

Restorative Approaches to Conflict and Offending

Michael Bingham SJ

Shortly after arriving in Northern Ireland in 1998 – the year of the historic Good Friday Agreement which laid the basis for collaborative government for the two sides, Unionist/Protestant and Nationalist/Catholic, that had been engaged in long-term conflict – I began training and working for Mediation Northern Ireland. This organisation sought to offer a new way of dealing with and resolving difference, whether political or social, at group or at individual level, in such a way that each side contributed in equal measure to working out a solution acceptable to both.

The method was based on a clear and defined process of engagement, facilitated by a pair of skilled ‘mediators’, which led the two parties in conflict through the stages of 1) each listening to the accounts of the other, 2) both identifying the common issues underlying the disagreement, 3) looking at possible solutions to each issue that might satisfy both sides and 4) arriving at a formal commitment on the part of both to the agreed conclusions. This meeting is preceded by separate interviews with each of the parties in order to establish the willingness of each to engage with the process, and their desire to reach an agreement and an end to the situation of conflict.

Between 1999 and 2007 I worked on several cases – involving both individual disputes (mainly between neighbours) and disputes between groups (for instance within agencies). At the same time I took part in delivering training sessions and workshops to various groups – adult education students, voluntary organisations, statutory agencies, school staff, church groups – on ‘Handling Conflict’, ‘Conflict Resolution’ and ‘Techniques of Mediation’.

My experience was that the concept of mediation as a method in resolving disputes was still very unfamiliar to the general public. It was only called on at the last minute, often when the dispute had escalated to include other people and other issues, making it too late to arrive at an easy solution. Part of the aim of Mediation Northern Ireland’s work was to spread a working knowledge of ‘mediative’ practices’ as widely as possible, so contributing to the growth of a climate of reconciliation between communities that were only now emerging from communal violence.

Currently my links with mediation are mainly twofold: firstly, through an ad hoc group of practitioners drawn from different churches, dedicated to addressing disputes within the various church communities in the North of Ireland. And secondly, as part of a team working with the Housing Executive (the body which administers ‘social’ housing in the North) to facilitate dialogue and agreements in cases of dispute between neighbours on housing estates.

On a different, but very practical level, I have taken part on a few occasions in a team of 'monitors', whose task was to observe and record in detail the course of events in sectarian confrontations – on the streets, for instance, or in some public place – with a view to establishing an objective account of who was responsible for which incident. This itself has become an effective method for reducing the amount of tension and violence that ensues outbreaks of conflict.

For a year between 2006 and 2007 I was employed by the Youth Justice Agency in the North of Ireland as a sessional Conference Coordinator. A programme of engagement between young offenders and their victims, based on principles of restorative justice, and incorporating positive actions towards modifying anti-social behaviour, was devised here a few years ago as an alternative to the court process, institutional detention and consequent criminalisation of young people.

This approach to offending behaviour has been pioneered in, for instance, Australia, New Zealand and Canada – itself a development of traditional methods of reintegration of persons outlawed by indigenous communities in those lands – and now introduced in many regions throughout the developed world.

The job of the conference coordinator entailed interviewing and motivating both the young person (together with parent(s)), and the victim of the offence – whether criminal damage, assault, burglary or disorderly behaviour, etc – preparatory to taking part in a 'conference' or facilitated meeting. Besides these two parties and their 'supporters', the conference is attended by a community police representative, and others whose input may be relevant to agreeing a programme of restitution that satisfies the victim's needs and expectations. The coordinator conducts the conference through its stages: hearing the account of events from each side in turn; responding to what has been said – whether anger or regret, or better apology; offering or suggesting appropriate action as restitution – repairing damage, paying recompense, doing community service, attending anger management or an alcohol course. The conference concludes by drawing up an agreement, signed by both parties, and the coordinator hands the case over to the community services to see the young person through the agreed programme.

Many of the skills learned from mediation are applicable here: leading both parties towards engaging with one another, listening to one another's experience of events in question in a way that encourages understanding (on both sides), and hopefully – though not necessarily – reaching some kind of personal reconciliation. At best, the experience for both is positive: for the offender, recognising and taking responsibility for the damage or hurt caused, and consenting to a proposed programme of restitution or action that is not imposed; and for the victim, encountering the young offender as a person, understanding something of the context of his behaviour, and by being able to

take control of the consequences normally monopolised by the agencies of state. The process of human encounter often enables a certain reconciliation to take place, between the offender and victim certainly, but even on a wider scale, between two sides of a fractured society – the law-abiding and the lawless – as each recognises responsibility for one another without the alienating intervention of impersonal organs of state.

Such approaches and methods are a long way from being introduced within the prison service of the North of Ireland, where I have been working as chaplain since 2006 in Maghaberry, a maximum security gaol for over 800 adult males. The legacy of 30 years of violence and terrorism has left a system more suited to containment and retribution than to rehabilitation, and with administration and staff largely inherited from the pre-Good Friday Agreement days, it is not surprising that its priorities are security and control of prisoners at all times. In contrast to the reformed policing service (where recruitment of new members has been in favour of Catholics so as to redress the balance in an almost wholly Protestant police force), the same has not taken place in the prison service, where Catholics still form a tiny minority of staff.

Nevertheless, the restrictions of the structure has forced the team of chaplains, representing the main churches in the North – Catholic, Presbyterian, Anglican, Methodist and Free Presbyterian, as well as Muslim – to work together as a team. Besides providing weekend services for all denominations, and promoting programmes for faith development, much of our time is spent responding to the very real human needs of the prisoners, both physical and mental.

As in all non-specialist prisons, one single system is applied indiscriminately to a multitude of very different human needs and conditions. Britain (from which the North's justice system is still administered) imprisons one in every 1,000 of its population. Time and again we come across people for whom life in gaol – or this sort of gaol – is doing them more harm than good. There are those severely damaged by circumstances of their upbringing, or suffering trauma or mental disability, or simply young victims of a culture of drink and drugs. Many endure deep depression, and are frequently close to suicide. There have been three suicides in Maghaberry within the last year or so. About 60 percent of prisoners in Britain (and Northern Ireland is unlikely to be any different) have some form of dyslexia or reading disability, and levels of ADHD (Attention-deficit-hyperactivity disorder) are high. The experience of relating to someone whose agenda is not that of the process of justice, and who is interested in him as a person, is the most valuable gift a chaplain can offer a prisoner. And it is only on such a basis that self-belief and self-esteem can be built, leading to hope for the future and openness to change.

A major need that we have identified is the availability of suitable homes to go to for many prisoners on completing their sentence. Free of the controls and routine that prison imposes, a great many find themselves vulnerable and unable to cope with the independence and autonomy that modern society expects of its citizens. The few hostels or half-way houses that exist – certainly in the North – lack the resources to provide a personal programme of care and support to ease the transition from prison to normal life. We are aware that imaginative initiatives exist in other countries and societies – even within Britain and the Irish Republic, from which there is much to learn for us in Northern Ireland. In the area of prisons in this small corner of the world, we have a lot of catching up to do following our long, dark years of political and religious conflict, not least in developing a greater degree of responsibility, and less of condemnation, towards the offender. ‘Reconciliation’ may be on everyone’s lips as an ideal to be striven for in our still contested society, but it is an alien concept when applied to approaches to incarceration.

Michael Bingham SJ
United Kingdom