of mediation; although sanctions may also be used retribution is not the main priority.

VOM usually involves the victim, the offender and a trained RJ mediator to negotiate a contract with both parties to determine appropriate responses to the offence, how the offender can make amends, and how the harm done can be repaired as well as possible. Whereas **FGC** shares most of these goals, it has an explicit focus on strengthening the families of juvenile offenders and includes more participants in the mediation process, such as family members, other support persons and public officials. **PM-Circles** aim to address even broader levels of harm by additionally including judge and court personnel (if appropriate), the prosecutor, defence counsel, police officer(s) and interested community members. Moreover, PM-Circles use traditional circle structure and rituals to help create a safe environment for everyone involved (e.g. sitting in a circle, using a “talking piece” to ensure respect between speakers, etc.).¹ In this proposal we make the case for PM-Circles as the RJ approach with the greatest potential for repair as they include crucial elements of VOM and FGC and go beyond them by addressing the complexity of even broader levels of harm, by including even more affected parties and by enforcing a basic set of rules that seem vital for a successful mediation process.

The *overall* objective of this project is to advance the development and practice of RJ in Europe by introducing PM-Circles to the field. Our long-term goal is to make them available and accessible to all citizens alike. Their implementation will enrich the field and may also help overcome a persevering resistance towards RJ. PM-Circles are particularly well-suited for this goal as they are the most *inclusive* and *collaborative* RJ approach. They include public officials and interested community members, and provide them with a unique opportunity to participate in the circle and experience RJ first hand. Since more community is involved than in other models, discussions are often broader and more levels of harm or potential causes of the offence can be addressed. Thus, obligations the community may have or things they can contribute to, such as the *re-integration* of victim(s) and offender(s), or the *prevention* of future crimes, can more easily be identified. In other words, PM-Circles provide an opportunity to address social causes, consequences and concerns. In comparison, VOM and conferencing models *individualise* conflicts more and do not put them into their social context as much.

PM-Circles can be considered “best practice” for RJ and most beneficial for everyone involved because they:

- Include all affected parties and everyone can get a voice, ask questions, get heard and contribute to a possible resolution of the conflict(s).

¹ see Pranis, Kay; Stuart, Barry and Wedge, Mark (2003). *Peacemaking circles, from crime to community*. Living Justice Press.



- Increase understanding of the offence(s), circumstances, motivations, reasons, etc.
- Increase understanding of the full impact of victimisation by including primary and secondary victims (e.g. the parents of a victimised child).
- Increase chances for enhancing offender(s)/victim(s) intrinsic motivation to change/move on.
- Increase offender accountability by including more community members and public officials.
- Create a safer environment by including and engaging support person(s)/community members.
- Provide a “buffer” for power imbalances by including more participants who can help offset unequal relationships (age, status, etc.).
- Increase community support for both victim(s) and offender(s).
- Increase community *follow-up* support for the victim (i.e. lasting network) and the offender (e.g. regarding compliance to contract, resolutions, etc.).
- Increase chances of avoiding judgments and exclusion of offender(s)/victim(s).
- Contribute to the re-integration and rehabilitation of offender(s) by including more community.
- Contribute to the rehabilitation and healing of victim(s) by including more community.
- Contribute to the empowerment of victim(s), offender(s), their families and communities.

To determine the potential of PM-Circles as a European model approach for best practice our project plan is twofold. We propose to:

- Implement PM-Circles at three experimental sites in Germany, Hungary and Belgium.
- Assess the restorative impact of PM-Circles in all three countries.

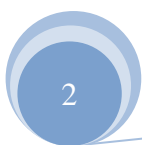
Germany, Hungary and Belgium are governed by the principle of legality, with an explicit emphasis on equality of treatment before the law. This poses a challenge to the implementation of RJ practices since RJ mediation is not a uniform approach, but one that is created and shaped by its participants individually. Outcomes are negotiated and therefore largely dependent on the parties involved. As a consequence, similar offenders, who commit similar offences, may or may not receive similar responses and consistency cannot be guaranteed. According to the fundamental principles of RJ, the parties who caused harm or have been harmed are the ones most eligible to shape the process of repairing that harm—what matters most is what they perceive as just. In comparison to this restorative priority, the uniform treatment of offenders takes on a more subordinate role. Nevertheless, *other* elements of legal protection and legal principles might be of relevance, stressing the role of the criminal justice system. Considering these divergent priorities, our main research question is:
How can PM-Circles be implemented in countries governed by the “principle of legality?”

Methods

As an initial step, laying the *foundation* for the implementation of PM-Circles, we propose to compile a **literature review** on PM-Circles, (i.e. existing models, research background, etc.). Based on these insights, we plan to conduct **semi-structured interviews** with judicial and law-enforcement personnel, as well as RJ mediators in all three countries to capture their knowledge and expertise with regard to potential legal and practical obstacles for putting PM-Circles into practice, as well as creative solutions to overcome them.

For the *implementation* of PM-Circles, we’ll provide **training for facilitating PM-circles** to a select group of facilitators from our target groups of all three countries and **scientific and technical assistance** for preparing, conducting and monitoring them.

This **monitoring** process will be based on a combination of quantitative and qualitative methods: On the one hand, we will develop a **template** for the standardized collection of basic case characteristics and some additional elementary data such as: type of offense, age and



gender of offender(s) and victim(s), etc. On the other hand, we will consistently **monitor and evaluate** the actual Peacemaking Circle process in order to adapt and further develop their implementation. It is the overarching goal of these monitoring efforts to arrive at guiding principles for best practice of conducting circles in order to maximize their restorative success.

For the *evaluation* of PM-Circles we propose to assess three dimensions regarding restorative success:

- 1) **Victim satisfaction** and experience with the overall process and its outcome.
- 2) **Offender experience and compliance** (e.g. completion of resulting resolutions).
- 3) **Satisfaction and experience of family and community members participating in the process.**

Moreover, **involved legal practitioners** will be invited to a **final focus group interview** about their experiences to provide them an opportunity for sharing their insights and giving feedback. Due to the time limitation of the project of two years, longer term evaluations for the follow-up period *after* contract completion will have to be postponed to a second project phase, which is not part of this proposal.

