

# European Forum for Restorative Justice

## Editorial

We are happy to present the first newsletter of the new year. This special issue is dedicated to Social Support for RJ. Indeed, this issue is almost entirely devoted to the project of the European Forum awarded by the European Commission in 2008. Throughout the project, the European Forum has tried to investigate possible ways that can lead RJ to gain more active support in society, mainly through interaction and cooperation with the media, civil society organisations, and citizens.

In a first article Brunilda Pali tries to craft a strategy for media based on the importance of public opinion.

An interview with Gro Jørgensen, Director of Information of the National Mediation Service of Norway, will give you an idea about the right attitude towards the media for RJ organisations and how such cooperation can be positive for RJ in the country.

Siri Kemény stresses the importance of the involvement of citizens in local RJ programmes using the successful example of Norway.

In the last article, by Carmen Borg, you will read about key findings of the international seminar on building social support for RJ, organised in Leuven in June 2009. The report of this seminar can be found at the Forum's website:

[www.euforumrj.org](http://www.euforumrj.org)

In the short news items, you will read about some interesting new developments and coming events within the European Forum and the European restorative justice scene. One of these events is the 6th International Conference of the Forum which will take place in Bilbao (Spain) from 17 until 19 June 2010. We are looking forward to seeing you all there.

Vira Zemlyanska

Coordinator of the Editorial Board

## Social support for RJ by crafting a strategy based on the importance of public opinion

Although public support and participation is crucial to the extent of being essential for RJ, the reality shows that the public is not familiar with RJ. With this concern in mind, the project "Building social support for RJ" implemented by the EFRJ tries to focus on 3 areas: cooperation with the media, civil society organisations, and citizens.

### Public opinion of RJ

There are several reasons why the public's perspective is critical to RJ: 1) compared to other justice paradigms, in RJ the victim, the offender and the "community" are expected to take an active role in the justice process; 2) legislators and policy-makers frequently approve and create laws and policies consistent with public views; 3) it is necessary to have a scientific evaluation of public opinion because a number of studies have shown a gap between the views of the public and the opinions ascribed to them; 4) RJ

claims to offer a more democratic and civic alternative to traditional responses to crime, therefore public reaction represents the most important area in which to make comparisons.

If RJ is to be introduced, or maintained as a substantial way of dealing with crime it is important to know how familiar and acceptable it is to the public. If the public find the concept unfamiliar and unacceptable, governments, policy makers and donors will be reluctant to support its development. It is crucial for us to determine which elements attract public approval, and which features are likely to provoke public opposition. It becomes clear from research that the public considers restorative and alternative measures to traditional modes of punishment only when they are explicitly asked to consider these options. Restorative and alternative options, however, are rarely suggested spontaneously, which shows a lack of familiarity that in turn impedes public acceptance of restorative options. But

JANUARY 2010

Volume 11, issue 1

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With the financial support of the European Commission Directorate-General Justice, Freedom and Security

the good news is that when people are made aware of restorative alternatives, their support increases (Hough and Roberts, 1998). RJ, in other words, suffers mainly from the lack of public support because the public are unaware of its possibilities.

#### Public attitudes on RJ

Research on public support for RJ is only in its beginning stages. Considerable concern has been expressed that mediation will meet with public distrust and resistance, apprehensions which arise from the over-simplified (mis)perception that the public are punitive (Aertsen et al., 2004). However, existing data suggest that the underlying principles are appealing to citizens and challenge the common belief of a punitive public. These findings have important implications, especially in showing that although knowledge of RJ is poor; attitudes to it are very positive and supportive.

Research shows however that there are nuances to this support. For example the public see RJ as more appropriate for juvenile offenders. Furthermore, 'redeemability' is a powerful theme for those who support community alternatives. The fact that 'people can change', and demonstrating this with human interest stories of transformed offenders is important to the public. The University of Strathclyde research indicates that arguments about the values and principles underlying non-custodial penalties were more meaningful to focus-group participants than information regarding the effectiveness or cost-benefits (Stead et al. 2002). Appeals to unfortunate circumstances and disadvantaged origins of offenders however carry little weight with the public.

Yet there is greater success when appeals are based on what Bazemore (1999) calls 'earned redemption': offenders earn their way back into society through structured opportunities to make amends to their communities. Research in several states has shown support for the use of reparation. People seem to favour alternatives to imprisonment such as probation, restitution, community service and fines rather than spending money on building more prisons (Doob and Roberts, 1988). Results from the 1984 British Crime Survey indicated that most people approved of making non-violent offenders pay compensation to their victims instead of going to prison (Hough and Mayhew, 1985).

One of the most frequently mentioned strategies for increasing public confidence in community sentences is to provide more and better information about crime and justice to the public. The research evidence in favour of this strategy, however, is mixed. It is in a way self evident that information can make a change. In almost every survey of the public where such comparisons are made, individuals who are provided with additional information about restorative alternatives are less likely to favour imprisonment than those who are given no such information (Roberts 2002). On the

other hand, much of the research demonstrating the impact of education on attitudes shows only very short-term effects. Gainey and Payne (2003) found that a 35-minute presentation of information about crime and justice can increase support for alternative sanctions, but the duration of this effect is unknown. Furthermore, considerable research suggests that even an entire academic term spent learning about criminology and criminal justice has a negligible impact on students' attitudes toward crime (Giacopassi and Blankenship 1991). How much education and information is then needed to change deep-seated attitudes of people?

#### The territory of emotions

There are 2 basic theoretical frameworks within which public attitudes towards crime and punishment can be understood: instrumental and expressive or symbolic theories. Instrumental theories suggest that punitiveness is motivated largely out of self-interest. Punitive attitudes are likely to result when individuals feel a personal threat to themselves or their communities. An alternative explanation to the instrumental view is that punitive attitudes serve an expressive or symbolic function. The suggestion from this literature is that people's attitudes towards crime and punishment are emotional rather than rational and utilitarian.

In line with the expressive-symbolic theories, Indermaur and Hough (2002: 210) argue persuasively that 'anyone who wants to improve public debate about crime needs to be attuned to [the] emotional dimension [of attitude formation]'. The punishment of criminal offenders is a deeply emotive issue. While academics tend to favour the rational, the public has little problem with emotional reactions.

Unfortunately, we know very little about what emotive themes are likely to support RJ because we know remarkably little about the social psychology of non-punitive attitudes. Research on the development of liberal, permissive, forgiving or non-punitive outlooks toward punishment is lacking. As a result, we can imagine how the public's punitive attitudes could be awakened and utilised in support of a repressive criminal justice agenda, but we have little idea how to promote a more tolerant society. Academics are sometimes uncomfortable with the privileging of public opinion in general and emotions in particular, but these are the territories we need to explore if we want to make an impact on public attitudes on RJ.

#### Crafting a strategy based on public opinion and attitudes

What conclusions can we draw from the examination of the empirical and theoretical literature on public opinion and RJ? First, there is clearly strong public support for restorative concepts such as compensation, restitution, community work, mediation, and conferencing. Second, there is strong support for RJ as it pertains to less serious offences



and juvenile offenders. Thirdly, the idea that the offender has made amends to the victim or the community clearly carries considerable popular appeal. Further, arguments in favour of community alternatives based on the high costs of imprisonment or the growing numbers of citizens incarcerated seemed largely unpersuasive to the public. If attitudes towards criminal punishment are driven largely by emotive rather than instrumental concerns, as the literature suggest, then rational appeals to the benefits of various justice options will have only limited impact on public views. Those who wish to engender a better and more informed debate on RJ need to focus on the essential message that they convey. This message is made up of an emotional component and an informational component. In constructing this message it becomes just as important how information is packaged and expressed as the actual content of the message. Freiberg (1999) emphasised this difference when he pointed out that we need to focus as much on 'affective justice' as 'effective justice'. It is often public emotions that define public debates and political initiatives in the field of justice, not public information (Indermaur and Hough, 2002). Therefore, taking all the above into account, the messages that would be crafted need to focus first on the benefits of RJ for juvenile offenders, as this is an easier channel to start with. Next, the importance of reparation for the victims of crime has to be highlighted. And finally, RJ has to start to consider speaking to the hearts of the people, because that is the area it can and it should influence most, rather than using only rational arguments to gain support.

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## RJ & Media: Interview with Gro Jørgensen

How do you feel about being a mediator and a journalist? In my "earlier" life as a journalist my job was to get information and now my task is to give out information. I know a lot about the media, how they work, how they want the information and what makes news. That is helpful and I hope to "educate" my colleagues about this. Working with the media is not as difficult as many people believe. We all have a job to do – both journalists and mediators - and we can "help" each other if we respect and recognise our different tasks and capabilities.

What is the right attitude towards the media for RJ organisations and why?

Very often I come across a sceptical attitude towards the media, a negative attitude of the type "Media is our enemy! Media is always looking for scandals! Media always writes their own stories and the journalists don't care about the right information!" Such attitudes create a distance, which is not very helpful for our message.

Even if there are many articles which don't tell the whole truth, which lead to misunderstandings, and which have a (too) critical view – my answer still is - that media can be useful for RJ and can help us reach our goals.

Besides that: Do we have any choice? Isn't it our duty to talk about RJ, to inform people about what we do, about mediation and RJ? We really have something to "sell" to the media – and newspapers, radio and television are very interested in crime.

We can – rather than focus on the law that has been broken – focus on the needs of the people harmed (both victims

and offenders), and on the results of mediation. Through the media we get the information to the public, the politicians and the authorities. I think it's possible, in a constructive way, to cooperate with the media if we understand the way they work.

What have you achieved since you started working as a communication officer at the National Mediation Service?

One of the main goals of my organisation is to become more visible in the media. We try to do this in different ways:

Twice a year (January and July), when we have our statistics ready, I send out press releases to the media in Norway. Out of these general figures I choose what to focus on, for instance "the increasing number of violence-cases in mediation". I write the press release to the national media (newspapers, radio and television) and prepare a uniform empty format for the other local MS in Norway for them to fill out their local figures and comments. We send these to the media on the same day. We get a lot of attention (articles and interviews based on our statistics). The secret is to focus on something that is regarded as news. The number of cases mediated isn't always the issue.

Another effect of these regular press releases is that journalists sometimes get in touch with us afterwards and want to write a larger article on mediation, and they often want to talk with parties. In Norway we have now written explicitly in our strategic communication plan that professional confidentiality should not prevent us from contacting the parties to ask them whether they are interested in doing an interview for the media.

Today the NMS pays an agency (Meltwater News), which searches all the media web-sites and sends me via e-mail an overview twice a day of the articles that are published on web-sites containing the search key words I have given them. Mediation and the NMS will of course be 2 of the words – and this is how I know how often and what the media write about us.

Besides giving me information, this system also gives me the opportunity to correct serious mistakes. And what is more important I can respond to the newspaper who has published this article and give them a hint on what to write more about. I never let a journalist "hang up the phone" without telling him/her about at least one more project than they actually asked about. The following week when they need an idea for a new article perhaps my idea will turn out to be useful.

What would you say about a RJ organisation's caution towards the media?

I think every organisation has to make its own decisions on how it will react when the media wants to interview parties from the mediation. The media nowadays focuses more on the people involved, and I think most of us agree that articles are more interesting when we read about people who have had the experience rather than about statistics or expert views. We are on one hand bound by professional confidentiality in our mediator role, on the other hand we have to bring out the message to other people. The best way to get people to know about mediation is by "selling" the message to them through parties who have had a good experience. I think most of the time we are more cautious than needed, but of course we must be aware of this dilemma.

If you had the means what would you improve in your work?

More money – more people to work on information strategies and practices.

I find your views and your experience highly interesting and useful. Representing a RJ organisation that wants to work with the media, what would your advice be to us?

First my advice is to change your attitudes towards the media and acknowledge that media might be positive and useful for RJ. Then you should make a strategic plan for what you want to achieve from the media and what you will do in a crisis, make sure your website is up to date, check your ethic guidelines, and get to know how the media work and think. The more you know the easier it is to get the media to write and report about "your" information.

Oslo, February 2009

Gro Jørgensen is the Director of Information at the National Mediation Service (NMS), Norway

Interviewer was Brunilda Pali



## Readers' Corner

- Effectiveness of the Jersey probation (2009). Best practice: the Jersey Probation and After-Care Service collects specified data in order to be able to evaluate the outcomes of its work. As such the probation service can indicate concretely what its contribution to community safety, crime reduction and the rehabilitation of offenders is. Not surprisingly Jersey's probation work has attracted international attention and has contributed to the establishment of an international research network studying probation practice (CREDOS, the Collaboration of Researchers for the Development of Effective Offender Supervision). In its latest report, "Community Sentences and their Outcomes in Jersey: the third report", the Jersey Probation and After-Care Service is able to show that offenders who are targeted appropriately to the correct intervention programme and more importantly, who go on to complete that programme, significantly reduce their risk of re-conviction and their level of criminogenic need in relevant areas. The research also demonstrates that the assessment tools used to predict reconviction risk in Jersey continue to be reliable for both adult and youth offenders. For more information you can read the full report: [www.cepprobation.org](http://www.cepprobation.org)
- Justice in Transition. Community Restorative Justice in Northern Ireland (2009) by Anna Eriksson. This book provides a unique account of the high-profile community-based restorative justice projects in the Republican and Loyalist communities that have emerged with the ending of the conflict in Northern Ireland. Unprecedented new partnerships between Republican communities and the Police Service of Northern Ireland have developed, and former IRA and UVF combatants and political ex prisoners have been amongst those involved. Community restorative justice projects have been central to these groundbreaking changes, acting as both facilitator and transformer. Based on an extensive range of interviews with key players in this process, many of them former combatants, and unique access to the different community projects this book tells a fascinating story. For more information: [www.willanpublishing.co.uk](http://www.willanpublishing.co.uk).
- How Offenders Transform Their Lives (2009) edited by Bonita Veysey (Rutgers University, School of Criminal Justice), Johnna Christian (Rutgers University, School of Criminal Justice), Damian J. Martinez (Rutgers University, School of Criminal Justice). This book presents a series of studies (mostly qualitative) that investigate individual identity transformation from offender status to pro-social, non-offending roles. Moreover, the work in this volume highlights the perspectives of the men and women who are current or formerly incarcerated people. Each piece provides an empirical analysis of the interaction between current or former prisoners and innovative pro-social programs and networks, which are grounded in the most current theoretical work about individual transformation and change. For more information: [www.willanpublishing.co.uk](http://www.willanpublishing.co.uk).

## Calendar

- 4-5 March 2010, Burgos (Spain), International conference on restorative justice and mediation. Theoretical aspects and practical implications. More information at: [amepax@terra.es](mailto:amepax@terra.es). The registration form can be found at: [www.euforumrj.org](http://www.euforumrj.org)
- 27-28 May 2010, Bourg-La Reine (France), 3rd European conference on mediation. Mediation and civil society in Europe, toward a new mindset, by European Association of Magistrates for Mediation. For more information [www.bafm-mediation.de](http://www.bafm-mediation.de)
- 17-19 June 2010, Bilbao (Spain), 6th biennial conference of the European Forum. This event will mark the 10th anniversary of the Forum. The conference will cover 3 main themes: 1) the work of the practitioners (mediators and facilitators) 2) cooperation with legal practitioners; 3) conferencing. More information: [www.euforumrj.org](http://www.euforumrj.org)

## Citizens in RJ: Who empowers whom?

How can we increase the involvement of citizens in local RJ programmes? This has become a pressing question as civil society seems to break down more and more in the European countries. The impoverishment can partly be linked to the expanding educational system in our western societies – in certain respects we have too much formal education. Our societies are dominated by experts in many fields, and at the same time by a lack of cultural education and (everyday) wisdom. Professor Nils Christie warned against the lawyers and the increasing professionalisation of society more than 30 years ago. This warning was taken seriously by Norwegian policy makers and politicians: The Norwegian Mediation Services (MS), our KONFLIKTRÅD, was, without discussion, established as a lay institution.

One of the main considerations behind the creation and implementation of the MS was “to strengthen the community’s ability to resolve minor offences without weakening legal protection.” The choice of establishing the MS as a lay institution was to make the vision of strengthening the local community’s ability to resolve their own conflicts – even the minor offences – come true. To strengthen the local community’s capability in this respect, also meant counteracting exaggerated professionalisation.

Looking back – has the MS/RJ in Norway succeeded in counteracting increasing professionalisation; in other words empowering civil society? I have lately quite stunningly realised that the Norwegians are almost alone in including this element into their considerations for establishing the MS. Whether and to what degree they have succeeded must be investigated.

In general, the forces for professionalisation have increased since Christie pointed them out. An increasingly large part of the population is finishing high school, college or university education, often of an unspecified type. This means that they are highly educated for tasks not yet specified. RJ practices – mediation, conferencing, and the like – are tempting possibilities for future jobs.

In Norway mediation and conferencing in the RJ context is only done by volunteers, or lay people, that have received basic training. Why it was never questioned or debated in Norway that MS should be a lay institution? In my opinion the explanation can be found in Norwegian society which is underpinned by a strong egalitarian ideology. It is envisaged as a society of peers, even if the gap between the rich and the poor is increasing with the development of a strong

market liberalism. Democracy is deeply rooted in people’s mindsets. This is obvious in practical everyday life, in the local communities and in the way people behave.

The participation in the Norwegian legal system by lay people, or citizens, is also still present. Norway has a jury in the higher courts, but the recent proposal to replace it with lay assessors together with the judges is now under debate.

Also, people in Norway are all social democrats in their hearts, regardless of their political party preference. The Labour party and the Trade Unions have for a very long time been the dominating trendsetters. Voluntary communal work has also been part of this movement, since the country had to be re-built after the Second World War. This voluntary communal work-trend is still today alive and thriving. The educational system is strongly based on social democratic, egalitarian values. To recruit volunteer/lay mediators has not been a problem. On the contrary, many citizens want to become mediators.

In spite of the above facts, for some reason it has been a slow process to gain social support for RJ. In spite of information campaigns, few citizens have been familiar with the MS, not to speak of RJ, until recently. I hope that the reason why RJ is coming close to a “break-through” now-a-days is that now the time is ripe. There is a general change in society that favours RJ. But also, the MS has done good and smart work that has helped RJ forward: a focus on the promotion of the MS/RJ by hiring of an information officer for the MS, targeted communication with the media, the implementation of conferencing as a general service at the MS, and the “time effect”, i.e. the effect of mediation and RJ having been around for a while.

In spite of the present positive atmosphere towards RJ, there are also elements in our social democratic welfare society that are counterproductive to foster social support for RJ. The welfare state also has strong paternalistic elements. The state acts as a caretaking father towards its citizens. The negative effect of this is that citizens have become used to the state taking care of all their problems – health care, education, social security, social peace, etc. Combined with strong formal education, local communities are losing not only the social capital, but also practical life experience – the experience exchanged and elaborated over the kitchen table and in the streets. The ground for learning and developing life management skills, knowledge and wisdom has by and large been lost. The certified problem-solvers, the experts, are ruling.



## Newsflash

- A group of scholars and practitioners in Verona gave birth to an association meant to culturally and socially promote an increased attention to crime victims: Associazione Scaligera Assistenza Vittime di Reato. As a non-political association, ASAV tries to promote victim-related issues by meeting local institutions (e.g., police officers, members of local governments) as well as members of civil society. In a short-term, the activity of ASAV has been mainly cultural, consisting of conferences and meetings with academic and non-academic audiences. More information: federicoreggio@yahoo.it.
- The Council of Europe has published the report "Children and juvenile justice: proposals for improvements". It is authored by Commissioner for human rights T. Hammarberg. It covers international standards, prevention, alternatives to court proceedings, sentencing, detention of non-offenders and conditions in detention. It can be found on: wcd.coe.int

So far the MS has not succeeded in revitalising and strengthening the local community, and thus increasing social support for RJ, but there is hope for the future. During the last 2 years there have been signs that give reason to believe that this can happen. There is a strong need for empowerment of the local communities. But it takes time for the citizens to get used to the idea of having a shared responsibility for our common welfare, and for keeping the social peace. Also, the citizens of today must re-learn that rights also yield obligations, and solidarity must also be re-vitalised and re-learned.

If we really want RJ not only to gain social acceptance and support, but also to become a tool to "reinvent" social capital and local, practical knowledge in local communities – to let volunteers/lay persons be the mediators and facilitators in RJ processes can be one important element to help such a development forward. Also – to succeed – attention must be paid to how the RJ services are organised. To be visible and easily accessible in the local community, they should be decentralised.

The implementation of the conferencing model with the MS has contributed substantially to support for RJ, both from citizens in general, and from professionals like legal experts, schools, child care service and more. With more people participating, with experience of RJ, with participating actively in a justice process – the idea spreads much faster and thus social support is created. With conferencing, RJ has "gone home" with the police and the prosecutors. Many of them have become "believers".

The idea of RJ can best be promoted when the citizens realise that they, as part of the community, have a responsibility to take care of the social peace, while the state has the responsibility to preserve law and order. At present I think that social support for RJ in civil society in Norway can best be developed via sound cooperation between the

police and the MS. The MS does not have an organisation at present that makes it possible to "reach the community" because they are far too centralised. The police on the other hand, are numerous, and get in contact with all kinds of groups and individuals in the community. In Norway the police have a strong civil character. If the police do community police work according to RJ principles, they can identify conflicts and problems in the local community and in cooperation with the MS organise conferences to discuss and help people to solve their conflicts and problems. This will eventually also have a crime prevention effect. I hope that in the future the police will not be too eager to formally register every little act that can develop into an offence, or even not register the smaller offences, to show in their statistics. We should rather strive for decriminalisation in our societies, and aim for social peace attained via the empowerment of conflict handling in local communities.

The picture is different from one country to the other, but the international scene also influences national development. What has taken a very long time in Norway can today take a much shorter time in another country, also because of the international climate. In this respect, in Europe the role of the EU should not be underestimated. But of course it is important to pay attention to the local culture. Maybe to campaign for volunteer mediators will be counterproductive in some countries. Still, I think it is important to stress that the local community must somehow be involved if we want RJ to be internalised in the communities and in society at large. Or, the other way round: to realise true RJ in society, a precondition is the citizens' involvement. The citizens must be empowered to get a grip on their every day life management, and thus become active and responsible participants in their own lives, in their own communities.

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## Social support for RJ:

### An international seminar

Throughout the building social support project, financed by the European Commission, the Forum has tried to investigate possible ways through which RJ may gain more active support in society. The concept of social support was translated into 3 main categories, reflected in the following question: How can interaction and cooperation with the media, civil society organisations, and citizens be set up in order to inform and educate the public about and increase its involvement in RJ? A seminar organised in Leuven on 3-5 June 2009 dealt thoroughly with the above question. This brief article will give an overview of the main conclusions.

The main conclusions on the media part were that we need to 1) change attitudes towards the media and approach them positively, 2) prepare ethical agreements specific to our own fieldwork, 3) have control over our own words and work with respect to the media, 4) invest in human resources and capacities that can deal with the media, 5) investigate the new media opportunities besides the main broadcast media, 6) try and simplify the RJ messages and language and make it accessible to people.

The main conclusions on the civil society part were that 1) we should try to identify our strengths and weaknesses, our opportunities and threats, and work on them, 2) there are several ways and means that will lead us towards fostering social support for RJ, 3) we need to work towards strong cooperation with civil society organisations and different movements whose work is pertinent to RJ, in particular the victim support and victim rights movements, 4) participation will be enhanced by bringing together different albeit related organisations, including the criminal justice system to create a framework for dialogue about RJ, etc.

The conclusions on the citizens part were that 1) RJ can become effective only as an integral part of societal forces working for change and it should contribute to more democratic participation and a more restorative mode of conflict regulation, 2) volunteers and lay people intuitively participating in RJ should be facilitated, 3) projects which involve citizens in different justice initiatives from within the criminal justice system and from outside should be highly defended and supported, etc.

The complete report of this seminar can be found at the Forum's website: [www.euforumrj.org](http://www.euforumrj.org)

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