

Multicultural Implications of Restorative Juvenile Justice

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"The hell you say. I won't stand for it." Banging the table with his fist, the black store owner shouted, "You're not gonna get off that easy!" The Native American teen shoplifter cowered in silence. She worked hard at keeping her lips from trembling and her stare fixed on an old picture hanging on the wall to the right of the black man. With churning stomach, the Anglo mediator believed the entire mediation was torpedoed by the store owner's angry outburst. He tried to think of a way of aborting the session with some semblance of civility. Frustrated, the black man looked with disgust at the other two. He expected, he wanted a response. But neither individual looked alive. How could justice ever come out of this mishmash?

RESTORATIVE JUSTICE practices—particularly various forms of victim, offender, family, or community dialogue—are developing in numerous communities throughout North America and many other countries, chiefly in juvenile justice settings, though they also can be used successfully with adult cases (Bazemore & Umbreit, 1998; Umbreit & Greenwood, 1998; Zehr, 1997). It is vital that the field become increasingly sensitive to differing cross-cultural perspectives. Worldviews, perceptions of justice, and communication styles are greatly influenced by one's cultural milieu (Myers and Filner, 1993). Working with persons of different cultures, particularly in attempts at conflict resolution, can be a challenge replete with potential dangers and pitfalls. Even when all parties are well intentioned, natural ways of speaking and behaving, when misunderstood, can destroy the best efforts and hopes of restoring and repairing relationships.

We will begin with a brief overview of the concept of restorative justice and a cursory glance at some programs which to varying degrees attempt to concretize those principles. We will then proceed to consider various pitfalls and dangers that may hamper restorative justice efforts carried out within cross-cultural contexts. Finally, we will look at ways of increasing the likelihood of positive interactions

when working with persons of differing cultural backgrounds. We believe firmly that practitioners attempting to adapt restorative justice principles to their work must be clearly aware of their own sensitivities toward cross-cultural differences and help those with whom they work deal with theirs.

Restorative Justice: Scope and Framework

The phrase "restorative justice" implies both process and outcome (Bazemore and Pranis, 1997; Bazemore & Umbreit, 1995; Umbreit, 1997; Zehr, 1990; Zehr & Mika, 1997; Van Ness, 1997). It is not a particular program, although programs and practices may be classified by the extent to which they further restorative justice. Principles shaping restorative justice can be considered within six clusters: 1. the nature of crime; 2. the goal of justice; 3. the role of victims; 4. the role of offenders; 5. the role of the local community; 6. the role of the formal juvenile justice system. While most restorative justice policies and practices have developed within the juvenile justice context, most are equally appropriate for adult offenders as well, with an increasing number of initiatives beginning in the criminal justice system.

1. Crime violates social relationships, both personal and those resulting from being members of communities. Crime is not merely an act of lawbreaking; it tears the social or community fabric; it is the violation of one human being by another.

2. The proper goal of justice is to repair the damage done and restore relationships, personal and communal, to their original state to the extent possible.

3. To have a chance at restoration, victims of crime must have the opportunity to choose to be involved in the process of justice. Such involvement may include: information, dialogue with the offender, mutual resolution of conflict with offender, restitution, reduction of fear, heightened sense of safety, partial ownership of the process, getting the experience resolved, and renewing hope.

4. To have a chance at restoration, offenders committing criminal acts must have the opportunity to accept their responsibilities and obligations toward individual victims and the community as a whole. Such an opportunity may lead to: participation in defining their obligations, safe face-to-face encounters with victims, understanding the impact of their own actions, creative ways of providing restitution, identifying their own needs, partial ownership of the process, getting the experience resolved and renewing hope.

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5. To have a chance at restoration, the local community and its resources must be brought to bear on the needs of victims and offenders (and their families) as well as in prevention of delinquent and criminal acts.

6. To have a chance at restoration, the formal justice system must continue to work to ensure victim, offender, and family (of both) involvement which values genuine engagement of all participants without coercion. It must continue to monitor each case. With a focus upon offender accountability to their victim(s), the formal justice system must exhaust least restrictive interventions before moving toward incarceration alternatives as it seeks to promote restorative justice in the community.

Restorative Justice: Program Adaptations

Illustrative program models which reflect these "restorative justice principles" to varying degrees would include: reparative probation, family group conferencing, circle sentencing, and victim-offender mediation (Bazemore and Griffiths, 1997; Bazemore & Umbreit, 1998). There are many others.

Reparative community boards as practiced in Vermont and several other locations encourage victim involvement; the extent of actual participation is quite variable. In Bemidji, Minnesota, juvenile offenders appear before a panel of community members who discuss with them the impact of the crime and the need to repair the harm caused to the individual victim and community. Reparative community boards have responsibility for monitoring contract compliance either when offenders have worked out with victims appropriate restitution or after such has been established by the board or some other judicially empowered authority. These boards often refer victims and offenders to mediation; such suggestions are not, however, mandated.

The focus within the family group conferencing model being developed in Australia and New Zealand and replicated in the United States and elsewhere is heavily on the needs of young offenders to face the consequences of their criminal behavior and to be reintegrated into the community. While it is important to meet with interested victims (not necessarily the specific victims of the offender's actions) and representatives of the larger community, the emphasis appears to be on educating the offender. The more the victim perspective is developed as a counterbalance, that is, the more attention is added to victim participation, reparation, empowerment, and support, the more strongly it will inculcate the restorative framework.

Circle sentencing places considerable emphasis on victim needs. The impetus for the program comes from the community. Victims, family members, representatives of the community, and elders meet with the offender. Victims are encouraged to tell their stories to their neighbors in the context of the circle. Offenders are present and may also have friends and relatives present. Maintaining some balance between offender, victim, and community needs is a continuing struggle.

Victim-offender mediation strives to balance victim and offender needs. It is practiced in a variety of ways in more than 1,200 programs throughout North America and Europe. In most of these programs, the victim meets with the offender only after a separate pre-mediation meeting and preparatory work with each of the participants. Emphasis is on sharing the stories of the victim and offender experience and working out some way for the offender to repair damages to the victim/community. Most victim-juvenile offender mediation sessions involve parents in the process (Umbreit & Greenwood, 1998).

Each of these programs, along with many others, pursues restorative justice frameworks in real-world settings. Because of the constraints of the existing formal justice system, expectations of key participants, and resistance to change, the implementation of restorative justice principles, despite considerable progress, remains an uphill undertaking in many communities.

Potential Cross-Cultural Pitfalls and Dangers

The continuing movement toward adaptation of restorative justice frameworks can only be enhanced if practitioners, advocates, and policymakers become increasingly sensitive to and knowledgeable about cross-cultural dynamics which impinge upon the practice of such programs and upon the very notion of justice. Often the cultural background of victim, offender, and program staff member are different, sometimes leading to miscommunication and feelings of being misunderstood or worse, re-victimized.

The opening narrative of this article dramatizes one brief exchange between people of differing cultural backgrounds which left each person feeling dissatisfied and used. Each would walk away from such an experience turned off by efforts to "humanize" the justice system.

A great danger when speaking of things cross-cultural is that of over-generalization. There are likely to be as many differences within cultures as between cultures. For example, significant customs, communication styles, and shared values distinguish the rural white from the urban white; the upper class black and the lower class black; the Mexican Latino from the Puerto Rican Latino; the reservation Native American and the non-reservation Native American. We will return to this question of within-culture differences later. It is sufficient for the moment to note that such differences do exist as we begin to consider variations across cultures.

Differences between persons raised/living in varying cultures will likely be reflected in communication styles. Those differences will typically be as evident in the way points of view are communicated as in the message being relayed. Let us take a moment to consider some possible pitfalls in understanding one another's non-verbal statements. The following information draws considerably from research-based findings reported by D.W. Sue and D. Sue in *Counseling the Culturally Different* (1990).

Proximity

Depending upon one's cultural experience one may be most comfortable talking face to face or at a distance. Generally, Latin Americans, Africans, black Americans, Indonesians, Arabs, South Americans, and French are more comfortable speaking with less distance between conversants than are Anglos. In mediation or conversation, the Anglo staff person is often seen backing away, possibly feeling confronted or attacked. The Latin-American victim will appear to be chasing the mediator across the room, believing the mediator to be aloof, thinking "he believes he's too good for me." Both participants are misreading cues and taking actions which will only reinforce misunderstandings. Another example of the use of space is the frequent desire by many white Americans to keep a desk between themselves and the person they are trying to help. In contrast, some Eskimos prefer to sit side by side when talking of intimate matters rather than across from each other.

Body Movements

Body movements often speak louder than words. Posture, smiling, eye contact, laughing, gestures and many other movements communicate. How we interpret what we hear and see may vary greatly from culture to culture. Asians may be puzzled and offended by a white mediator who wants to express herself—her likes and her dislikes—with facial grimaces and smiles. The white mediator may interpret the Asian who has been taught to tightly control his feelings as having no feelings. It may be inappropriate to expect an individual raised to value control of emotions to shed tears as signs of remorse for having burgled a home, even if that person may be feeling very remorseful.

How many times have mental health professionals interpreted avoidance of eye contact to mean avoidance of an issue, poor self-confidence, submissiveness, or guilt and shame? In many traditional Native American cultures it is disrespectful of authority to look an elder in the eye. In the classroom, Native American students often fail to look at the professor when speaking; many prefer not to speak at all. Blacks make more frequent eye contact when speaking than when listening. The lack of eye contact when listening leads some practitioners to describe their black clients as resistant and disinterested. Whites, on the other hand, tend to hold eye contact more when listening than when speaking. One must wonder how this contrasting use of eye contact contributes to misunderstandings that may impinge upon the process of justice-making.

Paralanguage

Paralanguage or other vocal cues, such as hesitations, inflections, silences, loudness of voice and pace of speaking, also provide ample opportunity for misinterpretation across cultures. Rural Americans tend to talk at a slower pace than their urban counterparts. Put a northern Minnesota farmer in the same room with a New York City

taxi-cab driver and they may find it difficult to speak with each other not because they don't share things in common, but because they don't have the patience to work at communicating with each other. The New Yorker would feel that an eternity had gone by before the Minnesotan had completed a thought. The latter would have difficulty straining to listen to the fast-paced patter of the former.

In Native American culture silence is valued as sacred. Each person must have the opportunity to reflect, to translate thoughts into words, to shape the words not only before taking a turn at speaking, but while speaking. Anglo-Americans often feel uncomfortable with silence. A Frenchman might regard silence as a sign of agreement. To an Asian silence may be considered as a token of respect or politeness.

Related somewhat to pace and silence is hesitation. For persons who speak rapidly and feel uncomfortable with silence, hesitation on the part of another is a cue to begin speaking. To the one who hesitates, such an action might be taken not as an interruption but as an intentional, grievous insult.

Asians are given to speaking softly as if not to be overheard; many find U.S. speakers brash and loud. Arabs on the other hand may find U.S. speakers soft-spoken. The Arab prefers volume.

Similarly, persons of Asian descent may find Anglo-Americans too direct, blunt, and frank. The former will go to great lengths not to hurt feelings; the latter is often unaware when feelings are hurt.

Density of Language

Density of language also differentiates speakers from different cultural backgrounds. Blacks tend to be sparse and concise. In exchanges between blacks many shared codes are used requiring little further information. Even the simple "uh, huh" is loaded with meaning when taken in the context of the social situation. To outsiders blacks may appear terse, uninterested.

Asians and Native Americans will often use many more words to say the same thing as their white colleagues. The poetry of the story may be more important than the content of the story, and may actually be the point of the story. Much patience is required of blacks and whites to hear what is being said when conversing with Native Americans or Asians. We can readily see potential problems for doing mediation work across these groupings which possess very contrasting communication patterns.

Looking at these communication styles through a somewhat different lense, Sue and Sue (1990) regard Native American, Asian American, and Hispanic manners of expression as low-keyed and indirect. Whites seem objective and task-oriented; blacks affective, emotional, and interpersonal. Blacks will interrupt or take a turn at speaking when they can. Whites will nod to indicate listening or agreement. Native Americans and Asians seldom provide cues to encourage the speaker; they listen without a lot of non-verbal engagement.

In addition to these potential pitfalls of misunderstanding based on different communication styles, other meta factors loom over the attempts to build restorative justice with persons of differing cultures. For example the emphasis on individualism, competition, taking action, rational linear thinking, “Christian principles and Protestant work ethic,” may to a large extent reflect values of the dominant U.S. white culture, but not values particularly shared by all whites, let alone persons of other cultures. Asians, Hispanics, and Native Americans are likely to place more emphasis on valuing the community fabric and kinship networks than on reifying the place of the individual. Native Americans and others would move a step further by cherishing the place of the individual within the context of the entire natural world. Without the latter the individual has no value.

Persons from religious perspectives other than Christianity, which emphasizes “individual salvation,” may see the individual as equal to all living things, as journeying toward individual fulfillment, or even as insignificant in the total scheme of things.

We are not suggesting that any one worldview is the correct one to have. We are simply noting that differing worldviews often clash (too often literally in the course of wars) and may undermine attempts to repair wrongs experienced as a result of crime.

Broader than the scope of this work is the question of how the idea of justice may vary across cultures. It is not difficult, for example, to imagine that traditional Native Americans would seek to restore more than the personal relationship after commission of a crime. Most importantly, the communal or tribal relationship would need to be repaired, and likely even the relationship of the individual with the universe, for violations within the tribal context rip the fabric of the whole that holds all together.

We wonder how we can promote restorative justice without knowing how the various participants within a given conflict understand and value justice.

Differences Within Cultures

As noted above, a significant danger involved in discussing cross-cultural differences is over-generalizing between culture differences and overlooking within-culture differences. Another way of viewing this is to recognize subcultures existing within larger cultures. Some cultural characteristics may be shared by most whites, yet whites raised in poor, rural Appalachia may vary considerably as to values, mannerisms, and communication patterns from whites raised in San Francisco. Likewise, middle-and upper-class blacks of Los Angeles will share certain characteristics with blacks raised in the blighted areas of south Los Angeles, yet vary considerably regarding values, mannerisms, and communication patterns. The same can be said of Asians raised in the dense inner-city conclaves versus those who move to small-town America. Or of the Ute who is raised on a reservation far from the urban world compared with the Ute raised in the fast pace of a metropolis.

Race, social economic status, ethnicity, gender, religion, sexual orientation, rural vs. urban, and many other defining characteristics will shape how an individual views the world and his or her place and chances in that world. All of these will color the propensity to blame the offender, the victim, or the community for crime. They will color whether participants come to a “justice program” seeking revenge or seeking repair; desiring to act or desiring to be acted upon; expecting hope or expecting defeat.

Chances for restoring justice can only be enhanced when those who work in justice programs make the time, expend the energy, and take the risks of coming to understand themselves better regarding cultural understanding and misunderstandings.

Racism as a Subset of Cultural Conflict

While race and culture are very intertwined, they are not one and the same. As we have indicated above, speech patterns, intensity of communication, interpretation of non-verbals and many other nuances of interaction are influenced by the mix of race and culture. While it would be a mistake, for example, to assume that blacks from different social classes and different regions of the culture communicate and handle conflict in the same ways, the fact of being black is likely a key determining factor in how they perceive the world and how others perceive them.

To the extent that they are aware of being overtly or covertly subjected to prejudice and discrimination because of the pigmentation of their skin, they will be more likely to let this awareness influence communication and conflict resolution with persons of other races. Being on guard, lack of openness, being passive or aggressive, choosing what role to play in an interaction will be affected by previous experiences of individual or institutional racism.

The impact of racism will be a potential contextual variable in restorative justice programs where participants are of different races. Where there is a political power imbalance associated with race, one may expect to find resources for schools, recreation, police, and so on differentially weighted to the group with the most political clout. In the United States this often means that whites have more resources as representatives of their racial group are most often in positions of political power. However, in some locations the consequences of racism may be felt where, for example, blacks have more political power than Hispanics, or Hispanics have more political power than Native Americans, or Asian Americans have more political power than whites. Racism is not the prerogative of persons of only one skin color.

Staff—paid or volunteer—will need to analyze their own behaviors for residual elements of racism subtly apparent in their nonverbal behaviors or assumptions about the worlds of the victim and the offender. For example, do nonverbal actions such as folding of arms, scooting a chair backwards, shuffling papers indicate discomfort and a desire to be somewhere else? Each of these behaviors may simply be acceptable given the ongoing flow of communi-

cation, or they may suggest prejudice. Do we assume that the Native American youth offender sitting before us comes from a broken family of alcoholics, is lazy, and has no goals? These descriptors may, in fact, describe a particular youth. But when they are assumed because of the youngster's skin color, then we have a racist attitude. And when actions are taken based on those assumptions, such as withholding educational services because the youth is lazy, or failing to acknowledge the strengths of the existing family structure because "it's not normal," then we have discrimination resulting from erroneous prejudicial assumptions based on race.

Program staff must not only examine their own beliefs and actions, but also be alert to the imbedded racial biases of offender and victim. Racism may be a justification used by the offender for committing the crime. Racism may play into why and how the victim wants not an "ounce of flesh," but a "pound of flesh." Where racist assumptions or accusations are likely between offender and victim, the mediator will need to be prepared to act as interpreter or buffer during separate pre-mediation meetings and during any actual face-to-face encounters be they in the form of mediation, healing circles, conferences, community boards, or other restorative justice programs.

While race cannot be equated with culture, it can be such a powerful determining factor of communication and interaction patterns that it should not be ignored as we are sorting out cultural differences.

Cultural Skills for the Restorative Justice Practitioner

In their work on *Counseling the Culturally Different*, Sue and Sue (1990) identify five characteristics of the culturally skilled counselor. We offer them to the reader as necessary cultural skills for the restorative justice practitioner. We have substituted "restorative justice practitioner" for "counselor." They are:

1. The culturally skilled restorative justice practitioner is one who has moved from being culturally unaware to being aware and sensitive to his/her own cultural heritage and to valuing and respecting differences.
2. The culturally skilled restorative justice practitioner is aware of his/her own values and biases.
3. Culturally skilled restorative justice practitioners are comfortable with differences that exist between themselves and their clients in terms of race and beliefs.
4. The culturally skilled restorative justice practitioner is sensitive to circumstances (personal biases, stage of ethnic identity, sociopolitical influences, etc.) that may dictate referral of the minority client to a member of his/her own race/culture or to another counselor.
5. The culturally skilled restorative justice practitioner acknowledges and is aware of his/her own racist attitudes, beliefs, and feelings. (Sue and Sue, 1990, pp. 167-168)

Avoiding Dangers and Pitfalls

It is likely that whatever we do to reduce the consequences of cross-cultural misunderstandings, we will not be able to remove all such misunderstandings and consequences. These attempts to identify the pitfalls and dangers of cross-cultural differences that impinge upon restorative justice efforts may only reduce the probability of further conflict or disrepair because of these differences. In human interaction, even where awareness is increased and behavior modified, there is plenty of room for matters to go awry. For example, where the antagonists are embittered by age-old conflicts passed on from generation to generation it is likely that our short-term efforts at understanding and amelioration will fall short of achieving full reconciliation. Such extreme cases, however, should not deter us from taking steps to learn, to inform, to model, and to seek supportive roles in helping others restore themselves to more harmonious relationships.

We believe that those of us who work in the "justice" field have a special obligation to reduce the likelihood of such bias and discrimination. The following is a simple list of suggested steps. These are not meant to be exhaustive. Each reader should add freely to the list.

Know Thy Self

We begin with ourselves. Reflect upon, study our own behaviors and communication styles. Are we comfortable with silence? Do we interrupt frequently? Can we stand closer to someone or further away than we usually do when speaking? And can we do this comfortably? Do we over interpret straying eye contact? Can we talk to someone without staring them directly in the eye if our listener appears to be offended by it? Do we carry imbedded, learned prejudices toward persons of different skin color than our own? Or toward persons of the same skin color, who are less educated or better educated than ourselves? Do we expect persons who live in certain parts of the city to be law violators?

It might be helpful to keep a journal of our interactions with others, recording our speech patterns and theirs, those things which make us comfortable or uncomfortable, our use of and response to gestures, to intensity of conversation, and our overall assessment of the extent to which clear, mutual communication was achieved. Do patterns vary over time depending on whether we are speaking with someone of our own culture or of a different culture?

We might consider taking pencil and paper inventories to identify our own biases. Bias is part of human life and will likely always be so. Some people like rock and roll music, some like blues, some like rap, some like classical, some like country and so on. Having biases—or likes and dislikes—is not the problem (Duryea, 1994). The problem is when those biases, intentionally or unintentionally, lead to discriminatory practices. It behooves each of us to be open to discovering our own biases so these won't wind up hurting others or ourselves.

Getting To Know The Participants

Don't make quick assumptions about others. It is difficult to know ourselves; it is impossible to fully know another person. A tatter-clad young woman with bright pink spiked hair shows up for a mediation session to meet with an elderly conservatively dressed couple about theft of property from an unlocked car. As mediator, do we say, "Oh no, why didn't I stay home today"? Or do we move ahead, assuming that we can help these folks, who appear very different and who have already experienced conflict due to the stolen property, to find some common ground from which to communicate and possibly even reach understanding, receive restitution and restore some semblance of justice?

If we were to take this case cold without talking to the individual participants previously (which ideally will not occur often), we might be surprised by any number of possibilities. The young woman might be quite cooperative. After all, she is likely to be somewhat aware of how her appearance may affect others. Perhaps it is the elderly woman who would be turned off by someone of her gender "not caring how she looks." Or perhaps the elderly man would find the young woman attractive and flirt with her. Or perhaps things would just progress quite smoothly (it does happen occasionally). In any case, making assumptions based on appearances without any previous information or contact with a person is likely to result in stereotypical assessments and outcomes, leaving many to wonder about the principles of justice guiding such experiences.

Look at the world through the eyes of another. Every participant is unique. Cultural influences may be quite evident, yet each individual will reflect a cultural heritage somewhat differently. We must understand the client as an individual within the context of culture (Ridley, 1995). If we are going to work with clients within a restorative justice framework, then we will need to take the time to meet with them to listen and learn how they see their world. Doing this prior to victim/offender dialogue is very important in facilitating a restorative justice process sensitive to the needs of crime victims and culturally sensitive to all parties. What meaning did the burglary have for the single mom: loss of mementoes, invasion of privacy, eroding her sense of community, planting seeds of fear and so on? How does she view the offender: as vermin, as someone gone astray, as someone with potential? What is her idea of justice: getting her pound of flesh from the offender, having her possessions returned or replaced, the offender making restitution to the community, the offender being helped so future criminal acts are less likely, and so on?

We can ask similar questions of the offender: view of victim, remorse, sense of justice, motivation to change, willingness to repair the community fabric harmed by his or her own actions, blame or placement of responsibility for actions.

Likewise, if other community members will be involved, such as in circle sentencing, we will want to know how these persons see themselves vis-a-vis the victims and the offender: their notions of justice and restoration; their willingness

to accept or reject possible resolutions to a conflict which has embroiled individuals and the community as a whole.

In the process of seeking answers to these kinds of questions, we will also want to pay attention to communication styles. Does the victim speak slowly and haltingly, taking time to form thoughts and sentences? Does the offender speak in staccato fashion using few words? Does the elder speak in story form letting each listener discern his or her meaning? Does the offender avoid eye contact? If so, is this a possible sign of shame, or is it characteristic of his/ her culture to defer to persons of authority by not looking at them directly? Remember, we will be perceived by many as persons of some authority. Will the participants be comfortable sitting around a table, or more willing to communicate if only open space separates them? Does the fact that the victim speaks loudly, seeming to shout at times, mean she's angry or is this communication style representative of her culture? Will such loudness intimidate other participants?

In the course of human interaction where the stakes are as high as they are when matters of justice are being decided, we must know the key participants as well as we can so the process leading toward a just resolution is not derailed by what may initially appear to be incompatible points of view and communication styles. Gaining this knowledge requires spending ample time with each participant; asking appropriate questions; listening thoroughly; adapting one's own communication style to that of the participants. For example, if silence is a significant part of speaking for the victim, we will need to slow down at least to tolerate silence, if not to appreciate it for what it brings to us.

It is difficult to imagine how we can help persons repair relationships and restore a sense of justice, if we are insensitive to their viewpoints and their culturally learned ways of communicating: non-verbal and verbal. A restored sense of justice is enhanced by our ways of interacting as well as those of the offender and the victim. After all, one of the driving forces of restorative justice is the humanizing of the justice system. In these programs, we represent the justice system. Our actions not only shape and influence specific outcomes, they either enhance or diminish the sense of the system being responsive, considerate, fair, and just.

Listen to key informants. It is often helpful to nurture relationships with individuals in a community or culture unfamiliar to us in order to check out our assumptions about how persons work out conflicts and communicate with one another in that particular community or culture. This has been a common practice of cultural anthropologists and sociologists involved in qualitative field studies. Key informants—not all of them in the professional justice community—can provide rich information that may prevent us from making foolish errors. They may include the black mother who manages an informal delinquency prevention agency out of her apartment; the Asian elder who wants to help his grandchildren make their way in the larger culture while appreciating and holding on to traditional ways; the Latino teenager who is curious about our presence and at least willing to test our sincerity.

If we are genuinely willing to listen to these people, we may surprise ourselves with what we will learn. Not many people take the time to listen to their stories, or to our stories for that matter. Being willing to listen to another person's story initiates a bond of mutuality.

Certainly we will not forge total mutuality. We are not naive enough to assume that even by genuine, respectful listening we will be permitted into a fully mutual relationship. Nor do we assume it is possible to fully understand another person or another culture.

Likewise, while these key informants provide a potential wealth of information as to cultural values and mores, such individuals may at times be so ingrained in their ways of doing things that they are unable to step back and see, and therefore share, how values are actually shaped and imposed, or how the nuances of communication styles play out in day-to-day living. Still, they offer much potential to the outsider seeking to have a positive impact on their community.

Preparing The Participants

As indicated above, so much of the work of bringing persons together to interact around issues of conflict needs to be done before that encounter happens. As we get to know the values and behaviors of the various potential participants, we may be able to foresee possible difficulties that could easily abort any movement toward restoration.

If so, it will be necessary for us to try to help participants understand the viewpoints and different communication styles that they will be exposed to when they meet each other. Sharing this awareness and nurturing such sensitivity may fall on deaf ears, and then again, it may make a lot of difference. At least the participants receive some information which may help them prepare for the encounter and what they might normally regard as insulting or disrespectful behaviors. Also, each participant may be moved to some self-awareness, thereby tempering behaviors that might be interpreted as offensive by others.

We realize that the latter statement may be overly optimistic. It is easier to expect persons to increase their awareness of how others speak and behave than to change their own behaviors, particularly in situations that may become tense and conflictual. Any increased awareness or sensitivity to other cultural values or communication styles is a gain; any positive change in participant behavior is an added bonus.

To illustrate some possibilities of preparing the participants for cultural differences, let us return to our brief opening scenario involving a black male store owner, a female Native American shoplifter, and an Anglo mediator. In that illustration, the mediator had done no homework on himself or others.

Now, let us assume he has spent a fair amount of time with the store owner. He has absorbed the businessman's sense of invasion and loss. He knows that the man wants to work with the teen to prevent a repetition of shoplifting, but neither does he want to see her dealt with harshly. The man

volunteers that he grew up on the streets and knows how difficult it is. His casual conversation is punctuated by gestures. His voice booms, particularly as he speaks of how the system generally rips off kids and people of color in general. The man wants his economic loss recovered and the girl helped. Essentially, he is sympathetic to meeting with the teenager for his benefit as well as hers or he wouldn't "take the time out of a busy schedule to do so."

When our mediator meets with the Ute teenager, he discovers a very different way of communicating. She is more subservient than he is comfortable with. She will answer only direct questions. There is much spacing between her sentences. Sometimes he thinks she is done speaking when she adds still another thought. Rarely does she make eye contact with him. The mediator leaves the young woman perplexed, feeling that he is not yet ready for these two to meet face-to-face.

Through a mutual friend, the mediator is able to identify and connect with an elder of the band to which the teen belongs. He asks questions. He listens, seldom to direct answers, but he gets the information he needs. The mediator comes to understand that the girl was not being surly or uncooperative. She was demonstrating respect by not looking him in the eye. She did not ask questions because such an insult would have suggested that he had not been thorough in his work with her. Her slow speech pattern was consistent with her upbringing and culture. The silences he experienced demonstrated how important it was to her to answer his questions as well as she could.

After gaining the kind of appreciation for the participants that he needed, he was ready to proceed. He went back to each participant in turn. With the girl, he shared how the black man would likely be perceived by her as coming on quite strong. The man would speak rapidly to her, seeking to make direct eye contact, and he would probably raise his voice, but these things would not mean he was angry with her or trying to put her down. They were simply his ways of conversing about things important to him.

The mediator informed the girl that he did not expect the store owner to change his ways, but that she should focus more on what the man was saying than on the mannerisms and style which would make her want to recoil.

With the black store owner, the mediator talked of how the Ute girl would not look the store owner in the eye. In her culture, it was a sign of respect not to challenge authority. And certainly she would view the man whose store she violated as being in a position of authority. He encouraged the man to refrain from interrupting the girl until she had worked through her thoughts and spoke her mind. Again, the slowness of speech did not indicate a learning disability or any other weakness, it simply reflected the speech patterns of her culture.

As the mediator moves back and forth between the victim and the offender, he is also working on his own awareness of how cross-cultural differences may impact his efforts to work with these two. With new information, he is also exploring his own reactions: his initial discomfort with

the black man's seeming abrasiveness, with the Ute teen's excessive meekness and seeming inability to articulate, with his wonderings about his own ability to work with two people so diametrically opposed in style, if not worldview.

Relieved and enlightened by all these discoveries, the mediator is now ready to bring the two participants together. Having prepared, the mediator is comfortable and better prepared for the usual unpredictable directions that such encounters take, and hopeful that positive resolution will be agreed upon by persons who had very little in common other than sharing opposing sides of a conflict.

Conclusion

To repair or restore relationships, personal or communal, damaged by criminal or delinquent acts is a challenging goal in any circumstances. When participants—including victims, offenders, family members, support people, and program staff—are of differing cultures, typical patterns of communicating and expressing values can lead to confusion if not complete disruption of the process. In order to arrive at a just and healing response to the crime by those most directly affected by it, the views of all involved parties need to be considered. It is our belief that the likelihood of repair and restoration of relationships is increased by the extent to which we take the time to know and understand the differing communication styles and worldviews of the participating individuals. It is hoped that not only will the restorative justice-oriented programs be enhanced by such awareness and sensitivity to cultural differences, but that openness to diversity will enrich the lives of all who choose to participate.

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