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PEACEMAKING CIRCLES: PRINCIPLES FOR INTRODUCTION AND
DESIGN OF PEACEMAKING CIRCLES

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A thesis submitted to the Faculty of Graduate Studies in partial fulfilment of
the requirements for the degree of

Master of Laws

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York University
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DEDICATION

This work is dedicated to the pioneers seeking a better way to resolve our differences. Above all else, it is dedicated to my mother, whose influence shapes everything I do.

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Design of Peacemaking Circles"

by Barry Stuart

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ABSTRACT

Peacemaking circles have been adapted for many different kinds of conflicts, in many different settings. They are currently used in sentencing, child protection cases, in dealing with civil and human rights issues, and for various kinds of problems in schools, corporations and other institutions. Peacemaking circles derive from aboriginal traditions of peacemaking. Contemporary practices of mediation and multi-party consensus building have been incorporated into the adaptation of peacemaking circles for non-aboriginal settings.

This paper addresses how circles can be introduced to institutional and geographic communities in a manner that respects the underlying concepts of circles and the unique circumstances of each community. This study proposes to guiding principles for designing and implementing circles into a wide variety of settings for a wide variety of purposes. The principles are intended to provide a framework for introducing circles without denying the need and capacity for each place to adapt circles to their needs and circumstances.

The paper begins with the premise that how circles are designed and implemented profoundly influences how they will be used. If properly designed and implemented, circles can turn conflicts into opportunities to enhance relationships, understanding and respect among the parties involved and can change the culture surrounding conflict within a group or community. The guiding principles aspire to help different groups realize the full potential of circles. All guiding principles have been extracted from the experiences of introducing circles in very different settings. Seven principles focus on the conduct of the participants, and seven on the process used to design and implement circles. This paper sets out all the principles and explores in some detail the principles directed at the conduct of participants in designing and implementing circles.

This paper stresses the importance of incorporating the same values, principles and practices in designing and introducing a circle as one expects to engage in using a circle. A failure to do so severely restricts the capacity of a community to engage circles as a true alternative to existing adversarial processes.

ACKNOWLEDGEMENT

My gratitude extends to every hand that reached out to change their community by developing peacemaking circles. I owe so much to aboriginal people, scholars, teachers and elders from North America and Papua New Guinea. I have been both blessed and cursed by the wisdom of so many influences. Blessed to be taught that conflict can be an opportunity for personal and community growth. Cursed as their teachings have made it impossible for me to reside contentedly within the womb of the legal community. A comfortable womb built by law schools, by years of involvement within its mainstream, by the many rewards society bestows upon those who persevere along its main channels, and by the mythologies of its inherent values embellished by generations of professionals dedicated to their profession. A dedication that rarely induces more than superficial notions of reform. There have been brilliant critics. They are begrudgingly respected within academic circles and given little notice within the mainstream of the practice of law. Now as the law fails to deliver on most of its promises, as its underlying mythologies unravel, voices within and outside the profession are beginning to seriously question society's excessive dependence upon the legal community. I owe — we all owe so much to the critics who have forced us to question what we do within the justice process.

In looking for the building blocks of this new partnership between the community and professional justice system, many professionals with the justice system and from other disciplines (social psychology, business and others), as well as the voices from communities, have been instrumental in my voyage of discovery.

I wish to especially thank Dr. Chataway of York University for guiding me through fields of study that had grown strange and distant to me. I gained many invaluable insights from several different fields outside of law. There was so much in the literature that seemed both relevant and worthwhile that my first drafts began to look like a travelogue through the works of scholars from many disciplines and buried the voices of participants who had struggled through designing and introducing circles. I switched to

their voices. Their voices provide for me, and I hope for all readers, a more realistic story of the struggles to design and introduce circles. Above all else, I thank the people in communities and in organizations that have struggled to make a difference by developing new ways to embrace conflict. Their wisdom and examples have been my guiding hand through this work.

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER 1 – CARCROSS - SENTENCING CIRCLES: THE FIRST EXPERIENCES..	15
CHAPTER 2 – OKMULGEE: VENTURING INTO OTHER REALMS	42
CHAPTER 3 – GUIDING PRINCIPLES: AN OVERVIEW.....	62
CHAPTER 4 – PRINCIPLE ONE: PROCESS BUILT ON PERSONAL VALUES.....	83
CHAPTER 5 – PRINCIPLE TWO: RESPECT FOR OTHERS, FOR THE PROCESS...	114
CHAPTER 6 – PRINCIPLE THREE: INCLUSIVITY-THE MORE, THE SOONER, THE BETTER.....	133
CHAPTER 7 – PRINCIPLE FOUR: EQUAL OPPORTUNITY TO PARTICIPATE.....	163
CHAPTER 8 – PRINCIPLE FIVE: VOLUNTARY INVOLVEMENT	188
CHAPTER 9 – PRINCIPLE SIX: BUILDING A SHARED VISION	213
CONCLUSION	247
APPENDIX: BIBLIOGRAPHY.....	257

INTRODUCTION

"We are often trapped by the images we hold of ourselves."

- G. Morgan in *Imaginization*

Have you ever been hounded by questions you can't answer, but feel you must? Questions that harass peaceful moments and disrupt concentration on other issues? You walk away, but these questions track you down. You cobble together answers that often seem good enough but soon prove not to be. No answer seems to satisfy these stalking questions! You become too frustrated to continue looking for satisfactory answers, but you do.

A conversation, in 1991, with Rose Couch about starting circle sentencing in her community raised several questions that have relentlessly hounded me. This paper is an attempt to address the questions prompted by these conversations with Rose. Experiences with consensus processes and with circles have significantly shaped both the questions and answers. I'll begin with the questions Rose raised.

Rose was then the executive director of the Kwanlin Dun Justice Committee. She expressed interest in circle sentencing, but was very concerned about doing so through a partnership with the justice system. She was leery of working "within the system" to heal individuals and families. In probing her fears, I was stunned by her belief that the formal justice system worsened the conditions causing crime in her community.

When our men — young boys — are treated like criminals, they become criminals. These are people with pain, with personal problems. How can we make them healthy by imposing more pain, by making their personal problems worse? You take them away from their families, out of their

communities, and impose legal solutions for personal and social problems. You turn young, troubled boys into criminals. It seems like, to me, your system preys on the weakness in people. It uses the weakness in our communities ... You know, our inability to take responsibility for our people by taking our people ... off to jail without our input ... treats us as if we know nothing about our people, our community. I see the justice system as a force that keeps us down, keeps us weak.¹

My response was inappropriately defensive. Proud of the Canadian judicial system, I was convinced the well-being of a democracy depended on services the judiciary provided. When Rose levelled her criticism directly at me, it became obvious: my defensive reaction stemmed from being a primary provider of the very services being condemned. My defence of the justice system was much like any provider of a deficient service who tries to convince a key customer that the deficiencies would soon be rectified. Rose was not persuaded by promises of a new, improved service.

I admitted many changes were required. I agreed, in most cases, our intervention did little to redress the underlying causes of crime. Yes, we were expensive. Yes, there was a greater need for resources that could heal people, heal families ... but I struggled to claim that if we worked as partners with the community — many of her concerns could be addressed. I suggested the communities needed us, as much as we needed them.

Rose remained unconvinced that any “new partnership”, would either improve the justice services or tackle the problems causing crime.

¹ Rose Couch, Private Conversation, 1991. Ms. Couch, as the Executive Director of Kwanlin Dun Justice, was a founder and crucial guiding hand in the development of Kwanlin Dun circle sentencing. Until 1997 when Ms. Couch left, the circle process at Kwanlin Dun handled at least 85 cases. The youth and adult offenders who passed through this community circle process had an average of 20 prior criminal convictions. With minimal funding and justice agency support, Kwanlin Dun held a circle each week.

New justice people come, like the police, you know — a new one every few years. Some just put in their time before going on to the place they really want to be. They don't care. To them, it's just a job. Others come full of ideas. They impose a new approach — it runs into problems. They go on to something else, to another community, to another job. i don't know where they all go, but they go, eh! New face in town, new program. I'm not trying to be disrespectful to you, but here we go again — new face, new program. You don't understand — the justice system denies us our self-esteem and prevents us from taking responsibility for our lives, our families, our communities.²

She was right — dead right. The justice system belongs to justice professionals. As sole owners, we move around our practices, policies and people as we deem appropriate. Most of the time, our policies and practices are driven by institutional, not community interests. Perhaps we have meant well, but we rarely seem to do well. How we carry out our business has been destructive to people within justice agencies as it has to the people and communities we try to help. When we realize our efforts have little, if any, lasting beneficial impact, we slowly resign ourselves to accepting that what we do makes very little difference. Swamped by burgeoning work loads and facing an infinite array of complex, competing demands, we are without the time, resources, knowledge and leadership to fundamentally change what we do — we are too busy doing what we have always done.

Some justice professionals tenaciously endeavour to “make a difference”. Many burn out and quit. Some doubt that anything will ever work. Some move away from the “front lines” into administration and policy development. Promoted up from the “front lines”, the managers and policymakers are rarely directly confronted by the devastation of the justice system on offenders, victims, families, and communities. They focus on budgets, staff charts, and interminable meetings with other government officials. Most justice policy makers and

² Ibid #1

managers are, to a large extent, insulated from the immediate spectre of damage the justice system causes to people and to communities. However, the failure of the system is now so pervasive, so obvious, that even locked in their offices, it touches their lives. Some professionals, who gave up long ago, count the days to the weekend, the weeks to the next holiday, the months until their pension kicks in. Those who tenaciously struggle to find a "better way" must overcome the low morale and a persuasive cynicism about any new change that permeate most agencies.

Within justice agencies, we change policies and practices in ways they unilaterally conclude will "make a difference". These changes may make it easier for us to do our work, but rarely make our work significantly more successful.

When I began to listen to Rose without feeling personally attacked or personally responsible for defending our intent and our "business", I began to hear her — and the voices of many others who were not driven by a need to attack us personally, but by a need to "stop the destruction of their families and communities". Rose could accept that, as individuals within the justice system, we did not intend to be a destructive force, but she could no longer forgive us for our impact, no matter how innocent our intentions might be. The negative impact of our work, Rose believed, "had to be obvious — how could we not see what we were doing?"³

Rose saw the justice system as a "growth industry". The more the system removes from families and communities those who need help from their family and community, the larger the system grows. I was stunned by her observation that the weak, the sick, those needing support from families and their community

³ Ibid #1

to “make it”, provide work for those in the justice system who have “made it”. This interaction, between those who are empowered to punish and those who need healing but principally receive punishment, between those with and those without power, creates suffering on both sides — for both, a different kind of suffering, but suffering nevertheless. I wanted Rose to believe, as I did, that a circle process would alleviate much of the unnecessary suffering.

I believed different interactions among all participants would emerge if the community leads and the justice system follows. It was possible, I argued, to learn how to develop a partnership between the state and community that empowers individuals, families and communities to take responsibility, gives greater emphasis to healing and addresses the underlying causes of crime. I pressed Rose to see how a partnership built around peacemaking circles would mark a significant change, from an adversarial process dominated by professionals, to a consensus process, wherein the voices of offenders, victims, of families, and of the community, would be empowered. What neither the community nor the justice system could achieve alone, they could together. We had much to learn from each other. I was hopeful, and wished Rose could be as well. Her personal experience with the system, as well as her professional experience, engendered an implacable skepticism about any significant change such a partnership might provide.

I'm not sure the community can trust your system to respect us, to respect our values. You say we can, but where are the police, the Crowns — where is the government in all of this? ⁴

I made reference to the numerous justice reports depicting our failures, calling for community-based solutions. I pointed out numerous recent public remarks of

⁴ Ibid #1 1992

politicians, and of senior police officers calling for community partnerships. I argued that all justice agencies seem to be discovering, through partnerships with communities, a better way to resolve long-standing problems. I suggested to her that most professionals in the justice system know the system has to change. They are aware society can simply not afford to persist with failed policies that are too expensive on many fronts. I offered that the community and the justice system both needed to take risks.

Rose agreed to explore a new partnership, but she carried into the partnership a deeply ingrained skepticism:

Suppose we do circles. Suppose they are really successful. How do we know, when people change, or when money gets tight, we won't be abandoned? How can we be sure that once we prove this partnership works, especially one that begins to change how money is spent within the justice system, and people see the community people taking over their responsibility, taking away some of their power and money, that one day this new project will not be like most new projects — just something that can be terminated? Look, I believe it will work. I just don't believe we will get the continuing support needed to really make permanent changes in how communities and the justice people deal with crime. I've seen it all before — new programs start, and as soon as communities begin to get strong, the programs begin to work, guess what? For a whole bunch of reasons, the funding dries up. What is left behind are many people in the community who worked very hard to make a difference. . .

They see, as I do, the primary concern being to keep power just where it is — in their hands. And the people who have come to depend on the help we provide — whose healing path has begun and who have trusted us to be there for them — what do we say to them when the funding is gone and we can no longer help? ⁵

I was sure she was wrong. I believed if the partnership proved to be successful, governments would be eager to improve, strengthen and expand the partnership.

⁵ Ibid #1, 1992

Why would they turn their backs on success? Community initiatives would vividly expose the failures of existing services and prove the potential of a community partnership. Justice agencies, I argued, could never cease involvement in a successful initiative that realized their stated objectives.

I was wrong. Justice agencies did little to prevent the community justice partnership in Rose's community from falling apart and gave inadequate support to enable other community peacemaking circle initiatives to grow. No one, in any of the justice agencies, fought hard enough — some not at all — to sustain the success won through the hard work, personal sacrifices and skills of many community volunteers.

Rose was right. Her skepticism was tragically prophetic. Across Canada, immensely successful initiatives in community mediation, in victim-offender reconciliation, in healing, peacemaking and sentencing circles are often left to languish, while state money and support has been directed to initiatives that justice agencies control. Restorative justice pioneers across the country, such as Graham Reddoch, Dave Worth, Loren Berzins, David Gustafson, Brenda Bushi, Charlene Belleau and many others have developed successful community restorative justice initiatives. They continue to struggle for funding to keep their community-based projects "open for business", while state-designed, "community" justice programs are readily funded and supported. For example, while funding was drying up for local community initiatives, there was still unbridled government enthusiasm and support for an Australian version of family group conferencing. It was packaged and sold across the country. Perhaps its popularity with justice agencies stems from the extensive control state agencies retain over this "community justice initiative" and from the fact that it does not profoundly alter existing power structures. Some, who had worked in other

community justice initiatives that empowered communities, saw through the stated reasons for government's preference for family conferencing.

They [justice officials] didn't come right out and say so, but no one doubted if we wanted family conferencing, we'd get training, money and lots of support. If we wanted anything else, well, we'd be doing it without their support. So, we went along — it was family conferencing or nothing.⁶

Family conferencing began in New Zealand, in 1991. I support family conferencing, especially the New Zealand version, which is significantly less state-controlled than the models introduced in Canada. I helped arrange for Matt Hakiyaka, a Maori probation officer, to visit Whitehorse in 1992. Matt ran the largest family conferencing initiative in New Zealand. His visit to Whitehorse marked the first significant introduction of family conferencing to Yukon. Family conferencing has much in common with sentencing circles, sentencing panels and victim/offender reconciliation. The difference lies principally in control, scope and approach. The family conferencing model that justice agencies predominantly support in Canada is principally controlled by the state, often restricted to minor offences, less concerned with the underlying causes of crime, unlikely to involve the extended personal community of the offender and victim, or the larger community, less likely to promote a dialogue about community values, and less apt to precipitate collective community action. With some wonderful exceptions, most Canadian versions of family conferences transfer very little significant power to communities and does little to build the participatory skills necessary to empower participants to become actively involved in assuming responsibility over justice and other public issues.

⁶ Community justice worker, Yukon, private conversation, 1996.

For some cases, family conferences are more appropriate than circles. In any ideal spectrum of community responses to crime and conflict, family conferences, circles and many other community-driven justice initiatives should be readily available to offset an excessive dependence upon formal agencies and to offer a broad range of options to deal with the multifaceted nature of crimes and conflicts within communities.

The initiative Rose began in her community enjoyed six years of success beyond anyone's hopes or imagination, yet the partnership fell apart. Delayed funding decisions and protracted negotiations over funding drained the morale and hope of volunteers.

We spend more time trying to get this funding and answering their concerns than we do doing what we need to do in our community.⁷

What went wrong? I'm not sure. I wanted to be sure at the end of this research — but I'm not. There is much more work to be done to understand how to generate sustainable partnerships which design and operate a community process for handling conflicts — partnerships that are characterized by commitment, mutual respect and equal responsibility among partners with dramatically different experiences, values and power.

I am painfully aware of communities where sentencing circles enjoyed enormous success, but failed to survive. These initiatives became the victims of key people moving on, of the seemingly irrepressible need of the state and professionals to regain "their turf", of a failure to change the culture surrounding conflict from adversarial to consensus, and of an inability of the media and public to fully appreciate the costs of excessive reliance upon a professional-dominated,

⁷ *Ibid* #1, 1997.

punitive process. We are only beginning to appreciate the broader costs to society of an excessive reliance on professionals and the state to do the moral work of families and communities.

Despite wonderful public speeches by justice officials to the contrary, as Rose had forewarned, the circle sentencing initiative at Kwanlin Dun proved to be something most justice agency professionals were either not genuinely interested in or institutionally incapable of supporting.

I've got some good ideas of what went wrong, what went right, but I do know we had enough things right to be treated a lot better by government than we were. I believe some people from justice genuinely did support what we were doing, but the people who make decisions about how money is spent either didn't understand what we were doing, or just didn't want the community to have such a powerful voice. I'm willing to take some responsibility for what went wrong, but all I can see now is what I always suspected — it's their way or no way at all. They don't want to share power or money. They want to do it the way they've always done it — with their values, under their control.⁸

From the community initiatives that did not survive, we need to learn “what went wrong”, as much as we need to learn from successful initiatives “what went right”. Other organizations and communities now turning to peacemaking circles need to know. I need to know. Above all else, my research indicates that **how a circle process is designed and introduced fundamentally influences its survival and how it will be used.**

Rose's questions, insights and the good, bad and indifferent agency reactions to community initiatives prompted my search for guidelines for building partnerships that respect what communities have to offer, that recognize the immediate and

⁸ Ibid #1, 1997.

long-term importance of sharing responsibility for the challenges facing our communities, and that create effective partnerships between those with and those without power. This search has profoundly changed my understanding of how community partnerships must begin and what must be done to keep them healthy. I now see the importance of patience and of careful preparation. How you start significantly determines where your journey may end. Above all else, I have discovered the importance of not embarking on any journey to change how conflicts are resolved until most people in the community are either on board or have at least had the chance to get on board. Sharing leadership and responsibility and building in a sense of community-wide ownership, are essential elements in any circle process. It is very difficult to achieve these vital elements unless they are incorporated into the steps of designing and introducing a circle process.

Above all else, I have learned the importance of beginning by identifying and appreciating shared values — and of building from values. I'm banking on what I've learned to mitigate my anger and disappointment over how existing power structures undermine community initiatives. My optimism remains because I believe that those with power can learn to appreciate that, in genuinely sharing power within a circle, their personal and professional worlds are immensely enhanced. But, then again, my mythical hero is Don Quixote!

The following pressing questions shaped my search for guiding principles:

- What can be done, during the design and introduction of a new community consensus process, to generate and sustain success?
- How can professionals living in the adversarial, hierarchical culture of a large institution sustain a partnership based on consensus with non-

professionals, especially if the issues addressed by the partnership reach beyond the mandate of their institutions and call upon different skills and more time than they possess?

- How can those who have always had power and never had to share it with communities learn to share power, in an equal partnership, with those who have never exercised power?
- How do we ensure that the introduction of a community process, such as a circle, doesn't become just another way for those in the community who already have power to simply acquire more?
- How can a committed partnership between those with power and those without be built to survive the tendencies of those with power to retain or retrieve power transferred to the partnership?

In addressing these questions, I sought principles which would encourage practices that:

- enable people to participate in shaping how decisions are made and the outcomes of decisions in a way that respects their voice, develops their skills to participate and instils a sense of responsibility and accountability in all the communities they inhabit in their personal and working lives
- generate partnerships which genuinely share leadership and responsibility
- promote consensus processes for resolving conflict which are not treated as secondary or inferior processes, used only for marginal or trivial issues, but evolve to be an integral part of responding to conflict within the community

- create respect for the inherent values of a community process
- ensure equal respect for the values and contributions of all partners
- give priority to healing and to rebuilding old and building new relationships

I begin this attempt to identify guiding principles that address these questions by thanking Rose, other aboriginal people and many elders for sharing their wisdom and introducing me to peacemaking circles. They have been patient teachers, caring mentors. My learning path began with Willie Can in the swamps of Florida, was continued in northern Ontario and Papua New Guinea, and now continues through aboriginal people and others across Canada and the United States, whose lives and work reflect the spirit of peacemaking circles.

What is in the circle has become my life. It is my life.⁹

In proposing a set of guiding principles to answer these questions, I have drawn heavily on the work of the National Round Table on the Environment and Economy on sustainability and consensus.¹⁰ The search for a set of principles was shaped by many conversations with experienced practitioners and scholars yearning to understand more about the sources of, and approaches to, conflict.¹¹ All of these sources, and a wide variety of studies, discussions and other writings¹² have shaped my observations. While the experiences in Rose's community of Kwanlin Dun have been influential, I have turned to the

⁹ Brother Shane Price, Keeper, Child Protection Circles, contribution to circle training session, Minneapolis, 1997.

¹⁰ Cormick, G.; Pace, N.; Emond, P.; Sigurdson, G. and Stuart, B., *Building Consensus for Sustainability*, NRTEE (Ottawa: 1995)

¹¹ I am indebted to so many for suffering through my enthusiasm and irrepressible questions. To thank one would do an injustice to so many whose thoughts, challenges and experiences shaped my thinking.

¹² See bibliography in Appendix A for some of the many resources that have shaped my thinking.

experiences in two very different communities to provide a context for defining principles that can help answer Rose's difficult questions about designing and introducing circles. The next two chapters tell the story of designing and introducing peacemaking circles in these two communities — Carcross, a rural community in Yukon and Alliance, a steel plant in Okmulgee, Oklahoma. Chapter Three summarizes all guiding principles. Chapters Four through Nine discuss, in some detail, each of the guiding principles relating to participants.

Introducing change is hard work. Many talk about the need for change. Few actually make change happen. It is hard work, crippling work. Working at change has left many bitter, cynical and defeated. The forces opposing change grind away hope, crumble up ideals and dreams, and entrench despair where hope once prevailed. It is the courage and commitment of many, like Rose, whose determination seems to gain strength from a faith that change can and must happen — a faith that lives through failure, that encourages all pioneers to persevere. The courage and faith of these unbending pioneers is infectious.

I'm going to get involved again — in a different way. I know lives that have changed through our circles. I know it can work, and I'll keep working to find a way for circles to give a new beginning to others, like it already has to so many. Once you've seen what can happen, how can you lose hope? The circle is important to my hope.¹³

I'm coming back, more determined now, because being away from it showed me what we had in our circle.¹⁴

¹³ Rose Couch, private communication, 1998.

¹⁴ Yvonne Smarch, private communication, 1998.

CHAPTER ONE

CARCROSS — SENTENCING CIRCLES: THE FIRST EXPERIENCES

"Let's get at it ... no more talking, eh!"

- Harold Gatensby

Our mistakes are by far our greatest teachers. Designing, developing and using a consensus process is a journey poignantly marked by trial and error. There are no rules to follow to avoid mistakes. There never will be. Each community must explore what works best in their unique environment to mine the advantages of a circle. Each community continually learns what works, what does not. The design of any community consensus process is always a "work in progress". Wrong turns, misjudgments, the courage to persevere and move past failures, the ability to build and retain both trust and respect for others, a collective will to be innovative, and an abiding commitment to make a difference — these are the primary working tools of designing and redesigning, building and rebuilding a community circle process.

In several Yukon communities, and in other jurisdictions, people have emerged with a shared vision and a profound belief in the capacity of circles to produce the outcomes that strengthen and heal individuals, families and communities. They are pioneers. It is with abiding respect that I draw on their stories to develop principles that might guide other pioneers.

In discussing these principles, I refer extensively to examples in Carcross, an experience I initially considered a failure. It was in many respects. Yet it was a rich lesson. It was, and is, a deeply rewarding experience to work with people who possess an unrelenting commitment to their community, to people in need. Their courage, their perseverance, is remarkable. At a time when local justice

partners had pulled back, when community support had waned, when justice agencies and victim groups outside Carcross vigorously opposed the use of circles in Carcross for spousal and sexual assault, and when many local people had ceased to be involved, one of the pioneers of the circle said:

It's okay you know. We need to go through this. We will learn from this. We'll be back, eh, 'cuz once we've seen what we can do — and don't you forget what we did do. It's no good just thinking about what we didn't do or failed to do. All this talking about what went wrong is okay, as long as we also don't forget the good things we did — where we came from. You know, we came from a place where no one cared. Now, we got people caring. Just because they find out how hard it is to care doesn't mean they'll quit caring. They just need time. Be patient. Let's see what we can learn from our mistakes 'cuz one thing is for sure — we did learn no one else but us can make a difference. No one else but us can give the kind of caring that makes a difference. The circle is a place of caring. The circle is now a part of us. Let us honour our lessons. Let us not fear our mistakes, but learn from them. But most of all, let us say what is a mistake. Let's not let others say to us what works, what doesn't work."¹

I tell the story of Carcross to honour the courage in this community to learn from their mistakes. Many parts of the story are not known. Many parts I do know would take too much time telling, would revisit my disappointment with the arrogance, insensitivity, and indifference of some people, as well as with my actions.

The Community: Carcross

Carcross is deeply interwoven into the heritage of Carcross-Tagish First Nation people, and has been an important part of more recent European settlement. For local aboriginal people, its unique geographical setting has for many generations

¹ Harold Gatensby, Keeper, Carcross, community justice meeting, 1995.

provided "home ground" for spiritual and political gatherings. In the late 19th century, this area beckoned to fur traders, missionaries, gold rushers and adventurers of all sorts. Most just passed through. Few stayed. Now the area attracts tourists and people seeking a magical wilderness setting to explore or to make a home amidst its numerous, compelling mountains and pristine, emerald lakes. Some still rely on subsistence activities, trapping, fishing and hunting, to supplement their income. Few are fully reliant on a subsistent lifestyle. First Nation and public government employment, tourism, construction projects and some mining provide most employment opportunities. Unemployment rates are disturbingly high. A permanent population of approximately 600 is roughly divided equally between aboriginal and non-aboriginal residents.

The community, at one time the home of a large mission school, suffers from a high rate of crime, substance abuse and social problems. Despite all of its significant social and economic issues, there is an underlying soul and spirit to the community that is distinctive. It has an abundance of "characters" and wonderful stories that punctuate the numerous tragedies visited upon the community.

My Connection to Carcross

Tears smeared the few words I had penned. A sob shook my body. I dropped the pen. Grief compounded my struggle to find the words to say goodbye to a cherished friend and mentor. At his funeral in Carcross the next day, I wanted to honour what Johnny Johns had given to his family, friends, community, to his First Nation and to all who had been blessed by time spent with this unique person.

I went outside hoping to stop my tears, to clear my head. The strident blue sky of a Yukon winter's day embraced me. As always, my eyes travelled down the Carcross valley to the familiar peaks of Montana Mountain. Johnny's home had been, for many years, at the foot of this majestic mountain. I'd been to the alpine valley at the top with him many times and even more times with him down the large lakes that spread around the base of the mountain. Delving into my memories of this remarkable man, I realized he had intertwined my life with his family, with his secret places, with his friends and with his culture. Johnny Johns had made Carcross an integral part of my spiritual and emotional life.

Doris McLean, Johnny's niece, took her responsibility as courtworker into every part of her life. She had initially introduced me to Johnny as part of her tireless effort to make sure "a judge from the outside" knew her people, knew her community, and would understand their stories much more deeply than what legally constrained courtroom versions revealed. Johnny had taken the challenge Doris presented much further than she had probably imagined — but then, Doris knew about things others could not.

Many of my insights about, and love for Carcross stem from a friendship with Johnny Johns that began on a fishing trip to Millhaven Bay in 1978. Over the years, I came to know Carcross from my professional responsibility first as a circuit court judge for seven years, then for six years as a land claims negotiator, and, over the past six years, as a circuit court judge again.

Carcross: My First Steps Towards Community Justice

In 1980, through the initiative of two dedicated young women, Darla Lundstrom and Leslie Axon, the first circle took place. A small grant enabled Darla and Leslie to work with local elders in Carcross. They worked much longer hours and

did many more things than the small grant expected of them. Bill Corbett, the chief prosecutor, and I became caught up in their dedication and enthusiasm. Darla and Lee enticed us to work with several elders to discover how they might become involved with youth in trouble. We started, I am ashamed to say, by teaching the elders about Canadian criminal law, especially about the procedures and powers relating to sentencing juveniles. The goal was to prepare the elders to participate in sentencing juvenile delinquents in their community — a laudable goal, but our presumptuous notion about how to do it was soon to be corrected. After several evening meetings, our “students” were ready to handle their first case. Four young offenders were chosen and with the consent of each one, their parents, and the victims, they were scheduled to attend the elders’ first sentencing session.

Based on our “instruction”, the elders had developed procedures for dealing with young offenders. Few of their carefully developed procedures were followed. When all four boys arrived at the same time, the elders decided not to hear each case separately, but to bring all four into the room. They sat in a circle. The elders soon abandoned their plans and followed their instincts. Canadian criminal procedures, even profoundly modified, did not fit their way of relating to others, even to those who had violated their values. That evening is indelibly etched in my memory — and provokes, almost twenty years later, the same wonderful feelings. There were, at first, very tentative, nervous exchanges about the crimes, about the need for accountability. For quite some time, it appeared nothing of any significance would take place. After an hour and many long silences, the elders asked Bill and I what steps they should take next.

“It’s up to you. This is your evening.” We both had ideas. We had previously said we would attend, but not participate. For both of us, anxious to help, it was hard to ignore their pleas for help. We wanted this evening to be a success, I think

less because we were taking a risk and more because in teaching the elders about justice over the previous months, we had learned so much. As one elder said:

You lawyers have come a long way. By geez, you have so much further to go. We're not sure all of us elders have enough years left to help you — to get you where you need to go.²

We wanted them to realize their dreams — to be connected to the youth, once again, as teachers. We knew how much they had to give and had given to their community.

This was their moment — but the moment slipped into long silences. The young offenders fidgeted, stared at the floor, and the elders looked to each other for what to do next. I looked to Darla and Lee. Both were calm. I could see in their eyes that they believed everything was “just fine”. They knew that patience, not action, was best. We waited. None of our repressed suggestions could have been as powerful as what happened next. Dora Wedge, an elder, asked a simple question:

“Do you not know we love you? Do you not know we care? You do see we love you? We do love you all very much, just like family, you know. You are family to us. We must learn to understand and take care of that.”

The silence that followed these questions was filled with tension. The questions hung in the room. It was a different silence. It felt different. Everyone looked to Dora. Her brave, heartfelt, honest expression of love shattered the previous awkward discussion about law, responsibility, about the boys' crimes, and about the need to be accountable. Dora moved us all from our heads to our hearts, from discussing broken laws to probing broken relationships. Her open

² Pete Sidney, Carcross-Tagish elder, 1982.

expression of love penetrated the walls of pride, of embarrassment and anger the youth hid behind to avoid any deep personal involvement. The silence began to echo off the nervous tensions mounting in the room. From four hanging heads, one snapped up.

You don't care. You don't love us. You say you do, but you don't really care. You guys go to town, to bingo or wherever. We got nothin' to do. You never take us out hunting or fishing. We see you go — no one ever asks us. You treat us like we were just bad. Yeah, we do bad things, but that's not all of it, eh? There is more to us than that."

The ensuing exchange was explosive. Anger, disappointment — misinformation, erroneous assumptions were explored, explained and shared. Everyone began to open up.

In the day-to-day life of the community a distance had grown between the youth and the elders. This distance had enabled many negative assumptions and experiences to flourish. The elders were angered by the youths' disrespectful actions and feared their anger and violence. The youth were hurt by the elders' disdain, distrust and negative comments that flowed through the community gossip exchange. Dora's assertion of love, and the equally courageous youth speaking from a deep hurt provoked a sharing of intensely held feelings. The room began to fill with mutual caring and respect. The elders offered the love and connection that the youth desperately needed.

In the past, the elders depended upon the youth to draw water, gather firewood, harvest food and to help them move from place to place. Indoor plumbing, electric heat, fridges, stores and motor cars had replaced much of this traditional dependence. The young had once depended upon the elders' stories filled with

lessons of history, politics, and group dynamics, to teach them about expectations of community living, how to behave, and how to carry out their responsibilities. Radio, TV, videos, schools, and the constant stream of modern toys and attractions had drawn the young away from elders. Modern lifestyles had shattered a mutual dependency. Yet there was still much they could both share, much they could both gain from each other.

This circle opened new linkages — new channels of communication. Fears of youth violence, dismay and disappointment with the young were replaced by a better understanding of their circumstances, and a genuine empathy for the challenges and threats young people now faced which were not a part of the elders' experiences. The youth realized the elders had much to give them. While the elders' wisdom was important, more important was the love, respect and caring the elders provided. The connection the elders made with the youth enhanced their awareness of the importance of connection to culture and community.

Yup — I do remember that. You know, I believe that was the beginning for me, for others too — but I know for me — of seeing how important it was for me to be a part of my culture, you know, to get into my community — be aware of who I was ... be proud of that." ³

I was deeply moved by the energizing connections. An ancient tradition, the interdependence of youth and elders, was being revived. A sense of community, of shared, interdependent destinies was forming. There were many miles to go, many hurdles to overcome, but a new energy, a new beginning was emerging. That night the elders had not followed most of the procedures they had planned. They followed their hearts. The evening was an enormous success. The follow-

³ One of the youth talking about the circle years later, 1996.

up was not as successful as it could have been. No justice resources were forthcoming to help. Probation was too busy to get involved in a "community thing". The local police officer was transferred out of the Yukon — as, soon after, was Bill Corbett, the Crown counsel.

The elders and the youth carried on with their agreement to "get closer", to spend time with each other. Dan Johnston, Pete Sydney and Johnny Johns kept a "good eye out" for the boys and took them out in the bush. William Atlin, Angela Sidney, Lucy Wren, Vicky Johnston, Agnes Johns and Dora Wedge kept an open door to their homes and frequently chased the boys down for supper, cards, or just a visit. All the elders did something. All went out of their way in public and at gatherings to greet and speak with the boys. The boys carried out their commitments. Restitution, community work, apologies and respect marked the commitment of the youth to the circle and to the elders. Overall, their criminal activity was immediately and dramatically reduced. Two of the young men were never again before the courts. The others struggled, but escaped the same tragic pattern of crime and substance abuse that many of their peers seemed driven to follow.

The success of the elders' first attempt to engage the community was not followed up. Financial support for the pivotal work of Lee and Darla with the elders was terminated. Some of the elders sat with me on the bench as a sentencing panel. This, too, disappeared when I left the bench. Except for some diversion cases, and the important work of local justices of the peace (who were always willing to do more, but were always left without adequate support from all justice agencies to do so), nothing significantly empowered the community to take primary responsibility for justice issues for over a decade.

The demise of this initiative, like the demise of many similar initiatives, arises because we're all too busy and too conditioned to old patterns. The justice system is too busy with "its business" to carve out shared responsibility with the community. People in the community, although dissatisfied with the impact of the circuit court, are also too busy with their lives to move beyond grumbling to invest the time necessary to make a difference. They are conditioned to rely upon the state to handle crime. Most people are reluctant to get involved, yet everyone knows that if they see past their anger about a crime or an offender, most causes and solutions of crime lie well beyond the resources the justice system offers. However, the public continue to assert:

This is your job. We pay you good money to get our communities safe. Just put them in jail. They'll learn if you do the crime, you do the time.⁴

But they also say:

I know her family. It has been one tragedy after another. They do need help, but what can you do? It's no wonder they drink. That always does it, eh — leads to crime. Not bad people, really.⁵

Beginning Again: The Second Try at Sentencing Circles

In 1991, I returned to the bench and was anxious to terminate the long tradition of professionals from outside the community coming to town on circuit to "do justice". Every three months, we arrive for a day or two of "court". By the end of the day, we leave with a few more from the community — usually young men — trucking them to jail. Rarely is this their first, nor last trip to jail. We are an expensive failure, not just because we seldom transform broken lives into healthy

⁴ Carcross resident, private meeting, 1984.

⁵ Carcross resident, private meeting, 1984.

lives, but because we usually contribute to the circumstances breaking down lives, families, and communities. We do so less as a consequence of what we do than by what we prevent families and communities from doing.

My home, on a lake, 30 kilometres out of Whitehorse, is on the road to Carcross. The road is full of memories. The dangerous curve known as Barry's Corner, where several spent a cold few hours digging me out of a ditch — everyone glad to help, but mostly glad for the opportunity to lay on some pretty heavy teasing. The mountains that frame the Carcross road I have explored with Baig, a Labrador retriever that loved hiking more than food; so many places trigger memories of people, of outings on horseback, on skis, in canoes, and in two very large boots. I know this valley — love this valley. In driving to circuit court I had often wondered who would be driving back this road at the end of the day on their way to jail. From so many stories on so many circuit courts, it was easy to anticipate the stories that would fill the day in court. It was driving this road that I first began to think of circles. I began to realize that if we kept putting people in jail — often the same people over and over again — we would undermine the capacity of individuals, families and communities to solve their own problems and deepen their dependence on the formal justice system.

In court, we never hear the whole story. We especially don't hear the stories of the victims, families, and of the community. We don't need these stories to do our work, but the participants and the community need to tell and hear their stories to do their work in understanding and resolving conflicts. If individuals and communities are to take on responsibility, to make a difference, they need to hear and participate in the larger story of their families and communities. As long as it was just the circuit court doing the business of justice, of conflict resolution, there would always be several people after each circuit court driving back this

road on their way to jail, and the community would never hear the stories they needed to hear and probe.

Driving to Carcross for circuit court in 1992, I wondered if the community would be ready for sentencing circles.⁶ In Carcross, I had wanted, for a long time, to revive the circles the elders had started ten years earlier.

Harold Gatensby and his brother, Phil, are from Carcross. I'd met them years earlier through Frank LaCrosse. I didn't know then that Frank was introducing me to people who much later would inspire me and become intimately involved in my life. Once after a traditional sweat, Frank walked me to my car. I don't remember his words precisely, but I remember, amidst his thanks for coming, he packed in several thoughts that changed my life — first as a judge, then in all respects. Frank said, as best I remember:

You judges sit up so high - you miss things, you miss what is really going on! You know, it will surprise you to find out offenders are people, most not bad people, just people who need help — not the kind of help we give them by treating them as offenders. When we do that, we make them into offenders. If we treat them as people, you know, we might get a surprise, 'cause they then began to act like people. You know, if I treat you all the time like a judge, you might become all the time a judge, and we might lose — you might lose yourself as a person. Can you imagine every day being treated like a judge? Well now, imagine being treated every day like an offender. So, come to our sweat as a person — enjoy meeting others you don't see as people. Yup — some who you call offenders, others call friends.⁷

⁶ A few months earlier, in Mayo, we tried a circle in a very difficult case. It wasn't an ideal case, nor an ideal offender for circle sentencing. I knew that, but as I had tried to explain in *R. v. Moses*, I felt this offender, his family, and this community deserved more than simply one more jail sentence imposed by a judge from Whitehorse. I felt dishonest waiting for the "right case" to re-introduce circle sentencing. So, *R. v. Moses* began my attempt to try again to use circles in criminal cases. See *R. v. Moses* (1992), 71 C.C.C. (3d) p. 247 (Y.T.).

⁷ Frank LaCrosse, Whitehorse, private conversation, 1981.

Frank used humour to soften what he was really doing — forcing people to see beyond the narrow confines of their experience. Frank stretched us beyond our borders of awareness. He deeply enriched our lives with new visions of who we could be, of what the world could be. Frank left us far before his time. Long after his death, his wisdom, his subtle teachings began to take root. I began getting in touch with the “people” Frank had introduced to me. Driving to Carcross for court in 1992, I began to think it was time to take up the challenge Frank had issued many years earlier:

Harold, Phil and Randall have been to places you'll never be. Their spirit, their eyes, will make them teachers. You should get to know them. They can be your teachers. Judge, with all due respect [Frank packaged his wisdom in humour and teasing], you need to turn now to different places and people to learn. You keep learning from books, and in courtrooms, you will begin talking like a book and acting like a courtroom. Learn from these good men.⁸

Randall had returned to Old Crow and had opened his life and home to helping young people. Randall, with his wife, Mabel, became for many young people the most important reason they made it past suicidal urges, found the will to overcome substance abuse and crime to gain a better chance at life. Harold and Philip had both been to jail. Now, they gave their time to other offenders. They held sweats in jails and spent time talking with and supporting inmates.

I spent the drive to circuit court in Carcross plowing through memories of Frank. Each time I tumbled over time spent with him, over his stories, I found new nuggets of wisdom. Frank was a teacher. I could never understand why he was taken so young. I need him. So many people miss him, so many people still need him. Montana Mountain came into view and welcomed me to Carcross, I was still

⁸ Ibid #7.

uncertain whether starting sentencing circles in a second community would be prudent. As I turned into the community hall, I saw Harold standing in the doorway. Was he waiting for me? As I busied myself getting the trappings of a judge from my car, I quietly agreed with Frank — “Yes, okay, Frank. I’ll ask Harold if he thinks sentencing circles are a good idea.”

I asked Harold if he thought any interest existed in the community to begin doing circles. He didn’t answer. I suggested we might meet after the circuit court to explore community interest. It will take a while, I suggested, before the community can do a circle. Harold interrupted the proposal for a later meeting:

Let’s do it today. Why waste time talking about it? You know, talk just leads to more talk. Nothing ever happens. It’s right, the time’s right. Our community needs a circle. It would be good for us to take responsibility for our problems. Let’s do it today.”⁹

A circle was held at the end of the day. The only preparation consisted of Harold gathering up others to participate, an announcement at the beginning of the court in the morning, and a brief overview of the purpose and procedure of the circle before starting the circle. The offender’s lawyer and the Crown had known about the circle in Mayo. The offender and victim were briefed. Both consented. Harold and I acted as circle keepers.

Harold and the small group of volunteers that formed the offender’s support group in this first circle assumed responsibility for the circle process in Carcross.

Responsibility for accepting offenders into the circle, interacting with victims, developing support groups for victims and offenders, preparing both for the circle,

⁹ Harold Gatensby, Carcross, private communication, 1992.

liaising with all justice officials, supervising bail and sentencing conditions, preparing probation and follow-up reports and keeping the community informed, all of the activities of running a community justice project fell to those volunteers without financial support or training. They often had to battle government officials to gain their support or to squelch negative rumours about what was happening in circles. The enormous differences in perceptions about the causes and solutions to crime between these volunteers and justice officials worsened already strained relations.

As more and more cases were accepted into the community circle process, the demands on volunteers and the strain on their lives escalated.¹⁰ They had assumed responsibility for very serious criminal cases including spousal assault, sexual assaults and robberies. While the circle process remained open for anyone to join, some did, but for the most part the work and responsibility of the circle process was assumed by the same small core group. The first relapses of circle offenders to substance abuse or minor crime began to reveal opposition within the community.

"It's an aboriginal thing - excludes the rest of us - it's supposed to be community justice."¹¹

"They don't want us involved, just like they don't want us to know about their land claim business."¹²

¹⁰ Early successes in the circle encouraged these volunteers to develop a wilderness healing camp. This wilderness camp has evolved to have a central place in the healing and cultural life of the community. Recently, over 60 youth spent several days at the camp. In 1998, the camp hosted 44 people from as far away as South Africa, who participated in the first annual gathering on peacemaking circles.

¹¹ and ¹² Taken from both private communications in Carcross and from a public meeting held in the community in 1994.

The initial failure to engage all sectors of the community caused by "jumping in to start circles" contributed to misunderstandings over the nature and workings of the circle. Successes in the circle were overlooked, ignored, or simply not known. Failures were blown out of proportion. No one, in condemning cases that failed in the circle, paused to consider whether the formal justice process had been, or could be, any more successful!

Mr. X (not real name) was an offender who went through the Carcross circle. His relapse into substance abuse was particularly instrumental in undermining the energy of the core group and in consolidating opposition within the community to the circle. Against mounting community criticism, mostly based on misinformation, the core group faced the first harsh reality of circles: not all offenders dramatically (or immediately) change their lives after a circle. For most, the healing journey is long and full of many relapses.

A relapse to substance abuse by Mr. X, one of the community's most inspiring successes, drained the indomitable spirit of most core group members. More damaging was the way the justice system reacted. Mr. X, after making wonderful, initial strides to healing, relapsed and rejected the circle sentencing plan and the help offered by his support group. The justice system's role in the community circle partnership was to take over a case when the community asked for help. The community asked the justice system to charge Mr. X with breaching his circle sentencing plan. Partly, they hoped to terminate his drinking binge before it stretched into months and, as it had before, wiped out all progress made thus far. Partly, they wanted to ensure there were consequences for being disrespectful to the community circle. The justice system accepted their responsibility — but in a disastrous manner. Our intervention made things much worse for everyone.

A new prosecutor, visiting the community for the first time and totally unfamiliar with the circle process, was given responsibility to prosecute the offender for having breached the circle plan.¹³ He called a volunteer support worker to prove three breaches of the circle sentence. The support worker, at first, refused to testify, vigorously asserting that he had volunteered to help support someone from his community, not to actively participate in a prosecution. The volunteer felt compromised and uncomfortable. His testimony did not help the prosecution. Nor did the testimony of the probation officer who had not been involved in the community circle or follow-up leading up to the breach. The probation officer lived in Whitehorse and visited the community once a month. No one was able to document in court the failure of the offender to carry out his commitment to the circle. The charges had to be dismissed. The aftermath of the failed prosecution was disastrous. The offender walked free. No formal sanction for violating the circle sentence or for breaching his responsibility to the community was levied. The offender was able to "thumb his nose" at both the community and formal justice system.

The volunteer support worker felt betrayed on two counts. First, he had been forced to testify. Volunteering to help by being a part of the support group did not include acting on behalf of the state to prosecute the offender. Second, the justice system had not kept its commitment to be the "backbone" of the community system. After the charges were dismissed, the offender smiled as he walked out of the court past a core support group of volunteers, "Now I can get back to drinking." The circle process was widely seen to have failed. Ironically, had the justice system successfully prosecuted the offender, the community

¹³ Constantly changing justice officials can be especially destructive to the early efforts to build community partnerships.

partnership and therefore the circle might have been seen in the community and by justice officials as a success.

Success in any circle — is not just when a circle succeeds without the help of the justice system. Success also occurs when the combined resources of the community and the formal justice agencies work together. Sometimes it may be simply in breaching and punishing an offender who violates commitments to a circle. This consequence is one means of ensuring a community circle has the ability to hold people accountable. In the case of Mr. X, the circle was blamed for the failure to hold him accountable.

"How come that asshole didn't go to jail? The circle just allowed him to avoid jail and gave him an opportunity to keep on stealing stuff here. He needs jail — the only thing he understands. We need to get him out of our community." ¹⁴

Similar feelings fuelled opposition to the circle within the community. The pressure became political, eventually resulting in prompting senior justice officials from several agencies to become personally involved in "straightening out the problem". Justice officials seemed eager to reassure opponents of the circle that mainstream justice services would not be replaced or disturbed by the circle.

Many of the original volunteers who had sacrificed so much of their time and money to make the circle successful, resented both the intervention of senior justice officials and the growing community opposition. They were disheartened by a widespread lack of appreciation for their extensive contributions of time and resources to the community.

¹⁴ Comment to me by Carcross resident, immediately following court, 1994.

What's the point? You work real hard for your community — take time away from your family, take money out of your pockets, take big risks to help people in the community — which helps the community, eh, and what do you get? Lots of crap. So, who needs this? Maybe they deserve all the bad things that happen here. They do shit to make it better and give shit whenever anybody does something to make a difference. It makes me feel like quitting, you know, but I can't, eh, because this is my home.¹⁵

A public meeting was organized to air all complaints. Senior police officials from Whitehorse presided over the meeting. The agenda of the meeting was never clear. Opponents of the circle believed the meeting was held to terminate the circle and to admonish me and others for allowing circles to be held. Most circle supporters decided it was none of the Whitehorse justice officials' business and did not attend "their meeting". A few came to "straighten out the facts".

I wasn't invited. However, I attended and listened to several senior police officers explain new, national police policies about community justice, policies that mostly made sense in Ottawa. The first question from the audience brought the meeting quickly around to the rumoured agenda: "What are you going to do about this circle thing?" For the next two hours, a lively discussion ensued about community needs, and about "community justice and circles". Some supporters of circles, sensing police opposition, voiced harsh criticism of police practices and of the impact the justice system had on their community. I spoke up only when the police seemed to be unfairly taking the brunt of criticism for the failings of the justice system. My intervention was intended to ensure that the failure of the justice system was not placed at the feet of any one agency. I suggested the justice agencies were trying hard — we were simply trying hard to do the wrong thing. Job descriptions and objectives of the system needed to be changed.

¹⁵ Harold Gatensby, Carcross, private communication, 1994.

I also suggested it was not only the justice agencies that needed to reconsider their objectives and job descriptions! So did the community. People in the community had become far too dependent upon state agencies for doing things, the very things the community was much better suited to do. Different, or more, justice officials, be they police or judges or probation officers, would not resolve the underlying causes of crime in their community. More community involvement, direct responsibility in some cases, working in partnership with justice agencies in others, would address most of the failings raised at the meeting.

A senior police officer responded in a manner that reflected a long-standing experience with communities. He admitted that the police had no magic solutions to offer but only an earnest desire to help. While careful not to be directly supportive of circles, he supported and encouraged community involvement. His contribution changed the tone of the meeting. Discussions turned to suggestions of what could be done to improve both the circle and the mainstream justice system. Unfortunately, the format of the meeting did not allow common concerns and interests to evolve into a concrete action plan. Like most public meetings planned without extensive community involvement, the meeting tapped into immediate tensions, but did nothing to resolve the underlying causes of tensions. This public meeting did not plumb the opportunity for the community to work through differences or to develop a means for expanding their understanding of existing problems. The meeting failed to enlist anyone to become meaningfully engaged in their community and in "their" justice system.

This public meeting prompted a series of smaller meetings within the community with the circle core group and others who had not been previously involved (some of whom had been skeptical about circle sentencing). A new justice committee emerged and was able to secure promises of financial help from the justice system.

The original circle core group warmly encouraged more community participation. The initial meetings of the new community justice committee were exciting, full of promise. Representatives from all sectors of the community began sharing their concerns and exploring what they could do with the promised support from justice agencies. Anxious to make things happen, the committee looked to the Department of Justice to provide their promised funding for a community justice coordinator. The committee jumped through all the hoops. Plans, budgets and proposals were drafted, submitted, redrafted, resubmitted — and redrafted again and again. The membership of the committee was expanded to address the department's wish that the committee include "all sides" of the community.

The energy of the committee gradually eroded as the promise of government support always seemed one more draft, one more meeting away. As the amorphous promises of government support were clarified, the actual support offered by government was significantly less than the committee had anticipated and believed was necessary. Protracted discussions over funding drained the interest of most committee members. Their time was not being gainfully used.

Seems like we just keep talking about money, you know. They [the government] keep saying they will help, but they don't. Seems people are getting very frustrated — and fewer people are coming to our meetings."¹⁶

The Department of Justice persisted in holding more meetings with the community. They wanted to know "how the whole community thought", not just those involved in circle sentencing. Representatives of the justice agencies at some meetings began to outnumber community participants. The initial energy of the new community justice committee was dissipated by "more meetings, more conditions, more promises". The committee spent almost two years in numerous

¹⁶ Annie Auston, justice committee member, private communication, 1995.

meetings primarily focused on how to meet the justice department's criteria to secure funding assistance.

You know, I came to believe they were just teasing us — they never did really want us to be successful, so they kept holding out this promise of help. When it got right down to it, there was lots of talk and very little money from them. They had lots to spend on what they thought was important, but nothing really on what we said was important. That's it, eh — their way or really not at all ... I don't go anymore. It was a waste of my time, and I was really beginning to distrust them, eh. I didn't like that.¹⁷

After numerous discussions and many meetings about the amount of funding available and the representative make-up of the community justice committee, a fraction of the funding requested for a local justice co-ordinator was finally approved. The new community justice co-ordinator was installed without infrastructure support, and without guidance or training. When the enthusiastic initial words of the department were boiled down it turned out very little money was forthcoming, less than other communities had received.

The community justice committee had sought more responsibility over justice issues. They had especially asked for a local probation officer to be hired on a part-time basis, to replace what they considered was excessive reliance on a probation officer who did not live in the community. They also asked for a supportive police officer, who had worked closely and effectively with them, not be posted out of the community. They didn't get more responsibility. No one in justice seemed to be listening to the community. A new office opened in Carcross for the Whitehorse-based probation officer to be, and be seen to be, more often in the community. The community-sensitive police officer was transferred out of the community.

¹⁷ Harold Gatensby, Carcross, private communication, 1995.

While the community justice committee struggled to take on responsibility, the mainstream justice system marched on at full pace, regaining ground lost to the community when circles began. The justice system, by drawing out negotiations over funding, had worn down community interest, re-asserted their dominance, and maintained community dependence upon state professionals.

Among the many sad parts of this story, the saddest is perhaps that the key players in the justice system did not deliberately intend to defeat community interest. Some genuinely wanted change, but were unwilling or unable to share power.

The core group of circle supporters were tired and frustrated. They were unable to continue investing their time struggling through meetings to get state support, and at the same time invest the effort necessary to provide vital follow-up for many cases. Relapses by some offenders were crushing blows to a very vulnerable, very tired and emotionally stretched group of volunteers.

"So much work, so much potential, so much hope, and for what?
Offenders still in trouble and the community blaming us."¹⁸

There were simply too many demands and not enough resources. Not enough new volunteers came forward to help. The opposition to circles from some quarters discouraged existing volunteers and held others back. A combination of opposition, indifference and delayed promises from the justice system began to take their toll on community volunteers. Key local justice officials who supported the circle were transferred or assigned to other responsibilities. The energy to get to know, to involve, and to enthuse new people from justice agencies could not

¹⁸ Core group member, Carcross, 1995.

be sustained by community volunteers. The public meetings, the committee meetings, the constant effort required to explain their work, to squelch rumours, to redress unfounded criticism diverted scarce volunteer resources from the demanding work of running circles. It was impossible to successfully run circles while fighting with an ever changing parade of justice officials for their support, and at the same time answering to local criticism, some valid, most unfounded.

Three offenders who had been examples of circle successes got into trouble. Two re-offended, one relapsed into substance abuse. Although they had made significant progress, although their failures were not as serious as their past offences or conduct, their "failure to stay clean" was noted as a failure of the circle. These failures troubled and distressed those who had worked so hard to connect all three into their families and into the community "in a good way". The core group felt they had failed. Many took the failure personally. Critics in the community and some justice officials pressed these "failures" into any discussion about community circles. Community volunteers were exhausted. They retreated into their private lives. Circles were no longer held in the community.

Fortunately, this is not the end of the story. It might have been, except for the commitment and dedication of several key people in the community. After almost a year, the core group re-assembled. They came back to continue their work, recognizing that success must not be gauged by the level of support from formal justice agencies, or from people in their community who "had time to complain, but no time to get involved, to make a difference". Another three-day intensive training course in mediation, peace making, and in the circle process was held. Circles began again, only this time the core group was more selective, more cognizant of their resources and limitations. Some new faces emerged from the community to become involved. By this time, all but one justice official had changed.

Personal Reactions and Lessons from Carcross

In describing the guiding principles in the ensuing chapters, I draw extensively on the lessons that I have learned and that community and justice officials can learn from steps taken and not taken in Carcross in the design and introduction of circle sentencing. First, it is important to reveal my feelings about what happened. These feelings undoubtedly colour my views.

I was saddened that the circle was not able to be seen within the community as readily accessible to all. It was. While it still lacks a broad spectrum of public support, the active volunteers assert that:

The people who care are here. Everyone knows now what we are doing. They know they can get involved, but if they don't, it is because they don't want to. They don't care enough to give up the time to make a difference. They just care enough to criticize others who do care to get involved. We have got what we need. Let's not stop again to wonder what we are doing."¹⁹

I understand this feeling, but believe efforts to include others must continually be made. I wasn't happy with how several senior justice officials responded to the problems the volunteers encountered in beginning a circle process. I was particularly unhappy with the role I played. Except for my intervention at the public meeting and donating time for training sessions, I did little to interfere with what I feared would happen. I feared that volunteers, lacking support from the community, would soon be overtaxed, become worn out from interminable meetings, and from conflicting, changing promises from central justice agency managers. I knew this was the community's struggle, not mine, but I should have done more to build partnerships between the community and potential justice

¹⁹ Mark Wedge, Carcross volunteer, 1996.

partners. I tried, but perhaps I was too quick to assume the indifference and inaction of justice agencies was reflective of their interest in maintaining the status quo. Most of my interactions with justice colleagues consisted of responding to their infinite "bad news" stories based on "not to be disclosed sources". Some justice officials dealt in rumours and seemed pleased to inflate stories depicting problems. (In one incident, a story about a disastrous circle was passed around the justice community. The story, related as an actual case, had been a fictitious case used as a role play in a community training session targeted on learning how to handle difficult cases!)

Perhaps I made as many assumptions about the motives of justice officials as they did about mine. I had desperately tried to get them involved from the beginning. No one moved beyond "talk". Each meeting was as remarkable for its promise of coordinated action, for its enthusiasm for community justice, as the follow-up to these meetings was remarkable for inaction — for broken promises. There was no common vision within justice agencies about community justice, and no coordinated plan of action. Everyone did "their own thing". Initiatives that did not spring from an agency were most often opposed by that agency. I gave up too soon on building understanding within the justice community about what Carcross was striving to achieve. I had, as we all do, miscalculated the power of bureaucracies to keep everyone "in line" and to stifle creativity. Justice bureaucracies seem especially concerned about creativity from outside the bureaucracy that threatens to change practices that enable bureaucracies, not just to control all activities within their reach, but also to extend their reach.

The core group from this community is now back at it, pressing for meetings with the very top justice officials to find what must be done to gain support for their community circles. They continue to be committed, but they now have a better understanding that change is much more difficult than they first thought. I know

they learned from their experience. I hope the discussion in Chapters Four through Ten on guiding principles draws from the Carcross experience what all of us — especially justice officials — need to learn in forging new partnerships to design and implement peacemaking circles.

The demise, and now revival, of Carcross community justice is perhaps best understood from the perspective of two community members that I highly respect. They both have said, at different times more or less the same thing:

Everything happens for a reason. These things are meant to be. We will not lose our way. We will be a long time in getting there, but we will.²⁰

²⁰ Mark Wedge, Harold Gatensby, 1996.

CHAPTER TWO

OKMULGEE: VENTURING INTO OTHER REALMS

"Slow, but steady, as she goes."

- Rudi Neitro, Alliance Corporation

Now for something completely different. From almost the opposite end of North America, and from quite a different community, comes a very different experience in the design and introduction of a circle.

Alliance makes ceramic coated steel. The product they produce, familiar to most, is the "white board" found in classrooms and boardrooms.

At the Alliance plant in Okmulgee, there are approximately 150 employees. About 40 are managers and supervisors outside the union. The union workforce is about 30% African-American, 10% Hispanic, Aboriginal- and Asian-Americans, the rest are European-Americans. The managers and supervisors are predominantly white males. The steelworkers, voted into office in 1995, are the first union organized at the plant.

The assembly line on the plant floor, due to the cooking process to bond ceramic glass to steel and, due to extreme temperatures in summer, can often rise above 100^o Fahrenheit.

The cooking ovens and mother nature combine to cook more than just the steel — many a day, workers go home sick from the heat.¹

Alliance was bought by a venture capitalist in 1993. In 1995, they hired a new CEO and CFO to change the "bottom line" before placing the company back on the market. The new CEO and CFO wanted to do more than just change the

¹ Worker, Alliance, private communication, 1997.

bottom line. They wanted to change the decision-making process throughout the plant, from a highly defined hierarchical structure to a team approach that featured the sharing of responsibility and leadership. They recognized the potential in their workforce, but felt it was not being respected or engaged by a “command and control” style of management.

We want people to see Alliance as more than just a job. We don't want them to feel they have to park their values, their dreams, their needs at home before coming to work.²

Introduction of Circles

I was asked in early 1997 by the CEO and CFO at Alliance to help change the decision-making process in the plant. I was skeptical. Oklahoma was, on many levels, too far to go. The setting, people — all of it too different from the communities I wanted to work with in developing circles. “Right”, said the CFO, “That is why it is a perfect place to see what circles can do.”³

I was right about one thing — it was difficult to get to Okmulgee from Canada. The CFO was right about everything else. Not one of the differences I had envisioned as problems turned out to be a problem. The story of Okmulgee has, for me, a sad ending. But every step along the way was full of valuable lessons, full of amazing, wonderful people.

The senior managers’ hopes to change relationships within the plant were sufficiently flexible to allow everyone to participate in fundamentally shaping a vision for change. The following preliminary matters were accepted by the senior managers as the basis of exploring interest in circles at the plant.

² Fraser Wilson, CFO, Alliance, private communication, 1996.

³ Ibid #2.

- 1. Resource Team** - A team approach was necessary. To reflect the diversity within the plant, the resource team needed to include different perspectives and experiences. Mark Wedge, from Carcross/Tagish, and I had worked together many times before. His experience as a keeper, his wisdom and insight, and, yes, despite my constant groaning about his stories, his storytelling would be a wondrous addition to the team. I hoped to find others, and was especially interested in finding or developing people, either within the plant or in the local area, to round out the resource team.
- 2. Community Decides** - Our involvement would depend upon acceptance by both managers and workers. To this end, the first visits would introduce Mark and I to the plant and allow us to gauge the level of interest in learning about the circle and the conflict resolution skills involved in using the circle. If accepted by the union, managers and others, the resource team would report to a plant steering committee composed of representatives from all sectors of the plant. This committee would have the power to terminate the project at any time, make all decisions governing the training, and take the lead in designing and implementing new decision-making systems using circles within the plant.
- 3. Budgets** - Senior managers would commit the funds, resources and allow participants time off work to carry out the training, develop and introduce subsequent changes. The initial training for each small group (20-25) would be held over three days at an appropriate site away from the plant. All initial training would occur on "company time".
- 4. Trainers** - People from within the plant would become trainers as soon as they felt ready. Mark and I planned to phase in responsibility for people from within the plant to take over the first level of training for the remainder of the plant.

5. Priority - While new problems may challenge the priority given to training, the importance of training must overcome all but the most pressing critical problems. If the priority accorded this project was challenged, before any changes were made, a full discussion would take place in a circle composed of the steering committee.

The senior managers agreed to all conditions. I flew to Okmulgee to meet first with the union. I spent a day with the regional representative of the steelworkers, the plant manager and the plant human relations officer. I offered to spend time alone with the union official: "Nope, I'm comfortable just talking through all this." He was. His experience was invaluable. I was particularly concerned that both the plant manager and union representative appreciated training had to be controlled by a joint plant steering committee. I also wondered if they could accept the necessity of not having a detailed plan for every phase of the initiative. The steering committee must be given the opportunity to develop a plan in accord with their evolving experience with circles.

The plant manager spoke of the general concept behind the proposed training and of the commitment of both the CEO and CFO to make the plant "a place people want to work, a place they enjoy — even want to get up and come to work". He was frank about the challenges, especially about how difficult change might be for everyone, including himself. The plant manager raised the question lurking in the room:

You may be wondering: How does all of this affect the new union? I want to assure you that both the CEO and CFO have always wanted to do this before the union was established. They both see the union as a good thing — so do I. We think this training and these changes will help everybody. We need the union at the plant — but we don't need to be fighting over things we can work out together.⁴

⁴ Alliance plant manager, meeting, 1997.

The union representative was clear. Nothing would undermine their collective agreement. If the training or changes to the decision-making process adversely affected the union, “that would be the end of it”. He didn’t see how what was proposed would be harmful — and could see many potential advantages. He was very clear: “it was ultimately the decision of the local union”.

We talked about how the circle shared responsibility and leadership. I was encouraged by the common ground between the plant manager and the regional union representative. Both were mindful of the different contributions managers and workers make, yet both were very insightful about the potential of what might evolve from a plant environment characterized by mutual trust and respect, and through cooperative efforts to enhance the well-being of the community.

Look, I’ve been at this too long not to know if we don’t take care of each other, the plant won’t work. I want to find a different way than just being the boss. I know there are people in the plant much smarter than me about a lot of things. I also know we’ll go a lot farther if we learn from each other and trust each other.⁵

The union representative was ahead of me at every stage. I had been worried he might see this initiative coming from management, so soon after the first union was organized in the plant, as an attempt to undermine the union. He had done his homework. He knew the union trusted the CEO and CFO. He had gathered enough information, both before and during the meeting, to enable him to trust the plant manager. But, most importantly, he knew about the advantages of consensus-building skills and processes. Circles were new to him, yet he saw the potential for the circle process to foster a consensus within the plant on many issues.

Everyone in the plant has the same name on their cheque. We all need to keep the company healthy. Working out our differences in ways that build better relationships is best for everyone.⁶

⁵ Ibid #4.

⁶ Regional union representative, comments at meeting, 1997.

He agreed to talk with the plant union leaders. If they wanted to go forward, he would leave it up to them about when another meeting might be held. He believed the union would go forward, but it must be their decision. He left me with this advice:

Don't talk about conflict. Find some other word, cuz down here what we call a conflict occurs out behind the bar on a Saturday night. I don't know of any conflicts at Alliance like that. I don't believe you want to teach people how to handle themselves behind the tavern.⁷

I am confident about the peacemaking potential of the circle, but have yet to see it work in the middle of a drunken brawl.

A month later, I returned to Okmulgee with Mark for a series of meetings. We met with all three groups at the plant — first with the union leaders, then with the supervisors (who exist within the plant as neither part of the management nor union), and then with the managers. The supervisors were particularly gratified to be consulted and included. The union pressed us on many fronts. The questions were good, challenging:

You guys are from Canada — from the Yukon. You've been a judge, and you're part of an Indian people. So, this is Oklahoma. We don't see a lot of snow here. What are you doing here, again? Tell me again.⁸

After all, I thought, what the hell were we doing here? We were a long way from home. The meeting ended with an agreement to talk again — and with a mixture of interest, skepticism and hope.

I'd like to believe what you say could happen, but the managers and supervisors will never go for it.⁹

⁷ Ibid #6.

⁸ Union member, 1997.

⁹ Union representative, 1997.

We faced similar demanding questions at each meeting with the other groups throughout the day. All groups had a mixed reaction — part interest, part curiosity and, a large part, skepticism. What each group shared, for different reasons, was the strong belief that the other groups would never agree, never support the concept — although each group said they would support the initiative. All groups were amazed the others said yes — “They’ve agreed? You must be kidding. That is amazing!”

By the next day, all three groups had selected representatives to the steering committee. The steering committee would meet in a circle. Driving to the plant that morning, I had asked Mark if a prayer would be appropriate. I knew better than to ask — I knew he would say, “I don’t know. What do you think?” Mark always listens first. He hears others out, to understand their concerns before contributing his views. Mark is a teacher. He is, on many levels, my teacher.

I expressed my concern that a prayer at this stage may be too much of a new experience for them. Yet, I acknowledged if we didn’t open with a prayer, we had no other way of distinguishing the steering committee as a community, and of emphasizing that this is not just another committee meeting. We had to make the point that it was a circle in which all the community would share responsibility for finding a new road for a common journey. I asked Mark what he wanted to do. Mark wasn’t finished listening. He said, “I agree with all you say, but what do you want to do?”

I wanted this to be his decision, so I tried again by saying I wanted to leave it up to his instincts. “It will take some time for people to settle down before the meeting starts. You will know when you’re in the meeting what to do. I’ll follow whatever you do. If we don’t start with a prayer, we can begin with an explanation of the feather and pass the feather for introductions around the circle. So, I’ll follow your lead. You listen to your heart.”

When everyone was seated in a circle (and a little nervous about doing so), Mark asked permission to start the meeting with a prayer:

I'd like to do it because it makes me feel comfortable, but I don't want to do it if it makes anybody here uncomfortable. It is a prayer I say to ask for help from all of our ancestors, all of our creators, to guide us in a good way to work together. You don't have to participate. It is okay to stand outside the circle for the prayer. I respect people who need to do that.¹⁰

A few questions were asked. A long silence followed. Everyone stayed in the circle. Mark stood to pray:

If you wish to stand outside the circle, please do. Those who wish to join in the prayer, please stand and hold hands. Holding hands is a way of making us a circle, of making us a community. Thank you.

I pray to all of our ancestors, may they be with us today — we pray for all the four-leggeds, the winged ones, the finned ones, to all the plants, to all of the things we share this earth with, I pray with respect to all of us here. I ask us to find in our hearts the good way to see others, to know the power of forgiveness, the power of respect. Whatever difficulties we face today, may we find our way through them together, may we learn in a good way from each other.

I ask the spirits of all of our ancestors to come into this room and give us their wisdom. May we find the road to peace for ourselves, for our children, for our families, for all the people in our lives and for others. I ask this in the name of the great spirits and for all of us. Gunelchîsh. Thank you.¹¹

Mark's prayer was the right beginning. The prayer, holding hands and the use of the feather combined to make people feel this was quite a different meeting.

After the prayer and the introduction of the guidelines, the first round of the feather began. The feather stilled strong voices and opened spaces for those who rarely speak.

¹⁰ Mark Wedge, 1997.

¹¹ Ibid, #10.

I'm amazed how quickly we all moved out of our roles as managers, supervisors, union leaders. We were sharing as people — not as someone with a job, but as people with a shared journey.¹²

I didn't say much when the feather first came by, but I was so moved by others, I felt ashamed I didn't give as much to the circle, so I was real anxious to get the feather. I felt a need to share — I really did. Now, that's not something I do in this plant — no. I keep me out of the plant. But I wanted to be in this circle. I wanted to share in this new journey as others had.¹³

At the end of the day, a rough plan for next steps was in place. The steering committee selected co-chairs, representing the union, management and supervisors. The steering committee was given the task to decide where and when the first three-day training session would be held and who would attend.

We had come a long way that day. The success of the day belonged to everyone. Each person had expressed their fears, hopes and some unleashed anger that had been brewing for years. The circle held. No one left. We had reached a consensus about next steps.

A month later, Mark and I arrived to start the first training session. The site, a conference centre at a resort hotel located in a state park, was ideally suited for a three-day retreat. Among the 20 people attending, all three groups were represented. Most of the senior union representatives and senior managers were selected. The first group comprised almost all steering committee members.

We began and kept the course in a circle. Participants introduced themselves, expressed what they hoped to gain from the course, and contributed suggestions for guidelines governing individual and group conduct. During the opening round of the circle, Fraser Wilson, one of the two key senior managers running the company, thanked everyone for their courage in participating and began

¹² Fraser Wilson, CFO, Alliance, 1997.

¹³ Supervisor, Alliance, training session, 1997.

speaking about the importance of this training for the whole company. He then poured his heart into the circle. Out came his struggle to find his way as a team player. Out came how much his growing personal relationship with people in all parts of the plant meant to him. What started as a polished, intellectually engaging pep talk turned into a very emotional sharing of his personal journey from a solitary leader to someone seeking ways to share power, to empower everyone to shape not only the plant's future, but their own futures. Fraser spoke "from his heart":

I want everyone here to believe this is a place you want to be — and feel you are wanted. Help me make this a place that, when we get up in the morning, we can look forward to being here, to greeting friends, to working with friends. There is no need for any of us to see this place as just a job, as a place we feel necessary to park our soul and spirit outside the plant. I want to find a way that you all feel you can make a difference — not just in making the company more profitable . . . We need first to make a difference in how we feel about this place, about each other. If we do that first, the company will do alright. All of us get paid by the same company. I heard you say that, and that's true. But more important, we all work together, spend time together. How can we learn to make that time "good time", so when we walk back to our families, our communities, we carry good things back — we carry an ability to make a difference in our families and communities? . . . I don't want to be a part of a company that beats up the people who work there, so when they go home, they have little to give 'cuz we take it all. I want to be a part of a company that contributes to the people who work there, so they go home with something good to share . . . We've raised wages — now I want to raise spirits. Help me find a way. I hope in the next three days together we might find some of the ways we can make a difference.¹⁴

Fraser broke the feather guidelines of not speaking at length. But he honoured completely the guideline of speaking from the heart. His sharing was a pivotal moment. Others followed, speaking from their hearts. Those who had spoken before Fraser asked for the feather at the end of the round. They, too, wanted to dig deeper into their hearts than they had before Fraser spoke.

¹⁴ Ibid, #12.

Fraser's "heart speak" prompted brutal honesty around the circle. Deep fears and secret dreams came out. Most shared how they wanted to move past their skepticism, to believe in and make changes:

"Let me tell you straight. I hate coming to work. I come cuz I got to — I need the job. I'd like to come to work to a place that made me stronger, that I'd look forward to seeing friends. Now, I do come, but — you're right, Fraser — I leave my soul behind . . . I dream of working at a place that I can respect, that respects me. It would take some huge changes for that to happen here."¹⁵

There were voices of caution:

"This plant has a long history of broken promises. We always start something new — never follow up . . . So, I'm not getting my hopes up too high just yet."¹⁶

Others were still not sure about how it might all work:

"Look, there are three very distinct groups here. There's the managers, and us, with the supervisors in the middle. I'm not saying this works real well, but that's the way it's always been. We're polite to each other — well, most of us — sometimes, but we each do our thing. We don't share anything very much."¹⁷

The opening round of the feather took almost two hours. We took a break. Our plan for the course was now shot. It would be completely gone by the second day. I would grouse a little at the end of the day about not finishing our plan. Mark would assure me that we did just fine: "We finished what we needed to. We're right on time!" On the second day, a significant test of the circle proved the need for flexibility.

¹⁵ Union representative, Alliance, meeting, 1997.

¹⁶ Supervisor, Alliance, meeting, 1997.

¹⁷ Union representative, Alliance, meeting, 1997

On the morning of the second day, there were still pockets of doubt about the overall purpose of circle training. A union member sought to lead other union members out of the course. He respected the circle by first asking the keepers if the circle could be adjourned. The keepers, in turn, asked the circle if union members could leave the circle. A consensus emerged that a 15-minute break was appropriate. After 30 minutes, it was clear the union members were engaged in a vigorous debate about whether to continue. Old wounds, old and new suspicions were fueling the fire of distrust. The managers grew restless as the break extended past an hour. Their old wounds, new and old suspicions emerged to fuel their distrust. Two hours later, the circle began again with a round of the feather, allowing everyone to express what had happened, and what should happen next. The feather began with a union member and passed next to several union members sitting together. All union members stressed the importance of the union and the need for union solidarity. Some members feared the circle process would undermine their new grievance procedure. To many, the grievance procedure was the cornerstone of the union. Before the union came to the plant, grievances were “simply not something you did without really risking your job”.

Some union members admitted their suspicion regarding management's objectives in supporting the circle training. An underlying nervousness about “this management idea” was evident in the contributions of many:

Seems strange to me — that is, soon as we get a union, management is suddenly wanting us to be friendly-like. Is it cuz we got a union now you want to change, or is it cuz you want to get rid of the union? That ain't goin' to happen. The union is here to stay. So, don't waste your time doing this if you think for one moment you'll change our minds about the union.¹⁸

¹⁸ Union representative, Alliance, meeting, 1997.

When supervisors and managers held the feather, some were skeptical of the effect training and the circle might have on the company. They couldn't understand how:

people who work for bosses could get along with bosses. After all, bosses have all the power, all the responsibility, and must impose tough decisions that are not always popular.¹⁹

The feather worked its way around the circle. It came to a supervisor who had previously not spoken, except to introduce herself.

This is very scary for me. I hear pain here. I hear anger. I hear distrust — but I also hear hope. I didn't know what to expect, you know. I came very anxious because I know all of you, but I don't really know you. We work in the same place, but we don't work together. Seems like we just go about our business with no real contact at all, and sometimes I think people don't like one another, because in my life away from work, you don't talk to the people you don't like or who don't like you . . . So, the real reason this is scary is that we're talking, for the first time, about difficult things — like people who want to work things out. Like, it's scary because it gives me hope. I'm scared we might lose it, lose this chance . . . I really want this course to go on. I want to work in a place where people like each other. I never thought I'd say that — I'm asking us to try. Thank you.²⁰

The next contributors echoed her hopes. People began to speak again from their heart about their feelings as people, not just as workers or managers.

Assurances by managers that they did not intend to undermine the collective agreement helped. Clarifying the voluntary nature of circles and that decisions required consensus enabled some to see that grievance procedures and the circle were not incompatible. We spent time exploring how grievance procedures would be used. One union member introduced an idea of how circles could be used for grievances without undermining the formal grievance procedures.

Others built on this idea.

¹⁹ Manager, Alliance, 1997.

²⁰ Supervisor, Alliance, meeting, 1997.

The way I see it, circles will help all of us avoid problems that lead to grievances . . . It is prevention — also gives us a chance to get to the bottom of things, not just get a complaint settled. I think also the grievance [procedures] make the circles work. We all know what will happen if the circles fail — we'll be into a grievance. Circles give us a chance to talk and work things out. Grievances give us something to do when we can't work things out. I see advantages in having both.²¹

The course continued. The circle had provided a forum to openly explore mistrust and suspicion. Everyone spoke openly. Many spoke with passion. Emotions ran high at times. As the circle moved to a consensus around continuing the course, several people noted how this was the very first time a group of managers, supervisors and workers had been able to have a “difficult conversation” in a good way.

I've worked here for 11 years. This is the first time I've had a real conversation with people about real feelings without feeling angry or hurt. We trusted each other. We shared getting through all of this together. I'm proud of us. I'm proud of myself. I really have hope for the first time for all of us — for something good to come of this.²²

When the union members had left the circle that morning, some supervisors and managers believed that would end the course and the initiative. The circle held people together in a way that enabled them to talk, to find a consensus to move ahead despite many differences.

At the end of the third day, time was dedicated to a closing round of the circle, a prayer circle (everyone shares in adding something to the final prayer), and a group photograph. Everyone thanked everyone else for being “teachers”, “fellow travelers”, “courageous explorers”, “crazy enough to try”. The head of the union and senior manager stressed the importance of “everyone in the plant getting a chance to learn together as we did.”

²¹ Union member, Alliance, meeting, 1997.

²² Supervisor, Alliance, meeting, 1997.

I'm never happy with what we have achieved in giving a course. Mark always is. He's wiser — he knows "everything happens as it should". I'm always conscious of what we could have, should have done to make it better. I'm getting better, mostly because I'm walking my talk — sharing responsibility for what happens with all participants. Also, I'm relying more on the power of the circle. I've experienced, many times, its power to work through very difficult exchanges. I'm beginning to realize the need all people share to be heard, respected and feel safe enough to take personal risks. The rhythm of the circle induces people to feel safe and to respect its practices and the space it creates.

Over the next four months, three more courses were offered. Many people were interested in becoming trainers within the community of the plant. Several were quite keen to take up the offer of the company to work with them to introduce circle training into their local communities. The company, and many of the people working at the plant, wanted the company to become a more active participant in surrounding communities.

The final course was devoted to "training the trainers". We were not expecting many to show up for this course. The course was not on company time and was not held at a resort. It was held in the conference room of a local hotel on Saturday and Sunday. Many had expressed an interest, but felt they didn't have the skills to be a trainer. On the first day of this course, we had to make additional space — more than 20 arrived and stayed for the full course. They taught each other. Small groups were assigned specific subjects to teach. Everyone marvelled at and applauded the ingenuity, humour and skill demonstrated by each training group. I was not surprised. I had come to realize the amazing potential in so many people in the plant — potential that had never been tapped.

What was clear in the “company community” at Alliance, and is clear in every community that uses a circle, is the enormous potential within so many people that lies fallow, that is ignored, never called upon, and not given encouragement or opportunity to be utilized. The circle creates a space for many to realize their capacity for creative problem solving, and provides opportunities for constructing relationships that offer the respect people need to take the first of many steps towards developing their potential.

From the very first course, participants began using circles and peacemaking skills informally within the plant and in their families.

We had this problem and, like, before we were dealing with it by cussin' at each other when I said, “Let's do a circle.” Right then — six of us did a circle. That was it. We had her done in a good way. Boy, I'll tell ya', it works.”²³

I tried it out in my family. They were kind of nervous at first, but then the circle took over — made a big difference how we talked to each other.²⁴

Each class chose real problems to work through in their training. The eagerness to learn, the enthusiasm to share their experiences with co-workers, the desire to change the environment of the plant, filled each successive course. The Alliance people who assisted as trainers after the first course led the enthusiasm in each subsequent course.

By the third course, people believed in what the circle and peacemaking skills could do to change the community at Alliance. The enthusiasm was contagious. People were eager to take the next step, to formally begin changing the decision-making process and to learn how the circle could build teams within the plant. Then disaster struck. For several months, the work dedicated to training and introducing changes based on the circle had been hampered by the uncertainty

²³ Union representative, Alliance, meeting, 1997.

²⁴ Manager, Alliance, meeting, 1997.

surrounding the ownership of the company. The senior managers had been led to believe by the owners that they could purchase the company. The owners had a different version. The company was put on the market in a special offering to other venture capitalists that excluded the senior managers from the bidding. The senior managers, the owners explained, were a key asset of the company, and therefore were a valuable part of what was being sold. Inspired during the course to take responsibility for their fate, the participants in training gained the support of managers and employees from the entire plant to write to the owners. Their letter asked, "on behalf of all the people working at the plant, and all of their families", on behalf of the people who worked to enhance the value of the company, that the owners sell to the senior managers. These senior managers and the work force had learned to work together, to trust each other, and were engaged in "the most exciting changes ever at the plant".

In the past, owners came and left. Managers came and left. For most workers, the plant was just a job. Who owned the plant, or who managed the plant mattered very little. They saw little difference in a series of venture capitalist owners. They rarely, if ever, saw them. They could be any one of the strange folks in suits who walked through the plant at different times. Now, they cared. They cared because they had become empowered to believe they could make a difference — that they could create a working environment that belonged to everyone. They could build a community at the plant, wherein everyone would be respected and not be regarded as "just a worker", but engaged as an active, invaluable, trusted member of the plant community. Being empowered led to caring; caring led to getting involved in actively trying to determine their fate.

The owners changed their minds. Yes, they would sell to the managers. Announcing they would sell to the managers, the owners reinforced in many a belief in themselves, in their future.

I cannot put into words the changes that have happened in my life. I see the same changes in others . . . My prayers have been answered. You know, before this training started, I didn't even have enough belief to even pray about changes in this company. What was the use? Now, I pray, and my prayers are answered. I can't wait to see where we will go with this . . . I can see us training not just our own people, but people in other plants . . . My husband can't believe the changes. One day, we may even — as Fraser suggested — not just be workers here, not just go on to be a part of deciding what happens, but one day be a part owner, even if it's just a small part. That will be special.²⁵

The union invited the owners to join them at the annual company picnic to celebrate the decision to sell to the senior managers. The owners didn't attend. They changed their minds again. Money spoke. One venture capitalist sold to another.

Some say it was inevitable. Some say that's what business is all about. It need not be so. Business could be more successful on many levels, if a greater emphasis was accorded to people, to what they can do if respected, if given opportunities to share responsibility, to assume leadership. The owners not only missed an opportunity to show respect to the workers who made the company a success, but they missed an opportunity to do what they promised, "to get it right for once". Behind the excuses for not selling to the managers was the usual owner's ignorance that flows from exercising power without knowing the people who "work for them". They sold a plant without realizing they sold out dreams, perhaps even without appreciating they broke promises in a way that broke spirits. When owners disregard their larger responsibilities to employees, to communities, we all suffer.

Broken dreams, a loss of faith or hope among those in the work community turns the workforce into compliant soldiers doing what they do "cause it's a job". They go home dispirited, feeling disrespected, feeling like a cog in a wheel. Families and communities pick up the pieces of broken spirits. We all suffer because of

²⁵ Union member, Alliance, meeting, 1997.

the arrogance and ignorance of those who exercise power for short-sighted financial gains. They could do so much more — make their necessary profits without destroying the potential of so many people to contribute, to be committed to others, to their work community, to bloom into their full potential.

There are so many owners, like those at Alliance, who treat people like properties in a Monopoly game — an attitude that breeds disrespect, that ultimately generates destructive tensions. The sale to another venture capitalist was about money, but it also should have been about people. The tragedy is that a more informed owner would realize these are not conflicting choices. There were other options that could have enhanced results in both human and financial terms. Decisions that discount the voices and values of others are made at tremendous, although often not immediately recognizable costs to families and communities. The negative energies of insensitive decisions do not just dissipate — this negative energy destructively permeates other spaces, other lives.

I had nowhere to go with my disappointment, nor did the people at Alliance. They went back to work. I went back to the Yukon. What will happen next? The senior managers who took the risk are gone. Our part in training was done. The next phase of the training was to be led by the people at the plant with back-up support from Mark. This training has been postponed. I want to believe the 60 people through the first set of courses will train others — regardless of who owns or manages the plant. I want to believe the new managers will see the benefits of a committed community of people over a plant full of obedient workers. I want to believe this because:

It was amazing. People just blossomed like flowers. What I saw in them changed as they contributed in the circle . . . As much as anything else, I came away from the training with a different view of what people in this plant could do, of who the people were — made me even more committed to creating opportunities to realize their potential.²⁶

²⁶ Fraser Wilson, CFO, Alliance, private communication, 1997.

The talent, the wisdom, the courage of so many at Alliance was a blessing, an inspiration to experience. My prayer is that they will not lose heart, will not lose their dream, and that the new managers, new owners will appreciate this is not just another plant. This is a potentially powerful community. The final dealings over the sale of Alliance deepened my resolve to prove that business need not be — should not be — just about money.

The owners were never a part of the community at the plant. They didn't know the people at Alliance, they didn't see their potential. What they *heard could only* be understood within their context as absentee owners. Their actions might have been much different, had they been included and also had the chance to see the flowers bloom at Alliance.

CHAPTER THREE

GUIDING PRINCIPLES: AN OVERVIEW

“Not possible to solve a problem with the same consciousness that created it.”

- Albert Einstein

The story of Carcross and Alliance is not over. Circle keepers from Carcross travel throughout Yukon, the rest of Canada, the United States and South Africa sharing their experiences and training others in the use of circles. More talks, better talks are now going on about community justice in Carcross between the community and justice agencies. Managers and employees at Alliance sustain their belief in the circle and draw on the values and practices inherent to the circle, despite a lack of support from new owners. In Rose's community, circles have started again.¹

This chapter draws on the experiences of Carcross and Alliance and experiences in many places with circles and other consensus-based initiatives in setting out guidelines for designing and introducing circles.

GUIDING PRINCIPLES: PARTICIPANTS

1. Based on Values

- Changes in how communities deal with conflict must begin by changing how each person deals with conflict.
- Circles must be grounded in personal values to engage people to deal in a "good way" with difficult issues.

¹ Kwanlin Dun, where Rose helped start the use of peacemaking circles, is now doing circles again. Many new people are involved. Everyone who was instrumental in establishing the circle process at Kwanlin Dun continues to be involved in using and promoting the circle in many different ways. Rose, no longer with Kwanlin Dun, teaches a university course on restorative justice each summer in Virginia with Howard Zehr, author of *Changing Laws*, a profoundly seminal work on restorative justice.

- Time must be continually devoted to identifying, understanding and developing shared values that are built from personal values.

2. Respect

- Respect enhances our ability to see, hear and value others.
- All stages in the design and implementation of a circle process must encourage and demonstrate respect for participants and for the circle.
- Respect for others does not require adopting their values or perspectives, it does require understanding and respecting their values and perspectives.
- Respect for oneself, for others and for the circle reinforces all other principles and flows from all other principles.

3. Inclusivity

- Everyone affected by a decision has a moral right and responsibility to participate in designing the process that makes these decisions.
- The greater the degree of participation, the greater the potential to create innovative, community-appropriate, and enduring processes.
- Every effort should be made to encourage involvement and provide readily accessible information to foster informed decisions about involvement.

4. Equal Opportunity

- Involvement may vary according to interest and need, but should never vary according to ability or means.
- Promoting equal opportunity for anyone interested to participate enhances:
 - a) commitment to design and implement the circle process
 - b) capacity for creative problem-solving
 - c) sensitivity of the design to all community interests
 - d) overall fairness of process

- People are more likely to believe the process will be fair, if given an opportunity to participate in designing the process. Sometimes, it is enough to know the opportunity to participate in the design was available to engender a common belief that the process is fair.

5. Voluntary

- Voluntary participation is the hallmark of a circle process.
- Much of the power of the circle process flows from its voluntary nature. Giving choices is giving power.
- All forms of participation in a circle process must respect civil liberties and human rights.
- Preparing spaces and means for voluntary participation must be constantly vigilant to ensure freedom from dominating and inappropriate pressures.

6. Direct Participation

- Direct participation is the most effective means of voluntary participation. Speaking through others often detracts from the vitality and sensitivity of being voluntarily and fully engaged.
- The capacity to take responsibility for past and future conduct depends on the capacity to participate directly in decisions about past and future conduct.
- Direct participation generates new connections to others and to shared visions, and fosters the skills to participate effectively.
- Ownership of, and commitment to agreements is a function of directly participating in designing the process and in shaping the outcome of the process.
- A stumbling, inarticulate, personal attempt to reach out secures a deeper, stronger connection to others than an eloquent representation made on someone else's behalf. Personal stories can be very powerful in shaping personal and public decisions and in building relationships. These stories are the primary currency of trading information, ideas and feelings within circles.

7. Shared Vision

- Within any community, steps to change how conflicts are addressed must be shaped and driven by a genuinely shared vision.
- A genuinely shared vision is built by and belongs to everyone, and strengthens both commitment and connection.
- Shared visions must be woven from the common threads of personal visions and values.
- A shared vision is a living vision that constantly evolves through the experiences of the community.
- Shared visions facilitate sharing power by giving direction and coherence to collective decisions and actions.

GUIDING PRINCIPLES: PROCESS

1. Local Design

- Each circle process must be home grown, must fit the particular needs of the community. The perseverance to make circles work emanates from the pride of ownership, of building it locally.
- Those who use the circle should design the circle.
- The capacity of the circle to engage participants in a dialogue depends on the extent that the values, needs, visions and circumstances of the community are incorporated into the design and use of the circle process.

2. Accessibility

- Simplicity is crucial. Complex processes hinder accessibility. The circle process must be easy to access and easy for everyone to be meaningfully involved.
- Access to designing and using the circle from all sectors of the community is crucial to community acceptance.
- Participation in designing and implementing circles must not depend upon skills or resources beyond the reach of participants.

3. Flexibility

- Hard rules deny the viability of circles. Guidelines, not hard rules, must govern each phase of development.
- As each conflict is different, so must each circle be different. Each circle must be shaped to fit the needs of all participants. Consequently, the unfolding of each circle must be sufficiently malleable to accommodate the specific needs of participants and affected communities.
- Flexibility engenders trust that the process can accommodate everyone's needs and interests.

4. Holistic

- Designing and introducing a circle, as much as the circle itself, must:
 - i. Allow all relevant issues to be addressed in reaching a consensus.
 - ii. Honour the connection and interdependence of all things.
 - iii. Create a process that enables participants to recognize their responsibility for what has happened and what can happen.

5. Spiritual

- Introducing and designing circles involves sharing the pain and joy of working together, of sharing responsibility for collective well-being. This experience can generate a deep, often subtle, spiritual sharing among participants.
- Time and spaces for spirituality to emerge and be shared must be built into designing and introducing circles, as it is in the circle.

6. Consensus

- A consensus approach flows from and reinforces all other practices and principles of circles. Consensus is crucial in designing and introducing circles.

- Consensus does not mean unanimity. If the process earnestly strives to embrace all interests and fails, those who disagree with the direction of the circle are usually willing to "live with the outcome". It is the full opportunity to speak, to be heard with respect, and earnest efforts by others to attend to interests of those outside the consensus that engenders an ability to accept the decision of a circle, despite disagreeing with it.

7. Accountability

- For participants in the design phase to act in accord with the underlying principles of the circle, the circle must be used in working through all challenges in designing a circle process.
- Participants must be accountable to each other, and to the agreements reached on design.
- There must be a means to follow up commitments and to monitor expectations in realizing the overall objectives in designing and introducing a circle. Nothing helps more to build confidence in and connection to the process than follow-up on commitments. Nothing hurts more than failing to follow up on commitments.
- The credibility of a circle process significantly depends on follow-up to make adjustments and celebrate successes. Follow-up reinforces and gives reality to shared responsibility.

These principles must always be used *as guides, not rules* — must be respected, but not mindlessly applied. Respect for these principles includes questioning how best to employ them in each situation. While innovative adaptation is fervently encouraged, minimizing any principle is fervently discouraged. They stand as a whole. Ignoring one undermines all principles. Practices which respect any one principle reinforce all others. The relative importance of each principle depends upon the immediate circumstances, but in no circumstances can any be ignored without imperilling the overall objective of designing and introducing a circle

process.² Different circumstances may draw more heavily on some principles but, in all circumstances, each principle is essential. Accordingly, the following different circumstances, I suggest, affect only how the principles apply, not if all principles apply.

What is “Community”? - The “community” might be located in a small rural setting or in the centre of a large urban area. It might be a community of nations or a community of local agricultural producers. It might be in a plant, or among business partners, or within a private or public institution. The experience of Alliance underlines the importance of not restricting the definition of a community to a geographic place, but to regard any group of people who share common issues, experiences, patterns of interactions and objectives as a community.³

Another form of community can be created by a conflict. If the process such as a circle, brings those affected by the conflict into a dialogue that addresses causes and solutions in a manner that shares responsibility for outcomes, a community of common interest evolves. In a sense, the circle process creates a temporary community within a larger community. The experience of empowerment, of connectedness, and of working together gained from this 'temporary community' can profoundly impact larger, more permanent communities. For instance, in a sentencing circle, people are gathered together from the personal communities of the victim, offender and others engaged due to personal interests or professional

² This discussion of guiding principles primarily targets the design and introduction of circles. These principles can be readily adapted for designing and introducing most consensus based processes. The principles of a circle process differ from other consensus processes in their emphasis on healing, improving relationships, community connections, holistic solutions and emphasis on respect for differences. While many peacemaking circle principles are common to all cultures, only aboriginal cultures have preserved the principles and practices of peacemaking circles as a primary part of their culture. We all owe an enormous debt to aboriginal cultures for many things. The ancient spaces of peacemaking circles are but one of the many gifts and lessons they offer.

³ Leading CEOs regard their corporation as a community - "It will be a recognition, at long last, that organizations are communities of individuals, not arrays of human resources." Handy, Charles (1996), *The New Language of Organizing and Its Implication for Leaders in The Leaders of the Future*, Hesselbein, F., Goldsmith, M. and R. Beckhard (Eds.), Jossey-Bass, New York, p.4.

responsibilities. If the circle is successful, a community of common interests evolves to pursue common objectives developed by the circle. The learning experience of the circle can be carried by the participants into their respective communities and induce new skills and new patterns of interaction.

A dependence upon experts, an absence of widespread active involvement in dealing with large and small problems, a growing isolation and lack of independence within most towns and cities severely undermines a sense of a significant connection within most communities.⁴ In several respects, a sense of connectedness to a community may be stronger within the *micro-communities* that are galvanized into existence by a conflict and formed into a sense of community through a process that shares responsibility for the conflict and for solutions.⁵

All communities are obviously very different. Differences between the circumstances of a community within an organization, as opposed to a geographic community, are particularly striking. The rigid power structures, particular organizing purpose and nature of control over individuals arising from employment contracts might suggest in companies or bureaucracies that all principles do not apply. They do. These principles are not just derived from, nor useful only for neighbourhood empowerment. They are relevant to any form of community seeking to incorporate a circle process to spread responsibility and leadership throughout that community, and to pursue a common vision or set of objectives.

⁴ Pranis, Kay (1996). *Communities and Justice System: Turning the Relationship Upside Down*, unpublished address, Restorative Justice Conference, Albany, New York, June 1997.

⁵ McCord, Paul and Wachtel, B. (1997). *Community is not a Place*, unpublished address, International Conference on Juvenile Justice, June 5, Albany, New York.

Purpose of the Circle Process - Designing a “one-shot” process to deal with a specific dispute encounters a markedly different set of challenges than designing a permanent process for dealing with many different conflicts within a community. Introducing a one-shot circle process may call for an emphasis on some factors and practices, but the importance of all principles does not change.

Existing Adversarial Processes for Conflict Management - The effectiveness of existing adversarial processes, the degree of dissatisfaction with these processes, and the comparative resources of opposing or supporting forces for change will vary and affect strategies for introducing a circle, but will not affect the relevance of all principles.

Reliance upon a Circle Process - Introducing a circle to completely replace existing systems for resolving conflicts provokes significantly different challenges than introducing a circle to supplement existing systems. Completely replacing existing processes is not simply about changing the places disputes go for resolution, but profoundly changes the prevailing values and culture of that community. Changes of this magnitude take much more time to achieve and call upon a vigorous application of all principles. The challenges are different, but the principles are not.

Despite all these differences, which may call upon different practices or measures to engage each principle, or may require different levels of commitment to change, ***the design and implementation of a circle is best served by adhering to all principles.***

SOME CAVEATS!

These Principles Are More Than Just Prudent Tactics – The ensuing discussion may induce the sense that these principles are analogous to

engineering principles which must be precisely followed to build durable structures. Certainly, they embrace construction techniques in the very basic sense of "how to build it"... but they are much more. Collectively, the principles call for a particular manner and quality of conduct in relating to others that is defined by the underlying values inherent to each principle. The need to respect and act on these values, more than anything else, distinguishes circles from all other processes, and especially from adversarial processes.

It is not that other processes are not value-based, or do not share some similar values. However, a circle process is more dependent on a profound adherence by all participants to act in accordance with their values and the values defining a circle process. For instance, in court, respect for opposing counsel or the judge reflects good manners and professional courtesy. The respect required to be demonstrated in court need not be genuine or profoundly felt. It helps the process run "smoothly", lends a "professional civility" to handling volatile differences. In a circle, respect for others cannot be superficial. It must be genuine and emerge from an understanding of the different values, perspectives and experiences of others. In court, respect for others and the process assists in reaching decisions by avoiding the expression of strong emotions. In circles, respect for others enables parties to work with and through strong emotions in reaching a better understanding of each other *en route* to reaching solutions. Respect in court assists the process; in the circle, it is an essential part of the process.

Respect in the circle is heartfelt — a deep respect. In court, respect seems to be a mind thing — not very genuine, not deep at all.⁶

The underlying values inherent to each principle must not be sacrificed in developing effective tactics to design and introduce circles. For example, inclusivity calls for including as many people as possible in designing a

⁶ Kay Pranis, Minnesota Director of Restorative Justice, comment in a training session, Minneapolis, 1998

peacemaking circle. The inherent value that underlies this principle is based on the moral right of anyone affected by a decision to be included in making the decision. This value is tested when a key player in the community is opposed to the use of a circle. Does the principle of inclusivity apply to her? It must, even if strategic assessments suggest excluding known opponents of circles. All principles are more than a set of "good strategies" for introducing circles.

Respecting Victims of Change – Circles, in changing how power is shared and exercised, change how people interact and how they exercise power. Ultimately, these changes can affect the allocation of resources. I had not appreciated how much people would, through fear of these changes, oppose circles. While these changes are never as destructive of personal or institutional interests as many fear, the changes can affect the working world of several people. Those whose jobs are affected, who are victims of the introduction of circles, must be respected.

The values inherent to the principle of inclusivity call upon the process of designing and introducing circles to take extra efforts in attending to the interests of these "victims" of change. How a circle is introduced has everything to do with how it will be used, how it will be respected. It is impossible to build something on one set of values and expect it to run on a different set of values. Ignoring the victims of change violates many of the underlying values of a circle process.

In Vermont, the introduction of community panels changed the work of many probation officers. Reassigning, retraining, or offering early retirement packages were necessary steps to respond to those adversely affected by change.⁷ Taking special care to explore how the concerns and interests of those adversely

⁷ Gorceyk, John, Vermont Commissioner of Corrections and Probation, Community Justice Conference, National Justice Institute, Washington, D.C. 1998, Dennis Mahoney, Director of Community Corrections, State of Washington, private communications, 1998.

affected may be included or addressed, strengthens the circle process — and creates the possibility of gaining their participation. If included and respected, many potential “victims” of the transition are avoided — some adjust and become ardently engaged in supporting changes.

At first, this was very threatening to me. I'd been a probation officer for many years, and it seems I was now being cast aside. The community didn't seem to want me and didn't see anything of value I could add to the circle. Now, I see, and so do they, I believe — see what I can add.⁸

The values inherent to each principle must not be lost in developing strategies to implement a circle. It cannot be underlined enough — ***the process of designing and introducing circles must respect the values inherent to each principle.*** Ultimately, a circle process is best served by avoiding strategic opportunities that sacrifice the underlying values of any guiding principle.

Circles are not just about Reaching a Consensus — Reaching consensus is an important part of a circle. But circles are much more than just another technique to forge a consensus. A consensus can be realized without changing the differences in attitudes and perceptions that gave rise to the initial conflict. A consensus can be reached without participants changing their respect for, or practices, in dealing with others. Consequently, a consensus can be achieved without very much changing.

A circle aspires to probe and change the underlying conditions that gave rise to a conflict and to improve the relationships among people affected by conflict. For example, a sentencing circle aspires not simply to produce a sentence everyone can support, but to challenge the underlying assumptions that people have about the offender, about the role of community, about the needs of victims, about the prudence of relying on punishment to modify behaviour, and about many other

⁸ Yukon justice official, private communication, 1995.

matters concerning the crime and the community. Equally important, the circle can alter how people think about each other, how they work with and relate to each other. A circle endeavours to challenge patterns of assigning responsibility for preventing and processing crime. The citizen's view that crime falls exclusively within the reach of professionals, and the justice agencies' view that they alone are competent to deal with crime, especially serious crime, are both challenged and changed in a circle.

The specific sentence in any case is less important than how each circle builds capacity within individuals, families and generally within the community, to assume responsibility and become self-reliant. Achieving a "fair" sentence that works in one case is important, but it will not significantly contribute to preventing other crimes, unless it also changes the underlying conditions in the community and forges new, cooperative working relationships. It is in these changes that important and lasting differences will be achieved to reduce crime and increase the well-being of communities. The same notion applies to institutions. Settling differences within institutions is important, but not as important to the well-being of the institution as promoting conditions that create cooperative working relationships.⁹ Accordingly, when differences are confronted in designing and introducing a circle process, time must be taken to address these differences in a circle. In doing so, the differences provide an opportunity to build respect, understanding and enhance the effective working relationship among all participants.

Circles create conditions for dialogues that afford participants an opportunity to test and explore their assumptions and the assumptions of others. Within these dialogues, the basis for fundamental changes are found. These dialogues work

⁹ See Senge, P. (1990), *The Fifth Discipline*. (New York: Currency Doubleday) at p. 40; Constantine, D. and C. Marchant (1994). *Designing Dispute Resolution Systems*. (San Francisco: Jossey-Bass) and Tjosuold, Dean (1991), *The Conflict Positive Organization*, Addison Wesley, New York.

on more than generating a consensus. They address and change the underlying conditions that produce conflict. Circles offer an opportunity to see the world in a much different way. Circle dialogues often cause participants to recognize that they cannot resolve the larger, complex problems surrounding any conflict with the same perceptions and decision-making systems that produced the conflict. In promoting new ways to see the world, and in developing new relationships, a circle promotes new power relationships by spreading the responsibility for making decisions. Circle dialogues generate a new collective intelligence to see old conflicts in a fundamentally different light.

Unless we find ways of transforming the ground out of which all of our thinking and acting emerges, we are likely to repeat the kinds of entrained errors and produce the unintended effects we now witness. By providing a setting in which these subtle and tacit influences on our thinking can be altered, dialogue holds the potential for allowing entirely new kinds of collective intelligence to appear.¹⁰

Most dispute processes fail to fully engage the potential in working through conflict to change perceptions, to build better relationships, to redistribute power, to share responsibility, and to reveal and advance mutual interests. Circles accord primary attention to all of these factors and are designed to seize the potential in working through conflict to improve the well-being of all participants and of the larger community.

Circles Change Relationships — The failures in the justice system in all parts of Canada, throughout all regions of the United States, in England, Australia, New Zealand, and Papua New Guinea, are remarkably similar. Jails are full of people who are poor, have dropped out of school, suffer from substance abuse, are mentally or emotionally challenged, and are from socially and economically handicapped minorities.

¹⁰ Isaacs, W (1995)., *Dialogue, the Power of Collective Thinking*, Vol. 33, *Organizational Dynamics* @ p.23.

Most are estranged from their families and communities. In all jurisdictions, the courts often do more to exacerbate personal and social tensions than to reduce them and do more to break down than to build up relationships of support. Within public and private organizations around the world that rely upon similar adversarial processes to redress conflicts, one could find the same unsatisfactory results. The process used to resolve conflict profoundly affects relationships and behaviour.¹¹ The relationship between First Nation chiefs and government ministers vividly illustrates how process influences relationships. In the Yukon, First Nation chiefs, with their land claim treaty in place, recognized the importance of good relationships between First Nation governments and the territorial government. They perceived that past relationships with other governments were counterproductive, characterized by chronic "show downs", misunderstandings and divisive exchanges. To remedy these dysfunctional relationships, several chiefs ran for public office, believing:

To bring our governments closer together, we need to become a part of the public process and not just believe, because of self-government, we no longer had any responsibility for larger Yukon issues.¹²

Several chiefs were elected. Two years later, one chief, who was elected and appointed a Cabinet Minister, was very troubled and stated:

The chiefs who supported me now have difficulty with me. I haven't changed. I came here to build better relationships. Now it seems they think I'm on the other side, so to speak. Why is it we can't get beyond being on one side or the other?¹³

¹¹ See Burton, J (1993) Conflict Resolution as a Political Philosophy in *Conflict Resolution Theory and Practice*, Sandule, D. and H. Van der Merve (Eds.), Manchester, Manchester University Press, p.55. See also Burton, J. and Dukes, F. (1990), *Conflict: Resolution and Practice*, St. Martin's Press, New York.

¹² Yukon First Nation chief, private conversation, 1995.

¹³ Ibid #12, 1998.

In Yukon, as in many other places, when people “cross over to the other side” in an adversarial process, the outcomes seldom change. Why? People, however different, when engaged in an encompassing, powerful process are influenced by that process — and readily fall into the same behaviour patterns. More often than not, different people when placed in the same systemic structures produce qualitatively similar results.¹⁴ Despite specific intentions to relate differently, they are often induced by the same processes and structures to respect the same destructive, personal relationships as their predecessors. To generate different relationships, different outcomes, the process must change. The circle is about changing processes. It is about enabling people, like the Yukon First Nations chiefs, to become involved and to make a difference in how opposing interests interact.

However, the behaviour of individuals and institutions will not be fundamentally changed by merely changing systems for resolving disputes unless these systems are built upon personal and shared values. Changes in how people see themselves, see others and relate to others can begin in the dialogues circles generate about shared values. If we don't create opportunities for these dialogues within society, we will fail to change how we relate to each other and to the issues confronting, challenging all of our communities.

Respecting Different Approaches to Conflict

Don't get me wrong — just because I think this justice system don't work, don't mean it can't work. Look, I mean no disrespect to you. I understand what you do, why you do it. I'd just like you to understand a little about what I do — and why I do it.¹⁵

This volunteer's comment reflects the feelings of many community volunteers striving to develop a partnership with justice professionals to introduce and operate circle sentencing. They don't believe justice professionals respect (or

¹⁴ Senge, Peter (1991). Transforming the Practice of Management, paper delivered at Systems Thinking in Action conference, Nov. 14, 1991, Massachusetts Institute of Technology, p. 14.

¹⁵ Ron Ermoff, Kwanlin Dun volunteer, private conversation, 1995.

understand) their way of "doing business". Most community volunteers bring to the partnership either natural or acquired skills in peacemaking. Their approach to conflict incorporates mediation, conciliation and facilitation practices.

Conversely, the approach of justice professionals to conflict is primarily learned from the power plays of a professional life within hierarchical and adversarial systems. These differences in how conflict is addressed often cause very divisive tensions in forging and sustaining the partnership necessary to design and operate sentencing circles.

The differences in attitude about, and approaches to conflict are not unique to developing partnerships for sentencing circles. Similar differences exist in institutional communities. Peacemaking circles used for problem-solving or conflict resolution in institutions, such as Alliance, engage people with significantly different attitudes about, and approaches to conflict. In all communities, in forging the partnerships necessary to design and introduce peacemaking circles, respect and understanding of the different approaches to, and cultures surrounding conflict is crucial.

Mutual respect for different approaches to conflict within a partnership begins by appreciating what each approach can contribute. For instance, the importance this paper places upon circles should not suggest that traditional methods of conflict resolution are not valued. I recognize the crucial contributions of the court to a healthy democracy. I also recognize how other problem-solving approaches contribute to resolving personal, business and institutional disputes. However, I believe that the processes commonly used to address complex social issues are too focused on power and too focused on quick solutions. To effectively resolve current social issues, we must probe much deeper below the surface of our conflicts. The dispute resolution processes currently used spend too much time attending to symptoms and not enough time attending to underlying causes.

Most processes rely far too much upon those with power to impose solutions. Rarely do these processes genuinely or comprehensively involve those affected by the outcomes, and rarely do they change underlying attitudes. We need to do much more, and we can.

Given the nature of global and institutional problems, thinking alone, at whatever level of leadership, is no longer adequate. The problems are too complex, the interdependencies too intricate, and the consequences of isolation and fragmentation too devastating. Human beings everywhere are being forced to develop their capacity to think together — to develop collaborative thought and coordinated action.¹⁶

Simply stated, the most important work we face lies in developing new ways for much more meaningful conversations in all parts of our society. We must learn how to have difficult conversations that do not undermine, but rather promote a shared understanding and improve relationships. For many conflicts, for many societal purposes, we need to retain (reform a little) existing adversarial processes. These processes are ideally suited for many conflicts, especially those conflicts the communities recognize they cannot or do not wish to handle. Some conflicts need only a legal answer. What is needed is not the replacement of one dominant process by another, but a spectrum of options that provide essential choices in resolving conflicts. A broad spectrum of options enables each community to match the dynamics of a conflict to a process that offers the best means of gaining the enormous benefits to all participants that can be derived from constructively resolving conflict.

Evolution of the Structure and Practices of Organizations

Peter Drucker believes there have been three major evolutions in the structure and practices of organizations. The first evolution occurred at the turn of the 19th century and was marked by the distinction between managing and owning a business. The second evolution came in the 1920s with the widespread use of

¹⁶ Ibid #7 @ p. 24

command and control structures. Drucker asserts the third evolution, currently taking place, is marked by a shift from command and control to an information based organization.¹⁷ Senge refers to this as a knowledge based organization or a learning organization wherein all members of the organization are continually involved in learning, sharing information and working collaboratively in constantly changing environments.¹⁸ This third evolution will depend upon significant changes in the values, attitudes and practices within organizations. All members of the community must be respected for their contribution, and spaces created for their voice to be heard. It will not be enough to empower all members of the community. The change must reach beyond reallocating power to a genuine sharing of responsibility for the fate of the community. Only through dialogues, the kind of dialogues circles generate, can the dramatic changes in values, attitudes and practices needed to fully usher in the third evolution take place.

I accept that the changes to organizations that Drucker, Senge and others describe are beginning. However, I don't believe these changes will be sustained unless there is a tremendous investment in developing methods of creating dialogues that engage all members of the community. Without new processes for dialogues wherein spaces are created to hear and respect all voices in a community, attempts to empower will not shift "real responsibility", and conflicts will remain occasions for greater division and not become opportunities for constructive change. There will be no new enduring and penetrating sense of connectedness, only a sense of temporarily reorganizing the deck chairs on the *Titanic*.

It is a dangerous third evolution since it is so full of hope. As pessimistic and cynical attitudes about leaders and authority mount, in a world that faces more seemingly unresolvable global problems, there is a desperate appetite for change — for new processes that will generate innovative solutions. If nothing

¹⁷ Drucker, Peter (1988). The Coming of the New Organization, *Harvard Business Review*, p.45

¹⁸ Ibid # 9

evolves from so much hope surrounding this third evolution, many communities will be driven to the despair and violence that grows from severe disappointment and an absence of hope.

In searching for new processes that can generate dialogues, I believe we have much to learn from the old methods of dialogues aboriginal people have preserved. Long ago, even before Drucker's second evolution to command and control, we lost the art, skills and practices of dialogue. We all need to learn the art of dialogue, of exchanges that are not competitive, but probe for deeper meaning about what we think and feel about ourselves and about others. Dialogues that can change not just the thinking of others, but change our own thinking. The guiding principles for designing and introducing peacemaking circles can generate the conditions for these dialogues to occur.

Summary

In the following chapters, I have sought to explore the good, bad and ugly in the experiences surrounding the design and introduction of peacemaking circles. In extracting the guiding principles, I have tried to draw upon many different experiences, from as many different environments as possible. I have tried not to minimize or disrespect differences to fit a coherent, general conclusion or theory. All of the experiences studied are new and rapidly changing. The rich variety of experiences in most communities precludes a comprehensive, coordinated set of conclusions. In many parts of this analysis, I have left some observations without a coherent connection to others. In time, someone will see the larger picture — a larger, coherent picture that has escaped me.

All of us, whether engaged in restorative or formal justice initiatives, must learn to see our different experiences, different perceptions as the inspiration for dialogue, not as the basis for attacking or defending different theories. It is in this spirit that I offer my observations of peacemaking circles. No magical process

exists that is capable of engaging all participants, in all circumstances, to resolve their conflicts in a manner that produces universally acceptable solutions. The search for a magical process generates greater clarity, improves immensely what we do know and gives us hope that what we find will be useful to others in pioneering better ways to address our differences.

An apology before beginning to probe each principle in greater depth. I want to apologize to those who seek an objective analysis. I tried — but failed. The voices of many who have struggled to introduce circles into their communities permeate my analysis. This became a more personal account than I had anticipated. The voices of others, their feelings, and my feelings tumbled out, often overwhelming my intention to be objective, analytical and impartial. At first, I rejected these intrusions. Ultimately, I submitted. I can only faintly claim this report to be objective. I have subdued the extremities of my emotional experiences. I have restrained my anger at the indifference, hypocrisy, and thinly disguised manipulation of many who have stood in the way of communities struggling to regain responsibility for their affairs. With less success, I have tried to contain my elation emanating from the courage of persistent individuals within communities and within professional agencies, within unions and within the ranks of managers in learning how to respect and share power with others.

CHAPTER FOUR

PRINCIPLE ONE: PROCESS BUILT ON PERSONAL VALUES

I came to work on this . . . [circles] to change my community — as a community journey. Began to realize that it is me I'm working on, me I'm changing, and that I need to do that before I can work on the community — before I can really be a part of the community journey.¹

Circles evolve from personal values. If circles are to change communities, change the way communities deal with conflict, the circle process must begin by developing the ability of individuals to identify, act on, and share their values.

To reap the full potential of designing and introducing a circle process, we must begin by bringing the personal values of all participants into the open. These are the values that must be drawn upon in guiding the work that introduces a circle process. If the circle is not grounded in personal values, it will be just another technique for addressing conflicts and will not transform the existing culture surrounding how we deal with conflict in our institutions and communities.

For many, identifying and then acting on personal values entails radical changes in many aspects of their personal and working lives. Changing how people see their work and how they feel about themselves is often referred to as the "soft stuff" in contrast to the "hard stuff" of change that is taken up with revamping structures, procedures, priorities and responsibilities. Most organizations are more comfortable with the hard stuff, the technical, financial and administrative work in effecting change. The human side of change — changes to attitudes, perceptions, feelings and values — are given short shrift, often regarded as unimportant or too "touchy feely", too personal, to take seriously. But it is the very

¹ Community volunteer, private communication, Greenfield, Mass., 1997

personal matters, personal values and feelings that must be taken seriously if substantial changes are to be introduced. Richard Leider, a nationally recognized leader in the U.S. career development field, after two decades of working on organizational change, is convinced that:

All change is self-change. You cannot get the result you need today without getting into that "soft stuff".²

Change must begin within each person. Beginning with, and constantly returning to personal values in the design and introduction of circles takes much more time, and much more effort. Engaging personal values creates the changes in most people that enables them to participate in a very different way, and to produce very different outcomes.

Circles used in the various planning stages to introduce a circle process into a community can generate riveting dialogues about values, sometimes during, sometimes immediately after a circle. A dialogue during a circle at Alliance reveals the importance of grounding the introduction and design of a circle in values — personal and group values.³

Mark Wedge and I had met separately with each group within the plant. We knew within each group that there were mixed feelings and many deeply rooted suspicions about what impact circles could have on their job. The union was particularly worried that the circles were a management initiative designed to undermine their new union. Some managers, adjusting to the intrusion of a union into their working world, were concerned about how this "circle stuff" might further

² Leider, R. (1996). "The Ultimate Leadership Task" in: *The Leader of the Future*, Hesselbien, F. et al (eds.), Jossey-Bass, San Francisco, p. 90.

³ This circle took place during the early planning stages for determining if further training would take place.

erode their authority. Some supervisors wondered, if the circle brought the workers and managers together, "What then, would be the need for us?"

The first circle brought together representatives from all groups. The circle had been going for almost two hours when Mark held the feather and said:

We've had three rounds of the feather. Many good things have come out, many good questions. As a keeper — if everyone's okay with this — I'll hold the feather and open the circle for everyone to participate as they feel a need to do so. The guidelines of the circle still apply. We need to continue speaking from the heart and to speak with respect. It's okay to be angry. Just be angry if you need to — with respect. It seems to me, like the story I shared, we all need to reach behind the dam and find out what's stored behind the dam. So, the circle is now open to anyone to speak.

No one spoke. Each had quickly adapted to speaking with the feather. Fraser, a senior manager, broke the silence.

I hear the suspicions. I understand that. This is not about power, not about money. It's about respect. It's about our values. We're a company. Companies need to make money to survive. That isn't going to change. But I think we can make money as a company without dealing with each other as if we were all parts of a machine . . . I want all of us to come to this place without having to leave what we really believe in at home. I don't think making money requires we forget who we are, what we believe in. In fact, you know, I believe we could do much better here, if we were able to work through the daily difficulties in a way that didn't divide us, didn't show disrespect to each other and beyond that, allowed us to believe working together was a good experience for everyone.

Worker (interrupts): I just want to say one thing ... Sorry — are you finished?

Fraser: I guess I am.

Worker: Okay, look, this is a job — nothing more. When I leave here, I'm happy to leave here, and I don't like to think about having to come here the next day, but I need to. I need the money. I keep to my business, do what I need to, to get through the day. When I leave, I begin to open up to my family, to my friends. If I didn't need the

money, that's the day you wouldn't see me here ... Win the lottery, find a pot of gold — I'm gone.

Fraser: Okay, but that's what we need to change.

Worker: If you can't change that for us on the plant floor, working in over 100° F...it ain't ever going to be a place you really want to be.

Rudy (a Union Vice-President): He's right. Never mind about values, about respect. You want us happier, then come good on your promise about doing something about the damn heat.

Larry (Union President): Now we're talking about respect. Respect is looking after the people on that assembly line. We've had lots of people sick from the heat. Where is the respect when we work in the heat? You work in air conditioned offices.

The circle concentrated on the "heat" problem for a long time. The managers proposed a working committee to address this issue. The union had not realized Fraser had already pursued several consultants to see if something could be done. The delay in addressing the intolerable heat situation wasn't just about cost. It was about how to do it, as the assembly line could not be subject to drafts or changes in temperature. When the circle dialogue revealed genuine, shared concern about the heat issue, a different attitude began to emerge. Larry's interjection took the discussion beyond how to fix the heating problem to talking about underlying personal values:

you see, if we can believe you respect us and our needs, we can begin to believe things could change.

"I understand that," said Fraser, who was still searching for a way to demonstrate his genuine commitment — not just to the plant, but to the people.

We've been working really hard to make this place financially secure. We're well down the road towards achieving that, thanks to all of you here and many others. But what I like most about this place is the people I've met, and it's past time we invested in people, in each other. I want us to value each other as people, as fellow workers.

A Supervisor: How are you going to do that?

Fraser: I don't know, but I think we can find a way through these discussions — sorry, okay, new thinking — through these dialogues, to come up with a way that doesn't require [a worker] to park his values, his life in his truck in the parking lot before coming in to the plant. I don't want to build up a place that makes money but, in doing so, harms people. Workplaces need not drain us dry as people . . . If this is a bad place to be, and you spend five days a week at a bad place, it has to influence how you relate to your family and others in the community. This doesn't do any of us any good. I'm trying to find a way the plant sends all of us out into our families and communities to be a positive influence on those we love and live with. I don't know how, but I think it starts — with a better understanding of our values — of each other.

A Worker: Look, I value money — my pay check.

Fraser was being pushed and he began to push back.

Can you see there ever being more to value than a pay check in this place — in these people, in your fellow workers?

No one answered his challenge. The circle was silent. A supervisor who had not said very much throughout the circle broke the silence.

I've learned more about the people in this circle in the last two hours than in the seven years I've worked here. You know, I'm sitting here, saying to myself, "This is good. This is really good to see you all as people, you know — not just as someone with a job to do. So, let's put out, as suggested, what our values are. Let's just see what we share.

The supervisor started:

I'll go first. I'll put forward caring. I believe in caring for others. I do that in my family, in my church, and in my community. I'd like to do that here, too.

As people contributed, Mark and I scribbled on flip charts the "values" that poured into the circle:

“Respect — we need to respect each other.”

“That would be a good thing, but if you want respect, you got to listen to others — really hear them.”

“If we don’t have real honesty around here, we won’t have anything worthwhile.”

“I don’t get respect. I just get shit on from both sides [union and managers], so I’d like to add in ‘understanding’ — you know, trying to understand what each of us has got to do here and not look to blaming one person for things they can’t change.”

“Humour — if we can’t laugh at our situation, can’t laugh together, we’re in trouble.”

“We’re all carrying grudges from one thing or another. We need to learn to forgive. If we can’t do that, the tension builds up to the point of exploding.”

In no time, the flip charts were filled. We paused and asked if anyone disagreed with any of the values. No one did. A few more were added and during the next few meetings, even more were added. At the end of the meeting, a supervisor said:

Did you ever think we all have so many values in common — that we all believe in much the same fundamental things? You know, Fraser, when we all got going on putting up our values, we weren’t supervisors, managers, union leaders, anymore. We were as you hoped we would be — a group of people working together in a respectful way. I didn’t come into this circle with much hope, but when I see how we all share much the same values, I’m leaving this circle full of hope. So, me too, I’d like to thank everyone here in this circle for sharing, for giving me hope.

By focusing on personal values the dialogue in this circle instilled hope, and generated enough trust to take the first tentative step towards introducing circles. The people in the circle agreed to constitute the steering committee and all later decided to take the first training. It was not the promise of a new technique. It was recognizing what values they shared and that the circle process could be built upon personal values that secured an early interest and commitment to work together.

I'm excited about the idea. I have no idea how it can work, because we're all so different. But I get the message — if we can't find a way to include our values in how we work through our differences, then it's nothing but a power struggle. And what we win in power struggles today, we might lose in another power struggle tomorrow. We lose understanding each other, lose connecting to each other, we lose respect for anything but how much power they got or we've got ...

You know, my wife pointed out to me that I had agreed with all the values Fraser and the managers put up — scary, eh? I didn't see that at the time, but I didn't see them as managers — just as people with much the same values as anyone else. Now, that's very scary ...⁴

Change Begins Within

In introducing and using peacemaking circles, we must first know what we value. This is not an easy task. Most personal values are buried under the values we have assimilated from our working environment. These "convenient", or "survival", values are necessary in order to "get along" and succeed. Personal values are often repressed or hidden, especially when they conflict with predominant institutional values. Our working lives aggressively place so many demands upon us, force us to make so many compromises to the "system", to the "institution", that we often operate outside our personal values or park them "outside the plant".

I leave me at home when I come to work. It's better that way — then all they get is my time. They don't get what I value about me, and then I'm not giving up on what I believe. I just park what I believe outside the plant. I leave them in my truck.⁵

I've done that — became lost in the energy, in the demands of what I'm doing. I left the ground of my personal values to keep pace with the work or issues confronting me. I've accepted the "rules of the game", often without being aware

⁴ Rudy, Union Vice-President, planning meeting, Alliance, 1997.

⁵ Woekwe, private communication, Alliance, 1997.

that I was sacrificing personal values to get "it done". Caught up in my work, I've acted in accord with the values inherent to the system or institution. But I was never as astute as the plant worker at Alliance to realize I had consciously "parked" what I really believed outside the plant.

When we fail to acquire the "personal mastery" to continually clarify what is important to us, we begin to act contrary to our values.⁶ We are rarely cognizant that our actions are inconsistent with our values. It's not easy work uncovering and sharing, and then actively using personal values, but it is essential work. Unless the design and introduction of a circle process begins with, and is based upon personal values, very little will change — relationships will remain the same, as will the underlying cause of differences. Most important, the personal commitment necessary to realize shared visions is difficult to sustain unless the commitment is grounded in personal values and there is, as in the dialogue at Alliance, an awareness that "Wow, we really do share many values. You'd never know that walking around this place."

Initially, identifying, probing and sharing personal values is not easy business. Few are comfortable with openly sharing deeply personal aspects of their life. But this usually subsides once they begin to realize what they have in common with others and experience the positive reinforcement that comes from others in the circle.

When the feather started around, I was very uncomfortable ... you know, I couldn't remember a time when I shared with my husband what my values were. You just sorta got on with life. It was assumed you knew the other's values. I thought this is too personal to share. I'm glad I wasn't first. By the time I got the feather, I was ready to share, but still nervous about it.⁷

⁶ Senge, Peter (1990). *The Fifth Discipline*, Currency Doubleday, New York @ p. 141.

⁷ Worker, Alliance, private communication, 1997.

We seldom are given either the time or opportunity to work through our uneasiness in sharing personal values. We are too busy, too embroiled in our work to connect to others at a level that allows personal values to be revealed and significantly shared. Circles can help with the initial difficult work of sharing personal values. In dialogues within circles, the ability of participants to be open, to suspend judgment, to hear others, to challenge their own assumptions, and to accept the visions of others significantly depends upon sharing personal values.

We don't speak to each other like that in court. You know, we don't speak to each other like that anywhere, except maybe in our homes and not too often there. It just came out of me, as it came out of others — what I really believe, what I hope it could be like, but never is. I didn't need to prove I was right in the circle. I wanted to learn to reveal my doubts. It was a place of sharing — and even discovering my values, as others shared theirs.⁸

When our actions are aligned with our values, we gain an inner peace in what we do and a profound desire to appreciate and respect others. When this occurs, our vision of what is important becomes a “calling, rather than a good idea”.⁹

Acting with Personal Values, Not Easy Work - But Essential and Rewarding

I once observed a community struggle with what to do with a man who returned to his community after serving a sentence for two sexual offences against children. Pressuring him to leave town was initially a popular solution. Then someone asked how “we would feel if another town pressured their child molester to move to our town”. Simple solutions became even less easy to pursue when another asked, “What would we feel about this person if we

⁸ Don Johnson, district attorney, Minneapolis, Minnesota, 1997.

⁹ Ibid # 6, p.142.

stopped calling him a child molester and started calling him Fred — started getting to know his personal story?” The more a few people pushed the group to personal values, the more get-rid-of-him solutions were harder to support. The initial get-the-justice-people-to-send-him-elsewhere solution called upon others to do the hard work of doing “what is right”. When we let others make the tough decisions, we evade our responsibilities and ignore personal values. This diminishes us by not fully engaging in the hard “moral” work in our lives.¹⁰

We must do things, not just to make it better, but because it is the right thing to do. Determining what is the “right thing to do” is rarely easy. Acting in accord with personal values provides the best chance of feeling our way to the right thing to do. What is right is usually consistent with our values. Sometimes, actions guided by personal values will not make it better. Keeping the sexual offender in the community did not make the situation better, as it posed a risk to local children. Most recognized it was the right thing to do. Having shared their personal values, they faced the difficult challenge of acting in accord with their values. The easy solution, “Get the demon out of our town”, would violate their personal values.

Funny thing, I went wanting him out of town . . . still fear for my kids' safety, so I'm not happy about where we are with this [working on a plan to keep him (the offender) in town, but know it is right — just not easy for me to accept. Not sure what will happen now. Difficult to do . . . even though it is what I know is right, eh!¹¹

In communities and institutions, acting in accord with personal values is often demanding, risky work. Taking the easy way out, by going along with others, is tempting, but severely diminishes our integrity as well as the integrity of our

¹⁰ Hans Mohr, private communication, 1997.

¹¹ Participant in local meeting, private communication, Yukon, 1988.

institutions and communities. Communities or institutions that do not provide the capacity for personal values to flourish will not flourish. Communities and organizations can only grow and change as individuals grow and change. It is not enough to change structures or processes. Changes must begin within the people who give life and meaning to communities. Circles create space for people to define and share personal values. It is in this step — uncovering personal values and engaging personal values in our actions — that changes how individuals interact in their communities, and ultimately generates fundamental changes in the life and character of their communities.

Personal Values — An Experiment

We often engage in conflicts without first stepping aside from the fray to clarify our personal values and to ensure our actions are consistent with these values. This is why I believe that, for many, the exhilaration of “winning” in an adversarial process pales quickly.¹² They realize in winning, they sacrificed important personal values were sacrificed to win.¹³ Victory has a bitter taste.

Yes, I was happy I won, but the cost of it all, not just in money and time, but the worry, the hostility that brewed around the court case was constantly upsetting. I feel a little dirty — sorta like to win I had to do things I would have rather not done. You know, we once had a really good relationship. That is toast now — gone forever. There must be another way.¹⁴

There is another way. The other way begins by ensuring that the process used to resolve differences engages and promotes reliance upon personal values.

¹² Litigant, Court case, private communication, 1992.

¹³ Ibid # 9

¹⁴ Ibid # 12

I have used a training exercise over many years, with many different groups, that highlights how personal values are often abandoned in resolving conflicts. This training exercise has revealed two amazing conclusions about personal values — one very exciting, one very sad. It is exciting to discover how people from very different cultures, from very different backgrounds share very similar values surrounding how they want to behave in resolving conflicts with others. It is sad how readily these values are cast aside, even in minor conflicts. In working through conflicts, many “park their values” outside the process and are ready to do almost “whatever it will take to win”.

The exercise begins by describing a conflict involving difficult personal issues, for example, the break-up of a longstanding partnership, a difficult confrontation with a neighbour, family member or colleague at work. Each person is assigned a role in the dispute. They are asked to prepare for negotiations the next day. They are then asked to write down *the feelings they wish to have when they drive home after the negotiations — not to consider whether they won or not, but to consider what they want to feel about themselves as a consequence of how they behaved in the negotiations.*

After each person has written down five major feelings, each is asked to write down *what they hope the other party might be feeling about them as the other party drives home from the negotiations.* The exercise does not specifically ask for personal values to be identified. Almost everyone writes down personal values. This exercise has been used with senior civil servants, professionals, corporate managers, and community members. The results vary very little. Every group primarily identifies the following “feelings”:

After Negotiations:

What I Want to Feel About Myself While Driving Home

What I Want the Other Parties to Feel About Me While Driving Home

Honesty - "I want to feel I have been honest." ➔

"That they have felt I've been honest."

Respect - "It is important for me to respect others, to respect their interests, their views." ➔

"That they respect and understood me."

Listen - "If I don't listen, I won't be showing respect, but I really want to be sure I listen to hear what they say." ➔

"That they feel I did listen, that I did hear them, and they know that."

Fair - "Whatever happens, fairness is important. I don't want to leave with something that is not fair for them or for me." ➔

"That they believe I tried to be, and was, fair."

Trust - "This may be hard, but I really want to leave feeling I trusted them — you know, really trusted them." ➔

"That they could trust me and believed that I didn't deceive them or didn't want to deceive them."

Practical - "What we do has to make sense, move us along. My input has to help move things along to a conclusion." ➔

"I want to be seen as working towards a result, being interested not just in winning, but interested in solving problems. I want them to think I'm realistic."

Forgiveness - "That I am able to forgive what has happened in the past — or at least be seen to be working towards forgiveness." ➔

"That they can find a way to forgive my past actions — or perhaps understand why I did it."

There are other values that emerge, but these seven always appear.

Forgiveness is often missing from the list they write down, but is earnestly asserted in subsequent discussions as a key component of how they want to

“feel” about their actions in a conflict. All of these personal values (feelings) are instrumental to the design of any consensus process, especially a circle. This part of the exercise ends with a discussion of the importance of these feelings. The discussion produces a widespread recognition that:

- to feel good about yourself after a conflict, one must act in accord with personal values
- in only extreme circumstances, such as the well-being of a loved one, would anyone deviate from these personal values in a conflict situation
- how we act in negotiations provides a measure of who we really are
- personal values are often in conflict with the values of the workplace

The next day, a different role play negotiation is assigned. Unlike the first negotiation scenario, this role play does not involve as personal or as complex circumstances. It is usually quite simple — the purchase of a truck or company. Each person is given a set of common facts and some confidential facts. The confidential facts include information that would severely reduce their bargaining strength if known by the other party. This negotiation role play is launched by asking each side to “see how well you can do”.

The majority of participants do not reveal any damaging confidential information, do not listen to rather obvious clues for innovative settlements, do not forgive past indiscretions and are dishonest when asked about specific matters. Most are not viewed by their “opponents” as respectful, fair, or willing to listen. Almost all fail to act in accord with their personal values during this simple negotiation exercise. Participants in these exercises had defined and shared their personal values a day or two before these negotiations. When the competitive negotiation exercise is played out first and is later followed by a discussion on personal values, the percentage of people who breach their values to “win as much as

they can" is consistently higher. The pressure of competition, the fear of not being seen as a "competent negotiator", or fear of being taken advantage of, as well as the desire to "outsmart" others, and many other pressures, all seem to combine to overwhelm personal values. Most participants in this role play negotiation left their personal values behind when they began negotiating. The desire to win, to aggressively play the adversarial game and, for some, the fear of being taken advantage of, or made to appear foolish, repressed personal values.

I know it wasn't right to hide the problems with the truck, but he was being so pushy and arrogant. Besides, I didn't believe him, so I thought, "The hell with him — me, too. I'll get the best deal I can."¹⁵

This experience illustrates how easily we can slip away from personal values in the heat of conflict when the process is not designed to encourage or reinforce conduct consistent with personal values. It is possible in a real life situation that some would be more apt to act in accord with their personal values. Conversely, one might argue, when real stakes are in issue, some might be even more inclined to stress tactics over values. Most negotiations begin without any discussion of personal values or of how the process might be shaped to reinforce personal values.¹⁶

I remember a friend, who even as a teenager was a physical giant. Off the football field, he was a "teddy bear". No one could provoke him to be violent. On the football field, he was described as "a mean machine" and "as bad as a junkyard dog". So he was. His personal values, of respect, gentleness and non-violence were left in the locker room. On the field, he was more than just aggressive — he was plain "nasty mean". While there may be other explanations

¹⁵ Participant in negotiating exercise, 1994.

¹⁶ When participants were asked to first discuss their values and to design guidelines for their negotiations based on their values, the results were much different.

for why this teddy bear turns into a junkyard dog to play in a game, the transition exemplifies for me how much the "game" induces us to adapt to the values of the game, of the process.

Research by Chris Argyris found fundamental, systemic mismatches between individuals espoused and in use values. Actions were often found to be totally inconsistent with espoused beliefs and practices.¹⁷ The differences were particularly salient when people confronted potentially embarrassing or threatening issues.¹⁸ Argyris found as I did that espoused values were the same despite differences in class, gender, culture, age. Based on his work, I have much more to explore. His work suggests to me that whatever the propensity might be of people to depart from their espoused values, there are greater pressures to do so when the processes used to resolve conflict create an adversarial environment that threatens to embarrass and harass.

"Going Along to Get Along"

Often, we are induced into breaching personal values when others are also seen to be breaching the same values. Prevailing values within institutions instruct us "to go along, to get along" — and as others do, so do we.

You soon figure out what will get you ahead. You do things that make it easy on you to go along, to get along with others and ultimately to gain what you need, just as everyone else does.¹⁹

In adapting to institutional values our personal values are often challenged. We may initially feel ill at ease, but we soon manage to "go along". When our

¹⁷ Argyris, Chris (1993). *Knowledge for Action*, Jossey-Bass Publishers, San Francisco.

¹⁸ Argyris, Chris (1995). Action Science and Organizational Learning, *Journal of Managerial Psychology*, Vol. 10, #6, p.20 @ p.21

¹⁹ Alliance supervisor, training session, 1997.

personal values are not clearly articulated, and especially when there is no forum, or opportunity to share, discuss and probe personal values, few act in accord with the values they claim govern their conduct and define their integrity. Their actions seem more readily shaped by the values of the environment they work in or by the game they play. Negotiating is a game — a real life game with real consequences and negotiating has its own set of values that draw people into playing to:

get what we can — and never show weakness. They'll take advantage of you every time. So, my operating values in my company ensure I survive and don't get walked over or passed by.²⁰

Many practices, pressures and processes within institutions make it clear what values are needed for success. People within an institution are pressured to shape their conduct in accord with how they believe their institution expects them to behave.²¹ Many do so without a conscious awareness that their personal values have been compromised. Their actions within an institutional setting may differ drastically from how their personal values shape their conduct in their home and community.

Some believe they "park" their personal values at the door of their workplace and function differently within conflicts at work and outside work. If people do have two sets of values, I doubt how readily two sets of values can be segregated into work and non-work activities. From the role play and other experiences with people in conflict, I believe workplace values eventually permeate and often effectively replace personal values.

²⁰ Participant in negotiating exercise, debriefing comment, Banff School of Advanced Business Management, 1989.

²¹ Argyris, Chris (1993). *Knowledge for Action: A Guide to Overcoming Barriers to Organizational Change* (San Francisco: Jossey-Bass Publishers).

Sometimes I lose it — you know, what happens at work becomes me. All these values we're talking about . . . I was thinking last night about it. I believe in them and said they guide me, but I can see in my life — like at home — more and more, the values I pick up at work walk home with me, right into the differences I have outside work.²²

We engage in conflict without pausing to carefully consider what values will govern our behaviour. Most of our time invested in preparing for conflict — if we prepare at all — is taken up with strategic and tactical assessments. The assumption we all make — that our personal values are so ingrained that they will direct our strategic considerations and dominate our conduct even in the midst of conflict — seems gravely wrong. Immersed in the heat of a conflict, our behaviour adjusts to the "game". I'm not suggesting people become "mean junkyard dogs", but that some conflict processes take us, often without our awareness, a long way from our personal values.

Circle dialogues call upon individuals to take stock, to articulate what values ought to determine their conduct. I've seen circle dialogues penetrate institutional values and promote a greater alignment between personal values and actions. Circle dialogues can generate the courage and awareness not to "go along" when doing so violates personal values.

Starting off on the Right "Values"

When groups gather to design a circle process for their community, they often hold meetings in the familiar mode of a head table of "leaders", with others sitting in rows of chairs. The agenda is full of substantive and administrative matters that someone, or a small group, has previously concluded must be addressed. At the end of the proposed agenda, the last item introduces some flexibility under the heading "other business".

²² Participant, circle training, Minnesota, 1997.

In beginning without sharing and identifying personal values, meetings turn to old habits. People with authority speak with authority. They dominate. Those without authority sometimes close down and some rebel against authority, perhaps out of an instinctive dislike for imposed authority. Those with only a little power lobby with others to gain more. With the clamor of people vying for "their way", the usual suggestions for an orderly meeting are made. Some adapted form of Robert's *Rules of Order* is engaged to resolve differences and "run the meeting". Discussions dissolve into debates. Goals are set, people are assigned tasks and the meeting "gets things done". Usually, these meetings change few attitudes or perceptions and often diminish the group's enthusiasm for change.

We weren't getting anywhere. People were dropping out — each night another debate, each night we were becoming less of a group of people committed to circles.²³

Circles used for organizing meetings begin to connect participants in a more effective way. But, unless time is taken out from the work of "getting things done" to share personal values, to weave these values into the fabric of the process used to design and introduce circles, circles will not become an integral part of transforming relationships and outcomes, unless they begin with and reinforce the use of personal values.

Changing from an adversarial process to a circle is not a change in just the way we travel through our differences. It is much more than a change in how we get to our destination. It is a change in the meaning and significance of the trip. The travelling becomes more important, or at least as important, as the destination. How conflict in designing and introducing a circle is resolved, shapes the ultimate use of a circle.

²³ Lucinda Brown, community justice coordinator, private communication, Greenfield, Mass., 1997.

The very process of sharing, defining personal values connects people not only to each other, but to a core set of values. This is the "right foot" for any group to start on a journey to design and introduce a circle process.

Power of Institutional Values

The nature, and the infrastructure supporting institutional values makes it very difficult to step back from these values to allow personal values to enter the playing field of conflict within most institutions (and communities). Creating space for personal values should begin by a realistic assessment of the magnitude of the work that must be undertaken to change from an adversarial, hierarchical process of resolving disputes to one centered around consensus and the peacemaking principles of a circle. All of us have been trained in, live and work in a world dominated by adversarial and hierarchical principles. Baldwin calls this world the "Second Culture".

Raised in Second Culture, we have been trained to believe in patriarchy-as-reality from the moment of birth. We inherit a culture that sees the world through the lens of domination and submission. In patriarchy, we have been taught to believe that some people are leaders and most people are followers; to believe that when someone assumes power and moves to the top of the heap, then the rest of us are knocked down a notch; to believe that overpowering is the only way to get our wants, desires and needs met; and to believe that *only* the weak, the losers, and the inept allow themselves to be pushed aside, to be marginalized at the rim of society.²⁴

There are few opportunities to engage personal values in dealing with conflict in the workplace or public sphere. Circles create these opportunities. But sitting in a circle does not, by itself, overcome the power of institutional values. We rarely appreciate the influence of institutional values on our lives, of how much we have

²⁴ Baldwin, Christine (1994). *Calling the Circle: the First and Future Culture*, Mill Spring, North Carolina, Swan River, p.31.

been absorbed into the hierarchical and adversarial values of Baldwin's "Second Culture". Nelson Mandela, in his charitable, yet astute insights into prison life, recognized the power of institutional values. While in prison, Mandela worked his way through many prison wardens. Over the three decades Nelson Mandela spent in prison, he became a student of the institutional dynamics of prisons and of the wardens that ran them. After a particularly difficult, insensitive and "by the book" warden had been transferred out, Mandela noted that most wardens are not innately brutish, but become so because the system rewards them for being so, and because many wardens allow institutional values to overwhelm their values. They suppress or ignore their values and align their behaviour with institutional goals.²⁵

To each of us, it may not be readily apparent how institutional values shape our values — and ultimately become our values. In the justice system, there is a common chorus, sung out mindlessly by many.

Do the crime, do the time — it's easy. That's the way it's done. That is what must happen in this case — in every case.²⁶

A few years later, this police officer spoke eloquently about the need for understanding, for clemency in dealing with, first his son and later, a close friend. We all do this — apply institutional values in dealing with strangers who move through our institutions, and only bring out personal values in dealing with people close to us. We are often oblivious to how we have allowed institutional values to overwhelm our values.

²⁵ Mandela, Nelson (1995). *Long Walk to Freedom*, p. 462.

²⁶ Police officer, private communication after court, Whitehorse, 1992. [Professionals in the justice system currently trot out this old refrain to mask their responsibility for the facile counterproductive responses of their agencies.]

Not all institutional values are wrong. What is wrong is ascribing to institutional values without constantly measuring those values against our values. In circles, this work must be an inherent part of designing and using the process. It is work that never ends. Circles constantly draw out personal and institutional values and address the conflicts between them. These conflicts cannot be passed over.

Those who introduce personal values into public discussions often feel uncomfortable or awkward in the ensuing discussions about personal values.

"At first, I felt silly. I wanted to express my feelings, but after I did, I felt uncomfortable — believed others were uncomfortable . . . until she [another participant] talked about her feelings, what she valued. Then it was really out, and others got involved in speaking from the heart, as well."²⁷

"It was bothering me. I just didn't get it. You know, it was not until the next day after the circle that I began to realize what it was . . . in the circle, I had acted like me, not like a probation officer. I had left my agency values behind. I worried for awhile about what I had said, had done. Then, when I worked it out, came to realize how much more important it was for me to be upfront with who I am, how I feel than hide behind the beliefs and values of my job. It stopped bothering me."²⁸

We have little encouragement, few skills and no processes readily available that encourage us to rely upon personal values in resolving workplace or public conflict. Conversely, institutional values are ingrained into the skills and processes used to resolve our public or workplace conflicts. Institutional values measure our successes and failures. When we succeed, we are applauded in the chapter and verse of institutional values, e.g. "he's a real company man", "she showed professional objectivity", "she provided what was needed — a strictly legal answer", "he was only doing his duty, like a good policeman should" or "she

²⁷ Participant, Alliance discussion in circle training, 1997.

²⁸ Probation officer, Private communication, Minnesota, 1997

acted unprofessionally by getting too involved” and “We’re not supposed to care — just make sure they don’t escape and stay out of trouble, eh.”

I’m not suggesting that institutional values should be discarded — rather, they should not be slavishly, unconsciously evoked to govern all our actions.

Integrating personal values into our actions, balancing and constantly assessing the relative importance of personal and institutional values is the difficult work circles impose upon us — difficult work that constantly must be done. If we allow the power of institutional values to overwhelm our values, we lose who we are — and our community loses the unique perspective we each bring to community problems. As difficult as it may be to conceive, there is much greater strength and many more innovative, enduring solutions that emerge from sharing personal values, from “speaking from the heart”, from acting on values, than can ever flow from a harmonious chorus of voices that sing only of institutional values.

Agreements shaped solely by institutional values are less likely to endure, more likely to leave underlying conflicts festering, and much less likely to advance collective best interests.

The Dangers of Institutional Values

A significant danger lurks around the introduction of peacemaking circles. If personal values are not deeply ingrained into the design and use of peacemaking circles, long standing pervasive institutional values may ultimately dominate.

These values will co-opt and divert the peacemaking circles to fit existing institutional systems. The introduction of circles, introduces new values. Unless these values become an integral part of the process, the alternatives circles offer will unlikely change very much. There has been a long history of changes to the justice system. Many of these changes evolved from a uniquely different set of

values than the set of values that run the justice process. The reforms that brought us the modern prison, diversion, probation, and community work sprung from different values and aspirations than those espoused by mainstream justice system values. In very short order all of these reforms were co-opted and driven by the values of the justice system. For any reform to survive, for peacemaking circles to survive, the values inherent to the reform must be secured as an integral part of the larger community set of values. Thus the introduction of circles is not just the introduction of a new technique, but is as well the introduction of new values. When circles are introduced into a community, the introduction process must begin to instill new values and where necessary transform or replace existing values that are incompatible to the values inherent to circles. For "unless underlying traditional assumptions and values are transformed to alternate assumptions and values, alternative processes will rarely end up as real alternatives".²⁹ In the final analysis, the alternative values are as important as the alternative design of any new process.³⁰

Power of Personal Values

"This is something I value. I know now, for the first time, what I value. And for me, this is empowering. I feel I can do it for the first time. I thank all of you here. I thank this circle for helping me come to this place in my life."³¹

"I've been looking for a place to land for a long time. Today, I landed. I know that my heart is so full, it is leaking through my eyes. I have found value in my own values — that these values are shared gives me strength, connects me in a way I've never felt connected."³²

²⁹ Zehr, Howard (1995). *Justice Paradigm Shift: Values and Visions in the Reform Process*, *Mediation Quarterly*, Vol 12, #3, p. 207.

³⁰ Harris, M.K. (1984). "Strategies, Values and the Emerging Generation of Alternative Incarceration", 1983-84 *New York University Review of Law and Social Change*, #7, p. 141.

³¹ Circle participant, St. Paul, Minnesota, 1996.

³² Circle participant, St. Paul, Minnesota, 1996.

These are voices of discovery — voices that announce the discovery of personal values, of shared personal values. For many, these discoveries came through a long, difficult struggle. Along the way, many readily available, enticingly offered, take-off-the-shelf belief systems were tried — and left behind.

I tried a few new religions, but I discovered I had not done enough work on me, on finding what I valued, before I had simply walked along with what others valued.³³

Once truly “landed”, after the hard work of discovering personal values, people feel empowered — able to change the world, able to challenge what previously seemed intractable reality. However, it is not just a change in beliefs that gives us confidence to change reality. To be enduringly powerful, our new beliefs must be grounded in personal values. Changing beliefs is not enough. Adopting another’s beliefs is not enough. We must first work through the arduous task of discovering underneath “Second Culture” and institutional values, our personal values.

Personal Values Essential to Spirituality

To be in balance in our personal or working lives, our spirit — our spirituality must be nurtured and actively engaged. Finding, acting on and developing the spiritual quality within each of us requires knowing and practicing our personal values. Consequently, in parking our personal values outside our workplace or excluding them from our conflicts with others we also shut down or severely limit spirituality.

Spirituality is regarded by many as something very private. It can be. But denying or limiting the existence or expression of spirituality denies balance, prevents the full expression of self, and contributes to undermining the overall spirituality of

³³ Circle participant, training course, Ottawa, 1998.

our immediate communities. It is not important to resolve differences in specific spiritual beliefs. It is important for to engage our spirituality, and for the community to create space for spirituality in dealing with conflicts.

In a circle, an elder who was an eminent scholar and devout Moslem, adamantly asserted his beliefs in a manner that challenged the spiritual beliefs of others. Tension and restlessness grew within the circle. After almost an hour of his lecture on Moslem beliefs one of the keepers tried to *respectfully intervene*. The intervention stopped the elder, but left him angry. Throughout the rest of the day, the elder did not participate. The next day, many were relieved he did not show up. Halfway into the morning, he appeared and sat in the circle. Late that morning, the feather reached him again. Tension in the circle rose dramatically. Everyone anticipated another confrontation. It didn't happen. The elder spoke quietly and apologized for his intrusion the day before. He explained he had not understood that the circle was a place of fellowship, a place where all beliefs were respected, a place of spirituality — "we may all have different beliefs, different gods, but most of all what we can share is the essence of our common spirituality." For me and many others, the elder had captured the universality of spirituality, an essence that surpasses theology and the many divisive thoughts that religious beliefs impose. It is this "essence of spirituality" that is important in circles, and in designing and introducing circles.

There is a growing acknowledgement of the central role spirituality plays in resolving conflict. In every circle that I felt was successful, spirituality permeated the circle. After these circles, several people expressed and shared their sense of a spiritual presence. In the workplace, the absence of spirituality often coincides with low morale and the repression of personal values. At Alliance, after participating in peacemaking circles during training, many remarked how the

spiritual nature of the circle gave them both a new perspective on others and on how to redress the low morale within the plant.

Two very experienced consultants, after working with 800 executives over 25 years, predicted that "successful corporate leaders of the 21st century will be spiritual leaders".³⁴ They concluded that "those who think spirituality has no place in business are selling themselves and those around them short".³⁵ The work of designing and introducing circles requires opportunities for the expression and sharing of individual and group spirituality.

I have spent considerable time in trying to understand how spirituality can emerge in organizations and especially in resolving conflicts.³⁶ The most important insights I have extracted from these experiences about what generates spiritual sharing and expression are:

i) **Ritual** — Practices that create a space and time for people to move from the hurly burly, from the distractions of their lives to a more contemplative, peaceful space are essential. Prayers, moments of silence, meditations, and different forms of an introductory round of the feather can provide a ceremony or ritual that help transform people from one space, from one mindset, from one emotional state to another — or at least prepares them to be open to change.

ii) **Time** — In meetings or in circles, getting to a spiritual place takes time. Opening rituals invite and sometimes actually get people to a spiritual place. However, for spirituality to emerge time must be invested in

³⁴ Henricks, G and K Ludeman (1997), *The Corporate Mystic*, Bantam Books, New York, p.xviii.

³⁵ Ibid #32

³⁶ see Stuart B (1999), *Dynamics of Peacemaking Circle Dialogues*, work in progress.

ceremony and ritual. Spirituality cannot be pushed into place. It takes time to emerge.

iii) **Respect** — The environment must ooze respect. People, regardless of their position, power or perspective must be respected. Allowing for an equal voice, honouring the presence of all their views produces the basis for them to be, and feel, respected.

iv) **Personal Values** — The circle must encourage and reward those who find the courage to express and act on personal values. The spirituality of individuals and communities cannot emerge in communities or in conflicts if personal values are not fully encouraged and engaged.

In building the foundation for people in peacemaking circles to experience the "common essence of spirituality", participation based on personal values is crucial. Like personal values, "spirituality cannot be something a person toys with, in a little compartment of their lives."³⁷ It has to be at the core. Personal values and spirituality must co-exist and cannot be something turned on and off to fit different situations. They must reside at the core of our being — in a way that affects every other part of our lives and the life of our community.

Summary

To a large extent, we fool ourselves. We believe our personal values are fully integrated into our daily life. To a large extent, they are not. We are often unaware of how readily we compromise or abandon our personal values. We are encouraged to do so by the institutions we work in and by the processes used to resolve conflict within institutions and within all aspects of our lives. It will not be

³⁷ Covey, Steven, speaking of the core importance of spirituality as quoted in *The Corporate Mystic*, Ibid # 34, p.9

easy work, but it is essential work to integrate personal values into all aspects of our public and private lives.

"We must be the change we wish to see in the world." (Mahatma Gandhi)

To end this discussion on personal values, I'd like to share the primary exchanges in a dialogue among a prosecutor and several community people involved in one of the early sentencing circles held in the Yukon. A prosecutor had been pressing to ensure the circle understood the importance of the *Criminal Code*. Holding up the *Code* in his hand, the prosecutor stated:

This *Code* is the same for all Canadians. It applies equally to all of us — no matter where we live, no matter what we do. And I'm here on behalf of the Canadian government to ensure it does apply equally. That's my job. In doing so, your community will be protected against crime.

The speech went on for some time. It was an impressive, but rather standard version of "equality before the law", with an abundant flavouring of "the justice system knows how to handle crime and protect communities".

The feather went around. People spoke of other things. The circle moved on to other subjects. No one responded to the prosecutor until the feather reached an elder.

Do you see the clothes I wear? They're similar to yours — not as new, but store bought. Do you hear the words I speak? Same language as you — just not so many big words. If you come outside with me, you'll see I also drive a car — just like you. Well, not quite just like you. Mine's an old truck with lots of history. If you follow me home, you'll see I live in a house just like yours, only a bit smaller and with a few more antlers in the back yard. If you drive with me to work tomorrow, you'll see I go to work in an office just like yours. Now, that's what I've done in my life to understand your values, to know and accept your world — this world you say that is all written up in that *Criminal Code*.

So, what have you done to understand my values, to know my world? Because, unless you've taken time to know what is important to me, to my community, I don't really see how you can look after us, protect us, and know what to do with the people we love when they get into trouble. You see, we really don't want you to do the same things to our people you might do to offenders in Toronto or any other place. We want to do what works here, to keep our families and community together. Keeping us together — that's what keeps us safe. That's what we value. We may not value much in that big book you were using — cause I'm sure we didn't write it up, eh!

As the feather continued, more people from the community spoke of what they valued in their community, about their personal values. No one spoke disrespectfully of the prosecutor or of what he valued. Everyone looked for ways:

we can work together. You know, learn that we all have pieces that may fit in together in a way that does allow us to work together. Some of the *Criminal Code* is okay, yet without our input, without our values, it won't work."

By the time the feather had returned to the prosecutor, he seemed to have learned an important lesson:

You're right. I have much to learn. Be patient with me, and let's see what we share. I hear many of you say the book, the *Criminal Code*, can be — some say must be — a part of the circle. Let's find out how our values can be worked on together. I want to try.

This prosecutor began working very closely with the community. Mutual respect was displayed and a better working relationship evolved. The happy ending didn't last long. The prosecutor was assigned to a different community, yet what started as a speech about "Canadian values" became a dialogue about respecting, understanding and sharing personal values. Once personal values were shared bridges began to be built across many gaps caused by differences in cultures, economic status, education and power.

The most significant challenge we face lies in how to move personal values into the public spaces where conflicts are addressed. There are no formulas, no easy answers for doing so. Each group must struggle to find a way to do so. It is in the struggle, in working together, that the respect and trust necessary to forge new partnerships will emerge.

Identifying and sharing personal values is not something done once — written down and used as a constant reference. Every circle requires work on personal values. Each new person into the process must be given an opportunity to hear and share personal values. Working on personal values must be deeply ingrained into all aspects of the process.

CHAPTER FIVE

PRINCIPLE TWO: RESPECT FOR OTHERS, FOR THE PROCESS

"Don't matter which one you pick, as long as respect is the main thing in how it works."

- Johnny Johns, 1987

During land claim negotiations over self-government powers, several experts were called upon to present different models of self-government structures to a large gathering of First Nation and government representatives. Each expert, comprehensively and with obvious enthusiasm, touted the advantages of the model they advocated. After the presentations, a lively debate ensued over the merits of each model. Participants were quite excited and very engaged in the process of choosing a new governing system. Beneath the vigorous debate were dire concerns. Everyone believed that choosing the right model would be crucial to successfully exercising self-governing powers. The debates were spirited, complex and travelled through many disciplines. Legal arguments and competing versions of history, politics, individual and group psychology permeated the discussion. Similarities to traditional aboriginal forms of governing were drawn. Voices calling for a government structure that could address current problems were constantly challenged by other voices calling for a return to traditional practices.

At the end of the second day, a group of elders listening to the discussions were asked which design they preferred. Advocates of the different designs were immediately attentive to the elders' needs. Did the elders have any questions? Was everything clear? Did they have the latest summary of their model? It may not have been intended to be a defining moment in deciding which model would be selected, but the importance of the elders' preference became obvious. This

could be the first and perhaps the most telling indication of which design might prevail. A recognition quickly swept through the meeting that the elders' decision could be definitive. This recognition led to several suggestions of how the elders might be helped in their decision. Did they want to be privately briefed? Did they need more time to consider the options?

No time needed," said Johnny Johns, an elder from Carcross. "We have talked about this together. We know what we want." Don't matter which one you pick, as long respect is the main thing in how it works. That's the thing — the only thing that is important. If respect doesn't run our government, it won't work.¹

When pressed, the elders would not say which design best captured "respect". They repeated several times, in several ways, the same theme:

Everything must be built around respect for people, for all people — children, parents and elders, too — even for other governments. You know, what we do must always be done with respect. Any model that does that will work just fine.²

The meeting ended when Johnny Johns said:

It is time to show respect for elders. We're tired of all this talking — and hungry. It is time to get some eating done.

Central Importance of Respect

Late that night, mulling over what the elders had said, I felt very foolish. I felt foolish because I had never fully appreciated the central role of respect. I, too, had been lured into the debate over law, politics, history and psychology in considering which self-government model would work best. Our discussions about self-government began without appreciating the importance of respect and were often characterized by disrespectful exchanges. We had all been asking

¹ Johnny Johns, Yukon elder, meeting, 1988.

² Elijah Smith, Yukon elder, meeting, 1987.

very different questions about self-government models. No one had asked which design best enabled respect to be realized in the day-to-day operations of self-government. The elders introduced the right preliminary questions: what fundamental principles must any self-government reflect? Respect in aboriginal culture is:

the primary value from which all others flowed because without respect, the balance between people, the land, plants, animals and spirits could not have been maintained.³

In most cultures, respect is “the most fundamental of moral principles”.⁴ The process of designing and introducing circles must constantly endeavour to create the necessary conditions for respect to govern all interactions. I am not referring to the kind of respect that constitutes civility, nor that flows from fear, nor that which is mindlessly afforded to position. The respect necessary among partners to design and introduce a peacemaking circle can only emerge through listening to, learning from and sharing with others who may have profoundly different experiences, outlooks, and who may carry deeply opposing beliefs. This form of respect touches fundamental values and transcends everything we do. The respect aboriginal people hold for nature, for the land and for all things best captures the quality and nature of respect needed to guide the design and introduction of a circle process.

For us, respect determines our lives. If we do not respect the water, land, plants and animals, we will die. When we take an animal for food, we must show it respect — show its spirit respect. If I don't respect the lake, it will take me — and my family. It is the same with people — you don't have respect, they won't have respect. Without that respect, we'll soon destroy each other — that's it. It's very simple — you lose respect, you lose everything. You show respect, well, then you've got the right start for doing things, for getting on in a good way in life.⁵

³ Monture-Angus, Patricia (1995). *Thunder in my Soul: A Mohawk Woman Speaks*. (Halifax: Fernwood Publishing) @ p. 132.

⁴ O'Toole, James (1995). *Leading Change: Overcoming the Ideology of Comfort and the Tyranny of Custom*, Jossey-Bass Inc., San Francisco, @ p. 11.

⁵ Ibid #1, private communication, 1984.

This quality of respect is not easy to attain and is rarely found in the beginning stages of designing a circle process. It takes time. Most important, it takes conscious effort. If the mechanics and strategies necessary in designing and introducing a circle process become the principal focus before efforts are made to build mutual respect, the process will not last, nor will it have the capacity to fundamentally change outcomes, relationships, or the way business is done.⁶

Taking Time to Gain Respect

Respect begins by recognizing differences, and by struggling to understand these differences with an open mind.

I always knew [a worker at Alliance] was an Indian, but he was my version of an Indian — you know, I figured I knew what Indians were like, so that was what he was like. I saw him in my way of seeing Indians. In the circle, I forgot for awhile that he was an Indian. I got to seeing him as just an individual. But the thing is, it made me try to understand more about what being an Indian was all about.⁷

This statement marked a start towards understanding a different cultural identity. Our interactions with others are significantly influenced by what we understand of the unique historical, social and cultural background of another.⁸ Without understanding these things, respect cannot be achieved.

Gaining respect requires moving beyond imposing one cultural context upon another, beyond self-referenced understanding of another. We need to see

⁶ Respect - genuine respect, has been and is increasingly recognized as an essential element in business. "That's how it all begins - with fundamental respect." Bob Galvin - speaking of his father the founder of Motorola, as quoted by Henricks G. and K. Lodeman in *The Corporate Mystic* (1997), Bantam Books, p. xix

⁷ Worker, Alliance, private communication, 1997.

⁸ Deutsch, Morton (1973). *The Resolution of Conflict: Constructive and Destructive Processes*, New Haven, Yale University Press, p. 354.

others within their unique culture, within their experiential context. This requires being fully open to challenge our assumptions and fully open to seeing something in a profoundly new way. Blinded by the urgency to produce a “product”, to deal with pressing issues, we give little more than lip service to building new understandings, and new respect for others on our way to “getting things done”.

You want to spend three days of this training with everyone in the plant — no, six days, right? — two separate courses before we get to design the new process. We need changes now. We don't have a lot of time. Besides, I'm not sure we're going to get that level of interest in spending that amount of time together from people here at the plant. How does this help to be getting things done here real soon?⁹

Truth is — it doesn't. If the objective requires getting things done immediately, the work needed to build the basis for respect is frequently ignored. Most often, the cost of ignoring this work in designing a circle process is a failed process or, perhaps worse, the circle becomes merely another technique for processing conflict; one that fails to change power relationships, perceptions, or the way people interact. Those who participate without gaining respect for either the process or others, may experience circles as the same old, bad wine in a new bottle.

So, what has changed? Nothing much really, as I see it. We're all doing the same thing, really — just in a different way. I can't really see myself why we should take so much time in a circle to get done what we could do in much less time in court. We still do the same work — do you see what I mean? Like, I don't mean to knock it, but an offender is still an offender to me.¹⁰

From the outset of activities to design and introduce circles, time for people to mix informally is essential. Dorothy Wabisca, a land claims negotiator for her

⁹ Manager, Alliance, private communication, 1997.

¹⁰ Police officer, Carcross, Yukon, 1996.

First Nation, was a genius at creating spaces around difficult conflicts for the parties to relax, laugh, and generally get to know each other as people. Dorothy took time to know people, to make them feel comfortable and assure them that their concerns, needs and values were important and respected. Dorothy exemplified how many aboriginal people around the land claims table could show respect for an individual while vehemently opposing their views. Building respect requires taking time to understand and develop a level of comfort with others.

Preliminary Steps in Building Respect

In designing and introducing circles, two primary measures assist in building respect. The first requires using the circle in all organizational meetings. The circle creates an open dialogue that goes a long way to changing attitudes and perceptions.

It was in that circle when I got, you know — really had to listen, cause I couldn't open my mouth, until the feather worked itself around to me. So, I found myself listening — now, that was a real education. But the thing was, you know, I was amazed at how that circle — just within two meetings — really changed my mind about several people in that circle.¹¹

Second, training on value-based approaches to conflict with others from the same community, at a retreat where all participants spend at least three days together, marks an important beginning to building respectful interactions. The training introduces the skills necessary for participating in the kind of dialogues that promote understanding and respect.

Best damn thing I ever did [attended three-day training]. You know, I wasn't going to come. "Shit," I thought, "What the hell?" Actually, it was my wife that got me to come. I really have, you know, really have

¹¹ Worker, Alliance, private communication, 1997.

a different understanding of others — of me, for that matter. I can say I respect them. I sure couldn't say that before.¹²

In these courses, there is almost always an initial impatience to “learn new skills”. I always struggle to overcome an overwhelming urge to start with a flurry, to do something solid, something that will demonstrate the skills they can learn.

Whoa — slow down. Before anyone can value the “training”, they need to begin to value themselves, each other, and to value the circle.¹³

All aboriginal trainers I have worked with, know better. They have repeatedly demonstrated the importance of taking time at the very beginning of training to create the conditions, the feelings that foster a sense of community within the circle, that generate a sense of shared ownership amongst everyone for creating a successful learning experience. For them, training is not just about learning new skills for a specific task, but rather about learning how to respect others and about finding within ourselves the capacity to see past our needs to recognize the needs of others. All of this takes time.

The Many Facets of Building Respect

Respect permeates all aspects of introducing and using a circle. Respect makes a profound contribution in the following ways to a successful circle.

Believing in Ourselves - Many come to the circle with little respect for who they are, for what they can contribute. Self-respect is crucial to being a constructive, effective partner in designing and introducing a circle process.

¹² Worker, Alliance, debriefing session, 1997.

¹³ Mark Wedge, Alliance, training session, 1997.

You must think well of yourself to change anything, especially to work with others in making substantial changes.¹⁴

Self-respect is the key step towards being able to constructively deal with differences. Thinking well of ourselves, believing in our capacity to make a difference, provides the balance and perseverance to move through conflict, through failures and setbacks in the design and introduction of circles.

Understanding and Appreciating Different Values - The forum for, and mode of interacting fundamentally influences how mutual respect begins and evolves. In adversarial forums, differences are emphasized. Many leave these forums surprised by how much animosity they feel, how much disrespect they hold for others. Conversely, forums that focus on values, that seek out common ground, that create opportunities for sharing and understanding surprise people by how much respect for, and from others they gain.

I'm not saying we're going to be the best of friends — but, yeah, that could be possible. But I am saying I don't feel the hostility I did before. I can see more of what they're goin' through. My hard feelings are not gone, but I'd say they're going. I have a better understanding and — you could say — I even respect what they did in there [the circle]. So, that's real new for me — to see how I might respect him, not just see him as a bad kid — you know, as a criminal. Well, he's not a kid anymore — you know, to see him other than just a criminal, I began doing this by seeing his family — and even him, eh. We all share many of the same values ... and we're all trying — that's the important thing.¹⁵

Using processes that reveal personal values is particularly important in fostering new perceptions and in building respect for others. Something quite surprising,

¹⁴ O'Toole, James (1995). *Leading Change: Overcoming the Ideology of comfort and the Tyranny of Custom*, Jossey-Bass Inc., San Francisco, @ p. 26.

¹⁵ Participant, member of victim's family, private communication, Carmacks, 1993.

yet very positive, seems to occur quite often in circles once participants appreciate what values, interests, hopes and fears they share. It seems once common ground, especially common ground around values, is established, participants feel much freer to be comfortably proud of their uniqueness. They gain confidence from acquiring respect for their values, to express their unique perspective in a way that is constructive and not provocative or challenging to others, in a way that turns differences into a significant asset within the problem solving environment of a circle. This asset is especially important in designing and introducing peacemaking circles.

Developing Effective Working Relationships - Almost every institution becomes embroiled in changing structures for decision-making before building better relationships. This is a common, costly mistake. The first order of business must be focused on building new relationships, on developing mutual respect among those who must join together and stay together as colleagues to design and introduce a circle. Education, status, influence, culture, gender — and many more differences that flow from institutional dynamics that empower some and disempower others — all these factors create barriers and induce us to regard others, to some degree, as adversaries. Respect goes a long way to changing these perceptions.

I shared, we all shared stuff in the circle. That floored me — changed me. I see people differently now. I see them as people. But, most of all, I have respect where before ... It is not that I disrespected them or anything — it's that I didn't respect them.¹⁶

It is respect that generates thinking of and treating others as colleagues. The conscious act of thinking of others as colleagues contributes toward interacting as colleagues. This may sound simple, but it can make a profound difference.¹⁷

¹⁶ Worker, Alliance, 1997.

¹⁷ Senge, Peter M. (1990). *The Fifth Discipline*, Currency Doubleday, New York @ p. 245.

In many circles, changes from thinking and treating others as adversaries to regarding them as colleagues is promoted through dialogues that reveal the person behind the position.

When you [a prosecutor] first came to our community, I watched you. You know what I saw? I saw a powerful person, very focused on what they wanted. I saw someone who came with their mind made up about us, about people in trouble with the law. I didn't like it. I saw you as someone we had to oppose or change. I was into opposing. I was one of those people who wanted you gone. But I tell you, I've changed. I've changed because you changed. Well, you haven't really changed, eh, but you do listen, you do try. I see that, so I try. I've come to know you as a person. That helped me come to respect you. I think you've come to respect us. I now feel we are working together. One day, we might say to you, as you say to the defense counsel, "Well, my friend here thinks ..." Only, when we say it, you know we'll really mean, "My friend, our friend."¹⁸

Understanding Constituencies – A police commandant responsible for a South African settlement area had previously relied on the full powers of his police force to secure his goals. Now, without any use or show of force — in fact, with very little formal police intervention, he learned how to realize police objectives. What had changed? He had grown to respect community leaders, to know their constituency, and to trust them to know when to call for the police to help.

Yes, there still is crime, but not so much. We have been able to work together, so we get a lot more done with a lot less police. For me, the difference is I know the community, I know what the community leaders have to do. It's both — yes, respecting them but, as important, respecting the community.¹⁹

In designing and introducing a circle process, respect and understanding for different constituencies is crucial. A police officer in South Africa knew the community and could accept the difficulties that new community leaders faced in building a community process. Respect for the constituency of other participants,

¹⁸ Haines Junction Justice Committee Member, meeting, 1995.

¹⁹ Police Commandant, Dorchester, private communication, South Africa, 1998.

for the demands each constituency place on its representatives, is essential in designing and introducing a circle process. In land claims, when agreements were reached at the table, governments were impatient with First Nations' drawn out ratification procedures. In failing to understand and respect the First Nation leaders' constituency and internal processes, governments exacerbated tensions and precipitated unnecessary conflicts.

In Whitehorse, at central justice agencies, a general disrespect and a widespread misunderstanding existed about what Carcross was doing with "this circle stuff". There was little patience for the lay people who were "getting in over their heads". Among the core group from the Carcross community, there was little patience for what the "professionals from Whitehorse" were doing.

They're always needin' to check it out. Check it out is all they do. Just once, it would be nice for them to come back to us with, "Yup, right on. Let's do it!"²⁰

There was also no patience for the hierarchy or the senior managers "in town".

This is our community. If they [the justice professionals working in the community] don't understand this community, how can we expect to work with them? Do we have to spend time with them and their bosses in town to get them to understand?²¹

They do — or, at least, they need to understand and respect the institutional constraints on justice professionals that affect the contributions can make to a community partnership. When line representatives return to their agencies, their enthusiasm for community empowerment confronts two assumptions that handicap justice agencies as partners in community justice; "No one else can do

²⁰ Harold Gatensby, Carcross, meeting, 1993.

²¹ Support worker, Carcross, meeting, 1993.

what we do" and "Lay people just don't understand the complexities". These assumptions defuse enthusiasm for change as extensive pressure is brought to bear from institutional policies on line officials to revert to longstanding policies. To combat these assumptions, communities must not only engage those in senior positions, but must develop patience since new ideas percolate slowly through the hierarchy of large institutions.

It is a two-way street — justice professionals also need to understand and respect the constituency behind community volunteers. The constituency of volunteers is quite different. It is not as many professionals believe — non-existent. The constant pressure from justice professionals to "formalize" community representation in community partnership reflects a misunderstanding of grassroots initiatives and shows disrespect to volunteers who emerge to take on responsibility.²²

Understanding and respecting the constituencies of others and the constraints their constituencies impose, promotes better working relationships in designing and introducing circles.

Building Shared Visions - Successfully introducing a circle process requires a significant connection to a larger vision and to one another.²³

Changing from an adversarial to a consensus process is not easy work. Preparing the ground for these changes involves lots of "heavy lifting". There are huge boulders blocking change that are made of hardened attitudes, of fervent turf-protective instincts, of intransigent acceptance of the status quo, and of

²² Government agencies are uncomfortable dealing with "informal" groups of volunteers that have no official status. For the purpose of volunteer initiatives, the community is properly represented by those who care enough to show up and participate.

²³ Ibid #17, p.230.

longstanding, deeply ingrained skepticism. All of these boulders must be removed. This takes dedicated, coordinated effort. Respect for others is a primary ingredient in molding a disparate array of professionals and non-professionals into a viable partnership. Without mutual respect, the heavy lifting cannot be done.

Many small things that make a big difference must be done. Many things can and will go wrong. There are numerous conflicts to work through — far too many for any one person or isolated group to manage. While a shared vision aligns and translates individual efforts into a common direction and purpose, a shared vision by itself cannot mold and retain the coordinated effort to design, introduce and sustain a new process for conflict resolution. Respect provides much of the energy necessary to realize a shared vision. Respect also provides much of the capacity to resolve the differences that constantly confront old and new partners travelling towards new objectives.

The coordinated effort stimulated by a shared vision is best sustained by a deeply ingrained respect that evolves through appreciating the skills, values and contributions each person brings to the pursuit of a shared vision.

I know what needed doing. I had a plan and the power to do it, but I soon realized I could not do it alone, nor could I simply order it done. It might get done just by the sheer power I had to make things happen, but it wouldn't endure. After our very first circle, I realized two things — we all need to support each other and without that we were not going to be able to work together. Second, no matter how hard I or anyone else wanted change, it won't happen without first getting to respect. We were not going to get anything worthwhile done without respect.²⁴

²⁴ Fraser Wilson, CFO, Alliance, private communication, 1997.

Promoting Creative Problem Solving - Designing a circle process to fit the special circumstances of a community or organization presents a formidable challenge. The fit must accommodate numerous constraints. Finding the right mixture of solutions calls for creative problem solving. Disrespect for the legitimacy of the interests or needs of others can be fatal to any creative problem solving. Such disrespect can turn differences over issues into challenges over legitimacy and generate impenetrable barriers to open, innovative, risk-taking approaches to seemingly intractable differences. For instance, at Alliance, the collective agreement recognized the legitimacy of the new union. However, many in the union believed the managers did not respect their union.

Nope, they ain't happy — because now we've got power and responsibility. They don't believe we can handle the challenges.²⁵

Managers and the union spent three days together in peacemaking circle training. During this time their relationships improved as a consequence of dealing with several difficult conflicts in a circle.

I believe they see us as good partners now at the plant. The circle really got us all seeing and thinking about things in a different way. I believe they have confidence in us — leastways, they respect what we are doing.²⁶

These experiences went a long way to put aside questions of legitimacy and credibility, to generate respect for each other's unique contribution, and thereby to build the foundation for creative problem solving.

. . . So, put us all in a room, and see us get into it. Didn't matter what the topic was, we'd find a way to fight. Hard for me to say this, but I got to. This last few days have seen us learn to respect each other. That's what was needed for us to be creative . . . Like he says, we came up

²⁵ Union Member, Alliance, training session, 1997.

²⁶ Union representative, Alliance, private communication, 1997.

with solutions we'd never dreamed of before, mostly cause we were not into fighting, but into problem solving, which required for me — and I think others, too — a big attitude change.²⁷

And from senior management:

Simply not possible before the course — before we went through circles. No one at the plant had ever put their heads together to help each other out, to be mutually supportive and creative. It was great to see us take off as partners for the first time . . . Can you imagine how great it is for me to be a part of a place that produced such a creative way to deal with this problem? If we don't win this bidding war, it will have all been worth trying, if for no other reason than to have had the experience of being a part of such a unique creative partnership with all of these people.²⁸

Seeing the Big Picture: Systems Thinking - Respect for the values and beliefs of others helps us to begin to see the “whole picture” in a manner that allows us to recognize a new future cannot be built on old ways of acting, thinking, and of perceiving. Nor can change be realized if the responsibility for difficulties, for problems is attributed to others. Mutual respect creates the basis for accepting that everyone, to different degrees, shares responsibility for the underlying causes of conflicts.

Respect creates opportunities to hear others differently, and thereby to learn from others. In learning from others, we begin to collectively appreciate that much of the cause for chronic problems lies within the dynamics of larger systems that dominate our relationships and our lives. Accordingly, it does not matter how hard we work at our individual tasks within these systems; the problems will not disappear unless we work together in creating new systems.

²⁷ Union representative, Alliance, 1997.

* The union produced a letter from all of the employees asking the owner to consider “the people and families who have made your company profitable” in selling the plant. The union wanted the owner to sell to a consortium of existing managers.

²⁸ Fraser Wilson, CFO, Alliance, meeting, 1997.

Respect is essential to sustain the cooperative relationships necessary to realize the need for, and make systemic changes.

Seeing Conflict as an Opportunity - Conflicts within organizations and communities engage people from a broad range of backgrounds, perspectives and interests. Too often, their differences are hurriedly processed — or worse, ignored. Hierarchies have grown quite adept at adversarial processes that distort, suppress or ignore conflicts. Some of these processes offer a standard brand assembly line for processing differences. These assembly line processes presume, no matter what unique conditions may exist, that all conflicts fall within a few generic types. This presumption disrespects conflicts.

Too often, communities too eager to build a new consensus process focus on building the new process and ignore the differences encountered in working together. Respecting these differences is crucial. Any new consensus process hammered into place without respecting the differences encountered in building the process will be severely handicapped and often not respected.

It is what they wanted ... It was going to happen, no matter what I said. They just ignored my concerns. Now, you tell me how I'm supposed to believe circles, once in place, will take my interests seriously. If they don't now, how the hell am I supposed to believe they will later?²⁹

During the first training session at Alliance, a few union members expressed deep concerns about the ultimate objectives of a circle process.

We just got our union in place, just got our grievance procedures. We've just got some power to deal with management in a way they can't just get their way all the time. We now got rights. So, suddenly, up pops this idea about circles. I don't trust it.³⁰

²⁹ Carmacks resident, private communication, 1993.

³⁰ Union member, Alliance, meeting, 1997.

This concern was not fully respected on the first day. On the second day, the union, led by those deeply suspicious of the circle, left the course. Two hours passed. When they returned, the issue was fully addressed in the circle. Only then was the union able to say:

It's good we took this time to talk this out. We felt it was going good, but too fast, and that our concerns were not being heard or considered very important. Now, as you have heard all of us say, we're ready to go on — and feeling much better about doing so.³¹

The managers, who previously had been nervous about the union reaction, also benefited from the difficult exchanges in the circle.

I've got a much better understanding now about where you're coming from. I can see your side better and have gained a lot from this circle. I feel good about where we are all at, and especially that we can openly talk about our differences. I think we've come to understand and respect each other much more already, but I must confess that, for awhile there, I thought we were all going to lose it. So, I want to thank everyone for hanging in — seeing us through our differences.³²

In Carcross, time was not given to hear and work through dissident voices. Conflicts were not engaged as opportunities for learning, for building respect. When conflicts are ignored or disrespected, a community appetite for regarding conflict as a positive opportunity cannot be aroused. Conflict avoidance undermines connection and commitment to a community.

They don't care about my issues. Why should I care about theirs?³³

³¹ Union representative, Alliance, 1997.

³² Plant manager, Alliance, meeting, 1997.

³³ Worker, Alliance, meeting, 1997.

Disrespect for a conflict manifests disrespect for those involved. Ignoring, suppressing or jamming conflicts into an assembly line process manifests disrespect for the people involved, for their interests, needs, culture and unique characteristics. Doing so is costly, since disrespect adversely affects an individual's well-being and their commitment to an organization or community. To fully engage practices that promote respect, all conflicts must be respected and be seen as an opportunity for constructive change. This takes time — an investment repaid multifold by the evolving positive environment and commitment that arises from treating conflicts as positive opportunities.

Summary

A circle process is built on respect. Listening to, treating others as equals, and working with others as partners must be more than a matter of good practice; it must stem from genuine respect.

To generate the conditions for respect, adequate time and resources must be invested to:

- afford an equal opportunity for all parts of a community to participate
- enable a broad-based understanding of the different values, perspectives and interests of all participants
- talk about how to talk and work together before designing and introducing a consensus process
- understand what each party must do to properly represent and “deliver” their constituency

In designing a consensus process, it is crucial to enable the parties to work through their differences — not to eliminate differences.³⁵ Moreover, the circle will often draw out differences that have long been repressed. Community harmony is not essential, but a constructive process for working through differences is.³⁶ While harmony is rarely possible, and often not a desirable state for improving relationships or generating innovative solutions, an environment that engages everyone in an invigorating, healthy dialogue is both possible and desirable. This environment is more conducive to generating genuine respect for others than harmonious interactions that bury differences under practiced civility and thinly disguised hypocrisy.

A shared vision provides a reason, a circle provides a process, and respect, along with many other principles, provides the perspective and mindset for constructively addressing differences. Let there be conflict — lots of it — provided all of it is resolved within a process that deepens mutual respect.

What you give out, you get back . . .

If you give out respect, chances are good you'll get back respect.

- Elder, Carmacks, 1993

³⁵ Cormack, et al, 1996, *Consensus and Sustainability*, p. 69, The National Round Table on the Economy and the Environment, Ottawa, Canada.

³⁶ Tjosvold, D. (1991). *The Conflict Positive Organization*, Addison Wesley Publishing Company, U.S.A., @ p. 154.

CHAPTER SIX

PRINCIPLE THREE: INCLUSIVITY — THE MORE, THE SOONER, THE BETTER

Inclusivity is crucial in designing a consensus process. Practices that fully honour inclusivity offer the best means to secure deeply ingrained community support, and to ensure the design of the circle process reflects all community interests and values. Who, when and how people are engaged in designing and introducing a circle affects how circles are used, the extent of community support and the strength of the new partnerships necessary to make circles happen. Practices that fully respect inclusivity provide the following answers to who, when and how.

WHO? – Since the design and introduction of a circle process must be based on consensus, the size of any one “group” or “side” is not important. Thus, when the managers were told that not four, but more than a dozen union representatives were coming to the first steering group at Alliance. The managers were wise not to object.

We can live with whatever they feel they need to get this underway. We see this takes all of us to agree, so it doesn't matter to me who they bring. I'll respect their decision.¹

A corporate president may commit a company, but a mayor, chief, union president or head of a citizens group, because of their organization's internal decision-making process, may not by themselves be able to commit their organization or constituencies. The less formal the structure within any constituency, the more representatives they may need to effectively ensure proposed changes gain constituent support. The representative of any group must be selected by that group.

¹ Manager, Alliance, meeting, 1997.

Continuity is important. Changing representatives during the design phase can frustrate the evolution of trust and openness needed to build effective working relationships. An understanding of, and commitment to the process is crucial. It may fall to the circle, as a whole, to generate a commitment to, and understanding of, the shared vision. Some may come to the process because they were "sent" or "ordered" to attend.

You know, I didn't figure I had any choice in the matter. [Senior management] concluded someone had to come, so I was selected. I wasn't happy to come . . . but now, that's a different story. As you can see, I'm as committed as anyone to make this happen.²

Continuity, commitment and interest are more important than status or power in choosing representatives — not that status and power are unimportant, just not as important.

In all cases, more is always better. Fears about the inability of large groups to plan and take action are derived from experiences in adversarial processes. Large groups can be accommodated by designing different ways and levels for people with varying interests to remain involved. No one should be excluded and everyone encouraged to participate. In the very least, the simple formula employed by Gerry Cormick serves as a minimum guideline — "When assessing who to include, consider . . . including at least everyone needed to make the decision happen and everyone who might be able to stop it from happening."³ Inclusivity casts a large net, calling for efforts to draw in everyone affected, everyone interested, and everyone who should be interested.⁴

² Participant, training in Minneapolis, 1997. Kay Pranis has noted in many of the training sessions focused on restorative justice and circles that someone often attends because they were ordered to attend. They come cynical and disconnected to what is happening. Because of their experiences in the group, they leave committed and connected to the vision of circles and restorative justice.

³ Cormick, G. et al (1995), *Building Consensus for Sustainability*, Ottawa NRTEE.

⁴ Dilulio, J. (1993). *Rethinking the Criminal Justice System in Performance Measures for the Criminal Justice System*. (Washington, D.C.: U.S. Department of Justice.

It is never a good idea to move ahead when only a few people show up to design a new process. All parts of the community should be engaged from the outset. There are many ways to do so. All methods must be tried — and new ways invented to gain broadly based community involvement. An all-out effort will offset complaints about an exclusive, self-selected group and confront any claim that the larger community was excluded from the initiative.⁵

WHEN? – Simply stated, as soon as possible — better before the design has been completed and certainly before any circle has been tried. The sooner people get involved, the sooner opposition can be flushed out and constructively engaged.

Too many participants may slow down progress, but their involvement is ultimately beneficial as the process will, from the outset, be more reflective of community interests and enjoy broader community support. Extra efforts made at the very beginning to engage those who are reluctant to get involved, apathetic or opposed, are ultimately rewarded.

HOW? –It is not enough that a cross-section of the community participates. What is important is how they participate. If meetings are run by a chairperson with people responding from the audience, the spirit and essence of shared responsibility, of what changes circles introduce, will be lost. All planning meetings should be in a circle. In circles, participation is consistent with the purpose of the planning meeting: to build processes that share responsibility and leadership.

During planning sessions held in circles at Alliance, when participants realized they could make changes and could see they had a significant stake in the outcome, their level of interest grew substantially.

⁵ Griffiths, C. and R. Hamilton (1996). *Sanctioning and Healing in Restorative Justice: International Perspectives*, Galaway, B. and J. Hudson (Eds.) (New York: Criminal Justice Press).

This [circle process] was going to make a difference. I could see that, and I could see that my involvement would shape this thing. That was the moment it came together for me. That's when I was real interested in being a part of this change in the plant.⁶

To become and remain actively involved, participants must be able to produce constructive changes⁷, realize how changes affect their interests⁸, gain new perceptions of reality⁹ and acquire new insights about existing knowledge.¹⁰ Circle dialogues during initial planning meetings can promote all of these elements to sustain the level of *commitment* required to change community approaches to resolving conflicts.¹¹

Advantages of Inclusivity

Inordinate efforts to achieve inclusivity from the outset produce inordinate benefits. The following advantages exemplify what can be gained by taking extra care in considering who, when and how people should be involved in designing a circle process.

1. *A Sense of Ownership* - Ownership breeds commitment. Designing the process instills a sense of ownership. The broader the base of involvement in design, the broader the sense of ownership. "Making it happen" requires shared ownership of the process and solutions.¹²

⁶ Union representative, Alliance, training session, 1997.

⁷ Karp, David. (1997). "Community Justice", Paper presented at National Institute of Justice Conference (George Washington University); Constantine, D. and C. Merchant (1995). *Designing Conflict Management Systems*. (San Francisco: Jossey-Bass Inc.) @ p. 12.

⁸ Morgan, G. (1993). *Imaginization* (Newbury Park, Ca.: Sage Publications)

⁹ Cooper-Rider, 1987; Gergon, 1990.

¹⁰ Argyris, C. (1991). "Teaching Smart People to Learn" in *Harvard Business Review* (May-June),

¹¹ McCold, Paul (1996). *Restorative Justice and the Role of Community in Restorative Justice: International Perspectives*, Galaway, B. and J. Hudson (Eds.) (New York: Criminal Justice Press); Braithwaite, John (1989). *Crime, Shame and Reintegration*. (New York: Cambridge University Press).

¹² Chataway, C. and H. Kelman (forthcoming) in *Innovations in Unofficial Third Party Intervention in International Conflict*, Syracuse University Press, @ p. 29. See also Chataway, C.J. (1994). *Imposed Democracy: Political Realities and Perceptions of Justice in an Aboriginal Community* (Doctoral Thesis: Harvard University).

Existing systems that are firmly entrenched and have established numerous dependencies within a community, can survive on mere compliance to its procedures and outcomes. Introducing and maintaining a circle demands more than compliance. It requires committed advocates to invest the time and take the risks to carry a circle process through the perils of being born, of taking its first few steps through the stumbling false starts and failures that a new process experiences. A sense of ownership helps generate the commitment among volunteers and others necessary to nurture a circle through its fragile, developmental years.

Initially in Carcross, local ownership stretched to only a few core volunteers. The design phase of the circle in Carcross was skipped. Circles just started. Harold Gatensby, during the course of a day, rounded up people in the community for the circle at the end of the court day. Most of those who came, knew and trusted him. They did spectacular work, but they did it by themselves. They invited others, but others believed they were being invited to participate in something that didn't belong to the community, but belonged to the core group that emerged from the first circle.

They're doing their thing. It's not for us — it's not a Carcross thing. It's a [First Nation] thing.¹³

The core group in Carcross tried many times to involve others. Their efforts secured some additional volunteers, mostly from their circle of friends. In Carcross, longstanding issues that separated families, and separated aboriginal and non-aboriginal people, compounded the usual difficulties of generating involvement that stem from apathy and a conditioned dependency upon the state and professionals to handle "crime":

Dealing with [the offender] in a circle or any other plan ... that's their [the police] job — not ours.¹⁴

¹³ Carcross resident, private communication, 1993.

¹⁴ Carcross resident, private communication, 1994.

The formal court process is excessively dependent upon professionals. It is generally regarded as belonging to the professionals as "their thing". Similarly, the circle in Carcross, principally dependent upon the "core group" was generally regarded as belonging to the core group as "their thing". Much of the community felt left out of the circle in much the same way they feel left out of the court process.

However, even the core group did not "feel" community circles were "owned" by the community. It was several years before they moved beyond "asking permission to do circles". As the circuit court judge, I played too dominant a part in giving "approval" for circles and in leading the dialogue in circles. Too much of the circle input was directed to the prosecutor or to me. Within the circle, it was generally perceived that the judge and prosecutor were key to the approval of a community plan. When local keepers shared responsibility with a judge or, even more so, when local keepers took over, the community fully began to take responsibility. It was not just the judge and prosecutor that had to be convinced. Everyone had to be convinced. Recognizing that everyone was equally important within the circle fostered the confidence the community needed to take responsibility for the circle. Once a sense of community "ownership" prevailed, the circle began to be actively shaped by the community members, to fit their needs and values.

At Alliance, the sharing of responsibility and control over the circle process from the beginning, fostered a sense of common ownership.

You know, I was opposed to this at first — figured it was just another management deal — wouldn't amount to anything ... for sure, it wouldn't do us workers a damn bit of good. They weren't doing this for us. It had to be just for them . . . When I saw how we were making real decisions about what it was going to be, you know — and I saw where we could kill it if we had wanted to — I got curious. That's how come I got involved — because it belonged to no one. It belonged to all of us to make it work.¹⁵

¹⁵ Worker, Alliance, meeting, 1997.

The senior managers, especially Fraser Wilson, established very early that circles were a "joint venture".¹⁶ Whatever the circle might have offered was, for some, secondary to the initial excitement of working as a community, of sharing ownership and responsibility.

I've been working here longer than anyone — well, okay, almost longer than everyone, but this is the first time I've sat down with the managers. Say, this is the first time I've sat down with many of you here. Right — what's got me excited is we're all doing this. It is us — not just the managers or just a group of workers. We are all here . . . Anyone who wants to can build this. That's the good part. I hope we don't ever lose that.¹⁷

The struggles in starting up, and especially in maintaining circles can often be traced back to how circles were introduced. Communities that began with a series of public meetings and training programs, and that invited representatives from all parts of the community to share responsibility for the initiative, fared much better in securing involvement and support.

In some communities, this may take time. Hollow Water, Manitoba took five years before circles were held. Communities in St. Paul, Minnesota and in Greenfield, Massachusetts have invested a year in preparing for their first circles. In Millelacs, Minnesota, the community began circles within six months. There is no fixed rule about how much time it takes. The particular circumstances within each community will determine how much time is required to engage all parts of the community. There are many different approaches.¹⁸ Some communities begin by holding one-to-one meetings with key people from every sector of the community. Some begin through large public meetings. Most community experiences recommend holding a three-day intensive workshop on consensus- and value-based approaches to conflict at the beginning of the initiative. In these intensive workshops (involving less than 30

¹⁶ Fraser Wilson, CFO, Alliance, meeting, 1997.

¹⁷ Worker, Alliance, meeting, 1997.

¹⁸ Stuart, B. (1997) *Building Partnerships Through Circles* (Ottawa: Dept. of Justice).

participants), new relationships, new perceptions, and especially new hopes about what can collectively be achieved will evolve and contribute the key building materials for a commitment to designing and introducing circles.¹⁹

It is a big challenge, a difficult task to involve all sectors of the community. However, it is a much bigger challenge and a much more difficult task to develop a circle without a widespread sense of community ownership and co-operation. The experience of Carcross and other Yukon communities that jumped into doing circles demonstrates the fragility of initiatives that, from the outset, lack a broadly based sense of community ownership.

2. Engaging Formal Power Holders - Some argue circles find their strength, their purpose from the grassroots.

Circles grow from the people. Circles bring people together in a very fundamental way, at the very grassroots of the community. Circles are about giving power to those who have had little or no say in shaping their life and the life of their community.²⁰

I agree — but there's more. Circles must engage everyone affected by the decisions circles address. "Everyone" includes those who exercise formal power in the community. Leaders and followers become equals in circle dialogues. After a circle, everyone may return to their positions or power, but they are rarely the same. Those with formal power gain a better understanding of the issues, of the people affected by the issues, and develop a more realistic appreciation of the impact of their power on others. Especially important, they also begin to appreciate the advantages of sharing responsibility. Equally, those without formal power realize that their best interests are not served by abdicating responsibilities to others. They recognize they can make a

¹⁹ Ibid #18

²⁰ Kay Pranis, Director of Restorative Justice, Dept. of Corrections, Training, Minnesota, 1997.

difference. Engaging both “leaders” and “followers”, those with “formal power” and those with “informal power”, is crucial in designing and introducing a circle.

In Carcross, the Chief of the First Nation was very supportive. Carcross does not have a mayor. Leaders from the business community, from the school and churches, except for one wonderful exception, the local Anglican priest, were not involved. Formal power figures in the justice system — the prosecutor, police, probation officer and the Department of Justice, except for one local police officer — were not significantly included. Some were indifferent, some were hostile, but few were actively involved in the design process. The “talk support” of senior justice officials encouraged many in the community to injuriously rely on promises that were procrastinated or broken. The core group in Carcross constantly struggled to move ahead without the active partnership of most formal power figures in the community.

The magnitude of change emanating from the introduction of a consensus process is simply too much for any one sector of a community to manage alone. Persons with formal power cannot do it alone. Neither can those with informal power, unless they are content with handling minor cases and having much of their energy taken up fighting back the criticism and intrusions of excluded professionals.

At Alliance, both those with formal and informal power were deeply involved. The full support of senior managers and union leaders helped generate a better sense of “it can be done” from the very beginning.

This wasn't a union thing or a management thing. It was a community thing. But the very fact that both [union leaders and senior managers] took time to spend three days together in the first course — you know, just seeing them work together like that made me think, “By gosh, we can do it ...”²¹

²¹ Union member, Alliance, meeting, 1997.

Sure, I'm aware they need all of us, but I kept thinking of the huge fights we'd have if one or both of these people (key union leaders) opposed it or just kinda stood aside and let it happen. Personally, for me, this was exciting to see us all working together.²²

The enthusiasm of senior managers and union leaders was crucial at Alliance. Both shared a vision of what might be, both had the courage to risk something dramatically different. Their active encouragement of others moved aside enormous barriers to cooperative action. At Alliance, the active involvement of formal power figures was instrumental in draining the ocean of skepticism within that community.²³

Circles address grassroots issues, but to comprehensively address grassroots issues, the whole garden needs to be engaged. The towering trees overhead have much to do with the well-being of the grass. Those with formal power cannot be left to stand aside. Their passive acquiescence to a new consensus initiative is not ultimately a good thing. As the circle process begins to evolve, it will change the culture of the community. Values, interests and hopes, previously dormant or long ago abandoned, are awakened and shape actions within the community. As this occurs, people with formal powers will be affected. Their awakening to the magnitude of change circles generate can trigger severe and sudden opposition.

I didn't realize what was really happening. It seemed innocent enough to me — you know, a bunch of people in the community becoming involved in putting in their say in some minor cases . . . Didn't affect me much, but then they got way ahead of me . . . I didn't agree they could be doing serious cases or having a say about when cases would be heard. So, that's why I'm now opposed — you know, it's gone too far.²⁴

It is risky business to begin without the active involvement of those with formal power. Relying on their passive acquiescence can create difficult problems when the

²² Supervisor, Alliance, meeting, 1997.

²³ This skepticism was reflected in the comment of one long-term employee: "Lots of things get promised here — nothing much ever seems to be delivered or followed through ..."

²⁴ Crown Counsel, Yukon, private communication, 1993

momentum of change advanced by circles begins to dramatically reshape the way people interact, the way business is done. Vermont, by introducing community sentencing panels, dramatically changed the focus of their criminal justice policies. The panels became very popular and, through the guidance of Mike Dooley, quickly spread through the state.

Once we got rolling, many senior people began to realize we were serious. They began to mutiny. We finally had to make several staff changes to sustain the momentum of community panels throughout the state.²⁵

It cannot be said enough: the introduction of a consensus approach is not merely the adding of another tool for resolving conflict. It marks the beginning of significant changes in the culture, values and power relationships within the community. Those whose power depends on maintaining the status quo usually fail to see the advantages of these changes. They often see these changes as a diminution of their power, as opposed to a different way of exercising power. They are apt to be prompted into active opposition. Those with power tend to focus on the potential losses for themselves.²⁶ If it is "their" institution that is affected, and especially if their immediate responsibilities are challenged, their opposition can be quite vigorous.

We cannot delegate our authority to the community. They cannot cope with our responsibility. There is no way we can permit that. That is our job to do — our decision to make.²⁷

Opposition to community empowerment is rarely that honest and open. Those who offer public expressions of support, but in the corridors of power, work to undermine community initiatives, are the most dangerous and can contribute the most damage to an initiative. Because circles pose real challenges to the expertise, job security, power and funding of professionals and their agencies, deep-seated opposition can be

²⁵ John Corzechek, Vermont Commissioner of Corrections, answers to questions at Washington DC conference, 1996.

²⁶ Ibid # 12

²⁷ Prosecutor, Whitehorse, private communication, 1992.

provoked. Acts of sabotage are not uncommon. Malicious rumours, refusing to cooperate, not referring cases, or referring "known losers", or simply not providing support at key junctures are some of the tactics opposing change.²⁸

If involved from the outset in designing a consensus process, those affected by change are less apt to oppose it. It is by participating in the design of a circle process that many begin to appreciate the advantages of a circle process and realize how a circle can benefit their best interests.

Once I got really involved, I could see how much better it would be for the community, and particularly, how much better I could do my job.²⁹

3. *Sharing Power*

To many, especially those in powerful positions, the description of a circle process seems almost a Pollyanna-like, naive version of how people might get along despite their differences. Understanding the power of a circle is, for most, only possible through participation, especially for those who have always lived in a hierarchical world and believe that, in order to get something done, one must accumulate power. If not engaged in the design and introduction of a circle process from the outset, very few in positions of power understand that in respecting and sharing power with others, and in openly expressing their hopes and fears, they can achieve their objectives. At Kwanlin Dun, criminal cases were often directly connected to child protection, education or housing issues. The key officials in these agencies were often reluctant to share their powers in a circle.³⁰ They were not involved in designing the circle process. The process, foreign to their normal practice within a bureaucracy, was most often, unfortunately misunderstood.

²⁸ Ibid #7 Constantine and Marchant.

²⁹ Police officer, Carcross, private communication, 1996.

³⁰ However, the agencies are also reluctant to coordinate their power in cases before the courts.

They were totally unsympathetic. Either they don't understand — don't trust us — or they don't support any assumption of responsibility by the community. We're ready to go forward, but the child welfare authorities are not. So, our circle process is stopped by their lack of support. They think the very tough issues can't be handled in the "feel good" circles. That's what they think circles are — just places people go to "feel good". Of course, they couldn't understand — they've never been in a circle.³¹

Learning how to share power must begin during the design phase — another reason why circles must be used during the design phase. In meetings run by Robert's *Rules of Order*, little is learned about sharing responsibilities, leadership and power in a way that includes and respects all contributors.

I know we'd never got past, let alone to first base, had that first meeting not been in a circle. I can see now why Mark thought the tables got in the way. They did . . . Once we got into a circle, we got into being equal . . . I learned from right then, there was a chance we could work together. Yup, I had lots of suspicions — you're right. I didn't begin with much hope . . . or trust. I just didn't see how [the others] could ever share — that is, *really* share — power . . .³²

How power is shared makes a fundamental difference. The circle can cut through hidden agendas and invite everyone to be open about their hopes and fears. When all is open and shared, the power each person brings can be effectively shared and the power of the circle then becomes greater than the sum of its parts. A sharing of responsibility during the design phase sets the proper environment around issues of power and affirms in a practical way what the shared vision for a circle process aspires to create.

4. Accepting Change - Change always generates opposition. The way in which change is introduced can dramatically influence the magnitude and effectiveness of opposition. Introducing a consensus process to any community induces significant changes to the private and working lives of many people. Changes to any

³¹ Rose Couch, Kwanlin Dun meeting, 1994.

³² Supervisor, Alliance, private communication, 1997.

environment, if seen to threaten jobs, power bases and identities, will often be ardently resisted. Whether it is blatant hostility, insidious misinformation, aggressive opposition or simple indifference, resistance to change from some quarters can destroy the fragile roots of support in a community to implement a circle process. Resistance is often driven by unfounded fears and misinterpretations of what is being designed and introduced.

At first, I really thought this was about getting rid of me . . . I didn't know what was going on. I wasn't asked to be involved, so I figured I wasn't wanted. Since [a case in the circle] I can see how I fit in — how I can be a help, and I think they see that, too. So, no, I'm not opposed — anything that helps make a difference, eh!³³

Resistance often may have little to do with what changes are, and more to do with how changes are introduced. Significant opposition can be avoided by taking time to include everyone from the outset and by moving at a pace that allows all interests to be heard and addressed. Being sensitive to the concerns of opponents and engaging them in decisions profoundly reduces resistance to whether, what, how, and when to make changes.

In Yukon, the changes prompted by sentencing circles came too quickly. The energy to start up circles was galvanized around the first case. Most people found out about circles as they were happening or after they had happened. As circles became successful and gained momentum in the community, some justice officials began to wonder how they would be affected. Some prosecutors saw their influence slipping away to police and communities. Some police worried about the extra work circles might entail. Some probation officers wondered if they were redundant. Justice managers saw major policy changes being independently imposed by communities. This was not their initiative and, after all, they were “in charge of all justice policy”. Some imagined the worst. Worst-case scenarios about how circles would undermine

³³ Probation officer, Whitehorse, private communication, 1994.

or adversely affect jobs in the justice system abounded. Those who held vested interest in the status quo exaggerated and personalized the impact of changes. Fears about change fostered resistance and aggressive opposition in some quarters. Being excluded can be the sole source of opposition. Most justice officials were not included from the outset in developing a circle process in Carcross. Most were excluded simply because the circle was spontaneously started without warning to anyone. The innocent nature of this "jump in" start was not widely accepted by justice officials. Some believed they were deliberately "left out of the plans". They interpreted their "exclusion" as a criticism of their work and another example of community distrust. Their resistance grew. For some, the circle invaded "their turf". Some saw its merits, but wanted to limit its sphere to minor cases that they were willing to "trust to the community". Those who offered active support were often criticized by their colleagues.

Not a popular thing for me to do. Since the first circle involved a guy feared and hated by us [the police], some have had first-hand experience being threatened by [the offender], others have heard the stories — that didn't help. Most want the bad actors out of the community. They get a lot less calls in the middle of the night when certain people are sent to jail. They don't see yet that the circle may not send them out of the community, but it will solve the problems the bad ones create. So, I'm taking a lot of heat for my support. Some really think I'm acting against our interest [the police]. I get some heavy criticism at meetings in Whitehorse. Some will take time to come around — many never will.³⁴

The inadvertent exclusion of justice agencies at the outset and their subsequent peripheral involvement fostered a distancing from the circle process which contributed to either opposition or indifference. Once circles began, justice officials were often invited to join, but not with sufficient enthusiasm to overcome their initial sense of exclusion. For many of the same reasons, public resistance to circles arose. On hearing that circles were being held in their community, some, not personally invited to participate in designing circles, concluded there was a deliberate attempt to exclude

³⁴ RCMP officer, Carmacks, private communication, 1993.

them. Public resistance also seemed to be fueled as much by the way circles were introduced to their community as by what circles were attempting to do. In Carcross, misinformation abounded. Critics of the circle took full advantage of the confusion and misinformation to develop the notion that the circles were “for aboriginal people only”. Thus, racial tension compounded some pockets of resistance. Opposition intensified when skeptics discovered that offenders were kept in the community when, in the past, they were shipped off to jail.

Can you believe it? The guy is still in town. How does that make sense? Is this what land claims is gonna do — make a law for us where we go to jail if we f--- up, and they go to a circle and get to stay in town? . . . How can you tell us this is fair? This isn't justice . . . It is just treating people different because of skin colour.³⁵

When the circle process started again with an expanded justice committee, opposition within Carcross began to subside. However, the core group of circle supporters had to “work through” bad first impressions among those who had become opposed to circles because they felt initially excluded from the design and introduction of circles.

Failing to actively invite, or excluding justice professionals from participating in changes that affect their working lives violates the values inherent to the principle of inclusivity: “Anyone affected by a decision has a moral right to participate in making the decision.” Consequently, long-standing hostilities to justice agencies or officials cannot be ignored and must be addressed and worked through in each community.³⁶ Both in Carcross and at Alliance, there were many profoundly bad experiences between different groups that would readily provoke ardent opposition to anything the other group proposed. In Carcross, many of the justice committee volunteers were directly involved in what they believed were abuses of power or abjectly insensitive actions by justice officials. Within justice agencies, stories abounded about the “bad

³⁵ Resident, Carcross, private communication, 1993.

³⁶ Once involved and respected for their contributions, some justice officials became actively involved with the community.

things" some volunteers had done. At Alliance, all groups had stories to tell about the other groups to justify their dislike and distrust. Avoiding these problems, pretending they don't exist, or excluding perceived "opponents" is tempting, but ultimately invites disastrous consequences to initiatives that seek to design and introduce a circle process. Offering an opportunity to participate is not just a necessary part of acting in accord with the principles of the circle, but is well a good beginning to addressing past differences.

Ardent supporters of the circle process tend to identify opponents of the circle as "write-offs" — "They will never change. We've got to just ignore them."³⁷ As at Alliance with a supervisor, and in Carcross with a police officer, these "write-offs", once included and their interests respected, can become supportive of the process and everyone can benefit from their involvement. A circle process can challenge perspectives and values that have shaped professional conduct within institutions for years.

I'm the boss, right? I make choices others must follow — just like my boss makes choices I must follow. It doesn't matter if I like what my boss decides. My job is to carry it out. So, I expect the people working for me to do the same, right? That's the way it works. I couldn't see how it would work if we all had to talk together about what was going to be decided. This [circle] idea seemed quite silly, yet having just gone through this [a real issue between union and management was discussed in a circle in training], I am amazed how well it worked out. I don't know how that will affect me as a boss or in how I report to my boss. It is not a little different — it's a whole lot different.³⁸

Communities assume that many power brokers are opposed in philosophy and interest to a consensus approach to conflict. But when they are included from the outset, these

³⁷ Carcross core group member, meeting, 1993.

³⁸ A.P., Supervisor, Alliance, Okmulgee, Oklahoma, meeting comments, 1997.

power brokers are more apt to be recognized by others as important allies in successfully introducing a consensus process.

"We could not do it without the support of the District Attorney."³⁹

"The police have been behind us from the start. They have often been the reason we carried on."⁴⁰

"I know we couldn't have come this far without the support of Judge Ruble."⁴¹

"It made a huge difference when we got [probation officer] on side. We could work with her, because she took the time to hear us, to understand us. She now is like one of us, and we're beginning to learn too from her."⁴²

Equally important, including power brokers from the beginning, changes how they perceive volunteers.

"Herb and Geri [community volunteers] are excellent. I've come to really know them. I trust them, so I'll be able to let go of my responsibility. I can't tell you how much my job has changed for me — how much more satisfaction I get from being a judge through working with these people in the circle."⁴³

"Working with the community really changed my life as a police officer. I was thinking of quitting before — it just didn't seem worth it. The circle changed things ... we were a team doing things neither of us could do alone. They made me feel so much better being a police officer that I didn't quit."⁴⁴

"It's been very difficult making the adjustment, but very much worth it. I can see the difference working closely with the community. I don't know how to make [my supervisors] really appreciate what [people in the community] contribute."⁴⁵

³⁹ Volunteer, Texas, Washington, D.C. conference, 1997.

⁴⁰ Millelacs resident, 1997

⁴¹ Kay Pranis, Minnesota, meeting, 1997.

⁴² Rose Couch, Kwanlin Dun, private communication, 1993.

⁴³ Judge Ruble, Millelacs, Minnesota, private communication, 1996.

⁴⁴ Corporal, RCMP, Ottawa training, 1997.

⁴⁵ Probation officer, Haines Junction, Yukon, private communication, 1994.

“No, I didn’t ever think it was possible. But there I am, in my office, carrying on, having a good time with [the union people] — like, I never disliked them. But we just sort of kept our distance. Now, I find they have good answers to problems ... I’ve sought out their advice already on a couple of things here.”⁴⁶

I don’t know of any exception to the conclusion that the more actively communities work to include justice agencies at the earliest opportunity, the greater the “buy in” and support from both professionals and their agencies. However, with their involvement comes the challenge of ensuring they do not become overly dominant partners.

Whatever the opposition may be, it is better flushed out and responded to than left to lurk in the corridors of power and fester in gossip and rumour mills.

5. *Building Credibility* - The intensity and extent of credibility in the process is significantly related to the intensity and extent of involvement in designing the process. A design team may genuinely strive to incorporate features that they believe reflect the special interest and needs of others. Having done so, they will be particularly eager to demonstrate to those who have not participated how the design has been considerate of their interests. The process designers are especially disappointed, discouraged, even angry, when their magnanimous efforts to incorporate the interests of those not involved are rejected or criticized. What the designers have failed to understand is the importance of allowing others to make their own contribution.

Widespread credibility in the design cannot be achieved by simply incorporating features that attempt to respect the interest of others. Credibility flows from direct involvement, from users adding their ideas about how the process can reflect their interests. These ideas might even be the same as those provided by others who strive to do so on their behalf. However, it is important for all users to be able to add their piece, to have their hand directly involved in building the design. Each contributor can

⁴⁶ Manager, Alliance, 1997.

stand back with pride in what they have helped create. This pride provides much of the stuffing that generates credibility.

In Carcross, after doing circles for a few years, the core group of supporters invested many hours in meeting with other community members, to flush out pockets of opposition, to address their concerns, and seek their support. Their credibility was suspect. Many believed the core group was trying “to sell” their initiative, not to genuinely engage others in developing a new community process to respond to social and justice issues. The doubters, resisters, and disbelievers did not believe their interests were sincerely sought. The circle process was “after all, already in place”.

This [circle process] is not our thing — are you kidding? This is their thing, and only now that they see we’ve got the Minister’s ear [the Justice Minister] are they worried about us. Bullshit, I say . . . They’re not interested in our issues — in us. If they were, why didn’t they come to us when this got started? They weren’t that caring then about us. They’re not now really caring . . . They’re getting us involved because Whitehorse said they had to.⁴⁷

In Carcross, the line justice officials change frequently. Since their agencies were not engaged in developing the process, and were not actively supporting the process, the newcomers were not inclined to accord much respect or credibility to a “local initiative”. In Whitehorse, among the central managers of justice agencies, “bad news” stories seem to be blown out of proportion and actively circulated. Stories of failure gained instant credibility. Stories of successes were discounted. From all of the bashing Carcross circles took from those who were not a part of creating the process, the credibility of the circle suffered. The bashing also took a heavy toll on the original core group. Many became weary of fighting to assume responsibility for problems within their community, only to be criticized by their community for doing so.

Shit — sometimes I say, you know, really, why bother? Do they [Crown and police] think I want their job, or that I’m not able to help make the changes

⁴⁷ Carcross resident, private communication, 1995.

needed in my own community? I don't mind not being appreciated — I do mind how they twist things around to put us down. It is more of a fight with them. You know, it is a lot harder to get things past their opposition than to do the work, as difficult as it is, with the people we are working with.⁴⁸

The bashing also personally hurt volunteers:

I hear the stories they put out. It really hurts me that people would say that — think that. I'm not in this to get power or something like that. I'm in this circle to help my people — because I care.⁴⁹

The experience at Alliance and other institutions demonstrated that initial inclusion improves the capacity to carry credibility from step to step. It is much easier to sustain credibility than it is to build it in at later stages of a circle initiative.

6. *Fitting the Process to Local Needs* - The fine tuning necessary to ensure sensitivity to the different values, interest and abilities of all participants can only be achieved by widespread involvement. Articulating and knowing how to incorporate the particular circumstances of each community into the design of a circle process requires an active, broadly-based representation from all parts of the community.

Taking measurements — even precise measurements — in designing a suit is not enough. The tailor cannot be sure of the fit until a suit is “tried on”. Ensuring the process fits, requires trying on the process by experimenting through role-playing. Fine tuning can make a big difference to the practicality, fit and acceptability of the process. Any time a consensus process is designed without each interest group being afforded a chance to try it on — to assess if a process is sufficiently sensitive to their interest — it has a good chance of failing to be so. If the process is not adequately sensitive to a special interest group, the effort to make it so will be much better appreciated if that interest group is actively engaged in shaping and testing the original design.

⁴⁸ Carcross core group member, meeting, 1995.

⁴⁹ Carcross core group member, meeting, 1995.

Once a process demonstrates insensitivity to certain interests, acceptable explanations for that insensitivity are rare. Suspicions of other deficiencies will blossom quickly. When representatives of a special interest are not included, it is never a satisfactory answer to say efforts were made to include them.

A failure to make any process sensitive to a particular interest group is more likely to be tolerated and responsibility for the failure is more likely to be shared by that interest group if they are represented in the initial design process.

For instance, in the early sentencing circles, victims were not directly involved in designing the process. However, their interests were prominently featured in all discussions and care was always taken to consider the victim's needs. In many communities, including Carcross, the interests of victims were taken up by many different participants, but no one was initially involved whose profession or concerns solely related to victims' interests. Despite good intentions, the first circles often did not adequately address the needs of victims. Consequently, the initial circles were not considered sufficiently sensitive to victims to encourage their active involvement.⁵⁰ Misunderstandings about and, at times, aggressive opposition to circles from professional victim representatives plagued the development of circles in Yukon for several years. Not even the establishment of a victim coordinator at Kwanlin Dun completely offset their opposition to circles.

You know, I spend a lot of time telling them [victim support professionals] about the circle. They just don't listen. I don't know where they get their stories — stories full of errors, is what they have. They have their mind made up, based mostly on what happened in the first circles . . . so, they think that's what happens in all circles. They won't see it any other way.⁵¹

⁵⁰ This began to change when the core group encouraged victim advocates to participate.

⁵¹ Yvonne Smarch, victim support worker, Kwanlin Dun, 1996.

In communities, such as Hollow Water, Millelacs and others, victim representatives were central to the design and introduction of circles. In these instances, the support of the victim community has been instrumental in the growth and use of circles.

In very similar communities, there can be very dissimilar reactions to peacemaking circles from the same interest groups. In one community, an interest group may be opposed to circles, yet in another community, the same interest group may offer enthusiastic support. These different reactions can often be traced to whether the interest group participated in designing the initial circle process.

7. *Building New Networks* - The holistic approach of circles requires active participation from a broad spectrum of the community. In most communities, none of the essential, personal networks exist for holistic problem solving.

Within the justice system, even at the community level, professionals have very specific tasks to carry out. They may know of each other, but will rarely have spoken in any depth of their concerns or interests in processing cases through the system. For sentencing circles to be introduced, there must be keen interest from the justice system, especially from all front-line officials (court worker, probation officer, police officer, prosecutor and judge). Rarely are there personal networks within the justice system sufficiently transcending agency affiliations to can carry an initiative for change that challenges the core policies and practices of different agencies.

Within the community, there are few, if any, opportunities for community members to share, in a constructive manner, their common concerns and interests in justice issues across a broad base of the community. Not only must a new sense of shared responsibility be generated, but new networks for collective action must be established.

New networks are especially important between the community and numerous justice professionals. Few community members have a personal network that includes many key justice professionals. Highly defined hierarchical structures within justice agencies impose formidable barriers to building new personal networks between senior justice officials and local community volunteers that can sponsor the coordinated, cooperative and equal participation with local communities that is necessary for designing and introducing circles. Networks at the local level, between line justice officials and the community are easier to establish, but difficult to maintain without buy in from senior justice managers. In institutional or geographic communities, when steps were taken to build networks within the community before beginning circles, there was a greater will for “working together”, for taking collective responsibility. Early involvement fosters and nourishes a much greater inclination for collective action than is commonly perceived within that community.

At Alliance, as in most plants, numerous levels of responsibility generate barriers and distinct groups and classes of employees. The differences are marked by dress, bearing, associations within the plant, places of work, office space, power and, of course, pay. Further divisions are created by hierarchies and the absence of effective networks between groups divided by power, race, gender, and class.

Effective action requires effective networks. These networks must begin to be built at the outset of the design phase. At Alliance, a commitment from senior managers and senior union officials to the circle, manifested by their words and by their use of the circle helped to overcome the barriers to holistic approaches that hierarchical structures had imposed in the past.

We are all the same, with the same basic purpose — working at Alliance, trying to keep the company alive, trying to keep our jobs. And in this circle, what we shared became much more important than all the other shit ... We

could do so much more if we could overcome differences and get on working like we did in the circle — with respect for each other.⁵²

The design phase must be utilized to create spaces for people to connect, to reach out to others in a good way. Failing to do so will hinder the ability of the circle to do so once it is functioning. There are many different innovative ways to begin building new networks. All of them require time, energy and an unflagging commitment from within the core group to the principle of inclusivity. Retreats centered around circle training and building shared visions that engage a cross section of the community can be instrumental in generating new networks and creating the minimum mass of support to maintain the momentum for introducing a circle process.⁵³ In all cases, the earlier the network building begins, the better. When networks are developed before circles are used, there has been a much greater will for working together and for sharing responsibility for outcomes of the circle and for all aspects of the circle process. In all cases, early involvement reveals much greater support for working together than was generally thought to exist. If invited at the outset to participate, many people are surprised by who turns up and how supportive they are.

8. Building a Sense of the Possible

Local perceptions of the possibilities for collective action can often be extremely pessimistic.

“Are you kidding? We can’t get it together to do anything here.”⁵⁴

“No one cares enough to get involved. Everyone is too busy doing their own thing.”⁵⁵

⁵² Union representative, Alliance, meeting, 1997.

⁵³ Kotter, John (1995), *Leading Change: Why Transformation Efforts Fail*, *Harvard Business Review*, p.59 @ p. 62 - notes similar conclusion with respect to making significant changes within a corporation.

⁵⁴ Carcross resident, private communication, 1992.

⁵⁵ Haines Junction resident, private communication, 1992.

"If we all got together in one room, there would be fights breaking out everywhere."⁵⁶

"We're a community of groups. Each group stays to itself. Some say hello to others they pass. Some who have known each other for years won't even do that."⁵⁷

Local people don't see the prospect for collaboration because they believe others don't. These negative views feed on each other.

Why get involved? Someone will always think you've got some hidden motive or they'll find some way to bring down what you do.⁵⁸

While many can sound off the reasons not to get involved, very few appreciate what is lost by not being involved. In working with others to build better communities, to improve collective well-being, a deep sense of personal worth emerges.

I made a difference — I could see that . . . You know, I kept coming back to circles not just because I may help others, yes, but because it helps me. It gives me a sense of self-worth. I can make a difference. Do you know what I'm saying? I mean it is being able to give something to others that I get something. I couldn't figure that out about why I felt so good after the first circle. I thought a lot about it, then I got it. By giving to others, I got something. I got a sense of being a part of what makes a community work. Do you know what I mean?⁵⁹

I think I do know what she means. I appreciate it takes more than feeling "I can make a difference" to stay involved. I am convinced that people — most people — have repressed a need, a desire, to connect with others in a good way. Circles and other consensus processes create opportunities for these needs/desires to be realized. The environment of a circle is conducive to connecting to others, to building relationships, to creating a safe place for people to take the risks necessary to reach out to others.

⁵⁶ Kwanlin Dun resident, private communication, 1994.

⁵⁷ Alliance employee, meeting, 1997.

⁵⁸ Community representative, Minnesota, private communication, 1997.

⁵⁹ Resident, Kwanlin Dun, meeting, 1995.

Because people isolate themselves from others does not mean they are happy doing so. Because people, by their talk and actions, indicate they don't care, doesn't mean they actually do not care about others. People do care. However, there are very few forums within institutions and communities to participate in a caring manner in public or community issues. Many suffer from bad experiences in public controversies. Some have extrapolated from the experiences of others very bad images of what it is like to be engaged in public or community-based issues. Many simply are persuaded they don't have the requisite skills to become involved in public issues.

The circle creates a space that overcomes most barriers to reaching out and connecting to others. One of the strongest, most encouraging conclusions from my work, and the work of others in using circles has been that we all want to reach out to others, to build positive networks, to be effective contributors within our community. There is in all of us, more deeply buried in some than in others, a desire, a need, to reach past our experiences, past our pain, past our defensive routines and to set aside suspicions and fears, to reach out in a good way to others.

"Biologically, we are hard-wired for the emotions of bonding, affection and reciprocal grooming common to all primates."⁶⁰

I cannot say with any authority that a heartfelt desire to connect to others that arises in the circle is an attribute of our being "hard-wired for the emotions of bonding" or represents a very basic survival instinct.⁶¹ I can say that in every circle there are always several people who express a desire to reach out to others in a "good way". The desire to help, to be connected, may vary in intensity, but it is always very evident in a circle

⁶⁰ Clark, M. (1993). "Symptoms of Cultural Pathologies" in Sandole, D. and Van Der Merwe (Eds.). *Conflict Resolution and Practice*, (Manchester: Manchester University Press), p. 43. and p. 47.

⁶¹ Goodall, J. (1986). *The Chimpanzees of Gombe* (Cambridge, MA: Belknap Press); Strum, S. (1987). *Almost Human: A Journey into the World of Baboons* (New York: Random House).

dialogue. This desire to connect is an essential ingredient in building a widespread belief that change is possible.⁶²

In the circle, the courage of victims to move beyond hate, beyond anger, beyond fear and beyond a burning desire for revenge, is one of many poignant experiences that offer testimony of the ability and desire to connect to others in a good way. There are many stories arising from circles about people building positive connections to strangers and former enemies.⁶³ These are the stories that generate and sustain positive perceptions about what is possible, and about what collective action can achieve that working alone cannot.

9. *Seeing the Big Picture* - To see the big picture, to see beyond the immediate conflict, everyone must be thinking, not only about their conflicts and their issues, but about improving the "whole" system.⁶⁴ Circle dialogues create the space and promote the collective capacity to explore the systemic causes of conflict.

For me, it started with just the case we were doing — that case — and certainly, by the next case, I could see we were not just working on that case, but on the whole justice system. By gosh, it was easy to see — this was not just about [the offender and victim]. This was about the whole community.⁶⁵

Since circles address issues affecting the whole community, it is important to involve the community, from the outset, in designing the process to ensure all interests are respectfully included.

⁶² Montville, J. (1993). "The Healing Function in Political Conflict Resolution" in Sandole, D. and Van Der Merwe (Eds.). *Conflict Resolution Theory and Practice*, (Manchester: Manchester University Press), p. 112.

⁶³ Stuart, B., 1998, Ibid #18; Baldwin, C. (1994). *Calling the Circle: The First and Future Culture* (Mill Spring, N.C.: Swan Raven & Co.).

⁶⁴ Constantine, D. and C. Marchant (1996). Ibid #7 @ p.31

⁶⁵ Harold Gatensby, Carcross, meeting, 1997.

Summary

Few conflicts within a community, directly or indirectly, fail to affect a cross-section of the community. Many fail to realize how they are affected, and many assume "it is none of my business". It is. How a community resolves a burglary by a young person, how a company resolves a dispute between two workers, how a school disciplines a student, all of these matters affect a much more diverse set of interests than the interests of the primary parties. Ultimately, how these conflicts are handled connects to all of us. Including a cross-section of the community in designing conflict processes enhances awareness of the larger questions in managing conflict and engages the unrealized potential, energy and talent within a community to develop and implement innovative solutions.

Shortcuts that hamper inclusivity will ultimately be costly. This was the experience in communities that moved too quickly, that failed to exhaust every effort to penetrate apathy or a reluctance to get involved. Initiatives to develop a circle process in these communities provoked opposition from those who felt left out. In other communities, where extra efforts were made to ensure everyone was invited, encouraged and welcomed to participate, even if they didn't participate, they knew they could. These extra efforts were rewarded by more participation, more widespread credibility in the process, and by much less opposition. Jumping in too quickly can precipitate a chronic struggle to overcome initial opposition to survive. These struggles often require beginning again to undo the cost of shortcuts, to work through the debris of a failed circle process to build enthusiasm to start again in a more inclusive manner.

How a circle is designed significantly affects how it will be accepted and used. Inclusivity in designing a circle process is the best guarantee of widespread use.⁶⁶

⁶⁶ Constantine & Merchant, 1995 , Ibid #7, p. xv

Participation in designing the process induces a sense of ownership which, in turn, fosters stewardship of the new design through the perils of initial use.

CHAPTER SEVEN

PRINCIPLE FOUR: EQUAL OPPORTUNITY TO PARTICIPATE

*“Embracing equality for all, without denying the one,
without taking away individuality — that is the challenge.”*
- Hans Mohr, 1997

Two years ago, with a bad ankle and unable to run, I thought I might skate. The logic, desperate but persuasive, was that the modern skate, built like a ski boot, would lock my ankle into place. It didn't need to move, ergo I could skate, even if running was impossible. It worked — well, sort of. I started playing hockey at the local community arena. My hockey days were a long, long time ago. The experience of playing with those who have, for several decades, eagerly awaited winter to play hockey, can be a frightening, intimidating, even painful, experience. There were several of us that winter who either came to play for the first time or for the first time in a very long time. All of us trying to be included, some of us having watched too many Saturday night hockey games on TV, were filled with Walter Mitty-like dreams of what life on skates might be. It wasn't.

One night, a few kindly disposed “old pros” accommodated their game to our level of play. It was wonderful. Those of us struggling to skate participated in a Walter Mitty dream — we scored goals, were a part of rink-length rushes. No one knocked us off our skates. We fell often enough, but eagerly got up — played on and on. That night was the only night we were “players”. All other nights, those with skill dominated the play. No one specifically excluded us — the level of play did.

Similarly, it is the level of play in the justice system that excludes most people. When lay people participate (skate) for the first time in the justice system, they are

left behind by their ineptitude with the language, procedures and complexities of the justice system. It doesn't matter how many Perry Mason reruns or other "law shows" they watch, it doesn't matter how driven they might be by personal issues to participate, the game in the justice system, with rare exceptions, is a game for "pros" only. Justice professionals, skilled in the rules, language and procedures, easily overwhelm most newcomers.

Why bother, eh? You go down there, you sit where you're supposed to, eh — at the back of the room. All the lawyers have their backs to you. You can barely hear what's going on. What you do hear, you can't understand . . . You know, what's "mens ray", anyway? Is that some way of seeing things different? I can never figure out conditional discharge, curative sentence, suspended something, mandatory this — and others. Sometimes I just want to say, "Just a minute, this is not just important for you professionals. This is someone I know. Let's talk in a way we all can."¹

Worst of all, very few of them lawyers and judges could care a damn what we think. You can sure feel that, eh ...²

However, unlike hockey, the justice system should not be a game that is successfully played by only those with professional skills. The justice system, to work, to be effective, must engage everyone. For too long, the justice system has excluded most of the community by operating in a manner that requires special skills to play. The justice system intimidates, confuses and keeps away many people needed for the system to successfully function.

Much the same happens in corporations and large institutions. The decision-making process, the way conflicts are addressed excludes most people due to the special skills, language, networks and knowledge needed to participate. As in the

¹ Ron Ernoff, community volunteer, Kwanlin Dun, private communication, 1994.

² Community volunteer, Kwanlin Dun, private communication, 1994.

justice system, so it is within corporations and institutions — conflicts are negative experiences, passed over to an “expert” to handle. Like hockey, as long as the game (dealing with conflicts) is played so that only those with special skills can participate, those without the requisite skills shy away from participating in resolving conflicts within their communities. Unlike hockey, successfully dealing with conflict depends not just on those with special skills, but upon everyone. One of the most pressing challenges facing the justice system (any institution) is finding and developing ways to actively engage all participants in resolving conflicts. Creating equal opportunities to participate is a crucial step in realizing the significant opportunity conflicts provide for creative, positive changes.

In the justice system, those who have power must learn and appreciate what those without formal sources of power have to offer. If we fail to appreciate that the contributions communities and families have to offer that, while different, are no less valuable than the contributions professional skills provide, then we risk continuing to do harm, even though we intend to help. This is not an easy task for those in power, nor is it easy for those in communities. Justice officials have become too accustomed to having exclusive responsibility and communities have become too accustomed to depending upon the “experts”. Both must change.

To establish a conflict positive environment in any community, the play cannot be exclusively left to “conflict experts”. In the very least, no one must feel excluded by the level of play. A conflict positive environment embraces conflict as an opportunity to build better understanding, trust and respect, and thereby, develop stronger relationships. In these environments, conflicts call upon the skills and input of everyone to forge innovative, lasting solutions.

To fully engage all the resources of a community in resolving conflict, to make the task of resolving conflict a shared responsibility, measures must be taken to create equal opportunities to participate. These measures must begin during the design and introduction of any new process for dealing with conflict. There are so many things, easily accessible things, that can be done to remove or reduce barriers to equal opportunities to participate. This chapter notes only a few of the barriers and a few of the changes that could be made. Above all else, most important is a genuine desire among all participants to promote equal opportunities. Generating this desire depends upon understanding that the efforts invested in promoting equal opportunities significantly improve relationships and the capacity to produce innovative, durable solutions. While equal opportunities are essential, they are often impossible to achieve. Genuine attempts to create equal opportunities go a long way to foster acceptance of, and respect for a process among those who do not have the same resources or skills as others to participate.

Begin by Recognizing Inequalities

From the very beginning, everyone must identify and work towards reducing inequalities that hinder participation. Circumstances that limit anyone's participation must become the common concern of everyone. Joining together, from the very beginning, to collectively remove limitations on participation immensely helps begin the process with a sense of community, with a spirit of cooperation and mutual respect. Collective action, directed to creating equal opportunities, generates the feeling and the fact that the process belongs to everyone and demonstrates genuine interest in what everyone can contribute. It can often be small things that make a big difference. For example, when the representatives of the justice agencies take the time and make the effort to hold

the first community meeting at a wilderness healing camp, a clear message is communicated:

I was amazed — very pleased, you know, that they came out to our camp. That was not an easy thing for them to do, but they did it. It showed respect to us but, more important, it showed me, showed all of us, they did want us to be a part of it, and I think the way we treated them made them see we wanted them to be a part of it.³

While it is impossible to remove all barriers to equal participation, it is important to try. It is less important to find perfect solutions than it is to genuinely try to do so. Barriers to equal participation must be continually addressed. No one ultimately gains from taking advantage of anyone's limitations to participate in shaping the design of a consensus process. Everyone gains from taking special care to ensure all voices are equally influential.

Changing Attitudes

Creating an equal opportunity to participate is not just about balancing resources and skills and making the process easily accessible to all. It is also about changing attitudes. In most communities, the most significant barrier to equal opportunities to participate stems from attitudes — negative attitudes. If the police feel they are not liked, not trusted, they are unlikely to feel comfortable participating, and likely to say little or be very guarded.

No, I didn't say very much because I didn't sense they wanted to hear from me. It seems most believe I'm just a "cop".⁴

³ Harold Gatensby, Carcross, meeting, 1993.

⁴ RCMP officer, Haines Junction, private communication, 1993.

In Oklahoma, the supervisors, who were neither management nor union, believed they were not “really thought of by either side as belonging. We’re just in the middle and disliked by both sides, you see.” Only in the circle did some of the supervisors begin to feel they could lose their identity as a supervisor and participate as an equal member of the plant community.

I didn’t say very much at first, but when I saw attitudes change, or at least saw that others could respect me for who I was and listen to what I had to say, *not because I was a supervisor, but because I was a person*, then, you know, just like everyone else, when they changed their attitude about me, you know, that’s when I really changed, too. I came alive in there [the circle].⁵

In the justice system, it is often particularly difficult for many justice officials to change their perceptions and attitudes about offenders, to treat them as equals. Frank LaCosse was right. We often block out the person behind the label “offender”.

When all you know about who he or she is, is their crime and their criminal record, all you see is an offender. You take away a lot of their chance to be different when doing that, and you take away your chance to be respectful of the whole person.⁶

Negative attitudes can profoundly block equal opportunities. I am no longer amazed by how circles can break down so much of the infrastructure of negative attitudes. I have seen profound respect evolve between people previously entrenched in negative perceptions about each other. I have seen corporate executives applaud the contributions of environmentalists that they previously scorned. I have watched victims gain new understanding about offenders and watched friendships grow between managers and union representatives. Circles

⁵ Supervisor, Alliance, 1997.

⁶ Frank LaCosse, Whitehorse, private communication, 1984.

help change perceptions and begin to remove the barriers negative attitudes create to equal participation. An intensive three or four day workshop composed of a cross section of the community learning as colleagues about new approaches to conflict can be particularly instrumental in changing attitudes about others.⁷

Sharing Power

For those who have never had any significant power within their community, learning how to effectively participate in sharing power can be a challenge. It is also a challenge for those who have always had power to genuinely share it. Even among enlightened executives giving up power is difficult.⁸ Circles create a place for learning how to share power and responsibility.⁹

It is not difficult to do — once you do it — for you quickly see how much better the outcomes are when power is shared in the circle."¹⁰

The more a circle is used in planning the design and introduction of a circle, the more everyone learns how to share and exercise power and, the more an abiding sense of an equal partnership evolves. The skills and attitudes around sharing power developed in a designing a circle become instrumental in successfully employing the circle for community conflicts.

Empowering others to participate is an important, but not complete preparation for the long journey to a collaborative, connected community. It is not just power that

⁷ Chataway, Cynthia and Hervert Kelman (1997) (forthcoming) in N. Rouhana (Ed.) *Innovations in Unofficial Third Party Intervention in International Conflict*, Syracuse University Press @ p.34.

⁸ Senge, Peter (1996). "Leading Learning Organizations" in *The Leader of the Future*, Hesselbien, F., Goldsmith, M. and R. Beckland (Eds.), Jossey-Bass, New York @ p. 53.

⁹ Stuart, B. (1999), *The Dynamics of Dialogues in Circles*, work in progress.

¹⁰ Judge S. Ruble (1997). Talk to Minnesota Judges, Minnesota.

must be shared. Responsibility must be shared.¹¹ The full realization of equal opportunity comes not just with the sharing of power to make things happen, but in sharing responsibility for what has happened in the past and what the group decides to do in the future.

Treating Others as Equals

In designing and introducing a circle, a pervasive sense of working as a team towards a common purpose lies at the heart of establishing the feeling and fact of an equal opportunity to participate. The business community has recognized, and increasingly appreciates, the importance of team-building, of working together as colleagues to successfully solve complex problems. In the justice community, we have longstanding traditions that call upon us to refer to others as colleagues. For the most part, it is a tradition without much substance, and does not imply a genuine sense of collegiality, nor induce a sense of being equal partners. Within the justice community, people from other agencies and other departments rarely join forces to develop an effective team approach to a common problem. It happens, but rarely. It is also rare for teams drawn from justice and other public agencies to be capable of working as equals. The exceptions occur mostly at the grassroots level and last only as long as key players sustain the connections built on knowing and respecting each other. In the justice system, we could learn much

¹¹ Harris, George (1993). *The Post Capitalist Executive: An Interview with Peter Drucker*. *Harvard Business Review* (May-June), @ p. 122.

about team-building, about the real meaning of regarding each other as colleagues, from the more progressive corporations.¹²

Few justice officials move beyond the perspective of their agency, beyond their turf, to effectively engage in joint problem-solving as equals with others. Those who do are often abused by other agencies or by their own agency. For example, judges who work with communities and accord the community an equal voice in circles and in other consensus-based processes have been regarded as “heretics”, “crazy”, “misguided” and, of course, the ultimate curse — “think they’re social workers”. For prosecutors and police, the sanctions by colleagues can be much more damning, much more destructive of their career ambitions.

This is my view — not the view of my office. Listen, I know I’ll be in trouble for getting involved like this, but they can’t see what I’ve seen out here in the community. I believe in this, but doing it will create big problems for me. I’ve got to be careful not to do too much, or I’m gone.

They may say they support circles — they don’t. What they (senior officers) say to you and what they do are not the same. If we want to get ahead with promotions, we keep true to the old ways of doing things — not the so-called new ways. It still is so: go along, get along — get promoted. I asked to stay another year to work on the circle. Guess what? I’m now going to be transferred even earlier. What does that tell you?¹³

In the justice system, we learn, as do those in large corporations, not to regard others as equals within the highly structured hierarchies that define clearly who is

¹² In *The Leader of the Future* (1996), Hesselbein, F, Goldsmith, G and R. Backhard (Eds.), Jossey-Bass, New York, most contributors noted the importance of leaders, empowering all levels of their organization to participate in small or large teams to address issues in a cooperative manner. See also Argyris, Chris (1991), “Teaching Smart People to Learn” in *Harvard Business Review* (May-June); Burton J and F. Dukes (1990) *Conflict Practices in Management, Settlement and Resolution*, St. Martin’s Press, New York; Harman F and J. Richard (Eds.), *Groups that Work (and Those that Don’t): Creating Conditions for Effective Teamwork*, Jossey-Bass, San Francisco.

¹³ Police officer, Yukon, private communication, 1994.

above and below us. Our power, our status is laid out in detailed rules, policies, payments, office size and location. Our working worlds reinforce the status our "position" bestows upon us. Our ability to do our job usually depends upon an unequal distribution of power. Thus, it should be no surprise why these notions of "inequality" shape the dynamics of joint problem-solving endeavours with communities. We rarely treat community participants with genuine respect or as equals. The power of the law is readily twisted to ensure the supremacy of a legal approach in joint problem-solving. Various versions of "the law won't allow that to happen" ensure our agenda and interests dominate deliberations. However, maintaining control in joint problem-solving exercises works to our detriment. Few effective solutions to most problems are "legal solutions". Nothing could be more helpful in realizing collective interests than an open dialogue that engages other justice agencies, public agencies, and communities as equals and partners.

Forums such as circles, which promote a sense of equality among participants, generate new respect and, often, new friendships. Not only among community members, or among justice professionals, but especially between these two groups, many new friendships started by treating each other as equal colleagues within the circle.

We've become really quite close. I could say we treat each other as friends. I think of him [police officer] in that way, and I believe he likes that and sees me in the same way. Sure, we've got our differences, but we seem to be seeing things in each other we like . . . Golly, who'd have thought it, eh? But, in the circle, I've seen him treat me and others as equals — with respect, you know. He listened — really listened to what we had to say.¹⁴

¹⁴ Harold Gatensby, Carcross keeper, 1994.

Respecting and treating others as colleagues provides the foundation for successfully addressing many barriers to equal participation.

Circle Dialogues: Creating Conditions for Equal Opportunities

Hierarchies allocate power in ways that undermine or pervert respectful relationships and make the genuine sharing of power and responsibilities almost impossible. I'm not suggesting that one does not find respect within hierarchies, but that, for the most part, the respect found arises from respect for the power held, not for the totality of the person. Similarly, power is shared within hierarchies, but not in a manner that empowers everyone to participate fully and equally.

The attitudes about power learned within hierarchies affect interactions outside the hierarchy. Justice professionals come into communities from a hierarchy that stresses, in a very precise manner, the different levels of power. A police officer "instructed" to do "community policing" faces a significant challenge in leaving behind the command-and-control environment of his hierarchy in meeting community volunteers as equals. Judges accustomed to controlling the process, to abject deference, are challenged to become just another voice in the circle and to co-exist without any special deference, left to earn respect for what they offer as a person, not as a judge. Circles begin to transform relationships, not just among those within hierarchies but, as well, between those from hierarchies and from the community.

Circle dialogues, more than any other experience I know, by breaking through the power relationships within hierarchies, promote respect for others as valued colleagues and begin to change relationships structured around power. Circle

dialogues are essential to initiate and sustain the transformation of power and relationships within hierarchies and within communities.¹⁵

In circle dialogues, judges have no greater voice than anyone else. All voices from the community carry the same sway as other voices. In some early circles (and when new people joined circles for the first time), deference to authority and to power undermined the potential of circle dialogues. It takes time for new perceptions, attitudes and practices to take over from those born in hierarchical environments. It takes time for newcomers to appreciate how their interests are served by a dialogue with equals, rather than calling upon the power of their position to resolve problems.

Some observers doubt that dialogues among equals are possible within organizations since "hierarchy is antithetical to dialogue".¹⁶ I agree. Unless the usual format and setting for exchanges within hierarchical organizations is dramatically changed, open dialogues cannot take place. It takes a profound change in attitudes and in the common perceptions of possible outcomes for powerful players to give up the privilege of their position within a hierarchy that empowers their opinion to prevail. Similar profound changes in attitude and

¹⁵ Schoin, E. (1995). On Dialogue, Culture and Organizational Learning, *Organizational Dynamics*, Vol. 3, No. 1, at p. 40.

¹⁶ Bohm, David, as quoted in: Senge, Peter (1990), *The Fifth Discipline*, Currency, Doubleday, New York @ p. 245. In a work in progress on the dynamics of dialogue in circles, I have drawn heavily in several parts on the insightful work of David Bohm. Other works by David Bohm include: *The Special Theory of Relativity* (1965), W.A. Benjamin, New York; with F.D. Plat, *Science Order and Creativity* (1987), Bantam, New York. A dialogue is a shared search for understanding, a shared journey through thoughts, feelings and intuitions. A discussion is an exchange wherein defiant participants argue with or manipulate others to have their view accepted or to prevail. A dialogue generates the kind of exchanges that the physicist Werner Heisenberg describes as the basis for the "staggering potential of collaborative learning" (Senge, Ibid 1990 @ p. 239). A circle dialogue does not just happen from sitting in a circle. There are significant preparations that must be taken to create within the circle, the conditions for a dialogue.

perception are required for someone to amass the courage to speak out in the company of those with significantly more power, especially if that power can be directly exercised against them. Both those with power and those without experience and come to believe in the benefits of an open, frank dialogue. In a circle, they experience that holding on to the privileges of position, or retaining the security of going along with whatever the boss says, hinders the potential of their collective actions.

Within the context of peacemaking or sentencing circles, the judge especially, but other professionals as well, must learn not to rely on the "privilege of their power and authority". Conversely, the stilled community voice, feeling a lack of confidence to speak about "justice issues" must learn to step up from non-involvement to speaking out and assuming responsibility.

I was afraid to speak. I didn't think I could add anything. I didn't even understand much of the talk. You guys use words I don't understand. What does "curative discharge" mean? What is a "malingerer"? Anyways, that's why I keep passing the feather.¹⁷

Moving away from the kinds of exchanges hierarchies encourage or impose is difficult for both the powerful and the not-so-powerful. The changes in attitude and perceptions necessary to make these changes must come from experiencing something different. Talk or promises about better outcomes will not provide sufficient incentive to change. My experience suggests that those within hierarchical organizations, upon hearing about circles are, at best, mildly curious. Most are adamantly opposed. The concept and nature of dialogues in circles is often too big a stretch from the power based exchanges within most hierarchies for

¹⁷ Kwanlin Dun circle participant, 1992.

some justice officials to appreciate the advantages of an open exchange among equals as a way of "getting business done". Without understanding the underlying values of a circle process, and participating in a circle dialogue, support for circles is rare among those who have lived most of their professional life within hierarchies.

For example, in the early days of circles, I attended a "closed door meeting" of all police detachment commanders. Two very senior officers in Whitehorse had expressed support for circles. Out in the field, among detachment commanders, there were skeptics and many were adamantly opposed. Much of the opposition stemmed from an early circle that involved an offender with a history of violence and a reputation for threatening police officers and their families. His offence before the circle had involved threatening a police officer with a baseball bat. Although that officer supported the circle, many other officers felt they would be much safer if the offender was, once again, thrown into jail. Early in this closed door meeting with station commanders, I asked all the officers opposed to circles to raise their hands. At least three-quarters of those present raised their hands. I then asked for those with their hands raised to lower their hands if they'd *never* participated in a circle. All hands were lowered. The same exercise was repeated with those who supported circles. There was almost a perfect match between those who supported circles and those who had been in a circle and, equally, a perfect match between those who had not been in a circle and those opposed to circles.

In Oklahoma, many managers were very skeptical about "what could come from sitting in a room with the union . . . they have nothing good to say about us."¹⁸ After

¹⁸ Manager, Alliance, meeting, 1997.

the first circle, this manager began to appreciate the benefits of a circle dialogue and to think of others as equal colleagues.

... thinking of each other as colleagues is important because thought is participative. The conscious act of thinking of each other as colleagues contributes towards interacting as colleagues. This may sound simple, but it can make a profound difference.¹⁹

The circle at Alliance had revealed common interests, shared values, and enabled people to interact as people, rather than merely as boss and worker. Over and over again, my experience reinforces how dialogues change perceptions and how this "simple" change does make a "profound" difference.²⁰ If those who work on designing and introducing a circle process, or on any consensus process, don't do their work through the dialogue of a circle, difficulties in treating each other as colleagues will endure and the process they design will unlikely respect all voices in the circle.

Small Things Make Big Differences

Little grains of sand, little drops of water, make a pleasant land and a mighty ocean. (Children's Hymn)

Attention to many seemingly small things can make an enormous difference in promoting the feeling and fact of equal opportunity in designing and introducing the circle process. How, when and where meetings are held can make a difference.

In the early 1980s, when I tried to involve communities in changing the justice process, meetings were set for rooms where the court conducted business. The

¹⁹ Ibid #16 Senge 1990 @ p. 245.

²⁰ Freire, Paulo (1993). *Pedagogy of the Oppressed*. New York Continuum @ p. 72 (orig. 1972).

meetings were held during the lunch break or immediately after court. These were the times justice officials were available. We sat with tables in front of us, or in a classroom style. An agenda evolved, mostly from things various justice officials felt had to be discussed. I usually chaired the meetings. No funds were provided for community members to participate. There was no help with babysitters, transportation or any other expenses, even when meetings were held during the working hours of volunteers. Although the meetings principally focused on problems the justice officials perceived within the justice system, most of the solutions called upon the community to do something. No efforts were made to ensure community participants understood the legal complexities surrounding the issues discussed. Legal complexities were often used to channel or restrict the search for solutions and to keep the search for solutions within the control of justice officials.

None of the justice officials lived in the community except for the police and Justice of the Peace. The police were transferred out of the community every three years. Several police officers had never before lived in the Yukon. Nevertheless, assumptions among justice officials about the community, spawned by their knowledge of other communities or by instinctual, impressionistic understandings gleaned from glimpses of the community, were rarely challenged, often took on the certainty of a "fact". These "facts" provided the information for much of what justice officials believed ought to happen.

Whatever decisions were reached, no new resources were invested by the justice system to ensure suggestions were implemented. Either community members were expected to volunteer their time or the justice officials were expected to find the resources necessary to implement decisions within existing time and demands and budgets.

All of these factors contributed to lots of talk, but very little action. Any significant changes lasted only as long as someone remained committed and able to act, especially since processes and budgets were never altered to accept and sustain change. Those who did participate faithfully, who genuinely tried to make a difference in their community, soon realized they really couldn't make any changes to the underlying causes of problems and that their views and participation were respected by words, not by actions. They quit. Until the next public crisis, the justice system continued to plough through cases with little effective community involvement, processing crime, as if somehow, in dealing with breaches of the law, the justice system was solving underlying causes of community problems. The community was induced to believe something significant would change. It rarely did. Some incredibly stubborn, amazingly dedicated volunteers never gave up working and hoping for change.

It's not right what happens when the court comes. There is far too much law, not enough common sense. Most are not criminals. They are good people with difficult problems. Most need help, not jail. Besides, you are not here when we need — really need — to deal with this ...I'm going to keep trying and keep educating every judge, lawyer and police officer they send us, until one day all of us in this community who volunteer to help will be respected — listened to!²¹

The decisions that primarily shaped how justice services functioned in any community were made in Whitehorse. Communities were never consulted about changes in people or policies. They got what we gave them.

The results, mostly negative, of these meetings is not surprising. What is surprising, is that very little has changed in how these meetings are held and in the durability of decisions made. For the most part, no significant efforts are made to

²¹ Mary McCulloch Watson Lake, JP Extraordinaire, private communication, 1984.

develop equal opportunities to participate in designing or carrying out solutions. The meetings are principally now, as they were then, a public relations opportunity for justice agencies. They can be a frustrating experience for interested community members trying to address their concerns and introduce significant changes.

Small, simple changes can make a big difference. Something as simple as holding meetings in the community at times best suited to all participants can make a significant difference. This may often call for meeting times to be alternated to ensure no one is continually making sacrifices to attend. Agendas should be mutually set.

Circles should be used as much as possible to reduce reliance upon someone to chair. Holding meetings in wilderness camps, where getting to know each other is a significant part of the agenda, makes a big difference. The place where meetings are held, how meetings are held, who attends, and the sharing of responsibilities for all aspects of the meeting can collectively be instrumental in building a sense of equality.

At first, you people [the justice officials] set the meeting — when, who would come, what we would talk about. We didn't feel as equals with you. Not too many people came. After awhile, almost no one ... Now, we do all of this and meet every Monday at noon. We have no real agenda, we share a meal, the room is always full and we get a lot done. The meetings are ours. You (the justice people) do come and are welcome, but at our meeting everyone is equal, and they feel that.²²

There are many common sources of inequality. The time and resources to participate are always different. Justice officials participating in community meetings are paid for most of their time and can call on departmental resources to

²² Rose Couch, private communication, 1995.

provide research and logistical support. Most community members donate their time and have no source to call on for research or logistical help. For those who run their own businesses, their participation is "down time" from that business. For everyone in the community the costs of participating, such as babysitters, gas money and restaurant meals involve extra and, for some, significant costs. Pooling research resources, meeting after work hours, providing meals or organizing pot luck dinners, helping with transportation and child care costs are all measures that pool or share resources, and help minimize or share the sacrifices that assist in creating equal opportunities. These measures begin to remove inequalities, begin to demonstrate a genuine desire to include everyone. Brainstorming about removing barriers to participation, by itself, helps to generate the relationships needed to design and develop a consensus approach to conflict.

For a time in Carcross, justice officials came to meetings after work. They provided funds for refreshments and, whenever possible, assisted with transportation.

We couldn't have done it without the police boat. I mean, he spent the whole time ferrying people back and forth from town to the camp. Somebody had to go back to town to check on a kid, or pick up a kid, or do something, and they were taken — no questions asked, no grumbling. The only bad thing was he missed a lot of the meeting, helping people get home or get back to town. But everyone recognized what he did — made him feel appreciated. It went a long way to showing his support, showing everyone how the police wanted this to work.²³

Neither a lot of money nor time is needed to change the participation and outcomes of meetings between justice agencies and communities. A genuine desire is needed from all justice agencies to share power, to share responsibility

²³ Stewart Breithaupt, Carcross, meeting, 1993.

for solving crime. We may have thought, in the past, we genuinely desired to do so, but the time we invested, the respect we accorded "local views" by our actions and the adherence to "Whitehorse policies" made our offer of an equal partnership hollow, made the impact of our collective action insignificant and short-lived. I cringe when I remember the long hours many very talented, dedicated local people put into the justice system. I cringe because we squandered the potential of their contributions. We were then, as we are now, ill-prepared to treat community volunteers as equals and to respect their unique knowledge and talents. We continue to believe and act as if only "professionals" can handle the complexities surrounding crime. That is true of very few crimes. In most cases, the justice system has few effective contributions to make in sentencing, yet we dominate and control everything that shapes outcomes.

Even little changes that provide equal opportunities for community volunteers to participate, that accords their skills the same respect we receive for our skills, would ensure much more can be accomplished. If we fail to make small changes (as well as big ones) that generate equal respect and equal opportunities to participate, we will retain community dependence upon our services. We will continue our parasitic growth off community problems, continue to experience high recidivist rates and, as a consequence of escalating justice budgets, drain away the essential public funds needed to address underlying causes of crime. The current thrust for community justice, for restorative justice, for peacemaking, will not succeed unless we attend to all the little things that translate the desire to establish equal partnerships, to empower families and communities into a practical reality. The little things must begin in the very first stages of designing and introducing any community justice initiative. Creating equal opportunities to participate flows naturally from regarding and treating community volunteers as equals.

I remember fondly several “old-fashioned” probation officers. They knew how to do the small things that made volunteers feel important, feel equal. When they had sufficient freedom to follow their instincts, probation officers could make a “silk purse out of a sow’s ear”.

I do most often what I feel is right. Policies made in Whitehorse have some strange creature in mind that I’ve yet to meet in my work. Everyone is so different. Trying to treat them as if they are not is quite silly . . . I like to think I have served people, served the community by helping people get on their feet *and into their community*, in whatever way each case seems to require — ways that Whitehorse, if they knew, would not understand or accept!²⁴

When excessive caseloads drove probation officers into offices and kept them behind their desks doing paperwork, reporting to supervisors, being administrators and doing the work necessary to “paper their ass”, we lost the wonderful work probation officers once contributed to communities. Burnt out and overwhelmed by crushing caseloads, probation officers, the justice system’s primary resource for building equal partnerships in most places, have lost much of their former ability to build community partnerships. Probation officers are now absorbed in serving the system — once they served people and communities.

A probation officer whose exceptional dedication to her community was widely known, poignantly stated how little things make a difference.

It wasn’t much, eh. Doesn’t seem to mean much to most people. But driving out to the village, holding our meeting in their place, and giving them control of the meeting was special. They felt respected. They’ve heard the words before many times. What was needed is action . . . Being there, listening, accepting their wisdom was important. Yeah, it

²⁴ Kim Zapf, probation officer, Watson Lake, private communication, 1983

only took an afternoon, but it was an afternoon that will last — if we follow up.²⁵

We didn't. Most people in the justice system changed. There was no follow-up. Failing to do small things that are promised can destroy credibility and can undermine the sense that everyone is equally committed to common objectives.

Changing Players

Constantly changing people in the justice system, in any organization, can cripple efforts to forge equality within new partnerships. Rapid turnovers in key people can send a message that the justice system has more important goals than building and maintaining an equal partnership with the community.

In addition to probation officers, the other players within the justice system capable of building partnerships with communities are police officers. Police officers can be an integral part of a community. They have a wonderful opportunity to do many small things that generate equal opportunities for communities to participate. Many police officers have made remarkable contributions to forging equal partnerships, to engaging the community. However, in Yukon, the national policy of transferring police officers every two to three years severely undermines their effectiveness. The costs of transferring police officers in and out of communities each year might fund an active community justice program. Nothing can be built to last if the builders change every two to three years and the new builders have a completely different idea of the buildings to be constructed.

²⁵ Sharon Cauoette, probation officer, private communication, 1984.

When a police officer, who has won community respect and has been a significant builder of community justice initiatives, leaves and a new officer, with another “game plan” arrives, the community must start all over again. There is not much that is more destructive of community justice initiatives than the parade of new police officers through communities.

You know, we'll miss him, but that's not all, eh. Now we've got to start all over again educating the new one. Seems like this work never ends. Truly, you know, I'm tired of it. We're all tired of it. It takes a lot of time and energy to get to know, trust, and then be able to work with someone. It breaks our spirit when the new one comes all dressed up in his police outfit to announce to us how it's gonna be. I just say again to myself, eh, “Here we go again.” It was going real good with [a police officer recently transferred]. Now what? How many times do we have to go through this? How many times can we go through this? Maybe we should have a say . . . Who makes these decisions, anyway? Certainly, not us. Whose interest do they take into consideration? Certainly, not ours.²⁶

The colonial practice of transferring professionals from place to place, from job to job, in a manner that predominantly serves the “agency interest” is not unique to the police. All agencies do it. There is rarely any community input sufficiently influential to overcome agency interests. Providing for an equal voice for the community in allocating human resources and other resources is not characteristic of most “community justice” initiatives. To generate equal opportunities, an equal voice in all matters affecting the community partnerships is essential.

Intensive Community Courses on Conflict

Creating equal opportunities to participate and the conditions necessary to make a difference begins by “talking about how to talk”. Communities that moved

²⁶ Harold Gatensby, Carcross, meeting, 1997.

immediately to introduce circles ran into many more problems than communities that invested in an intensive course on community conflict. These courses introduced skills in how to talk and listen with respect and how to see conflict as a positive opportunity. These courses opened up discussions about the nature of community conflict, the relative merits of different approaches to conflict and included basic skills in communication, mediation, peacemaking and in the use of circles. These courses generated a better understanding of what information communities needed to act, forged the personal networks necessary to move forward, and promoted discussions about how to ensure equal opportunities for everyone to participate. They were held for three to four days in the community and were open and free to all participants. Justice officials in these courses stepped outside their roles and responsibilities and emerged as people. Community members became relaxed and confident. They were appreciated for their special knowledge. In local communities, as in communities within organizations, sharing an intensive learning experience goes a long way to generating a genuine understanding, appreciation and respect for the unique contributions everyone can make in designing a circle process.

Intensive community courses have been instrumental in generating guidelines among participants about how to include others and how to create safe environments for the difficult conversations that are inherent to introducing a new circle process.

Summary

Jumping into discussions about changes in any environment without creating equal opportunities to participate ultimately leaves control in the hands of existing powerful players. Even though all participants may not enjoy equal power to

participate, genuine efforts to establish both the fact and perception of equal power tends to result in all participants working more effectively together and reaching agreements more readily.²⁷ Circle dialogues treat all participants as equals and make it much easier for those with power to share power, as well as making it easier for those without power to step up to assume responsibility. Absolute equality in any of our lives is not possible but a process such as circles that calls upon and respects the many different contributions we can make, promotes a pervasive sense of equality.

My grandmother, "Big Mom", and Willie Can, a black man with no formal education, both taught me something about snakes and a lot about equality. Their lessons about snakes were quite different and can wait for another time. Their lessons about equality were the same. A medley of their wisdom would say:

Everyone is equal in the sum total of all of their individual talents. Some people can cook up a storm, some can sing like a bird, some always greet you with a smile, some make you laugh, some bring you wisdom, some bring you joy. What they all can do, what they all can bring to you, to life, is equal when you add up all that each brings and shares.

Yes, some things may be valued more — that is, paid more. But what each person can do is worth the same, once you really get to adding it all up.

The steps taken to design and introduce a circle must always strive to create the conditions for equal opportunities for all to participate in a manner that allows everyone to make their unique contribution. Circles begin to answer Hans Mohr's challenge. Circles promote equal opportunities to participate without denying the uniqueness of each person's contribution, without denying their individuality.

²⁷ Rubin, Jeffrey and I. William Zartman (1995). Asymmetrical Negotiations: Some Survey Results that may Surprise, *Negotiation Journal* Vol 11, #4, p. 349 @ p. 351.

CHAPTER EIGHT

PRINCIPLE FIVE: VOLUNTARY INVOLVEMENT

“Ain’t nobody’s business but our own.”

“ ... All of us here at the plant gotta get that idea. We’re in this together ... if we put that little extra effort, little extra time in — you know, volunteer to do things, not just worry about pay, only then we can make it for the best.¹

Forcing people to participate in a circle undermines its heart and soul. The full potential of a circle can only be realized if the people participating want to be there, want the process to work, have a say in designing the process, and in shaping outcomes.² The ability to exit a circle by any participant, at any time, creates one of the primary strengths of the circle. The prospect of a circle being disrupted or terminated by the departure of any participant prompts everyone to be constantly mindful of the interests of others. Consequently, each person’s interests are more likely to be heard and respected.

What is meant by “voluntary” involvement? Rarely does anyone participate in circles without some external pressures or without ulterior motives. There are always pressures, some subtle, some not. There are always rewards or considerations, some direct, some indirect. For instance, a police officer may participate as a means of getting to know the community, or because she believes her task will be easier if the community knows, trusts and helps with her work, or because an immediate supervisor champions community policing. A judge may participate because a community pressures a judge to try “a better

¹ Alliance worker, circle training, 1997.

² Therein lies my abiding skepticism about any consensus process that is mandatory. I believe more effective than mandatory mediation is mandatory education about mediation, which enables the parties to make informed decisions about the process they wish to use. A readily accessible, brief information session about a consensus process enhances the ability of individuals to choose between an adversarial and a consensus process. Mandatory education can help; mandatory participation can severely undermine the value a consensus process offers.

way to deal with crime". A prosecutor may participate because new policy directions encourage her to do so. Within corporations, a manager may participate to curry favour with superiors or the union.

The concept of "voluntary" becomes stretched when applied to government officials, who are involved because of their position. For example, the newly transferred constable finds her case taken to the community circle. She's never heard of circles, but what she has heard has left her with serious doubts. She was the arresting officer, the community wants her involved, and so does her immediate supervisor. She is not voluntarily involved. Communities often seek to involve such officials, believing that "once in the circle, they will become connected". Not always. "Forced" participation can present significant problems to the dynamics of a circle.

Within the definition of voluntary, I've included those who would rather not deal with the conflict at all, but see the circle as the "best of all possible bad options". All of this adds up to making the obvious point: there are degrees of "voluntary participation". A circle is best served by those whose participation is "voluntary" and is not well-served by those whose participation is compelled. Circles do survive the participation of several "compelled participants", but I believe that such participants can spoil the brew. Much of the strength of a circle, of any consensus process, arises from voluntary participation.

It's not a perfect world — participation in a circle is never wholly voluntary. In sentencing circles, the police or Crown may be participating because a myriad of pressures makes it prudent to just ...

... grin and bear it. I'm not really a believer, but if this is what the community wants — okay. But my skill is in the courts. That's where I

want to be, that's where I think all crimes need to be. I'm here because I don't feel I really have a choice.³

Within institutions, different sources of pressure may create the same feeling of "no choice".

These attitudes significantly undermine the potential of the circle. Perhaps always — certainly in the beginning — there will be some people in attendance who "feel" compelled to participate. Those who initially attend due to pressures "to go along", may gain a better perspective of the potential and purpose of a circle. There are no short cuts — ordering people to participate can be a disastrous short cut.

The true voluntary presence of participants speaks eloquently to a very simple, but crucial fact — people participate, not because it is "their job"; they do so because they care about others and about their community. The overall voluntary nature of participation is as important in designing and introducing a circle as it is in using a circle. The credibility of a circle process is a function of the degree and extent of voluntary involvement. **The greater the number of truly voluntary participants, the greater the prospect and potential to realize the many difficult and ambitious objectives in designing and introducing a circle process.**

Importance of Voluntarily Sharing Responsibility

The fewer the number of people vested with responsibility for the well-being of a group, the lower the overall well-being of that group. We can find in families, communities, the workplace and, indeed, in nations, the severe problems that flow from excessive dependence upon a few people to make decisions for

³ Prosecutor, Yukon, private communication, 1993.

everyone else. We don't need to look very far. In my family, my father made all of the decisions. He did so with the best of intentions and always believed he was acting in our best interests. No one questioned his authority to do so ... at least, not at first, and certainly not directly. I left home.

Because my father always "made the decisions", we didn't work together very well as a family. We didn't discover what each of us could contribute. We didn't learn how to grow together through working together, through assuming our share of the responsibilities for seeing us through the hard moments as individuals and as a family. Dad did it all.

Luckily for me, he died knowing I loved him. I had a chance to tell him so, but except for the last few years of his life, I never lived the experience of loving him. It is impossible to love anyone who becomes self-appointed to make all the decisions in your life. As a child, nothing drove me further from him than, "The answer is no ... because I say it is. That's all. You don't need to know why. You just need to know I say no."

He was not driven by any evil intention — just by a set of values, a sense of responsibility that I now understand, but cannot accept. Like all leaders who believe leadership entails assuming full responsibility, my dad rarely achieved what he deeply desired — understanding and respect. He almost always did more damage than he intended. He ended his life, as did many leaders like him — feeling unappreciated and wondering, "What the hell did I do wrong?" Leaders like my dad resent the lack of gratitude for the enormous personal sacrifices they make — sacrifices that were never necessary and never requested. We can find leaders like him in many families, in many communities, in the workplace and in national political leaders around the world.

It isn't easy to learn how to share responsibility. As individuals and communities, we have built skills, processes, values and attitudes suitable for a world run by leaders vested with enormous powers. In a small, but important way, circles teach us how and give us opportunities to share the burdens and blessings of leadership. We need to make space for all of us to become leaders. We must share in making the sacrifices incumbent on leaders. The sacrifices will be less, if shared, and perhaps the connections to others that derive from shared decision-making will remove much of the loneliness, isolation and emptiness that an excessive dependence upon leaders inevitably breeds — in both leaders and followers.⁴

All of us in our own respective communities must begin to learn the skills of collective action, of shared decision-making. To be motivated to volunteer, we need to realize how much we gain by volunteering, and how much we lose by letting others decide important questions for us.

Those in power also need to appreciate what most authoritative leaders never do: the well-being of any group is inversely related to its dependence on leaders. The more power is shared, the healthier an individual and the community will be.

Consensus decision-making does not preclude the need for leadership. I value and respect dedicated leaders. We need them in families and communities. We just don't need them as much as they believe we do, nor as much as we allow them to take responsibility.

In circles, I have repeatedly experienced two wonderful phenomena. First and foremost, the joy people who volunteer find in realizing they can make a

⁴ This isolation permeates all of our lives. A visit to any elders care facility or a conversation with any of the very isolated people in our society will reveal the enormous hidden costs of failing to create space for many other voices, for many to share responsibility for decisions in shaping our lives.

difference, that their input shapes the ultimate decision, that they can help others. As people step up to take responsibility for the collective well-being of the community, their self-esteem blossoms and their connection to the larger group strengthens. The strengthening of this connection is, by itself, a source of new meaning, of new purpose in their life.

I really can say ... I hated coming here to work. No, I mean it. I hated it — wouldn't do it if I could have found work elsewhere. I needed the money. Did it only for the money — came in, did my thing, left as soon as I could. During the whole time, I kept mostly to myself. Look, I'm not saying things will be different. I am saying, for the first time, I hope they will be. My hope comes from this here circle. It's the first time I feel someone really asked me for my views and meant it . . . I got listened to here, and I got listening to others. I think we made decisions together. That made me feel good about that. You know, it really made me feel I could make a difference. The first time, I just saw it [the course] as a good chance to spend less time at work. Hell, I thought, "How can three days at a state park with a couple of Canadians be worse than being at the plant?"⁵

The second wonderful phenomenon of circles is the impact they have on leaders. This impact is evident in sentencing circles on judges, prosecutors, police officers, probation officers and other justice agency officials. The same impact is present in peacemaking circles on managers, union leaders and supervisors in plants, and on partners in firms. They all discover they can achieve more, feel much better about their role, and generally earn the respect they seek from others by sharing power, by demonstrating respect for others.

I can't tell you the difference it made. Like, it affected my whole life — not just my life as a policeman, but my family benefited. I benefited in learning how to share responsibility with the community and working with others in the circle . . . I've got a lot to learn, sure enough, and I know there will be problems. But that's all part of it. What's different is how we share the problems that come up.⁶

⁵ Alliance employee, training session, 1997.

⁶ Police officer, Ottawa, circle training, 1997.

Leaders in the business sector also begin to feel differently about themselves, their job and about their fellow workers when others volunteer to share responsibility.

Geez, it felt so good. I can't say enough about how much I've come to respect these people in our circle. It forced me to stretch . . . I didn't feel so much like they worked for me anymore, as much as now we work for each other. You just can't imagine how much of a change that is for me. I began in that circle to move away from seeing people as workers to seeing them as colleagues and could see how some relationships could grow well beyond that. I don't feel like it's all up to me anymore. They said it best — it's up to all of us . . .⁷

It is these experiences that began and intensified my belief that people can't be paid to share the difficult work of building consensus in a circle. They participate not because they are paid; they participate as an integral part of sharing responsibility for the well-being of their community. Being paid to do this work changes the feeling, the underlying significance of participation.

You know, before, when I was not paid to help others ... you know, when I worked as a volunteer, it was different. Now that I'm paid, my clients treat me different. There is not the same respect . . . Hard to say, really — just that they seem to expect things from me and less of them, eh. Because they say, "Well, you're getting paid, right?" If I was sitting there spending my own time, well, they would know I really cared. I wasn't there for money. I was there because I cared.⁸

If Voluntary Involvement is Crucial ... then Why Have Paid Staff?

I readily admit I was wrong to believe all the work involved in designing and implementing a community based consensus process must be undertaken by volunteers, yet I cling to the belief that most work must be.

⁷ Manager, Alliance, training, 1997.

⁸ Gary Smarch, Kwanlin Dun support worker, meeting, 1996.

I still believe that those who directly participate in the circle must do so voluntarily. But the work involved in preparing for and following up circles requires paid staff to maintain the partnership between volunteers and others. My most significant mistake about volunteers concerns the administration of circles. There may be exceptions, but in most communities there must be a person paid to work for a community group that is engaged in designing and implementing the circle. There are just too many logistical tasks, too many contacts to make, too many small matters that are all important, that all make a difference in who is involved, and how they are involved in designing and implementing the circle. It takes not only a unique skill, but also dedication, perseverance and steady attention to details to bring together, and keep together, a very disparate group. There are so many small things that need doing that make a big difference.

i) *Attracting and Keeping People Involved* – Getting volunteers involved initially is hard work. It can be just as demanding keeping people involved until they reach a level of commitment that maintains their involvement. Keeping volunteers connected, engaged until they become committed and self-motivated to assume the difficult work of designing and introducing a circle process requires a diligent, persistent and diplomatic touch.

“I wasn’t going to go. It was a lot of time — a whole day on a weekend. I really didn’t think I could add much. They had all the justice people going (police, lawyers, judges), so why did they need me? . . . You know, that is what I was thinking, but [the justice coordinator] called me twice, eh, telling me I was important, that they did like what I said, eh. You know, I thought I was a little too tough on them, which is just one more reason why I thought they might not want me. But by the second call, I got to thinking it was important for people like me to stay involved. So, I went and took two others with me. You know, damn good thing I went, also for [one of the people brought to the meeting] and for me. It helped us, too . . . Now, I don’t hardly miss a meeting.”⁹

⁹ Ron Ernoff, community member volunteer, Kwanlin Dun, 1991.

In Carcross, when a justice co-ordinator was hired who knew the community and could reach out beyond the original core group to involve others, it made a significant difference. The circle began to include others, and the rate of burnout was reduced.

At Alliance, the two co-chairs of the steering committee were given time out of their working day to complete the work necessary to “make things happen”. This may suffice to get the process going, but ultimately, if circles are actively used to resolve major disputes, a person whose primary function is to care and tend to the logistical needs of the circle, and to the overall logistical needs of the new partnership is required.

The time and commitment of volunteers must be respected and effectively utilized. If volunteers are overworked, or their particular talents not properly engaged, or they are left alone with responsibility or tasks that impose an unbearable emotional stress, they will be gone. Managing and caring for volunteers is vital to any community based initiative to design and implement a circle. Volunteers quit if overworked, if they are given crushing responsibilities, or if they are not fully appreciated. A significant turnover in volunteers can severely sap the momentum required to introduce and design a circle. A staff person who “looks after volunteers” can minimize “burnout” and prevent volunteers acquiring a sense of being “in over my head” by ensuring the volunteers have access to immediate support and help, and by constantly monitoring the workloads volunteers assume.

Peacemaking circles require reaching beyond those who always volunteer. In most circles, new volunteers become the backbone of the initiative. Keeping newcomers involved requires a staff person to monitor and support their first

tentative steps. (Often assigning a competent, experienced "buddy" to assist new volunteers significantly reduces the overloading that leads to burnout.)

ii) *Following Up: Translating Decisions into Action* — At Alliance, the steering committee co-chairs kept the process rolling. However, they would soon need someone specifically assigned to the steering committee to help implement the steering committee decisions. Their own work took up their time and action on key decisions began to be delayed. The momentum of the steering committee was slipping because people did not "see things happening" or experience "follow up".

When things are not seen "to be happening", there is a tendency to revive old perceptions and make assumptions that introduce negative energy.

When I didn't hear for the longest time that the course dates were fixed, I figured — same old shit, management has changed their mind or something else came up. This was given a lower priority. I kinda began to give up. I was a bit angry, but I thought, "So what's new?"¹⁰

Seeing things happen — making things happen — needs the push, the energy of someone who can put into practice decisions made by volunteer committees. But a critical balance is required. A staff person cannot usurp the key responsibility of volunteers. The staff person facilitates, assists but cannot take over the responsibilities that volunteers must assume. It takes a very special talent to know the balancing point between working with volunteers and doing the work of volunteers.

¹⁰ Alliance supervisor, private conversation, 1997.

Introducing a circle precipitates a fundamental change in the culture of a community. Volunteers cannot be expected to take on the magnitude of this change without help.

iii) *Spreading Good News* — Getting out the “good news” is best handled by a staff person. Volunteers are too modest to effectively “blow their own horn” about their successes. Bad news has an inherent ability to disseminate throughout a community. Good news needs help to travel. The community generally, and all government agencies specifically, will be less hesitant to support a circle process if they are accurately informed.

iv) *Debunking Rumours* — Rumours, if not confronted, can be extremely destructive to the vital community support needed to launch a new consensus initiative. In Kwanlin Dun, the initiative to develop sentencing circles was severely hampered by rumours that depicted circles as insensitive to the needs of two victims. The rumours were known by people leading the circle initiative. They investigated and found the rumours to be unfounded and did nothing to debunk a growing public acceptance of the rumours as fact. Over time, the opposition of some groups fed off these rumours. More than five years later, one of these rumours had grown, over repeated tellings, and was now dramatically distorted from its original version. It was used to base opposition to a specific circle. Rumours can become inextricably immersed in the reasons people fail to support or openly oppose new initiatives.

In Carcross, rumours that the circle was for aboriginal people only, or consists of “a bunch of druggies working with a bunch of alkies” still circulate. In the hands of others, especially people nervous about or opposed to change, rumours can grow into vicious, very destructive stories that severely undermine community

support. Rumours seem to grow and reproduce among those excluded from participation in the original design and implementation of the process.

A staff person is best positioned to investigate all stories and take appropriate action to debunk rumours or to rectify problems that “stories” reveal.

v) *Trouble Shooting* — A staff person can be a vital trouble shooter. Designing and implementing a circle process encounters *numerous problems*. Most problems, if attended to promptly, will not become destructive. Involving people inadvertently overlooked, attending to misunderstandings, avoiding scheduling problems that prejudice participation by one group — these and many more seemingly innocent problems, if left unattended, can become quite destructive. Especially important is the work needed to buttress new relationships and to avoid deterioration of key relationships. These remedial actions cannot be the exclusive responsibility of a staff person, but a staff person can provide the information and support necessary for volunteers to effectively take remedial measures.

vi) *Common Reference Point* — A staff person provides a common reference point for all volunteers and for the community, and especially for professional groups or state agencies to contact for information or to become involved.

Like, who do we contact? We wanted to get a case into the circle, but we didn't know who to call . . . we just didn't have a person or a phone number to call.¹¹

vii) *Volunteers Must Be Respected and Able to Act as Equals* – Volunteers must be respected as, and able to act as equals within any community partnership. Most professionals come to community partnerships supported by

¹¹ Defence counsel, Whitehorse, private communication, 1992.

an enormous infrastructure. They have easy access to information and expertise, ample secretarial and administrative support, and the funds to travel, attend meetings and cover all incidental expenses. Volunteers usually have none of these supports.

Volunteers within a community partnership cannot be regarded as the maid servants of professionals. There is no hierarchy within a community partnership. Everyone must do their share of menial tasks, everyone must equally undertake challenging problems. For volunteers to do the latter, they too must have support services. Pooling resources, giving volunteers full and unfettered access to adequate support services can help, but there is still a need for paid staff that report to, and work for the community partnership — staff the volunteers can rely on to ensure they participate fully capable of contributing as equals in a community partnership with professionals.

While I was wrong to believe a circle can solely depend upon volunteers, my experience reinforces the need to retain key decision-making responsibility and the primary leadership in the hands of volunteers.

Barriers to Voluntary Involvement

Finding sufficient volunteers to design and introduce a circle process presents a formidable challenge. It is especially difficult to find volunteers who are fully representative of the entire community. Each community has its own unique pressures that make it difficult to attract volunteers. The following discussion raises some of the challenges to engaging volunteers in designing and introducing a circle process.

1. ***Super Volunteers: The Danger of Dependence*** — At the other end of the spectrum from mandatory involvement, stands the problem of super volunteers — people who are consumed by their zeal to make a community initiative successful. They undermine a volunteer-driven process when they burn out. When these volunteers leave, a huge hole exists. The initiative may lose direction and momentum. They also undermine the process when they are actively engaged. Super volunteers leave little room for others to share the burdens and challenges of creating a viable community process.

I didn't feel I could contribute much at all. She did everything — it was her show, sorta. I didn't volunteer to do her thing or work for her. I'm here to work for the community — but she does it all. I mean, that's great if that is what she needs to do, but it leaves little for me to feel good about participating.¹²

Super volunteers concentrate the work of a community initiative into a very few hands. Pride in the community process, a sense of ownership and commitment becomes restricted to super volunteers who make things happen. Super volunteers can restrict getting others keenly involved. Super volunteers need to take a lesson from geese:

Geese continually rotate back into the formation and share responsibility for leading the flock to their destination..

Lesson: It pays to take turns sharing leadership ... with people, as with geese, we go a lot further when we are interdependent.

- Adapted from Misty Thomas

2. ***Power Players: Intending, but Not Doing “Good Things”*** — In all communities, powerful individuals who become champions of change can “make things happen” before the community is ready to have things happen. Powerful

¹² Volunteer, Haines Junction, private conversation, 1995.

players in the criminal justice system, judges, police or prosecutors, have often unilaterally introduced a new process. They have done so before any information about the process is shared, or after a perfunctory introduction of their ideas at a few public and private sessions. Introducing a new process without a dialogue that creates a common appreciation of the underlying values of the proposed change generates a widespread misappreciation of what the new process aspires to achieve. They have not walked the talk of a participatory consensus process, such as a circle. They have, in using their power to introduce a circle, violated the very principles of a circle.

3. *Entrenchment of Existing Processes* — In most communities, existing processes are deeply entrenched into the life of the community and supported by those whose activities and power base depends upon them. In local communities, courts are inextricably linked to every community activity. Families, churches, schools, businesses, local governing structures, every institution, some daily, some less frequently, are all directly or indirectly involved in, or reliant upon the courts.

In most corporations, grievance procedures are driven into place by the collective agreement and held in place by highly defined roles and responsibilities within the organization, as well as by numerous public laws and public expectations surrounding their use. Within all organizations and communities, these adversarial processes are vigorously employed to protect turf. Despite obvious deficiencies, many are resigned to accept that these processes are a fact of life that must be accommodated. Few can imagine their community without them. The problems that adversarial systems generate are accepted as an inherent, unavoidable part of life within the community. Changing from a dependency on existing adversarial systems built around mandatory involvement to a circle built upon voluntary involvement, requires fundamental changes in perspectives and

practices. Most communities have neither the time nor interest in such dramatic changes. There is often neither a widespread appreciation that changes are necessary, nor that more constructive alternative processes exist.

4. Co-Existence of Circles and Adversarial Processes — The introduction of a circle process does not depend upon the removal of existing processes. Making this clear reduces the actual and perceived magnitude of change involved in introducing circles and thereby reduces the extent and intensity of opposition from those dependent upon existing adversarial processes.

At Alliance, the union became much less anxious about the prospect of circle training and much more interested when it was clear the circle was a supplement to, not a replacement for, the grievance procedures established by the collective agreement. Voluntary support from key union leaders was only possible if their involvement did not undermine their grievance procedures.

This is what we fought for. This is what the union is about. And for me, in our agreement [collective agreement], it's our grievance procedure that makes the biggest difference from before.¹³

Once the possibility of co-existence between circles and grievance procedures was recognized, acceptance of the circle became possible.

We fought too hard for our grievance procedures — nothing is going to take that away from us. Now I reckon both can work together — even see how the circle can make only the best use of our grievances.¹⁴

Similarly, justice officials gave more freely of their time when they realized how a community circle helps their work, and changes, but does not threaten, their processes or their job.

¹³ Union representative, Alliance, private communication, 1997.

¹⁴ Union leader, Alliance, private communication, 1997.

"This is key for me, you know. It's not that I won't be needed anymore — I'll just be needed in a different way. And now I can get to do more of what I'm good at."¹⁵

"Made my job a lot easier. Once I realized that, it was easy for me to get involved. Besides making my job easier, it made my work much more effective by working right with the community."¹⁶

Some volunteers are more willing to become involved when they recognize the circle does not replace the justice system, and that both can work together.

We're nowhere near ready to take over responsibility for crime, you know, so people here are in a real battle every day to keep their lives together. You see, we are all healing . . . We know the police — you know, the entire system is not good for us and causes pain, lots of suffering, you know. It isn't good at all, but then just now we still need it . . . I'm sure glad we got this circle, and it will help us get strong as people, as a community, so one day, most of the stuff — you know, the crime — will be done in the circle. But not yet, eh — soon, I hope, myself.¹⁷

Adversarial responses are deeply ingrained in our attitudes and practices. They can dominate our interactions. There are few communities capable of switching completely to a consensus based approach. The first realistic step requires employing a consensus approach, not as a replacement for existing systems but as an option for handling conflict. This step, now underway through the increasing use of processes such as mediation, has just begun to wean individuals, institutions and communities from an exclusive diet of adversarial processes. It will take a generation of education in public schools to learn the skills needed to be an effective volunteer in public conflicts and to generate a pervasive sense of civic responsibility to share the burden of resolving community conflicts. Until there is a widespread understanding and acceptance of the advantages of a consensus process, until people have gained the skills

¹⁵ Police officer, Haines Junction, private communication, 1995.

¹⁶ Police officer, Ottawa, training, 1997.

¹⁷ Jessie Scarff, elder, Kwanlin Dun, meeting, 1996.

and embrace the values needed for effectively using a consensus approach, attempts to shift communities or institutions to a predominant dependence upon a consensus process will be extremely difficult, if not impossible.¹⁸ Currently, most cannot give up their dependency on adversarial processes. Asking them to do so is too big a step. Asking them to include consensus processes as an option within their community is, by itself, a big enough step.

The initial enthusiasm surrounding the introduction of sentencing circles prompted some volunteers to envision completely replacing the court process — a vision that frightens away support from large segments of the community and the justice agencies. To receive the necessary widespread support, especially to engage volunteers from the community, the vision for change should embrace the co-existence of adversarial and consensus processes.

5. *Volunteers: Their Perception of Competence and Need* – In communities and organizations, there is a prevalent attitude that “getting involved won't make a difference”. Many people believe the “problems are too complex” or “I don't have the skills” or “You need to be at the top where the real power exists to make a difference.” These perceptions discourage involvement.

We are often trapped by the images we have of ourselves.¹⁹

Within large bureaucracies, these perceptions are probably right. Most outside the “power loop” rarely believe they can make much of a difference. Two things seem to change this perception: a community course on peacemaking circles and participation in a peacemaking circle.

¹⁸ Cormick, G. and Brock, J., (1985). Unpublished study, University of Washington.

¹⁹ Morgan, L., (1993). *Imaginization*, Sage Publications, Newbury Park CA, @ p. xxi.

An intensive community course on circles (or any consensus process) that demonstrates how circles create spaces for innovative collective problem solving²⁰ and how they can participate, through circles, in difficult conflicts can give participants the feeling that:

What I can't do by myself, I figure we can do together— all of us here. There is here a power— in this room — together we are powerful people.²¹

Involvement in a peacemaking circle also begins changing attitudes. Several new perceptions and attitudes can arise from a combination of a community training course and participation in a circle:

- **Not alone** - Each person has only a little time to give. They begin to see how, in a circle, their little piece in concert with others can make a difference. The efficacy of combining many small pieces is recognized.
- **Nature of Involvement** - People working through an adversarial process to introduce changes may leave feeling content with the outcome, but quite negative about the process. Listening to a woman describe her victory in a protracted divorce litigation, I thought of what Jean Paul Sartre had said:

Once you hear the details of a victory, it is hard to distinguish it from a defeat.

- Jean-Paul Sartre

Others emerging with the scars of public battles echo the same feelings:

²⁰ An intensive community course was not held in almost all communities that have either ceased doing circles or rarely do circles.

²¹ Volunteer, North Minneapolis, 1997.

I'd been involved in public issues before. It was always hell — you know, always arguments, always negative power struggles. It was a war to get anything done . . . Then when we worked out a plan of action, it would take us on to a new war with whatever government agency we had to get on-side. It was all about tactics, about lobbying, manipulating and, in many cases, doing things I wasn't sure was really the way I wanted to do things."²²

A circle process offers a means of participating that resonates with personal values.

- **Necessity of Involvement** - Rather than conclude they can't make a difference, once aware of the underlying concepts of a consensus process, some begin to see that not only can they make a difference, but without their involvement, the difference they wish to see will not happen. For example, for many, participating in circle sentencing exposes the fallacy in believing more will be better — more police, more judges, more jails will win the “war on crime”.

Those are our problems, our people. This is our community. We can't hire others to do the work of building strong families, strong communities. We need to do this ourselves. Yes, we need help, but if they're [justice agencies] left to do it all, it won't happen. They can't be family, can't be neighbours, can't be someone who shows the caring needed or who has the trust to make a difference that counts . . . I've seen the changes that happen when someone like Gary or Gerald or Yvonne work with people from our circles. I saw a big difference in our people when they have the support of someone they know — and they know that person is giving them support not because they're getting paid to do it, but because he cares . . . In the circle, everyone hears people who want to care, sees people reaching out to help. That's what makes a difference for all of us.²³

²² Ex-community activist, Whitehorse, 1984.

²³ Rose Couch, Director, Kwanlin Dun Justice, 1995.

Achieving these changes in perceptions in any community takes time. It can be done. The experience of communities that have succeeded and those that have failed have much to teach us. The most important common lessons are simple — patience and no shortcuts. Gradual steps that set a pace that gains and retains voluntary involvement from as broad a cross-section as possible of the community in designing and implementing a circle is crucial.

6. *Professionals: Their Perception of Working with Volunteers* —

Professionals too readily assume the absence of professional training renders lay people capable of dealing with only minor conflicts.

You need to be legally trained to do those kinds of cases, that's for sure. Can't be done in a circle.²⁴

It's not "for sure", either that legal training is necessary or that serious crimes cannot be sentenced in a circle, especially if a circle gives voice to professionals and laity in sharing responsibility. Most of the challenges in sentencing do not depend upon legal solutions. The solution may be wrapped up in a legal package, but the central problems have little to do with law. Similarly, within institutions, most problems require more than legal solutions to rectify the underlying causes of the conflict. The ability to address these underlying causes is within the experience and resources of most volunteers. To work effectively with lay people, professionals need to gain a more realistic understanding of what lay people bring to a community partnership.

Professionals are rarely aware of the adverse impact that excessive reliance upon their skills has on individuals, families and communities. They do not realize if they did less, if they shared more responsibility with the community they would not only accomplish more, but there would be less to do.

²⁴ Police officer, Millelacs, Minnesota, meeting, 1997 (emphasis mine).

In both institutional and local communities, those with power find, at first, many reasons to retain power. For them, sharing power is “not natural”.

“I’m a boss. I’ve always been a boss. Bosses boss people. Like it or not, that’s what bosses do. Some days, I don’t like it, but that’s my job. It would not be natural for me to sit in a circle — where everyone gets to be a boss.”²⁵

“I just don’t think they’re ready for that kind of power. I don’t disagree, eh. It’s a good idea — maybe some day, for some people here [in the community], but not yet. They shouldn’t be doing that kind of case — no, we’re trained to do it.”²⁶

Until all professionals recognize and respect the unique contributions of volunteers, a new partnership for introducing circles, for any shared responsibility will not flourish.

7. Overloading Volunteers

Loading too much work and too much responsibility onto volunteers with inappropriate training and support is a lethal combination usually guaranteed to cause burnout. Managing volunteer time and responsibility prevents many from burning out and avoids losing others who may be interested but frightened off by stories of excessive responsibility.

8. Not My Job

The 911 mentality — have problem, call in an expert — is deeply ingrained in most communities’ reaction to conflict. This reaction is reinforced by the action

²⁵ Senior manager, U.S. corporation, private communication, 1997.

²⁶ Police officer, Haines Junction, private communication, 1997.

that taking on responsibility for conflict is "not my job". "You're paid to be the judge — you do what is needed — up to you not us."²⁷

Readiness of a Community

Introducing a circle into a community that is not ready can severely postpone the ability of a community to change. Bad experiences are remembered. They hinder efforts to muster new energies for future initiatives. Good ideas improperly implemented are simply remembered as bad ideas — "We've tried that before. It didn't work then — it won't work now." Subsequent attempts to restart the community initiatives are hindered by impressions that:

No one cares enough. Yeah, I'd like to see it go, but not enough people do, so why bother? ²⁸

Pushing too hard, too fast, before a community is ready to become involved, makes it very difficult to ever generate a broadly based sense of community ownership. In Carcross, subsequent efforts to expand participation encountered resistance stemming solely from a notion that, "No, this is not my community's idea. This is the idea of a few, and I've never agreed with anything they've done."

First impressions with any new process in a community only happen once. First impressions are crucial to the messages sent throughout the community. A bad first impression can severely jeopardize the community's understanding and acceptance of a circle. By engaging broadly based voluntary involvement from the outset, the circle has a better opportunity to "walk its talk" and generate the basis for an accurate, important first impression about the nature of a circle and its fundamental difference from an adversarial process.

²⁷ Whitehorse resident, private communication, 1996.

²⁸ Community member, Carcross, private communication, 1996.

Summary

Voluntary involvement is as important in designing the process as it is in using the process. The importance of this principle is often overlooked in designing a circle. It takes time and persistence to gain a sufficiently broadly based network of volunteers to design and implement a consensus process. It doesn't require a community-wide consensus to start, but volunteers from all sectors of the community are an invaluable asset in starting up and using circles.

The very nature of a circle process requires spreading the work among many hands. The holistic approach of circles depends upon a wide range of people who are constantly transforming, in very imaginative ways, their skills and resources into problem-solving resources for the community. What may be impossible for one, may be possible for many.²⁹

Professionals need to learn to appreciate and trust volunteers as equals. Volunteers need to step up and assume responsibility as an equal partner in designing and using a circle.

Say, there is something good coming out of everyone here. Doesn't matter, you know, whether you're college-educated or life-educated, like me. We all — I mean, every one of us here — have something that is needed for the circle to work. This has gotta be something we all give our time to do. This is not a job. It is something we do because we care.³⁰

Special care must be taken to ensure volunteers appreciate that circles are much more than merely an alternative technique to resolve disputes. Lacking a "big

²⁹ Underwood, Paula (1993). *The Walking People: A Native American Oral History*, A Tribe of Two Press, Georgetown.

³⁰ Harold Gatensby, Carcross, meeting, 1996.

picture" appreciation of circles, volunteers may not be sufficiently committed to endure the early difficulties and failures experienced in introducing a circle.

Without infrastructure support, a circle cannot compete against adversarial processes which rely upon an enormous infrastructure to deliver their services. Volunteers need logistical support as much as their professional colleagues to effectively design and introduce circles.

We can do this work ... we need to do this work. But you tell me how we're expected to do this without people working for us, for the committee — just like you [the justice professionals] got lots of people working for you. Let's see how well you'd do without that help ... see how far you'd get.³¹

The work volunteers take on must be balanced. There must be fun as well as rewarding work. Above all else, each volunteer must be valued and respected.

³¹ Leonard Gordon, Kwanlin Dun, meeting, 1997.

CHAPTER NINE

PRINCIPLE SIX: BUILDING A SHARED VISION

*"If one does not know to which part one is sailing,
no wind is favourable."*

- Seneca

Just seemed like one more of those policy changes we keep hearing about. Government is especially good at announcing new policies, especially you justice people. What makes me curious was this time the court was coming right into our community — that was really new; then sitting in a circle — that was different. But I really didn't get inspired and wasn't excited until I began getting a sense of the vision — that is, of what this could really mean for our community. It was the vision that got me really working on doing this.¹

Introducing a circle to any community calls upon many people to undertake activities they have never done before, with people they have never worked with, may not know, or may share very negative histories with. Pulling together strangers, people with different histories, experiences and expectations, to resolve difficult conflicts in a constructive manner requires much more than good intentions. Generating the essential constructive connections within a community, calling on the energy to take on new activities, and to forge new partnerships requires a shared vision.

Much more than describing the end of a journey, a shared vision defines how the journey will be undertaken. It provides a reason for the journey, a light to guide the way, and the motivation to work together. A circle can be introduced without a shared vision, but it is particularly difficult to do so. Communities taking time to first develop a shared vision may take longer to get started, but their circle will

¹ John Edzerza, Community volunteer, Kwanlin Dun, meeting, 1993.

ultimately be used for more serious matters and enjoy much broader-based community support. Shared visions built through the early involvement of all affected interests promote a much deeper appreciation of how circles can be used. In providing and retaining a focus on shared goals, a shared vision strengthens the resolve to persevere through difficult challenges. Without a shared vision:

- a circle (or any consensus process) is more likely to become a dumping ground for *minor disputes that mainstream systems cannot be bothered to take seriously.*
- key players are neither sure about what circles can do — or what is intended. They are not as willing to "join in the risk" and are much more cautious.
- everyone is nervous about "where this is taking us" and some will unduly restrict the circle to minor conflicts that do not need a circle.²
- communities are vulnerable to relapsing into old habits, into old dependencies upon adversarial systems.
- circles may be seen as just another "technique" for resolving differences.

Why don't we just do it and see how it takes? If it's good, then it'll get used, like any new technique. It's just a technique, right? So, why is training necessary? Let's just do it.³

A circle can be just another technique, but it can also be much more. To be much more, there must be a shared vision driving the design, a shared vision that speaks of sharing power and responsibility, that speaks of new relationships and that speaks about a profoundly different future — a future that those immersed in

² Judge S. Ruble, Minnesota, private communication, 1997. Circles in his jurisdiction grew beyond minor cases principally because he became a "believer in the circle".

³ Alliance union member, private communication, 1997.

or dependent upon adversarial systems may find difficult to imagine. Shared visions, driving the design and introduction of a circle, stretch popular notions of reality and call for achieving changes that, in many quarters, are considered impossible. A shared vision reflects what people believe “as right”, even though they may not yet know how to achieve what is “right”.⁴

I just knew in my bones this was the right way to do things. The circle felt right. It touched everything I believed was necessary for people to work through their differences. It respected the differences and the people. I didn't know how it worked, but I knew immediately it would work. So many others, when they get the idea of circles, they know it is right.⁵

Gathering the necessary support to introduce any new consensus process takes more than dissatisfaction with an existing process. Dissatisfaction can be an important catalyst for change, but cannot mount sufficient energy to wean any community from excessive dependence upon an adversarial system. If dissatisfaction was enough to realize change, the criminal justice system would have significantly changed in the 1980s, after several comprehensive reports documented the system's profound failure to achieve its goals. Despite widespread public dissatisfaction, public spending on the criminal justice system continues to increase.⁶ In many public and private organizations, adversarial systems for managing conflict survive generations of employee dissatisfaction.

⁴ Senge, Peter (1990), *The Fifth Discipline*, Currency Doubleday, New York, @ p. 216.

⁵ Kay Pranis, Minnesota, 1995.

⁶ Greenfield, 1996; Royal Commissions, 1993 and 1996; the Daubney Report (1988). *Taking Responsibility: Report of the Standing Committee on Justice and the Solicitor General on its Review of Sentencing, Conditional Release and Related Aspects of Corrections* (Ottawa: House of Commons); Greenfield, Lawrence (1996) in *Performance Measures for the Criminal Justice System* (Washington, D.C.: U.S. Department of Justice); The Royal Commission on Aboriginal Peoples (1993). *Aboriginal Peoples and the Justice System* (Ottawa; Canada Communication Group); The Royal Commission on Aboriginal Peoples (1996), *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (Ottawa: Canada Communications Group).

Changing from an adversarial system to a circle is a change in the culture surrounding conflict and, for many, a shift from according responsibility to others, to taking personal responsibility for themselves and for the well-being of their community. Underestimating the magnitude of these changes results in not appreciating the need for beginning with a shared vision about the overall purpose of a circle.

A shared vision must be more than a strategic plan. Most strategic plans are neither shared nor built upon the personal values of participants. Strategic plans “reveal more about today’s problems than tomorrow’s opportunities”⁷, whereas shared visions draw on community aspirations for the future, on dreams of what can be. Strategic plans, new directives and programs in the absence of a shared vision, cannot attain and secure the changes required to introduce a new culture surrounding how conflict is addressed.⁸

What Makes A Shared Vision a Powerful Force for Change!

There are few, if any, forces within any community more powerful, more effective at building a sense of common purpose and forging the partnerships necessary to implement and sustain changes than a shared vision. The following elements contribute to the power of a shared vision.

⁷ Hamel, G. and Prahalad, C., (1989), Strategic Intent, *Harvard Business Review* (May) 5 @ p. 210.

⁸ Kotter, John (1995). Leading Change: Why Transformation Efforts Fail, *Harvard Business Review* 59, @ p. 63.

1. *A Desire to Connect to Others* - The current tendency for people to distance themselves from others and to increasingly seek meaning from things, rather than from community with others, suggests a shared vision that connects, motivates and calls people to work on a common purpose will be difficult to create. Not so — at least, not as difficult as I first imagined. Circles introduced me to a different reality about people and about their motivations. The most powerful discovery revealed by the circle has been the overwhelming desire of people to connect, to reach out to others in a “good way”.⁹ It doesn’t matter who they are, what position they hold, what motivated them to participate. The circle reveals in everyone a desire to connect in a good way to others. The intensity of this desire is a function of how successful the circle has been in creating a safe, respectful space for sharing and connecting.

So, if anyone here thinks anyone can do it alone — forget it. Not only do we need each other to help us through difficult challenges like [the victim] is facing, but we also all need to be able to give help. So, what makes us healthy as individuals, what makes our families healthy and, for sure, what makes our communities healthy is the ability to give help and to receive help from others. If we don’t see this, we don’t see anything. It works both ways or it doesn’t work at all. So, you know, if we don’t reach out to each another, we all suffer.¹⁰

I kept saying to myself, driving home from our three-day training session: Can I really get involved with others? I did, and that really surprised me. I did want to be a part of this change — to share the dream of changing how we work in this place.¹¹

Corporations recognize the need for people to be connected to something other than solely making money. Without a connection to an ennobling mission within

⁹ See generally Zimmerman, Jack (1996). *The Way of Council*, Bramble Books, and Baldwin, Catherine, *Calling the Circle, the First and Future Culture*, Mill Spring, N.C., Swan River, for discussion of how circles can “connect people in a good way”.

¹⁰ Annie Auston, Carcross, meeting, 1995.

¹¹ Supervisor, Alliance, meeting, 1997.

the company, employees seek fulfillment in outside interests, not at work.¹² To mount the energy and the commitment necessary for introducing fundamental changes, every community or institution needs a shared vision that expresses the dream and captures the desire to connect to others in working towards that dream. Discussions within the circle reveal the desire to connect to others. A shared vision provides the focus to translate this desire into action. Much of the energy flowing from volunteers in a circle derives from connecting to and joining with others to realize their shared vision.

2. Consistency with Personal Values - The greater the synchronicity between personal values and the values inherent in a shared vision, the greater the commitment to a shared vision and therein, the greater its power.

So, there we were — walking our talk, sitting in his office, drinking his pop, and agreeing to take the next steps together — and we did. That's what got me, kept me giving. What made me believe was all of us walking our talk. I was doing in the plant same as I would do at home.¹³

Conversely, actions undertaken to realize a shared vision that violate personal values undermine commitment.

In court, eh, it wasn't the truth what they were saying, so I couldn't go along with it. Seemed like it was going down that way because no one wanted to be truthful about it, so I didn't want to be involved in a lie. So, that's why I didn't offer to help — even though I wanted to help.¹⁴

A cautionary note: At times, external opposition to a shared vision can bind people too intensely into a single mindset. The desire to overcome opposing forces can cause internal differences to be set aside, ignored for the sake of "beating down

¹² O'Brien, Bill, C.E.O. Hanover Insurance, as quoted Ibid #5 @ p. 224.

¹³ Union member, Alliance, private communication, 1997.

¹⁴ Friend of offender, Haines Junction, private communication, 1992.

those people who don't understand ... who oppose us". "Banding together" is important. But doing so at the cost of ignoring differences, of not working at understanding and respecting different personal values can be more dangerous than any external opposition. If differences are not openly exposed and worked through in a "good way", the design of the circle will fail to embrace the personal values of all participants. Working together without working through differences ultimately shuts some people down, and produces a vision that is not genuinely shared. The difficult work of learning about, and gaining respect for, differences within a community cannot be put off without significant cost. Yes, a circle, once in place, will do much of this work — work that will always need doing. But if this work is not undertaken at the outset, proponents of change will have avoided walking the talk they are calling upon others to do. They will have failed to build from personal values, failed to understand and respect their differences.¹⁵

It is not easy work making room in any environment dependent upon adversarial processes for a consensus process, particularly for a circle that pulls into play the emotional and spiritual components of conflicts that are repressed or ignored in most adversarial processes. People must really want change, be prepared to take risks and move past widespread skepticism and deeply ingrained assumptions about power, about how differences are settled. The vision of change must be personal. It cannot merely be someone else's vision. Signing up for the vision of others can never generate the personal commitment necessary to make it happen. The necessary level of commitment comes only from working with others to integrate personal visions into a shared vision.

¹⁵ Working out internal differences does not call for eternal squabbling. Differences sometimes need to be noted and work continued so that both time and working together can help build the trust and understanding needed to resolve differences.

I truly believe in what we are doing with circles. It is what I want to do with my own life. You know, it is what we do in our families . . . I want to see our community learn to care for each other like a family should.¹⁶

In Carcross, circle sentencing requires people to sacrifice their time to supervise offenders sentenced to house arrest in a cabin far from town, to work as counsellors, to drive offenders once a week to Whitehorse to access treatment for anger management, sex offender counselling and substance abuse treatment, and to be on call for the many crisis moments that occur. These demands place an enormous drain on a volunteer's time and resources. People take on these responsibilities because they are consistent with their personal vision.

In most organizations, commitment is rare. "It is our experience that, 90 percent of the time, what passes for commitment is compliance."¹⁷ In most organizations, personal values and visions are not integrated into, nor aligned with the vision that drives their work. Most organizations settle for compliance and seem to encourage people to leave their personal visions at home. They go to work to be compliant soldiers, doing what is required — no more.

Look, I'm not paid to work nights. My job description doesn't call upon me to care — just to do specified tasks. Being a part of a community vision is not one of my specified tasks. My personal vision is to not get fired.¹⁸

Working with those who just want to do what they are paid to do, and no more, is draining. Conversely, it has been inordinately inspiring to be exposed to people who are committed to a personal vision to improve the well-being of their

¹⁶ Jessie Scarff, Elder, Kwanlin Dun, meeting, 1996.

¹⁷ Ibid #5 @ p. 218.

¹⁸ Justice official, Yukon, private communication, 1993.

immediate community. The integration of their personal values and vision with the shared vision of others drives them to make it happen, drives them past failures and barriers that readily block the progress of most others. At several stages in the development of circles at Carcross, people became more determined when failure or barriers thwarted their vision.

Not giving us the funds promised won't stop us. This is not about money, not about government. It's about people, about this community we live in. I know the circle, the healing camp — all of it must continue. We found a way before, when there didn't seem to be a way. We'll find a way this time, too. We're not going to be blocked by their ignorance or opposition.¹⁹

It is this determination that changes reality. Together, committed people constitute an awesome force. They can accomplish the seemingly impossible, they can change reality. Colleen and Harold Gatensby, Ilene Wally, Bessie Bayne and Stewart Breithaupt inspired others to join in their vision of a wilderness camp, to offer a place for healing and reconnecting. They started out with no money, with nothing but a vision. Today, in Carcross, there is a wilderness camp. The original group was joined by many others with similar personal visions. The shared vision that evolved generated the feeling that emanated from all of them:

It is going to happen ... We don't know how, but it is going to happen.²⁰

Circle processes built by, and maintained by committed people have survived the indifference and opposition of justice agencies and have learned from, but not been defeated by failure. Failure affects, but does not deter them. A justice official concluding that the circle had failed because an offender had relapsed into drinking was told:

¹⁹ Stewart Breithaupt, Carcross, private communication, 1995.

²⁰ Colleen James, Carcross, private communication, 1992.

What do you expect? He's been a drunk since he was 14. He lives in a home full of people suffering from alcoholism. He can't get a job, he's really got nothing to do, so why is it a big surprise to find him back to the booze? Changing his life will take time. You know, sure I get discouraged, but I know he wants to change, in part, because he knows he has people like us there to support him. We made a difference, and we learned from it, too. You know, this isn't an easy job for us. Geez, we don't get paid anything for this work. And it is work, you know. It is hard work. It costs us money from our own pockets to do this. So, when we work so hard and the person is back in court again, we feel we've failed, but not like [the prosecutor] says, "It's a failure." We know [the offender] is moving in the right direction — maybe not as fast as [the prosecutor] expects, but what does he know about alcoholism or especially about [the offender's] life? It makes me mad when they try to shove these cases as failures in our faces. We know what happens if he'd gone to jail. We've seen that many times before. We're not going to quit. We know what we're doing is right . . . Heck, we're just getting started, eh! And you know, we did good work. Some of us who know the family, know what we did has made a difference, even if you [the justice system] don't see that or understand that. What really matters is that the family is better — working better as a family. That's how it gets done.²¹

In this quote lies the difference between compliance and commitment. Harold Gatensby truly wants his personal vision to happen. Others may support the vision in principle, and only in practice if it doesn't stretch their responsibilities much beyond the confines of their job. It is not their vision. They may go along to get something else, e.g. to keep their job, to get a promotion, to avoid conflict, to be seen as cooperative or sensitive to local issues. They don't take risks, don't stretch the rules of the game. There is no personal vision driving them past obstacles. They are often not to blame for their lack of commitment. Failing to involve them from the outset in building a shared vision often explains their lack of commitment. Those who are committed to the vision will not be deterred by failures. The vision is incorporated into their personal lives.

We all lost something when the company sold to someone else. I'm not going to deny that. But neither am I going to give up what we have

²¹ Harold Gatensby, Carcross, meeting exchange, 1996.

gained through this circle — not here with you, not with my husband, not with my community. This is something real, and if we keep it up, maybe the new owners might see it is a good thing for them, too. But we can't just forget this because we failed. You know they [the existing CEO and CFO] tried. But we can't stop because they didn't win. You know, this is about our values, our dreams. Why let them take away our dreams, values? ²²

The absence of an understanding and respect for the personal values of all participants makes it impossible to avoid interactions that are inadvertently disrespectful to others working on the same vision. If the group has not ensured the values they collectively promote are consistent with personal values, group activities will flounder.

3. Consistency with Group Values – Actions that are “value-driven” and in harmony with both personal and group values reinforce and sustain commitment to a shared vision.²³

No one wanted to invite either the prosecutor or the local police officer to a community retreat to discuss the next stages in developing a circle sentencing initiative. It was unanimously believed these two, not overly supportive of circles, would introduce a very negative voice to the retreat. Their decision to exclude them denied a group value they had repeatedly advocated, “inclusivity”. They could not tout the importance of inclusivity while excluding key people from the meeting. They had to walk their talk, no matter how difficult the walk might be. A review of their core values produced a very warm, personal invitation for both to participate.

²² Union member, Alliance, private communication, 1997.

²³ Morgan, Gareth, *Imaginization, The Art of Creative Management*, Sage Publications, London 1993 @ p. 320.

Consistency between group actions and group values will be difficult to maintain if the group values are borrowed from somewhere else or imposed. Group values, to be fully understood, fully ingrained into responses to all situations, must evolve through sharing personal values and visions. Each community must do its own difficult work. There are no pre-fab shared visions or circle designs that can be quickly, easily constructed. Whatever the urgency might be for a quick fix about shared visions, it must be resisted, otherwise the circle will become like all other quick fixes — another fad solution, here today, gone tomorrow. When gone, the deeply entrenched, comprehensively supported adversarial system will keep on trucking, regaining lost turf.²⁴

In so many other places, when a consensus process has been taken off the shelf and jammed into place, its impact has been disappointing. For example, mandatory mediation thrust into the judicial process often reduces the mediation experience to an informal version of the adversarial process. This use of mediation does produce settlements. For most of these cases, that may suffice, but for many others, the larger opportunities for constructive change are lost, as little is done in

²⁴ Judges McElrea and Brown have written extensively about the advantages of family group conferences. They have both made a significant contribution to the development and understanding of family group conferencing. See McElrea, Fred (1996) in the New Zealand Your Court in Restorative Justice: *International Perspectives*, Galaway, B. and J. Hudson (Eds.); also *Family Group Conferencing: Perspectives on Policy and Practice*, Federation Press, Australia (1996). Family conferences came to New Zealand with the stroke of a legislative pen. Certainly many discussions preceded the legislated introduction of family conferences, but in each local community, and within many of the relevant agencies no attempts were made to build a broadly based shared vision about family conferences. I hope the New Zealand experiences prove me wrong - that fundamental changes if not introduced on the basis of a shared vision will soon become assimilated by existing systems and practices. Will family conferences in New Zealand become more than an adjunct to existing processes and change the culture surrounding state responses to young offenders? I hope so. The hope for family conferences in New Zealand to grow beyond being predominantly controlled by the state, arises from the deep connections of family conferences to Maori values and to the tradition of volunteerism throughout New Zealand. The hope for its survival and growth also arises from its initial heady successes and from its ardent and able supporters. Finally, the New Zealand version of family conferencing is consistent with underlying values within families and communities and shifts responsibility to families and communities.

reaching a settlement that reveals and builds on shared values. Hurried efforts to use several different consensus processes to transform institutions and corporations into conflict positive environments rarely, if ever, prevail. The daily pressures of work bring back old habits and erode any new process that is introduced without a shared vision.

The many successful uses of consensus processes to resolve a major public conflict, or to resolve a crisis within families or between two people are often executed without working through personal values, without building a shared vision derived from these values. The experience of being involved in a successful resolution of differences rarely changes how participants do their business on a day-to-day basis. They may think more favourably about using a consensus process the next time an impossible conflict arises, but they rarely take from this "quick fix" consensus experience a new set of values that changes their daily interaction with others.

It is not enough to honour our values in the circle. We need to keep our circle behaviour beyond the circle.²⁵

To reap the full potential of the circle, or of any consensus process, the parties or communities must do the hard, moral work at the beginning to gain a comprehensive understanding and respect for shared values and for the inherent values of a circle. To do this work, they must begin by sharing, understanding and ultimately respecting each other's personal values. From these efforts, a shared vision evolves to design and introduce a circle that enables individuals and communities to change their perception of "reality".

²⁵ Gerri Gadbow, Millelacs, Minnesota, meeting, 1997.

We rarely believe significant change is possible and therefore persist in seeing attempts to make such changes as “silly”, “quixotic”, “crazy” and the “pipedreams of an idealist who refuses to adjust to reality”. It has been my experience that skeptics begin to have their own quixotic dreams about change when they realize, after the experience of a circle, how much their values are consistent with others and how much others wish, as they do, to be working towards building something that reflects both personal and group values.

4. Engaging “Bosses” — In communities that excluded senior managers from the work in creating a shared vision, these powerful players rarely became supportive or committed. This was a mistake. It is important to take extra measures to engage them, to probe how their personal values and visions can be included in a partnership within the community. In justice agencies, as in most organizations, people have rarely been asked or empowered to develop a shared vision, have rarely been committed to anything in their professional careers. They have advanced their career through compliance with organizational objectives. In most organizations, especially those driven by a command and control hierarchy, there is little space to keep alive a personal vision (other than personal advancement) when the rules of the game are highly defined and aggressively imposed by someone else.

When communities took the extra time to allow the “managers” to open up their dreams and to share their personal values and visions, there was much more in common than anticipated — and much more room to include them within the shared vision than imagined.

You could see, eh — when we really got down to it, we believed in the same things. Neither of us had ever had the chance to really talk about things we shared before. Man, I was surprised and so was [the police

officer], I think. We're not, any of us, really that different, if we take the time and have the respect and trust to share.²⁶

When those in power are given the space and encouraged to share their personal values, they can become excited, committed participants in building a shared vision.

Man, I'll tell you, he has made a difference. We never had a police officer this committed to our community — you know, I mean truly involved in what we are doing, and sticking at it — just like us.²⁷

Certainly the support of senior managers, and powerful professions is important. But too much support, to the point of the vision being driven by powerful players, can be very destructive of a shared vision.²⁸ A shared vision needs to grow from the top, from the bottom, and from all parts of the community. Leaving anyone out, or allowing anyone to excessively influence the vision undermines the power of the vision.

5. Approaching Conflicts as Opportunities for Building Connection and Commitment — It is not enough that all participants are committed to a common purpose. They must also be committed to each other. Difficulties that severely challenge any initiative will overwhelm proponents of change if they have not become committed to understanding, trusting and respecting each other. The rush to “get on with it” often speeds past the crucial stage of building connections, of generating trust and understanding among those who must work together. New initiatives can self-destruct through internal wranglings and misunderstandings that fester and ultimately undermine the connection among those supporting a circle

²⁶ Harold Gatensby, Carcross, meeting, 1997.

²⁷ Harold Gatensby, Carcross, private communication, 1996.

²⁸ Beer, M., Ebenstat Russell and Bert Spector (1990). Why Change Programs Don't Produce Change, *Harvard Business Review*, p. 158 @ p. 159.

process. If working with others on a common goal becomes fraught with misunderstanding, negative feelings about others, the additional stress will induce many to quit.

It was hard enough fighting against everyone who was opposed to circles, but when we started fighting with each other, that was it for me. I mean, who needs this? You volunteer your time to do something for your community, then you end up spending most of your time fighting with others ... forget it. That's the main reason I quit, eh. It's not that I don't believe in what we were doing. I just don't want the fights. If [people fighting internally] get it straightened out, or if they quit, I'll be back, but not until then.²⁹

Too often, it is assumed that people who share a common vision will naturally get along. Wrong — any new group of people working towards significant change can produce a minefield of problems capable of exploding even without false steps. Internal conflict is not a bad thing. It becomes a bad thing when it occurs without an underlying foundation of mutual trust and respect. This essential foundation doesn't magically appear. It requires using a process, such as a circle to work through differences in a manner that engenders respect, trust, understanding, connection and commitment.

How conflicts are resolved influences the content of and commitment to a shared vision. Conflicts that are ignored, suppressed or arbitrarily terminated by powerbrokers undermine the credibility in, and commitment to a shared vision. Adversarial styles of meetings and discussions are often used in building a shared vision. These builders fail to walk their own talk in developing a consensus process.

We were all keen on circles — met every week. But we didn't get anywhere. Our meetings fell into arguments. People were losing

²⁹ Ex-member of core group, Haines Junction, private communication, 1995.

interest. What made the difference was in how we started using circles to run our meetings — seemed to bring us together, to bring out a higher purpose in all of us.³⁰

Too often, the justice committee, core support groups, steering committees — whatever the body might be that administers the circle — lapse into old meeting habits. They fail to afford adequate respect to the importance of their internal deliberations. Planning meetings become “chaired” and strong voices prevail; underlying, growing causes of internal conflict are glossed over or pressed into spaces where they fester, and dialogues slip into debates. One ardent supporter of circles, when asked why they were no longer actively involved, said:

Well, I guess it got to be too much time. It was a big drain of my time, especially at meetings that never seemed to go anywhere. The same people did all the talking. It was, like, well — like we never did circles, or what we did in circles was one thing, but what we did together at our meeting was something else, eh. Our meetings became just like any other kind of meetings. I find so much in our circle, so little in our meetings. So, I go to circles; I don't go to meetings.³¹

To realize a vision that aspires to change current perceptions of reality, one must be willing to change oneself. For groups to change communities, the group must begin by changing how they interact as a group.

We must be the change we wish to see in the world. (Mahatma Gandhi)

The method used to resolve differences in building and carrying out a vision profoundly influences what happens. If differences are not respected and worked out in a respectful manner, there will be little respect for the shared vision. The inability to challenge the vision and to challenge others in a “good way” dampens enthusiasm to participate. A failure from the beginning to invite an exploration of

³⁰ Lucinda Brown, Greenfield, Mass., 1997.

³¹ Volunteer, Greenfield, Mass., private communication, 1997

differences in a "good way" fosters attitudes to differences and a style of managing conflict that makes "even beginning to come to a unifying vision problematic".³²

Circles offer a process for addressing conflict in a manner that builds understanding and respect. If the process of developing a shared vision fails to regard conflict in this manner, the vision is not being lived as it evolves.

Through listening to opposing ideas and frustrations, leaders concretely demonstrate that they want everyone on board and committed to the vision. Indeed, the process of developing a vision shows the way the vision will be achieved; that is, by means of dealing honestly with differences and trying to reconcile various perspectives so that people can be a united, powerful force.³³

Circles provide the means of "dealing honestly with differences". It is not crucial, and not always possible, to find solutions that accommodate everyone. It is crucial to try. The very act of trying, in a "good way", helps sustain commitment and connection.

6. *Building Together* – Much of the power in a shared vision stems from being shared, from belonging to all the community, not just to an influential few who persuade, entice or order others to accept a vision. To be shared, each person must be given time, freedom to choose, and the opportunity to work through differences with others in creating a vision. In Carcross, there was a vision, but it wasn't shared. Even among the core group, the visions were different, at times competing. It was almost three years after circles were introduced that any significant time was invested in ascertaining common elements among personal visions advanced by participants. Certainly, a desire to care for their community, to

³² Tjosvold, Dean (1991), *The Conflict Positive Organization*, Addison Wesley, New York @ p. 145.

³³ Ibid #32 @ p. 145.

take more responsibility and to shift from punishing to healing was central to most visions. However, these objectives were assumed, never clearly articulated. Outsiders were left to speculate — and did so wildly — about what the core group was trying to achieve. Each core group supporter offered a different version of the vision.

In one circle, police and Crown believed an offender should be punished and were particularly adamant a jail sentence was required. Both were supportive of the circle, but their emphasis on a jail sentence precipitated a discussion about the purpose and priorities of the circle. After a Crown explained his version of the purpose of circles — that they would not depart from usual sentences, but would give everyone an opportunity to participate — a member of the core group was provoked to say:

No, that's not what we're about, eh. This is not just a different way of sentencing. This is about much more than crimes and criminals. This is about people, families. This is about our community. I don't want any part of it, if circles just stay focused on the crime and become just another way of figuring out how to punish someone. Some punishment may be a part of what we're doing, but that ain't all of it. That's just a small part of what we are about.³⁴

Early, broadly based involvement in constructing a vision statement incorporates and respects perspectives from all parts of the community and creates a sense of “building together”. Practices which give full expression to the guiding principles of inclusivity, respect and equal opportunity promote a broader-based community ownership of a vision.

7. *Time to Talk, to Build Relationships* – A vision addresses the future of the organization, of the community, yet the grind of daily demands affords little time or

³⁴ Harold Gatensby, Carcross, meeting, 1995.

resources to “future talk . . . we won’t have a future to talk about unless we get these things done today”. There never seems to be the time to build a shared vision of the future. Organizations without a shared vision, like the justice system, begin to grab at anything to “turn things around”. In many justice agencies, there is often a prevalent belief that the work environment will never get any better, any less destructive to those they serve . . . and to themselves. So, too, in many communities, the hectic pace of people’s lives, their “911 mentality” has created communities without vision, with little hope of changing what:

seems to be the way the world goes. You know, this is the price of modern life. We live in communities where we spend more time complaining than doing anything about anything . . . We don’t know and don’t trust our neighbours. We live in places where we are constantly assessing how to transform our home into an impenetrable fortress.³⁵

Within the justice system, within communities, to counteract defeatist attitudes, to challenge a negative sense of what can be achieved, a shared vision is essential. However, visions that are truly shared take time to emerge.³⁶ In all organizations and communities, there is never enough time taken to share personal visions, to foster the relationships necessary to work creatively and constructively with others to profoundly change environments. The time to begin discussions around the content of a vision should not be delayed until “we really get the organizing done”. Early discussions about shared visions go a long way to generating community support and to creating the attitudes necessary for collective action.

Hard for me to believe, you know, that they [the managers] would come to us asking for our input — you know, not just our views, but really putting it to us that we need to do this together. We usually just get told what is happening. This, for me and for [others] was a good beginning. Like, that’s when we began to feel respected. That’s when we began to

³⁵ Volunteer, St. Paul., Minn., private communication, 1997.

³⁶ Volunteer, St. Paul., Minn., private communication, 1997.

believe we could trust 'em — even do this thing together. It wasn't going to be just a management idea. It would come out of all of our ideas. It's good we took the time at the very beginning to ensure this began with all of us contributing to how it might go.³⁷

8. *Evolving, Changing Shared Visions* –

Once we get it together, we're going to write it down. In a way, it will be our gospel, you know. This will be it — our vision — and we'll not change it.³⁸

All the hard work in producing a shared vision prompts some to feel compelled to “nail it down”, to fend off any possible changes. Shared visions cannot survive if carved in marble. They need to constantly grow. Experience refines, constantly changes them. Circle dialogues precipitate feedback about the nature and extent of common objectives. Particularly difficult cases provoke discussions about the purpose and scope of shared visions. All of this feedback constitutes a necessary part of the constant evolution that hones, clarifies and evolves what the community aspires to achieve.

A shared vision must evolve to reflect the collective experience and growing awareness of the community. Adherence about retaining the “original shared vision” precipitates unnecessary friction and opposition, and can be especially lethal to nurturing new involvement. Re-examination enables others to feel included in shaping the content of a shared vision. An openness to reviewing — and, if necessary, revising — shared visions is never as time-consuming or as destructive of a shared vision as most fear.³⁹

³⁷ Union leader, Alliance, training session, 1997.

³⁸ Volunteer, Minnesota, private communication, 1997.

³⁹ It often seems to take more time to defend the sanctity of a shared vision than it does to explore suggestions for changes.

Dialogues that change shared visions sustain commitment by reaching out to include others, to include their personal visions. Flexibility is not a weakness, but a source of strength. As a living, evolving expression of the community goals, a shared vision gathers new adherents. An inflexible, stagnant, shared vision isolates the pioneers from all others who come along.⁴⁰ Everyone in the community has a responsibility to participate in "ongoing visioning". Through ongoing visioning new emerging visions are translated into workable goals and strategies,⁴¹ and as important, the new "visionaries" gain an invaluable sense of contribution and connection.

To be shared, visions must change.

Avoiding Reliance upon Champions of Change

New politicians, new managers, new consultants, invariably produce new community visions, with the usual fanfare that announces "this is the vision that will make us great" or "that removes our problems".

Vision statements imposed or "bestowed" by new champions of change remain, for the most part, the vision of the champion and fail to generate commitment beyond the champion's coercive powers. Even those driven by fear or promise of favour rarely take on the imposed vision as their own. It doesn't touch their soul, doesn't resonate with their personal vision.

⁴⁰ Original visions embedded in national constitutions retain support from subsequent generations because the original visions evolve. Conventions, court decisions and amendments constantly change the meaning of original visions expressed in constitutions.

⁴¹ Senge, Peter (1991). Transforming the Practice of Management, unpublished paper presented at Systems Thinking in Action Conference, Nov. 14, 1991, Harvard University.

It is a rare champion who can make his/her personal vision a truly shared vision. To do so, these rare champions dedicate and often sacrifice their lives to their vision. Most organizations are unlikely to be blessed by champions of change with the power and vision of Christ, Gandhi, Mandela, Mother Teresa or others who gave their lives to a vision that many others absorbed and made their own (O'Toole suggests that Christianity continued to spread after Christ because it belonged "not to Christ, but to Christians").⁴² We are rarely blessed by such great visionaries. However, society seems constantly in search of such prophets. All societies can boast of many false visionaries whose visions were, at first, uncritically and readily accepted. These false prophets have led us into wars, often to the brink of world destruction. In a more local context, these visionaries may dupe us of a life savings, infect us with racial prejudice and lead us to discriminate, isolate and dehumanize others in the name of their vision. While we may have gained tremendously from truly great visionaries who have blessed the evolution of societies the world over, it has not been without cost. Now desperately seeking the next great visionary, we follow many fools, many charlatans. More than anything else, dependence upon others to provide a vision prevents us from the essential work in building healthy communities. Any community that works together through the challenge of evolving a shared vision enhances the self-esteem and participatory skills of each person and, particularly important, builds an abiding sense of community, of connection. What makes a healthy community is tolerance for differences and a willingness to constantly work through differences in a manner that affords respect for different values, different beliefs. It is the ongoing process of working together to resolve differences, not just the final product of a shared vision, that builds and sustains healthy communities.

⁴² O'Toole, James (1995), *Leading Change*, Jossey-Bass, San Francisco, p. 11.

The change to a circle process is a change from a dependency upon champions. The very purpose of the circle is to remove or reduce the adverse effects of excessive dependence upon champions, upon professionals, upon powerful individuals. The introduction of a circle that is principally driven by a champion of change begins with the very dependence that a circle strives to avoid. Shared visions are sustained and remain powerful because they are continually nourished by the personal visions of those called upon to make it happen. The whole community must be champions of a change from an adversarial to a consensus process.

In Carcross, the community looked to the core group for a vision. These champions were depended upon by others to know what their circles aspired to achieve. This dependency placed considerable stress upon the core group and was instrumental in distancing others within the community from the circle process.

It's true I may not fully understand what they're doing, but how could I? They never asked me to get involved. It's not my idea — it's their ideas of what we need here. You can bet my ideas are quite different, so why get involved, eh? Now, they're set in their ways. It's not like we are beginning together as a community. They took off without most of the community.⁴³

At Alliance, the initial leadership came from senior managers. However, a senior manager made it very clear he was opening doors for everyone to contribute to the vision for the plant.

I'm asking us to explore and change how we relate to each other, how we go about our lives and our business. What these changes will be, will be up to you. You tell me what we can do to make this a place we all enjoy being. The training can be expanded or cancelled. There is enough flexibility in what is being proposed to be sensitive to

⁴³ Carcross resident, private communication, 1995.

everyone's concerns. I have a vision of doing things in a way that improves our relationship. How that happens, I leave up to you. We want to go forward together, so all our visions fit together. We must have a vision that grows out of our discussions and that allows all of us to embrace it as belonging to no one, but to all of us ...⁴⁴

This open invitation was taken up by the steering committee. Other managers, supervisors and union members began in earnest shaping the direction training would take and continually discussing the elements of an overall vision. It was especially important in building trust between management and union that creating the vision belonged to everyone. The numerous vigorous exchanges in the steering committee about training and their different fears, hopes and visions did much to advance the understanding, relationships and trust essential for introducing and designing a circle process within the workplace.

An integral part of any vision guiding the development of a circle must be working together. Working together must begin by developing the vision, not by buying into the vision of a champion of change.

Contributions of a Shared Vision

Connects Community to an Ennobling Mission - Shared visions connect people to a purpose, to an "ennobling mission". Maslow's observations about exceptional teams underscores the power of identifying with a task.

The task was no longer separate from the self. But rather, he identified with this task so strongly that you couldn't define his real self without including that task.⁴⁵

⁴⁴ Alliance plant manager, meeting, 1997.

⁴⁵ Maslow, A. (1965). *Eupsychian Management*, Richard Irwin and Dorsey Press 1965, as quoted in *Ibid #5 @* p. 205.

When the task is a shared task, defined by a shared vision, the identity of a group with the task can be equally riveting.

I like doing this work because it brings us all closer together. I'm excited by what we are doing in our community. I'm excited by being a part of it all and by working on something with people I respect. It is like becoming a part of my life.⁴⁶

People desire to be identified with an initiative that holds the promise to make a difference in their community and be identified with others who share the same goal.

I told my wife I was going to meetings with [the manager] and that [a fellow worker] and I were on a team, working together. She knows I've had real trouble with both. She thought I'd gone crazy — maybe I have. But I'm here telling all of you it really makes me feel good about what we're doing. I'm nervous about it, sure. But I'm excited about us working like this — all of us — even with you [the CFO].⁴⁷

I find again and again the desire of people to connect to others is especially strong if, in connecting, there is "good work to do together".

This is the true joy in life, being used for a purpose recognized by yourself as a mighty one . . . that being a force of nature instead of a feverish, selfish little clod of ailments and grievances, complaining that the world will not devote itself to making you happy.⁴⁸

Those who are working towards a shared larger vision see their work in dramatically different ways from those "just doing their job". The difference in attitude, morale and in commitment is astounding. The following conversations with two prosecutors manifest the difference. After a difficult day on circuit, when

⁴⁶ Volunteer, Carcross, private communication, 1996.

⁴⁷ Union member, Alliance, training session, 1997.

⁴⁸ Shaw, Bernard, 1903.

the court pounded through a heavy docket, a prosecutor when asked about his day replied, "I'm just trying to get through my case load". Another prosecutor who had been through an equally difficult circuit court docket and at 10:30 that night was in the middle of a circle sentencing when asked about his day said, "I'm helping build a community and empowering them to take responsibility." One was just doing a job; the other had a vision. These two prosecutors reminded me of the two stone masons when asked about their work. The first responded, "I'm trying to reshape this stone to make a building and it is hard work." Another who was singing while working answered the same question by saying, "I'm building a cathedral."⁴⁹ When there is a larger vision and good work to do with others, there is much greater joy in the work.

Retains Commitment - A shared vision aspires to take a community on a long, difficult journey away from current "reality". Along the way, the difficulties, the failures, will be discouraging. Many will want to turn back to accept their "reality". A shared vision helps pull people past despair, past giving up.

Yes, I did want to quit after that [failed case]. I did quit. I'd had it. Then I heard Harold say what we had said at the beginning — you know, when we started, "This is for our people, our families, our community. We can't depend on others to do this work. This is our work. Tough as it is, it is our work to help our people heal. We need to see pictures of healthy families, healthy people." You know, something like that about seeing the community we could make by working together. That was our dream and for awhile there, I forgot that dream. But when he said it, I kinda stepped up, and said to myself, "It is my dream, and it won't happen if people like me quit. So, I didn't, eh. I didn't quit."⁵⁰

For this volunteer, the dream helped her maintain "creative tension". The tension between the reality of so many difficulties, of so much opposition and her vision.

⁴⁹ Demaine, Brian in *Why Do We Work*, *Fortune Magazine*, Dec. 26, 1994

⁵⁰ Carcross justice committee member, private communication, 1995.

Each day, many of the volunteers working to make a difference through circles face this “creative tension”.⁵¹ It is the huge gap between their belief that change is possible and facing the realities of every day. There are so many obstacles, so many people, so many things that all cry out into their face, “Nothing will change. Nothing can change. It is hopeless.” I am constantly amazed by their ability to believe, to persevere. It is not just the many external obstacles that block their path, but also that they often carry severe personal problems, and are burdened with enormous difficulties in the lives of those they love, live with, and care about. It is difficult to imagine, in the midst of unrelenting despair, tragedy, indifference and opposition why some people do not give up. I have never met more courageous people than those who remain committed to their dreams, despite facing tremendous difficulties in battling every day with the challenges along their healing road. The ever present sense of hopelessness emanating from their reality would break the spirit and commitment of most.

Senge is right to note that “the most effective people are those who can hold their vision while remaining committed to seeing current reality clearly”.⁵² I would just add: courageous, feisty and determined — real determined — to Senge’s description of “the most effective people”. I have met many of the world’s “most effective people” working within their communities without recognition, without any compensation, other than knowing they are trying to make a difference. Their commitment begins deep inside their soul and is reinforced by being engaged in a shared vision with others.

Sounds silly to say — maybe I’ve been embarrassed to say it, but I really like going to the justice committee meetings because I feel I’m a part of doing something real good for our community. You know, I know

⁵¹ Ibid #5 @ p. 226.

⁵² Ibid #5 @ p. 226

most of the people, but what I know about them — like before, I'd never think for a moment I'd be working alongside with them and enjoying it. These people have really — some of them — bad reputations in our community. I'm excited that we are all working together. What we are doing gives me new outlooks, gives me hope. I'm, for the first time, real hopeful about our community, and that's really something for me.⁵³

Moves Participants Beyond Game-Playing - To survive in most organizations, one needs to know how to play the local game(s). Internal politics can cut you out, leave you behind in the race up a career ladder or, in communities, cut you down, isolating you as a “strange character”. For many, the politics become too much.

Shit — that's what it has been. That's what it always will be — people playing games. [The police officer] doesn't really care. It's just a game to him. Nor does [member of local municipal council] give a shit, but they need to play the game — appear as if they care. For me, I want no part of it. I'm no good at this politics because I hate it. Now, that's all [the federal representative] is doing. He's playing his own games with us — now you get funding, only if you do this; now you don't. He's looking to Ottawa, not to us. It's a game in Ottawa — we don't even know.⁵⁴

A shared vision — particularly, the process of evolving a shared vision can begin to remove the detrimental influence of politics, of game-playing.

Challenging the grip of internal politics and game-playing starts with building shared vision. Without a genuine sense of common vision and value, there is nothing to motivate people beyond self-interest.⁵⁵

Shared experiences in the circle cut through much of the politics and game playing that frustrate and discourage people from “getting involved”. Participating in a circle dialogue changes perceptions about others, prompting some to say, “I'd

⁵³ Justice committee member, Kwanlin Dun, private conversation, 1996.

⁵⁴ Haines Junction community member, private communication, 1996.

⁵⁵ Ibid #5 @ p. 274.

never thought for a moment that I'd be working alongside [people disliked] . . . and enjoying it." Circles create the space, provide the support, implant the skills and reinforce the shared vision necessary for communities to move beyond game-playing and politics.

One of the most damaging "game playing" tactics within most organizations and communities is looking for someone to blame. In developing a vision, organizations and communities need to engage in systems thinking. Through systems thinking the larger interrelationships, the forces that change and shape events within communities are better understood. The larger picture that systems thinking introduces, promotes a better understanding that everyone is partly responsible, and that everyone has a role in shaping what does and does not work. Systems thinking is a necessary part of developing a shared vision.

Maintains Solidarity - Developing a shared vision promotes new connections within communities. Once established, a shared vision helps maintain and nurture these connections. Many potentially destructive pressures threaten new connections. Time and other demands pull people back "into their jobs". Especially during the phase of designing and introducing a circle process, new connections are very fragile. A shared vision reinforces new connections within communities or organizations.

Secures "Long-Term View" — A circle process calls for changes in power, in responsibility, and in relationships. Anything less subverts a circle to the needs of existing authorities and becomes little more than another technique to process conflict without changing the conditions creating conflict. In designing and introducing a circle process, the vision aspires to do much more than just change the techniques for handling conflict. It aspires to change the way people interact,

the way they view conflict. These objectives take time. Few can maintain the energy necessary to achieve changes that take time unless “there is a long-term vision at work”.⁵⁶ We are conditioned to seek short-term, quick fixes. Even though they don’t work, we are obsessed with immediate solutions, as if one day, like winning the lottery, we’ll have selected the right numbers — the right quick fix that will solve all problems. To see beyond the lunacy of quick fixes, to move past always reacting to events, to retain a long-term view, a shared vision is essential.

In the absence of a shared vision that incorporates systemic changes, changes that aspire to permanently change the culture of a community, the commitment of most will last only as long as the immediacy of the current crisis. Shared vision induces a commitment to do much more than resolve an immediate crisis. Without a shared vision, when the crisis ends, the hard work needed to introduce significant and lasting changes dissipates.

Sustains Momentum Through Daily Setbacks — Sustaining a vision is a function of many small things — many small things that keep people connected. For instance, the opening round of the circle enables people to share their immediate life.

“My child ran away from home last night. She’s been out on the streets all night. I know she’s with the street kids again. Last time she came home, she was full of drugs. I’m very worried.”

“I have immense pressure at work. Cutbacks are coming. It could be me. It could be my job.”

“I’m so happy we’re all together again. The work we are doing together has changed my life. Many of you all know how proud I am of us and, for the first time — if you can allow this — how proud I am of me to be here.”

⁵⁶ Ibid #5 @ p.210.

The good, bad and ugly need airing. The first round of the circle reveals the feelings that people bring to the circle. This knowledge helps give perspective to inputs, to needs, and explains despair, anger or striking out at others. If you don't understand the tension a worried mother carries inside about her daughter, you might not understand her attacks, pervasive negativity or her lack of energy for confronting setbacks. The work of any group in pursuing a shared vision depends upon dialogues that engage a wide range of emotions, that penetrate and share difficult personal and community issues. To ensure the vision has a real world impact and is more than high-sounding platitudes, a shared vision must be created from and grow through open dialogues that afford positive opportunities for dealing with real world, every day difficulties.

Daily setbacks, disagreements and conflicts are all common fare in any new initiative. A shared vision can avoid many difficulties by providing a larger context and a common direction which fosters a more constructive resolution of disagreements.⁵⁷ There will be many structural and policy practices that hinder the introduction of circles. Few can be removed during the early steps.⁵⁸ Ultimately they must be — and will be if the circle begins to demonstrate its potential. A shared vision offers the best means to sustain the will and momentum to overcome despite setbacks and obstacles to the design and introduction of a circle process.

Summary

The road to a shared vision takes time, ingenuity, an adherence to overarching principles, especially to inclusivity, equal opportunity and respect. The journey

⁵⁷ Ibid #30 @ p.144.

⁵⁸ Ibid #8 @ p.65.

starts with identifying personal values, travels through the dialogues necessary to respect different values, to reveal personal values and finally, to weave together from personal visions, a shared vision. If care is taken to travel slowly, with respect and patience, at the end, a truly shared vision will emerge — a shared vision that will induce the level of commitment necessary to change reality.

Any community, in creating a shared vision surrounding the use of circles or any consensus process, must walk the talk of a vision from the beginning, from the very first steps towards creating a vision. Shared visions must evolve through a consensus process that reaches out to involve all parts of the community and affords everyone an equal opportunity to participate. How a vision is created, how it is shared determines its power, its influence.

Vision statements common to many organizations and communities are rarely genuinely shared visions. Most are born in back rooms, rooms on the upper floors of office towers, rooms where senior managers, the powerbrokers in communities or organizations make decisions that define the purpose and directions of their organizations and communities. At best, these visions may motivate those who created the vision and those whose future directly depends upon those who created the vision. The rest will obey, will follow, but with little heart, little more than enough compliance to manifest obedience. The magnitude of changes required to design and implement a circle need much more than compliance to “yet another new management idea”.

A shared community vision must be much more than a statement to open an annual report or post on the wall. It must live in the heart of all participants, guide and monitor their conduct and be a fully integrated part of their personal vision.

Anything less will not sustain the commitment needed for ensuring peacemaking circles offer a genuine alternative.

Simple to state, a widespread commitment to a vision requires a widespread participation in designing a vision. Not so simple to achieve without extensive effort and time, and practices that incorporate all guiding principles.

Senge's work on shared visions sharpened and directed my thinking about my experience in working on circles within communities and organizations. It is fitting that he should have the last word:

One is hard pressed to think of any organization that has sustained some measure of greatness in the absence of goals, values and missions that became deeply shared throughout the organization.⁵⁹

⁵⁹ Ibid #8 @ p.65.

CONCLUSION

"We know — ought to know — peace will never come naturally, must always be worked for — a work that will never finish. Power will always concentrate if not challenged. We have, despite the peace movements of the '70s, continued to build bigger, less sensitive institutions. The job is never done in marriages ... never done in society.

- Hans Mohr, 1997

In reviewing what happened at Carcross and Alliance, as well as many other communities that have struggled to introduce circles and other consensus processes, one is reminded of a "Peanuts" cartoon. Charlie Brown is leaving the sports field, head down, obviously in great pain. The scoreboard behind him tells the tale: Visitors 99, Home Team 0. "Ugh," says Charlie Brown, "How could it happen when we were so sincere?"

Carcross struggles on. Although the community justice committee is much stronger, the circle deals with a small portion of criminal cases and no child protection issues. The key supporters of the circle sentencing process in Carcross have promoted the use of circles for various First Nation meetings. Their General Assemblies are now held in circles. Some recent meetings with senior justice officials, with land claims negotiators and with other officials have been held in circles in 1998. The keepers of the Carcross circle held a large international training at the Nares wilderness camp on peacemaking circles. Most recently, three sentencing circles were conducted, one involving the leaders of another First Nation. There is new energy in Carcross for circles and some of the disquiet within the community over circles has settled down. Most of the trouble caused by moving too fast, by violating some of the guiding principles is gradually passing. The beat continues.

The new owners at Alliance reverted to old ways. Circles do not play a significant role in handling conflict within the plant, yet some still “practice the principles among ourselves, even if the new bosses do not”. Within the plant, circles had not taken sufficient root to survive a changing of the guard at the most senior management level.

One can be discouraged by concentrating on how much the existing power structures overwhelm the sincerity and hopes of the “home team” (those who live in the communities or work in the institutions).

In the past 50 years, no one predicted many crucial changes. No one predicted the fall of the Berlin Wall, the break-up of Russia, or the burgeoning growth of the post-war economies of Japan or West Germany. No one predicted, during the early years of environmental concerns, that the environmental movement would expand globally and be sustained, despite economic pressures to the contrary.

I'm fully aware that those who live by crystal balls eat a lot of crushed glass, so I'm not anxious to make any predictions, but I want to share a feeling. Call it naïve, call it whimsy, but I believe there is something new in the air, something that is very different and growing stronger. People sense a need to take responsibility for their lives, for the lives of their immediate and larger communities. We are at the beginning of significant changes in how we feel about ourselves, about others, about our leaders, institutions and communities. In the midst of so much gloom, new blooms of hope are emerging...and so my feeling is that a new sense of community, of connecting to others in ways that respect differences is emerging that will invent new process and adapt ancient processes such as circles to reinforce this new sense of community. These new

and revived processes will create the ancient spaces of dialogue wherein not survival of the fittest but cooperation and connection will assure our growth and well being.¹

These changes are already upon us. Within government, within corporations, within families and communities, various forces of Appropriate Dispute Resolution are reshaping interactions. In many instances ADR approaches are being developed as not just a way of resolving differences but of building new relationships.² The changes, now occurring, are neither manageable or concretely predictable. They are just happening as small groups of people are diligently working in new respectful ways to better understand and connect to others.

"It is ironic that at the very time the institutions so resistant to change continue to isolate themselves, little pockets of people are sprouting up all over the world with energy to tackle the seemingly impossible. Unnoticed, unseen at the margins, on the periphery of many cultures, people are building relationships with one another in ways that are so empowering as to defy explanation..."³

Many participants in a circle, or in other empowering processes that offer a chance to contribute, to connect to others in making a difference, realize "this is how we must learn to be — to work and connect to others in shaping our community, our future".⁴

Those who sincerely seek ways to share responsibility for the well-being of their community are changing how power is exercised, how decisions are made. They

¹ Margulis, Lynn and Dorion Saga (1986). *Micro-Cosmos* (Arlington Summit Books) @ p.5 assert that co-operation not competition has been the key to survival within nature.

² Bush, Robert and Folger, Joseph (1994). *The Promise of Mediation*, (Jossey-Bass, San Francisco) and see also Baldwin, Christina (1994). *Calling the Circle: The First and Future Culture*. (Mill Spring, NC: Swan Raven and Co.)

³ Miller, R. (1996), *Cloudhand and Clenched Fist* (Lura Media Press, San Diego)

⁴ Volunteer, Millelacs Peacemaking Circle, 1997.

are learning how to participate. Their sincerity and perseverance will one day change the score on Charlie Brown's scoreboard.

The Importance of Process

The processes we choose to resolve our differences and determine our objectives profoundly influence outcomes and relationships. To significantly change our interactions with others, to change the character of all our communities we need to change how we resolve conflict and make decisions. How we process our differences, I believe, is central to our well-being, if not to our survival.

Professionals in the justice system, senior managers within institutions, and those living and working in communities and within institutions are beginning to recognize the decision-making structures that generated contemporary problems cannot solve these problems. Voices that blamed failures on inadequate resources, that sought solutions in more of the same resources, are being drowned out by voices that say:

More is not better. It is not more of the same approach we need, but a very different approach. We need circles — circles everywhere. And if not circles, then a suitable process that fits the situation, that empowers all of us to share power. If our communities are to change, we need to change our dependence on others. We need to get involved ... and take responsibility for our lives and for our communities.⁵

We must learn to resolve our conflicts in a way that respects all voices and that probes complex, seemingly impossible problems to find innovative solutions. We must take risks in developing new approaches to conflict for it must now be clear that it is:

⁵ Larry Sherman, class lecture, Ryerson College, Toronto, 1997.

"Not possible to solve a problem with the same consciousness that created it."

- Albert Einstein

Nor with the same decision making processes that created it.

There was a time when everyone was involved, when everyone was important to the survival of a family, of a community. When the caribou passed through on their migration, everyone hunted; when the salmon ran, everyone fished; when the fields needed harvesting, everyone worked; when fires or other disasters called for rebuilding homes and barns, everyone pitched in. When communities were unsafe, when families were in trouble, everyone helped. Everyone had an important part in community survival. Now we hire experts to do the work families and communities once did.

Our understanding of the many benefits that arise from sharing responsibility has been lost. We have forgotten that it is the ability of citizens to care that creates strong communities and able democracies.⁶ Our skills for collective problem solving have atrophied. We have developed a very unhealthy dependence upon the state, upon "experts". We have evolved processes for decision-making that force us to compete against each other, lead us to believe one must lose if another wins. This is rarely useful for the overall best interests of a family, organization or community. There is a significant difference between striving to do well and striving to beat others.⁷

Karl Marx believed the way in which society organizes its methods of production profoundly influences the values and structures of that society. Equally influential in shaping society's values and structures are the ways society organizes to

⁶ McKnight, John (1995). *The Careless Society* (Basic Books, New York).

⁷ Kohn, Alfie (1986). *No Contest: the Case Against Competition* @ p.55. See also Kouzes, J. and B. Posner (1986). Seven Lessons for Leading the Voyage to the Future in *The Leader of the Future*, Hesselbein, F. et al. (Eds.) (Jossey-Bass, San Francisco) @ p. 105.

resolve its conflicts. In too many situations, we resolve our conflicts in ways that usurp the ability of individuals, of families and of communities to share responsibility. In doing so we diminish the importance of individuals, families and communities.

For many generations we have made choices that have made our institutions, and governments far too powerful. We have done so at the cost of making our communities much weaker by removing the ability of most community members to participate in meaningful ways. We are beginning to realize this. We are now finding ways to come together again — to be interdependent, to give voice to all in addressing social issues that threaten our survival, undermine our well-being. We are learning to share responsibility for our economy, schools, health and for the safety of our community. We are learning new skills and developing new processes that encourage and facilitate sharing responsibilities. We have much work to do, for we have come a long way from a time when everyone was appreciated and acknowledged for their contribution, when everyone had the responsibility and ability to care for community well being. Circles offer one of many potential means of engaging individuals, families and communities in sharing responsibility.

For Peter Drucker's third evolution to reach its full potential we must not just find new ways to use information, to share responsibility, to construct shared visions and to flatten out hierarchies, but we must also develop new ways to resolve our differences, new ways that turn conflicts into opportunities to realize shared visions and enhance relationships.

I am not suggesting that merely changing how we make decisions will suffice to dramatically change our lives and the nature of interactions within our organizations and communities. Structural and numerous societal changes will

be necessary to effect and sustain large systemic changes.⁸ I am suggesting the decision making processes we use to make structural and other societal changes will affect the timing, extent and durability of these changes. There will not be any radical transformation in the way power and wealth are used and distributed unless in all sectors we significantly engage consensus methods of making decisions and resolving conflict.

Messy is not a Bad Thing

In resolving conflicts, we have sacrificed far too much in homage to efficiency. Highly structured, adversarial processes ignore most of the mess underlying conflicts, often exacerbate tensions and offer few opportunities for developing mutual respect or understanding. Consequently often parties after an adversarial process find their overall difficulties in a much bigger mess than when they entered the process. It may be a different mess, but a bigger mess nevertheless.

If genuine constructive change is sought, all the mess, all the emotions must emerge. Complex conflicts are often very messy. Repressing, manipulating or ignoring the underpinnings of conflict has somehow come to be accepted as a civilized, proper way of resolving differences. I am interested in processes that allow all the mess, all the emotions to emerge. It is how they emerge that is important. Our obsession with efficiency, and our growing incapacity as individuals and communities to have either the time or skills to resolve our differences has made us dependent upon emotionally antiseptic and procedurally rigid processes run by “objective” professionals. These processes ignore the opportunities conflicts provide for learning to understand and respect each other and for sharing the hard work of finding mutually beneficial outcomes. In avoiding

⁸ Druckman, P. (1994). The Performance and Development of Teams in Druckman, D. and R.A. Bjork (Eds.), *Learning Remembering, Believing, Enhancing Human Performance*, Washington, D.C., National Academy Press @ p. 113, 119.

this work (this hard moral work) we lose opportunities to connect to others, and to our communities.

Short Cuts Can Be Costly

Most communities have highly defined power structures and firmly entrenched laws that can quickly be applied to any conflict to sort out winners and losers. Introducing a circle process into these communities takes time. Circles change not only processes, but attitudes, values, fundamental perceptions of others, and of the conflict itself. Introducing a circle is much more than simply changing the mechanics of processing conflict. The changes involved in introducing and designing a circle embrace changing fundamental aspects of a community culture. A wondrously creative new design for any consensus problem-solving process will be of little worth if the community culture surrounding conflict remains deeply immersed in rights and power-based attitudes. If nothing else, my experience has driven home the need for patience. I've never been very good at being patient in the face of obvious injustices or destructive practices. Yet it is clear, change must evolve through several stages that unavoidably take considerable time.⁹

In the life of a very busy community with limited resources, with numerous other pressing issues, there is always a vividly felt need "to get on with it". Key leaders, recognizing the need for change, seek to demonstrate decisive, tangible actions that reflect promises to make changes. They are often irresistibly drawn to quick-fix schemes to implement a consensus process. There are many simple, fast and inexpensive ways to design a consensus system. Importing an off-the-shelf,

⁹ Kotter, John (1995). Leading Change: Why Transformation Efforts Fail, *Harvard Business Review* p.59 (March-April) - Expedient changes to the culture of corporations have over the past decade created the illusion of fast changes but never a "satisfactory result and rarely a sustained change".

generic model, making slight adaptations to processes found in other communities, or bringing in an outside expert to construct a model design, all offer quick fixes to introduce a consensus system. These approaches engage fewer people, involve less resources and time.

There are substantial risks to the effectiveness and sustainability of a consensus process introduced without adequate time and resources to engage a broad cross section of the community in developing a shared vision surrounding the purpose of a consensus process. Consensus processes that are expediently developed are likely to be rarely used and then only for trivial matters. The potential of a circle to change the culture surrounding conflict cannot be realized if short cuts are taken to put a circle process into place.

Purpose of Guiding Principles

Conflict is omnipresent. In every community and organization, more energy is spent on conflicts than on any other activity. We are constantly internally sorting out, mulling over and struggling to come to peace with conflicts over past, present and anticipated events. Conflicts are unavoidable. We all know that. What we don't know very well is how to constructively work through conflicts. We don't know how to harvest the potential within conflicts to gain new insights about ourselves, about others, and to extract innovative solutions that improve conditions for ourselves and others. The guiding principles serve to assist in building processes that engage the opportunities for constructive change that can be extracted from resolving conflict. Equally important, the guidelines generate the support, respect and understanding for the process that is necessary to ensure its effective and widespread use. Finally, the guidelines promote new measures that build networks and partnerships necessary for collaborative interaction and for realizing the full potential of peacemaking circles.

These principles are not intended as a definitive or enduring answer to the challenges encountered in introducing a circle within an adversarial environment. Collectively, they constitute a basis to question current patterns of action and thinking about introducing and designing a circle process (or most consensus processes). These over-arching principles are not guides to realize any specific design, destination, or solution. They are guides for the journey within any community that seeks to build new processes for engaging the uniqueness of each participant and of their community in addressing conflict and to discover the power of connecting to others in doing "ennobling work".

I acknowledge that I have yet to answer Rose's questions. I offer these principles as an initial basis to find better answers, fully aware that, as:

there can be no single theory or metaphor that gives an all-purpose point of view and there can be no simple current theory for structuring everything we do¹⁰

there can be no single process to address all conflicts.

¹⁰ Morgan, Gareth (1993). *Imaginization: The Art of Creative Management*, Sage Publications, Newbury Park, California @ p. xxv.

APPENDIX A

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