

TRANSFORMING CONFLICT IN THE INNER CITY COMMUNITY CONFERENCING IN BALTIMORE

LAUREN ABRAMSON* and DAVID B. MOORE†

*Johns Hopkins University, 624 N. Broadway, 8th Fl, Baltimore,
MD 21205, USA*

†TJA, 3/115 Curlewis Street, Bondi, 2026 NSW, Australia

Restorative justice practices have long been available to the economically privileged, leaving the poor to fend for themselves in our overburdened and retributive system. For the past two years we have been involved in the development and implementation of a community conferencing program in several low-income, disinvested neighborhoods in Baltimore, Maryland. Active partnerships have been developed with police, juvenile justice, schools, and community groups; and referrals are now received from all of these sectors. Community conferences are facilitated by community volunteers and have resulted in successful agreements for incidents ranging from misdemeanor crimes to truancy to intractable community conflicts. Initial challenges to implementing the program have been formidable, and many lessons have been learned. Decisions about what to centralize (quality control, referrals, and evaluation) and decentralize (conference location and follow-up) have been critical to program success. Other implementation issues and guideposts for development of similar programs are discussed.

Keywords: Restorative justice; Community justice; Community conferencing; Conflict resolution; Conflict transformation; Criminal justice

INTRODUCTION

Community conferencing is a process for dealing with conflict. Conferencing asks different questions from those asked by an adversarial criminal court. A court seeks to answer: "who did it?" and "what shall we do to them?" Conferencing seeks to answer: "what has happened?", "how have people been affected?", and "what now needs to be done to address the harm and minimize future harms?"

*Corresponding author. E-mail: labramso@jhmi.edu

The questions asked by court are appropriate for a retributive system. The questions asked by conferencing are appropriate for a system seeking alternatives to retribution. In North America, a search for non-retributive outcomes is currently being conducted in the language of "restorative justice". (McCold, 1997; Sharpe, 1998; Van Ness & Heetderks Strong, 1997; Zehr, 1990) and community conferencing is being recognized as a way of realizing the principles of restorative justice.

In this paper, we describe efforts since 1997 to introduce community conferencing to the city of Baltimore, Maryland. In essence, this is a story about the possibilities of the conferencing process and the difficulties of developing programs to deliver that process. We begin with a general description of conferencing in theory and practice. We then examine the particular case of community conferencing programs in Baltimore. Some of the lessons drawn from this case are specific to Baltimore but most have much relevance for adoption elsewhere.

First, then, to conferencing in theory and practice. The basic process is very simple. A skilled facilitator brings together a group of people who are in conflict and leads them through three stages. In the first stage, conference participants are invited to consider the origins of the conflict so they ask: "what has happened?" In the second stage, they are invited to examine the present effects of the conflict. They ask: "how have people been affected?" Then, and only then, can the group be invited to look to the future. This is the time to ask: "how can we repair the harm that has been done and how can we minimize future harms?" In short, how is it possible to make things better?

This deceptively simple process is beginning to be used in education, justice systems, and/or workplaces in Australasia, North America, and Western Europe. Conferencing has many possible applications because it solves a significant problem in the field of conflict resolution. It addresses conflict in a way that distinguishes it from more familiar processes.

Disputes and conflict can be addressed by adversarial processes or by non-adversarial processes. But there are two distinct types of non-adversarial processes. In our view, these two types of non-adversarial process have not been adequately distinguished. We distinguish adversarial litigation from non-adversarial mediation. But we also distinguish mediation from conferencing. The three processes deal quite differently with disputes and conflict.

When disputants litigate in an adversarial court system, an adjudicator considers their arguments, then imposes a judgment. The judgment officially resolves the dispute. But adversarial dispute resolution has significant costs. It is expensive; it can be time-consuming; and, by emphasizing differences between disputants, it has a damaging side-effect, namely, it maximizes the conflict between them. The movement for Alternative Dispute Resolution (ADR) emerged in response to these problems.

“Alternative Dispute Resolution” can be confusing since it has come to have two distinct meanings. It refers to a general category of non-adversarial processes but it also refers to a particular non-adversarial process that is alternatively called “interest-based mediation”.

Mediation seeks to:

- separate the people from the problem;
- focus on interests, not positions;
- invent options for mutual gain;
- insist on the use of objective criteria (Fisher & Ury, 1991).

If disputants agree to disagree, a mediator can use these rules to minimize the conflict while the disputants search for common ground. But in many cases, people will not agree to disagree. They will simply disagree. And, if people cannot agree to disagree, their primary problem is not a dispute. Their primary problem is conflict.

This distinction between disputes and conflict is crucial. The two often occur together but they are different phenomena. Disputes are about specific contested facts. Conflict is defined by a general state of negative feelings. Mediation is appropriate when people have some dispute but are not significantly in conflict. If people are in significant conflict, the rules for “getting to yes” may not work. It is extremely difficult to isolate problems, interests, and options for mutual gain since people in conflict will, by definition:

- identify the other people as the problem;
- cling tenaciously to their own position;
- see no possibility of mutual gain, feeling they can only win if the others lose.

People may find themselves in conflict:

- as a result of some undisputed harm,
- although there is no specific dispute between them as individuals, but there is conflict between groups to which they belong, or
- when they are involved in many disputes, most of which are merely symptoms of the conflict.

In all these situations, people cannot negotiate constructively until they find a way to acknowledge and transform the conflict. Community conferencing is perfectly suited for these cases. Conferencing allows participants gradually to shift their focus from the past to the present and then to the future. As participants tell their stories, they shift their emotional state from one of conflict to one of cooperation. Once participants have begun to acknowledge and transform the conflict within and between themselves, they can then begin to negotiate (Moore & McDonald, 2000).

In sum, the dynamic of adversarial litigation is conflict maximization. The dynamic of mediation is conflict minimization. The dynamic of conferencing is conflict transformation. Conferencing is an optimal process for dealing with the sort of cases where feelings of conflict within and between people are of greater significance to those people than are the facts of any particular dispute.

These are precisely the sorts of cases that regulatory systems currently find so difficult to manage. For example, the juvenile justice system struggles to deal effectively with incidents of undisputed harm. There are also the many neighborhoods harmed by conflict between groups, though there may be no salient dispute between individual members of those groups. Finally, schools, workplaces, and community organizations often suffer one poorly-resolved dispute after another whereas most of these disputes are merely symptoms of an ongoing conflict.

In all these cases, an adversarial court system can offer retribution. But it can offer few constructive responses to the conflict. What has been less well understood is why mediation is not always the optimal alternative. A diagnosis that distinguishes disputes from conflicts provides a clear explanation. When conflict is associated with no dispute or with many disputes, a process of dispute resolution by

conflict minimization is not the required medicine. What is required is a process for conflict transformation. Conferencing is gaining international recognition as an exemplary process for achieving this end.

Because conferencing can address conflict in the wake of an undisputed harm, it can be used in the justice system by reformers seeking alternatives to retribution. Community conferencing can put into practice the principles of restorative justice. This was basis of the proposal put to a coalition of Maryland policy makers in March 1997.

BALTIMORE: DEMOGRAPHICS AND THE JUSTICE SYSTEM

The city of Baltimore has approximately 640,000 residents, nearly 70% of whom are African American. The mean per household income is \$22,000. The city has its share of both strengths and challenges. It is home to two professional sports teams and a picturesque inner harbor that supports a thriving tourist industry. The city is made up of literally hundreds of neighborhoods, each with its own identity and sense of pride. However, many of the low-income areas have been subject to many years of economic and social disinvestment, and their residents struggle to find living-wage jobs, accessible shopping for food and clothes, quality schooling, and recreational opportunities. Crime and safety are prominent concerns for many residents, particularly in the disinvested neighborhoods. For over a decade, Baltimore's yearly murder rate has exceeded 300. An estimated 60,000 residents are addicted to hard drugs. The number of juvenile arrests in the city last year exceeded 8000.

Before 1998, Baltimore had only one diversion program to offer these young offenders. That diversion program still handles less than one percent of juvenile offenders. Since 1998, efforts have been made to develop a teen court. The court began operations in 2000 and had handled approximately 25 cases by mid-year. But with over 8000 juveniles arrested annually, it is clear that the overwhelming majority of non-violent juvenile cases are still dealt with in the traditional juvenile justice system.

However, a community conferencing program operating in several disinvested neighborhoods is beginning to offer another alternative in Baltimore's juvenile justice system. Perhaps more significantly, com-

munity conferencing is not only being used in the juvenile justice system for diversion of misdemeanor offenses but also in other sectors. It is being used in education for truancy, suspensions, and chronic misbehavior; in neighborhoods to address broader ongoing community conflicts; and in workplaces on an ad hoc basis.

As in other jurisdictions, conferencing was introduced to deal with incidents of undisputed harm involving young people. (Hudson, Morris, Maxwell, & Galaway, 1996; Chatterjee, 1998; Trimboli, 2000). And, as in other jurisdictions, broader implications and applications of conferencing have emerged fairly rapidly.

In one recent and representative example, a police lieutenant referred a case of three feuding families to community conferencing. The lieutenant had been trying to deal with related issues on one particular block for over a year, logging 75 calls for service to just three addresses. As the conference unfolded, it became clear that the conflict had originated with two teenagers fighting. It had escalated over the following months as parents from these three homes sought to intervene. There had been incidents involving knives and guns. The adults were fed up with the time they were taking off of work each month to go to court so they readily agreed to participate in a community conference. The conference lasted a mere 75 min yet it generated such an effective agreement between participants that police logged zero calls from that block over the following months.

The events leading to, and the content of, that conference are instructive. The police lieutenant, who had attended an extremely successful conference a few weeks prior, was so frustrated late one Friday afternoon with the feuding families that she called a conferencing facilitator and had her officers pick up the families at their homes to "have a conference" right there and then. The facilitator met with the group at a local fast food restaurant to listen to the situation but also to inform the families that preparation for the conference was needed and they would have the conference next week. At that initial meeting, in front of several police officers, the residents were near "coming to blows" with one another.

Only minutes into the conference, it became apparent that no one was really sure how the conflict had started, though they could trace it back to some words exchanged between a few of their teenage daughters. What ensued was 45 min of extremely heated exchanges, as

each family member told their story and how the fights, the court dates, and their rage had affected them. Five minutes into this "he-said, she-said" exchange, one police officer, who had responded to several of the calls for service, said disgustedly, "Can't we just figure out what we're going to do about this?"

The conferencing process, however, requires that people be given the opportunity to fully discuss what has happened and how they have been affected. So the facilitator calmly suggested that they would get to solutions later in the conference and the heated conversation continued. It almost seemed as if it would not end. Then one mother, 45 min into the conference, broke into tears and said, "You know, my cousin was killed two months ago over something as stupid as what we're arguing about. And it just hit me that, if we don't do something about this tonight, somebody in this room is going to get killed. We've already had knives and guns involved." There was a heavy and long silence in the room. This is the moment in the conference of "collective vulnerability," when everyone feels a sense of deflation and some responsibility for what has and what will happen. What followed was remarkable. Within 15 min the families came up with eight points of agreement as to how they would treat each other in the future. In the 12 months following that conference there were no calls for service to any of those residences.

That outcome exemplifies a general trend. With each community conference, the process gains more advocates. And it seems the guiding principles are readily acceptable to reformers within the system. So the chief obstacle to broader applications of conferencing is a logistical problem: how to deliver the process to communities. What form of program is required and where should it be situated? This distinction between principles, process, and program is another crucial tool for analysis, and we will revisit it throughout this paper.

HOW THE PROGRAM EVOLVED

In 1994, Lauren Abramson first heard about community conferencing programs operating in Australasia. She recognized some philosophical and practical similarities with her own work in urban programs such as Head Start. In 1995, Lauren met with the Baltimore director of

juvenile justice who expressed interest in community conferencing. However, significant expansion of conferencing would not begin in Baltimore until 1997.

John McDonald and David Moore from Transformative Justice Australia had just completed a series of community conference facilitators workshops across Canada. They visited Baltimore and addressed an initial informational meeting organized by Lauren Abramson. The 40 participants represented juvenile justice, police, education, communities, city administration, prisons, public/private foundations, and human services.

The timing of this meeting was fortuitous. The state crime control agency had announced a Balanced and Restorative Justice (BARJ) initiative. More generally, this was a time when academic research findings on "social capital" were entering popular culture, and adding to a national conversation about "civil society" (Bellah, Masden, Sullivan, & Tipton, 1985; Putnam, 1993; Clinton, 1996). Within the criminal justice system, reformers, increasingly concerned about systemic iniquities, were searching for well thought-through alternatives. There was a growing awareness that the so-called "war on drugs" has produced historically high rates of imprisonment rather than dramatic reductions in crimes. (Cole, 1999; Kennedy, 1997; Tonry, 1997).

Against this background, the informational meeting on community conferencing generated a great deal of interest. A key result was that the Governor's Office of Crime Control and Prevention sponsored Baltimore's first training for community conference facilitators. Lauren Abramson was, at this point, the only person in Baltimore with some expertise on the community conferencing process; she was funded to provide technical support and oversight to community conferencing programs as they developed. In addition, she was given the task of building community conferencing efforts in other areas across the state.

DISTINGUISHING BETWEEN PROGRAM, PROCESS, AND PRINCIPLES

To analyze what unfolded, the tripartite distinction between process, program, and principles proves extremely useful. Using a shorthand

definition, we can understand the conferencing process as what happens once participants enter the room. This is primarily an issue of social psychology. The program includes the legal and/or administrative guidelines determining who attends, how, and where. And the program requires dedicated staff to implement those guidelines. This distinction between process and program is much the same as that between a product and its distribution system. The distinction is not always made with adequate clarity nor does analysis always distinguish program and process from the principles that inform them. These are matters of political and moral philosophy.

An initial tactic for introducing community conferencing was to educate high-level administrators about the process and to work with them to devise a program for diverting non-violent cases to conferencing. A driving principle of many reformers in juvenile justice has long been that "diversion" is something intrinsically good. The emphasis has tended to be more on the harmful system from which young people are diverted than on the nature of the beneficial system to which they might be referred. And given the widespread acceptance of the value of "diversion from," early on it seemed a logical tactic to develop partnerships and secure diversion agreements with police and juvenile justice.

Top officials within the police department and juvenile justice expressed strong support for a community conferencing program. They backed efforts to use the process as an immediate, community-based diversion program. With official backing from the police commissioner and the head of juvenile justice, we thought we might be "home free", but experience proved otherwise.

The machinery of the existing system has proven remarkably resistant to change. For instance, the first conferencing program in the city began as a diversion for juvenile misdemeanor offenses. But despite official support from the top, many line workers did not receive formal notice of the program. Many of those who did were not willing to take the necessary steps to make a proper referral. It took well over a year to smooth out kinks in the referral system and, during that time, there was very little systematic referral to community conferencing from the police or juvenile justice.

Some individual officers simply referred or ran conferences themselves. For example, two juvenile justice probation workers were

among the first group in Baltimore to be trained as community conferencing facilitators. One of these juvenile justice workers immediately began to conduct community conferences for cases that had previously been referred from juvenile justice intake to arbitration. He has facilitated conferences for approximately 100 cases over nearly four years, gaining over 90% compliance with the agreements. Yet resources for expanding the capacity of that agency for conferencing are still not forthcoming.

Meanwhile, parallel programs of referral and administration were created. The state crime control agency had expressed support for the principles of restorative justice. Officials wanted to build the capacity of communities to offer programs consistent with those principles. Four Baltimore neighborhoods expressed interest in community conferencing for cases where their young people had caused harm. Each of these neighborhoods had previously been identified as part of a state-level crime and safety initiative focusing on areas with the highest crime rates. These four neighborhoods were now provided grants to develop their own community conferencing program.

The grants funded the basic costs of the program and a full- or half-time community-based coordinator. Residents were recruited and selected to be trained as facilitators. In addition, a police officer from each neighborhood attended the community conference facilitators workshop as did a number of juvenile justice probation workers. Lauren Abramson was asked to serve as the citywide coordinator of these four neighborhoods, providing them with ongoing technical support.

Each community program had an implementation team which included the community-based coordinator, a community police officer, a juvenile justice intake worker, and the citywide coordinator. These implementation teams met bi-weekly to discuss issues of eligibility criteria, referrals, conference logistics, and follow-up with conference agreements.

In addition to these four funded community programs, Lauren Abramson promoted conferencing in other interested neighborhoods. Several embraced the process and requested conferences for a variety of cases. As more trained facilitators have become available, these requests for conferencing have been fulfilled. Under the aegis of this program, more than 30 major community conferences were facilitated

over the year from the summer of 1999 to the summer of 2000. These were for cases ranging from truancy to assaults to protracted community conflicts.

Meanwhile, through 1997 and 1998, schools were also targeted for referrals around truancy and suspension issues. Principals were approached with a simple question: "Do you have any conflicts or incidents that you are unhappy with because they have not been resolved?" The question prompted a growing number of school referrals. However, without a sufficiently close review built into this referral process, some schools tended to refer only cases of chronically disruptive students. Rather than using conferencing to keep already-suspended students in school, they were using the referral as a way of preventing the sending of very young students (ages 6-9 years) home with suspensions.

As more and more conferences were held, referrals increasingly came directly from community residents. Initially, many of these were nuisance cases involving matters such as excessive noise and vandalism. Most cases were ostensibly about conflicts with adults but young people became involved in over 90% of these cases as the history of the conflict unfolded.

THE IMPORTANCE OF INFORMAL SOURCES OF REFERRALS

Significantly, the neighborhoods without special funding for conferences have begun to use the process for the widest variety of cases and in the most creative ways. One recent case involved a community group working with several community organization presidents who are frequently in conflict with one another. The community group requested a conference to help the presidents deal with their own conflicts so that they can better focus on some of their work. To use language we employed in the introduction: before the community conference took place, the presidents could not even agree to disagree; since the conference, they have handled most of their disputes without significant conflict.

In short, the process of community conferencing is receiving growing recognition and support in metropolitan Baltimore, as it is used for an increasing variety of cases. Referrals from the big agencies

of police and juvenile justice remain intermittent. Referrals from schools continue to grow as do those from neighborhoods, most notably from those neighborhoods that were not funded by the state initiative. And those involved are becoming more creative in their use of this conflict transforming process. It seems to us that there are some important lessons about the way in which these most successful programs are developing. There are lessons to be learned about who should facilitate conferences, who should participate, and who should administrate.

IDENTIFYING APPROPRIATE FACILITATORS

A stipulated goal of state agencies funding community conferencing has been to build human and social capital. The conferencing process itself accomplishes this for a specific group of people by bringing them together and allowing them to engage in such a way that relationships are rebuilt or created. Thus, with each community conference, a network of relationships is improved and/or extended.

An additional principle guiding funding agencies has been to build the capacity of neighborhood communities to offer the conferencing process without strict reliance on professionals to facilitate the conferences. To this end, local residents were informed about the program. If interested in becoming a trained facilitator, they were selected to attend the 3-day training. As a result, a number of residents have been trained to be community conference facilitators. They are offered a small stipend for each conference they facilitate. In addition, school police officers, school counselors, community workers, and concerned residents have also volunteered and been trained as facilitators throughout the city. Their accumulated experience suggests some characteristics of effective facilitators.

To be a conference facilitator does not require that a person have any particular education level or training. It does, however, require that the person possess several important characteristics which, over the past years, we have learned are essential for the work. First, a person must be able to remain neutral during what is often a difficult and emotional process. That is, they must be able to maintain a stance of "empathic impartiality" (Moore & McDonald, 2000, p. 76). Several facilitators

have selected themselves out of the program because of their acknowledged inability or lack of desire to adopt this stance and play the role of neutral referee in the process of conflict transformation.

A facilitator must also be comfortable with people who express strong and, at least initially, largely negative feelings. The dominant culture in the United States does not widely support the public expression of strong negative emotions because oftentimes these are so often associated with violence. This linkage is constantly reinforced in the electronic media. For these reasons, many potential facilitators are not confident of their ability to tolerate strong emotions in others. However, our experience has shown that many facilitators are willing to learn more about this aspect of facilitating conferences. Hence, we have developed a structured skill-building curriculum which focuses on emotionality and mindfulness. This has proven an important part of developing a pool of competent facilitators.

Much of this learning is taking place in disinvested communities with predominantly African-American families. So we have sought to ensure that facilitators are comfortable with, and knowledgeable about, dealing with diverse families living in diverse circumstances. A small number of potential facilitators excluded themselves from the training when they found out that they might be asked to make home visits or to facilitate a conference in the evening in certain neighborhoods.

Time commitment has also been an issue. A number of those trained, though committed to the program's principles and objectives, have simply not had the time to prepare and facilitate conferences. The interview developed for potential facilitators over the past two years includes several questions about availability during weekdays, evenings, and weekends. If a candidate will clearly not be available to facilitate conferences at appropriate times, they are offered an opportunity to participate in the program in some other way.

Last, but certainly not least, we hope to find facilitators who demonstrate levels of maturity and level-headedness. These qualities are invaluable as facilitators move through the phases of the community conference and find themselves faced with so many unpredictable kinds of circumstances. Facilitators who can think on their feet and are not flustered by the behaviors of people in conflict are better able to help participants move through the conference process. Facilitators

with these skills themselves tend to gain from the process a great sense of enjoyment and excitement.

Monitoring this skill selection and skill building has not been easy without a centralization of certain program functions. Likewise, it has been difficult to monitor the quality of the conferences and to build the skill level of the facilitators. Quality control measures are necessary to keep building the skill level of the facilitators and to prevent drift away from basic principles of the process. For example, one of the funded community programs refused to take part in any of the skill-building workshops or quality control efforts despite efforts by the funding agency to encourage such cooperation. As a result, some of the volunteer facilitators gradually began to take a more active role in determining sanctions and in some cases in admonishing the offenders. In addition, in two cases, a community-based coordinator was hired who had not been trained as a facilitator. Developments like this create obvious obstacles for effective program promotion. Striking a balance between community control and centralization has, therefore, been an ongoing process of weighing all concerns related to this issue.

DETERMINING CASE ELIGIBILITY CRITERIA

Though some program functions have now been centralized, there remains a strong commitment to local control. For example, each neighborhood decided for themselves to which people they felt comfortable offering the community conferencing alternative. Most decided originally to limit the program to young people who had three or fewer prior offenses. However, in one neighborhood, this decision ultimately eliminated 95% of the juvenile cases. Once drug offenses were excluded, the remaining potential cases were eliminated even though many of these children were under the age of 13. The question needed to be asked: If the current system has not prevented further acts of harm, why not try something else? The community then decided to change the program eligibility criteria.

PRELIMINARY FINDINGS

Despite these many logistical problems, over 200 community conferences were conducted in Baltimore between the summer of 1998 and

the summer of 2000. Of those conferences, 100% have resulted in an agreement that was signed by all participants. To date, there has been over 85% compliance with the agreements. Participants young and old, male and female, African American, Caucasian, and Latino have reported extremely high levels of satisfaction with the process and the outcomes. In over 65% of the conferences, phone numbers have been exchanged among participants during the period when they break out of circle and enjoy refreshments. Though it is difficult to quantify the exact extent to which social capital is built, qualitative reports indicate that, as a result of the conference, participants access a wider net of people than they otherwise would have to address the issues raised.

In short, the process works. Conferencing in Baltimore is delivering the same general outcomes as elsewhere: higher rates of participant satisfaction than from any comparable intervention; increased levels of social capital; and lowered rates of recidivism when measured in the wake of incidents of undisputed and criminal harm. Current problems are not so much with the process as with programs. And even here, the primary problems are not about facilitation and participation, but are logistical and strategic in nature and have to do primarily with administration.

LESSONS LEARNED IN STRUCTURING THE PROGRAM

As we have described, Maryland's state crime control agency has been promoting a Balanced and Restorative Justice (BARJ) initiative for several years. The agency, wanting to build community capacity to offer restorative justice, funded four neighborhoods to develop their own community conferencing programs. In retrospect, a number of strategic errors were made in the process. Each neighborhood organization director saw a need for the conferencing program but none had previous experience or expertise with the process. Each organization hired a conferencing coordinator or administrator but there was no stipulation that the citywide coordinator would be involved in the hiring of these community-based administrators. Several of them lacked appropriate qualifications or even a basic understanding of the conferencing process and the aims of the citywide program. The resulting inconsistencies made it far more difficult to gain referrals to the program.

When program is distinguished from process, the nature of that mistake seems quite obvious. By definition, the neighborhoods selected for funding show low levels of social organization. They could all greatly benefit from the social capital generated as a cumulative effect of many community conferences. They could benefit from the process. It doesn't follow that they have the resources to coordinate a program. Yet. And our experience of the last three years shows that, to varying degrees, these neighborhoods indeed lack those resources.

The possible reasons behind issues of de- and centralization are interesting as well as instructive. In our view, they have to do neither with the nature of the conferencing process nor with the intrinsic structure of the pilot programs. Rather, they have to do with the principles promulgated by the funding agency. It seems to us, after extensive reflection and analysis of keywords that interest key funders, that the issue here is one of ideology. And not the ideology of restorative justice, though there are many and interesting debates continuing around that term. Rather, the key ideological terms at work here seem to be "social capital" and "civil society".

An ideology associated with the terms "social capital" and "civil society" seems to have led to the strategic error of decentralizing administration to individual neighborhoods. The terms are appealing; the mistake is understandable. The lesson by now is learned. Neighborhoods were burdened with the key tasks of administering community conferencing which included promoting the process, collecting data, and controlling quality across Baltimore. The strategic error seems to have been guided, above all, by a view of civil society that seems characteristic of and specific to the United States, enduring since it was observed a century and a half ago by de Tocqueville. This is a view marked by "parochialism, localism, and hostility to central authority" (Ehrenberg, 1999, p. 236). It has its advantages and its disadvantages but, in the story of community conferencing in Baltimore, this particular view of civil society appears to have generated the principles that informed the program that limited use of the process.

In retrospect, then, this first pilot program was not the right pilot program. Some things were done well and some left room for improvement. The time is right to learn the lessons of this first phase and build them into the design of the next.

THE FUTURE: BUILDING CAPACITY TO SYSTEMATIZE THE PROCESS

A new secretary for juvenile justice was appointed in the state of Maryland in the winter of 2000. He is keenly interested in offering community conferencing for many of the state's non-violent juvenile cases. Several aspects of conferencing appeal to him: 1) conferencing programs can be community-based; 2) conferences can occur very soon after the precipitating event; 3) a conferencing program can reduce the juvenile justice intake load; 4) victims and other people affected are included in the conferencing process; and 5) conferencing provides an effective link through which families can choose to access needed services.

This development suggests the time is right for a very hopeful change in state-level policy and programming. It appears to mark a shift in emphasis, a positive shift from diverting from the old system to referring to the new. But several expectations and issues in developing this program need to be addressed directly. If they are not, the program is much less likely to succeed. For instance, there is an expectation that over 1000 cases need to be handled through community conferencing in the first year of the program. However, as the experience of other jurisdictions shows, it takes time to build a sufficiently large pool of competent facilitators to handle this size caseload. Establishing unrealistically high benchmarks by decree would represent a shift from chaotic decentralization to excessive centralization.

Experience in Australasia and Canada has been much the same as in Baltimore for community conferences dealing with juvenile justice cases of undisputed harm: these conferences include an average of 12 people. For cases of many poorly-resolved disputes that are symptomatic of conflict between neighborhood groups, numbers can be much larger—extending to 30 or more. Preparing these community conferences takes a good deal longer than current arbitration programs. The pay-off for this more labor-intensive process is that it enables networks of people to resolve some of their problems there and then at the conference. They become part of the solutions, generating immediate and measurable benefits.

The facilitators play a crucial role in this program. They deserve some compensation for their services. Some programs have relied on volunteers but there is an alternative model that seems preferable on several

counts. This is the model operating in New South Wales since 1997 in which accredited facilitators effectively sub-contract to the coordinating agency at an hourly rate for each case they handle. This model manages to combine neighborhood participation with local coordination, but features central referral, data collection, and technical assistance, including quality control. This would appear to be the mix that the programs in Baltimore have been looking for and that will work best for the city. People who step forward to fulfil this task need to be compensated.

Finally, it is imperative that the administrators who are front and center in promoting the program possess very specific abilities, which include: 1) a thorough understanding of the process and the principles underlying the program; 2) excellent communication skills; and 3) experience in dealing with systems and a working knowledge of how to work with systems change. Over the last three years, a pool of committed colleagues have been learning-by-doing these skills in Baltimore. The time now seems right to use this skill base to create a more structured program that, conference by conference, can help transform the city.

References

- Bellah, R., Masden, R., Sullivan, W.M. & Tipton, S.M. (1985). *Habits of the Heart: Individualism & Commitment in American Life* (University of California Press, Los Angeles).
- Chatterjee, J. (1998). *A Report on the evaluation of RCMP restorative justice initiative: Community justice forum as seen by participants*. Ottawa: RCMP Community, Contract and Aboriginal Policing Services.
- Clinton, H. Rodham (1996). *It Takes a Village: And Other Lessons Children Teach us* (Touchstone Books).
- Cole, D. (1999). *No Equal Justice: Race and Class in the American Criminal Justice System* (The New Press, New York).
- Ehrenberg, J. (1999). *Civil Society: The Critical History of an Idea* (New York University Press, New York).
- Fisher, R. & Ury, W. (1981). *Getting to Yes: Negotiating Agreement Without Giving in* (Penguin Books, New York).
- Fishkin, J.S. (1995). *The Voice of the People: Public Opinion and Democracy* (Yale University Press, New Haven).
- Galaway, B. & Hudson, J. (1990). *Criminal Justice, Restitution & Reconciliation*. (Willow Tree Press, Monsey, NY).
- Hudson, J., Morris, A., Maxwell, G. & Galaway, B. (Eds.) (1996). *Family group conferences: Perspectives on policy and practice*. Sydney: The Federation Press.
- Kennedy, R. (1997). *Race, Crime and the Law* (Pantheon, New York).
- Lakoff, G. & Johnson, M. (1999). *Philosophy in the Flesh: The Embodied Mind and its Challenge to Western Thought* (Basic Books, New York).
- McCold, P. (1997). *Restorative Justice: An Annotated Bibliography* (Willow Tree Press, Monsey, NY).

- McDonald, J.M. & Moore, D.B. (1998). *Community Conference Facilitator's Kit*. (TJA, Sydney).
- McDonald, J.M. & Moore, D.B. (2001). Community conferencing as a special case of conflict transformation, in Braithwaite, J.B. & H. Strong (Eds.), *Restorative justice and civil society* (pp. 130–148). Cambridge: Cambridge University Press.
- Moore, D.B with Forsythe, L. (1995). *Family conferencing in Wagga Wagga: A report to the Criminology Research Council. Wagga Wagga: Centre for Rural Social Research*. [Available online at the Australian Institute of Criminology Library, www.aic.gov.au/rjustice/links.html]
- Moore, D.B. & McDonald, J.M. (2000). *Transforming Conflict in Workplaces and other Communities* (TJA, Sydney).
- Moore, D.B. & McDonald, J.M. (2000). *Transforming Conflict in the Workplace: A Guide to Preparing and Convening Workplace Conferences* (TJA, Sydney).
- Putnam, R.D. (1993). *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton University Press, Princeton).
- Ross, R. (1996). *Returning to the Teachings: Exploring Aboriginal Justice* (Penguin, Toronto).
- Sharpe, S. (1998). *Restorative Justice: A Vision for Healing and Change* (EVOMS, Edmonton).
- Tonry, M. (1996). *Malign Neglect: Race, Crime, and Punishment in America* (Oxford University Press, Oxford).
- Trimboli, L. (2000). *An evaluation of the NSW Youth Justice Conferencing scheme*. Sydney: NSW Bureau of Crime Statistics & Research (available at www.lawlinksw.gov.au/bocsar)
- Van Ness, D.W. & Heetderks Strong, K. (1997). *Restoring Justice* (Anderson, Cincinnati).
- Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, Akron, PA).

Biography

Lauren Abramson is a psychologist and Assistant Professor in the Department of Psychiatry and Behavioral Sciences at Johns Hopkins University. She has been involved with the study of emotion for 20 years. For the past five years, she has helped to elucidate the theoretical underpinnings of the community conferencing process and, more recently, began a conferencing program in Baltimore where police, juvenile justice, schools, and communities are using the process as a non-authoritative alternative to dealing with harmful incidents.

David B. Moore is a director of Transformative Justice Australia. He has published extensively in justice and related fields. In 1995, he co-founded TJA (www.tja.com.au) with John McDonald and Mark McDonald. John and David have developed the “Community Conference Facilitators’ Workshop” and the organizational variant, “Transforming Workplace Conflict”. They have helped establish

community conferencing programs in Australia, Canada, the United States, the UK, and Scandinavia. Prominent Australian playwright David Williamson is completing a trilogy of plays inspired by the work of TJA. The first play, *Face to Face* premiered in Sydney in 1999 then toured nationally; the second play, *A Conversation*, premiered in Sydney in 2001.